

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
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Trumbull Town Council
MINUTES
October 3, 2011

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:08 p.m. at the Trumbull Town Hall, Trumbull, Connecticut.

All present rose and joined in a moment of silence and the Pledge of Allegiance.

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

PRESENT

Suzanne S. Testani	Jeff S. Jenkins	Michael J. London
Chadwick Ciocci	Carl A. Massaro, Jr.	John A. DelVecchio, Jr.
Roberta A. Bellows	James F. Meisner	Robert J. Pescatore, Jr.
Tony J. Scinto	Debra A. Lamberti	Mary Beth Thornton
Jane Deyoe	Martha A. Jankovic-Mark	Kristy L. Waizenegger
Daniel Helfrich	Michael Rappa	Ann Marie Evangelista

ABSENT: David R. Pia, Mark S. Altieri and John M. Rotondo.

Also Present: Chief of Staff Mr. Daniel Nelson, Director of Finance Maria Pires, Labor Counsel Attorney Floyd Dugas, Superintendent of Schools Ralph Iassogna, Bond Counsel Attorney Joseph Fasi and Mr. Brian Holmes of O&G Construction.

Approval of Minutes:

- The Town Council accepted the 08-01-11 regular meeting minutes as amended 16-0-1 (Abstention: Mark) (Amendments Attached).
- By unanimous consent the Town Council accepted the 08-23-11 special meeting minutes as presented.
- The Town Council accepted the 09-08-11 regular meeting minutes as presented 16-0-1 (Abstention: Mark).

DISCUSSION ITEMS:

Trumbull High School Building Committee Update:

Mr. Brian Holmes of O&G Construction reported that the school has opened on time. The current list of priorities is as follows:

- Cleaning areas that were not finished during the summer (i.e. locker areas, classrooms). The team is working through those areas to complete them.
- The cooling system is operational and is currently working on the heating system.
- Connecting all of the new roof top units.
- The team is planning with the school administration as to where to begin working next and are working well together.

In response to a question from Ms. Mark, Mr. Holmes stated that the women’s locker room lockers had gotten bigger therefore the larger size results in less lockers. The lockers that were installed are what were shown on the drawings. Ms. Mark noted that would appear to be a design defect. Mr. Holmes stated could be discussed with the school administration or the architect. The abatement work done to date has not exceeded the budgeted allowance, there is more abatement scheduled to be done next summer. The vast majority of the abatement is complete; there were a couple of surprises, (i.e. window caulk). The complete cost for abatement is not known to date until all of the work is completed. Some kitchen equipment had been salvaged and taken away; the drawings read as which to salvage, which to reuse and which to dispose of.

BUSINESS:

1. RESOLUTION TC23-186: Moved by Mr. DelVecchio, seconded by Ms. Deyoe to read the title of the following proposed resolution in its entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

The AYES and NAYS were as follows:

AYES:

Suzanne S. Testani	Jeff S. Jenkins	Michael J. London
Chadwick Ciocci	Carl A. Massaro, Jr.	John A. DelVecchio, Jr.
Roberta A. Bellows	James F. Meisner	Robert J. Pescatore, Jr.
Tony J. Scinto	Debra A. Lamberti	Mary Beth Thornton
Jane Deyoe	Martha A. Jankovic-Mark	Kristy L. Waizenegger
Daniel Helfrich	Michael Rappa	Ann Marie Evangelista

NAYS: (NONE)

VOTE: Motion carried unanimously.

BE IT RESOLVED, THAT RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$27.0 MILLION TOWN OF TRUMBULL GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZING COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUED BONDS OF THE TOWN, AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM IS HEREBY APPROVED.

Mr. Ciocci moved that said resolution be adopted as introduced and the motion was seconded b Mr. London.

Committee Report: The Finance Committee met on 09-26-11 and voted unanimously to send said resolution to the Town Council without recommendation.

The Chair indicated that attached to the Finance Committee meeting minutes is a memo from Bond Counsel Attorney Fasi, said memo had been distributed to the full Town Council as well.

In response to a question from Mr. London, Attorney Fasi explained the process as follows: The Town's financial advisor through communication with underwriters in the market place run numbers which compare existing debt service to potential debt service based on current market rates. Bond counsel does not produce those numbers. The last time the numbers were run, the net savings was \$750,000 if a refunding were implemented. Those number runs are not current; it took place before the start of this process for authorizing the bond resolution. By the time the implementation of the refunding takes place the market conditions would have changed, the savings could have dissipated or could have doubled. If there are savings above 2% of the current debt service it would be his recommendation to implement the refunding.

In response to a question from Mr. DelVecchio, Attorney Fasi explained that the savings is the comparison of what the debt service would be if the refunding was not done to what the debt service would be if the refunding was done. The savings is not in the form of a check but in the form of a new schedule, which would be lower than the existing schedule. Attorney Fasi further explained, if put into the terms of a home mortgage the savings would be in the form of a new mortgage schedule. The statutes prohibit the maturity of refunding bonds extending beyond the last maturity of any series of bonds being refunded.

In response to Ms. Mark, Attorney Fasi explained that refunding bonds are not done annually; typically it is done when there is a change in interest rates. There is not a down side to this resolution, the Town does pay the attorney and the underwriters but that is taken into account in the savings.

Upon roll call vote the ayes and nays were as follows:

(The Chair voted)

AYES

Suzanne S. Testani

Chadwick Ciocci

Roberta A. Bellows

Tony J. Scinto

Jane Deyoe

Daniel Helfrich

Jeff S. Jenkins

Carl A. Massaro, Jr.

James F. Meisner

Debra A. Lamberti

Martha A. Jankovic-Mark

Michael Rappa

Michael J. London

John A. DelVecchio, Jr.

Robert J. Pescatore, Jr.

Mary Beth Thornton

Kristy L. Waizenegger

Ann Marie Evangelista

NAYS (NONE)

VOTE: Resolution Adopted unanimously.

The Chair thereupon declared the motion carried and the resolution adopted.

2. RESOLUTION TC23-187: Moved by Ms. Bellows, seconded by Ms. Testani.

BE IT RESOLVED, That funding for a labor agreement between the Town of Trumbull Board of Education and the Trumbull Administrators Association (TAA) beginning July 1, 2012 and ending June 30, 2015 is hereby rejected.

Committee Report: The Finance Committee met on 09-26-2011 and voted 0-5 (Against: Lamberti, Evangelista, Deyoe, Scinto and DelVecchio) to reject the resolution.

The Chair explained that the resolution is written in the negative, a yes vote would be voting against the adoption of the contract, a no vote is voting in favor of the contract. The statute reads that the contract is approved unless the legislative body, the Town Council, votes to reject the contract within thirty (30) days of the agreement. This meeting is within the thirty (30) day time period, the Town Council has the opportunity to address any questions and to vote on the contract.

Mr. Iassogna characterized the contract as fair and reasonable based upon the responsibilities of the staff members and the achievement of the cross savings in health insurance. This was a realistic monetary settlement, particularly the hard freeze in the first year at 0%, the second year at a 1.75% increase and the next year at 2%. The Finance Committee of the Town Council and the BoE negotiating team voted not to reject the contract. By state statute the administrators go to the negotiating team first with strategies.

In response to a question from Ms. Mark, Mr. Iassogna confirmed that the first year of the contract has a 0-0 % hard freeze (a 0% increase and 0% step) in the 2012-2013 year.

The Chair clarified that an AYE for the resolution is vote against the contract; a NAY vote is a vote in favor of the contract.

VOTE: Resolution Failed 0-17 (Against: Testani, Jenkins, London, Ciocci , DelVecchio, Bellows, Meisner, Pescatore, Scinto, Lamberti, Thornton, Deyoe, Mark, Waizenegger, Helfrich, Rappa and Evangelista).

The Chair declared the resolution Failed and the contract will become binding in the next two (2) weeks.

RESOLUTION TC23-188: Held in Committee

There being no further business to discuss and upon motion made by Mr. DelVecchio, seconded by Mr. Helfrich the Trumbull Town Council adjourned at 8:34 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Trumbull Town Council Clerk

**RESOLUTION WITH RESPECT TO THE AUTHORIZATION,
ISSUANCE AND SALE OF NOT EXCEEDING \$27.0 MILLION
TOWN OF TRUMBULL GENERAL OBLIGATION
REFUNDING BONDS, AUTHORIZING COMBINING INTO
ONE ISSUE AND MAKING DETERMINATIONS WITH THE
REFUNDING BONDS ANY OTHER AUTHORIZED BUT
UNISSUED BONDS OF THE TOWN, AUTHORIZING
AGREEMENTS FOR THE INVESTMENT OF REFUNDING
ESCROW AND ITS REINVESTMENT OVER ITS TERM**

Section 1. \$27.0 Million principal amount of refunding bonds of the Town of Trumbull, or so much thereof as shall be necessary, are hereby authorized to be issued and the proceeds there from appropriated for the purpose of refunding, including advance refunding, all or any portion of the aggregate principal amount of any issue of Town of Trumbull (hereinafter, the "Town") General Obligation Bonds now or hereafter outstanding or hereafter authorized, issued and outstanding, (the "Prior Bonds"), including but not limited to outstanding bonds of the Town's 2005, 2006 and 2007 issues and for the payment of all fees and expenses incurred in connection therewith, including redemption price, legal, fiscal advisor, underwriting, accounting, escrow verification, investment broker, printing, rating agencies, registrar, transfer and paying and escrow agents, printing, and such other costs and expenses, and those necessary, appropriate or customarily incurred in connection with the refunding of bonds.

Section 2. The bonds shall be in the denomination 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 First Selectman and Town Treasurer (the "Town Officials"). They shall bear such rate or rates of interest or sold at such price or prices, including discount or premium with respect to par, as shall be determined by the Town Officials pursuant to Section 7-370 of the General Statutes. The bonds and notes shall be general obligations of the Town, and each bond and note shall recite that every requirement of law relating to its issue has been duly complied with, that it is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon, and will be paid from property taxation to the extent not paid from other sources. The aggregate principal amount of refunding bonds to be issued, the particular issue or portion thereof they shall refund, the annual installments of principal, redemption provisions, if any, the date, time and manner of issue and sale, interest rate on the bonds, designation of registration transfer and paying agent, financial advisor, underwriter, verification agent or other service providers to facilitate the issuance of the bonds and the transactions herein authorized, and other terms, details and particulars of such bonds, and their issuance and the use and investment of proceeds, including issuance premium, if any, shall be determined by the Town Officials in accordance with the General Statutes of the State of Connecticut, as amended, including but not limited to 7-370 et. seq. The refunding bonds authorized herein may be issued in one or more series, at one or more times and from time to time, provided that, the aggregate principal amount of all such refunding bonds issued shall not exceed \$27.0 Million.

Section 3. The Town Officials are hereby authorized on behalf of the Town to enter into bond purchase contracts for the sale of the bonds, insurance or other credit enhancement contracts, escrow agreements, investment contracts to invest the proceeds of the bonds pending their use for the purposes of the issue, including purchasing open market treasury securities, State and Local Government Series, or any investment permitted by law, to enter into interest rate swap agreements or other agreements and determinations authorized by Section 7-370b and 7-370c, and to execute and deliver such other contracts or certificates necessary or appropriate to consummate the issuance of bonds and transactions herein contemplated, to contract with agents to act on behalf of the Town with respect to any of the foregoing and to apply the proceeds of such bonds for the purposes herein authorized. In connection with agreements to invest the proceeds of the bonds, the Town Officials are specifically authorized to enter into contracts to provide for the investment or reinvestment of amounts held in an advance refunding escrow, including but not limited to agreements to deliver, provide, or receive securities to fund the refunding escrow, or to otherwise facilitate refunding purposes, to purchase securities during the term of the escrow from proceeds derived from maturing escrow securities, including agreements committing to purchase or allow for the purchase of such securities over the term of the escrow, in exchange for payment, and which agreements may be described or are commonly known as escrow float contracts, escrow reinvestment agreements or generally, guaranteed investment contracts. Such agreements and any contract agreement authorized hereunder, may include agreements with and instructions to an escrow agent, or consist of agreements with multiple parties to accomplish its objectives, provisions for delivery and payment of securities or exchanges of cash flow, provisions identifying the type of securities to be delivered, the date, principal amount, maturity date and maturity amount of delivered securities, the timing and amount of exchanged cash flows, if any, default provisions, the preconditions to entering into such agreements, including opinions of counsel, including reasoned opinions addressing the effect of bankruptcy, insolvency, appointment of a conservator or other similar proceedings with respect to any party to such contract, including, but not limited to a party agreeing to provide such securities to the escrow in exchange for payment therefore, or any party to an interest rate swap agreement. The agreements contemplated by this section may consist of more than one agreement entered into with more than one party. Any portion of the payment derived from such contracts may be deposited to the refunding escrow or expended to reduce, directly or indirectly, the amount of bonds required to be issued to refund the Town's Prior Bonds.

Section 4. The Town Officials are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories 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 resolution.

Section 5. The Town Officials are authorized to combine with the issue of refunding bonds herein authorized, bonds for any other purpose which the Town has authorized but, as of the issue date of the applicable series of refunding bonds, are unissued, including any bonds authorized subsequent to the date of adoption of this resolution. Solely in connection with such combined issue, the Town Officials in addition to the authority conferred upon them by any bond

resolution authorizing the issue of the bonds to be combined into one issue with the refunding bonds, are hereby delegated the authority to enter into contracts of purchase for such bonds and to determine their interest rate, and to exercise with respect to such combined issue of bonds the authority herein conferred.

Section 6. The Town Officials are hereby authorized on behalf of the Town to enter into contracts and to execute and deliver certificates necessary, appropriate or advisable in their determination to consummate the issuance of the bonds and the transactions authorized herein.

Section 7. This Resolution shall remain in full force and effect until repealed by the Town Council.

Section 8. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the Town authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. 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"), or analogous legislation as may be reauthorized, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.