

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

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TRUMBULL TOWN COUNCIL
MINUTES
October 4, 2010

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:02 p.m. at the Trumbull Town Hall, Trumbull, Connecticut, and stated that the resolution(s) which are the subject of this meeting are available to the public and may be obtained at this meeting. All present joined in a moment of silence and the pledge of allegiance. The Chair asked all present to remember the late Loretta Heimann, wife of our former First Selectman who has passed away since the last Town Council meeting.

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

Members present and absent were as follows:

PRESENT

Debra A. Lamberti
Suzanne S. Testani
Tony J. Scinto
Chad Ciocci
Jane Deyoe
Martha A. Jankovic-Mark
Mary Beth Thornton
Roberta A. Bellows
Michael J. London
Michael Rappa

PRESENT

John M. Rotondo
David R. Pia
Daniel Helfrich
Robert J. Pescatore, Jr.
Ann Marie M. Evangelista
James F. Meisner
Mark S. Altieri
Carl A. Massaro, Jr.
John A. DelVecchio, Jr.

ABSENT

Jeff S. Jenkins
Kristy L. Waizenegger

Also Present: First Selectman Timothy M. Herbst, Ms. Maria Pires, Finance Director, Town Attorney Edward Walsh, Deputy Director of Public Works, Ms. Theodora Samadjopolous, Mr. John Barbarotta of AFB Construction Management and Bond Counsel Joseph Fasi.

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

APPROVAL OF MINUTES: Mr. DelVecchio moved, seconded by Mr. Rotondo to amend the minutes of the regular September 13, 2010 Town Council to include in the list of present councilman Mr. Michael Rappa.

VOTE: Motion to amend carried unanimously 18-0.

Mr. DelVecchio moved, seconded by Mr. Rotondo to accept the September 13, 2010 meeting minutes as amended.

VOTE: Motion approved unanimously 18-0.

Mr. Rotondo left the meeting at 8:05 p.m.

DISCUSSION ITEMS:

a. Trumbull High School Building Committee: Owner's Rep Report:

Mr. John Barbarotta of AFB was present. Mr. Barbarotta reported that the EDO-49R has been filed with state awaiting their review and comments. The concession stand is being designed and would expect there would be a design to review at the next Town Council meeting.

Phase 1: Is nearing completion, construction is completed, the punch-list items are remaining; they anticipate the punch-list items to be completed in approximately one month. Next week training of the BoE personnel will take place with regard to the sound board equipment, (analogue, digital and the lighting).

Phase 2: They are working in the front of the building the administration and front entrance area. The corner of M-Wing is being demolished and walls are being built. Construction of Phase 2 is going well.

In response to a question from Mr. Scinto, Mr. Barbarotta confirmed that the arm rests in the new auditorium are the wrong color; the architect approved the color the contractor submitted. The armrests will be replaced with the correct color and the architect will bear the responsibility. Open House will not be held in the auditorium due to the fact that painting of the space is on-going, there were some punch-list items that needed to be addressed, and there had been one or two leaks during the torrential rain storms. It would be possible to have an event in the new auditorium, but it was the decision not to until those items were finished and/or addressed.

In response to Ms. Testani, Mr. Barbarotta stated that a cost has not been determined for the concession stand; they are still in the design process.

In response to Mr. Pia, Mr. Barbarotta stated that the possibility of adding a repeater had been discussed at a council meeting awhile back, but has not been discussed recently. Mr. Pia would like to see the item discussed; Mr. Barbarotta stated the Building Committee would need a directive from the Town Council on this matter. The BoE would need to approve the repeater first and would then to the Town Council for their approval. The Chair confirmed that the BoE would need to approve the repeater, it would then go to the BoF for funding and then on to the Town Council for approval.

In response to a question from the Chair, Mr. Barbarotta confirmed that the Chair had been sent the EDO-49R correspondence between the Superintendent and the State. Mr. Barbarotta stated that the EDO-49R revisions are as listed: the elimination of the natatorium, the addition of the concession stand with bathrooms. There was some paving

included in the original scope, but the scope has been expanded and believes that was included in the EDO-49R.

Mr. Rotondo returned to the meeting at 8:12 p.m.

b. Trumbull Nature & Arts Center Programming

Pam Georgas Director of the Trumbull Nature & Arts Center was present, Ms. Mary Ellen Lemay, Mr. Kevin Malone, Trumbull & Nature Commissioner and Ruth Moore a retired teacher and volunteer at the Nature & Arts Center.

Ms. Georgas gave an overview of the programs offered at the Trumbull Nature Center. The curriculum is seasonal based, there are also five (5) school curriculums which had been developed over the past few years, there are birthday party packages offered and boy scout and girl scout programs, in addition to the programs one or two larger events are held yearly. This year's focus will be developing a special needs program. The Atka-Ambassador Wolf from the Wolf Conservation Center Visit to the Trumbull Nature & Arts Center is scheduled for October 16, 2010 at 3:30 p.m. The Young Women's Club is having a Bake Sale in tandem with the Wolf event. The Trumbull Nature & Arts Center has received favorable feedback from the surveys sent to each of the schools. Ms. Georgas stated that the challenge that the Center faces is the size of the space where the programs are offered, the marketing aspect of the center is the easy part, the Center has worked with builders and Bullard Havens and does not think the space will allow for requests made by the community.

Ms. Lemay stated that she is the Chairman of the Conservation Commission but is also very involved with the Trumbull Nature & Arts Center as a scout leader and teacher at the Center. The programs offered at the Center are the best the Town has ever offered. The response from the community has been tremendous. Ranger Mark Ceneri has developed the program(s) and has been excellent. There will be a watershed initiative along with the Conservation Commission and the Trumbull Nature & Arts Center to replant the buffers to offset the recent flooding the town has experienced.

Mr. Malone stated that the Trumbull Arts & Nature Center has service opportunities available to the children to fulfill various volunteer requirements. Community Groups have events at the Center; there are several gardens, one of which is sponsored by a church in Tashua, a rain garden designed by the scouts, and several corporate impact days. General Electric and Sun Products have sponsored a butterfly garden and have sponsored the build of the large playground at the Center.

Ms. Moore works with Ranger Mark Ceneri, has created butterfly gardens in each of the five (5) elementary schools. Ms. Moore read letters of appreciation from the children to the councilman. Ms. Moore stated that the center is a wonderful place for the children to come and learn; the outdoor program is especially valuable due to the amount of time children of today spend inside.

In response to Mr. Meisner, Ms. Georgas stated that selling the Trumbull Nature & Arts Center property is currently is not an active possibility. Beach Park is not on the list of possible new locations.

Mr. DeVecchio spoke in favor of not selling the Trumbull Nature & Arts Center property.

In response to the Chair, Ms. Georgas stated that the Young Women's Club Bake Sale in tandem with the Wolf event scheduled for October 16, 2010 at 3:30 p.m. The Chair encouraged all to attend and support the event.

BUSINESS:

1. RESOLUTION TC23-103: Moved by Ms. Deyoe, seconded by Mr. Rotondo.

BE IT RESOLVED, That October 12, 2010 is hereby declared Governor Jonathan Trumbull Day.

Committee Report: The Legislation & Administration meeting met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

First Selectman Herbst stated that there are series of events scheduled in honor of the 300th anniversary of Jonathon Trumbull's birthday. There will be a wreath laying on Tuesday, October 12, 2010; all are invited to the ceremony at the Trumbull Town Hall. Curriculum related to the history of Jonathon Trumbull has been integrated into a three levels of education here in town, elementary, middle and high school. First Selectman Herbst extended his gratitude to the Superintendent of Schools and the Town's staff for their support.

Saturday October 16, 2010 from 7:30 – 9:30 p.m. at the Sports Center of Connecticut there will be unlimited laser tag and ice-skating available to Trumbull residents for a \$10.00 per person celebrating Jonathon Trumbull's birthday. The town is working with the Historical Society on the possibly of making Jonathon Trumbull Day an annual event.

VOTE: Resolution TC23-103 was Adopted unanimously 18-0

2. RESOLUTION TC23-94: HELD IN COMMITTEE
3. RESOLUTION TC23-96: Moved by Mr. Rotondo, seconded by Mr. Meisner.

BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a worker's compensation claim known as Robert Bracci vs. the Town of Trumbull.

Committee Report: The Legislation & Administration meeting met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

VOTE: RESOLUTION TC23-96 was Adopted unanimously 18-0.

Moved by Mr. DelVecchio, seconded by Mr. Pescatore to pass RESOLUTION TC23-96 as Emergency Legislation.

The Chair noted that there is a hearing being held on this matter during the regular publication period therefore emergency legislation would be appropriate.

VOTE: Motion carried unanimously 18-0.

4. RESOLUTION TC23-104: HELD IN COMMITTEE
5. RESOLUTION TC23-106: Moved by Mr. Pia, seconded by Ms. Evangelista.

BE IT RESOLVED, That the Town of Trumbull may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate;

And BE IT FURTHER RESOLVED, that Timothy M. Herbst, First Selectman of the Town of Trumbull, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Trumbull and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Committee Report: The Legislation & Administration meeting met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

VOTE: RESOLUTION TC23-106 was Adopted unanimously.

Moved by Mr. DelVecchio, seconded By Ms. Testani to pass RESOLUTION TC23-106 as Emergency Legislation.

First Selectman Herbst confirmed the emergency legislation.

VOTE: Motion carried unanimously 18-0.

The Chair noted that bond counsel, Joseph Fasi was present at this meeting to speak to Resolution TC23-107; the next item of business.

6. RESOLUTION TC23-107: Ms. Lamberti moved, and the motion was seconded by Mr. Ciocci, to read the title and Section 1 of the following proposed 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.

Upon vote the ayes and nays were as follows:

AYES

Debra A. Lamberti
Suzanne S. Testani
Tony J. Scinto
Chad Ciocci
Jane Deyoe

NAYS

(NONE)

John M. Rotondo
David R. Pia
Daniel Helfrich
Robert J. Pescatore, Jr.
Ann Marie M. Evangelista

Martha A. Jankovic-Mark James F. Meisner
Mary Beth Thornton Mark S. Altieri
Roberta A. Bellows Carl A. Massaro, Jr.
Michael J. London John A. DeVecchio, Jr.
Michael Rappa

RESOLUTION AMENDING A RESOLUTION
APPROPRIATING \$25.54 MILLION FOR THE PLANNING,
ACQUISITION AND CONSTRUCTION OF SANITARY
SEWERS, PHASE IV, PART B, CONTRACT IV (THE "Project")
BY INCREASING THE APPROPRIATION AND BOND
AUTHORIZATION \$3.0 MILLION, AND RATIFYING AND
CONFIRMING ALL PRIOR PROJECT BOND RESOLUTIONS.

Section 1. The Town of Trumbull has to date adopted three 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 (collectively the "Prior Resolutions"). The total of the appropriations and bond issuance authorizations of the Prior Resolutions is \$27.0 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 \$3.0 million of this amendment is \$30 million.

Ms. Lamberti moved that said resolution be adopted as introduced and the motion was seconded by Mr. London.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

The Chair noted that Joseph Fasi, Bond Counsel, Jeanine Lynch, Chairman of the WPCA, Laura Pulie, WPCA regular member, Karen Egri, WPCA Alternate, Edward Walsh, Town Attorney and First Selectman Herbst were present at this meeting to speak to this resolution.

Ms. Thornton stated that Councilman Pescatore and she held a district meeting with regard to the Tighe & Bond contract and the addition of this funding to the North Nichols project. Their constituents feel the town should bear the cost of the contract, not the residents. The town has born the cost of engineering in the project thus far; the town is almost completely sewerred.

Moved by Ms. Thornton, seconded by Mr. Pescatore to reduce the additional \$3.0 million by \$961,000.

Mr. Rappa commended the WPCA Commission for a job well done; the attempt to hire Tighe & Bond is a good decision, although in past practice the engineer service and field oversight service has been a town service. These have been costs born by the town before and spoke in favor of the town absorbing the cost of the Tighe & Bond contract.

The Chair clarified the amendment on the floor.

Mr. Ciocci then stated the amendment would only reduce the amount of the bond by \$961,000 not direct the WPCA to fund the contract by other means.

Ms. Thornton stated that the amendment would include direction to fund the Tighe & Bond contract with other funds not the bond.

The Chair stated the amendment is on the floor and has been seconded it is clear that it is only to reduce the bond by \$961,000.

Ms. Thornton withdrew her motion.

Moved by Ms. Thornton, seconded by Mr. Pescatore to reduce the amendment by \$961,000 as it pertains to the Tighe & Bond contract.

The Chair noted that this resolution is a bonding resolution. The Town Council can only approve the bond but can not direct how it is spent. The hiring of any firm by contract is under the WPCA's purview. The proposed amendment's intent is to reduce the bonding for payment for the contract.

Mr. Pescatore stated that based on the district meeting that he and Ms. Thornton had, their constituents asked them to remove the cost of the contract from the bonding authorization. The WPCA could reconsider the contract in terms of how it was structured and who would pay for it. The amendment is not against any of the engineering services, people are in support of the engineering oversight, there is difference of opinion of who should pay for the contract. Based on the residents concerns this amendment has been brought before all seven (7) district representatives for their consideration and their ability to vote on the amendment.

Mr. London asked for the proposed amendment to be read back to the Town Council Per the direction of the Chair, the clerk read the amendment into the record as follows, "Moved by Ms. Thornton, seconded by Mr. Pescatore to reduce the amendment by \$961,000 as it pertains to the Tighe & Bond contract.

Mr. London stated based upon the explanation by the Chair, that the proposed amendment is out of order because the Town Council has no authority to direct the WPCA how to expend funds. The motion on the floor as it is currently worded does attempt to direct the WPCA.

The Chair stated that the motion is clear that it is attempting to reduce the amount leaving the remaining funds available only for the other purposes stated in the bond resolution.

Bond Counsel, Atty. Fasi stated that the WPCA does spend the appropriation and decide where the \$961,000 would come from or where the reduction would be applied. Atty. Fasi stated that the proposed amendment would be better without tying it to Tighe & Bond as it was originally proposed and moved.

The Chair agreed, the original motion was worded better and would allow for a cleaner resolution reiterating that this is a bond resolution the Town Council does not direct how the funds are spent.

Town Attorney Walsh stated that his firm had done extensive research in to the WPCA, the WPCA is almost a separate municipality, it has a right to appropriate; the language specified by Ms. Thornton in her motion would not be a proper resolution.

Ms. Thornton withdrew her motion.

Moved by Ms. Thornton, seconded by Mr. Pescatore to reduce the additional \$3.0 million by \$961,000 from Resolution TC23-107.

First Selectman Herbst stated that the Town Council is considering this resolution in light of the current contract 4, as well as what transpired in the previous contract 3. The WPCA commissioned a forensic audit of contract 3, which affected the Jog Hill area. The purpose of the audit was to ascertain the problems of contract 3 and to ensure the same types of issues were not repeated in contract 4. Contract 4 is a larger project than project 3; project 4 affects 1,000 homes. The audit's results were clear that the town lacked the requisite for the number of inspectors necessary for the size of the project and the experience necessary for the magnitude of the project. DEP has told the town that on a project of contract 3's size there should have been four inspectors, instead of the one (1). As a result of the lack of adequate inspections and manpower there are defects in contract 3, cracking and sinking roads, due to improper compaction testing. Contract 4 was started before assessments in contract 3 were levied and before the town understood what the problems were in contract 3. On three (3) separate occasions the council considered bond appropriations for contract 4. On March 2, 2009 the council considered an \$850,000 bond appropriation, on May 4, 2009 a \$610,000 bond appropriation and on September 8, 2009 a \$25,540,000 bond appropriation. With the exception of the Tighe & Bond contract; the \$3 million dollar amendment before the council at this meeting consists of items which should have been in the original bonding authorization. As stated on page 5 of the Finance Committee meeting minutes dated September 27, 2010 the only consisted of construction bond of \$27 million, none of the soft costs were included (design, contingency or the 2% traditional bonding costs). \$2.1 million of the \$3 million request should have been included in the original bond, if the council reduces this by \$961,000 it would be prudent to figure out how the town would pay for it; the consensus is that there is agreement that the contract is necessary. There would be no sense to having performed the forensic

audit, if the results of the audit were not heeded by the Town. The concern that that the additional \$961,000 will drive the residents' assessments up is a premature statement, the cost of the project can not be determined until the end of the project, the purpose of hiring Tighe & Bond is to identify savings through value engineering. In contract 3 there were over \$2 million worth of change orders. Instead of looking at the dollar amount of the contract it is important to look at the value of this type of oversight will bring to the project. This bond plus what has already been bonded for this project is approximately \$51 million in total, there is only one other project in town that is close to this amount, the High School renovation project, which has about 5 times greater the oversight than the sewer project(s) had without Tighe & Bond. This decision has to be looked at in its totality and to consider what is at stake.

The Chair stated that 25% of the total cost of these projects is incurred town wide, which brings the \$961,000 to a lesser number for the residents.

In response to Ms. Thornton, First Selectman Herbst stated that the WPCA paid for the forensic audit, the forensic audit was for ascertaining the problems in contract 3 but also for the benefit of the residents in contract 4, making sure that the same mistakes would not repeat themselves in contract 4. From an administrative point of view by the town, the forensic audit proved vital in putting in place certain controls to prevent the same happening in contract 4 and contract 5 (South Nichols). Tighe & Bond will help the North Nichols residents, that portion of the project is 50% complete, Tighe & Bond will move forward with the remaining 50% of the project and will also look at what has already been completed. This would have been a project cost for contract 3, and would have been money well spent for the project as a whole it may have prevented the \$2 million in change orders.

In response to Ms. Thornton, Ms. Lynch, Chairman of the WPCA noted that the \$2.9 million in change orders and supplemental(s) were in addition to the \$3.5 million of change orders as a result of the Herd Contract Extension.

In response to Mr. DeVecchio, Ms. Lynch stated that Savings Reports identified by Tighe & Bond will be forwarded to the Town Council.

In response to a question from Mr. DeVecchio, First Selectman Herbst noted that the High School Renovation project is paying an Owner's Representative \$600,000 in oversight fees, \$2.5 million in contingencies and abatements costs. The oversight is built into that project. Due to the amount of oversight and scrutiny in place it has resulted in a substantial cost savings to that project.

Ms. Lynch noted for Mr. DeVecchio that there is no cap to the Tighe & Bond contract, but the WPCA has the absolute right to terminate at any time (per contract). Tighe & Bond has been working since July 2010 without a contract and have not been paid anything to date.

In response to Mr. Pia, First Selectman Herbst agreed that the net savings from the oversight and the value engineering will exceed the cost of the contract for Tighe & Bond. Mr. Pia noted it is actually a plus to the North Nichols residents. Ms. Lynch noted that this is more than an economic issue it is also a quality control issue. Mr. Pia noted that the contract will bring enough savings from the value engineering along with quality control, which more than likely will result in a zero cost or an even greater savings to the residents.

Mr. Pescatore requested that his earlier comments entered into the record.

Mr. Rotondo left the meeting at 9:28 p.m.

In response to Mr. Pescatore, First Selectman Herbst stated that there has been assertion made that the residents of contract 4 assessments will go up because of the hiring of Tighe & Bond, the first time he saw the assertion was in letter from Ms. Thornton and Mr. Pescatore distributed to their constituents in their district.

Mr. Pescatore clarified that the letter read as, "that their assessment may go up". There was not an assertion made, but a statement made to the residents of a potential impact and that was the spirit of the meeting, to inform the residents of what is going on.

First Selectman Herbst requested that letter be entered into the record of this meeting as well as the survey that was taken at that meeting. The Chair agreed, stating that the items would need to be made available to the clerk to be included into the record.

Mr. Rotondo returned to the meeting at 9:30 p.m.

Mr. Scinto noted that a resident had notified him that a woman was going door to door alarming the residents that their assessments may go up as a result of this contract, noting that could be construed as assertion. Mr. Scinto referred her directly to the First Selectman. First Selectman stated that he had spoken with resident.

The Chair noted that all 21 councilmen and councilwomen are striving for the best quality project completed at the lowest cost and the end of the vote that is what they will looking for and hoping that the WPCA will deliver.

Mr. Pescatore noted that there is merit in the value engineering and the oversight of the project. As a councilman he is bringing the thoughts of the residents who attended the district meeting, which Councilwoman Thornton and himself held on September 18, 2010, and is not disagreeing with the why of hiring the engineering firm, but is bringing the thoughts of the residents to the floor of the council. The disagreement is of who should be paying for the contract and the essence of removing the money is so that there can be a reconsideration of who will be paying for the contract. There is a lot of talking and speculation with regard to contract 3 of what the potential savings could have been if Tighe & Bond were involved in that portion of the project. Those would

be unknown numbers and would not be fair to bring into the discussion. There has been no factual back up provided to Mr. Pescatore for the entire picture. There is no guarantee of what the entire Tighe & Bond cost will be, all hope it will come in less than the \$961,000. Mr. Pescatore's basis for seconding this motion is to remove the \$961,000 now and until such time that the WPCA can reconsider and hear the residents and then at such time a motion can be brought forth to decide who will pay for the contract.

First Selectman Herbst stated that the Forensic Audit is the factual back-up showing that there were no proper controls in place and there was not the level of scrutiny required on a project of this magnitude. It would be the hope that all would support making the necessary changes to implement the recommendations of the forensic audit report. There would be no purpose in doing an audit if you were not going to implement the recommendations of the report. The recommendations were clear; there were not enough inspectors; there were not enough internal controls in place to scrutinize construction costs, DEP permits were not applied for. The town wants to make sure the same mistakes are not made again, that the contract is constructed properly, that the costs are scrutinized and want to cost containment and want the necessary manpower to get the project done.

Mr. Altieri stated the greater the number of the bonding issued and 75% of that number will be what the makes the residents' assessment, the lower the number, the lower the assessment. As to oversight of the high school renovation there is a cost of \$600,000 for that \$68 million project vs. the \$961,000 proposed at this meeting for the oversight of a \$30 million project, noting that \$961,000 is an expensive oversight. Mr. Altieri spoke in favor of oversight on this project.

Ms. Pulie stated that \$961,000 is Tighe & Bonds fee to perform the work for one year; they have been working since July 2010 overseeing the project and have identified \$400,000 in savings by redesigning a portion of the sewer line with value engineering, the cost to redesign this portion is approximately 10% of the savings, \$40,000, bringing the net savings to \$360,000, Tighe & bond also eliminated unnecessary items, (i.e. trench drains). They feel the drains will be a liability to the town due to the possibility of contaminations; that alone is \$600,000 savings to the town.

In response to a question from Mr. Altieri, Ms. Pulie confirmed that the town owes Tighe & Bond for work that they have performed to date.

Mr. London noted that it fairly routine to retroactively approve payment for work already performed. With regard to assumptions/assertions, many of the residents in the affected sewer area were misinformed right at the outset; they were led to believe that there would be higher costs, when the costs had not yet been determined. It is clear that hiring Tighe & Bond is going to be a cost benefit to the project and to suggest that there will be higher assessments is irresponsible. The contract is necessary.

In response to Ms. Mark, First Selectman Herbst clarified that 25% of the cost is incurred by the town 75% is paid for by District 2. Ms. Lynch stated that the forensic audit was

certainly a project cost and if the assessments had not been finalized and had been implemented before the assessments were finalized it would have been a project cost included in the assessments. The twenty account is funded by various users' fees. In response to First Selectman Herbst, Ms. Mark stated that the \$961,000 fee for Tighe & Bond may actually reduce the assessment fees of District 2's residents. First Selectman Herbst agreed.

Ms. Testani noted that the town is fourteen (14) months away from setting the assessments on contract 4.

In response to Mr. Meisner, Ms. Lynch explained (as did Mr. Marsilio at the BoF meeting), that although the project costs are similar to the high school renovation the sewer project is a far more complicated project due to the rock and ledge involved. Mr. Meisner voiced concern of the open ended contract.

Ms. Lynch thanked the district representatives for holding the meeting, although it would have been helpful to the WPCA to have received more advanced notice of the meeting. The WPCA had only 1 1/2 day notice. The WPCA has four engineers on the commission and if there were more notice they could have attended and answered many of the residents' questions. The WPCA will be holding meetings to discuss and answer these questions.

Ms. Thorton extended her gratitude to Karen Egri, WPCA alternate for her attendance at the district meeting.

In response to Mr. Rotondo, Ms. Pulie confirmed the amount of savings to date by Tighe & Bond is \$950,000. Mr. Rotondo stated that if the cost savings and the cost to hire Tighe & Bond are that close that it would seem that there would be no need to add \$961,000 to bond authorization. Ms. Pulie stated that the Tighe & Bond will be invoicing throughout the project not just at the end. Mr. Rotondo recommended that the WPCA has the funds available from the \$27 million already allocated and has the authority over the project therefore could pay Tighe & Bond from the funds already available. At the end of the year the WPCA could then come back and request the additional if needed.

The Chair clarified that the WPCA has exclusive authority over this project. It has built the estimated cost for it, at a projected a \$30 million dollar cost, which includes the Tighe & Bond contract. It is asking the town to bond it. The Town Council has one vote tonight to fund this project. If the council votes to reduce the amount as is proposed in the motion, the WPCA has already voted to hire Tighe & Bond and will incur the cost. If the cost is covered by good work and savings, the entire project will cost less and the assessment will be reduced. The vote tonight will not address if Tighe & Bond is paid out of the 59 account, the 20 account or from the bond. The town is merely asked to bond the project. The WPCA controls the project and pays for it. How the project goes forward will be managed by the WPCA.

Mr. Meisner concurred with Mr. Rotondo, noting that there is contingency money included in the bond which could also cover the Tighe & Bond expense.

In response to Mr. Pescatore, Ms. Pires clarified that the \$30 million is assigned to different contracts; if the \$30 million is not spent it will not be bonded. The town only bonds what it needs. Once the bond has been authorized, the WPCA could vote to spend the funds for when it is not in relation with Tighe & Bond contract.

Mr. Pia spoke in favor of the resolution as proposed.

Atty. Fasi confirmed for the Chair that vote will be a roll call.

* The Chair voted on the amendment.

AYES

John M. Rotondo
Daniel Helfrich
Robert J. Pescatore, Jr.
Jane Deyoe
James F. Meisner
Mary Beth Thornton
Mark S. Altieri
John A. DelVecchio, Jr.
Michael Rappa

NAYS

Debra A. Lamberti
Suzanne S. Testani
David R. Pia
Tony J. Scinto
Chad Ciocci
Ann Marie M. Evangelista
Martha A. Jankovic-Mark
Michael J. London
Roberta A. Bellows
Carl A. Massaro, Jr.

VOTE: Motion to reduce the additional \$3.0 million by \$961,000 from Resolution TC23-107 Failed 9-10.

Ms. Mark stated that she has never approved a sewer project, because it is not environmentally responsible and would like to see a sewage treatment center in town.

Mr. Pescatore stated he will vote against this resolution based upon the difference of opinion of who should pay for the engineering based upon the residents and he is not voting against the engineering firm being brought in.

*The Chair voted on this resolution.

Upon vote the ayes and nays were as follows:

AYES

Suzanne S. Testani
Michael J. London
Roberta Bellows
David R. Pia
James F. Meisner
Mark S. Altieri
Chad Ciocci
Debra A. Lamberti
Ann Marie M. Evangelista

AYES

Tony J. Scinto
Daniel Helfrich
Carl Massaro, Jr.
Michael Rappa

NAYS

Martha A. Jankovic-Mark
Robert J. Pescatore, Jr.
John DelVecchio, Jr.
Mary Beth Thornton

ABSTAINMENTS

John M. Rotondo
Jane Deyoe

VOTE: RESOLUTION TC23-107 was Adopted 13-4-2
The Chair thereupon declared the motion carried and the resolution adopted.

Mr. DelVecchio left the meeting at 10:12 p.m.
Mr. DelVecchio returned to the meeting at 10:14 p.m.

7. RESOLUTION TC23-108: Moved by Ms. Evangelista, seconded by Mr. London.

BE IT RESOLVED, That \$18,203 is hereby appropriated from the Available General Fund Balance to Public Works 01030100-578802 Equip/Maint. Repair.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

In response to Mr. Altieri, Ms. Samadjopolous stated that the unit is 12 years old; the issue is that the interior cast iron parts have always been known to be bad and need to be completely replaced. The warranty was for ten (10) years, labor for was guaranteed for one (1) year. The new labor will be guaranteed for one year, the cast iron will be guaranteed for ten (10) years and the push nipples have a lifetime warranty.

In response to Mr. Pia, Ms. Samadjopolous stated that Hunter was the low bid, the other bids were invalid. Typically the Town Purchasing Agent does require bid bonds.

VOTE: Resolution TC23-108 was Adopted unanimously 18-0.

8. RESOLUTION TC23-109: Moved by Mr. Ciocci, seconded by Mr. Pia.

BE IT RESOLVED, That \$31,988 is hereby appropriated from the Available General Fund Balance to Senior Center 0105060-581888 Capital Outlay.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

In response to Mr. Rotondo, Ms. Samadjopolous clarified that the unit that is currently there is inefficient, the size is correct, it had been made into water boiler from a steam boiler right before the renovation, the piping and the manifolds that connect to the unit itself had been repaired, due to the modernization and the new equipment the unit failed, the cast iron cracked.

In response to Ms. Testani, that during the renovation an elevator had been added to the building. The boiler is located in a pit which is most of the charge for this bid, because it has to be disassembled and brought up out of the pit.

In response to Ms. Evangelista, Ms. Samadjopolous stated that there is a ten-day (10) lead time once the contractor is notified.

In response to a question from Mr. Pia, Ms. Samadjopolous stated that the bid that was \$8,000 less was invalid, because there was no bid bond.

In response to Mr. DeVecchio confirmed that the boiler is being replaced in the same location.

VOTE: Resolution TC23-109 was Adopted unanimously 18-0.

Moved by Mr. DeVecchio, seconded by Mr. Pia to pass Resolution TC23-109 as Emergency Legislation.

VOTE: Motion carried unanimously 18-0.

9. RESOLUTION TC23-110: Moved by Ms. Bellows, seconded by Mr. London.

BE IT RESOLVED, That \$15,000 is hereby appropriated from the Available General Fund Balance to Charter Revision 01010300-522202 Services & Fees-Prof.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

In response to Mr. Rotondo, the Chair indicated that the attorney chosen by the Charter Revision Commission is an attorney with expertise in municipal charters.

First Selectman Herbst explained that the attorney being considered previously served the Norwalk Charter Revision Commission and his corporation counsels the city of Norwalk. The Charter Revision Commission was unanimous in its consensus to obtain independent legal counsel. The First Selectman stated that there are some substantial Charter reforms being considered and would not want the perception of any of the attorneys appointed by the First Selectman had any influence on the work of the Charter Revision Commission.

Mr. Meisner spoke against spending money from the General Fund.

Moved by Ms. Mark, seconded by Mr. DeVecchio to amend Resolution TC23-110 to read as, "BE IT RESOLVED, That \$15,000 is hereby appropriated from the Town Attorneys Account 01012800-522202 Services & Fees-Professional for Charter Revision.

The First Selectman explained that this item was not budgeted for was because the Charter Revision Commission had just been formed and had not ascertained the need for legal counsel. After a thorough discussion by the BoF; they approved it as it is and not from the Town Attorney account due to the fact that it would be a one time cost not a fixed line item in the budget. The First Selectman had made a determination that the town attorneys be paid by contract, if you were to draw against the town attorney account for a one time cost that would artificially inflate the cost of legal counsel for the town.

Ms. Mark spoke in favor of using money already budgeted, and to come back at a later date if the money is needed. Ms. Mark commended the First Selectman for taking away the part time town attorney positions as well as the health and pension benefits.

Ms. Pires clarified that Charter Revision has its own line item and its own cost center in the budget.

Mr. DelVecchio spoke in favor using the attorneys' fees accounts.

Mr. Ciocci spoke against the amendment.

In response to Mr. Pescatore, First Selectman Herbst stated that purpose of going to contract with town attorneys was to eliminate the free health care and part time town attorneys should not become pension eligible. A contract arrangement would require a fixed monthly retainer.

In response to Mr. Pescatore, Ms. Pires stated that the budget for the Town Attorneys is \$235,000, the monthly retainer for Owen Shine is approximately \$14,700 and Berchem & Moses's monthly retainer is \$2,800. The maximum is \$235,000 per year.

In response to Mr. Pia, Ms. Pires stated to determine the cost of Charter Revision the item should stay with the Charter revision line item.

In response to Mr. Rotondo, Ms. Pires stated that the \$235,000 is divided by 12 months.

VOTE: Motion to amend Failed 9-10 (AGAINST: Testani, London, Deyoe, Bellows Pia, Evangelista, Ciocci, Lamberti, Scinto and Massaro)

*The Chair voted on Resolution TC23-110.

VOTE: RESOLUTION TC23-110 was Adopted 13-4-2 (AGAINST: Altieri, Thornton, Meisner and DelVecchio) (ABSTENTIONS: Pescatore and Rotondo).

Later in the meeting it was moved by Mr. Pia, seconded by Mr. Helfrich to pass RESOLUTION TC23-110 as Emergency Legislation.

VOTE: Motion carried 15-0-4 (Abstentions: Rotondo, Pescatore, DelVecchio and Altieri).

10. RESOLUTION TC23-111: Moved by Mr. Meisner, seconded by Ms. Lamberti.

BE IT RESOLVED, That \$11,970 is hereby appropriated from the Available General Fund Balance to Health Department 01013800-581888 Capital Outlay.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council with recommendation 4-0 unanimously.

No discussion.

VOTE: RESOLUTION TC23-111 was Adopted unanimously 18-0.

Moved by Mr. Pia, seconded by Ms. Bellows to bring RESOLUTION TC23-110 to the floor.

Mr. Pia withdrew his motion.

*The Chair voted on Resolution TC23-110.

Moved by Mr. Pia, seconded by Mr. Helfrich to pass RESOLUTION TC23-110 as Emergency Legislation.

VOTE: Motion carried 15-0-4 (Abstentions: Rotondo, Pescatore, DelVecchio and Altieri).

11. RESOLUTION TC23-112: Moved by Mr. Helfrich, seconded by Mr. DelVecchio.

Committee Report: The Finance Committee met on September 27, 2010 and voted to send to the Town Council without recommendation 4-0 unanimously.

Ms. Pires stated that Tim Dolan Chairman of the commission had contacted the contract holder and they will honor the \$1,584 amount contracted and waive the invoiced amount.

In response to Mr. DelVecchio, Ms. Maria confirmed that this is the same supplier; the amount is capped contract for one year.

BE IT RESOLVED, That \$1,600 is hereby transferred from Town Hall Contingency 01013800-501116 to Clean Energy- Program. Exp.01015600-522205.

VOTE: RESOLUTION TC23-112 was Adopted unanimously 18-0.

There being no further business to discuss and upon motion made by Mr. Helfrich, seconded by Mr. DelVecchio, the Trumbull Town Council adjourned at 10:57 p.m. by unanimous consent.

Respectfully Submitted,



Margaret D. Mastroni,
Trumbull Town Council Clerk

RESOLUTION AMENDING A RESOLUTION
APPROPRIATING \$25.54 MILLION FOR THE PLANNING,
ACQUISITION AND CONSTRUCTION OF SANITARY
SEWERS, PHASE IV, PART B, CONTRACT IV (THE "Project")
BY INCREASING THE APPROPRIATION AND BOND
AUTHORIZATION \$3.0 MILLION, AND RATIFYING AND
CONFIRMING ALL PRIOR PROJECT BOND RESOLUTIONS.

Section 1. The Town of Trumbull has to date adopted three 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 (collectively the "Prior Resolutions"). The total of the appropriations and bond issuance authorizations of the Prior Resolutions is \$27.0 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 \$3.0 million of this amendment is \$30 million.

Section 2. The Prior Resolution adopted September 8, 2009, entitled "RESOLUTION APPROPRIATING AN ADDITIONAL \$25,540,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF SANITARY SEWERS, PHASE IV, PART B, CONTRACT IV AND AUTHORIZING THE ISSUE OF \$25,540,000 BONDS OR NOTES OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE," is amended to increase the appropriation and bond authorization therein by \$3,000,000, from \$25,540,000 to \$28,540,000 as follows:

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

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

"Section 1. The sum of \$28,540,000 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 \$28,540,000 is substituted for the amount \$25,540,000 wherever \$25,540,000 appears in the Prior Resolution of September 8, 2009.

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

"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"), including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions."

DISTRICT MEETING NORTH NICHOLS SEWER PROJECT

Dear Neighbor,

We're writing to invite you to an important forum regarding the sewer project now underway in your neighborhood. The forum will be held in the Trumbull Library Community Room on **Saturday, September 18, 2010 from 9:30am to 11:30am**. The library, for those who may not know, is on Quality Street next to Town Hall.

The purpose of this meeting is informational. As an affected property owner, you potentially have thousands of dollars in payments to the Water Pollution Control Authority at stake, and the WPCA is making decisions now that may raise your assessment even higher.

Some of these decisions include:

- The WPCA recently decided to hire an engineering-services oversight firm to review the construction work. The additional fees for this firm, Tighe & Bond, are projected to be around \$961,000.00.
 - **The WPCA voted to have you, the affected homeowners, pay this amount, rather than have the Town cover the cost.**
- Tighe & Bond was hired in spite of one WPCA member saying that sewer projects have not changed in technical difficulty in decades.
- **The WPCA also voted to increase bonding for the North Nichols project by more than \$2 million, raising the total to approximately \$30 million for the project.**
- **In relation to the previous sewer project area only (District 1/Jog Hill):** It was the consensus of the WPCA, according to the commission minutes, to reduce the assessment total and to extend the payment timeframe to 20 years. *This decision benefited some members of the WPCA who live in the Jog Hill area.*

There is no question that you, your neighbors, and all of the people in the North Nichols project will need to deal with the consequences of these decisions over the next several years.

We believe these issues should be fully discussed and we believe the WPCA and the current administration should know how you feel. We also want to know about any issues you may be experiencing with the construction.

The meeting at the library will be an important first step. We look forward to seeing you on September 18th at 9:30am. Any questions can be directed to us at robpescatoreir@gmail.com and marybeth_thornton@yahoo.com.

Sincerely,

Robert J. Pescatore, Jr., Town Council Representative – District 2
Mary Beth Thornton, Town Council Representative – District 2

District Meeting
North Nichols Sewer Project (Contract IV)

Dear Neighbor,

Thank you for taking the time to attend this district meeting regarding the North Nichols Sewer Project. This meeting was called so that we could solicit feedback from our residents in District 2 and those in District 7 who are affected by this project. All three Town Council representatives from both districts were contacted to see if they were available to attend today.

It is our belief that in order to represent the residents of this Town, it is necessary to listen to our constituents. This meeting is to find out what is going well, what needs improvement, and an opportunity for the residents involved to voice their opinion. Should any questions arise that require additional information, we will be more than happy to take your contact information and obtain the answers on your behalf. We are here to assist in any way that we can.

With that being said, it is unfortunate to note that First Selectman Herbst has rejected our request to have Steve Savarese, the Town's Sewer Administrator, present for a period of one (1) hour to discuss this project with all of you and answer any questions that you might have. However, in light of Mr. Herbst's decision, we were able to obtain some documents regarding the overall projected schedule of the project. The documents sent by Mr. Savarese can be located within this packet. Should you have any questions regarding the documents, please contact the Sewer Department at 203-452-5048.

Thank you again for attending today. We ask your cooperation in making this meeting non-political, respectful, and productive.

An agenda for this meeting is listed below:

AGENDA

1. Call to Order
2. Moment of Silence / Pledge of Allegiance
3. Opening Remarks
4. Presentation of Facts / WPCA Decisions
5. Dialogue With Residents / Questions
6. Discussion of Neighborhood Teams
7. Closing Remarks
8. Adjournment

Councilman Robert J. Pescatore Jr. & Councilman Mary Beth Thornton
District 2

North Nichols Sewer Project District Meeting Survey

Name: _____

Address: _____

Email: _____

Phone: _____

1. Please list your main concerns about the completion of Contract IV so far.
2. Please list what you think is working well as of this point in time.
3. Do you agree with the WPCA's decision to utilize funds to reduce the assessments in District 1?
4. Do you agree with the WPCA's decision to hire Tighe & Bond to oversee this project?
5. Do you have any comments on the way that this project is being handled by the WPCA, the Town administration, the Board of Finance, or the Town Council?