

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



MINUTES
NOVEMBER 5, 2015

The Chair called the meeting to order at 8:04 p.m. at the Trumbull Town Hall, Trumbull, Connecticut, and stated that the resolution which is the subject of this meeting is available to the public and may be obtained at this meeting. All present joined in a moment of silence and the Pledge of Allegiance. The Chair announced the Vice-Chair would co-chair this meeting.

The clerk called the roll and recorded it as follows.

Present: Carl A. Massaro, Jr. Enrico R. Costantini Joseph G. Pifko
Mark S. LeClair Suzanne Testani Michael London
Cynthia L. Penkoff Antonio Pettiti Donna Seidell,
Tony Scinto Daniel Marconi Ennio DeVita
Ann Marie Evangelista Vincent DiMasi Jr.
Mary Beth Thornton, (arrived at 8:04 p.m.) Lori Rosasco Schwartz
Edna Colucci (arrived at 8:34 p.m.)

ABSENT: Bethany Llodra Gilman, Vicki Tesoro, Kenneth M. Martin, Sr. and Scott Wich

ALSO PRESENT: Chief of Staff Lynn Arnow, John Marsilio, Director of Public Works, BOE Business Manager Sean O'Keefe, BOE Facilities Director Mark Demming, Bond Counsel Joseph Fasi, CIRMA Claim Representative Mr. Green, Director of Labor Relations James Haselkamp, Golf Commission Chairman Ron Dray, Middlebrooks Building Committee Chairman Joseph Peddle

* The Chair reserved his right to vote unless otherwise noted.

APPROVAL OF MINUTES: Moved by Ms. Penkoff, seconded by Ms. Rosasco Schwartz to approve the October 5, 2015 meeting minutes as submitted.

VOTE: Motion CARRIED unanimously.

PUBLIC COMMENT: There was no one present from the public to speak.

DISCUSSION: Middlebrooks Building Committee Update:

Mr. Joseph Peddle, Chairman of the Middlebrooks Building Committee was present and extended his gratitude to all those that sought office in the November 3rd election noting his appreciation for their willingness to serve.

The Middlebrooks Window Project was initiated in 2012 and was originally overseen by AFB Construction. Due to certain challenges the project actually commenced in early 2014 after a Windows Facility Committee was formed and was able to move the project forward. An EDO-49 needed to be submitted. They did not want to impact the students so they waited to commence the project in the summer of 2015. Air quality and other environmental testing(s) were done at the school. RFP's were issued. In July 2014 the BOE Facilities Director was hired, but prior to this AFB Construction Management acted as the owner's representative. The RFP's were distributed in the first quarter of 2015. Bismark Construction was awarded the bid. Bismark started with a very aggressive schedule. PCB's and unforeseen asbestos were found. Besides these challenges Bismark was able to finish the project on schedule but the project was over-budget due to the unforeseen environmental issues.

The challenges of this project are as follows:

- Lack of overall ownership for the project until the Facilities Director was hired.
- An untimely filing of the EDO-49.
- Bond solicitation should have been based on the full project cost not based on the amount after reimbursement.

Successes of the project are as follows:

- The Facility Director's ability to drive the project forward.
- Bismark Construction's ability to execute an aggressive timeline and their ability to handle the various environmental challenges faced.
- The overall minimal impact to the students.

To date the overall project is complete. Mr. Peddle indicated they are pleased with the windows as they are currently installed. Their only regret is that they did not do it sooner. The windows have reduced the overall heat load.

The Chair extended his gratitude to Mr. Peddle for chairing the committee and to the committee's membership for their volunteer time and getting the project done.

BUSINESS:

Moved by Mr. London, seconded by Ms. Penkoff to read the title of the following bond resolution in its entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC25-208: Moved by Ms. Thornton, seconded by Mr. London.

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$2,577,655 FOR THE TRUMBULL BOARD OF EDUCATION CAPITAL IMPROVEMENT PLAN 2012-2013 AND AUTHORIZING THE ISSUE OF \$2,577,655 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE
(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$512,345, from \$2,577,655 to \$3,090,000, and to ratify, confirm and adopt all prior authorizations and bond resolutions in connection with the Project.) (Full Resolution Attached)

COMMITTEE REPORT: The Finance Committee met on October 26, 2015 and voted 2-1-2 (AGAINST: Scinto) (ABSTENTION: Penkoff and Rosasco-Schwartz).

Ms. Penkoff explained when this project originally was before the Town Council she had specifically asked about possible asbestos in the school and whether there was enough funding in the budget to cover the possibility. She was assured there was. The numbers before them at this meeting indicate this was not the case and noted the change-orders are at 14.5%, which is slightly objectionable. Ms. Penkoff appreciates all the work that went into the project. This project was many years overdue. Ms. Penkoff will vote against the resolution because this is the second project the BOE has come to the Council with a request for additional funding after the fact and spoke against the way the BOE has handled both projects.

Mr. London agrees with Ms. Penkoff with regard to coming to the Town Council after the fact. Mr. London stated he would support the resolution because the work is complete and vendors need to be paid and would rather not face a lawsuit for non-payment. Mr. Demming stated they will receive a large percentage of the reimbursement soon, the State will hold back approximately 5% until the project is audited. The state schedules the timing of the audit. Special Legislation was done for this project because the filing of the project did not meet the deadline. Our representatives are notified that special legislation is needed and their office coordinates the process for them.

Ms. Thornton stated for the record she agreed with Ms. Penkoff and her objection to this appropriation and supports her point fully. Ms. Thornton will vote in favor of the funding because they are required to pay for the project.

*The Chair voted

VOTE: ADOPTED 12-3 (AGAINST: Rosasco-Schwartz, Penkoff and Scinto)

Motion made by DeVita, seconded by Ms. Seidell to take item #6 out of order.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC25-213: Moved by Ms. Penkoff, seconded by Ms. Evangelista.

BE IT RESOLVED, That the Town attorney is hereby authorized to settle a worker's compensation claim known as Eric Harrold v. the Town of Trumbull.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015, entered into executive session unanimously to discuss pending litigation and voted unanimously.

*The Chair voted

VOTE: ADOPTED unanimously.

The Vice Chair asked if emergency legislation was needed. Mr. Haselkamp indicated it would not be necessary.

3. RESOLUTION TC25-209: Moved by Mr. Petitti, seconded by Ms. Penkoff.

BE IT RESOLVED, That account number 01030101-522205 PW-Snow Removal-Program Expenses \$189,943 of RESOLUTION TC25-202 is hereby amended to read as 01030101-534402 Program Supplies \$189,943.

COMMITTEE REPORT: The Finance Committee met on October 26, 2015 and voted unanimously.

The Chair stated this resolution is a correction.

*The Chair voted.

VOTE: ADOPTED unanimously.

4. RESOLUTION TC25-210: Moved by Ms. Seidell, seconded by Ms. Rosasco-Schwartz.

BE IT RESOLVED, That \$20,000 is hereby appropriated from Golf Course Enterprise Fund 21-315200 to Golf Course 21100000-522203 Legal Fees and Services Anc.

Ms. Colucci arrived at 8:34 p.m.

Mr. Costantini recused himself at 8:35 p.m. due to the fact he is a familial with the tenant at Tashua Golf.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015 and voted unanimously.

Mr. Dray indicated his degree of confidence is 100% this will be resolved as expected.

Mr. London indicated his concern for the low pay for some of the staff at the golf course.

*The Chair voted.

VOTE: ADOPTED unanimously.

Mr. Costantini returned to the meeting at 8:38 p.m.

5. RESOLUTION TC25-211: Moved by Ms. Colucci, seconded by Mr. DeVita.

BE IT RESOLVED, That a contract with the State of Connecticut Department of Public Health is hereby approved in the amount of \$3,964.00 pursuant to the Lead Poisoning

Prevention Financial Assistance to Local Health Departments for Lead Poisoning Prevention for the period of July 1, 2015 through June 30, 2016 and BE IT FURTHER RESOLVED, That First Selectman, Timothy M. Herbst is hereby authorized for this purpose to make, execute and approve on behalf of the Town of Trumbull, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015 and voted unanimously.

The Vice Chair indicated this resolution incurs no cost to the Town. The Chair explained this funding from the state.

Ms. Penkoff spoke against this resolution and the next due to the fact the funds are being used for a salary. Ms. Penkoff stated she wants to make sure the person who is hired is made aware the grants may not be available in the future and their job may not be available at the current salary. Ms Penkoff spoke against the risk of using grant money that may not be available in the next year for a salary.

*The Chair voted.

VOTE: ADOPTED 14-2 (AGAINST: Penkoff and Evangelista)

6. RESOLUTION TC25-212: Moved by Ms. Evangelista, seconded by Mr. DiMasi. BE IT RESOLVED, That a contract with the State of Connecticut Department of Public Health is hereby approved in the amount of \$24,531.00 pursuant to the Preventive Health and Health Services Block Grant for Cardiovascular Disease Prevention for the period of July 1, 2015 through June 30, 2016 and BE IT FURTHER RESOLVED, That First Selectman, Timothy M. Herbst is hereby authorized for this purpose to make, execute and approve on behalf of the Town of Trumbull, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015 and voted unanimously.

*The Chair voted.

VOTE: ADOPTED 14-1-1- (AGAINST: Penkoff) (ABSTENTION: Evangelista)

7. RESOLUTION TC25-214: Moved by Ms. Rosasco-Schwartz, seconded by Mr. London. BE IT RESOLVED, That Resolution TC25-153 is hereby amended to expand the membership of the Senior/Community Center & Library Study and Building Committee to seven (7) members, two (2) Town Council representatives (one from each party) and five (5) residents of the Town of Trumbull.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015 and voted unanimously.

*The Chair voted
VOTE: ADOPTED unanimously.

8. RESOLUTION TC25-215: Moved by Mr. Pifko, seconded by Ms. Penkoff.
BE IT RESOLVED, That Daniel Marconi of 40 Brookhedge Road, be and the same is hereby reappointed a member of the Senior/Community Center & Library Study and Building Committee effective the first Monday in December 2015.

COMMITTEE REPORT: The L&A Committee met on October 26, 2015 and voted unanimously.

*The Chair voted
VOTE: ADOPTED unanimously.

9. RESOLUTION TC25-188: HELD IN COMMITTEE
BE IT RESOLVED AND ORDAINED, That an ordinance entitled Protection of Private Personal Information is hereby established. (Full Ordinance Attached)

PROCLAMATIONS

The Chair expressed his gratitude to the voters for placing their trust in them and allowing them to do the Town's business, and to the membership of the Town Council for their hard work and especially for their commitment to the business of the Council. The Town Council has a lot of responsibility and many good things are done on behalf of the residents. It is his great gratitude to be the Chairman of this body for the past two years and to work with all 21 members. He appreciates the Council's perseverance and dedication to accomplish their goals.

The Chair extended his gratitude to Vice Chairman Suzanne Testani and commended her for a job well done chairing this meeting. She will be missed on the Town Council as she moves on to serve the Board of Education.

The Chair presented proclamations to the outgoing Town Council members:
In 2013 there were 4 members who resigned their posts for personal reasons and were not present at this meeting.

Proclamations were presented to:

- ❖ Johnna Dinnely
- ❖ Patrick Helfrich
- ❖ James Blöse
- ❖ Thomas Christiano

The Chair extended his gratitude on behalf of the Town to these 4 prior members for their service, commitment and time.

The Chair and Vice Chairman presented proclamations to the following outgoing Town Council members. This group of members has worked hard, served their community well

and their dedication is greatly appreciated. These council members will be greatly missed:

- ❖ Scott Wich
- ❖ Bethany Llodra Gilman
- ❖ Antonio Pettiti
- ❖ Vicki Tesoro
- ❖ Daniel Marconi
- ❖ Ennio DeVita
- ❖ Ken Martin, Jr.
- ❖ Cindy Penkoff
- ❖ Suzanne Testani

The Chair extended his gratitude again to all Town Council members for their service and support as this 25th session of the Town Council ends.

There being no further business to discuss and upon motion made by Ms. Penkoff, seconded by Mr. LeClair the 25th Session of the Trumbull Town Council adjourned by unanimous consent at 9:04 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

RESOLUTION TC25-208:

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$2,577,655 FOR THE TRUMBULL BOARD OF EDUCATION CAPITAL IMPROVEMENT PLAN 2012-2013 AND AUTHORIZING THE ISSUE OF \$2,577,655 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. A Resolution adopted July 2, 2012, entitled "RESOLUTION APPROPRIATING \$2,577,655 FOR THE TRUMBULL BOARD OF EDUCATION CAPITAL IMPROVEMENT PLAN 2012-2013 AND AUTHORIZING THE ISSUE OF \$2,577,655 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" (the "Prior Resolution") is amended to increase the appropriation and bond authorization therein by \$512,345, from \$2,577,655 to \$3,090,000, as follows:

Section 1. The title of the Resolution is amended to read as follows:

RESOLUTION APPROPRIATING \$3,090,000 FOR THE TRUMBULL BOARD OF EDUCATION CAPITAL IMPROVEMENT PLAN 2012-2013 AND AUTHORIZING THE ISSUE OF \$3,090,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 2. The amount \$3,090,000 is substituted for the amount \$2,577,655 wherever \$2,577,655 appears in the Prior Resolution.

Personal Information Privacy Ordinance

Whereas, the Town of Trumbull recognizes the significance of maintaining and protecting the private information of its residents and intends to protect such information to the greatest extent practicable, the Town of Trumbull hereby enacts the following Personal Information Privacy Ordinance.

1. Definitions.

- a. “Disclose” shall mean to reveal, release, transfer, disseminate or otherwise communicate Protected Information orally, in writing or by electronic or any other means other than to the subject of the Protected Information.
- b. “Protected Information” shall mean the Social Security Number, Driver’s License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Number, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull.
- c. “Town” shall mean The Town of Trumbull, including all officials, employees, departments, boards and commissions of the Town, but excluding the Town’s Board of Education and its officials, employees or volunteers while in the performance of their duties to the Board of Education;
- d. “Town-Related Organization” shall mean all organizations which enter into contracts or other agreements with the Town for: (i) the use of Town facilities or properties in order to provide goods, services or programs within the Town; or (ii) the use of Town-provided services to assist in the maintenance or operation of the organization.

2. Collection of Protected Information. The Town and Town-Related Organizations, as the case may be, may only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct their operations.
3. Maintenance of Protected Information. The Town and Town-Related Organizations, as the case may be, shall implement reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
4. Use and Disclosure of Protected Information. The Town and Town-Related Organizations, as the case may be, shall not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of the organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable. Nothing herein shall be

- construed to prohibit the use or disclosure of such information by or among employees, volunteers or officials of the Town or Town-Related Organization, as the case may be, in the course of performing their regular duties.
5. Disposal of Protected Information. With regard to the disposal of records containing Protected Information, the Town and Town-Related Organizations shall: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that it reasonably believes will ensure that no unauthorized person will have access to the Protected Information contained in the record.
 6. Notice of Breaches. The Town and Town-Related Organizations, as the case may be, shall promptly give written or electronic notice to the affected individual(s) of any unauthorized disclosure of Protected Information to entities or individuals other than as permitted by this ordinance.
 7. Policies. Within sixty (60) days following enactment of this ordinance, the Town shall implement a written policy effecting the terms herein. Starting sixty (60) days following enactment of this ordinance, the Town shall require any Town-Related Organization to have a written policy implementing this ordinance as a condition for entering into contracts or other agreements with the Town. Town-Related Organizations that adopt the model policy, attached hereto, by approving the policy in accordance with their by-laws or equivalent internal procedures and having the policy signed by the organization's chief executive officer or his/her equivalent, shall be considered as in compliance with this section.
 8. Violations. Violations of this ordinance by Town employees, volunteers or officials will subject the violator to appropriate action. Repeated or willful violations of this ordinance by Town-Related Organizations shall, within the reasonable discretion of the First Selectman, result in the disqualification of the Town-Related Organization from using Town facilities or properties, or the use of Town-provided services to assist in the maintenance or operation of the organization, for a period not to exceed two (2) years.
 9. Non-Assumption of Liabilities. Nothing herein is intended nor shall be construed as an assumption by the Town of any obligations or liabilities of any Town-Related Organization, including but not limited to those that may arise by reason of this ordinance.
 10. Savings Clause. Nothing in this Ordinance is intended nor shall be construed to abridge or diminish any additional or greater protections afforded to the residents of Trumbull under federal or state law.

MODEL POLICY

In recognition of the importance of maintaining the privacy of certain information that _____ (name of organization) may collect in the course of its operations, _____ (name of organization) implements the following policy for its Board members, executives, employees and volunteers.

We will safeguard Protected Information (i.e., the Social Security Number, Driver's License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Numbers, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull) in the following manner.

1. We will only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct our operations.
2. We will implement and maintain reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
3. We will not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of our organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable.
4. With regard to the disposal of records containing Protected Information, we will: (1) shred the record before the disposal of the record; or (2) destroy the Protected Information contained in the record; or (3) modify the record to make the Protected Information unreadable; or (4) take actions consistent with commonly accepted industry practices that we reasonably believe will ensure that no unauthorized person will have access to the Protected Information contained in the record.
5. We will promptly give written or electronic notice to the affected individuals of any unauthorized disclosure of Protected Information.

Signed:

Chief Executive Officer

(name of organization)

Dated: _____