

Town of Trumbull

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Town Council MINUTES

February 28, 2013

CALL TO ORDER: Chairman Carl A. Massaro, Jr. called the special meeting to order at 8:09 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:

Suzanne S. Testani	Ann Marie Evangelista	Jane Deyoe
James Blose	Debra A. Lamberti	Thomas Whitmoyer
Kristy Waizenegger	Martha A. Jankovic-Mark	Michael J. London
Carl A. Massaro, Jr.	James F. Meisner	John A. DelVecchio, Jr.
Tony J. Scinto	Vicki Tesoro	Mark LeClair
Jeffrey Donofrio	Chadwick Ciocci (Arrived at 9:17 p.m.)	
Gregg Basbagill	Fred Palmieri, Jr. (Arrived at 9:57 p.m.)	

ABSENT: Jeff S. Jenkins and David R. Pia

ALSO PRESENT: First Selectman Timothy Herbst, Chief of Staff Elaine Wang, Director of Finance Maria Pires, and Director of Public of Works John Marsilio, Town Attorney Dennis Kokenos, Town Engineer Frank Smeriglio, Barbara Crandall EMS Office Manager and Mike DelVecchio of EMS.

BUSINESS:

*The Chair reserved his right not vote unless otherwise noted.

1. RESOLUTION TC24-110: Moved by Mr. London, seconded by Ms. Testani.
BE IT RESOLVED, That \$28,500 is hereby appropriated from the General Fund to 01022600-501101 Salaries-Full Time Emergency Medical Services.

First Selectman Herbst stated this supplemental appropriation had been approved by the BOF 4-1-1 (bi-partisan basis). The request is a result of an audit commissioned in 2012. The operational audit (available on line) involved interviewing commissioners, staff, (both paid and volunteer) and those involved in emergency response. The RFP process produced the Holdsworth Group of Cromwell, CT. The audit concluded there were issues with delineating a chain of command. The Commission was acting in a legislative and administrative capacity, and was assuming day to day functions of the service. It was determined that volunteers had been lost to other communities and the rate of pay was not commensurate with other services. The report also determined that there were a great deal of calls being outsourced to third party private vendors. If the Town were to handle most of the calls, it would bring in the revenue to enable EMS to be a self-sustaining organization. The audit recommends hiring an EMS Chief. We have to make sure that EMS has the tools and resources to properly run their service. The job

description for this position was a collaborative effort. The EMS Commission reviewed the job description and made recommendations. The interview panels consisted of Joe Rodriguez, EMS Commission Chairman, Bruce Silverstone, Chief of Police, Thomas Kiely, Fire Marshal Murphy and Town Attorney Dennis Kokenos.

First Selectman Herbst agreed with Mr. London that a supplemental request by him is rare. The recommendations in the audit report were very clear. The Town is budgeting for this in the 2013-2014 budget, it is critical to have the Chief come on board in this fiscal year to assess the current operating budget and make recommendations. The candidate has had the experience with going into an operation that had outsourced a large percentage of calls, after the turn around work done by this candidate that particular service is now handling 99% of their calls. If this is approved it will bring additional revenue to Trumbull, resulting in less of a strain taxpayers and will distinguish the Trumbull EMS as a model. First Selectman Herbst explained for Ms. Testani, that the \$28,500 funds the position through June 30, 2013. Included in the 2013-2014 FY Budget there is a salary of \$85,000. Ms. Jankovic-Mark stated she had trouble with the low number of people surveyed that the report is based upon, but what was most troubling to her was found on page 14 of the report was the reference to vocal group that would prefer the service stay as status quo and that it should be neutralized. Ms. Jankovic-Mark spoke against the language in this professional report. First Selectman Herbst stated that he had met with the EMS commissioners individually. Ms. Jankovic-Mark stated the proper process should have been that a meeting of the EMS Commission had taken place where they would have discussed this. Ms. Jankovic-Mark spoke in favor of the position but against the process. Hiring a new director will put greater responsibility and liability on the Trumbull EMS and questioned whether we wanted to be in the business or whether we wanted to be providing efficient emergency medical services to the Town and not put emphasis on the revenue. First Selectman Herbst explained that there are call volumes that the Town should be handling but are not. The Chief of Police has sent a letter to the BOF that articulates the exigency of the matter. The average police call as a first responder is 28 minutes, this need to be addressed collectively, the longer a police officer is on a medical call the longer they are not available to protect the citizens and prevent crime. This is an area that needs to be looked at to reduce the average call response time. This is entirely about public safety. When the EOC is open it is important to have an EMS Chief at the table, EMS performs a critical function. The Chief of EMS will be empowered to assess and to give all of the bodies in Town recommendations on how to better improve the service. Ms. Jankovic-Mark reiterated her concern over the process and stated that she would be happy to vote on this after the EMS Commission had met and voted per the Town Charter. First Selectman Herbst stated the language goes back to the 1980's when the EMS was strictly a volunteer service. Over time EMS has evolved into a hybrid of paid staff and volunteers. The Chair stated that we have more than the Charter to follow, no one can encumber the Town without the proper authority from the BOF or this body. There is no body in Town who can fill a position that is not budgeted for or that the funding has not been authorized. This resolution authorizes funding for the position; if the position is never filled it would not be spent. The Chair does expect the person to be fully hired. EMS cannot hire anyone without the money in the budget or an approved appropriation and suggested that it is improper for the EMS Commission to hire without the proper funding in place.

Moved by Ms. Jankovic-Mark, seconded by Ms. Tesoro to TABLE the resolution until the properly served by procedure.

VOTE: Motion FAILED 4-11-1 (IN FAVOR: Meisner, Tesoro, Jankovic-Mark and Basbagill)
(ABSTENTION: DelVecchio).

In response to Ms. Tesoro. First Selectman Herbst indicated that there was specific language added to the job description which specifically referenced the duties of the Executive Director and the Chief of Operations as they relate to reporting to the commission. There are specific items in the job description

that references the interaction with the EMS Commission. There was more than one commissioner that they had received feedback from, both written and oral. Ms. Jankovic-Mark stated she would like to approve this resolution but would like to see procedure followed that is the only reason why she is not voting in favor, she values EMS's services greatly.

VOTE: ADOPTED 14-1-1 (AGAINST: Jankovic-Mark) (ABSTENTION: Tesoro).

DISCUSSION ITEMS:

- ❖ WPCA-North Nichols Sewer Project - Existing Rate Structure with the City of Bridgeport - Status of the Proposed Sewer Regionalization.

First Selectman Herbst stated the purpose of this discussion item is to offer the Town Council information on the Contract IV North Nichols Project and all of the costs associated with it. In the summer and early fall of 2009 the BOF and Town Council approved the initial bond authorization for Phase IV Contract IV, commonly known as the North Nichols Sewer Project. This is the largest capital sewer project the Town has undertaken, this project took place after Contract III, there were issues with Contract III. A forensic audit of Contract III was taking place as Contract IV was in progress. The audit yielded a series of concerns and recommendations. The issue identified by the audit and by Tighe & Bond was the condition of roads. The Town is currently in litigation with Contract III in the amount of \$9 million. Of the \$9 million, \$2 million is earmarked for roads and rehabilitation. This presentation and discussion will review the costs of the project and show the conditions of roads in Contract III and roads in Contract IV and will delineate the difference between the two contracts. Correspondence with the Town's bond counsel will be provided relative to the general obligation bonds and the statutory responsibility of the WPCA in establishing and setting assessments. Also the council will be provided with the CGS authorizing the WPCA to what is a proper assessment and what proper costs are determined by the Town.

(The Chair called a recess at 8:43 p.m.) (The Chair called the meeting back to order at 8:45 p.m.)

Mr. Smeriglio reviewed The Summary of Costs of the Project Outline, (*Attached*). The first column represents the descriptions of all the various items associated with the project. The second column is the estimated costs of what the project will cost at the end, (\$36,981.678). The third column is the total of all of the invoices paid to date, (\$29,506,363.64). The next column represents the 5% retainage held back to ensure the project is completed. The fourth column is the anticipated unpaid remaining costs, adding the total paid and the anticipated unpaid columns equals the approximate cost of the total project. The next two columns are the WPCA portion of costs and DPW/Town's Portion of costs. Mr. Smeriglio explained every sewer project as the roadways are excavated; other deficiencies in the roadway not related to the sewer project are uncovered need to be addressed. These are broken out in the last two columns of the spreadsheet. What has happened in the past and in different Towns, sewer projects have ignored the unrelated to the sewer system infrastructures in the roads. It his duty as the Sewer Administrator to find these problems and make recommendations to what should be fixed and what will not be fixed, all of the drainage systems can not be replaced, but you can't do nothing either what has to be determined is to do something in between. What has been done in the past was excavation, installation of the sanitary sewer, asphalt was put over the trench, and once a sewer trench has been completed the Town overlaid the roadway without any regard to the condition of the roadway outside of the trench. After his review of the plans it was found that there was one design that would apply to all of the roads and that should not be the case. Last fall three main roads were paved (Huntington Tpke., Shelton Road and Booth Hill Rd.). According to the plans there was one design to deal with all three of the roads. But as they looked at the roads each road needed a completely individual design, there was a different solution for each road, but the original plans were designed with one solution to fit all of the roads.

First Selectman Herbst stated that Director of Public Works has discussed how the Capital Plan relates to roadway paving; the general rule is that when a road is paved the Town wants the road to have 25-30 or 35 years useful life. What has happened with some of the sewer projects' paving is once the road construction was completed the Town did not have roads with a 25-year useful life. The cost was borne by the Trumbull taxpayers, not only by those who were levied a sewer assessment but the taxpayers who had to pay twice for road repaving. Stonehouse is an example of such, and it had only been paved a decade ago.

First Selectman Herbst presented a power point of the Contract III's roadways and roads paved in the Contract IV North Nichols project to the Town Council. The presentation articulated the difference between the two. Some where only an overlay was applied it was required to go back and patch where there had been significant settlement after the project was completed and the assessments had been levied. Roads were approximately 5-6 years old when they needed to be patched. The slides represent the difference between the paving qualities of Contract IV v. Contract III. The Town is seeking recovery for paving rehabilitation from Contract III. The critical standard for our WPCA or any WPCA is the question what is a cost that provides a benefit to the homeowner and what is a cost that provides a benefit to the entire Town. The sewer project roads should be repaved at the same quality as other roads. The WPCA by statute made a determination of what would constitute a cost to be included in the assessment and what would not be. There has been discussion with respect to the WPCA's authority to determine what is included in an assessment. The authority is derived from statute. First Selectman Herbst distributed and read into the record a portion of CGS §7-249 Assessment to Benefits (*Attached*). A copy of the October 16, 2012 letter from the Town's bond counsel Joseph Fasi was distributed and read into the record (*Attached*). BOF August 13, 2009 meeting minutes and Town Council September 2009 meeting minutes were submitted for the record and distributed to the Town Council (*Attached*). First Selectman Herbst called the Town Council's attention to the BOF motion to increase the bond authorization for the North Nichols Contract IV Sewer Project by \$28 million and to the discussion section; there was only one member, (Mr. Crooks) who asked questions. His discussion was based on the level of review of the bids because of the problems on Contract III and the concern of repeating those problems. The bond authorization was approved by the BOF 6-0. The bond authorization, Resolution TC 22-222 then went before the Town Council for an additional \$25,540,000, was adopted 15-0-1 and was passed as *Emergency Legislation (15-1)* to expedite the approval and the project. First Selectman Herbst explained by statute only the WPCA has the authority to determine what is included in an assessment, if any legislative body of the Town wants to raise an issue or question with respect to what is included in an assessment and what is incurred by the Town or if there is a concern on how the money is to be allocated it should be raised when the bond authorization is before the BOF and the Town Council. The WPCA's authority to set the assessments was given when the BOF and the Town Council determined that they would allow the project to proceed and approved \$28 million bond authorization. The document entitled the Contract IV Sewer Assessment Summary was submitted for the record (*Attached*). The document was written based upon questions raised by residents at the initial public hearing and the three additional public informational forums. Questions were generated from those forums and based upon those questions the Sewer Administrator and the WPCA developed an informational packet which explains the WPCA's and the Town's total obligations. Most of that cost dealt with road paving. The roads benefited the entire Town; the roads are being paved so that they have a 25-year useful life. The Town does not want the taxpayers to have to pay twice. (Mr. Ciocci arrived at the meeting at 9:17 p.m.)

Mr. Smeriglio explained and reviewed the initial costs of work related to the installation of sewers and the costs of repaving Stonehouse Road two years ago. This demonstrates that the taxpayers did pay twice for that road's repaving. Mr. Smeriglio explained sewers were put in on Stonehouse Road under three separate projects and was never looked at as a whole. It was always looked at section by section. The three sewer projects occurred in 1993, 1999 and 2003 the total cost for the work on Stonehouse Road was \$927,000. In 2011 there was a project to rehabilitate the road, the Town paid \$1.1 million for the rehabilitation and \$300,000 to fix some of the defects in the sewer line two years ago. There were 3 separate projects that only

addressed the sewer installation, repair of the trench and overlaid the road. Nothing was addressed with the roadway outside of the trench. First Selectman Herbst reiterated that there was \$927,000 worth of costs on the initial sewer construction; the unwritten rule in Trumbull has been 75% covered by the homeowner's assessment and 25% paid for by the Town through the General Fund. You can see that the taxpayers paid for 25% of Stonehouse Road's \$927,000 and they also paid the \$1.1 million for the road repaving and the \$300,000 in defects. WPCA has taken the position that they do not want to do this again, they do not want to have to go back to do the work over or have to correct defects and have the taxpayers pay twice, they want to do it right, they want to do it once and make sure the roads have a 25-year useful life.

Ms. Jankovic-Mark stated the request for this discussion item included that WPCA members be present and noted her disappointment that they were not. Under CGS Section 7-246 the WPCA can not exercise any power without the express consent of the municipality, and spoke against shifting the cost to the Town. Under CGS 7-256 the WPCA shall charge rates which will produce sufficient revenue to cover the interest and amortization of the bonds. First Selectman Herbst clarified that the bond counsel's legal opinion is clear; the municipality gave the WPCA consent when the BOF and Town Council voted in favor of the bond authorization. Ms. Jankovic-Mark stated the Town has a reduced amount for the North Nichols sewer project. Tighe & Bond costs were included and were supposed to have saved the Town money, now the cost has been shifted to the Town. The Contract includes the engineering costs and spoke against shifting it to the Town. Ms. Jankovic-Mark stated that she appreciated that the Town wanted to do the work/paving correctly but someone needed to get approval for the extra work and funding. This spreadsheet shows that the total cost of the project as \$37 million. The council did not authorize that amount. The WPCA does not seem to be honoring its bonding obligation and is not assessing the residents of the project at 75% of the cost. Ms. Jankovic-Mark spoke in favor of following the contract. In the last three years the WPCA has not come before the BOF with changes to bonding or the sewer projects. In response to the Chair, Ms. Jankovic-Mark stated that it has been tradition that sewer project costs were divided 75%-25%, but in the past anytime the WPCA had a change in the contract they have come before the BOF. The Chair stated that he wanted clarification of Ms. Jankovic-Mark's position, she had referenced a statute that references that the WPCA should impose a rate that pays 100% of the bond and questioned how it has been tradition that the costs of the project have been assigned to 75% - 25%. The Chair stated if he understands her reading of the statute it would have to fall on 100% of the rate payers as recited in CGS 7-256 and traditionally the Town has never done that. Ms. Jankovic- Mark agreed the Town has never done 100%, the Town has taken out some expenses from the project which has never been done. The Chair stated that was the WPCA's decision. Ms. Jankovic-Mark cited CGS 7-246. Ms. Jankovic-Mark stated that she would have rather had the material distributed at this meeting prior to the meeting. The Chair explained the material distributed at this meeting is material that was prepared for the presenters at this meeting.

Mr. Basbagill stated that the crux of the paving issue is the 2" overlay v. the much more thorough paving. First Selectman Herbst confirmed that in previous sewer projects residents incurred 75% of the costs of the project and 25% were incurred by the taxpayers. Mr. Smeriglio clarified that 26% of the total asphalt paving costs are part of the North Nichols sewer assessments. Mr. Smeriglio referred to The Summary of Costs of the Project Outline (Attached) and further explained for Ms. Tesoro that the first line item entitled 'Completion of Mark IV Contract Items represents the WPCA's portion of the cost at \$21,732,537.24; 26% of the asphalt cost is in the number, because that was part of Mark IV's paving of the roadway. The line item entitled Paving Remaining Roads represents above and beyond what is paved now. The total anticipated cost is \$5,586,063.59, currently they have paid \$777,732.73 for Booth Hill Road, and still believe that \$4,788,330.36 will be necessary to be paid to pave the remaining roads The next two columns represent roads that have to be paved, the first of the two remaining columns represents sewer related charges (\$922,168.50), the \$922k plus the first line item is part of Mark IV's contract. The last column at \$4.6 million represents paving that is completely unrelated to the sewer project. The sewer related costs are the trenches that are dug up and where asphalt was repaved. Mr. Smeriglio clarified for Ms. Tesoro that the

portion to be paid by the Town is the work unrelated to the sewer project and is \$4.6 million and further explained if the column is carried down the \$26 million represents what the sewer related costs are. Of the \$26 million 75% is the assessments and 25% is part of the Town, what has been done on past projects. What has not been done in past projects is taking it to the next step, fixing other things in the roadway that needs to be fixed. Ms. Tesoro stated that another 25% of the \$922k will be picked up the Town. Ms. Tesoro referred to the June 6, 2011 Town Council minutes, noting a discussion with regard to the additional bonding for this project, a question was raised, the response refers to additional costs in paving were incurred by the additional paving due to the contractor going beyond their bid limits during final restoration, going curb to curb. There is mention of credits and negotiation, Ms. Tesoro questioned what the negotiation refers to. Ms. Tesoro asked that someone look into the meaning of this reference. Mr. Marsilio stated that it may have been called a credit due to the fact that there were two parts of the paving program one that was in the contract and the other was to go on the Town's side. The Chair stated that there was one meeting in particular where discussion took place over what the new bond was; it was confusing as to what the new bond was and how it related to the overall bonding and does remember Mr. Hampford going through a recitation of the numbers it may have been this same meeting.

Mr. Marsilio confirmed for Mr. Meisner that the detail of the final paving application has changed. Mr. Meisner stated that it is an additional cost item and it did not seem fair to charge only the residents in this particular sewer project, it was fair to move it to the Town side. Mr. Meisner indicated in his section of Town they had received the 2" overlay and there have been settlement issues. Mr. Marsilio indicated they have done everything possible to make sure there won't be settlement issues, proper oversight, testing, and application of the proper empirical data before they engaged in a paving solution and repair of all the storm drainage. They have done everything that they could do to ensure that roads will have a long life. Mr. Meisner questioned why the project is \$2.5 million over budget. Mr. Marsilio explained the overage is due to the paving, rehabilitation of certain sewers installed that needed to be done over, the overage represents all of the items that were not in the base contract and are represented in The Summary of Costs of the Project Outline. Mr. Meisner stated that \$2.5 million to hire consultants seems high when the Town could have hired a couple of full time employees for less and questioned whether he thought if that was appropriate. Mr. Marsilio explained of the \$2.5 million for Tighe & Bond was for work other than Contract IV, (i.e., the evaluation of Contract III, evaluation of the entire paving and litigation support); approximately \$2 million was for Contract IV oversight. For a \$35 million project \$2.5 million is in line. There have been 5 inspectors out during the project and inspector at each construction site. Mr. Marsilio explained for Ms. Tesoro that there were never any construction oversight costs in any portion of the project contract. The original bonding had no line item for oversight. First Selectman Herbst stated that in 2010-2011 when the determination was made that there was not proper oversight, the auditors told them oversight was needed for Contract IV. At that time the discussions took place that the Town bond costs incurred should be incurred by rate payers, issues were raised that the Tighe & Bond costs should not be incurred by the North Nichols residents. Tighe & Bond was providing a service to not only Contract IV but to Contract III and now it is being questioned why it is not included in the assessments. Ms. Tesoro state that she was not involved at that time and could not speak to that. First Selectman Herbst referred to the 2011 debates where this was a debate issue and questioned the change in the thought process. The 25% covered by the Town, the North Nichols residents do contribute to as taxpayers as well and so share in the 25% cost as well. Mr. Donofrio stated CGS 256's first sentence refers to revenue bonds the bonds of discussion are general obligation bonds therefore CGS 256 would not apply to these bonds. Ms. Jankovic-Mark disagreed. In response to Mr. DelVecchio, Mr. Smeriglio explained Stonehouse Road was done in 1993, 1999 and 2003; the dates are based on when the residents were assessed. The project would have occurred the year prior. Mr. DelVecchio stated Stonehouse Road been done 20 years prior and indicated that a road should have 25-year life but has been in paving business for years and knows certain roads will last 30 years and some will last 16 years, it is a per case per road. Mr. Smeriglio stated what had happened in the past was asphalt was applied over the trench and the road was overlaid, what he is demonstrating is that there are numerous roads in Contract IV

that have 5 different applications v. what was in the plans where all that was to be done would be an 1 1/2" overlay. The point is when doing a sewer project you can not just place asphalt over the trench and do an overlay that may work for only half of the roads. (Mr. Palmieri arrived at the meeting at 9:17 p.m.) It is Mr. Smeriglio's duty to determine which roads can be done that way and which ones can not be. It would be difficult to say what the milling cost per road would be, he looks at the milling costs per yard, (approximately \$3.5 per sq yard) and are putting back 2" of asphalt, there are roads where he recommends for reclamation (\$3 per sq yard) and now putting two layers of asphalt down which adds to the cost. Mr. Smeriglio explained to Mr. DelVecchio that he has drawings that represent what areas have failed. It is unacceptable that a sewer project that had been five years ago or two years ago with this amount of problems. Mr. Smeriglio stated that he does not know how many miles of roads were or have to be paved in Contract IV; the roads that were paved in the fall were the main roads, Shelton Road, Huntington Tpke. and Booth Hill Rd. There were a couple other side streets off of Booth Hill as well. Mr. DelVecchio stated his problem with the final Town obligation is that Tighe & Bond was brought in for oversight at approximately \$20,000 per week. Mr. Smeriglio explained that an inspector is needed for every crew; once the work is buried it can not be seen. Mark IV has 4-5 crews working at the same time. If one or two people were hired there would be days when they have 5 crews, you can not have an inspector work 2 hours with one crew and work another two hours with another crew because once the inspector is not there it is not known what work has been done. The task that Tighe & Bond also did for the Town was to help evaluate the roads, there were other design conditions that had to be changed, other State permits that had to be received, there was a lot of work other than having an inspector working with a crew. Mr. Smeriglio invited Mr. DelVecchio to come to his office so that he could further explain. Mr. DelVecchio stated he has a problem with the amount of money spent, the \$2.5 million. Mr. Smeriglio further explained that the Town also has State projects that it receives funding from the State, unrelated to the sewer project, one of the guidelines from the State is that it be designed and also as part of receiving funds from the State that an engineering consultant be hired to administrate the project, this is for projects unrelated to the sewer project. The rate the State uses is 12-15% of the cost of the project. Mr. DelVecchio spoke against the \$10 million Town obligation; it represents a major percentage of this project. Mr. Smeriglio stated that Trumbull is not the only Town that is dealing with these issues sewer projects evolve because certain neighborhoods want to put in sewer systems, in other towns the WPCA Department is separate from the Engineering Department, those WPCA initiate sewer projects and never look at anything else, all of the project costs provide a benefit to that property. Trumbull is fortunate that the Sewer Department and the Engineering Department work as one, you have to look at other things in the road that are completely unrelated to the sewers and have to fix it; these do not provide a benefit to the property and has to be separated from the project cost. That is the issue with what provides a benefit to the property v. the Town.

Regionalization:

Atty. Kokenos stated that he could speak to the status of the regionalization, but his concern is that they are in the middle of claims litigation arbitration and would not want to discuss in detail without going into executive session. There should be some significant movement in the next month or so and invited all those present at this meeting to attend the WPCA meeting at the end of March. Atty. Kokenos gave a brief overview of the background pertaining to regionalization. This is large endeavor with many people working extremely hard for a long period of time. The Town received the notice of termination from the City of Bridgeport, the Town disputed the termination, the position of the arbitration filed is that they had bargained for a full term contract and the options related to the rate the Town would charge, not terminating the contract completely. That is the crux of the arbitration. We were put on notice that the City of Bridgeport wanted our customer list and was going to do some direct billing. The Town disallowed giving the vendor the Town's customer list. There was an F.O.I. hearing last week. The arbitration is currently stayed, the City of Bridgeport and Trumbull wanted to sit down and leave the arbitration be and allow time to continue discussions on either regional authority or some kind of extension of contract. Those discussions are going well. After the holiday season they had an agreement that their consultant would update the regionalization

model. The 2010 model is old and needs to be updated; Trumbull proposed that the model be updated by their consultant. Our WPCA has hired consultants to verify. When we receive the updated model we will be in a position to have substantive conversations with the city of Bridgeport and would like to have a conversation with our WPCA at their March meeting prior to those discussions with Bridgeport. If they move forward on this it will come to the council, the more information the council has on this subject the better. They are making strides, people have talked about the CSO cost, the cost of separating the system in Bridgeport, and they have talked about the cost that Bridgeport has to maintain their plant. They have gone out and gotten a new operator, those costs have increased, and all of these things are on their radar. They are all aware of the costs that can incur with rate fairs which is why they are looking at this so diligently. This has created friction with Bridgeport because they would like us to move faster. This has to be done by thinking people in a thinking manner. Atty. Kokenos stated that if council members were to come to a WPCA meeting they would be included in the executive session. The executive session is for the purpose of discussing strategy for arbitration, the F.O.I. hearing and with the City of Bridgeport. Atty. Kokenos indicated for Ms. Jankovic-Marc that the joint committee of the WPCA, Town Council and BOF has not been involved. The \$70,000 attorneys' referenced in the WPCA minutes was for over a year's worth of services, the \$425,000 was not for attorneys' fees. The WPCA hired the attorneys and consultants to do this work. In response to Ms. Tesoro, First Selectman Herbst stated that the joint committee met initially reviewed issues with regard to alternatives for the Town and several members became disengaged not one of those members has asked requested a meeting be called. First Selectman Herbst stated as the process is approached the primary responsibility with an endeavor such as this is to protect the Town of Trumbull. Ms. Tesoro agreed. First Selectman Herbst stated that he is of the opinion based upon the language in the Charter on capital projects, not only the council BOF and the WPCA must be engaged in this decision but the people of Trumbull must be as well. If we decide to enter into an authority, build our own plant, or take on any capital cost such as this it would need to go before the voters. The people of Trumbull need to approve it. In response to Mr. Basbagill, First Selectman Herbst stated that if there is additional sewer system work under a regional authority that would be the decision of the authority. Atty. Kokenos stated just as the WPCA has no authority to issue a user fee to a septic user because they are not in the system it would be the same with the regional authority.

Atty. Kokenos referred back to the earlier discussion on the Contract IV assessments; he explained that the standard to review assessments is that assessment levied can not outweigh the benefit to the homeowner. This language is specifically in the statute. The WPCA knew the standard, if the assessment outweighed the benefit it would be an illegal assessment. There were assessments on older projects that were \$6,000 that makes it easy for the WPCA to say that assessment is in line with the benefit, following projects the assessment went to \$10,000, the standard was met but as costs rise it is not as easy. The WPCA did very well there was only one appeal on the Contract IV assessments, technically there were two appeals, but one was dismissed. The fact that there were only two appeals is in large part that was due to the WPCA being very conscious of that standard. Mr. Basbagill spoke against the fact that the WPCA had never voted to remove the \$10 million and stated he was shocked by the silence on the subject. First Selectman Herbst disagreed with Mr. Basbagill and stated that he was shocked that over the approval of \$100 million of bonding in a 5 year period. Ms. Jankovic-Mark stated that her neighborhood had a sewer assessments of \$15,000 in the 1970s and 80's with inflation a sewer assessment of \$30,000 is not unexpected.

There being no further business to discuss the Town Council adjourned by unanimous consent at 10:25 p.m.

Respectfully Submitted,

.....
Margaret D. Mastroni, Town Council Clerk

Sec. 7-249. Assessment of benefits. At any time after a municipality, by its water pollution control authority, has acquired or constructed, a sewerage system or portion thereof, the water pollution control authority may levy benefit assessments upon the lands and buildings in the municipality which, in its judgment, are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land and buildings, according to such rule as the water pollution control authority adopts, subject to the right of appeal as hereinafter provided. Benefits to buildings or structures constructed or expanded after the initial assessment may be assessed as if the new or expanded buildings or structures had existed at the time of the initial assessment. Such benefits and benefits to anticipated development of land zoned for other than business, commercial or industrial purposes or land classified as farm land, forest land or open space land on the last completed grand list of the municipality in which such land is located, pursuant to the provisions of sections 12-107a to 12-107e, inclusive, shall not be assessed until such construction or expansion or development is approved or occurs. In case of a property so zoned or classified which exceeds by more than one hundred per cent the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations or, in the case of a town having no zoning regulations, a lot size of one acre in area and one hundred fifty feet in frontage, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first at which time assessment may be made as provided herein. No lien securing payment shall be filed until the property is assessed. The sum of initial and subsequent assessments shall not exceed the special benefit accruing to the property. Such assessment may include a proportionate share of the cost of any part of the sewerage system, including the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, construction costs, interest charges during construction, legal and other fees, or any other expense incidental to the completion of the work. The water pollution control authority may divide the total territory to be benefited by a sewerage system into districts and may levy assessments against the property benefited in each district separately. In assessing benefits against property in any district the water pollution control authority may add to the cost of the part of the sewerage system located in the district a proportionate share of the cost of any part of the sewerage system located outside the district but deemed by the water pollution control authority to be necessary or desirable for the operation of the part of the system within the district. In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the water pollution control authority may give consideration to the area, frontage, grand list valuation and to present or permitted use or classification of benefited properties and to any other relevant factors. The water pollution control authority may make reasonable allowances in the case of properties having a frontage on more than one street and whenever for any reason the particular situation of any property requires an allowance. Revenue from the assessment of benefits shall be used solely for the acquisition or construction of the sewerage system providing such benefits or for the payment of principal of and interest on bonds or notes issued to finance such acquisition or construction. No assessment shall be made against any property in excess of the special benefit to accrue to such property. The water pollution control authority shall place a caveat on the land records in each instance where assessment of benefits to anticipated development of land zoned for other than business, commercial or industrial purposes or land classified as farm land, forest land or open space land has been deferred.

source: http://search.ega.state.ct.us/dtsearch_pub/statutes.html

Attachment #3
Frank

JOSEPH FASI LLC

56 ARBOR STREET, SUITE 418
HARTFORD, CONNECTICUT 06106

A T T O R N E Y S A T L A W

TELEPHONE (860)296-0510
FACSIMILE (860)296-0541

October 16, 2012

Timothy M. Herbst
First Selectman
Town of Trumbull
5866 Main Street
Trumbull, CT 06611

Dear First Selectman Herbst,

The Phase IV sewer project ("Project") is nearing completion. Bonds have been issued to finance the project expenses incurred to date. It is expected that the Trumbull Water Pollution Control Authority ("WPCA") will levy sewer benefit assessments upon property owners in the Project area. Road improvements were included as a cost of the Project. In assessing benefit assessments the WPCA may conclude, due to the scope and breadth of the work, that some portion of the road work is more in the nature of a general benefit to the town, as compared to a benefit accruing to the property owners directly as a result of the sewer installation. The WPCA is the entity charged by statute with the responsibility of levying benefit assessments "in its judgment". C.G.S. section 7-249.

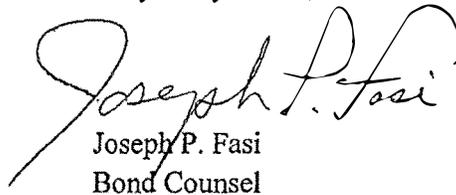
You have enquired: if the WPCA does not include the full cost of the road improvements in its assessment, how does the un-assessed portion get paid, and what approvals are necessary to obtain payment?

The sewer project was undertaken and financed pursuant to various general obligation bond resolutions. Proceeds from the bonds have been and will in the future be expended to finance Project expenses, including the road improvements. The Town of Trumbull bonds issued to finance the Project are general obligation bonds. This means that in adopting the resolution the Town pledged (promised) to timely pay the bonds from ad valorem property

Timothy M. Herbst
October 16, 2012
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taxation to the extent not paid from other sources. The bonds were not secured by sewer benefit assessments or other sewer related revenues, and to my knowledge there is no other Town/WPCA agreement obligating the WPCA to pay the bonds. Accordingly bonds issued to finance the Project which are not paid from benefit assessments must be paid from property taxation, and included in the town's annual budget accordingly. No additional procedures or approval are necessary, other than adoption of the annual budget.

Very Truly Yours,



Joseph P. Fasi
Bond Counsel

John L. Ponzio, Treasurer
Maria Pires, Director of Finance
Dennis J. Kokenos, Town Attorney

BOARD OF FINANCE
AUGUST 13, 2009
MINUTES

Present: Kathy McGannon, Marty Shapiro, Tom Tesoro, William Crooks, Mark Smith and alternates Steve Lupien, Lisa Valenti (in for Ken Martin).

Also: Lynn Heim, Director of Finance; Dan Schopick, Town Attorney

The meeting was called to order at 7:00 p.m. by Chairman Kathy McGannon. All those present joined in the Pledge of Allegiance and a moment of silence to remember our past member Joanna Brunner who passed away in July.

The Board unanimously agreed to add Public Comments to the agenda for those who are present and wish to speak.

Public Comments:

Lisa Deutsch, 42 Copper Kettle Road...Would appreciate approval of this sewer bond.

Shirley Pollack, 23 Booth Hill Road...Would like to see the approval of the sewers.

8/09/02...It was moved (Shapiro); seconded (Smith) to increase bonding authorization for the Nichols Phase IV, Part B. Contract IV Sewer Project by \$28,000,000.

The WPCA approved the low bid from Mark IV Construction Co. on May 20, 2009 for the North Nichols – Phase IV Part B, Contract IV sewer expansion. This will provide sewer service to approximately 1,000 homes.

Present for discussion: John Stafstrom, Bond Counsel; Joseph Solemene, WPCA Coordinator

Note: Lisa Valenti will be voting in place of Ken Martin.

Mr. Crooks asked if it would be appropriate to offer an amendment to change the figure to \$25,540,000 because that is the increase and the new total amount would be \$27,000,000.

Mr. Stafstrom explained that we are increasing a previous authorization for the sewers for the Nichols project by \$25,540,000. Previously on March 2, 2009, the Board authorized \$850,000 to jump start the project to allow for the state to do their part of Huntington Road. On May 4, 2009, an additional \$610,000 was authorized to jump start the new easements and other things that were necessary. Total amount that would be authorized if you were to include those other items would be \$27,000,000. The increase previously authorized for this project was \$1,460,000. What you are doing is authorizing an increase if you approve this resolution of \$25,540,000 for a total of \$27,000,000.

Mr. Crooks moved to amend this motion by authorizing an increase of \$25,540,000 for a total of \$27,000,000; seconded by Mr. Shapiro.

Motion on amendment carries unanimously 6 – 0.

Discussion:

Mr. Crooks asked if all bids included provision for police detail. Mr. Solemene stated that a \$500,000 lump sum item is included in the bid specs so that every bidder has to deal with that.

Everyone has the bid schedule. Each contractor interprets how they are going to bid those items differently. The bottom line is after they total the 30 or so items they are going to bid, the bottom line is the total result.

Mr. Crooks asked if the WPCA had seen the detailed work for every figure. Mr. Solemene said there was a lengthy discussion of whether we should accept the lowest bid or go with the second lowest bid. At the end of the meeting it was determined by the WPCA board that they were comfortable with the 24.9 low bid.

Vote on amended motion carries unanimously 6 - 0

8/09/03...WPCA...Appropriate from 20-315200 Retained Earning the sum of \$85,000 to 20100000-522202 Professional Services. This item was WITHDRAWN.

Minutes of June 11, 2009...Mr. Crooks moved to approve as presented; seconded by Mr. Shapiro. Motion carried unanimously 6 – 0.

Treasurer's Report...It was requested that there be a Treasurer's Report next month for year end.

8/09/01...Town Clerk...Transfer from 01013600-501102 PT Salaries the sum of \$2,700 to 01013600-501103 Seasonal Salaries due to a town printing error.

It was moved by Mr. Shapiro; seconded by Mr. Tesoro. Motion carried unanimously 6 – 0.

Budget Analyst Job Description:

Tom Tesoro supports this job description 100%. It does exactly what it is suppose to do. It provides us with the opportunity to review procedures, processes relationships, all the things that the previous incumbent did. It allows us to do all that and meet the requirements of the Town Charter.

Marty Shapiro stated that the changes made in this document is a good improvement and makes the position of Internal Auditor more useful. He has two changes he would like to

see made: General Statement of Duties: 5) add...Board of Finance as requested by the Chairman. And Minimum Qualifications...fourth line down, change needed to acquire.

Lisa Valenti stated that what the committee had hoped to achieve by this position was how to get more for this Board to assist this person.

Bill Crooks has a problem with this job description in that there is no mention of internal controls. When the term auditor is used, it encompasses two things 1) looking at the financial statements and seeing if the figures are presented fairly and 2) looking at the internal accounting controls and seeing if they are a good set of controls and are being adhered to. In the new job description internal controls is not referred to that this person will be responsible whereas in the old job description it was there. This job description waters down those responsibilities. No problem with changing the title or expanding the duties to include assisting the Director of Finance in evaluating figures for the purpose of presenting such to this Board. Mr. Crooks has a bigger problem of taking away the responsibility of internal accounting controls.

Requested change made by Mr. Crooks: General Statement of Duties: 2) add...Reviews accounting procedures and internal accounting controls and recommends improvements.

Once changes have been made and reviewed by Dan Schopick, Liz Smith and the Union, she will have copies sent to the Board before our next meeting.

Motion made to adjourn (Tesoro); seconded by (Shapiro)

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Gail Bokine, Clerk

TOWN COUNCIL

TRUMBULL, CT
www.trumbull-ct.gov

Pride in our past



Faith in our future

MINUTES

September 8, 2009

CALL TO ORDER: The special meeting of the Trumbull Town Council was called to order at 8:12 p.m. by Chairman Mark Altieri. All present were asked to remember the victims of 9/11 during a moment of silence which was followed by the pledge of allegiance.

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

Dan Marconi	Cheryl Bochet	Martha Mark
Michael Rappa	John Rotondo	Kathleen Bivona
Suzanne Testani	John DelVecchio, Jr.	Carl Massaro
Jane Deyoe	Paul Kennedy	Dan Helfrich
Robert Pescatore, Jr.	Debbie Lamberti	Tony Scinto
Mary Beth Thornton	Mark Altieri	

ABSENT: Jeffrey Jenkins, Matt Reale, Michael London, Chad Ciocci

* Chairman Mark Altieri exercised his right not to vote unless otherwise noted.

APPROVAL OF MINUTES: The Minutes of the August 3, 2009 meeting were approved as presented by unanimous consent.

Discussion item: Trumbull High School Building Committee Update

Trumbull High School Building Committee Chairman Jim Nugent explained that the site work in the courtyard is well underway and is on schedule. They're waiting for the metal to arrive. The parking issue has been resolved. The bids received from the contractors seemed high, so instead, they approached Public Works Director John DelVecchio and his Department added parking spaces at an extremely favorable rate: less than 1/3 of what it was going to cost. Mr. Nugent stated it was a great effort by both Mr. DelVecchio and the Public Works Department. They did a great job.

Discussion item: Jane Ryan School Roof Building Committee Update

Jane Ryan School Roof Building Committee Chairperson Johanna Malinowski explained the project for the outside part of the roof is 55% underway. There were some weather issues they had to deal with, but they were able to make the area safe for the students' return. The largest parts of the roof are completed so that no winter damage can get in. Ms. Malinowski anticipates the outside work will be completed by the end of September.

Item 1. RESOLUTION TC22-221: Moved by Ms. Thornton, seconded by Mr. Massaro

WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has been known throughout the United States, and the World, as one of the nation's best marching bands;

WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has appeared in two Inaugural Presidential Parades as State Representatives, 2001 and 2009;

WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has made numerous, national parade appearances and has performed on national television;

WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has appeared in Trumbull's Memorial Day Parade annually;

WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, won 1st Place Class V and Connecticut State Champions in the Musical Arts Conference;

WHEREAS The Trumbull High School Golden Eagle Marching Band Winter Guard, under the directorship of Peter G. Horton, has been a World Guard Finalist in the Winter Guard International Competition;

WHEREAS The Trumbull High School Golden Eagle Marching Band Winter Guard, under the directorship of Peter G. Horton, has earned Musical Arts Conference World Class 1st place;

WHEREAS The Trumbull High School Golden Eagle Marching Band Winter Percussion, under the directorship of Peter G. Horton, has been a Scholastic Open Percussion Winter Guard International Finalist;

WHEREAS The Trumbull High School Golden Eagle Marching Band Winter Percussion, under the directorship of Peter G. Horton, won Musical Arts Conference Open Class Winter Percussion Champion;

WHEREAS Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has performed service projects to assist members of the community;

AND WHEREAS The Trumbull High School Golden Eagle Marching Band, under the directorship of Peter G. Horton, has promoted music education as well as a love of music through competition with many of its members continuing their involvement with music into adulthood.

NOW THEREFORE BE IT RESOLVED, That Peter G. Horton, be and the same is hereby recognized and congratulated for his extraordinary dedication and many accomplishments on the 20th Anniversary of his successful leadership and direction.

Moved by Ms. Lamberti, seconded by Mr. Pescatore to amend the second date in the second paragraph to 2009.

VOTE: Passed unanimously

On behalf of the entire Town Council, Chairman Altieri congratulated Mr. Horton for the admirable work that he has done with all the students that have participated in band over the years. Band Director Horton received a standing ovation accompanied by warm applause from the Town Council and audience.

VOTE: Adopted unanimously as amended

Item 2. RESOLUTION TC22-218: Moved by Mr. Marconi, seconded by Ms. Bochet

BE IT RESOLVED, That the reappointment by the First Selectman of Brian Vaughn of 64 Surry Lane as a member of the Trumbull Monroe Health District is hereby approved for a term extending to the first Monday in March, 2009.

Committee report: R&R Committee met on August 31, 2009 and voted 3-0 to recommend.

Moved by Mr. Marconi, seconded by Ms. Bivona to amend the term date to 2012.

VOTE: Passed unanimously

VOTE: Adopted unanimously as amended

Item 3. RESOLUTION TC22-219: Moved by Mr. Marconi, seconded by Ms. Bochet

BE IT RESOLVED, That the reappointment by the First Selectman of Geoffrey Gladstein of 60 Frederick Street is hereby approved as a member of the Trumbull Monroe Health District for a term extending to the first Monday in March, 2011.

Committee report: R&R Committee met on August 31, 2009 and voted 3-0 to recommend.

VOTE: Adopted unanimously

Item 4. RESOLUTION TC22-222: Moved by Ms. Lamberti, seconded by Mr. Pescatore

BE IT RESOLVED, That an additional \$25,540,000 is hereby appropriated for the planning, acquisition and construction of sanitary sewers, Phase IV, Part B, Contract IV, and authorizing the issue of an additional \$25,540,000 bonds or notes of the town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose

Committee report: Finance Committee met on September 1, 2009 and voted 6-0 to recommend.

Bond Counsel John Stafstrom of Pullman & Comley explained this amount is for the construction to complete the project. There were 2 small appropriations for easements that were made previously.

Mr. Rappa thanked Sewer Administrator Joe Solemene for his efforts on the recent project in District 1 and his willingness to work with all parties involved to do the best job for the town. He suggested that in the future, a representative from the W.P.C.A. be available to help answer questions.

Mr. Solemene explained that after the funding is approved for a project, a letter is sent to the residents in that area explaining the street will be marked, phone numbers to call for information and things of that nature. He plans to work more closely with the Contractor to provide better estimates on how long the project is anticipated to take.

Ms. Mark stated she believes these sanitary sewers are not necessarily environmentally responsible. She believes the individual septic systems have done an acceptable job of handling the waste and are costly to the homeowners.

VOTE: Adopted 15-0-1 (Abstention: Mark)

Moved by Mr. DelVecchio, seconded by Mr. Rotondo to make this emergency legislation.

VOTE: Adopted 15-1 (Opposed: Mark)

Item 5. RESOLUTION TC22-223: Moved by Ms. Deyoe, seconded by Ms. Bivona

BE IT RESOLVED that the First Selectman is hereby authorized to enter into a two year agreement with IgniteSpirit, LLC to provide Economic Development consulting services.

Committee report: L&A Committee met on August 31, 2009 and voted 3-0 to recommend.

Town Attorney Dan Schopick explained that IgniteSpirit, LLC is a single member LLC. Deborah Cox is the single member. At Attorney Schopick's request, the contract is with the LLC for the benefit of the town.

Mr. Peseatore stated that the RFQ documents show that Deborah Evans Cox was a bidder. On the contract, the name is IgniteSpirit, LLC. He asked Attorney Schopick if it is legal to award the contract to a non-bidder.

Attorney Schopick explained he does not consider her to be a non-bidder. It was the town's request that the agreement be made with the LLC. It was not Ms. Cox's choice and it was not her wish.

Mr. Massaro pointed out that funding has been approved for 1 year, but not for 2 years. That being the case, he was surprised the contract was for 2 years and he would like it to be more consistent with the RFQ.

Town Attorney Dan Schopick explained that funding for the first year has been approved. Funding for the second year would not be approved until the budget process for that year. However, the Contract requires an appropriation for the second year. This contract requires legislative approval because it extends beyond the term of this budget.

Mr. Pescatore stated he is in favor of economic development. However, he believes it should be revised to one term because it is something new and he wants to be able to shorten the contract if things don't work out.

Mr. Marconi pointed out that every year the funding for the contracts of the various bargaining units, such as the Police and Teachers, must be approved. This contract is no different.

Moved by Mr. Massaro, seconded by Ms. Testani to amend the first line of Article 10, Paragraph 2, by replacing the word "term" with the word "year".

VOTE: Passed 10-5-1 (Opposed: Thornton, Bochet, Marconi, Rappa, Rotondo; Abstention: Kennedy)

Ms. Mark explained she'd like to include RFQ Section 9c regarding termination in the contract so that either party may terminate without cause.

Attorney Schopick pointed out that Ms. Mark's amendment would make it a month to month contract and would make it possible to terminate simply on a whim of the administration for no cause. The purpose of the 2 year contract was to make a commitment and to avoid termination from becoming a monthly issue. It would give the Consultant an opportunity to do her job and is similar to the contract that was approved without question for the Golf Pro.

Moved by Ms. Mark, seconded by Ms. Lamberti to amend Article 8(2) by inserting the words "or the town" after the word "Consultant".

Ms. Mark withdrew her motion.

Moved by Ms. Mark, seconded by Mr. Pescatore to amend Article 8(2) to read: The Consultant or the Town may terminate this Agreement without cause by providing the Town or Consultant with written notice of termination at least 60 days prior to the date of termination.

VOTE: Failed 3-9 (Approved: Mark, Pescatore, Lamberti, Testani, Deyoe, Scinto, Massaro)

Moved by Mr. Pescatore, seconded by Mr. Scinto to amend Article 7(2) to add the following: (d) Should the Consultant fail to carry insurance as specified, the Town shall have proper cause to terminate this Contract as specified in Article 8.

Mr. DelVecchio left the room at 9:08 p.m. and returned at 9:09 p.m.

Town Attorney Dan Schopick pointed out the amendment is redundant. This issue is already covered under the termination provision.

VOTE: Failed 7-9 (Approved: Mark, Pescatore, Lamberti, Testant, Deyoe, Scinto, Massaro)

Moved by Mr. Pescatore, seconded by Ms. Mark to amend Article 1 by deleting the second sentence.

Mr. Pescatore stated the town's labor contracts have a contract term and when the term comes up, the contract comes back before Council for approval. As written, he believes this contract is auto-renewed.

Mr. DelVecchio pointed out that funding would have to be approved yearly and if not approved, there would be no contract. As such, there's no need for this amendment.

VOTE: Failed 5-11 (Approved: Pescatore, Mark, Scinto, Lamberti, Deyoe)

Moved by Ms. Lamberti, seconded by Ms. Deyoe to amend Article 4, Paragraph 1, line 4 by inserting after the word "objectives": "as well as those mentioned in the Request for Qualifications under Key Responsibilities."

Attorney Schopick offered a friendly amendment to change Ms. Lamberti's proposed amendment to say: subject to the goals and duties that are included in the Request for Qualifications which is attached. Ms. Lamberti and Ms. Deyoe agreed to Mr. Schopick's amendment.

VOTE: Passed unanimously

VOTE: Adopted 15-1 (Opposed: Pescatore)

Item 6. RESOLUTION TC22-216: Withdrawn

Mr. Helfrich moved to adjourn, seconded by Mr. DelVecchio. With no further business to discuss, the meeting was adjourned at 9:20 p.m. with unanimous consent.

Respectfully submitted,

Lorrie Lusebrink
Council Clerk

WATER POLLUTION CONTROL AUTHORITY

Town of Trumbull

CONNECTICUT

TOWN HALL
(203) 452-5048



5866 MAIN STREET
TRUMBULL, CT 06611

CONTRACT IV NORTH NICHOLS SEWER ASSESEMENT SUMMARY

As part of all Sanitary Sewer projects and Connecticut State Statutes for Municipal Sewerage Systems, the Town of Trumbull's Water Pollution Control Authority is currently in the process of levying benefit assessments to property owners involved with sewer project. The Public hearing pursuant to C.G.S. § 7-250 was held on Tuesday November 20, 2012 and questions were received by the people in attendance. Whatever questions could have been answered at that time was answered by the Commission. This summary is being provided to provide a detailed outline and summary of (a) the costs associated with the sanitary sewer project, (b) considerations in setting the assessment and (c) answers to the questions raised at the recent Public Hearing. The intent of the assessments is to share the cost of the sanitary sewer project with the residents being served by the project.

Project Costs:

As part of summarizing the costs for the Contract IV project, costs were separated into two categories, WPCA Obligations costs and Town Obligations costs.

The WPCA Obligations are items relating to the installation of the sanitary sewer system, (including but not limited to design, sanitary sewer installation, initial asphalt/trench repairs, property restoration at sanitary easements, bonding costs, etc).

The Town Obligations are improvements to the Town's infrastructure that are within the Contract IV work zone and any other items un-related to the installation of the sanitary sewer system. These items include, but are not limited to, storm drainage improvements, various sidewalk improvements, roadway paving upgrades, construction/contract management and remediation, etc).

Therefore, below are the WPCA Obligations:

Total WPCA Obligations:	\$26,311,992.36
Sewer Construction	\$24,112,717.29
Huntington Road Sewers	\$ 1,483,097.00
Easement Restoration	\$ 200,000.00
Easement Appraisal Costs	\$ 17,450.00
Easement Acquisition	\$ 169,336.50
Design	\$ 124,213.65
Bonding Costs	\$ 123,818.08
Miscellaneous Soft Costs	\$ 81,359.84

Total Town Obligations

Replacement of various sewer components	\$ 1,439,421.25
Shelton Road final pavement restoration	\$ 900,000 - \$975,000
Tighe and Bond Construction Management	\$ 2,300,000 – \$2,500,000
Final Pavement & Infrastructure	
Improvements on all roads	\$ 3,500,000 - \$5,000,000

Assessment Amounts levied on Properties:

In determining the amount to levy on individual properties for this project, The Town of Trumbull assumes 25% of the “Sanitary Sewer Related” costs and 100% of the “Non-Sanitary Sewer Related” Costs. Therefore, \$19,733,994.27 (75% of \$26,311,992.36) is the amount shared among all residents within the Contract IV project.

Pursuant to Connecticut Statute, the WPCA has the authority to set the assessments and when setting these assessments may consider any relevant factors which include but are not limited to area, frontage, grand list valuation and to present or permitted use or classification of benefited properties. As part of determining cost sharing methodology for the assessments, the following has been the general policy of the WPCA:

- 1) It is more expensive to install sanitary sewers for neighborhoods with properties averaging an acre in size with longer lot frontage when compared to neighborhoods with properties averaging of ½ acre in size with smaller lot frontage. (As a hypothetical example: if it costs \$1,200,000 to install sewers for 30 properties having average size of an acre with average 200 foot frontage, it may only cost \$600,000 to install sewers for 30 properties having an average size of a ½ acre with 100 foot frontage.) Therefore, when project limits include properties with varying size lots, it is not fair just and equitable for the owners of smaller properties to be assessed the same amount as owners with substantially

larger residential properties as the larger properties increase the cost of the project.

- 2) In consideration that many properties of similar area size can contain a wide range of frontage lengths and all properties share the benefit of the sanitary sewers, individual assessment amounts for similar size properties must be within a reasonable range of each other.
- 3) Various properties may not have a sanitary sewer main extend across the entire lot frontage. However, in order to serve these particular properties, there are accrued construction costs beyond the limits of these particular properties required to be completed. (ie. Easements, sewer main depth considerations, etc). Therefore, costs must be shared among all the property owners within a reasonable range of each other.
- 4) There must be a charge for each property served by the sanitary sewer to account for the maintenance of the sewer system.
- 5) If a property receives an ejector (grinder) pump, additional charges for the pump installation must be added to the assessment.

Therefore, in consideration of all the concerns listed above, the following are the items used on past projects that have been adopted by the Water Pollution Control Authority to determine the individual property assessments:

- 1) In consideration of varying property sizes and frontages, a price per assessed lineal foot multiplied by the assessed property frontage has been established to determine one of the components of the assessment. The assessed frontage is equal to the actual frontage of each property subject to the minimum and maximum footage referred to below.

LOT SIZE CHART

LOT SIZE	LIMITS		FEET
Up to .499 acre	Min.	80'	Max. 125'
From .500 to .999 acre		125'	150'
From 1.00 acre and greater		150'	175'

Corner lots will be assessed for only one side of frontage, which shall be the side bordered by the sewer line -- or the shorter side if both sides are bordered by the sewer line.

The addition of each assessed frontage is considered **Total Assessed Frontage.** As of this time, the **"Total Assessed Frontage"** calculated for this project is 121,622 lineal feet. The total assessed frontage can change pending review, comments and corrections from individual property owners. Below is a summary of the calculation used to determine the **"Price per Assessed Lineal foot"**

75% of the Sanitary Sewer Costs: \$19,733,994.27

Price per assessed lineal footage: \$19,733,994.27 divide by 121,622
LF = \$162.26/LF of assessed
property frontage

Individual assessment amounts: \$162.26 times assessed property
frontage

- 2) In consideration of maintenance costs, a flat fee of \$500.00 per lot is included, plus
- 3) In consideration of the installation of a grinder pump, if your property receives a grinder pump, a minimum charge of \$3,500.00 plus other potential expenses as described in the Grinder Pump Letter and License Agreement shall be added.

Residents will have the option of paying for the final assessment amount in one of three (3) following ways.

- 1) Payment in full within 30 days of first billing **OR**
- 2) Make an initial payment of \$500.00 plus 20 Annual Payments of the remaining principal balance at a bonded interest rate of 2.75% **OR**
- 3) Make an initial payment of \$500.00 plus 20 Annual Payments at a bonded interest rate of 2.75% paid in equal quarterly installments.

As part of the Public Hearing on November 20th, 2012 and other inquires from resident calls to the Sewer Department, below are typically asked questions about the assessments:

1) What are the project costs?

The WPCA Obligation related costs for the project used in the assessments are \$26,311,992.36.

2) Are existing wetlands on the property considered in the assessment determination?

The property area category used in the calculation is based on the overall area including the wetlands. However, if the overall size of the property is 3.2 acres and contains wetlands, the category for area used in the calculation uses 1.0 acre as the maximum area considered. (refer to "Lot Size Chart" above).

3) Why are the current assessments higher than the assessments proposed in 2002?

The letter distributed in 2002 indicates *"The cost in today's dollars, about \$15,000 - \$18,000, is a fairly typical assessment. All assessments are based on the actual construction, engineering and administrative costs for your project"* Listed on the first page are the costs used to determine the assessments. Actual utility construction costs, design costs and duration of the term in view

neighborhood all play a role in the final assessments. Project costs for neighborhoods with properties having an average acre in size are more expensive than project costs for neighborhoods with properties having an average of ½ acre in size.

4) Are the grinder pump charges included in the assessment amount?

As part of the November 7th 2012 assessment letter sent to the residents, item #3 describes the costs associated with the grinder pump installation. The summary of charges described in the bottom of the letter indicates if the grinder pump charges are included or not included. If the amount is "\$3,500.00", your property is proposed to receive a grinder pump and therefore, is included. If the amount is "\$0.00", your property is not proposed to receive a grinder pump and therefore, is not included and not applicable.

5) What is the objective of the assessments?

In accordance with the Connecticut State Statutes for Municipal Sewerage Systems, the Water Pollution Control Authority may levy benefit assessments to the property owners served by the project. The purpose of the assessment is to collect funds from residents benefiting from the system and those funds are in turn used to pay the bond obligations associated with the project.

6) The project is not complete, when will it be completed and why are we receiving the assessments at this point?

The cost of the project was separated into two categories, WPCA Obligations and Town Obligations . The WPCA items are approximately 99% completed. Any remaining costs to complete the WPCA items have been categorized and are included in the assessments. Work associated with Town items have not been completed. They are not included in the assessments. At this time, we anticipate the completion of the drainage work and roadway paving will occur in the Spring and Summer of 2013.

7) Sewers were installed on Huntington Road. Is there the potential for Stratford residents to connect to the system paying an assessment?

No. Other residents (from Trumbull or residents from another town) are not allowed to tie in without approvals for the WPCA. If any other resident (from Trumbull or Stratford) proposes to connect, they will be required to pay a connection charge.

8) There was a reduction of \$2,000,000 on the Jog Hill sewer project, is this project getting a similar reduction?

The reduction of approximately \$2,000,000 on the Jog Hill project was based on eliminating various items from the overall costs and assessed the residents based on the remaining costs. In the current North Nichols sewer project, the town eliminated the Town Obligations from the assessment amounts. The Town Obligation totals more than \$2,000,000.

9) Can the Town eliminate the interest rate charge if the homeowner chooses the 20 year option?

The interest rate charged to the residents as part of the assessment is based on the average interest rate the town is paying for the separate bond sales. The town will not waive this charge.

10) Various questions pertained to if the actual sewer main installed in front of the property is less than the actual frontage being charged.

Property frontage is only one of the 5 main policy considerations by the WPCA when balancing the cost sharing methodology for the project (Please refer to the items above). The frontage length used in the calculation is based on an assessed frontage length. The reason the frontage length is not the only consideration is that, in order to serve these particular properties, there are accrued construction costs beyond the limits of their properties required to be completed (ie. Easements, sewer main depth considerations, etc). Therefore, costs must be shared among all the property owners. Additionally, since all properties share the benefit of the sanitary sewers, individual assessment amounts for similar size properties must be within a reasonable range of each other.

11) What is the rationale behind using the street frontage rather than taking the total project cost divided by the number of household to determine the amount of the assessment?

It is one of the policy of the WPCA that it is more expensive to install sanitary sewers for neighborhoods with properties averaging an acre in size with longer lot frontage when compared to neighborhoods with properties averaging of ½ acre in size with smaller lot frontage. (As a hypothetical example: if it costs \$1,200,000 to install sewers for 30 properties having average size of an acre with average 200 foot frontage, it may only cost \$600,000 to install sewers for 30 properties having an average size of a ½ acre with 100 foot frontage.) Therefore, when project limits include properties with varying size lots, it is not reasonable for the smaller size properties to subsidize the cost of the project for the larger size properties. However, since all properties share the benefit of the sanitary sewers, individual assessment amounts for similar size properties must be within a reasonable range of each other.

12) If a septic system was recently installed, do we need to connect into the sewer system?

Homeowners with access to the sanitary sewer system wishing to remain connected to their septic system are required to submit an application for an extension of time to Connect to the sewer system. The granting of the extension is contingent on the approval by the Trumbull Monroe Health District after an inspection of the system is conducted. The current fee for that inspection is \$135.00. The fee and the inspection is not required of residents with septic systems less than 15 years old. The granting of an Extension of Time to Connect has no effect upon the obligation of the property owner to make all payments when due on the Sewer Assessment which will remain in full force.

13) Are the guidelines subject to change or can they be amended?

All guidelines and processes are subject to change. However, the policies and procedures used to determine the cost sharing methodology have been adopted by the WPCA.

14) If the installment method of payment is chosen, can the assessment be prepaid at a later date?

If the installment method is chosen, you will always have the option of pre-paying the remaining principal balance at any point.

15) A property was bought in an earlier year and the owner was not told about the sewers at that time, who should have told the owner about the project?

Generally, the buyer or seller must research this information. The due diligence to determine if there is any outstanding or pending assessments is customarily handled at closing through the buyer, seller their attorneys and/or realtors.

16) Various sewer laterals were not installed in the desired location?

This must be reviewed on an individual basis. Property owner must contact the Sewer Department.

17) When will the assessments bill be sent to the residents?

It is anticipated that the assessments invoices will be sent in July, 2013.

18) Based on the review of the individual house assessed frontage lengths and potential modifications thereof, can other individual assessments increase?

Yes. Currently, the "Total Assessed Frontage" for the project is 121,622 lineal footage and the corresponding price per assessed lineal footage is \$162.26. If the Total Assessed Frontage is slightly reduced, the final price per assessed lineal footage will increase.

19) If a resident chooses to pay the assessment over 20 years, will it be a requirement to pay off the assessment upon sale of the property?

No. The assessment will be a lien on the property. The Town will not require the lien to be paid off upon the sale of the property. However, any negotiation of the payment of the lien will be between the buyer, seller and potentially the lender.

20) What are the sewer usage fees?

Sewer usage fees are based on actual water usage. The residential Sewage Treatment per 100 CF of water used is \$4.43. The Industrial Sewage Treatment per 100 CF of water used is \$4.82. If you are on a well, the flat rate for the quarter is \$130.26. If you are not connected to the sewer lateral, there is a flat rate of \$27.00 per quarter.

21) Is there a reduction for Armed Service Veterans?

As of this time, there is no reduction for Armed Service Veterans.

22) If the lateral serves an empty lot, will the assessment have to be paid?

Assessments are applied to the empty lot. However, the payment due date is deferred until the property is developed.

23) How do the assessments for the North Nichols Project compare to the Jog Hill Project, Contract 3?

Below is a list of varying frontages and their respective costs for both projects

Jog Hill Contract 3 Project (Interest Rate @ 3.804% fixed for 20 years)

Frontage	Total Assessment	Yearly Installment	Quarterly Installment
175' frontage	\$24,654.15	\$1,782.75	\$445.69
150' frontage	\$21,203.56	\$1,533.24	\$383.31
100' frontage	\$14,302.37	\$1,034.21	\$258.55

Above assessments are based on price per assessed frontage of \$138.02.

North Nichols – Contract 4 Project (Interest Rate = 2.75% fixed for 20 years)

Frontage	Total Assessment	Yearly Installment	Quarterly Installment
175' frontage	\$28,895.50	\$1,897.62	\$474.41
150' frontage	\$24,839.00	\$1,631.22	\$407.81
100' frontage	\$16,726.00	\$1,098.43	\$274.60

Above assessments are based on price per assessed frontage of \$162.62. This price is subject to change based on final "Total Assessed Frontage".

24) For corner lots, is the frontage based on both sides?

Corner lots will be assessed for only one side of frontage, which shall be the side bordered by the sewer line – or the shorter side if both sides are bordered by the sewer line

25) Which contractors can potentially install the sanitary laterals for the properties?

The homeowner can choose their own sanitary contractor provided that the contractor is able to obtain a sewer permit from Trumbull's sanitary department

If there are any questions not listed above, or if residents have any other questions, please do not hesitate to call the Sewer Department (203-452-5048).