

TOWN COUNCIL  
**Town of Trumbull**  
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TOWN HALL  
Trumbull

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Trumbull Town Council  
MINUTES  
July 7, 2011

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:11 p.m. at the Trumbull Town Hall, Trumbull, Connecticut. All present joined in a moment of silence and the pledge of allegiance. The Chair asked that all remember the Declaration of Independence Holiday that we just celebrated.

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

PRESENT

Suzanne S. Testani  
Chadwick Ciocci  
Roberta A. Bellows  
Tony J. Scinto  
Jane Deyoe  
Daniel Helfrich  
John A. DelVecchio, Jr.  
Kristy L. Waizenegger  
Robert J. Pescatore, Jr.  
David R. Pia

Mark S. Altieri  
Carl A. Massaro, Jr.  
James F. Meisner  
Debra A. Lamberti  
Martha A. Jankovic-Mark  
Michael Rappa  
Ann Marie Evangelista  
Mary Beth Thornton  
John M. Rotondo  
Michael J. London

ABSENT

Jeff S. Jenkins

Also Present: Mr. Daniel Nelson Chief of Staff, Charter Revision Commissioner Russ Friedson, Town Attorney Edward Walsh, Mr. James Nugent, Chairman of the THSBC, John Barbarotta of AFB Construction Management, Brian Holmes of O&G Construction, Greg Smolley of JCJ Architecture, Mr. Don Watson, Chairman of the GIS Study Committee, Stephen Savarese, Town Engineer and Richard White, GIS Study Committee member.

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

Approval of Minutes:

Moved by Mr. DelVecchio, seconded by Mr. Ciocci to attach the May 23, June 1, June 6, 2011 L&A and CRC Topic List to the June 6, 2011 meeting minutes.

VOTE: Motion to amend carried 17-0-2 (Abstention: Mark and Pia).

VOTE: Approved as amended 16-0-3 (Abstention: Rotondo, Mark and Pia).

The Chair announced that two of our own Trumbull students had been honored last month at the Connecticut Music Theatre Awards in Waterbury, CT: Max Gottshall won for best actor for his performance as Teyve in Fiddler on the Roof performed in Trumbull and Alex Mark was nominated for two awards, one for lighting design and the other for student achievement. Alex won a student achievement award along with four other students. In the lighting design category Alex competed against adults and professional lighting specialists. The Chair was proud to announce that Alex was the only student nominated and won the lighting award. Alex Mark will be attending Stoneybrook College in August.

#### DISCUSSION ITEMS:

- Trumbull High School Building Committee Update: Chairman's Report; Owner's Rep Update; Architect's Update; Construction Manager Update.

Mr. Nugent reported that the project is moving forward as rapidly this summer.

On behalf of the Building Committee, Mr. Nugent voiced concern with regard to the recent budget reduction. It was originally understood that it was a bonding reduction and have since found out that the budget was reduced. The Committee was surprised by the reduction; many decisions had been made in the past six (6) months with the understanding that these funds were available; they are now working inside the building and are just now finding things inside the ceilings and walls. The project is down to its contingency. Mr. Nugent stated that he does not have the confidence that this will be a sufficient budget for the project.

The Chair stated that there had been no discussion of a reduction of the project's budget. The resolution that came before the Town Council was a reduction in the bond authorization. The representation made to the Town Council on behalf of the project was that there were plenty of funds available, especially with the contingency untouched to do the project as budgeted. No one on the Town Council would jeopardize the project as it has been designed.

Mr. Nugent was pleased that there had not been discussion at the Town Council meeting with regard to a budget reduction. If there is a funding problem the Building Committee would need to come back to the Town Council. The Chair explained that the council was told that there would not be a funding problem when the vote was taken on the resolution.

Ms. Thornton stated that last month's Town Council minutes does reference a reduction of budget with regard to the \$4 million in the section of discussion on whether there would be enough funding for the paving of the school parking lot.

The Chair stated bond counsel was present at last month's meeting, it was all about reducing the bond authorization, there was a question directly posed as to whether it would impact the budget and the answer was no.

Ms. Bellows stated that the minutes also reflect a statement that the \$4 million was being taken out the project's needs it was just not making the funds available if not spent. Ms. Bellows stated that the vote was not to cut the budget.

In response to the Chair, Mr. Nugent confirmed that presently the project is running \$4 million less than the budget, depending on what decisions that get made down the road.

Mr. Holmes stated that the guaranteed maximum price is lower than that; the budget is presently \$68,672,000. Right now the project is not spending the \$4 million in contingency, but there are items showing up all the time that would come out of the contingency and if there are any enhancements made to the school there will be funds needed. The project is still within the \$68,672,000 budget.

The Chair requested that the Building Committee not wait for a Town Council meeting to apprise them of any funding issues, but to notify them right away.

Mr. Nugent stated that the Building Committee is in the process of conducting a study of anything that they could be anticipated that would cause additional expenses, as soon as that is available and have more precise numbers it will be forwarded.

In response to Mr. Scinto, Mr. J. Barbarotta stated that the cable currently running over the cold pipes will be replaced and installed with racks and rails. Mr. Holmes stated that the new wiring will have some racks, some rails and some hooks; it will depend where in the project it is.

In response to Ms. Mark, Mr. J. Barbarotta explained that auditorium roof leaks are related to the damage during the winter season while shoveling the snow off the roof, it is not a construction issue, and has been temporarily patched. This is an insurance issue, the roof will be replaced.

In response to Mr. Scinto, Mr. J. Barbarotta stated that leaks on the stage had to do with the flashing around the smoke hatches, it had occurred only during a driving rain when the rain went up and under the flashing, this has been rectified.

In response to Mr. Scinto, Mr. Nugent explained that the arm rests matched one section of the wood used in the auditorium, there was a question as to which wood to match. A decision had been made not to have the architectural firm bear the cost of the replacement since the armrests match one of the woods used in the auditorium.

In response to Ms. Mark's concern of the damage to the roof during the shoveling of the snow off the roof, Mr. J. Barbarotta stated that in the future they will hire a roofing company to shovel the roof. The issue is being addressed and is under control.

In response to Mr. Pia, Mr. Nugent explained that there was a timing issue with regard to the armrests; the armrests would not have been installed in time for the initial performance. Mr. J. Barbarotta further explained that the armrests were not a quality issue but a color issue; there were 5 different colors of wood used in the auditorium. Mr. Nugent explained that the armrests are not inconsistent with each other they are all the same.

Mr. Rotondo stated that on page 3 of the June Town Council minutes it reads as, “The \$4 million dollars is not being taken out of the project’s needs, it is just not making those funds available to be spent”, explaining that was under the Discussion Items of the meeting, on page 15 of the same set of minutes, under the discussion of Resolution TC 23-169 it reads, “The previous resolution is hereby amended by decreasing the appropriation and bond issuance by \$4 million....” Mr. Rotondo explained that it is not the interpretation of what took place in discussion that is important but that the wording of the actual resolution, if the word appropriation means budget the council may have accidentally reduced the project’s budget and may want to go back and correct the wording or do a re-resolution if the intent was to not reduce the budget by \$4 million.

The Chair stated that it was a bonding resolution and when bonding money you are appropriating money, taking away the bonding took away the appropriation. Representations at the meetings were that the remaining authorization, including the contingency was more than sufficient to complete the project. It is \$4 million less authorized after the vote of last month’s meeting for the project.

In response to Mr. Meisner, the Chair stated there is \$64,672,000 authorized for the project and confirmed that if more than that amount is needed the project would need to come back for approval of more funding, consistent to the representation of what amount was needed for the project.

In response to Ms. Testani, Mr. Barbarotta stated when approval is received the roof will be replaced will take two weeks, the whole roof does not have to be replaced, they will strip off the top layer only, put down recovery board and install a new layer. It is less labor intensive than replacing the whole roof.

In response to Ms. Thornton and Mr. Scinto, the Chair stated that the resolution came from the administration; Mr. A. Barbarotta supported the resolution. Most of the Town Council was present for the discussion, the minutes reflect what was represented to the Town Council, the Town Council would not have reduced the authorization if it had been represented that the money was needed, the council was told by more than one person that the contingency was available, if needed, or if the project began to overrun.

Mr. Nugent stated that the project does have the contingency, although it is premature, that the contingency needs to be available throughout the budget you can not use the contingency to fund items that come up along the way. The Chair further explained that the bonding resolution was vetted at last month’s meeting, the questions were asked whether the funds were needed and the answer was no from more than one person from the project. If changes needed they will be addressed.

▪ GIS Study Group Presentation:

Mr. Don Watson, Chairman of the GIS Study Committee stated that in November 2009 the Town Council supported the Committee and the formation of a GIS platform. The GIS is ready to go to the public and after the presentation of this evening you will see that the council’s support has proven to be successful. There are many people to thank such as Councilwoman Thornton a faithful GIS Study Committee member, First Selectman Herbst and Director of Public Works John Marsilio all who supported staff, in particular Stephen Savarese, the Town Engineer.

Mr. Richard White presented to the Town Council a demonstration of the GIS, (Geographic Information System) available on the Town's website. The town was flown in April 2010, the measurements indicated are within a 1.5' of the actual measurements, and there is a capability within the system to measure between two points, which is also as accurate as the aforementioned. There are swamp symbols on the maps which indicate wetlands. An address can be typed into the system, the property is identified and there are mark-up tools which allow to measure and mark. Anyone in town, board or commission can access the system and print from the system. A common task is to build a buffer list, especially if one has to go in front of P&Z, this list can take a lawyer working with the Tax Assessor over 4 hours to complete, with GIS this task is completed instantly with just inputting the distance of the buffer into the system, the list then can be exported to a mailing label and it is ready instantly to be mailed out. It is possible to go to the Vision data base and back to the GIS system. This system also has the voting districts available as well as the school district boundaries and the Planning and Zoning Districts. Mr. White had taken an Inland Wetland & Watercourses Agenda and added a link directly into the system for every property, this is something that the clerks will be able to do as a matter of course, this feature will change how we talk about properties in Trumbull, and it will be the starting point for these meeting discussions. Vegetation, contour and elevations maps and 3-D images will be available.

Mr. Stephen Savarese, Town Engineer also a member of the GIS Committee, reported that the website now gives everyone access to the GIS model as presented by Mr. White. Data is continually being added to this system. This system in its presentation is land based; anything that is done with land use at the council level could utilize GIS in its presentation. An e-mail will be sent out to all boards and commission with this link.

In response to Mr. Pia, Mr. Savarese stated that the last flyover done before the 2010 flyover was in 1964. Mr. Savarese would like another flyover done when Trumbull goes through another growth period, approximately 10 years from now. The final product has not been received to date, there will be some small fees associated with the system. The maintenance cost is very low due to the fact that it is digital; the initial cost of \$330,000 will not have to be repeated since the model has already been made. The bulk of the cost was with regard to elevations. Mr. White suggested to update the system after there has been a lot of building growth with elevation changes.

Mr. Savarese stated that this is a great tool to increase Economic Development.

Mr. Watson stated that the volunteer contribution has been tremendous and right now training is taking place, it is their goal to have staff and every commission utilize this system.

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## BUSINESS:

1. RESOLUTION TC23-165: Moved by Mr. Ciocci, seconded by Mr. DeVecchio.  
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.

The Chair opened the Public Hearing at 9:03 p.m.  
There was no one from the public present to speak.

The Chair closed the Public Hearing at 9:05 p.m.

The Legislation & Administration Committee met on June 27, 2011 and voted to send the resolution without recommendation pending a public hearing be held at the July 7, 2011 meeting 4-1 (Against: Ciocci).

In response to a question from Mr. DelVecchio, Mr. Savarese stated that a 20" sewer pipe had been compromised in Bridgeport, explaining that the event did not relate the FOG ordinance.

VOTE: Adopted 17-2 (Against: Ciocci and Pia)

Moved by Mr. DelVecchio, seconded by Mr. Pescatore to pass Resolution TC23-165 as Emergency Legislation.

A two-thirds (2/3) vote of the entire membership is required.

VOTE: Motion Failed 12-4-3 (Against: Ciocci, Altieri, Evangelista and Bellows) (Abstention: Testani, Scinto and Deyoe).

Moved by Mr. Ciocci, seconded by Mr. DelVecchio to take Resolution TC23-171 as the last item of business.

VOTE: Motion carried unanimously.

2. RESOLUTION TC23-172: Moved by Ms. Bellows, seconded by Ms. Deyoe.  
BE IT RESOLVED, That the Planning & Zoning Commission Fee schedule is hereby amended.

The Chair opened the Public Hearing at 9:12 p.m.  
There was no one from the public present to speak.  
The Chair closed the Public Hearing at 9:13 p.m.

The Legislation & Administration Committee met on June 27, 2011 and voted 2-1-2 (Against: Waizenegger) (Abstention: Ciocci and Altieri)

VOTE: Adopted 16-1-2 (Against: Pia) (Abstention: Scinto and Pescatore).

3. RESOLUTION TC23-173: Moved by Mr. DelVecchio, seconded by Mr. Ciocci.  
BE IT RESOLVED, that the Agreement for Golf Course Management at Tashua Knolls between the Trumbull Golf Course Commission and ATK Golf Services, Inc. is hereby approved.

The Legislation & Administration Committee met on June 27, 2011 and voted unanimously to send the resolution to the Town Council without recommendation pending a public hearing held at the July 7, 2011 meeting.

The Chair stated that all council members had received a copy of the revised agreement prior to this meeting. The Chairman of the Golf commission, Mr. Dray was present at this meeting

In response to Mr. Scinto, Mr. Dray stated that the Golf Commission's final vote on the agreement was 5-2.

In response to Ms. Mark, Mr. Dray explained that the previous Golf Commission had decided that a General Manager was needed and had replaced the position of Director of Golf. The Golf Commission preferred to have someone other than themselves see to the day-to-day operations, they raised him to a General Manager position and raised the salary. When he became the Chairman of the Golf Commission he had looked at this more closely and determined that level of management was not needed. After studies had been conducted the commission approached the General Manager and agreed to become the Director of Golf with the stipulation that \$35,000 would be reduced from the salary. No services would be cut.

Ms. Mark stated that including health insurance in the contract could possibly consider the individual an employee of the town, not an individual with a contract. Ms. Mark added that she has only heard complimentary comments with regard to the Mr. Brown and the golf course.

In response to Mr. DeVecchio, Mr. Dray stated that the salary reduction was minimal based on the fact that the Golf Director can make up the difference by giving lessons; the previous Golf Commission had put restrictions on those lessons. That restriction on golf lessons has been completely lifted. The oversight of two people has been lifted and was agreeable to Mr. Brown. The day-to-day operations would still be covered by the Golf Director, when an issue arises he would call the Chairman of the Golf Commission or the second or third person in charge. This is exactly how it was handled before; the only change under this agreement is that the decision is made by the Chairman and the Head of House Committee. Instead of one person making the decision it goes through the chain of command and back to the Golf Director. It basically has not changed from the original Golf Director position. There is a lot of good to be done by looking at things closely at Tashua Knolls; the commission has done great things with the budget. Tashua Knolls is in the best shape it has been in 10 years, in part because existing employee relationship issues have been separated.

Discussion ensued with regard to contractor v. employee.

Attorney Walsh recommended the agreement.

Mr. Dray stated that this agreement includes all of the language that was in the previous contract, the individual has never been an employee of Tashua Knolls.

Mr. Pia spoke in favor of postponing the resolution based on issues with inclusion of employee language in the contract.

Attorney Walsh stated the word contractor is used throughout the agreement and has been treated as an independent contractor all along.

Mr. Pia spoke against the resolution.

Ms. Waizenegger stated this issue of contractor v. employee comes up every single day, no matter what verbiage is included in the contract these questions are raised and will come up no matter what. The gray is there because that is what the law allows and it will always be there. The agreement has indemnity and insurance language which clearly shifts the responsibility to the individual.

Attorney Walsh reiterated Ms. Waizenegger comments and added the provisions protect the Town.

In response to Mr. Rotondo, Attorney Walsh stated that the Town requires the Golf Director to have his own workman's compensation. There are not specifically five (5) provisions that need to be included in agreement, there is control, supervision and how the individual is paid. Attorney Walsh and Attorney Nicola have reviewed the agreement and recommend the agreement. If the Town Council is not comfortable with the agreement he would not want it to go forward. Attorney Walsh stated the contract protects the Town and recommends the agreement.

In response to Mr. Meisner, Mr. Dray stated that nothing had been changed in the agreement from the previous agreement which had been approved by the Town Council; health insurance was included in the previous agreement.

Attorney Walsh stated the agreement includes language that the parties agree that the Golf Director is an independent contractor. That is an important factor, what the parties consider themselves to be and what they agree to. There is law on this factor favoring the independent contractor.

In response to a question from Ms. Deyoe, Attorney Walsh stated there is a State of CT law , COBRA, which entitles the individual to continue health coverage if he/she were to pay the premium. Mr. Dray stated that he is not aware of any provision that the individual would continue to get health insurance if he were to retire, and there would not receive a pension.

The Chair clarified that retirement and pension are not factors, this individual is a contractor and is not an employee, he only receives what the contract/agreement provides, when the contract ends so do all of the provisions.

VOTE: Adopted 11-7-1 (Against: Pia, Pescatore, Mark, Deyoe, DelVecchio, Thornton and Rotondo) (Abstention: Altieri).

Mr. Pescatore left the meeting at 9:41 p.m.

4. RESOLUTION TC23-174: Moved by Mr. Rotondo, seconded by Ms. Testani.  
BE IT RESOLVED, That the Town of Trumbull may enter into with and deliver to the United States Department of Homeland Security any and all agreements and documents necessary for the Port Security Grant Program; 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 for the Port Security Grant Program.

The Legislation & Administration Committee met on June 27, 2011 and voted unanimously to recommend.

VOTE: Adopted unanimously.

5. RESOLUTION TC23-175: Moved by Mr. London, seconded by Ms. Evangelista. BE IT RESOLVED, That \$3,256 from the Unrestricted Fund Balance to Town Clerk - 01013600-522204 - Service Contract Account is hereby appropriated.

The Legislation & Administration Committee met on June 27, 2011 and voted unanimously to recommend.

VOTE: Adopted 17-1 (Against: Pia)

Mr. Pescatore returned to the meeting at 9:47 p.m.

6. RESOLUTION TC23-171: Moved by Mr. Pia, seconded by Mr. London.

BE IT RESOLVED, That the Town Council of the Town of Trumbull hereby approves as amended proposals for a revision of the Charter of the Town, as provided and permitted by Connecticut General Statutes Section 7-191 and the Charter of the Town of Trumbull; and

BE IT FURTHER RESOLVED, That the questions of having a general Charter revision shall be submitted to the electors of the Town of Trumbull for adoption or rejection at the regular municipal election scheduled for the 8<sup>th</sup> day of November, A.D. 2011; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to give such notice as required by law of such ballot questions at the regular municipal election, and of the registration of electors entitled to participate therein.

The Chair noted there is a lengthy committee report. The Chair thanked the members of the L&A Committee for their hours of work alone and in conjunction with the Charter Revision Commission.

There was unanimous consent to waive the reading of the committee report in its entirety. Ms. Testani gave a brief synopsis of the report.

The Legislation & Administration Committee met on June 27, 2011 and voted unanimously to send the resolution to the Town Council without recommendation.

In response to Mr. Rotondo, the Chair confirmed that the L&A minutes with regard to the Charter Revision resolution has been communicated to the CRC, as all of the council's work

and minutes are distributed throughout the Town; the CRC was one of those recipients. The L&A Committee is 6 members; there were 5 members that voted that night, there are 21 members of the council that will be in concurrence or disagreement with that report. The CRC will receive the minutes of this meeting as well.

The Chair stated that the L&A Committee had made clear that votes taken were whether the proposal should appear on the ballot or not, not just personal opinion, for some people there is a distinction between the two, for others there is not.

Mr. London stated that many of the proposed revisions are very technical and seem to make logical sense that would need to be addressed as one line item on the ballot, while the question of 4-Year terms for the executive offices should be a separate line item on the ballot. The change in the Town Council should not be placed on the ballot. The budget Referendum should be on the ballot but not as proposed. The Charter as it reads now is too restrictive to initiate a Budget Referendum; the CRC has gone to far the other way and would like to see a middle ground. Mr. London suggested a non-binding show of hands which would represent a sense of the council on the Budget Referendum on whether the council would be in favor as proposed, as middle ground or as it currently is.

In response to Mr. Meisner, the Chair clarified that during the 30 day period by statute the CRC is charged with conferring with the appointing authority, the council, on the rewrite, specific recommendations may not be called for under the statute, discussion, conference and joint meetings are appropriate. Everyone on the Town Council, the CRC and the Townspeople want the best proposed revision come July 21, 2011.

In response to a question from Mr. London, Mr. Friedson stated that the CRC would appreciate a sense of the council and have been waiting for the feedback. The CRC appreciates all of the hard work the L&A has done, but that is only five people of the council, a sense of the council or specific feedback is very appropriate and is welcomed by the CRC, there is only two weeks left before they will get the document back to the council.

In response to Mr. Scinto, Mr. Friedson explained the CPI formula as: This would provide a mechanism for a threshold; people would have the right to referendum. It is not an automatic referendum. This would establish a formula that if spending were to exceed inflation plus 1% the voters can petition for a referendum. In a ten-year period the spending in town went up 2 ½ times the rate of inflation; people's incomes are not going up at that rate. The referendum will be one-shot instead of endless cycles. This will help prevent budget requests to come in too high. The inflation rate used is an annual.

Mr. Rotondo suggested going through the L&A minutes to discuss and vote on each item.

Mr. Altieri left the room at 10:07 p.m.

Mr. Altieri returned to the meeting at 10:10 p.m.

Ms. Waizenegger left the meeting at 10:10 p.m.

Mr. Rotondo left the meeting at 10:10 p.m.

Ms. Testani left the meeting at 10:10 p.m.

Mr. Meisner stated that the town could be hit with a disaster which would cause the town's budget to exceed the rate of inflation plus 1% cautioning that the referendum could go through, if it were not very well noticed and a tight timeframe, causing a situation that would be out of the administration's and Town Council's control and could cause massive cuts. Elections every two year's is a better alternative, speaking against a referendum based on a formula.

Ms. Waizenegger returned to the meeting at 10:12 p.m.

Mr. Rotondo returned to the meeting at 10:12 p.m.

Mr. DelVecchio left the meeting at 10:13 p.m.

In response to a question from Mr. London, Mr. Friedson stated that reducing the percentage to 3% from 5% of voters signing for a referendum was in context of balancing the safeguards of having a 4-Year term. If there was not a 4-Year term to consider the CRC he would have left the percentage 5% and would think the majority of CRC would support the 5% if there were no 4-year term.

Mr. Rotondo left the meeting at 10:14 p.m.

Mr. Rotondo returned to the meeting at 10:15 p.m.

Mr. Friedson stated that if people collectively petitioned for a referendum, many people would know about it and there would be much discussion with regard to the possible referendum.

Mr. DelVecchio returned to the meeting at 10:16 p.m.

In response to Mr. London, Mr. Friedson stated the formula establishes a level at which the people have the right to petition for a referendum. There was not a consensus of the commission for a referendum that would only need 5% of the voters to petition for a referendum. Mr. Friedson was in favor of an automatic referendum, there were very different opinions amongst the commission. This was the middle ground approach. To have a one-shot referendum work, there has to be consequences to the public saying no, a defined formula tells the people what it is that they are voting for.

Ms. Evangelista left the meeting at 10:18 p.m.

Mr. London would be in favor if the CPI were not being used.

Mr. London respectfully disagreed with Mr. Friedson stating that if the voters reject the message it is a clear message to the Town Council and the BoF. The voters are clearly not happy with the current level of spending. During the process it would be made clear as to whether the voters wanted a significant reduction or increase in the budget.

Ms. Mark stated that it his her opinion that she would err on the side of caution and would not want to change the Charter this much, speaking specifically to the referendum and feels that there is too much micromanaging throughout the Charter, changing from a town meeting system to an elected official system. Ms. Mark spoke against a budget referendum and is barely

in favor of a bonding referendum. There is currently a referendum in the Charter, it has its difficulties, but it is in the Charter. The last time it was attempted was over the high school renovation and the fact is, they did not get the numbers that were needed. Broad sweeping changes do not need to be made. Ms. Mark was originally in favor of opening the Charter because there are errors within the current Charter and wants to see them fixed. Ms. Mark spoke against the radical changes proposed in shifting the town government to the town meetings.

Ms. Evangelista returned to the meeting at 10:21 p.m.

Mr. Rotondo stated the referendum may be short sighted questioning how the town would deal with contractual issues if the town is forced to a budget that is less than what is needed at a minimum?

In response to Mr. Rotondo, Mr. Friedson stated that one of the problems the voters have is that government keeps growing no matter how bad the economy is, they are losing their jobs, being foreclosed on, something has to give. There had been great cooperation from the teacher's union this past year.

Mr. Rotondo stated that there are too many constraints on everything speaking in favor of leaving the term of the first selectman and the town council at two years.

The Chair stated that some council members are ready to go to a consensus on the budget referendum, calling for further questions on the referendum, explaining that he wants everyone to understand what is proposed.

Mr. Meisner stated that this is uncomfortable with the referendum being tied to a formula.

Mr. Pescatore stated that he was in favor of the referendum and had been one of the founders of the high school petition; the current threshold for the petition is high and is very difficult to achieve within the current time constraints. The formula needs to be revisited, the threshold at 5% is favorable. There are certain events that need to be considered, (i.e. emergencies, contractual requirements). The process needs to be restricted.

Mr. Friedson stated that if people have ideas for an alternate formula the CRC would like to hear them and would like the consensus of the council on said ideas.

Mr. London stated there is no vehicle in the Charter to call for a referendum and vote on the budget in its entirety. Mr. Friedson agreed. Mr. London stated that he would be in favor of some vehicle for the voters who are dissatisfied with the budget to call for a referendum on the budget in its entirety. Mr. London spoke in favor of dropping the CPI, requiring 5% of the electorates to sign the petitions and that would significantly increase the voters' ability to challenge the budget in its entirety.

Ms. Mark stated that it would be less confusing to let the voters decide every two years and does not think the referendum is needed.

In response to the Chair, Mr. London clarified the process as such, if there is a referendum, the required amount of signatures had been achieved, the referendum had been held and voted down, the budget would then follow the same procedure that is in place now. It would go to the BoF and to the Town Council as well. The process is recycled and is a one shot.

Mr. Meisner stated that the BoF and the Town Council could potentially ignore the referendum.

Mr. Friedson clarified after the referendum the budget would go to the First Selectman, BoF and Town Council with the limit that it can not exceed the threshold, it was designed as a compromise and to have voters have an impact on spending.

Ms. Bellows spoke against the formula and questioned if there would be a certain amount of voters that would need to come out to validate the referendum?

Mr. Altieri stated he is not in favor of the formula, but if the threshold to make the referendum happen is lowered, than there should be a minimum voter turnout.

Mr. Friedson stated that when a minimum voter turnout is put in place, people who are against the referendum can stay home, not vote and stop something from happening by not voting. That actual denies a person from being part of the base.

Mr. Meisner stated that there is no timeframe that ensures that the referendum would be well publicized or even well understood by the electorate, noting that a required referendum at least it is expected annually, this referendum as proposed could happen very quickly when people have not expected it or have not had one in ten years or so. The next thing you know a small number of voters have clamped this formula to the budget and spoke to how that could be risky. The current town government is a good process people are elected every two years and there is plenty of a democratic process allowed for.

Mr. DelVecchio stated there are 21 council members, a first selectman and a BoF. Mr. DelVecchio believes in accountability and leadership. Elections every two years keeps the elected accountable. Mr. DelVecchio does not support the referendum.

Ms. Mark stated that the Town Council, when elected takes the responsibility to research every resolution explaining that there is much misinformation out in the public, speaking in favor of the referendum with a high threshold in the current Charter. Ms. Mark is not in favor of a budget referendum, voters can decide every two years.

Mr. Friedson stated that the budget referendum is a safeguard in place based on the fact that in the last ten years spending had increased by 2 ½ times the rate of inflation.

Ms. Mark stated that is too much micromanaging, if the voters feel the leadership can't say no to spending then they say no the leadership. The CRC had designed provisions that were in conjunction with each other, so when the five items are on the ballot this November it could get the town into trouble speaking against sweeping broad changes.

Mr. Friedson stated that he could not speak for the Commission as a whole, but if it is the sense of the council that they are not going to make a change to the town council he would be surprised to see the 4-Year terms included in the final draft.

Ms. Mark stated that she had hoped for proper commentary to be able to see the history behind the thought process of the Commissions proposed revisions.

The Chair thanked Mr. Friedson for his insights.

The Chair stated that the line item referendum that is currently in the Charter requires 10% of electors on the last completed voter list to sign the petition, which is a high threshold. There are caps on what the budget referendum can request, there is a 10% increase on increasing the one line item, there is a floor for that based on the least number as was proposed by the First Selectman, BoF or as adopted by the Town Council and there is a 15% voter turnout on the entire voter registration list. There are two different referenda being offered on two different terms. The Capital Budget referendum is different in that there are not the three different sources of numbers to go back to. It seems the call out from the Town Council tonight is to meld together with something in line with what we already have. We have caps, we have numbers to sign a petition and numbers to vote in place already but are seldom used.

Mr. Rotondo stated that at the end of the day we have the First Selectman's, the BoF's and the Town Council's numbers, why don't we offer the option of picking one of those three sets of numbers. It is one shot referendum and they are the numbers of an elected official. This allows the town an option to vote. Mr. Rotondo suggested to respect the work of the L&A Committee and to look at each item listed and discussed and read what was voted on line by the line

The Chair stated that the L&A Committee took 3 votes on the budget referendum and reviewed the results as indicated in the June 27, 2011 L&A Minutes.

**Question**

**Consensus of the Town Council**

The Chair called the next four votes on the Budget Referendum:

***Budget Referendum*** - Divided into 4 questions: ***Consensus***

- |   |               |
|---|---------------|
| <b>1. In favor of the use of the CPI formula?</b>                                     | <b>1-15-1</b> |
| <b>2. In favor of the reduction from 10% to 5%?</b>                                   | <b>13-5-1</b> |
| <b>3. One shot referendum?</b>  | <b>10-4-5</b> |
| <b>The Chair clarified that the one-shot referendum has to be defined by the CRC.</b> |               |
| <b>4. Should there be full Budget Referendum?</b>                                     | <b>8-11</b>   |

***Capital Expense Bonding Referendum:***

The Chair stated that the L&A Committee had voted in favor of the Capital Expense Bonding Referendum with the \$15 million threshold 4-0-1.

In response to a question from Mr. Rotondo, Mr. Friedson explained the CRC had considered the fact that as time goes by budget numbers will increase and the \$15 million number would be less in terms of its ratio to the overall future budget and the possibility of using a percentage instead of a fixed number. The CRC noted that there are other places in the Charter where there are not numbers, but as proposed it does speak to that becoming an incentive for formation of a Charter Revision Commission every 10-15 years. That is good reason why the Charter should be looked at periodically.

**1. In favor of the Capital Expense Referendum?**

**17-2**

***BOE* - Divided into 4 questions:**

The Chair stated that the current board is 7 members; 6 seats are 4-year terms and the 7<sup>th</sup> seat is a 2-year term. It is a necessary fix with regard to the 7<sup>th</sup> seat. The length of the terms was not the issue; the general concept is to make all of the seats contested. Only the 7<sup>th</sup> is currently contested. The L&A Committee voted unanimously for 2-year terms: 3-2 for a 7-member board and 2-3 for a 9 member board. The consensus of the L&A committee was a 7-member board with all 2-year terms.

Mr. Meisner stated that the problem with BoE 2-year terms is that the budget process begins very soon after the election, if there were all new members voted in at the same time there is the possibility of having no one on the board with experience. That raises the question whether there should be staggered 4-year terms.

The Chair stated that the L&A Committee did not vote on the option of staggered terms. The Chair clarified that a 2-year term could not be staggered.

The Chair called the next 4 BoE votes as follows:

- |   |             |
|---|-------------|
| <b>1. In favor of two (2) year terms?</b>       | <b>12-7</b> |
| <b>2. In favor of a seven (7) member board?</b> | <b>15-4</b> |
| <b>3. In favor of a nine (9) member board?</b>  | <b>5-14</b> |

Mr. Friedson stated that many of the town's boards are 9-member boards; there is an enormous amount of work that is done by the BoE and 9 members.

Mr. Ciocci spoke to if the BoE was to be increased it could then result in more promises during an election for more programs. The easiest way to get more votes is to promise more programs and spending, which could increase the spending of the board. Increasing the number of members does not increase the board's effectiveness. The BoE has come to be as effective as it is in the current size and does not believe increasing the size of the BoE will provide a better education, but could increase the size of the budget.

Ms. Evangelista stated that she had voted for the 9-member board in order for it to be on the ballot to give the people the choice suggesting the composition be 5-4 not 6-3.

Mr. Altieri stated under statute of majority restriction 5-4 is not allowable.

The Chair stated that the L&A Committee did not vote on staggered terms.

**4. In favor of staggered four (4) terms?**

**14-5**

***At Large Town Council Seats:***

The Chair stated the L&A Committee voted 0-5 for the At-Large Town Council Seats.

**1. In favor of At large Town Council seats?**

**0-19**

Mr. Pia stated that currently there is minority representation. There are three candidates running and the voters vote for two candidates. Mr. Pia questioned if the CRC had considered having three run and having all three be elected? Mr. Friedson stated that he would expect that the final draft would include having all Town Council elected.

The Chair stated that this had been discussed by the L&A Committee, but decided not to vote on it because if it were to go to three votes to elect three members, the number of candidates is then increased. There would be three candidates per party; the Charter does not have majority limitation for the Town Council. The structure of voting for two out of four creates the maximum of fourteen for one party. A majority limitation rule would have to be created to go with voting for three of three candidates; it is built into the max of 14-7 under the current 7 district 21-councilmember system, which is why the L&A Committee decided not to consider it.

Mr. Meisner stated that if you were to go to three votes it would discourage party line voting. Mr. Meisner questioned the rationale of the at-large seats revision being in conjunction with the 4-year term, suggesting it would have been better if the CRC commentary had been provided.

Mr. Friedson stated if the At-Large Town Council seats were not supported he would be surprised that the 4-year terms would be included in the final draft.

Mr. Ciocci left the meeting at 11:21 p.m.

Mr. Pescatore suggested the option of voting for up to three candidates, giving the people the choice of voting for one, two or three candidates and questioned with that option why would there is a need for more candidates?

Mr. Altieri stated that the parties would then put up three candidates since the voters would vote for three. You could have three elected from one party in a district and would not have minority representation

Mr. Ciocci returned at 11:24 p.m.

Mr. Pia stated in Stamford there are two from each party and the voters could vote for three candidates.

Mr. Friedson stated it is likely that the parties would put up three candidates if they were not restricted. The CRC could look into three candidates with restrictions options.

***Four (4) Year Term for Executive Offices:***

The Chair asked the council members to be mindful of personal opinions v. letting the voters decide on the ballot as discussed and debated at the L&A Committee meeting. The L&A committee voted 3-2 (only the First Selectman office 4-year term was discussed in committee).

The Chair called the vote for all three executive offices.

**1. In favor of four (4) year terms for executive offices: First Selectman, Treasurer and Town Clerk? 2-17**

***Global Definition of Days:***

The Chair explained that the CRC had defined days as business days except where it is contrary to state law. As L&A began to go chapter by chapter, they began to question whether business days' function worked well. The intention was to give boards and commissions more time to post their agendas and minutes, however business days would extend certain time periods, especially at budget time in trying to meet the April 30, 2011. L&A by consensus asked the CRC to revisit the definition.

The Town Council directed the CRC to revisit the global definition of days as business days. In certain circumstance it will be in conflict with FOI and in other cases it will produce a time period too long (i.e. emergency legislation, budget adoption, referendum, etc.)

Mr. DelVecchio left the meeting at 11:28 p.m.

Ms. Mark left the meeting at 11:28 p.m.

**Chapter II - Legislative Branch:**

**Section 7. Emergency legislation and appointments**

The Chair stated that the L&A Committee recommended unanimously that the language be clarified. The idea was to make appointments effective upon publication as emergency legislation is, but the section does not read well.

Mr. Friedson stated the intention was to make all of the appointments pass with the same timeframe as emergency legislation not that they are emergency legislation.

The Chair stated that the 2/3 vote also needs clarification, the language of this section needs clarification.

The Town Council directed the CRC to revisit this section and to adjust the language so that it would not imply all appointments would then need a 2/3 vote as does the emergency legislation requires.

The placement of the “and” and the word “emergency” implies emergency to both the legislation and the appointment. Language of this section is ambiguous and needs to be clarified as it reads now it can be interpreted and debated.

### Acceptance of Remaining Recommendations as recorded in the June 27, 2011

#### L&A Minutes:

Mr. Meisner moved, seconded by Mr. London to accept the remaining L&A Committee’s suggestions as recorded in the June 27, 2011 L&A Minutes.

#### Discussion – Section 8. Police Commission:

Mr. Pia noted that he supports promoting from within the police department.

The Chair noted that the Town Council has received a letter from the Police Union President to the Charter Revision Commission. There is a provision which would allow the department to promote from outside the department, currently there is a stipulation to only promote from within, with the exception of the Chief of Police. The argument for the change is to give broader choice, the concern is with collective bargaining rights, which may or may not conflict with the proposed revision.

Mr. Altieri spoke against the proposed revision because it would broaden the Police Commission’s power.

The Chair stated the L&A discussion on this item can be found on page 18 of the June 27, 2011 L&A minutes under Section 8. Police Commission.

In response to a question from Mr. Pescatore, Mr. Friedson stated that with respect to public safety the thought was to offer the opportunity to hire the most qualified candidate. The Charter should not be restrictive in hiring practices.

Mr. Pescatore stated that this provision could cause issues with collective bargaining; this item in Charter is meant to offer growth in our own police department, it would be better to leave the language as is.

Mr. Friedson stated that the provision should not be in the Charter, it is a policy. By expanding the language it does not require to go outside the department, it only offers it as an option.

Upon discussion the Town Council agreed unanimously with the L&A Committee’s recommendation further clarification was needed from the Trumbull Police Department on the proposed Section 8. Police Commission of the Town Charter Draft:

The deletion of the language, *“All promotions in the department shall be made from within the Department except that the appointment of a Chief of Police may be made from within or without the Department.”*

A letter from the Police Union to the Charter Revision Commission had been distributed with regard to this section of the proposed Charter to both the Charter Revision Commission and the Town Council prior to this meeting. The letter indicated that the deletion of the language would be a collective bargaining issue.

Discussion - Conservation Commission:

Upon recommendation by Ms. Testani, The Town Council unanimously recommended the inclusion of the Conservation Commission into the proposed Town Charter Draft.

The Chair agreed and confirmed for Ms. Thornton that if the council members have thoughts and/or suggestions for the CRC after this meeting that they could communicate them to the CRC. The votes taken at this meeting (with regard to Charter Revision) represent a sense of the council.

The Chair reminded the council that the CRC is working on a strict timeline and to offer any additional suggestions in a timely manner to the CRC.

The Town Council unanimously agreed to accept all of the remaining recommendations by the L&A Committee at their June 27, 2011 meeting.

(See Attached Section of the June 27, 2011 L&A Minutes below)

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*Remaining L&A Committee Recommendations* accepted by the Town Council at the July 7, 2011 meeting and recorded in the June 27, 2011 L&A Committee meeting minutes are as follows:

Chapter II Executive Branch- The L&A Committee agreed to delete subsections (i), (j), (k), (l), (m), (n).

Section 3. Absence, disability, vacancy, etc. - The L&A Committee suggested No Change.

Section 6 B. - Page 3 – The L&A Committee suggested No Change.  
The addition of the language “including all special agency and enterprise funds”.

Section 6. B., paragraph 4 - The L&A Committee agreed unanimously to the following change:  
The addition of the following language, “*to make available*” after the phrase “*(including those departments managed by the First Selectman as well as Board of Education)*” to clarify that the chairman is not responsible for posting but is responsible to “make available” to the employees of the town who is responsible for posting such documents to the website.

Section 6. E. (a) - The L&A Committee suggested No Change.

The L&A Committee agreed the addition of the language represented separation of duties and concluded this was important.

Section 6 G. (a) –Purchasing contracts and expenditures - The L&A Committee suggested No Change.

Section 6 G. (f) page 6 – The L&A Committee unanimously agreed that (f) should be deleted.

Section 6. (g.) Bid Waiver – The L&A Committee unanimously agreed that this subsection needs clarification as to whether it should go to the BoF first or if it currently goes to the BoF.

Section 6. (h) – The L&A Committee unanimously agreed an emergency provision should be included/added to this subsection.

Section 12. C. – Department of Public Works – The L&A Committee agreed unanimously that the first line, *“The Director of Public Works shall have (5) year’ experience as a director or deputy director of public works or the equivalent”* should be deleted.

Section 12. G. Tree Warden – The L&A Committee agreed to delete the language, *“The Tree Warden can not have a financial interest in the tree work to be performed on behalf of the Town”*.

Section 16 -Department of Economic and Community Development – page 10. - The L&A Committee agreed to delete the line that read as, *“The First Selectman shall have the discretion to appoint a Director of Economic and Community Development for a term coextensive with that of the First Selectman”*.

The L&A Committee discussed the request of the liaison by the Chairman of the commission, all agreed that would fall under the P&Z section as the Chairman had presented at the public hearing.

Section 17 – Director of Labor Relations – The L&A Committee unanimously agreed to delete this section.

Chapter IV Adopting the Annual Budget – section 2. Duties of the Board of Finance B. - The L&A Committee agreed to no change to the section.

Section 3. B. (i) - The L&A Committee will wait to discuss this section until after the Charter Revision has submitted their recommendation.

Chapter V – The L&A Committee suggested no change to this chapter.

Chapter VI – The L&A Committee suggested no change to this chapter.

## Chapter VII – Boards and Commissions

Section 1. Board of Finance- The L&A Committee suggested no change to the section.

Section 2. Board of Assessment Appeals - The L&A Committee suggested no change to the section.

Section 3. Board of Education - The L&A Committee suggested no change.

Section 4. Library Board - The L&A Committee suggested no change to the section.

Section 5. Planning & Zoning Commission – The L&A unanimously suggested the addition of the liaison per the Economic and Development’s statement at the public hearing.

Section 7. Inland Wetlands and Watercourses Commission - The L&A Committee suggested no change to the proposed section.

Section 9. Board of Health- The L&A Committee suggested no change to the proposed draft.

Section 10. Economic and Community Development Commission.-Previously discussed.

Section 11. Park and Recreation Commission - The L&A Committee agreed unanimously that the word “*Park*” in the title of the Commission should read as, “*Parks*.”

Section 12. Golf Course Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 13. Water Pollution Control Authority -The L&A Committee did not give a consensus on the section other than statutory compliance.

Section 14. Housing Authority -The L&A Committee agreed unanimously to no change to the proposed draft.

Civil Service Board- CRC Is currently reviewing the elimination of this board.

Section 15. Pension Board - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 16. Ethics Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Youth Commission had been stricken from the Charter - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 17. Arts Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 18. Emergency Medical Services Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 19. Organizations of Boards, Commissions and Committees - The L&A Committee agreed unanimously to no change.

Section 20. Compensation

Section 21. Official Conduct

Section 22. Public meetings and records.

Chapter VIII - Electoral Process page 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Chapter IX. – All of the above the L&A Committee agreed unanimously to no change to the proposed sections and Chapters listed.

\*End of recommendations as presented and accepted at the June 27, 2011 L&A meeting.

**Town Council July 7, 2011 Meeting Continued:**

Town Council July 7, 2011 Vote on Resolution TC23-171:

Motion made by Mr. DelVecchio, seconded by Mr. Helfrich to postpone Resolution TC23-171.

VOTE: Motion carried 14-3-2

Adjournment:

There being no further business to discuss and upon motion made by Mr. Helfrich, seconded by Mr. DelVecchio the Town Council adjourned at 11:39 p.m.

Respectfully Submitted,

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Margaret D. Mastroni  
Town Council Clerk