

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

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(203) 452-5005



Trumbull Town Council
MINUTES
June 6, 2011

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:10 p.m. at the Trumbull Town Hall, Trumbull, Connecticut. All present joined in a moment of silence and the pledge of allegiance. The Chair stated to all present that this day is the 47th anniversary of D-Day requesting to keep our forefathers and sisters, who made it possible for all of us to have the privileges of democracy, in our thoughts and prayers and to think of George Burr, a long time Trumbull resident, who was first line on Omaha Beach on D-Day.

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

PRESENT

Suzanne S. Testani
Chadwick Ciocci
Roberta A. Bellows
Tony J. Scinto
Jeff S. Jenkins
Daniel Helfrich
John A. DelVecchio, Jr.
Kristy L. Waizenegger
Robert J. Pescatore, Jr. (arrived at 10:32 p.m.)

Mark S. Altieri
Carl A. Massaro, Jr.
James F. Meisner
Debra A. Lamberti
Jane Deyoe
Michael Rappa
Ann Marie Evangelista
Mary Beth Thornton

ABSENT

John M. Rotondo
David R. Pia
Michael J. London
Martha A. Jankovic-Mark

Also Present: First Selectman Timothy M. Herbst, Chief of Staff Mr. Daniel Nelson, Director of Finance Maria Pires, Chairman of the Charter Revision Commission Judge Chiota, Charter Revision Commissioners, William Holden, Gail Hanna, James Cordone, Paul Timpanelli, CRC Attorney Maslan, Town Attorney Edward Walsh, Bond Counsel Joseph Fasi, Al Barbarotta of AFB Construction Management, John Barbarotta of AFB Construction Management, Brian Holmes of O&G Construction, Stephen Burgess of JCJ Architecture, WPCA Commissioners, Tim Hampford, Karen Egri and Paul Kallmeyer.

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

APPROVAL OF MINUTES: Moved by Mr. Jenkins, seconded by Ms. Waizenegger to approve the May 2, 2011 meeting minutes as submitted. VOTE: 14-0-1 (Abstention: Altieri).

Moved by Mr. Jenkins, seconded by Mr. Ciocci to approve the April 14, 2011 special meeting minutes as submitted. VOTE: Motion carried unanimously

Moved by Mr. Jenkins, seconded by Ms. Testani to approve the April 27, 2011 special meeting minutes as submitted. VOTE: Motion carried 11-0-4 (Abstentions: Bellows, Ciocchi, Jenkins, and Altieri)

DISCUSSION ITEM:

Trumbull High School Building Committee Update:

Owner's Rep Update: Mr. A. Barbarotta reported at this time the project is in summer mode; the kitchen has been shut down; a temporary kitchen has been set up. At the next THS Building Committee meeting, Wednesday, June 8, 2011, the epoxy or quarry tile kitchen floor decision will be made. The project is progressing smoothly through the academic wing. The summer work will include the removal of the gymnasium floor and seating. The gymnasium will be made available for graduation if necessary. The intent for graduation is to have the existing home side of the bleachers stay as it is and the visitor side will be installed, this will allow for full access of the stadium on graduation day. The high school will be closed down for as much of the summer as possible to allow work to progress; the auditorium access will be under limited use only. A significant amount of work will be done this summer; contractors will be working double shifts.

Architect's Update: Mr. Burgess reported that the state had accepted the concession stand and site-work drawings for review; they are expecting to hear from the state on June 10, 2011. Some paving is expected to be done next summer. The THS Building Committee accepted the FF&E and Technology (hardware) bids; they are scheduled to be installed in phases.

In response to the Chair, Mr. Holmes stated that there is a full schedule of work scheduled for this summer, if a portion of work is not done this summer it would be done next summer. Mr. Holmes noted that if they complete all scheduled work this summer, next summer would be that much easier.

The Chair suggested now is the time to ask the BoE to adjust next year's school schedule to allot more time to next summer's work schedule if you need it. Mr. Holmes stated exclusive use of the school would be beneficial. The Chair requested that Mr. Holmes let them know when known. Mr. Holmes thanked the Chair.

In response to Ms. Testani, Mr. Holmes and Mr. Burgess confirmed that the auditorium will be available and set up for graduation day if necessary.

In response to Mr. Meisner's question, Mr. Barbarotta reported that there is a combined amount of \$4 million dollars in the Owner's and CM's contingencies. There are some major items, such as the parking lot that have not been decided upon to date. They are currently testing the parking lot to see how much will have to be ripped out and what drainage issues there may be; they had hoped to resurface some of the parking lots. There is some exposure on this item. One of the items on this evening's agenda is to reduce the THS Renovate-As-New project's budget by \$4 million. It is not expected moving forward that the project will come across an issue of major significance or impact to the budget, as the project moves further along the less of the unknowns there are. The building committee would rather see the funds stay in order to guarantee to have money available to do everything. Mr. Barbarotta explained that it is prudent to remove the \$4 million. It will force them to hold the line on every single item; the building committee has done a great job with that all along.

Mr. Holmes stated that he concurred with Mr. Barbarotta; the last cost estimate done showed that if everything was done and the contingencies were used the project would be able to come in at budget with the reduced budget number; further explaining that the project would have to watch the pennies and how they are spent.

In response to a question from Mr. Meisner, Mr. Barbarotta explained that once the state is committed to a project, and the project's budget were to be increased by 10% or greater they would probably have to go back to state. Mr. Barbarotta explained that the project is not planning on having to increase the funds after this reduction. The project has already been authorized at the full amount; changing the amount would not cause the state to take any action.

In response to a question from Mr. Jenkins, Mr. Barbarotta confirmed that after the \$4 million is reduced from the project's budget they will still be able to pave the parking lots. The \$4 million is not being taken out of the project's needs; it just not making those funds available is not spent.

In response to a question from Mr. DelVecchio, Mr. Barbarotta stated that they are in a position where the Town is going to set the bond notes; this represents a readjusting of the budget number to an honest amount based on good facts. The decision was made on the fact that there is very little guess work left to the project, the project is that far along.

BUSINESS:

1. Resolution TC 23-164: Moved by Mr. DelVecchio, seconded by Ms. Testani.
BE IT RESOLVED, That the following programs as eligible under the Neighborhood Assistance Act: Trumbull nature and Arts Center-Greenhouse for Education; The Kennedy Center-Administrative Building Parking Lot and Expansion; Connecticut Radio Information System-Radio Reading Service at Trumbull Studio: St. Vincent's Special Needs Center, Inc.-Augmentative Communication Services are approved.

Committee Report: the L&A Committee met on May 23, 2011 and voted unanimously.

VOTE: Resolution Adopted unanimously.

2. RESOLUTION TC23-165: Moved by Mr. Helfrich seconded by Mr. Ciocci.
BE IT RESOLVED AND ORDAINED, That Chapter 19 Utilities, Article II Sewers and Sewage Disposal of the Trumbull Municipal Code is hereby amended to include Division 4, a municipal ordinance on the Discharge of Fats, Oils, and Grease in the Town of Trumbull.

Committee Report: the L&A Committee met on May 23, 2011 and voted unanimously.

Attorney Walsh stated that Atty. Kokenos had recommended that it would be in the best interest of the Town to postpone the resolution to next month; Section 8 – titled Violations of the ordinance needs to go back to the WPCA for determination what fines should be set and the time period that the fines would be assessed.

Moved by Mr. DelVecchio, seconded by Mr. Helfrich to postpone Resolution TC23-165 to the July 7, 2011 Town Council meeting.

In response to Mr. Altieri, the Chair confirmed based upon the Town Council Rules every item that is on the agenda goes to committee first, this will be assigned to the L&A committee.

In response to Mr. Jenkins, Atty. Walsh confirmed that this ordinance is a state mandate.

VOTE: Motion carried unanimously.

3. RESOLUTION TC23-167: Moved by Mr. Jenkins, seconded by Mr. DelVecchio to read the title and Section 1 of RESOLUTION TC23-167: RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$28,540,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SANITARY SEWERS in their entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

VOTE: Motion carried 13-2 (Against: Altieri and Meisner)

Mr. Ciocci read the title and section 1 of this resolution.

RESOLUTION TC23-167: Moved by Mr. Ciocci, seconded by Ms. Lamberti that the resolution be adopted as introduced.

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$28,540,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SANITARY SEWERS, PHASE IV, PART B, CONTRACT IV AND AUTHORIZING THE ISSUE OF \$28,540,000 BONDS OR NOTES OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town of Trumbull has to date adopted four bond authorizing resolutions to finance the planning, acquisition and construction of the Sanitary Sewers, Phase IV, Part B, Contract IV, (the "Project") consisting of an \$850,000 bond authorizing resolution adopted by the Town Council on March 2, 2009, an additional \$610,000 bond authorizing resolution adopted by the Town Council on May 4, 2009, and an additional \$25.54 million bond authorization on September 8, 2009, and an additional \$3 million amending resolution adopted by the Town Council on October 4, 2010 (collectively the "Prior Resolutions"). The total of the appropriations and bond issuance authorizations of the Prior Resolutions is \$30.0 million. The Prior Resolutions are hereby ratified, confirmed and adopted. The sum of the appropriations and bond issuance authorizations for the Project after taking into account the additional \$4.5 million of this amendment is \$34.5 million.

Committee Report: The Finance Committee met on May 24, 2011 and voted unanimously.

In response to a question from Mr. DelVecchio, Mr. Hampford indicated the gross cost for Tighe & Bond as \$1,857,000, which includes the original contract amount of \$961,000 plus \$111,000 plus \$460,000 and \$325,000. Tighe & Bond has saved \$968,000.

First Selectman Herbst explained that the bond authorization is not representative of the final cost. Tighe and Bond had saved \$968,000 of the project cost; the Town is hopeful that there will be an additional cost savings. The \$660,000 trench drain savings had been factored into an earlier bond authorization. The cost savings have been recognized as real and have been documented by the Town's third party administrator. If as anticipated, the project is completed in late fall, the Town will be in a better position at that time to see if the bond authorization could be reduced.

Mr. Hampford stated that Tighe & Bond came on the project after the project had been 30% completed, and are seeing cost savings from review and anticipate further additional savings.

In response to a question from Mr. Scinto, Mr. Hampford explained that this sewer project is much larger than any other sewer project the Town has overseen; typically the Town would oversee the project in house; with our inspectors and engineers, but staff had been reduced. The Town took on a project that was too big for them to handle. The Jog Hill project was the first project that led to this determination. It was not until they were well into the Jog Hill project that the residents expressed their concerns over road conditions, many of those were due to oversight issues. It took a few months into the Contract IV project to realize the issues with the projects.

First Selectman Herbst stated that ideally when Contract III and Contract IV were bid, the third party administrator should have been factored in, that did not happen. The Town is a position where they knew there were problems with Contract III, such as high cost overruns and quality control issues. Contract IV had continued with the same issues and the lack of oversight. History is repeating itself on Contract IV, Contract III was originally bid at \$15 million, and ended at \$21 million. Now the same thing is happening on Contract IV; had people known the true construction costs of this project, people would not have wanted to embark upon a \$30 million project.

Mr. Hampford stated the policies and procedures need to change, there is still one more project to come. These issues have to be dealt with before the next project.

In response to Mr. Meisner, First Selectman Herbst agreed that part of the increase in cost on Contract III was the \$3.5 million extension. After review of the camera testing that was conducted on the extension, it was determined that the latent defects are the most egregious in the extension portion of the project. The extension portion of the project was not put out to bid. The defects need to be fixed. The Town will file suit for \$5.1 million dollars and will hopefully recover enough money to make those necessary repairs. It is better to spend the money to make sure that the project is done correctly and done once, rather than the situation that the Town has with Contract III referring to the litigation issue and that the Town will have to go back and dig the roads to correct those latent defects. The town wants to have Contract IV done correctly. This bond authorization includes an additional \$2.4 million for rock removal. If the money for the rock portion of this resolution is not secured the project will be delayed. Whether Tighe & Bond had been brought onto the project or not, the Town would have had to request additional bonding because it has been determined that the bid was not accurate, the rock quantity is larger and has resulted in a \$2.3 million change-order included in this bond authorization. The original bid for rock removal had been changed without any documentation of justification.

The Chair clarified that the bond resolution before the Town Council at this meeting is for the actual costs the Town is incurring.

In response to Mr. Altieri, Mr. Hampford stated that approximately 75% of the project has been completed.

(Mr. Ciocci left the meeting at 9:04 p.m.)

In response to Mr. Altieri, Mr. Hampford explained that there is \$5.4 million in permanent paving and restoration; \$4.1 million of the \$5.4 million will be given back as a credit, which is a net of an additional \$1.7 million in paving costs.

(Mr. Ciocci returned to the meeting at 9:07 p.m.)

Mr. Hampford stated that the additional paving cost had been incurred due to the fact that the bid included paving in some instances at 4-5' wide. The additional paving costs are incurred when the contractor has to go beyond their bid limits on final restoration. In some cases they are going curb to curb. This accounts for the additional permanent paving, restoration and credit. The credit was a result of negotiation.

In response to Mr. Altieri, Mr. Hampford stated that the \$961,000 contract for Tighe & Bond was for a period through June 2011. The additional funds for Tighe & Bond are for the extension of their contract beyond June 2011.

Mr. Altieri spoke against giving Tighe & Bond extra funding; it was his understanding that the \$961,000 was a finite amount.

Mr. Hampford stated that to date Tighe & Bond's oversight has resulted in substantial savings and foresees further savings to be realized.

Mr. Altieri stated that the \$968,000 in savings realized due to Tighe & Bond's oversight has already nullified the original cost of their services. Therefore would expect that the funds for Tighe & Bond's contract extension are available.

Ms. Egri clarified that there are two more bonds included for the Huntington Road portion of the project in the amounts of \$610,000 and \$850,000, which brings the total bond authorization to \$34 million.

Ms. Pires further explained that the first two bonded projects are included in the \$34.5 million bond authorization. The \$850,000 portion was dated March 2, 2009 and the \$610,000 dated May 4, 2009. Those two projects are part of the \$34.5 million bond authorization.

The Chair explained that there were additional components added to the bond authorization to arrive at \$34.5 million suggesting that Mr. Altieri's previous question referenced that the net savings had not been netted off the cost.

Mr. Hampford and Ms. Pires explained that the \$34.5 million also includes the 2% bonding costs, as the project grew so did the amount. The \$961,000 for Tighe & Bond was included the original bond.

Mr. Hampford further clarified for the council that Tighe & Bond is not charging double the original \$961,000 the additional funding represents the extension of the services beyond June 2011.

First Selectman Herbst stated that it is an extension of Tighe & Bond's work, based upon changing conditions on the ground. The assumption that the Tighe & Bond cost has doubled is assuming that they will not find any additional savings moving forward on the project.

Mr. Altieri noted that there is 25% of the project remaining and Tighe & Bond have been on the job for a year.

Mr. Hampford stated that Tighe & Bond is to oversee all of the videotaping; there is additional work to be done in reviewing the videotapes where. They will be solely looking for savings.

Mr. Hampford stated that the Tighe & Bonds fees are included in this resolution.

Ms. Thornton stated that 75% of the fees for Tighe & Bond will be distributed to the North Nichols sewer users; 25% of the fee will be borne by the Town. The cost of the camera work performed by Tighe & Bond will not be carried by the specific district; it will be carried by the Town. Ms. Thornton spoke against the resolution due to the belief that the North Nichols residents should not bear the costs of those services.

First Selectman Herbst stated that this was discussed at Ms. Thornton's district meeting last Saturday, one of the reasons why the costs, as they relate to camera testing and Tighe & Bond's analysis thereof could not be borne by Contract III residents is because those residents have already been assessed and the assessment have been levied. The Town engaged in remediation of the project after those assessments were set. At the district meeting it was explained that the cost of Tighe & Bond at \$1.8 million has yielded a savings of \$968,000, which brings the cost of Tighe & Bond to below \$1 million and 75% of that, \$660,000, is a cost to District 1.

Mr. Hampford stated that the camera testing is a new factor; the engineer has and will review the tapes.

The Chair summarized for the Town Council that this resolution combines all of the prior bonding authorizations for Contract IV, bringing the total to \$34.5 million.

Ms. Pires confirmed the amount for the Chair.

The Chair further summarized that all of costs have been identified in this bonding.

Bond Counsel Atty. Fasi stated that this bond resolution appropriates a total of \$33,040,000. The sum of all five resolutions that addressed Phase IV, Part B Contract 4 is \$34,500,000. Two of the five resolutions are independent resolutions, not connected to any other resolutions. The first resolution was \$850,000; the second resolution was \$610,000. In 2009 there was third resolution of \$25.5 million which was amended once and now we are amending a second time. The sum of the last three resolutions is the \$33,040,000; the sum of the total project and bond authorization is \$34,500,000. The resolution before the Town Council at this meeting is \$33,040,000. It does not include the first two resolutions; they are separate and distinct resolutions.

In response to Mr. Altieri's question, Bond Counsel Fasi stated that this bond resolution increases the prior resolution by \$4.5 million.

In response to Mr. Altieri's question, Ms. Pires stated that Tighe & Bond's fee is part of the \$33,040,000.

Mr. Hampford explained of the \$4.5 million amendment to the bond resolution does include the \$961,000, \$2.3-\$2.4 million in additional rock, \$1.7 million in paving, and additional smaller items. (The breakdown was included in the back-up). The largest portion is the rock portion.

Mr. Meisner stated that \$4 million of the \$4.5 million increase has been identified and does include the Tighe & Bond portion, the \$896,000 contract extension.

Mr. Hampford stated that this resolution does cover the project cost.

The Chair clarified that the bond authorization is \$33,040,000 the prior bond authorization was \$28,540,000 the difference being \$4.5 million. The Resolution increases the bond authorization by

\$4.5 million which includes the following: \$1.7 in paving, \$2.4 in rock removal, \$500,000 in bond costs. If the final cost of the contract is higher they will come back for additional funding/bonding; if the cost is lower the total of this bond authorization will not be bonded out.

Ms. Waizenegger spoke in favor that federal authorities are investing the rock removal matter.

VOTE: Resolution Adopted 11-1-3 (Against: Thornton) (Abstention: DeVecchio, Meisner and Altieri)

The Chair called a recess at 9:33 p.m.

The Chair called the meeting back to order at 9:44 p.m.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to take item #7, Resolution TC23-166 out of order.

VOTE: Motion carried unanimously.

4. RESOLUTION TC23-166: Moved by Mr. Jenkins, seconded by Ms. Bellows.

BE IT RESOLVED, That the First Draft of the Charter Revision is hereby accepted for initial review.

The Chair stated that Charter Revision began in February 2010. May 2, 2011, the Town Council accepted the Draft Report from the Charter Revision Commission; the Town Council at this meeting will discuss the Charter Revision proposals. The Chair extended his gratitude to the Charter Revision Commission for its efforts and hard work, as well as the L&A Committee who has held two (2) meetings at approximately a total of four (4) hours to date reviewing the draft report with the Charter Revision Commission. At tonight's meeting there has been a second public hearing noticed by the Town Council.

The Chair opened the public hearing at 9:47 p.m.

There were eight (9) people present to speak and two written submissions.

(Written submissions are attached to these minutes.)

(Public Comment also Attached to these minute)

The Chair closed the public hearing at 10:31 p.m.

The Chair noted that the Charter Revision's Draft Report is in the Town Council's possession and is currently under review by the Town Council.

(Mr. Pescatore arrived at 10:32 p.m.)

The Chair explained that the Town Council's next step is to move questions and recommendations back to the Charter Revision Commission. The Charter Revision Commission will then confer with the Town Council and prepare the final report. The Final Report will come back to the Town Council within 30 days after the Town Council turned over the questions to the Charter Revision Commission. The Town Council then has 15 days to act on it; therefore there is no final determination by the Town Council that has to be made at this meeting.

The Chair noted that the reading of the L&A Committee Report with regard to this resolution would be waived based on the length of the minutes of both the May 23, 2011 and June 1, 2011

L&A meeting minutes. A summary of the topics discussed at the L&A meetings held for Charter Revision will be read into the record by Ms. Testani. .

(Mr. DelVecchio left the meeting at 10:33 p.m.)

Ms. Testani read the summation of the committee reports of the May 23, 2011 and the June 1, 2011 L&A committee meetings.

Committee Report: The L&A Committee met on May 23, 2011 and voted unanimously to postpone the resolution to a date certain, June 1, 2011 unanimously. The L&A Committee met on June 1, 2011 and voted unanimously.

(Mr. DelVecchio returned to the meeting at 10:35 p.m.)

The Chair summarized the topics raised by the public at this meeting's public hearing as listed:

- The Conservation Commission to be included in the Charter
- The Economic & Development Commission
- Comments on public works whether their should be a commission
- Election of the WPCA members
- Charter Review Commission composition
- Notice of requirements

The Chair noted that all of the notice requirements used by the Town exceed the state law; the best effort is made to get the information to the public.

Moving forward from this public hearing, the Town Council has 15 days to get its report to the Charter Revision Commission, if the Town Council does not submit a report, the Draft Report, as it is, shall be considered.

The Chair requested discussion and or suggestions that have not been include summary to date.

In response to Mr. Rappa, The Chair stated that what the Town Council is required to do is transmit the questions and issues on the Charter Revision's Draft Report. The Town Council is not required to compile the formal language of the Final Report. The 30 day limit begins after the transmission of the questions and/or issues from the Town Council to the Charter Revision Commission. Under state law the Charter Revision Commission must confer with the Town Council to get to the final language. There will be joint work sessions between the Town Council and the Charter Revision Commission, most likely the L&A committee. The Chair stated that the council could make a motion to reconsider all of the First Draft proposals explaining that would suffice to move on to the joint work sessions.

Judge Chiota clarified the 30 days does not start until a written report is received from the Town Council. The 15 day period from the public hearing brings the date to June 21, 2011 for the transmission of the suggestions and/or questions from the Town Council to the Charter Revision in written form. The Charter Revision Commission is willing to meet with the Town Council as many days are necessary.

The Chair stated that a list has been compiled of the commentary raised in committee and requested new comments and/or suggestions from the Town Council.

Mr. Meisner requested that all of the comments of this public hearing be considered before the transmission of the suggestions is made to the Charter Revision Commission, and that the Charter Revision Commission provides a thorough justification and better commenting.

The Chair explained that the Town Council would need to convene a special meeting if a list were not approved at this meeting; suggesting a motion to reconsider all of the changes within the draft report. This motion would allow the Town Council to then get right to work on the draft.

Mr. Meisner spoke against drafting a document at this meeting due to the late hour.

The Chair explained that the 3 page summary of issues discussed at the L&A meeting had been circulated to the Town Council prior to this meeting.

Mr. Meisner noted that it did not include the points of this evening's public hearing.

The Chair clarified that the summary had been created and distributed prior to this meeting; therefore it would be impossible to include public comment in that summary. The Chair further clarified that there are approximately 20 pages of L&A minutes from two separate meetings, which supplement the summary. The Town Council is required by state statute to respond to the Charter Revision's Draft Report. Responding the Draft Report is the purpose of this resolution. The Town Council is not required to write the final report but is required to ultimately adopt, reject or divide the final report after it comes to the Town Council.

Ms. Testani stated that it is the job of the Town Council to be the voice and the ears of the people they represent, the council is listening; the L&A Committee has spent hours listening and will take into consideration what everyone has discussed. The minutes of the L&A committee meetings are very lengthy; the minutes have been distributed prior to this meeting and include much back-up information.

Mr. Meisner questioned which document that the Town Council would submit?

In response to Mr. Meisner, the Chair stated that the summary of questions and/or topics discussed at the L&A meetings are derived from the committee members' observations, of having read the draft report, of exchanges and discussions with the Charter Revision Commission, hearing what the public has said and hearing what will be discussed at this meeting. This resolution is the next step in the process to the Charter Revision's Final Report.

Judge Chiota suggested a motion to reconsider the entire report, in light of the public's comments of this meeting. Judge Chiota stated that the Charter Revision Commission would like have a consensus of the Town Council with regard to the 5 major topics of the Charter Revision:

- The term of the first selectman, town clerk and treasurer
- The Town Council composition
- The BoE composition
- The budget referendum
- The referendum for capital projects

The Chair stated that he is trying to compile a list of items for the Commission address; subsequent to the compilation of the list would then be the discussion the 5 major topics, those topics have been discussed thoroughly in committee and are included in the record.

Ms. Waizenegger stated that there has only been one recommendation to the BoE composition included as a question for the ballot, the 9 member board. If this were to go on the ballot as a

question and were voted down it could conceivably leave the Town with the very same problem we have now. There should be an alternate provision in place to fix the 7th seat issue.

The Chair requested new concerns and/ or topics to add to list.

Mr. DelVecchio questioned the rationale behind the change to Section 12, item c - Director of Public Works, specifically the 5 year requirement as deputy director or the equivalent? Judge Chiota stated that information would be provided at the work session.

Mr. DelVecchio stated that no charter is perfect, and spoke to balance and how balance promotes compromise, noting that 42 candidates on a ballot would be too many. Mr. DelVecchio spoke against the 4-year term proposed, explaining that there is no need to campaign for an incumbent if they are doing a favorable job and spoke to the importance of balance and compromise.

Mr. Scinto stated that he is not a fan of the 4-year term and questioned the removal of the recall. Judge Chiota explained that recall is no longer legal and has to be removed from the Charter. Atty. Maslan stated that there is a Supreme Court case which ruled against recall, there are some municipalities that have recalls by old special acts but Trumbull is not one of them.

In response to Mr. Scinto, Judge Chiota agreed that Charter Revision Commission should review further with the Town Council the proposed referendum at the work session.

Ms. Testani spoke in favor of the Charter's inclusion of the Conservation Commission. Judge Chiota agreed and would consult with the commission on this matter.

Ms. Testani stated that if the Town Council composition change would result in so many candidates that it could be problematic for the electorate, especially the senior population.

Ms. Testani spoke in favor of the 9-member BoE with staggered terms.

Mr. Altieri stated that the Town Council has 15 days from this meeting to respond to the first draft. The revisions to the charter should have in writing an explanation and a consensus of the commission.

In response to Mr. Altieri, Judge Chiota explained that all of the changes, with exception of the 5 major topics, the commission were unanimous in their decisions. The townspeople should be the voice and have the final vote.

The Chair stated per statute, the Town Council will determine whether there is Charter Revision that goes to the ballot and if it does in what form it will take. The process of conferring with the Charter Revision will be scheduled.

Mr. Meisner reiterated that has been no rationale provided with regard to the proposed changes to the Charter, adding that the suggested question #6 is confusing for the public who are not as aware of the proposed changes and lastly Chapter 3, Executive Branch section g. seems innocuous; explanation would be beneficial.

Ms. Testani commented with regard to a comment made at this meeting with regard to Channel 17's absence at the first L&A meeting on this resolution; that the Channel 17 is on the Town Council's distribution list for meeting agendas and minutes.

The Chair has discussed the matter with Mr. Annick. Mr. Annick had said Channel 17 does not have a person to review the agendas to determine what to air. The Chair worked with Mr. Annick

to air the June 1st L&A meeting. Channel 17 will be advised of important agenda items for future committee meeting airing.

Mr. Rappa suggested a meeting be facilitated in order to continue this dialogue, the last L&A meeting was a very good work session.

Atty. Maslan suggested a motion to allow the Town Council to move forward and to satisfy the statutory requirements with regard to 15 days. Judge Chiota suggested that the council divide into groups and review specific chapters.

Atty. Maslan stated that per state statute the ballot questions are yes or no questions with explanatory provisions which must be neutral.

The Chair clarified that if the Town Council should get to the question portion they will be in proper form.

When the Town Council receives the Final Report from the Charter Revision Commission it would be expected that any and all explanations would be included. The two L&A meetings were exploratory in nature. The next step, converting from the draft report to the final report is where the opinions will come out.

The Chair called for the following amendment to the resolution:

Moved by Mr. Helfrich, seconded by Mr. DeVecchio to amend Resolution TC23-166 to read as, "BE IT RESOLVED, That the First Draft of the Charter Revision is hereby accepted for initial review and has been returned to the Charter Revision Commission in its entirety for reconsideration and preparation of a final report based upon discussion and public comment at this June 6, 2011 Town Council meeting, the May 23, 2011 and June 1, 2011 L&A Committee meeting."

In response to Mr. Pescatore, the Chair explained that it is required by state statute the Charter Revision Commission confer with the appointing authority. It will happen and will happen on a frequent basis possibly the next 3-4 Monday nights.

VOTE: Motion to amend carried unanimously.

VOTE: Resolution Adopted as amended unanimously.

5. RESOLUTION TC23-168: Moved by Mr. Altieri, seconded by Mr. DeVecchio to read the title and Section 1 of the 2011-2012 CIP bond resolution in their entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

VOTE: Motion carried unanimously.

RESOLUTION APPROPRIATING \$7,150,000 FOR THE TRUMBULL CAPITAL IMPROVEMENT PLAN 2011-2012 AND AUTHORIZING THE ISSUE OF \$7,150,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$7,150,000 is appropriated for the planning, acquisition and construction of the Town of Trumbull Capital Improvement Plan 2011-2012, as adopted and amended by the Town Council from time to time, and consisting of: (i) Board of Education; (ii) Roadway

reconstruction and improvement (iii) Public facilities; (vi) Fleet and equipment; (vii) other projects; and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs to the extent paid therefrom, said appropriation to be in addition to all prior appropriations for said purpose and inclusive of any and all State and Federal grants-in-aid. The Town Council may by resolution transfer funding herein authorized among projects within the 2011-2012 CIP.

Moved by Ms. Waizenegger, seconded by Ms. Lamberti that the resolution be adopted as introduced.

BE IT RESOLVED, That a resolution entitled, "RESOLUTION APPROPRIATING \$7,150,000 FOR THE TRUMBULL CAPITAL IMPROVEMENT PLAN 2011-2012 AND AUTHORIZING THE ISSUE OF \$7,150,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" is hereby approved.

Committee Report: the Finance Committee met on May 24, 2011 and by roll call voted unanimously.

(Mr. Altieri left the meeting at 11:26 p.m.)

(Mr. Altieri returned to the meeting at 11:29 p.m.)

Bond Counsel, Atty. Fasi clarified that the BoF had amended the resolution to delete the language with regard to the grants; the committee minutes reference the grants but are not included in the resolution.

In response to the Chair, Atty. Fasi confirmed that the amended resolution is attached to the agenda; therefore the correct amended resolution is before the council and would be no need to further amend the resolution.

In response to Mr. Jenkins, Ms. Pires explained that they are 20 year bonds. The Director of Public Works had stated that the roads have a lifetime of 25-30 years.

In response to Mr. DelVecchio, Ms. Pires stated that there are no police cars in the capital plan; there are 6 snow plows included. The Director of Public Works has stated that the snow plows would last 25-30 years. Currently there are some plows that are 25-30 years. There are no other vehicles in the plan, the reason the schedule lists police cars was to indicate that they were in the current operating budget.

Mr. DelVecchio spoke against bonding general maintenance items and would vote against this resolution.

First Selectman Herbst stated this is resolution represents a policy decision. Currently the paving program consists of two methods in town; to include in the operating budget and the other is during a sewer expansion programs. The Town will not be able to meet its needs if it were to rely on only including the paving in the operating budget or a one time sewer expansion project. Surrounding towns, specifically Monroe that relies on paving exclusively in an operating budget ultimately had to secure funding through bonding to pave their roads this year. This is a policy consideration.

Mr. Pescatore spoke to a delicate balance between bonding and budgets. We have seen austere budgets in the last two years, which is good in term of the residents, but the Town will not be able to keep up with its infrastructure needs with those types of budgets, suggesting moving forward a balance between bonding and budgets.

First Selectman Herbst stated that his point was well taken, earlier at this meeting there was discussion regarding reducing the high school bond authorization, reducing that bond by \$4 million will reduce the Town's debt capacity; that reflects delicate balance. Over the last eight years the Town's debt has gone from \$61 million to over \$100 million. There is an additional \$1.7 million dollars in debt service that will come on the books next year due to the high school renovation, teachers will be receiving an increase next year, the Town will be going through a revaluation and their will be possible increases in energy and health insurance costs. The residents will also be dealing with next year the 9.1 % federal unemployment rate, increases in the income tax, sales tax and the gas tax noting that seniors have not had an increase in social security for two years. It is difficult to take the capital costs of this resolution and put them in an operating budget when you are looking at all of those costs that will impact the budget and residents of this Town. It will appear that this the second wave of this recession will impact next year.

In response to Ms. Thornton, Ms. Pires stated that the cost of the bond including interest at the end of its life would not be known at this time.

The Chair stated that when the Town goes to market for the bond the term can be chosen. It does not have to be 20 years, they could choose a shorter term and there would be less interest paid.

In response to Mr. Rappa, Ms. Pires had stated that she had not been aware if the Town had ever bonded for the CIP before.

First Selectman Herbst indicated that the plan includes an aggressive paving program, and the snow vehicles have not been addressed in a very long time. First Selectman Herbst was made aware of a 1987 snow plow included in the fleet, which is only able to plow down hill, not up during this year's winter. The First Selectman has taken the position that he does not want to compromise employees' safety.

In response to Mr. Rappa, First Selectman Herbst indicated that he did not want to use the rainy day town fund. The proposed 2011-2012 budget did include using \$700,000 to offset some costs, but later the Town was in a position where state revenues came in better than expected and were not put in that position. There may be a greater need in next year's budget to use that money to cover other expenses. A plow truck that has a useful life of 20-25 years should not be purchased with surplus money or be put in the operating budget. This council has bonded school technology which has a ten-year or less useful life. If the Town is going to make capital investments for over the term that you are going to make payment on, those investments make more sense than other items the town has bonded in years past, (i.e. open space has been bonded and may have over paid for property during this volatile market).

Mr. Meisner spoke to the importance of these projects within the resolution, but would rather see the costs included in the operating budget. Mr. Meisner has been convinced by First Selectman Herbst that it may not be practical at this time. Mr. Meisner encouraged the Town to match the maturities of these bonds with the expected life of the assets suggesting a 10 year maturity.

VOTE: Resolution Adopted 12-4 (Against: Pescatore, DelVecchio, Thornton and Altieri)

6. RESOLUTION TC23-169: Moved by Ms. Bellows, seconded by Ms. Testani to read the title and Section 1 of RESOLUTION TC23-169: RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$68,672,000 FOR THE COSTS ASSOCIATED WITH THE "RENOVATION AS NEW" AND EXPANSION OF TRUMBULL HIGH SCHOOL in their entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

VOTE: Motion carried unanimously.

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$68,672,000 FOR THE COSTS ASSOCIATED WITH THE "RENOVATION AS NEW" AND EXPANSION OF TRUMBULL HIGH SCHOOL AND AUTHORIZING THE ISSUE OF \$68,672,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town Council of the Town of Trumbull has to date adopted various bond authorizing resolutions to finance the planning, acquisition and construction of improvements to Trumbull High School, including a resolution entitled "Resolution Appropriating \$68,672,000 For The Costs Associated With The "Renovation As New" And Expansion Of Trumbull High School And Authorizing The Issue Of \$68,672,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" on May 7, 2007, which "Prior Resolution" is hereby ratified, confirmed and adopted, as amended herein. The Prior Resolution is hereby amended by decreasing the appropriation and bond issuance authorization therein by \$4 million, from \$68,672,000 to \$64,672,000 as follows:

Moved by Ms. Bellows, seconded By Mr. Rappa to waive the reading of the rest of the resolution.

VOTE: Motion carried unanimously.

RESOLUTION TC23-169: Moved by Ms. Ms. Bellows, seconded by Testani

BE IT RESOLVED, That a resolution entitled, "RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$68,672,000 FOR THE COSTS ASSOCIATED WITH THE "RENOVATION AS NEW" AND EXPANSION OF TRUMBULL HIGH SCHOOL AND AUTHORIZING THE ISSUE OF \$68,672,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE." is hereby approved.

Committee Report: The Finance Committee met on May 24, 2011 and voted by roll call unanimously.

VOTE: Resolution Adopted 15-0-1 (Abstention: DelVecchio)

7. RESOLUTION TC23-170: Moved by Ms. Evangelista, seconded by Mr. Jenkins.

BE IT RESOLVED, That a resolution entitled, "RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO UNEXPENDED BOND PROCEEDS OF THE TOWN AND APPROPRIATING SAID PROCEEDS FOR CAPITAL PURPOSES" is hereby approved.

Committee Report: the Finance Committee met on May 24, 2011 and voted by roll call unanimously.

The Chair explained that this resolution is an amendment to a prior bond authorization reallocating \$338,000 of the original bond amount to the renovation of the Hillcrest pool.

In response to Mr. DelVecchio, Atty. Fasi stated if the project is completed it is legal to reallocate the funds, if the project were not completed than the money can only be used for what it was issued for.

Mr. Altieri spoke against this resolution and reallocating the funds.

In response to a question from Mr. Ciocci, Mr. Barbarotta stated that the work on the pool had not been done yet.

Mr. Nelson stated that the grant application had been sent to the state last week, and under a time constraint with regard to the grant funding to complete the work in the summer. The optimal time to complete projects at a school is during the summer.

Atty. Fasi confirmed that in the situation where a bonded project is complete and there are unexpended funds the funds can be used.

In response to a question from Mr. Scinto, Ms. Pires stated the project was bonded in 2006, the last expense paid was in 2009-2010; the money has been in an account used for 2-3 years.

Mr. Scinto stated that the Town has been paying interest on the funds for that period of time.

Ms. Pires stated that the bonds are non-refundable and can not be paid down.

In response to a question from Ms. Testani, Mr. Barbarotta stated that the grant for \$375,000 had been awarded and it was his suggestion not to do any work at the pool until the ventilation system had been fixed.

Atty. Fasi agreed with the Chair that the supplemental would not work.

In response to a question from Mr. Meisner, Ms. Pires stated that usually a bond authorization takes place after the project is completed and the Town would bond only what money was needed. The reason this bond was bonded early was due to the fact that the BoE had told him that the project would be finished in that year, the town normally bonds in September of each year.

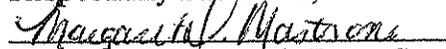
The Chair stated that most projects are paid with bond anticipation notes; when the project is complete or reached a certain point the bond anticipation notes are paid off with bonds. This was a small amount and was an emergency situation. It was done with an anticipation note and went right to bonding; when the money was received, the project was over resulting in unexpended funds. The high school renovation project has been completely different; if the money is not spent it will not be bonded.

Mr. Altieri stated that the excess bonding proceeds could be used to pay down current bonded anticipation notes; if the pool was in need to be repaired, a resolution should come before the council for approval. Mr. Altieri spoke against the resolution.

VOTE: Resolution Adopted 10-5-1 (Against: Pescatore, DelVecchio, Rappa, Altieri and Thornton)
(Abstention: Ciocci)

Upon motion made by Mr. Helfrich, seconded by Mr. DelVecchio the Trumbull Town Council adjourned by unanimous consent at 12:10 a.m.

Respectfully Submitted,


Margaret D. Mastroni, Town Council Clerk

Attachment
PUBLIC COMMENT:

1. First Selectman Timothy M. Herbst of 97 Fairview Avenue thanked all six (6) members, the clerk of the CRC commission and the attorney of the commission for their hard work and many hours of service. First Selectman Herbst spoke as a resident and taxpayer; this is a process to empower the voters of Trumbull. This Charter Revision commission has made approximately sixty (60) revisions. The Commission agrees on more of the changes than the number of those that they do not. First Selectman Herbst reviewed many of the proposed revisions, noting that these proposed revisions were agreed upon unanimously in a bi-partisan manner. There are some proposals that do have unanimous bi-partisan support of the commission, noting that Thomas Jefferson did not get the Declaration of Independence correct in the first draft and our founding fathers did not get the Constitution correct in the first draft; both documents were a result of the process. The Town Council will have their input and will report back to the Charter Revision Commission as outlined in the process, the final end governed by this process will work; the ultimate decider will be the people, the voters of Trumbull. If there are areas of this revision that spark debate or different points of view which are significant, the Town Council create separate questions to go on the ballot in November for the voters to decide on such as make-up of the council, the proposed budget referendum threshold proposal to change the term of the first selectman, the treasurer and town clerk. This process is about empowering the people, allowing people to have their opportunity to have their say by way of their votes on November 8, 2011. There is a Charter Revision process in place and has worked previously in 1976, 1979, 1981 and in 2003; it will work again this year as well.
2. The Chair noted that Mr. Paul Kallmeyer had left the meeting but had left a copy of his comments for the record; the comments will be appended to the minutes of this meeting. (See Attached)
3. Mr. John Greene of 23 Topaz Lane stated that the proposal should be rejected out right based upon the state statute that the complete report be delivered prior to its final public hearing; that report should have included a complete set of comments on every proposed revision. The proposal received included errors included no commentary, the commentary was received a month after the report was submitted to the Town Council and included inaccuracies with regard to the current Charter and are incomplete and are unapproved by the commission. Mr. Greene spoke against the 4-year term speaking on behalf of the current 2-year term. In terms of the Town Council make-up the term is not specified only implying a 2-year term; under the proposed scenario there would be

18 candidates that the public would have to get know, this does encourage the process, it is designed to encourage people by a straight ticket.

4. Mr. Jim Abraham of 48 Craig Lane spoke to Chapter 8, section 1 under Eligibility of the Electoral Process. Mr. Abraham spoke on behalf of the Economic Development Commission of which he is Chairman. That particular section allows for members of the Planning & Zoning Commission to serve on the Economic Development Commission as well. The only instance where a town appointee or elected official are allowed to serve on more than one board. The 9 members of the Economic Development Commission have serious reservations and recommends eliminating this provision as it could permit up to 8 individuals from P&Z to serve on a 9-member Economic & Development Commission. This would affect the integrity and independence of the Economic Development Commission in essence eliminating as a separate commission. Worst case scenario could raise questions of conflict of interest; there has been no rationale shared with the commission by the Charter Revision Commission. The Chairperson of the P&Z and Mr. Abraham, Chairman of the Economic Development Commission are in agreement. They had discussed appointing a liaison between the two commissions and that would be acceptable. The Economic Development Commission respectfully requested that the Town Council recommend elimination of this proposal.

5. Mrs. Mary Ellen Lemay of Turkey Meadow Road, Chairman of the Conservation Commission spoke to omission and redlined from Chapter 7 section 16 of the Conservation Commission from the Charter. It appears that a decision had been made by the CRC not to add back the Conservation Commission to the Town Charter. The original commission was formed in 1962 was removed from the Charter in 2003; it has since been reinstated in 2007 by way of an ordinance by the Town Council. The commission has had a great impact to environmental issues throughout the town; it has proven itself to be one of the most successful commissions in Town. Not reinstating this commission removes the protection and balance that they have worked so hard to retain. It has been involved in the following initiatives in the past 3 years: The GIS Study, Science based advisory support for land use applications, proper permitting with the DEP for the sewer project and dredging, single stream recycling initiative, Trumbull Library parking lot expansion design project and are currently forming a landscape ordinance ad-hock committee. Mrs. Lemay asked the Town Council to formally communicate to the CRC is reinstated to Chapter 7, section 17 of the Trumbull Town Charter as a formally appointed commission per state statute. Packets including suggested draft language for the addition of the Conservation Commission to the Charter, a list of the current projects and a list of the members and their qualifications were submitted to the Chairman of the CRC.

Judge Chiota stated that the CRC had done nothing with the Conservation Commission knowing that it been operating very well as an ordinance and asked Mr. Lemay why leaving it as an ordinance would be lessen the commission? Mrs. Lemay stated that the Conservation Commission would prefer to be included in the Charter for the protection of the commission.

Judge Chiota stated that with regard to the P&Z member serving on the Economic Development, as referenced by Mr. Abraham earlier at this public hearing, is included in the current Town Charter, there has been no change by the CRC.

6. Mr. Tony D'Aquila of 29 Valleyview Road spoke to the phrase used by some of the CRC members, "If ain't broken don't fix it", there are some things that are broken such as the WPCA, recommending the Charter allow the users to elect the WPCA commissioners, there is a need to change the BoE speaking in favor of expanding the number of members, is in favor of changing the Town Council election process but not fully in agreement with 7 members at large, spoke in favor of a bonding referendum with relaxed iniation rules however the threshold should be reduced to \$5

million. The CRC should be an equal number of republicans and democrats and more importantly should have an equal number of non affiliated members.

7. A written submission from Loretta Chory was submitted for the record supporting a 9 member BOE. (See Attached).
8. Cindy Katske of 129 Meadowview Drive stated that the overall process has not been as transparent as it should have been, the notices of the public hearings have been insufficient, legal notices in the newspaper and notice on the agenda were not sufficient. These are big issues; there should have been more pr involved. The Charter Draft was inside the town website not on the homepage. The scope of the proposed changes are excessive and do not have reasons for all of the changes, the commentary address 5 points as a counterpoint to the minority report. Ms. Katske spoke against the changes of the composition of the Town Council and the BoE, noting that the addition of the at-large seats will bring the number of candidates for the Town council to 42 with each voter having to get to know 18 candidates. There will be 12 candidates for the BoE questioning whether the parties would be able to get that many candidates. If the Town Council at-large seats are a counter balance to the 4-year term maybe the change to the 4-year term should not happen. The 9-member BoE with up to 6 seats from the same political party serves to make the board too political. The proposed budget referendum time-line is unworkable and could result in a budget having not been approved by the start of the fiscal year. Ms. Katske spoke against the budget referendum as a whole. If there is to be a petition referendum the threshold should be the same not lower it may be too easy and may have gone too far.
9. Cindy Penkoff of 101 Columbine Drive, BoF alternate spoke to meeting agendas being posted 48 hours in advance as this does not allow for a sufficient amount of time for the taxpayers to review and be able to address your representatives, there should be at a least a week notice. Ms. Penkoff is in favor of increasing the number of BoE members, there are not enough people on the board to cover the amount of committees and workload of the board. The budget referendum timeline does not allow for enough time for the process to be completed before the start of the fiscal year spoke in favor of the budget referendum, it will make for a thorough process.
10. Mr. Bob Matthews of 14 Scattergood Circle spoke to the CRC process, the first notice of a hearing by the CRC was found in his mailbox the day of the meeting. This is very important process for the town, it is important to be cautious in the proposed revisions. The affected parties should be personally notified of how they will impacted. Mr. Matthews requested a rationale, a benefits analysis and a comparison of like communities. Mr. Matthews agrees with letting the electorate choose, but those choices need to be made with transparency and the understanding of what the changes are, requesting that the Town Council establish guidelines what information should be given out to the electorate including the rationale for the changes and to move cautiously with doing so, if comprehensive information is not given to electorate then maybe we should not rush into this.
11. Mr. Tom Kelly of 28 Plumb Road member of the BoE. The prospect of 9 new members could be elected to the BoE all at one time, currently there are staggered terms. 9 New members would be irresponsible based on that if they are elected in November within a month's time they would be voting on a budget of over \$90 million. Staggered terms insure continuity. Mr. Kelly spoke in favor of the WPCA being elected by the sewer users.

Full Text of Bond Resolutions Attached

AS AMENDED

RESOLUTION APPROPRIATING \$7,150,000 FOR THE TRUMBULL CAPITAL IMPROVEMENT PLAN 2011-2012 AND AUTHORIZING THE ISSUE OF \$7,150,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$7,150,000 is appropriated for the planning, acquisition and construction of the Town of Trumbull Capital Improvement Plan 2011-2012, as adopted and amended by the Town Council from time to time, and consisting of: (i) Board of Education; (ii) Roadway reconstruction and improvement (iii) Public facilities; (vi) Fleet and equipment; (vii) other projects; and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs to the extent paid therefrom, said appropriation to be in addition to all prior appropriations for said purpose. The Town Council may by resolution transfer funding herein authorized among projects within the 2011-2012 CIP.

Section 2. To meet said appropriation \$7,150,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the First Selectman and the and the Town Treasurer (hereafter the Town Officials), and the amount of bonds of each series to be issued shall be fixed by the Town Officials. Said bonds shall be issued in the amount not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. Capital project revenues, including bid premiums and investment income derived from investment of bond proceeds (and net investment income derived from note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid therefrom. The remaining appropriation and bond authorization shall be reduced by the amount of capital project revenues so credited. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Town Officials, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Town Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Town Officials, and be approved as to their legality by Joseph Fasi LLC, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Town Officials. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof

and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Town Officials, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Town Officials, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction, or similar competitive process at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of the Town Council.

Section 4. The Town Officials, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Town Officials, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Town Officials, be approved as to their legality by Joseph Fasi LLC, of Hartford, and be certified by a bank or trust company designated by the Town Officials, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Town Officials, are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 7. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The Town Officials are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as amended, reauthorized, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

RESOLUTION AMENDING A RESOLUTION
APPROPRIATING \$28,540,000 FOR THE PLANNING,
ACQUISITION AND CONSTRUCTION OF SANITARY
SEWERS, PHASE IV, PART B, CONTRACT IV AND
AUTHORIZING THE ISSUE OF \$28,540,000 BONDS OR
NOTES OF THE TOWN TO MEET SAID APPROPRIATION
AND PENDING THE ISSUANCE THEREOF THE MAKING OF
TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town of Trumbull has to date adopted four bond authorizing resolutions to finance the planning, acquisition and construction of the Sanitary Sewers, Phase IV, Part B, Contract IV, (the "Project") consisting of an \$850,000 bond authorizing resolution adopted by the Town Council on March 2, 2009, an additional \$610,000 bond authorizing resolution adopted by the Town Council on May 4, 2009, and an additional \$25.54 million bond authorization on September 8, 2009, and an additional \$3 million amending resolution adopted by the Town Council on October 4, 2010 (collectively the "Prior Resolutions"). The total of the appropriations and bond issuance authorizations of the Prior Resolutions is \$30.0 million. The Prior Resolutions are hereby ratified, confirmed and adopted. The sum of the appropriations and bond issuance authorizations for the Project after taking into account the additional \$4.5 million of this amendment is \$34.5 million.

Section 2. The Prior Resolution adopted October 4, 2010, entitled "RESOLUTION APPROPRIATING \$28,540,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SANITARY SEWERS, PHASE IV, PART B, CONTRACT IV AND AUTHORIZING THE ISSUE OF \$28,540,000 BONDS OR NOTES OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" is amended to increase the appropriation and bond authorization therein by \$4,500,000, from \$28,540,000 to \$33,040,000 as follows:

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

RESOLUTION APPROPRIATING \$33,040,000 FOR THE
PLANNING, ACQUISITION AND CONSTRUCTION OF
SANITARY SEWERS, PHASE IV, PART B, CONTRACT IV
AND AUTHORIZING THE ISSUE OF \$33,040,000 BONDS OR
NOTES OF THE TOWN TO MEET SAID APPROPRIATION
AND PENDING THE ISSUANCE THEREOF THE MAKING OF
TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 2. Section 1 of the Resolution is amended to read as follows:

"Section 1. The sum of \$33,040,000 is appropriated for the planning, acquisition and construction of the installation of sanitary sewers pursuant to Phase IV, Part B, Contract IV,

including the North Nichols area of Town, or so much thereof, or such additional streets within the area as shall be determined by the Water Pollution Control Authority and First Selectman, and as may be accomplished within said appropriation and bond authorization provided herein, and including gravity sewer lines, grinder pumps, force mains, pump stations, manholes, acquisition easements and other interest in property, associated utility, street and drainage improvements, repair and relocation, appurtenances related thereto, licenses and permits, blasting if and as necessary, and for testing, surveying, paving, engineering, administrative, advertising, printing, legal, financing costs (hereafter the "Project"). Said appropriation shall be inclusive of state and federal grants in aid of the thereof, and in addition to all prior appropriations for the Project."

Section 3. The amount \$33,040,000 is substituted for the amount \$28,540,000 wherever \$28,540,000 appears in the Prior Resolution of October 4, 2010.

Section 4. The following is section 12 of the Resolution as amended:

"Section 12. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The First Selectman, Treasurer and Director of Finance, are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions."

RESOLUTION AMENDING A RESOLUTION APPROPRIATING \$68,672,000 FOR THE COSTS ASSOCIATED WITH THE "RENOVATION AS NEW" AND EXPANSION OF TRUMBULL HIGH SCHOOL AND AUTHORIZING THE ISSUE OF \$68,672,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town Council of the Town of Trumbull has to date adopted various bond authorizing resolutions to finance the planning, acquisition and construction of improvements to Trumbull High School, including a resolution entitled "Resolution Appropriating \$68,672,000 For The Costs Associated With The "Renovation As New" And Expansion Of Trumbull High School And Authorizing The Issue Of \$68,672,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose" on May 7, 2007, which "Prior Resolution" is hereby ratified, confirmed and adopted, as amended herein. The Prior Resolution is hereby amended by decreasing the appropriation and bond issuance authorization therein by \$4 million, from \$68,672,000 to \$64,672,000 as follows:

Section 2. The title of the Resolution is amended to read as follows:

RESOLUTION APPROPRIATING \$64,672,000 FOR THE COSTS ASSOCIATED WITH THE "RENOVATION AS NEW" AND EXPANSION OF TRUMBULL HIGH SCHOOL AND AUTHORIZING THE ISSUE OF \$64,672,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 3. The amount \$64,672,000 is substituted for the amount \$68,672,000 wherever \$68,672,000 appears in the Prior Resolution adopted May 7, 2007.

Section 4. The following is inserted as section 11 of the Resolution:

"Section 11. It is hereby found and determined that it is in public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the Town as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The First Selectman, Treasurer and Director of Finance, are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions."

RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT
TO UNEXPENDED BOND PROCEEDS OF THE TOWN AND
APPROPRIATING SAID PROCEEDS FOR CAPITAL PURPOSES

Section 1. It is hereby found and determined that \$338,000 of proceeds derived from the bonds issued pursuant to the \$1,152,540 for the Replacement and Expansion of the Town's Public School Facilities (the "Bond Resolution") remain unexpended and are no longer required for the purpose issued, the individual projects being substantially complete. The Bond Resolution identifies in Exhibit A eight specific purposes and amounts for which the proceeds may be expended.

Section 2. The \$338,000 above referenced unexpended bond proceeds are hereby reallocated for the following purposes:

<u>Project</u>	<u>Unexpended Proceeds</u>	<u>Newly Appropriated Purpose</u>
1. Town Public School Facilities	\$338,000	Hillcrest Pool Improvements

To: Trumbull Charter Revision Committee Members

From: Loretta Chory, Member
Trumbull Board of Education

Ms. Chory

was not

able to voice her

opinions

hence

me

reading

her

letter

this

evening

I would like to express my support for increasing the number of members on the Trumbull Board of Education from seven (7) to nine (9). Unfortunately, I was not in attendance at the September 7th Board of Education meeting when this was discussed by the other members but I would like to mention some of the reasons why I think an increase is warranted.

Unlike many other boards or commissions in Trumbull, the Board of Education meets twice most months (21-22 meetings per year), plus all members are assigned to several standing or special committees, and often act as liaison with other education-related organizations or associations too.

The bylaws of the Board of Education call for (3) standing committees which meet monthly: Curriculum Review, Policy Advisory and Finance. At least two (2) Board of Ed members are assigned to each of these committees.

The bylaws also provide for special committees to be formed as needed. The special committees currently active, each of which have at least one board member assigned to them, are: Superintendent's Evaluation, Contracts Review, TEA Negotiations, TAA Negotiations and Scholarship Investment Committee. The Full-Day Kindergarten Committee recently completed their charge. Additionally, members of the Board of Ed serve in a liaison capacity to the following: BEI, Trumbull Educational Channel (17/99), CES Council, Six-to-Six Magnet School and CABA (CT Association of Boards of Education).

Although our current committees are properly staffed, I think it is important to mention some of the committees that Boards of Education in neighboring towns and cities have that Trumbull does not: **Buildings & Maintenance, Information Technology, Long-Range Planning, Community Relations, Personnel, Security and Auditing.** While the reason we do not have any of these committees is not due solely to the number of board members we have, if we did have two more members, it would be much easier to consider forming them should the board decide there is a need to focus on the areas mentioned above.

Thank you for your consideration.

Loretta Chory, Member
Trumbull Board of Education

TO: Members of the Charter Revision Commission
Members of the Town Council

June 6, 2011

Re: On the occasion of the Town Council's Public Hearing on the proposed Charter Changes
Fr: Paul A. Kallmeyer

As some of you may know (and therefore I regret taking your time to say) I have been associated with the Town Charter in all of its forms since 1970 . . . over 40 years. I write to you from the perspective of an entry level Town employee, as a direct report to 7 consecutive First Selectmen (from both political parties), and as an outside vendor seeking to do business with the town (for over 4 years during non-employment times by the Town). I have also been a resident/taxpayer for over 30 years. I believe this perspective gives me a unique position to opine about the good works of the Charter Revision Commission.

Addressing the most crucial items first, I want to caution against the changes to the election methods of the Town Council Members, to the term changes for the 3 chief elected officials, and to the changes proposed for the Board of Education.

Simply put, the current Charter provisions for the Town Council and the 3 chief elected officials are not "broken", and do not need to be "fixed".

For the Council, the existing minority representation rule, and the 3 council members from each district has been the bedrock on which I have observed continuity in government, and a foundation for discussion and compromise. The proposed rules add nothing. Most of the Council's legislation effects folks town-wide. If an issue is parochial to one district, the other 6 districts present sufficient balance.

It should be noted here that the make-up of the current Charter Revision Commission did seem odd to me concerning the minority representation concept that the Town has long benefitted from. In this case there are 4 Republicans and 2 Democrats; a commission of 3-2, or 3-3 would have been more bi-partisan. In the current case of a 4-2 commission, the ruling party can out-vote the minority even if a member is absent. This seems to me ignores the true spirit of this bedrock foundation that has made Trumbull the excellent community it has become. Movements in this direction are insidious, and we sometimes wake up too late to the erosion of good governance that these partisan decisions cause.

With regard to the 3 highest elected positions, based on the terms of the 7 First Selectmen that I worked for, the terms of those whom the public liked exceeded 4 years, and those the public grew impatient with ended at 2 years. Since there were a couple First Selectman in the last 40 years

who only enjoyed one term of 2 years, it shows that the public wants the ability to “speak” through an election every 2 years. The power embodied in the office of First Selectman can get heady . . . I’ve seen it from the first First Selectman that I worked for in 1970. When that headiness arrives, it is my opinion that Trumbull will not be best served by waiting an additional 2 years to make a decision about who will head up our community. I have seen the power behind the curtain, and I know . . .

With regard to the Board of Education, a nine member board is just too unwieldy. The current seven member board is about at the limit of effective governess. It is hard enough sometimes to get a quorum for 5-member boards, and if only 6 of a nine-member board were present, would the taxpayers really be getting the full attention the education issues call for? I suggest that the Minority Report methodology be substituted for the language proposed by the majority – 4 year terms for all members, and the elimination of any “safe” seats.

As for other important areas of the Charter, let me address the public works department and the WPCA, areas where I am an expert (for the record, I am currently a member of the WPCA). In Chapter III, Section 12A it is noted that the word “also” is inserted in the sentence that is proposed to read, “There ~~also~~ shall be a Town Engineer . . . etc”. However, the sentence, “The Town Engineer may also serve as the Director of Public Works” is curiously left intact. The “also” strongly implies that the Charter Revision Commission believes that there should be two separate individuals employed. Perhaps this change was inspired by the “conflict of interest” charges that were leveled at me in the Forensic Audit of the Jog Hill Sewer Project . . . wherein the auditors suggested that one person shouldn’t wear too many hats.

The audit and the “also” point to a deeper need for professional talent in this the largest single section of government (except education). I believe that the value of our infrastructure, the size of the operational and construction budgets, and the shear responsibility levels to the public from a health and safety point of view, demands at least two professionals in these positions. Remember that in many many cases, there is an orange truck clearing the way for the police, fire and ambulance. Public Works is a “first responder”. Public works always needs to “Be Prepared”. I strongly recommend that the sentence where the two positions can be served by one individual be removed from the Charter.

In Section 12 C I appreciate the added qualifications for the Director of Public Works. We are certainly not the rural small “berg’ that some people would like to think we are. However the “5 years of experience” language is too weak, and has already shown itself to be ineffective. I recommend adding that said individual, “hold a degree from an accredited 4-year college or university, in a field of study related to managing public works operations, including but not limited to civil or mechanical engineering, finance or accounting, or business administration”.

In Section 12 G I applaud the inclusion of the new sentence under the Tree Warden.

And in Chapter VII I regrettably note that there is not proposed a "Public Works Commission". As stated above, this is not a one-horse town anymore. There was a time when what would now be viewed as a puny Highway Department (snow plowing and cleaning catch basins) was never dreamed of as operation overseeing millions of dollars in garbage and recycling, maintenance of all public buildings, 200 miles of streets, many thousands of catch basins, a leaf composting site, one of the largest and dynamic park systems in the state, a 200-vehicle fleet, a staff of 75-80 individuals, 4 bargaining units (unions), with a budget of nearly \$14.5mm (when you include sanitary sewers). This does NOT include the cost of any bonded/on-going construction.

There is a Police Commission, Park Commission, Library Board, Board of Health, etc, etc. I think a Public Works Commission is long overdue. In the alternative, the Public Works Committee of the Town Council could be constituted in such a way to serve in this capacity.

In a last comment concerning Public Works, I appreciate the clarification in Chapter IV, Section 1. I hope that this wording clarifies that ALL of the Enterprise Funds come under the authority of the First Selectman and the Board of Finance. This should preclude any future raiding of the WPCA's accounts for purposes, or in monetary amounts, which otherwise could be, and were, made imprudently (in my opinion). A 'check and balance' system would have likely reduced (or eliminated) the excessive benefits that the Jog Hill sewer project assessments enjoy.

In conclusion, with regard to the changes concerning the Budget Referendum, I suggest the adoption of the opinions described in the Minority Report. The currently proposed language could make governess unwieldy as the proposed thresholds are too low.

I also commend the referendum language for the projects that will cost in excess of \$15mm, although I caution that the \$15mm number is only a good guess. For 40 years however the \$10,000 trigger for bidding has been around, and it hasn't changed . . . time will only tell on the appropriateness of the \$15mm figure. I also question whether or not this referendum mechanism will apply to sanitary sewer projects . . . which projects are controlled otherwise by Connecticut State Statutes. People in those projects already are provided statutory remedies, and the town as a whole should not be able to withhold these sewer services (75% of which expenses are paid for by the effected landowners).

Thank you for your patience. Any questions?