

TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
www.trumbull-ct.gov

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5000



MINUTES  
APRIL 4, 2016

**TOWN COUNCIL CALL TO ORDER:** The Chair called the regular meeting of the Town Council to order at 8:03 p.m. and welcomed the Board of Finance joining the council at this meeting for one item. All present joined in a moment of silence and the Pledge of Allegiance. The Chair asked all present to remember the brother of Dee Chiota who recently passed away and the BOF member Tom Kelly's wife who is recovering.

**BOARD OF FINANCE CALL TO ORDER:** Chairman Hammers called the Board of Finance special meeting to order at 8:04 p.m.

**The clerk called the roll and recorded it as follows:**

<b><u>Present:</u></b>	Edna Colucci	Joe Pifko	Mark LeClair
	Donna Seidell	Matt Caron	Ann Marie Evangelista
	Bill Mecca	Carl Massaro, Jr.	Mary Beth Thornton
	Dawn Cantafio	Jack Testani	Jason Marsh
	Thomas Whitmoyer	Mark Block	Vincent DiMasi, Jr.
	Enrico Costantini	Tony Scinto	Lisa Valenti
	Michael London		

**Absent:** Lori Rosasco-Schwartz, and Richard Kascak, Jr.

**Also**

**Present:** Director of Finance Maria Pires, Chief of Staff Lynn Arnow, Board of Finance members Chairman Elaine Hammers, William Haberlin, Scott Zimov, Andrew Palo, Roy Molgard, Vincent DeGenarro, Inland Wetlands Chairman Richard Girouard, Assistant Town Engineer/Wetlands Agent William C. Maurer, P.E., Inland Wetlands Commissioner Carmine DeFeo, Town Attorney Robert Nicola, Esq., Town Attorney Dennis Kokenos, Esq., Christine Kurtz of Wright Pierce, Director of Health Rhonda Capuano, WPCA Chairman Jeffrey Wright and WPCA Vice-Chairman Fred Palmieri.

**PUBLIC COMMENT:** There were two people present to speak, (Public Comment Attached)

\*The Chair reserves the right not to vote unless otherwise noted.

APPROVAL OF MINUTES: Moved by Block, seconded by LeClair to approve the March 7, 2016 regular meeting minutes as submitted. VOTE: Motion CARRIED 14-0-4 (ABSTENTION: DiMasi, Testani, Valenti and Marsh)

1. RESOLUTION TC26-45: Moved by Block, seconded by Testani.  
BE IT RESOLVED, That a Wastewater Agreement between the Town of Trumbull, the Trumbull WPCA, and the City of Bridgeport and the Bridgeport WPCA and funding of the same, is hereby approved and that the town attorney is authorized to settle related litigation pending among the parties to the agreement.  
Committee Report: The L&A Committee met on 3/28/2016 entered into executive session, ended executive session and voted 5-0-1 (ABSTENTION: Marsh)

Attorney Kokenos explained no rate is being set at this meeting. Per statute, the WPCA sets the rate on a yearly basis. This is a contract that goes into the budget and is factored into the rate. There are many other contracts and expenses the WPCA has to consider when setting the user rates. The WPCA, not the Town, sets the rates, and it will hold a public hearing to set the rate, as it does every year, where residents can voice opinions and/or appeal if they see fit. There is much to discuss and there are numerous pieces of pending litigation. By request of the City of Bridgeport they have asked to keep the agreement confidential until it has been approved by both municipalities. In order to move forward with a good faith negotiation with the City of Bridgeport they will honor that to make sure this is done procedurally properly on both sides. The Bridgeport City Council needs to approve the contract, because there are a few obligations in the contract that not only run through the WPCA but also to the City of Bridgeport. The Bridgeport WPCA has already approved the contract. They anticipate the City Council of Bridgeport to deliberate in a couple of weeks just as this Council is doing now. The timing worked and the BOF was good enough to meet on this same night as a joint meeting. There is a court date set for April 18, 2016. The judge has been lenient because it is known that many people need to review this and it is not easy to get the governing bodies together for one meeting never mind a joint meeting. The date is April 18<sup>th</sup> that they need to report back to the court. After all have approved the agreement, it will be made open to the public. There is a significant amount of detail to review. Attorney Kokenos asked that the Town Council and the BOF enter into Executive Session to do so.

The Board of Finance moved their agenda items as follows:

BOF - Moved by Haberlin, seconded by Molgard to approve (04-16-01) Supplemental Appropriation FY 2015-2016 from WPCA Retained Earnings #20-315200 to WPCA- Professional Services & Fees 20100000-522202 to approve the funding of the balance of the Trumbull WPCA to the Bridgeport WPCA as of March 31, 2016 subject to Town Council approval of the wastewater treatment agreement.

Moved by Costantini, seconded by Caron to enter Executive Session to discuss pending litigation and contract negotiations. VOTE: Motion CARRIED 15-2-1 (AGAINST: Whitmoyer and London) (ABSTENTION: Mecca).

The Trumbull Town Council ENTERED into Executive Session at 8:19 p.m. with Town Council members Edna Colucci, Joe Pifko, Mark LeClair, Donna Seidell, Matt Caron, Ann Marie Evangelista, Bill Mecca, Carl Massaro, Jr., Mary Beth Thornton, Dawn Cantafio, Jack Testani, Jason Marsh, Thomas Whitmoyer, Mark Block, Vincent DiMasi, Jr., Enrico Costantini, Tony Scinto, Lisa Valenti, Michael London, Chief of Staff Lynn Arnow, Board of Finance members Chairman Elaine Hammers, William Haberlin, Scott Zimov, Andrew Palo, Roy Molgard, Vincent DeGenarro, Town Attorney Robert Nicola, Esq., Town Attorney Dennis Kokenos, Esq., Christine Kurtz of Wright Pierce, WPCA Chairman, Jeff Wright and WPCA Vice-Chairman Fred Palmieri to discuss contract negotiations and pending litigation.

Board of Finance: Moved by Haberlin, seconded by Molgard to enter into Executive Session to discuss pending litigation and contract negotiations. VOTE: Motion CARRIED unanimously.

The Board of Finance ENTERED into Executive Session at 8:19 p.m. with Town Council members Edna Colucci, Joe Pifko, Mark LeClair, Donna Seidell, Matt Caron, Ann Marie Evangelista, Bill Mecca, Carl Massaro, Jr., Mary Beth Thornton, Dawn Cantafio, Jack Testani, Jason Marsh, Thomas Whitmoyer, Mark Block, Vincent DiMasi, Jr., Enrico Costantini, Tony Scinto, Lisa Valenti, Michael London, Chief of Staff Lynn Arnow, Board of Finance members Chairman Elaine Hammers, William Haberlin, Scott Zimov, Andrew Palo, Roy Molgard, Vincent DeGenarro, Town Attorney Robert Nicola, Esq., Town Attorney Dennis Kokenos, Esq., Christine Kurtz of Wright Pierce, and WPCA Vice-Chairman Fred Palmieri to discuss contract negotiations and pending litigation.

(WPCA Chairman Jeffrey Wright arrived at the meeting and entered Executive Session at 8:44 p.m.)

BOF Action: Moved by Zimov, seconded by Haberlin to End Executive Session. VOTE: Motion CARRIED unanimously. The BOF ENDED Executive Session at 9:35 p.m.

Town Council Action: Moved by Costantini, seconded by Block to END Executive Session at 9:35 p.m. VOTE: Motion CARRIED unanimously.

**BOF ACTION:**

Chairman Hammers clarified for the board there is a motion on the table to approve the supplemental finding from the 20 account in the WPCA to the Professional Services. The amount was not specified it only spoke to the funding balance. Chairman Hammers called for a motion to amend to include a specific amount.

Moved by Haberlin, seconded by Zimov to amend the motion on the table and enter the amount of \$852,921 from Retained Earnings to Professional Services.

VOTE: Motion CARRIED unanimously.

Chairman Hammers clarified by stating the only role the BOF has is not approving any contract agreements, merely moving funds from the WPCA Retained Earnings account which is equivalent to their General Fund to an expense account so that they may expenditures. Their motion as presented is based on approval by the Town Council of the overall agreement. So their motion to move money is conditional upon approval of the agreement being signed.

VOTE: Motion as Amended CARRIED 5-0-1 (ABSTENTION: Palo).

TOWN COUNCIL ACTION:

Chairman Massaro explained there are three components of the Resolution TC26-45. To approve a contract between Trumbull's WPCA, The Town of Trumbull and the City of Bridgeport and the Bridgeport WPCA and to fund the agreement in accordance with action of the Board of Finance and to authorize our Town Attorney to resolve pending litigation regarding rates as discussed in Executive Session.

Moved by Costantini, seconded by Block to amend the resolution to read as: BE IT RESOLVED, That a Wastewater Agreement between the Town of Trumbull, the Trumbull WPCA, and the City of Bridgeport and the Bridgeport WPCA and funding of the same, is hereby approved and that the town attorney is authorized to settle related litigation pending among the parties to the agreement contingent upon Bridgeport City Council and Bridgeport WPCA approval.

Chairman Massaro confirmed for Ms. Thornton the Bridgeport WPCA has already approved this but the City has not.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended 15-0-3 (ABSTENTION: Cantafio, Valenti and Marsh)

Chairman Massaro extended his gratitude to everybody for their hard work for getting to this point and will look for a report from our attorney on the City of Bridgeport's action and hopefully that will be in a couple of weeks.

Attorney Kokenos noted the contract is being kept confidential until which time the City of Bridgeport has had an opportunity to review it, that is their request and we are honoring that request. As soon as they have an opportunity to review and approve it will be disseminated to the public and the Trumbull WPCA plans on making it part of their minutes at their next meeting.

There being no further business to discuss the BOF adjourned by unanimous consent at 9:41 p.m.

The Chair called Recess at 9:42 p.m.

The Chair called the meeting back to order at 9:50 p.m.

2. RESOLUTION TC26-38: Moved by LeClair, seconded by Costantini.  
BE IT RESOLVED, That the Health Department fee schedule is hereby amended. (Fee Schedule Attached)

Committee Report: The L&A Committee met on 3/29/2016 and voted unanimously.

The Chair noted for the record the council has the revised fee schedule as requested in committee.

Moved by Block, seconded by Pifko to substitute the Fee Schedule with the amended schedule. VOTE: Motion CARRIED unanimously.

The Chair noted the Director of Health was present at this meeting and there had been discussions this week with Councilman Whitmoyer regarding the immunizations' fee schedule. There is also the potential for new vaccines and would need to make a provision for.

Moved by London, seconded by Block to amend the Fee Schedule to add the language to the Immunizations as follows: "New Vaccine Service will be charged rates as established at the time of session". VOTE: Motion CARRIED unanimously.

Ms. Capuano explained for Ms. Cantafio as they began in July 2015 they started slowly to expand their services beyond the environmental health services. The immunizations are part of that equation that they are building on. The department was waiting for the provider agreements in order to be able to get some reimbursements. That is in place now and will start promoting the vaccinations. Every week or two they are expanding and offering the community and surrounding communities more vaccines. Ms. Capuano further explained for Mr. Marsh the staffing model that was used was unrealistic in order to be able to meet the state mandates for inspections. With the expanded services of the vaccine program they will be able generate revenue. There may be an increase in the budget but will be bringing revenue to offset that cost. Ms. Arnow explained when they had projected the cost of the upcoming year it was based on the numbers that were firmly established through the district. Projecting a first year budget is difficult and as with any business it takes time to establish itself. They do expect there to be significant savings and are confident they will see the savings next year. Ms. Capuano explained for Mr. Testani they are a mass immunizer. The department is allowed to enter into provider agreements such as Medicare and other commercial plans. The pneumonia vaccine is beneficial to seniors and would bill Medicare for it. Other vaccines, such as shingles, which are geared towards the older population, the Health department is not allowed to bill for. The people receiving the vaccine will get a receipt from the Health Department to submit to their insurance. If someone cannot afford the flu vaccine and can only pay a percentage that is something they work with. There are other vaccines they get from the State at no cost and there is only a \$21 fee, they are able to accommodate the people if there is an issue with paying. Where there is a little more difficulty is the pneumonia and shingles vaccines that cost \$100 or more per dose. Those are more difficult to offer at no charge. At this point that has not occurred. Mr. Testani stated this may be something that could looked at, maybe in the future a reduced rate could be offered to some. Ms.

Capuano stated she will speak to some of her colleagues in the State to see how they handle this.

VOTE: ADOPTED as TWICE AMENDED unanimously.

3. RESOLUTION TC26-46: Moved by Colucci, seconded by Caron.  
BE IT RESOLVED AND ORDAINED, procedures and fines for violation of inland/wetland violations are hereby established. (Full Ordinance Attached)

Committee Report: the L&A Committee met on 3/29/2016 and voted unanimously.

Attorney Marino explained the goal of this ordinance is to provide the enforcement officer with some teeth to uphold the regulations which are designed to protect the public's health, safety and welfare. Our legislature has determined our wetlands in our state is an extensive component of our State that needs to be protected. Currently as positioned in Trumbull there are not enough tools at the disposal of the Wetlands Commission to compel compliance with regulations. The ordinance is not designed to be punitive in nature it is designed to compel behavior to conform to the regulations.

One of the issues raised in committee was concern over the vagueness of the fine amounts. There are three separate sections regarding the "up to" fine amounts. The statutory language of the CGS 22A-42g, section A. gives us the words "such fines shall not be more than". When they were drafting the ordinance they felt that was too many words. If the council would like to modify the ordinance to be more compliant with the statute, his recommendation would be in the Section H. and subparagraphs, a. b. c. & d. to delete the words "up to" that follow the word "fine" in each of those subsections and replace the words "up to" with the following words, "shall be not more than". That would be the specific statutory language. In his opinion both phrases mean the same thing. The safest course is to make the change specifically to the statutory language.

The ordinance is trying to bring an objective standard to a subjective matter. This will give discretion to the enforcement officer. Our supreme court in our state has ruled an ordinance does not need to apply every scenario and some flexibility is necessary. It is factually impossible that an ordinance could take into account every scenario encountered in the field. It is the hope of the Commission, this ordinance never gets used; this is an ordinance of last resort. A notice of violation has to happen first and the violator will have time to remediate and correct. If after 30 days there is no response they will get a citation and even after that there is an opportunity to appeal to the hearing officer and the superior court. There is much due process. The Wetlands Commission went to great pains to make sure their neighbors, every person who comes before their commission they consider to be their neighbors, but also recognize they have to protect the wetlands. This is designed to modify behavior and protect the wetlands.

Mr. Block inquired whether there are two different parallels if the violation was criminal in nature. Attorney Marino indicated there is one application that would deal with prosecution if a violation was referred to the police for investigation and possible arrest

and would be referred to the state's attorney and the court. That is a different parallel if a matter/violation were serious enough it could proceed on two different parallels, IWWC notice of violation, and a citation and simultaneously be referred to the police for investigation and potential arrest. One does not preclude the other.

Moved by London, seconded by Block to amend the fines to read as Section H. a. b. c. and d. to read as "not more than" v. the current language "up to".

Attorney Marion explained for Mr. Testani from a violation stand point each day the violation stays in play is a new violation. There is a graduated scale; the \$1,000 is a statutory maximum. The point is through education there is a consequence for not conforming to the regulations.

VOTE: Motion CARRIED unanimously.

The Chair opened the PUBLIC HEARING at 10:19 p.m.  
There was no one present from the public to speak.

The Chair closed the Public Hearing at 10:20 p.m.

Ms. Seidell stated she had put an addition on their house at Pinewood Lake a year ago. It was their first time dealing with the Wetlands Commission. Ms. Seidell applauded them and noted what a wonderful job they did helping them through the paperwork and also gave them direction on how to safeguard the lake during the construction process and extended her gratitude to them.

VOTE: ADOPTED as amended unanimously.

4. RESOLUTION TC26-47: Held In Committee
5. RESOLUTION TC26-48: Moved by Testani, seconded by Seidell.  
BE IT RESOLVED, That the First Selectman is hereby authorized to execute an application along with all necessary agreements/contractual documents for the State Department of Transportation Highway Safety Office grant.

Committee Report: The L&A Committee met on 03-28-16 and voted unanimously.

VOTE: ADOPTED unanimously.

6. RESOLUTION TC26-49: Moved by Marsh, seconded by Cantafio.  
BE IT RESOLVED, That the First Selectman is hereby authorized to accept and enter into and execute any and all agreements, contracts and documents necessary on behalf of the Town of Trumbull, a 2012 State of Connecticut Department of Mental Health & Addiction Services in the amount of \$20,000 to undertake renovations at the Trumbull Senior Center kitchen/snack bar.

Committee Report: The L&A Committee met on 03-28-16 voted to amend by inserting the word “grant” unanimously and voted as amended unanimously.

The Chair recognized the amendment made in committee.

Moved by London, seconded by Marsh to add the word “grant” after the phrase “2012 State of Connecticut Department of Mental Health & Addiction Services”.

VOTE: Motion CARRIED unanimously.

Ms. Arnow confirmed for Ms. Cantafio that these were the original grants obtained by Senator Musto and Representative Rutigliano. There are no other changes besides the change of departments from the Department of Social Service to the Department of Mental Health & Addiction Services. The funds can be used for the senior snack bar and if there is a new senior/community center they will be able to transfer to the new center. Ms. Arnow further clarified she had a draft agreement from the State that includes the following project description, “Current and future utilization of facility, currently the senior center is located at 23 Priscilla Place in Trumbull and may be moved to a new location in the future along with the movable equipment being purchased with state grant funds. The municipal senior center is used to provide social and human services to the senior population within the community and will continue to be used as such”. The state does agree with the recommended language, they do not have the executed agreement back yet but has been well received. Ms. Arnow explained for Ms. Thornton that she has been involved with the kitchen renovation discussions since January 2015 when she came to work for the Town, there have been ongoing discussions prior to that. The first grant was in 2012. Sometime after that the upstairs kitchen was shut down. It is a residential kitchen not a commercial kitchen. They were selling food product out of there. It was not just a matter of serving food. There is a fully operational commercial kitchen downstairs, where the senior nutrition program operates. Trumbull hosts the program. Trumbull owns the kitchen and has to maintain that kitchen. There has been an on-going discussion of either building a new center or renovating the existing. The seniors do need a new space. What they would like to see is one commercial kitchen which would facilitate a snack bar, breakfast, a light lunch and the senior nutrition program. They will open a class 1 and class 2 in the upstairs kitchen opening at 9:00 a.m. and closing at 11:00 a.m. or 11:30 a.m. The downstairs kitchen will continue to run its nutrition program. They are very close to an agreement where they will offer an enhanced meal program with hot meals downstairs. The current program serves a meal that starts out at one temperature at 9:00 a.m. at another temperature at 10:00 a.m. is put on a truck to be brought to Bridgeport and is then brought to another temperature and is transported again to a warming oven and heated further. The program they are suggesting will be an enhanced program, the meal is freshly prepared the night or afternoon before with the exception of the potatoes which will be made the same day. This will be well received by the seniors. The upstairs kitchen will serve breakfast, bagels, yogurt, fruit, coffee and tea. The seniors will see a much better food service hopefully within the next 30 days. The senior food program is run by C W Resources and is managed by the Southwestern CT Agency on Aging. They oversee the federal funds that provide the program. The program is up for bid this year. On average 40-50 meals are served per day in the downstairs kitchen. Ms. Arnow explained for Ms. Cantafio

ideally they would like to see the Town facilitate one kitchen for multiple meals for every senior. Ms. Arnow noted for Mr. Testani the Town does not have an outside food service but that is something they could look into, there are a number of towns that host and run their own food programs, they don't accept the federal dollars. The Town is not eligible to receive funding if they have their own food program and have to use whoever wins the bid if they accept the funding. Ms. Arnow confirmed for Mr. Marsh the Town can use these grant funds as soon as they are received.

VOTE: ADOPTED as Amended unanimously.

7. RESOLUTION TC26-50: Moved by Mecca, seconded by Cantafio  
BE IT RESOLVED, That the First Selectman is hereby authorized to accept on behalf of the Town of Trumbull, a Department of Mental Health & Addiction Services grant in the amount of \$150,000 to undertake renovation and improvements to the kitchen facilities at the Trumbull Senior Center, and

BE IT FURTHER RESOLVED, that First Selectman is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain and administer the aforementioned Department of Mental Health & Addiction Services grant.

Committee Report: The L&A Committee met on 3-28-16 and voted unanimously.

The Chair stated this represents a correction of the proper state agency.

VOTE: Adopted unanimously.

There being no further business to discuss and upon motion made by Colucci seconded by Block the Trumbull Town Council adjourned by unanimous consent at 10:38 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk

**PUBLIC COMMENT:**

Tony D'Aquila of 29 Valley View was present and indicated he had concerns over the process the Town Council uses to approve the agreement between the Town of Trumbull and the Bridgeport WPCA. There have been 3 executive sessions including tonight's. Both parties no the agreements, the only party kept out of the loop is the public and the public has a significant financial stake in the matter. The sewer user rates will be impacted, the Town Council needs to hold a public hearing. Section 7-255 of the CGS which governs the sewer system, it reads that a public hearing needs to be held in order to establish rates of the sewer system or when an assessment is levied. He has a copy of the 1997 agreement. There were not multiple secret sessions to pass that agreement. At that time the Town was more open and transparent and stated that it is time the council stop breaking the law and allow the public be heard.

Ms. Vicki Tesoro of 133 Beechwood Road was present and spoke to the sewer agreement with Bridgeport. The agreement has the ability to affect our residents for years to come and requires careful consideration and public scrutiny. The public is unaware of the details and is unfair imprudent. As a private citizen she would like the opportunity to consider the contract and the impact on her family and have the opportunity to give her comments to her representatives before nay vote is taken. As a former council member there are rules to give all council members the opportunity for careful reflection. We should follow those rules and have a public comment session. Ms. Tesoro urged the council not to tale a vote at this meeting.

## An Ordinance Establishing Citation Procedures and Fines for Violations of the Inland Wetlands and Watercourses Regulations of the Town of Trumbull

### ORDINANCE #

**A. Purpose.** The Purpose of this Ordinance is to establish an additional means by which the Town of Trumbull may effectively enforce its Inland Wetland and Watercourses Regulations by the implementation of a citation procedure for the imposition of fines for violations and continued noncompliance with the Regulations.

**B. Authority.** This Ordinance is authorized pursuant to Connecticut General Statutes, Section 22a-42g.

**C. Definitions.** The following word, terms and phrases used in this Ordinance shall have the following meanings:

a. "Commission" means the Trumbull Inland Wetland and Watercourses Commission, acting as the local wetland agency under Section 22a-36, et seq. of the Connecticut General Statutes.

b. "Agent" means any designated representative or agent of the Town of Trumbull responsible for the supervision of the Inland Wetland and Watercourses Regulations, anyone who implements the policies and Regulations of the Commission, or any person so authorized by the First Selectman of the Town of Trumbull.

c. "Regulations" shall mean the Inland Wetland and Watercourses Regulations of the Town of Trumbull, as the same may be amended from time to time.

d. "Person" mean any individual, person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

**D. Issuance of Citation.** Following the issuance of a Notice of Violation that provides for at least thirty (30) days to cure any claimed violation of the Regulations and providing that any Person receiving a Notice of Violation fails to correct any stated violation or take other appropriate action, the Commission or its Agent is hereby authorized to issue citations to any Person who commits a violation of the Regulations. In such instances, each citation will apply jointly and severally to the owner of the subject property and his/her agents, tenants, occupants, licensees, lessees, sublessees, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense, for which a separate citation and fine may be issued.

**E. Delivery of Citation.** Any such citation may be delivered either by in-hand delivery or by certified mail to the Person named in the citation. The Commission or Agent issuing a citation shall retain a copy of the citation. In addition, a copy of the initial citation shall be

reported to the Connecticut Department of Energy and Environmental Protection in accordance with section 22a-39-14 of the Connecticut State Regulations. In the event that a citation is served by certified mail and a Person refuses to accept such certified mail, the citation shall be served through in-hand or abode service by the Agent.

**F. Content of the Citation.** The citation shall inform such Person: (1) of the allegations against such Person and the amount of the fines; (2) that the Person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date that the citation was mailed) to make an uncontested payment of the fines; (3) that payments shall be made payable to the Town of Trumbull at the Trumbull Town Hall; and, (4) that any Person wishing to contest such citation may make written request for a hearing before a hearing officer pursuant to the provisions of Conn. Gen. Stat. §7-152c and section N (c) of this ordinance.

**G. Failure to Pay.** If the Person cited does not pay the fine within thirty (30) days from the date of the citation, then at any time within twelve months from the expiration of the thirty (30) day period, the Agent shall send a notice to the Person cited, by hand delivery or certified mail, informing such Person:

- (1) of the allegations against him or her and the amount of the fine;
- (2) that the Person cited may contest liability before a Hearing Officer appointed pursuant to this Ordinance, by delivering to the Agent, c/o the Inland Wetlands and Watercourses Commission, in Person or by certified mail, return receipt requested, within thirty (30) days of the date of the notice, a written demand for a hearing;
- (3) that if the Person cited does not demand such a hearing, the Person shall be deemed to have admitted liability and an assessment of the fine may be issued without further notice; and,
- (4) that a judgment may issue without further notice.

**H. Amount of Fine.** The following fines may be assessed by citation for a violation of the Inland Wetlands and Watercourses Regulations:

(a) For conducting or allowing the conduct of any regulated activity within any portion of an inland wetland or watercourse without a permit or in violation of any permit, including deposition of any material, removing of any material, discharging, polluting, excavating, filling, draining, grading, clear-cutting, removal of vegetation, planting invasive vegetation, or other activities resulting in direct impacts, to any portion of an inland wetland or watercourse: a fine of not more than \$1,000 for each offense.

(b) For conducting or allowing the conduct of, undertaking, permitting the existence of, or allowing any regulated activity outside of the upland review area without a permit or in violation of any permit which causes, directly or indirectly, pollution, draining/drying, erosion, filling, damage to native vegetation, or other negative impacts to an

inland wetland or watercourse or any portion thereof: a fine of not more than \$500 for each offense.

(c) For noncompliance with permit conditions and/or limitations or with enforcement orders, where such noncompliance is not described in Subsection H.(a) or (b) of this section: a fine of not more than \$1,000 for each offense.

(d) For conducting any other regulated activity without the issuance of a permit, where such activity is not described in Subsection H.(a), (b) or (c) of this section: a fine of not more than \$500 for each offense.

(e) Each violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct offense.

**I. Additional penalties and remedies.** At its discretion, the Commission may seek additional penalties and remedies in accordance with the Regulations.

**J. No limitation on Authority.** The provisions of this Ordinance shall not be construed to limit or alter the authority, duty and responsibility of the Commission as granted and established under Connecticut's Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, the Regulations, and other legislation that may apply.

**K. Existing Violations.** Violations of the Regulations in existence at the effective date of this Ordinance shall be deemed violations under this Ordinance, and fines may be issued accordingly.

**L. Special Land Acquisition Fund.** Any fine collected by the Town of Trumbull pursuant to this Ordinance shall be deposited into the Town's land acquisition fund.

**M. Admission of Liability without Hearing.** If the Person who is sent notice pursuant to Subsection D of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in Person or by mail, to the Town. Any Person who does not deliver or mail a written demand for a hearing within thirty (30) days of the date of the notice described in Subsections D, E and F of this Ordinance shall be deemed to have admitted liability and the Wetlands Citation Officer shall certify to the Hearing Officer that such Person has failed to respond. The Hearing Officer shall thereupon enter and assess the fine provided for by this Ordinance and shall follow the procedures set forth in Subsection N (d) of this Ordinance.

**N. Wetland Citation Hearing Procedure and Post Hearing Procedure.**

(a) **Establishment.** There is hereby established, in accordance with Connecticut General Statutes Section 7-152c, a Wetland Citation Hearing Procedure for the Town of Trumbull for purposes of providing a hearing procedure under this Ordinance. The superior court has the authority to enforce the assessments and judgments provided for under this article.

(b) **Appointment of Hearing Officer.** The First Selectman, acting within his or her capacity as chief executive officer, shall appoint one (1) or more citation Hearing Officer(s), other than a member of the Commission, an employee of the Town, a policeman serving the Town of Trumbull or Persons who issue citations, to conduct the hearings authorized by this Ordinance.

(c) **The Hearing.** Any Person who timely requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice of hearing, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Agent or the Commission shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if such Person so requests. A Person cited wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Agent or other designated municipal official or officials, may present evidence to the Hearing Officer on behalf of the Commission. If such Person cited fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under this Ordinance. The Hearing Officer may accept copies of investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of a Person to supply said reports and documents is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date. The Hearing Officer shall announce his decision within sixty (60) days of the hearing. If he determines that the Person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the Person cited is liable for the violation, he shall forthwith enter and assess the fines against such Person as provided by this Ordinance.

(d) **Enforcement.** If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the Person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same Person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and applicable court costs, against such Person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such Person. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes, as amended.

(e) **Appeal.** A Person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with the applicable court entry fee, at the superior court designated by the Chief Court Administrator.

**O. Exemptions.** Notwithstanding the foregoing, pursuant to Section 22a-42g, no fine shall be levied against the State of Connecticut, any employee thereof acting within the scope of his or her employment, the Town or any employee thereof acting within the scope of his or her employment.

**TRUMBULL HEALTH DEPARTMENT  
PROPOSED FEE SCHEDULE  
EFFECTIVE JULY 1, 2016**

**SEPTIC SYSTEMS**

New Construction (Permit)	\$ 175.00
Repair (leaching fields/septic tank) (Permit)	\$ 165.00
Individual Condo Unit Floor Plan	\$ 25.00
Plan Review (New Construction Only)	\$ 175.00
Soil Tests (per-lot residential)	\$ 160.00
Soil Tests (per-lot commercial less than 2000 gallons per day)	\$ 175.00
Soil Tests (per-lot commercial more than 2000 gallons per day)	\$ 350.00
Not ready for Inspection (after request)	\$ 50.00
Commercial Construction (Permit)	\$ 300.00
Commercial (Plan Review)	\$ 300.00
More than one (1) plan revision ( <i>per each revision after first</i> )	\$ 50.00
Minor Repairs (riser, lid, piping, d-box)	\$ 10.00
Minor Repairs ( <i>riser, lid, piping, d-box if notified after</i> )	\$ 100.00
Sewer Extension Site Visit	\$ 135.00
B100a Plan Reviews for Building Additions (includes site visit if needed)	\$ 60.00
B100a Plan Reviews for an Accessory Structure	\$ 30.00

**WELLS**

Drilling Permit	\$ 100.00
Well Abandonment	\$ 60.00

**DAY CARE**

Day Care Inspection	\$ 100.00
Home Day Care Inspection	\$ 65.00
Day Care Food Plan Review	\$ 65.00
Intermediate Environmental Inspection	\$ 65.00

**POOL LICENSE**

(Non-Residential)

Seasonal	\$ 155.00
Year Round	\$ 310.00
Reinspection Fee	\$ 100.00

Fee Increase    
New Fee Introduced

## COSMETOLOGY

1 - 3 Work Stations (License)	\$ 135.00
4 – 6 Work Stations (License)	\$ 195.00
7 or more Work Stations (License)	\$ 255.00
Tanning Salons (License)	\$ 130.00
Re-Inspection Fee	\$ 100.00
Plan Review Fee 1 – 3 Stations	\$ 135.00
Plan Review Fee 4 – 6 Stations	\$ 195.00
Place Review Fee 7 or more Stations	\$ 255.00
License Renewal Late fee (per business day)	\$ 50.00

*\*Each Private Treatment room will be counted as one station*

## FOOD SERVICE

Class I Plan Review	\$ 100.00
Class II Plan Review	\$ 150.00
Class III Plan Review	\$ 275.00
Class IV Plan Review	\$ 350.00
Class I License	\$ 100.00
Class II License	\$ 150.00
Class III License	\$ 325.00
Class IV License	\$ 435.00
License Renewal Late fee (per business day)	\$ 50.00
Caterer License	\$ 150.00
Re-inspection Fee	\$ 100.00
Reinstatement Fee (After suspension of license)	\$ 100.00
Itinerant (per vehicle)	\$ 150.00
Seasonal License	\$ 80.00
Non-profit License	\$ 30.00
Temporary (14 Days or less per booth or trailer)	\$ 65.00
Non-Profit Late Fee (if not submitted 14 days prior to event)	\$ 20.00
Commercial Vendor Late fee (if not submitted 14 days prior to event)	\$ 50.00

*\* Facilities licensed by the Trumbull Health Department are required to pay the fees for a temporary food service license.*

## FARMERS MARKET

Selling whole produce only	\$ -
Individually wrapped, prepackaged (no tasting/no sampling)	\$ 75.00
All other food vendors	\$ 100.00

*\*Fees are per season*

Fee Increase	
New Fee Introduced	

## IMMUNIZATIONS / SCREENINGS

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Current Rate

* Session Fee	\$ 21.00
✧ Influenza	\$ 30.00
✧ Shingles	\$ 225.00 *
✧ Pneumonia	\$ 100.00
Tdap (Whooping Cough)	\$ 21.00
✧ Hepatitis	\$ 60.00 *
✧ Meningitis	\$ 120.00 *
MMR	\$ 21.00
✧ PPD	\$ 20.00
Cholesterol Screening	\$ 25.00

✧ *The rate will be based upon the cost at the time of the session*

\* *A session fee will be charged*

*New Vaccine Service will be charged rates as established at the time of session.*

## MISCELLANEOUS ITEMS

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Tick Identification	\$ 3.00
NSF - Returned Check Fee	\$ 35.00
Photo Copies per page	\$ 0.50

Fee Increase   
New Fee Introduced