

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

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



October 5, 2015
MINUTES

Chairman Massaro called the meeting to order at 8:04 p.m. at the Trumbull Town Hall, Trumbull, Connecticut and stated that the resolution which is the subject of this meeting is available to the public and may be obtained at this meeting. All present joined in a moment of silence and the Pledge of Allegiance. During the moment of silence the Chair asked all present to remember the passing Arlyne Fox. She was resident of Tashua, a long standing member of the Planning & Zoning Commission and in that capacity she served on the Inland Wetlands & Watercourses Commission and in that capacity served on the Planning and Zoning Commission. She served our Town very well, was very conservation minded and loved her beautiful town. The Chair also asked all present to remember the shooting victims of the Oregon Community College shooting.

Present:

Carl A. Massaro, Jr.	Enrico R. Costantini	Joseph G. Pifko
Mark S. LeClair	Suzanne Testani	Vicki Tesoro
Michael London	Cynthia L. Penkoff	Antonio Pettiti
Donna Seidell,	Tony Scinto	Kenneth M. Martin, Sr.
Daniel Marconi	Scott Wich	Ann Marie Evangelista
Edna Colucci	Vincent DiMasi Jr.	Mary Beth Thorton
Ennio DeVita	Bethany Llodra Gilman	

ABSENT: Lori Rosasco Schwartz

ALSO PRESENT: First Selectman Timothy Herbst, Chief of Staff Lynn Arnow, John Marsilio, Director of Public Works, Maria Pires, Director of Finance, Chief Lombardo, Deputy Chief Thomas Savarese, Bond Counsel Joseph Fasi, Esq. BOE Business manager Sean O'Keefe, Superintendent of Schools Dr. Gary Cialfi, BOE Member Loretta Chory and BOE Bond Counsel Steven Studer, Esq.

PUBLIC COMMENT:

There were two (2) people present to speak. (See Attached).

APPROVAL OF MINUTES: Moved by Ms. Penkoff, seconded by Ms. Seidell to approve the September 10, 2015 meeting minutes as submitted. VOTE: Motion CARRIED unanimously.

Moved by Mr. London, seconded by Mr. Pifko to take item #9 out of order.
VOTE: Motion CARRIED unanimously.

BUSINESS:

1. RESOLUTION TC25-207: Moved by Mr. DiMasi, seconded by Ms. Llodra Gilman. BE IT RESOLVED AND ORDAINED, That Chapter 2. Article II- Officers and Employees, Section 2-55 Municipal Contracts with Public Officials Prohibited, of the Trumbull Municipal Code is hereby enacted. (Full Ordinance Attached)

Committee Report: The L&A Committee met on September 29, 2015 and voted 5-1 (AGAINST: Wich).

The Chair OPENED the Public Hearing at 8:20 p.m.
There was no one present to speak.
The Chair CLOSED the Public Hearing at 8:21 p.m.

First Selectman Herbst stated this ordinance is the first step to revision of the Ethics Code. At the Ethics Commission's last meeting it was their consensus the Ethics Code revision should come from the Town Council since it is part of the Municipal Code. This will bridge the gap between the Charter and the Purchasing Policy. In 2013 there was an Ethics complaint filed but it was unclear as to what a public official was or defined as. This ordinance will make that clear. There were two part time employees of the Town that were also functioning as vendors. This ordinance will eliminate the ambiguity and any potential conflict. First Selectman Herbst confirmed for Ms. Penkoff that this would not affect vendors at the Fall or Arts Festival, this would only apply to vendors who are involved in the bid process (RFP's and/or RFQ's) or a bid waiver.

Mr. Wich stated he respectfully disagreed with First Selectman's interpretation of Chapter III, Section 6, subsection G (iv) of the Town Charter and believes this ordinance to be in conflict with it. Mr. Wich stated he believes this ordinance sends the wrong message to those who might otherwise be interested in serving on a board and/or commission. This leaves a loop hole for any LLC or Inc. to be able to bid. This is an issue for a Charter Revision, and suggested to look at the policies of the Town first and if the Ethics Code needs revision it would need to start with the Charter. (Ms. Colucci left the meeting at 8:33 p.m.) Mr. Wich stated an employee of the BOE who would want to serve could not be able to under this ordinance and if the same person happened to have a business they would have to choose whether they wanted to serve or bid on Town work. Ms. Penkoff suggested amending the ordinance by capping the dollar amount. This would address all of the issues raised. First Selectman Herbst explained an employee of the BOE works for the Town they were not hired as a result of a RFP or RFQ, therefore they would not have to make the choice. This ordinance clearly states if you are a public

official you cannot serve and do business in Town. This will eliminate any ambiguity. The Code of Ethics has not been revised since 1989. (Ms. Colucci returned to the meeting at 8:34 p.m.) Mr. Costantini spoke in favor of the ordinance; if someone wants to do business in Town they should not serve in Town government. The example of the BOE employee is not a fair example. It is against state statute to restrict a resident for running for office unless it is the BOF. If that same BOE employee wanted to bid on something in Town then according to this ordinance they could not serve as a public official.

Mr. London stated the First Selectman took an important step in revising the Code of Ethics and should be commended. This takes care of an issue that could lead to litigation and clears a gray area.

Mr. Pifko spoke in favor of the ordinance and noted with regard to the reference to notice requirements that he had never in all his years living in Town had gone to the Town Clerk's office to read a notice on the board. The ordinance is very clear.

First Selectman Herbst stated this should apply to all officials not just one as the notice reference section only was written for one instance (tree warden). The ordinance serves as equal protection for all. Mr. Wich spoke to the loop hole of the LLC's it only costs \$120 to become a LLC.

VOTE: ADOPTED 14-4-1 (Against: Tesoro, Wich, Thornton and Marconi)
(ABSTENTION: Evangelista)

2. RESOLUTION TC25-199: Mr. London moved, and the motion was seconded by Ms. Penkoff, to read the title of the following proposed resolution in its entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.
Mr. London moved that said resolution be adopted as introduced and the motion was seconded by Mr. DiMasi.

BE IT RESOLVED, THAT RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$9,030,000 FOR THE TRUMBULL (TOWN) CAPITAL IMPROVEMENT PLAN 2015-2016 AND AUTHORIZING THE ISSUE OF \$9,030,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE is hereby approved.

(The purpose of the amendment is to increase the appropriation and bond authorization therein by \$2,400,000, from \$9,030,000 to \$11,430,000, for the highway complex project, to transfer \$1,321,739 from prior bond authorizations thereby making the net additional bond authorization issuance \$804,508 (estimated), to reduce the 2014/15 CIP \$273,753, and to ratify, confirm and adopt all prior authorizations and bond resolutions in connection therewith.)

Committee Report: The Finance Committee met on September 30 and voted 4-0-1 (ABSTENTION: Tesoro)

Attorney Fasi explained for Ms. Tesoro the Town Council has the authority to authorize this issuance by amendment. If they had transferred the funds without this body's authorization that would be an issue.

Mr. London stated that in the past he has recused himself due to the fact that he had done business with Antinozzi Associates. He has not done any business with them in the past two years and has no current relationship with them; therefore he will not recuse himself from this resolution.

Attorney Fasi further explained for Ms. Tesoro, moving money administratively v. legislatively is different. This needs to be legislatively done which is why this resolution is before the Town Council.

Mr. Marsilio spoke to the environmental issues brought up during public comment. Thirty years ago the DEEP rules and regulations did not exist. Because issues arose the DEEP's regulations were generated. There are now MS4 permits and Industrial Discharge permits. The Highway Department has successfully applied for and have obtained these permits. There are many safeguards in place. The permit application process is done by an objective third party. They are in compliance and have been for as long as he has served as Public Works Director.

Ms. Penkoff stated she was happy to see this item on the agenda and spoke in favor of the improvements to be made at the Highway Department for those who work for the Town during emergency and weather related events and is equally as happy to see the area will be used as a training area. This is very much needed. This has been discussed for 5 years and is glad to see it come to fruition.

VOTE: ADOPTED unanimously.

Attorney Fasi left the meeting at 9:06 p.m.

Moved by Mr. London, seconded by Ms. Penkoff to take Item #3. Out of order.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC 25-201: Moved by Mr. Costantini, seconded by Mr. Marconi BE IT RESOLVED, That \$207,288 is hereby appropriated from the General Fund to FY 2014-2015 01022000-501101 Police-Salaries-FT Payout to Retired Chiefs, Other Retirements \$57,246, 01022000-501105 Police-Salaries-OT \$150,042.

Committee Report: The Finance Committee met on September 30, 2015 and voted unanimously to send without recommendation.

Ms. Pires reported the General Fund balance as \$16,644,081 as of September 30, 2015.

VOTE: ADOPTED unanimously.
(Ms. Penkoff left the meeting at 9:11 p.m.)

Moved by Mr. London, seconded by Ms. Llodra Gilman to take items #7& #8 out of order. VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC25-205: Moved by Mr. DiMasi, seconded by Ms. Testani.
BE IT RESOLVED the Town of Trumbull does hereby approve a lease/purchase financing agreement with the Bank of America for an amount not to exceed \$980,000.00 regarding the acquisition, purchase, financing and leasing of energy efficiency equipment regarding energy efficiency improvements and utility cost savings at Hillcrest Middle School, 530 Daniels Farm Road (the School).

(Ms. Penkoff returned to the meeting at 9:13 p.m.)

Dr. Cialfi explained this resolution is seeking approval of the Town entering into a lease agreement with Banc of America on behalf of the BOE. As we move forward with these projects they will ensure that all energy efficient projects will be communicated more clearly and concurrently with the BOF.

Mr. O'Keefe referred and reviewed his September 10th letter to the BOF. This project was approved with 6 other energy efficient projects for the schools in the 5-Year Capital Plan as a self funded project. There will be no requests for bonding from the Town and all investment costs will be funded by energy savings in the BOE operating budget. The first resolution is a request that the Town enter into a 10-year lease on behalf of the BOE in the amount not to exceed \$980,000 at a tax exempt rate of 2.17%. The actual amount will be defined exactly by next Friday. That amount will be in the lease. It will not be \$980,000 it will be most likely be less. The funds will cover the project net of the U.I. incentives of approximately \$310,000. They expect the first year savings to approximately \$145,000 which will more than adequately cover the first year lease payment of \$105,000. Over a ten-year period they expect the savings to be in excess of \$500,000 just on this one project alone. The project was begun immediately after the close of the 2014-2015 school year. It is substantially complete with the exception of some minor adjustments. The cost to date is \$843,000 and had been paid out of the BOE operating budget, and will be reimbursed by the lease proceeds. The second resolution is to request the BOE to apply the proceeds to reimburse the BOE's operating budget. The reason for the request was based on the timing of the work being done over the summer and the fact that they learned definitively in June that Banc of America, in order to take advantage of the tax exempt rate, the BOE would need to apply for the leasing through the Town. This news impacted their closing date of the lease financing since it necessitated additional reviews by the BOF and the Town Council. Knowing what they know now with all future projects they will be involving the BOF and the Town Council

and making sure that the financing is well within place before the start of any additional projects and/or work.

The Chair extended his gratitude to Mr. O'Keefe for forwarding the construction costs to date. For the record that amount is \$843,889.52. That was one of the questions that came out of committee and how that matched up with the lease obligation amount of \$980,000. The MOU had been distributed to the Town Council prior to this meeting. The Chair extended his gratitude to Atty. Studer and Atty. Kokenos for working on getting the MOU and the lease agreement to the full Council quickly. The agreement depends on the Town's credit but the BOE will be responsible for the payment by way of the MOU.

Mr. O'Keefe confirmed for Mr. London the interest rate is fixed for the life of the agreement. Mr. Scinto suggested moving forward that any surplus be applied to an account so that the BOE does not have to borrow so much for each project. Mr. O'Keefe explained for Mr. Wich the \$500,000 is the net savings after the lease cost.

Mr. Studer confirmed for the Town Council that the full resolution needs to be amended to the version provided to the Council at this meeting. Mr. Studer confirmed this version was slightly different than what was provided in committee. The blank has been filled in and language has been added for the Town Clerk to certify the resolution.

Moved by Mr. London, seconded by Ms. Llodra Gilman to amend the full version of the resolution with the version distributed on October 5, 2015 (Attached).

VOTE: Motion CARRIED unanimously.

Ms. Penkoff stated the totals received to date are \$843,889.52 however the lease is \$973,140.00. Mr. O'Keefe stated that is not the definitive amount. They will have the exact amount by the end of next week. That amount will be provided to Banc of America. Ms. Penkoff questioned approving a lease that is looking for a final number that it is not known yet. Atty. Studer stated the number in the lease is the number they worked with the bank, but at the end of the day with change-orders, etc. the final number may be different than what is in the proposed lease. Whatever the final number is will be what will be in lease in its final form. Ms. Penkoff expressed her concern that the final numbers are not before the council at this meeting. Ms. Penkoff stated she could approve a not-to-exceed number. Atty. Studer shares the same concern and the resolution does include a not-to-exceed phrase. They do believe the number will be very close to the number in the proposed lease and it will be less. The Chair stated the not-to-exceed \$980,000 broadly covers it. If this were a typical project that had not begun yet we would have to live with the not-to exceed-number. Ms. Penkoff stated that is the issue with this resolution, this was done in reverse order and this resolution is stipulating specific numbers. That is the problem when a project comes to them in reverse order. The Chair understood her point.

The Chair confirmed for the council the amendment of the name of the bank in Committee is included in the full version of the resolution that was amended at this meeting.

VOTE: ADOPTED as amended 18-1 (AGAINST: Scinto)

Moved by Mr. London, seconded by Ms. Testani to pass as Emergency Legislation.

VOTE: Motion CARRIED 18-1 (AGAINST: Scinto)

5. RESOLUTION TC25-206: Motion made by Ms. Llodra Gilman, seconded by Mr. London.

BE IT RESOLVED that the Town of Trumbull , including its Board of Education, (the "Issuer") hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenses paid sixty days prior to the date of passage of this resolution , and thereafter, in the maximum amount of \$980,000.00 for the Hillcrest Middle School energy efficiency project with the proceeds of lease/purchase financing bonds, notes or other obligations ("Obligations") with Bank of America , said financing obligations to be issued not later than 18 months after the later of the expenditure or substantial completion of the project, or such later date as the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse expressed herein is based upon its reasonable expectations o as of this date. The Treasurer or its designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this resolution.

Committee Report: The Finance Committee met on September 30, 2015 and voted to amend 4-1 (Against: Scinto) and as amended 4-1 (AGAINST: Scinto)

The Chair stated this resolution represents the reimbursement aspect with the technicality of the federal income tax regulations. The Chair recognized the amendment in committee.

Motion made by Mr. London, seconded by Ms. Llodra Gilman to amend by striking the name of the bank and replacing it with, "**Banc of America Public Capital Corp or its affiliate or designee**".

VOTE: Motion CARRIED 18-1 (AGAINST: Scinto)

VOTE: ADOPTED as amended 18-1 (AGAINST: Scinto)

The Chair extended his gratitude to Dr. Cialfi, Mr. O'Keefe, Mr. Demming, Mrs. Chory for their time spent with himself to get this in proper order for the Town Council.

Moved by Mr. London, seconded by Mr. LeClair to pass as Emergency Legislation.

VOTE: Motion CARRIED 18-1 (AGAINST: Scinto)

Atty. Studer recognized Maria Pires, Director of Finance noting that this could not have been done without her. The Chair agreed.

Motion made by Mr. London, seconded by Ms. Testani to take Item #6 out of order.

VOTE: Motion CARRIED unanimously. (Mr. Scinto left the meeting at 9:41 p.m.)

6. RESOLUTION TC25-204: Moved by Ms. Seidell, seconded by Mr. Pifko.

BE IT RESOLVED, That the First Selectman is hereby authorized to accept on behalf of the Town of Trumbull, a Department of Social Services grant in the amount of \$150,000 to undertake renovation and improvements to the kitchen facilities at the Trumbull Senior Center, and

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

Mr. Scinto left the meeting at 9:48 p.m.

(Mr. Scinto returned to the meeting at 9:43 p.m.)

Committee Report: The L&A Committee met on September 29, 2015 and voted unanimously.

Ms. Arnow explained for Ms. Thornton that the \$20,000 grant was awarded in 2012 and the other in the amount \$150,000 was awarded in 2013. There had been discussion of whether it would be prudent to install a new commercial kitchen in this facility. The current kitchen has many code compliance challenges. There is a lot to go into a commercial kitchen. The question came up as to whether they could use the grant to purchase equipment and then move it to a new facility. They have received confirmation today from the state that the grant is still available and they can transfer the equipment to a new location. Ms. Testani spoke in support of the resolution. (Mr. Scinto left the meeting at 9:48) Ms. Arnow indicated that a cooking kitchen would cost approximately \$12,000 - \$15,000 more than a warming kitchen and if they were to move the kitchen it would be her recommendation to consider a cooking kitchen.

Ms. Tesoro requested the grant application be forwarded to the council after this meeting. Ms. Arnow agreed.

VOTE: ADOPTED unanimously.

Mr. Scinto returned to the meeting at 9:51 p.m.

7. RESOLUTION TC 25-200: Moved by Mr. Wich, seconded by Mr. Mr. London.
BE IT RESOLVED, That \$14,485 is hereby appropriated from the General Fund to FY 2014-2015 01012200-545501 Purchasing-Legal Notice \$5,757, 01013800-545504 Town Hall-Postage \$5,123, 01013800-590012 Town Hall-Utilities-Electric 2,350, 01050200-590014 Mary Sherlach Counseling-Utilities-Telephone\$ 1,245.

Committee Report: The Finance Committee met on September 30, 2015 and voted to amend unanimously and as amended unanimously.

Moved by Mr. London, seconded by Mr. Costantini to amend the Purchasing-Legal Notice to \$5,767. VOTE: Motion CARRIED unanimously.
VOTE: ADOPTED as amended unanimously.

8. RESOLUTION TC25-202: Moved by Mr. DiMasi, seconded by Mr. Costantini.

BE IT RESOLVED, That \$491,783 is hereby appropriated from the General Fund to FY 2014-2015 01030100-501101 PW-Highway-Salaries FT (leaf pickup/snow removal) \$60,299, 01030100-501105 PW-Highway-Salaries OT-Leaf Pickup \$40,773, 01030100-501103 PW-Highway-Salaries-Seasonal-(Leaf Pickup/Snow Removal) \$44,794, 01030101-501105 PW-Snow Removal-Salaries-OT \$137,099, 01030101-522205 PW-Snow Removal-Program Expenses \$189,943, 01030300-501101 PW Fleet Maintenance-Salaries-FT-Leaf Pickup.

Committee Report: The Finance Committee met on September 30, 2015 and voted to amend unanimously and as amended unanimously.

Moved by Ms. Llodra Gilman, seconded by Mr. Pifko to amend by adding \$18,875 after the 01030300-501101 PW Fleet Maintenance-Salaries-FT-Leaf Pickup. VOTE: Motion CARRIED unanimously.
VOTE: ADOPTED as amended unanimously.

9. RESOLUTION TC25-203: Moved by Mr. Petitti, seconded by Mr. London.
BE IT RESOLVED, That \$228,230 is hereby transferred from Town Hall Contingency to FY 2014-2015 various accounts. (FY Ending June 30, 2015) (Schedule Attached)

Committee Report: The Finance Committee met on September 30, 2015 and voted unanimously.

VOTE: ADOPTED as amended unanimously.

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

There being no further business to discuss the Town Council adjourned by unanimous consent at 9:59 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

RESOLUTION AMENDING A RESOLUTION
APPROPRIATING \$9,030,000 FOR THE TRUMBULL (TOWN)
CAPITAL IMPROVEMENT PLAN 2015-2016 AND
AUTHORIZING THE ISSUE OF \$9,030,000 BONDS OF THE
TOWN TO MEET SAID APPROPRIATION AND PENDING
THE ISSUANCE THEREOF THE MAKING OF TEMPORARY
BORROWINGS FOR SUCH PURPOSE

Section 1. A Resolution adopted February 5, 2015, entitled "RESOLUTION APPROPRIATING \$9,030,000 FOR THE TRUMBULL (TOWN) CAPITAL IMPROVEMENT PLAN 2015-2016 AND AUTHORIZING THE ISSUE OF \$9,030,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" (the "Prior Resolution") is amended to increase the appropriation and bond authorization therein by \$2,400,000 from \$9,030,000 to \$11,430,000 to finance the revised 2015-2016 CIP to include a highway complex project, transfer and utilize prior unexpended proceeds to fund a portion of the increase, and reduce prior CIP bond authorizations (all CIP references in this resolution are to Town CIPs) as follows :

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

RESOLUTION APPROPRIATING \$11,430,000 FOR THE
TRUMBULL (TOWN) CAPITAL IMPROVEMENT PLAN 2015-
2016, AUTHORIZING THE ISSUE OF BONDS AND NOTES OF
THE TOWN TO MEET SAID APPROPRIATION, AND
MAKING TRANSFER FROM AND REDUCING PRIOR CIP
RESOLUTIONS TO FUND A PORTION OF SUCH
APPROPRIATION

Section 2. The amount \$11,430,000 is substituted for the amount \$9,030,000 wherever \$9,030,000 appears in the Prior Resolution.

Section 3. Section Eight is added to the Resolution as follows:

(a) The highway complex project included in the 2015-2016 CIP replaces projects (the "replaced projects") authorized in prior CIP bond resolutions. As a result appropriations for the replaced projects are no longer necessary. The Town intends to transfer unexpended proceeds from the replaced projects to the highway complex Project, reduce the bond issuance authorization in the amount of the transferred funds, and in those instances where bonds have been authorized but not yet been issued for a replaced project, reduce the bond issuance authorization in the applicable amount.

(b) In order to accomplish the foregoing purposes the following transfers of previously issued and unexpended proceeds to the 2015-16 CIP are authorized and reductions in the appropriation and bond authorization from the CIP transfer source are approved:

- i) \$613,436 from the 2011-2012 CIP,
- ii) \$256,245 from the 2012-2013 CIP (Roads/Fleet), and
- iii) \$452,058 from the 2013-14 CIP.

The above referenced transferred proceeds shall upon the final effective date of this resolution be applied as bonds authorized to be issued and issued under the authority of this resolution, the appropriation and bond authorization for each such prior CIP resolution shall be reduced in the same amount, and the amounts transferred applied to and expended for the purposes of this resolution. The Finance Office shall determine the exact amounts to be transferred; the estimated aggregate amount is \$1,321,739. Nothing in this section or resolution shall effect the validity of the Town's full faith and credit pledge to pay bonds previously issued.

c) In order to accomplish the foregoing purposes the 2014-2015 CIP bond issuance authorization is amended by reducing the authorization therein in the amount of \$273,753, from \$7,444,667 to \$7,170,914.

RESOLUTION TC25-207

AN ORDINANCE CONCERNING PUBLIC OFFICIALS AND TOWN CONTRACTS

WHEREAS, the Town of Trumbull recognizes that public officials, by virtue of the trust placed in them by the citizens of the Town of Trumbull, must recognize that their primary responsibility is to the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, the Town of Trumbull seeks through procurement practices paid services to be provided on behalf of the citizens and taxpayers of the Town of Trumbull; and

WHEREAS, "public official" shall be defined as any elected or appointed town official, officer or employee of the Town of Trumbull and the Board of Education; and

WHEREAS, "Town Work" shall be defined as any bid or bid-waived requests covered by the Town's Purchasing policy and/or any professional service performed on behalf of the Town of Trumbull or its Board of Education and paid for by the Town of Trumbull or the Board of Education.

Now Therefore, BE IT RESOLVED AND ORDAINED

1. Public officials shall be prohibited from receiving any town work procured through a public bid or bid waived process so as to avoid any appearance of impropriety or conflict of interest; and;
2. Public officials cannot circumvent the intent of this ordinance by receiving town work through a bid waiver, as proscribed by the Trumbull Town Charter.
3. The Town of Trumbull Purchasing Policy "Conflicts of Interest" is hereby repealed and superseded with the provisions of this ordinance.

RESOLUTION TC 25-188:

Personal Information Privacy Ordinance

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

1. Definitions.

- a. "Disclose" shall mean to reveal, release, and transfer, disseminate or otherwise communicate Protected Information orally, in writing or by electronic or any other means other than to the subject of the Protected Information.
 - b. "Protected Information" shall mean the Social Security Number, Driver's License Number, State Identification Card Number, Credit or Debit Card Number, Taxpayer Identification Number, Date of Birth, Financial Account Number, Health Information, Home Address and, in the case of minor children, Name, recorded or maintained by any means, including through physical or electronic records, of any resident of the Town of Trumbull.
 - c. "Town" shall mean The Town of Trumbull, including all officials, employees, departments, boards and commissions of the Town, but excluding the Town's Board of Education and its officials, employees or volunteers while in the performance of their duties to the Board of Education;
 - d. "Town-Related Organization" shall mean all organizations which enter into contracts or other agreements with the Town for: (i) the use of Town facilities or properties in order to provide goods, services or programs within the Town; or (ii) the use of Town-provided services to assist in the maintenance or operation of the organization.
2. Collection of Protected Information. The Town and Town-Related Organizations, as the case may be, may only collect Protected Information to the extent reasonably necessary to: (a) comply with legal obligations, or (b) conduct their operations.
3. Maintenance of Protected Information. The Town and Town-Related Organizations, as the case may be, shall implement reasonable safeguards to prevent the unauthorized disclosure of Protected Information.
4. Use and Disclosure of Protected Information. The Town and Town-Related Organizations, as the case may be, shall not disclose Protected Information except: (a) to the extent necessary to comply with legal obligations, or (b) as may be reasonably necessary to carry out the functions of the organization. In all such instances, use or disclosure shall be limited to the greatest extent practicable. Nothing herein shall be construed to prohibit the use or disclosure of such information by or among

employees, volunteers or officials of the Town or Town-Related Organization, as the case may be, in the course of performing their regular duties.

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

MODEL POLICY

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

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

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

Signed:

Chief Executive Officer

(name of organization)

Dated: _____

FORM OF AUTHORIZING RESOLUTION

A RESOLUTION OF THE TOWN COUNCIL OF TRUMBULL, CONNECTICUT, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT REGARDING ENERGY EFFICIENCY IMPROVEMENTS AND UTILITY COST SAVINGS AT HILLCREST MIDDLE SCHOOL, 530 DANIELS FARM ROAD (THE "SCHOOL"); AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, the Town of Trumbull (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Connecticut, on behalf of its Board of Education, is authorized by the laws of the State of Connecticut to purchase, acquire and lease personal property for the benefit of the Lessee and for the education of its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment with a cost not to exceed \$980,000.00 constituting personal property necessary for the efficient provision of lighting, heating and air conditioning at the School (the "Equipment"), including, without limitation, for the following purposes: replacement of existing 48-year old boilers with high-efficiency gas-fired modulating and condensing boilers, installation of new automated HVAC and lighting controls, replacement of existing incandescent and fluorescent lighting with LED lighting; and

WHEREAS, in order to acquire such Equipment, the Lessee proposes to enter into an Equipment Lease/Purchase Agreement (the "Agreement") with Banc of America Public Capital Corp (or one of its affiliates)(the "Lessor"), upon the terms and conditions set forth in a certain proposal letter dated July 2, 2015 (the "Proposal"); and

WHEREAS, the Town Council deems it for the benefit of the Town and for the cost-efficient and effective education of its students by the Board of Education of the Town of Trumbull to enter into the Agreement and the documentation related to the financing of the Equipment for the purchase, acquisition and leasing of the Equipment to be therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Town Council as follows:

Section 1. Approval of Documents. The terms and provisions of the Agreement are hereby approved substantially as set forth in the Proposal and the Town Director of Finance or its designee is hereby authorized and directed to execute the Agreement and any related Exhibits attached thereto and to deliver the Agreement (including such Exhibits) to the respective parties thereto, and the Town Director of Finance or its designee is hereby authorized to affix the seal of the Lessee to such documents.

100809298 DOC Ver 2)

1

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of Acceptance Certificates and any tax certificate and agreement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the Rental Payments payable under the Agreement are special limited obligations of the Lessee as provided in the Agreement.

Section 4. Appointment of Authorized Lessee Representatives. The Town Director of Finance or its designee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the Town Council of the Town of Trumbull, Connecticut this 5th day of October, 2015.

CERTIFICATION

I, the undersigned, SUZANNE BURR MONACO, Town Clerk of the Town of Trumbull, hereby certify that the foregoing resolution constitutes a true copy of the resolution adopted by the Town Council of the Town of Trumbull.

Town of Trumbull Town Clerk,
Suzanne Burr Monaco

PUBLIC COMMENT

1. Angela Bulckley of 2373 Huntington Turnpike was present and spoke in favor Resolution TC 25-199, the improvements at the Highway Department. She is running for Town Council and has spoken with residents who had voiced their concern for the workers at the Highway Department during storm or emergency events.
2. Tony D'Aquila of 29 Valley View Road was present and spoke against the improvements at the Highway Department. He would rather see the department relocated. He voiced his concern for the environmental effects to the Pequonnock River and to the surrounding neighbors of the Highway Department.

DATE OF MEETING: SEPTEMBER 10, 2015

TRANSFERS TO/FROM - FY ENDING JUNE 30, 2015

TRANSFER NUMBER	ACCOUNT DESCRIPTION	ACCOUNT NUMBER	BALANCE BEFORE TRANSFER	AMOUNT OF TRANSFER	BALANCE AFTER TRANSFER		
09-15-07	FROM						
	Town Hall-Contingency	01013800-501116	234,000.00	(228,230.00)	5,770.00		
	TO						
	Assessor - Salaries FT-Mate Cont	01011600-501101	(3,365.66)	3,366.00	0.34		
	Purchasing-FT Salaries	01012200-501101	(595.22)	596.00	0.78		
	Treasurer-Salaries-FT-2 additional day in FYE	01012400-501101	(166.88)	167.00			
	Town Clerk-Salaries-FT (Mate Contract and 2 add'l days in FYE)	01013600-501101	(3,844.13)	3,845.00	0.87		
	Police-Salaries-FT Payout to Retired Chiefs	01022000-501101	(114,245.52)	57,000.00	(57,245.52)	Supplemental	
	PW-Highway-Salaries FT-HW/Parks contract	01030100-501101	(129,810.20)	69,512.00	(60,298.20)	Supplemental	
	PW-Highway-Salaries OT-HW/Parks contract	01030100-501105	(44,793.21)	4,021.00	(40,772.21)	Supplemental	
	PW-Snow Removal-Salaries-OT HWY/Parks Contract	01030101-501105	(148,776.53)	11,678.00	(137,098.53)	Supplemental	
	PW-Building Maintenance-Salaries-OT HWY/Parks Contract	01030200-501105	(16,282.39)	8,371.00	(7,911.39)	Transfer	
	PW-Fleet Maintenance-Salaries-FT-PW/Parks Contract	01030300-501101	(39,271.39)	20,397.00	(18,874.39)	Supplemental	
	PW-Fleet Maintenance-Salaries-OT-PW/Parks Contract	01030300-501105	(6,794.86)	663.00	(6,131.86)	Transfer	
	PW-Engineering-Salaries-FT-Mate Contract, 2 add'l days in FYE	01030500-501101	(11,518.20)	11,519.00	0.80		
	Mary Sherlach Counseling - Salaries-FT-Mate Contr	01050200-501101	(4,694.43)	4,695.00	0.57		
	Parks-Salaries-FT-Hwy/Parks contract	01080600-501101	15,859.98	31,998.00	47,857.98	To transfer w/in Dept	
	Arts Comm - Salaries PT - 2 additional day in fiscal year	01080900-501102	(401.27)	402.00	0.73		
				<u>228,230.00</u>			
	To transfers salaries for approved contracts, final payouts to retirees and 1 additional day in FYE (budget based on 52 weeks, 2 extra day this year)						