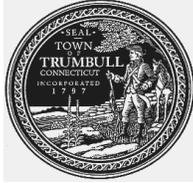


TOWN COUNCIL  
**Town of Trumbull**  
CONNECTICUT  
www.trumbull-ct.gov

TOWN HALL  
Trumbull

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TRUMBULL TOWN COUNCIL  
MINUTES  
February 6, 2012

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the regular meeting to order at 8:04 p.m. at the Trumbull Town Hall. All present joined in a moment of silence and the Pledge of Allegiance.

ROLL CALL: The clerk called the roll and recorded it as follows:

PRESENT:

David R. Pia	Ann Marie Evangelista	James Blose
Suzanne S. Testani	Jeff S. Jenkins	Michael J. London
Chadwick Ciocci	Carl A. Massaro, Jr.	John A. DelVecchio, Jr.
James F. Meisner	Tony J. Scinto	Debra A. Lamberti
Martha A. Jankovic-Mark	Jeffrey Donofrio	Mark LeClair
Gregg Basbagill	Fred Palmieri, Jr.	Vicki Tesoro
Thomas Whitmoyer	Jane Deyoe	Kristy Waizenegger

Also Present: Mr. Daniel Nelson, Chief of Staff, Ms. Maria Pires Finance Director, Town Attorney Edward Walsh, Mr. James Nugent, Chairman of the Trumbull High School Building Committee, Mr. Scott Bassett Partner with McGladrey & Pullen, Mr. Michael Charland, Chairman of the Pension Board and Ms. Amy Humphrey of the Hartford.

The Chair welcomed two young men in the audience, a boy scout and a cub scout who are working towards their merit badges.

DISCUSSION ITEMS:

BEI Presentation:

Ms. Testani welcomed Co-Chair of BEI John Annick, BEI Foundation Executive Director Joann Tyborowski and BEI Chair of Marketing Henning Seip. Ms. Testani explained that BEI is a fabulous resource that provides funding in the form of mini grants to K-12 educational institutions both public and private in Town.

Mr. John Annick explained that BEI began in 1996 and its purpose was to make Trumbull more business friendly. Working with the educators, community and Town government the students K-12 both in public and parochial schools are shown the business world through various career

exploration programs and events. BEI takes in approximately \$20-\$25,000 per year from businesses, private organizations and foundations. All of the money goes back into grants. BEI has three (3) parts:

1. The Trumbull segment is called BEI, and holds a certain amount of meetings per year.
2. The Trumbull Educational Channel.
3. The new newsletter started three (3) months ago. The newsletter includes important data such as job opportunities in Trumbull.

Mr. Henning Seip explained there are approximately 300 job openings in Trumbull, 30,000 statewide and 2.5 million nationwide. Because a job seeker can not read through all of these opportunities, a program has been developed that goes into the text of the job postings of the corporations as well as the Department of Labor and counts them. The newsletter includes a chart of estimates of the current job openings in Trumbull, the education degrees that the employers in Trumbull are looking for as well as the STEM (science, technology, education and mathematics) skills, also listed are job titles that employers are looking for. This language is unknown to most people, but is what the companies are looking for. The newsletter summarizes the labor demand in Trumbull. Mr. Annick further explained that this resource allows a person who is looking for a job to enter his/her skills into the system to match their skills with positions available. There are many young people that are unaware of where to go and what to do, this will be a tremendous help to them.

Ms. Testani stated that Ms. Mark's sons have taken full advantage of BEI's robotics program and have done incredible presentations at the June Awards Breakfast. Ms. Mark extended her gratitude to Ms. Testani. It is important to have these programs in Town; Trumbull High School is not able to offer these programs.

Mr. Basbagill stated that last week he had the opportunity to use a BEI mini to bring five students to Wall Street, it was extremely impressive to the students, it opened their eyes to future possibilities and extended his gratitude to BEI.

Ms. Tyborowski explained BEI is trying to build a speakers bureau. All those present at this meeting could make a difference.

#### Town of Trumbull McGladrey Pullen Audit Report

Mr. Scott Bassett reported that McGladrey & Pullen conducted the audit for the Town of Trumbull for the year ended June 30, 2011. The accounting standards issued in the current year were GASB 54. GASB 54 redefines how we speak to the fund balance, in past years it was referred to as the unreserved fund balance or undesignated fund balance; the key term/language used now is the unassigned fund balance, the surplus fund balance in your general fund.

Overall the Town had a very good financial year, assets are \$123.6 million over its liabilities, the general fund had a balance of \$18.2 million with \$15.8 is the unassigned fund balance, representing 11% of the general fund expenditures. The fund balance increased \$1.3 million this year. The property tax collection rate was at 96.7%, the Town continues with a few capital projects where the Town has spent approximately \$22 million; the key factors were the sewer project and the high school renovation that netted out \$17.3 million for the current year. WPCA had an operating loss of \$590,000; the Golf Course had income of \$400,000. WPCA issued \$15.4 million of special assessment revenue during the current year; basically they billed

those with an assessment which will be paid over a period of time. The internal service fund had a small increase of \$13,000. The pension fund is at total net assets of \$56 million at the end of the year, this represents an increase \$7.7 million, an 18% return of investments of the current year.

The Pension liability is \$50.3 million. With the Town's refunding the Town was able to take advantage of the lower interest rates of bonded debt, realizing a savings of \$230,000.

On a budgetary basis, taxes were better by \$170,000, Town Clerk fees better by \$109,000 overall revenues were slightly over budget by \$9,000.

On the expenditure side, the Town was under budget by \$1.7 million; key aspects of that are the refunding of deferred debt payments, which were budgeted for, approximately \$800,000.

The BoE was under budget by \$563,000 and the Public Works Dept. was under budget by \$234,000, but there was an unexpected expenditure for snow removal for \$500,000 for the current year.

Internal Controls - There was one deficiency, a repeat from last year. The Town keeps their books on a budgetary basis, the auditors then record those on a gap basis, there are adjustments made for accounts payable. There were four (4) observations made for the current year; they had to do with the Trumbull Library System being kept under the Town GL system and purchase orders are made after the invoice, they would like to get those to as close as possible to before services are received; that is not to say that it won't ever happen, it will at times.

There is a continued review of the general ledger to remove inactive accounts and to review the encumbrances, making sure there are inactive purchase orders are canceled.

McGladrey & Pullen did have a late start with the audit this year; the goal to meet the December 31, 2011 deadline was met.

The range for a fund balance surplus for a town of this size is 8.5% to 13%, Trumbull's 11% is right within that range; it is not overly aggressive or conservative.

The pension liability compared to the actuarial is referred to on page 54, the Financial Report. The first table shows that 46% was contributed to the Police Benefit Plan and 54.9% was contributed to the Town Employee Plan. The annual net cost for the Police pension is \$2.9 million and for the Town employees it is \$4.2 million. The net pension obligation for police is \$20.6 million and for the Town it is \$29.7 million. The unfunded liability for the police is \$20.9 million and for the Town employee it is \$46 million. The first table is since 1987, the aggregate amount where the Town missed its contributions; the second table is the employment of the pension plan on the evaluation date of July 1, 2010. The Town could fund at a higher level. It has made some progress over the last couple of years, although the police did go down a bit in the current year. The actuary recommended a contribution of \$7.8 million; the Town's contribution was \$3.6 million. The idea of the pension trust fund is that the funds can only be used for pensions. The trust fund is not funded at the full level and at some point it will out pace the Town's earnings and contributions, and at some point the payments to the retirees will have to come from the general fund balance. The state of CT does not have a statute to require Towns to fund the plan 100%. The prior year pension plan contributions are listed on page 54 of the report, the budget may have been set prior to the revaluation coming out, which lowered the rate of return. What could have caused the police pension decrease is that the contribution amount was the same, but the required contribution went up which lowered the percentage of

contribution. On page 54 the Town Employee Pension Plan percentage of contributions is reflected. On page 63 is a six (6) year history of the same. The return assumption being used now is 7.5%.

The language of governmental activities v. business activities used throughout the report is as follows:

*Governmental Activities* - Supported by property taxes, grants, contributions by the state.

*Business Activities* - Self sustaining enterprise funds.

In the Federal and State Financial and Compliance Report Fiscal Year ended June 30, 2011 on Pg. 4 - The Federal Awards total expenditures is \$4,237,177 and on page 14 the total State Financial Assistance is \$7,971,235 a total of \$12.2 million for federal and state. Comparable to similar Towns' budgets Trumbull is probably on the lower end. Compared to Westport, dollar wise Trumbull would be similar but percentage wise would be lower. A better measure is to take the total revenues of the Town at \$152 million and the property taxes at \$125.5 million, what that percentage comes out to be is what percentage is funded by the Town's local property taxes. There are no Town's in the area that Mr. Bassett knows of that have not taken state or federal funds. All towns apply for what grants they can get it and depends on how aggressive the individual town is and what their needs are. Most towns are afraid that those grant funds will go down. The state OPM website publishes a booklet called Fiscal Indicators which shows all 159 communities and what they measure against property taxes and how each community is rated.

Trumbull High School Building Committee Update: Chairman's Report: Mr. James Nugent reported that the project is moving forward with a goal of completing by September 2012, they are roughly on target although would not guarantee they will be complete by September 1<sup>st</sup>. There is an on-going concern with regard to the insulation of HVAC ducts, the concerns are being addressed; there have been numerous meetings. The issue does not involve all of the insulation but a smaller section only. The project is on budget (originally it was \$68 million \$4 million was removed bringing it to \$64 million). The \$64 million has been used; there are some budgetary items that will be brought to the council for consideration, such as the concession stand at \$515,000.

In response to the Chair, Mr. Nugent confirmed the ductwork insulation issue is being addressed. There has been a redesign, Phase 1 is fine, Phase 2 has been redesigned and is fine, there is another section that has an interim redesign, the least expensive option for that section, the design has not seemed to have worked well and continues to be an issue, it is being sorted out and is constantly being looked at by numerous professionals and is not interfering with the operation of the school in any way.

(Mr. Ciocci left the meeting at 9:55 p.m.)

In response to a question from Ms. Testani, Mr. Nugent stated that the project can be completed within the available budget. By next month it is expected there will be a presentation of a list of items that the Town Council will be able to consider, i.e. paving, (the list will be circulated ahead of time for review).

\* Chairman Carl A. Massaro, Jr. exercised his right not to vote unless otherwise noted.

BUSINESS:

Moved by Mr. DeVecchio, seconded by Mr. Jenkins to take RESOLUTION TC24-12 out of order.

VOTE: Motion CARRIED unanimously.

(Mr. Ciocci returned to the meeting at 8:56 p.m.)

1. RESOLUTION TC24-12: Moved by Mr. Pia, seconded by Mr. Palmieri.

BE IT RESOLVED, WHEREAS, the Town Council upon the recommendation of the Pension Board, herein referred to as the “Board”, may provide for the retirement of Town elected officials and appointed employees; and

WHEREAS, the Town Council upon the recommendation of the “Board” may adopt retirement plans as it may deem advisable; and

WHEREAS, the Town Council has received a recommendation from the “Board” to adopt a retirement plan;

NOW THEREFORE, BE IT RESOLVED, that the Town Council hereby approves and adopts the Town of Trumbull 401(a) Plan, herein referred to as the “Town Plan”, to provide employees of the Town of Trumbull with retirement benefits; and

BE IT FURTHER RESOLVED that the Town Council hereby does hereby declare the intention of the Town of Trumbull to continue the “Town Plan”, but hereby reserves the right to terminate or amend the “Town Plan” at any time; and

BE IT FURTHER RESOLVED, that the representatives of the Town Council are hereby jointly and severally authorized to take such actions and to execute such documents they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the “Town Plan” to make the “Town Plan” fully effective in accordance with its terms and intent.

Ms. Waizenegger recused herself at 8:58 p.m. due to her employment with the Hartford.

COMMITTEE REPORT: The Legislation & Administration Committee met on January 30, 2012 and voted unanimously to amend paragraph 4 of the resolution to read as, “NOW THEREFORE, BE IT RESOLVED, that the Town Council hereby approves and adopts the Town of Trumbull Defined Contribution Retirement Plan, herein referred to as the “Town Plan”, to provide employees of the Town of Trumbull with retirement benefits; and to strike in the fifth paragraph the first hereby.”, and voted unanimously to send to the Town Council without recommendation.

Ms. Mark moved to amend the committee minutes. The Chair clarified that the committee will have to meet to amend the committee minutes.

Moved by Mr. Meisner, seconded by Mr. Palmieri to amend the resolution to read as:

RESOLUTION TC24-12: BE IT RESOLVED, WHEREAS, the Town Council upon the recommendation of the Pension Board, herein referred to as the “Board”, may provide for the retirement of Town elected officials and appointed employees; and

WHEREAS, the Town Council upon the recommendation of the “Board” may adopt retirement plans as it may deem advisable; and

WHEREAS, the Town Council has received a recommendation from the “Board” to adopt a retirement plan;

NOW THEREFORE, BE IT RESOLVED, that the Town Council hereby approves and adopts the Town of Trumbull Defined Contribution Retirement Plan, herein referred to as the “Town Plan”, to provide employees of the Town of Trumbull with retirement benefits; and

BE IT FURTHER RESOLVED that the Town Council does hereby declare the intention of the Town of Trumbull to continue the “Town Plan”, but hereby reserves the right to terminate or amend the “Town Plan” at any time; and

BE IT FURTHER RESOLVED, that the representatives of the Town Council are hereby jointly and severally authorized to take such actions and to execute such documents they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the “Town Plan” to make the “Town Plan” fully effective in accordance with its terms and intent.

VOTE: Motion to amend CARRIED unanimously.

Ms. Humphrey of The Hartford explained that the Town and the employees are required to put the contributions in right away. The burden of the investment of the funds and the options thereof fall to the employees. There are some upfront costs initially and in time will decrease the ongoing obligations and liabilities. The way the program would work as follows: The employees contribute up to 5% - this is pre tax benefit, the Town would also contribute 5%, if an employee wants to contribute above and beyond the 5% there is no Town match but there is an option of putting the funds into the defined contribution plan but that amount would be taxable or the participant could place the funds in a 457 plan, a totally voluntary option, which is a pre-tax benefit. There is a 5-year vesting schedule (employees need to work for the full 5 years to receive the full benefit), they accrue 20% of the benefit up to the 5 years.

The Town Council reviewed and asked Ms. Humphrey questions with regard to the plan; Ms. Humphrey’s explanations are as follows:

It is possible to add additional groups to the defined contribution plan; the plan would be amended as each bargaining unit joins. The Hartford will have a representative that would handle the Defined Contribution Plan and the 457 Plan. There would be ongoing informational meetings, either as group sessions or individual meetings. There is a combination of services available, such as:

- A website - Available 24/7 and is transactional. Allowing the employee to change or move funds to different investment options.

- Customer service representatives available 8:00 a.m. to 8:00 p.m. that would take the transactions on behalf of the participant.
- Quarterly statements generated (including the 457 and defined contribution plan). The participant would get one consolidated statement.

Hartford is a top 5 provider in the Defined Contribution market space, specifically for governmental entities. The majority of municipalities have taken the path of a soft close to the pension plan and opening the 401 contribution plan for new employees moving forward.

There are typically 35-40 investment options for the participants, there are no propriety fund requirements by the Hartford. There is one investment option called the Fixed Account, which offers a set interest rate, all other options are tied to the market ranging from conservative up to aggressive. There is no bias to having Hartford in the plan.

The Hartford's role is as the *administrator*. It is a group annuity contract. The Hartford will collect, receive, hold and invest the money as it is received and will provide all of the administrative duties. The plan document was drafted by the Hartford, therefore they will provide any of the amendments to be compliant with the IRS regulations and assist in the filing of the plan document if the Town decides to go that route. There are no loads to the plan, just the underlying mutual fund charges, which would vary depending on which investment option the participant is in; there is a separate account rep charge on that.

(Ms. Evangelista left the meeting at 9:16 p.m.)

The Town went through a competitive bid process and solicited responses, final presentations were done and the Hartford was selected as a result of that.

The funds can be changed as often as a participant would like. Typically a review of the plan is done annually. The funds are reviewed on a quarterly basis and they will send out a police report including commentary on funds that are underperforming, after three (3) consecutive quarters of underperformance The Hartford will make a recommendation of removing those options. All of the funds typically in the plan are 4 or 5 star rated.

(Ms. Evangelista returned to the meeting at 9:18 p.m.)

From a liability standpoint there will be a savings with the Town moving to a Defined Contribution Plan. The debate most often heard by Ms. Humphrey is how long will it take to realize the savings? That is where you see the biggest differentials amongst municipalities; at some point as employees drop from the pension plan a benefit is seen.

Mr. Charland, Chairman of the Pension Board explained the board compared the two plans; the Defined Contribution Plan is less expensive on a long term basis. Per an analysis done if an employee was with the Town for thirty (30) years they would receive 60 % of the average of their last three (3) years' salary. If you stacked up to the Defined Contribution Plan with the same number of payments, roughly 10% of someone's pay, the current Town pension plan would become unfunded around 15-20%. In the long term the Defined Contribution Plan solves that problem, there is no unfunded liability by design from day one. The Town contributes with the current pension plan 6% of the employee's base salary, 5% with the Defined Contribution Plan; there is an immediate 1% savings. The Hartford's fees are approximately \$30,000. What you do not have with the Defined Contribution Plan is the required annual actuarial study. The actuarial study is \$20,000 per year. The administration of the new plan will be less expensive than the current plan. There are some intangible savings, such as attracting better quality employees due to the plan's portability. The other intangible is the new plan's website, answers available on line 24/7 and great customer service. In the short term the Town still has a current pension plan with a \$40 million shortfall. There has been discussion with regard to a soft or a

hard freeze, the soft freeze was preferable. Over time the actuarial difference will be become a known number. The Town Pension Board, per Charter does not approve, they recommend, the Town Council approves. The Pension Board will administer the plan and have made recommendations. This plan was one of the recommendations by the Pension Board. Mr. Nelson and Mr. Charland indicated that they were not aware of the Town ever having offered early retirement Packages.

VOTE: ADOPTED as amended unanimously.

(Ms. Waizenegger returned to the meeting at 9:25 p.m.)

2. RESOLUTION TC24-13: Moved by Mr. DeVecchio, seconded by Mr. London.

BE IT RESOLVED, That Tony Scinto of 32 Lindberg Drive, be and the same is hereby appointed a member of the Redistricting Committee.

(Mr. DeVecchio left the meeting at 9:25 p.m.)

COMMITTEE REPORT: The Rules & Research Committee met on January 31, 2012 and voted 4-1 (Against: Scinto) to send without recommendation pending Town Attorney review.

(Mr. DeVecchio returned to the meeting at 9:27 p.m.)

(Ms. Testani left the meeting at 9:28 p.m.)

The Chair stated that last month Resolution TC24-8 was adopted. The council should have known at the time that by not having made the resolution emergency legislation, per Charter the committee would need thirty (30) days before the committee could operate. A legal opinion has been received; the committee is in place and it is necessary to appoint the remaining members.

In response to Ms. Mark, Atty. Walsh stated that the issue he was asked to address was whether the Redistricting Committee was established on January 5, 2012, despite the fact there was a requirement of an organizational meeting; the resolution was adopted by the Town Council, signed by the first selectman and subsequently published. The resolution included language that the organizational meeting was to take place by January 20<sup>th</sup>. The legislation was not effective for approximately 30 days, at the time the organizational meeting was to have taken place there was no established committee, with force or legal effect. The resolution was not effective until February 3, 2012.

(Ms. Testani returned to the meeting at 9:29 p.m.)

It is Atty. Walsh's opinion after having consulted two other Town attorneys on this matter that the resolution is legally valid; the organizational meeting needs to be held within 30 days from Feb. 3, 2012. Ms. Mark stated that the resolution included provisions in conflict with the Charter; therefore it is invalid. Atty. Walsh stated that if the organizational meeting was not complied with by not holding the meeting within 30 days of February 3, 2012 that would be a different matter and need to be researched. Ms. Mark suggested an amended resolution at the March meeting. Atty. Walsh explained that the timelines in the resolution does not throw out the entire resolution.

Mr. Palmieri stated that the Town Council adopted the resolution in good faith and was unaware of the 30-day window. In response to Mr. Palmieri, Atty. Walsh stated that if an organizational meeting was not held within the timeline per the Charter that could potentially invalidate the committee. Further research would be needed; but that is a different factual situation. Atty. Walsh feels very strongly of his opinion on this matter.

The Chair clarified for Mr. Palmieri that the issue was raised at the Rules & Research Committee on January 31, 2012. The request for legal opinion was made at that meeting and was forwarded on the next day by the Chair. This issue has not been live since January 5, 2012 it has only been a week.

Mr. Ciocchi raised the question of whether the Town Council would be invalidated if for some reason they were unable to hold an organizational meeting within a certain amount of time as stated by the Charter? He did not believe so. This would not invalidate the committee as a whole.

In response to Mr. Palmieri, the Chair stated if the members are seated at this meeting the committee would be able to complete its task.

Ms. Tesoro spoke to following procedure and that the Town Council set precedence. Atty. Walsh clarified for Ms. Tesoro that under these circumstances as presented it does not make the Redistricting Committee resolution invalid. The Redistricting Committee has been established, the council has the authority to appoint members and the committee to have its organizational meeting within the 30-day window from February 3, 2012. Making the appointments emergency legislation would make the appointments effective quicker. An appointment is clearly not within the Charter as not being an emergency. Redistricting could be considered an emergency. There are a few things that may not be considered an emergency as listed in the Town Charter, Chapter 2, The Legislative Branch, Section 7. Emergency Legislation. Atty. Walsh read the section into the records as follows:

The Council may, by two-thirds (2/3) vote of the entire membership, designate any action as an emergency measure, specifying in detail the facts constituting such emergency. No measure creating or abolishing any office or changing the salary, term or duties of any officer or employee may constitute an emergency measure. Any legislative action designated to be a public emergency measure shall become effective immediately upon publication, but shall be subject to rejection, or approval as provided in Chapter VIII, Section 7.

The Chair clarified that there is no definition of emergency legislation in the Charter. Emergency is what the council defines as needing to make our action effective upon publication instead of waiting 15 business days after publication of the affirmative acts, other than the exceptions as provided in the Charter that Attorney read into the record. What can not be made emergency legislation per Charter are obviously sensitive matters. The council can designate anything for the reason stated as emergency legislation to make their act effective upon publication.

Moved by Mr. London, seconded by Mr. Ciocchi to call the question. The Chair noted this motion is not debatable.

VOTE: Motion CARRIED 14-7 (AGAINST: Mark, Palmieri, DelVecchio, Tesoro, Meisner, Whitmoyer and Basbagill). The Chair voted.

VOTE: ADOPTED 14-6-1 (AGAINST: Mark, Palmieri, Tesoro, Meisner, Whitmoyer and Basbagill) (ABSTENTION: DeVecchio). The Chair voted.

Moved by Mr. London, seconded by Mr. Jenkins to pass Resolution as emergency legislation.  
VOTE: Motion CARRIED 14-4-3 (AGAINST: Mark, Tesoro, Meisner, and Basbagill)  
(ABSTENTION: Palmieri, DeVecchio and Whitmoyer) The Chair voted.

3. RESOLUTION TC24-14: Moved by Ms. Evangelista, seconded by Mr. London.

BE IT RESOLVED, That Vicki Tesoro of 133 Beechwood Avenue, be and the same is hereby appointed a member of the Redistricting Committee.

COMMITTEE REPORT: The Rules & Research Committee met on January 31, 2012 and voted 4-1 (Against: Scinto) to send without recommendation pending Town Attorney review.  
(Ms. Evangelista left the meeting at 9:49 p.m.)  
(Ms. Evangelista returned to the meeting at 9:50 p.m.)

Mr. Meisner explained that the disagreement over whether TC24-8 is valid or not has to do with that it had not passed as emergency legislation at the last Town Council meeting. An amendment had been proposed to make the committee bi-partisan. Ultimately there will be a majority and minority report from the committee and requested that it would be considered in a bi-partisan manner as much as possible.

Mr. Ciocchi stated that in committee there was lengthy discussion and debate as to what the nature and make-up of this committee should be. There was a bare bones resolution put forward which needed to be heavily amended. Minority Leader Mark and himself, as well as others worked very closely to create a resolution in committee. Mr. Ciocchi had several proposals in committee, the first one being tri-partisan. It was turned down, the second was a bi-partisan but was objected to the appointment of our Town Clerk and was defeated as well. The third was a more partisan committee only because the others were defeated.

The Chair clarified that the resolution is appointing a member to the committee and directed the council to speak to the resolution.

Moved by Mr. Pia, seconded by Mr. Ciocchi to call the vote. The Chair noted there is no discussion. VOTE: Motion CARRIED 16-3-1 (AGAINST: Mark, Tesoro and Basbagill)  
(ABSTENTION: Meisner)

VOTE: ADOPTED 16-1-4 (AGAINST: Mark) (Abstention: DeVecchio, Tesoro, Whitmoyer and Meisner). The Chair voted

Moved by Mr. Jenkins, seconded by Mr. Ciocchi to pass Resolution TC24-14 as emergency legislation.  
VOTE: Motion CARRIED 16-2-3 (AGAINST: Tesoro and Basbagill) (ABSTENTION: Mark, Meisner and DeVecchio). The Chair voted.

4. RESOLUTION TC24-15: HELD IN COMMITTEE.

5. RESOLUTION TC24-16: HELD IN COMMITTEE.

6. RESOLUTION TC24-17: Moved by Mr. Palmieri, seconded by Mr. DeVecchio.

BE IT RESOLVED, That 4,588 is hereby appropriated from the Unrestricted Fund Balance to 01022000-581888 Police-Capital Outlay for costs associated with a department vehicle purchase.

COMMITTEE REPORT: The Finance Committee met on January 31, 2012 and voted unanimously to recommend.

In response to Mr. Palmieri, Ms. Pires explained that vehicles purchased by the town use a 5-year lease program; this will impact the budget for the next five (5) years at this amount.

VOTE: ADOPTED unanimously.

7. RESOLUTION TC24-18: Moved by Whitmoyer, seconded by Mr. Palmieri.

BE IT RESOLVED, WHEREAS, on January 4 2012 the State of Connecticut Department of Energy and Environmental Protection (DEEP) notified the Town of Trumbull that there is \$300,000 in unspent federal monies available from Connecticut's allocation of funds under the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant; and

WHEREAS, these monies are available through the State of Connecticut Municipal Quick Spend Energy Efficiency & Conservation Program;

WHEREAS, the Town of Trumbull is requesting \$10,125.00 in Quick Spend funds for the installation of programmable thermostats in the Senior Center Building to conserve energy and reduce operating costs;

THEREFORE, BE IT RESOLVED, That First Selectman, Timothy M. Herbst, is hereby authorized to make, execute and approve on behalf of the Town of Trumbull any and all contracts, documents, agreements and amendments for the State of Connecticut Municipal Quick Spend Energy Efficiency & Conservation Program.

COMMITTEE REPORT: The Legislation & Administration Committee met on January 30, 2012 and voted 3-2 (Against: Testani and Mark) to amend the last paragraph resolution to read as: THEREFORE, BE IT RESOLVED, That First Selectman, Timothy M. Herbst, to be empowered to be authorized to make, execute and approve on behalf of the Town of Trumbull any and all contracts, documents, agreements and amendments for the State of Connecticut Municipal Quick Spend Energy Efficiency & Conservation Program with regard to the \$10,125 previously referred to for the installation of the programmable thermostats in the Senior Center building to conserve energy and reduce operating costs.", and voted to recommend as amended 3-2 (Against: Ciocci and Waizenegger).

The Chair recognized that an amendment was made in committee.

Moved by Mr. Ciocci, seconded by Mr. Palmieri to amend RESOLUTION TC24-18 to read as: RESOLUTION TC24-18: BE IT RESOLVED, WHEREAS, on January 4, 2012 the State of Connecticut Department of Energy and Environmental Protection (DEEP) notified the Town of Trumbull that there is \$300,000 in unspent federal monies available from Connecticut's allocation of funds under the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant; and

WHEREAS, these monies are available through the State of Connecticut Municipal Quick Spend Energy Efficiency & Conservation Program;

WHEREAS, the Town of Trumbull is requesting \$10,125.00 in Quick Spend funds for the installation of programmable thermostats in the Senior Center Building to conserve energy and reduce operating costs;

THEREFORE, BE IT RESOLVED, That First Selectman, Timothy M. Herbst, to be empowered to be authorized to make, execute and approve on behalf of the Town of Trumbull any and all contracts, documents, agreements and amendments for the State of Connecticut Municipal Quick Spend Energy Efficiency & Conservation Program with regard to the \$10,125 previously referred to for the installation of the programmable thermostats in the Senior Center building to conserve energy and reduce operating costs.

VOTE: Motion CARRIED unanimously.

Mr. Pia supports Mr. Ciocci's philosophy on this resolution. Mr. Pia spoke against the cost of this proposed project and the fact that the project is not worth the cost. Mr. Pia spoke against the resolution.

Mr. London philosophically agrees with Mr. Ciocci although the money is ours and questioned why we should not get it back? It is our money, let's bring it home and put it to work for us.

Mr. DelVecchio agreed that \$10,000 was an inordinate amount of money for the project and spoke against the resolution.

Mr. Meisner spoke to the noting this project is above the Town's Purchasing Policy's \$10,000 threshold and should go out to bid and not waived by the first selectman .

Mr. Palmieri echoed Mr. Pia's, Mr. DelVecchio's and in certain respects Mr. London's comments. Mr. Palmieri stated that he was under the impression this project involved additional electrical work, that it was not just installing 24 programmable thermostats questioning how the number was derived, noting that someone must have submitted something to come to such a specific number.

The Chair explained that as he understand the grant, the amount of money is an amount that has been allocated to the Town of Trumbull, the administration found a project for it and like all grants we will not get the money until the work is done. If the Town gets the work done for \$5,000 then \$5,000 is all the Town will receive.

In response to Mr. DelVecchio, Mr. Nelson explained that it was his understanding that there was no one within the Public Works Dept. that had an E2 license that could perform the work.

Mr. Jenkins stated that for this \$10,000 that .40 on every dollar is borrowed.

Mr. Ciocci stated that this project does not match a single criteria created by President Obama's American Recovery Act. Mr. Ciocci asked all that has said that they agree with him philosophically before, during or after a meeting to send a message to Hartford and Washington D.C. that we have enough of the spending.

Moved by Ms. Tesoro, seconded by Ms. Mark to call the vote. VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended 16-4 (AGAINST: Ciocci, LeClair, Pia and Waizenegger).

8. RESOLUTION TC24-19: Moved by Mr. London, seconded by Mr. Ciocci.

BE IT RESOLVED, That the Rules of the Town Council shall be amended to include the following rule: All affirmative votes of resolutions for appointment of nominees, including but not limited to Boards, Commissions and Committees, shall be effective upon publication of the approved resolutions, provided the vote is at least 2/3 of the Town Council members present and voting.

Moved by Mr. London, seconded by Mr. Pia to send Resolution TC24-19 back to committee. Ms. Mark moved that the resolution was out order it had failed in committee on both votes to recommend or to send without recommendation

Mr. Ciocci clarified that the resolution goes to the council anyway it could only stay in committee if it had been voted by the committee to do so.

VOTE: Motion CARRIED 19-0-1 (ABSTENTION: Mark)

There being no further business to discuss upon motion mad by Mr. Pia, seconded by Mr. DelVecchio the Trumbull Town Council adjourned by unanimous consent at 10:21 p.m.

Respectfully submitted,

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Margaret D. Mastroni, Town Council Clerk