

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

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



MINUTES  
OCTOBER 6, 2014

CALLED TO ORDER: The Chair called the meeting to order at 8:06 p.m. and noted the Police Commission was present at this meeting.

The Clerk called the roll and recorded it as follows:

PRESENT: Suzanne S. Testani Tony J. Scinto Ann Marie Evangelista  
Ennio DeVita Edna Colucci Vicki Tesoro  
Donna Seidell Cynthia L. Penkoff Joseph G. Pifko  
Daniel Marconi Mark S. LeClair Bethany Llodra Gilman  
Vincent DiMasi, Jr. Kenneth M. Martin Patrick Helfrich  
Carl A. Massaro, Jr. Michael J. London Enrico R. Costantini  
Thomas Christiano (Arrived at 8:25 p.m.)

ABSENT: Lori Rosasco Schwartz and Antonio Petitti.

ALSO PRESENT: First Selectman Timothy Herbst, Town Attorney Vincent Marino, Director of Finance Maria Pires, Chief Thomas Kiely, Deputy Chief Glenn Byrnes, Police Union President Officer Copolla, Police Commissioners Chairman Jack Testani, Al Zamary, Lino Constantini and Fred Liggins.

APPROVAL OF MINUTES: Moved by Ms. Penkoff, seconded by Mr. London to accept the September 4, 2014 meeting minutes as submitted.

VOTE: Motion CARRIED 16-0-1 (ABSTENTION: DiMasi)

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\*The Chair reserved his right not to vote unless otherwise noted.

Moved by Ms. Testani, seconded by Ms. Colucci to take item #7 out of order.

VOTE: Motion CARRIED 16-0-1 (ABSTENTION: SCINTO)

\*Mr. Scinto recused himself at 8:11 p.m. due to the fact he is employed by Verizon.

1. RESOLUTION TC25-121: Moved by Ms. Testani, seconded by Ms. Evangelista.  
BE IT RESOLVED, That an amendment to the Site Lease with Option Agreement between the Town of Trumbull and T-Mobile Northeast, LLC, with regard to property located at 158 Edison Road is hereby approved.

Committee Report: The L&A Committee met on September 29, 2014 voted unanimously to enter into Executive Session to discuss contract negotiations and voted unanimously.

Town Attorney Vincent Marino explained the Town would be acting as the landlord and reviewed the site plan with the Town Council and the Police Commission. The site plan shows where the sheds that house the equipment would be located. The tower will be 150' tall. In October 2009 the Citing Council approved the tower at 130'. The lease amendment which is the subject of this resolution is important for public safety.

Chief Kiely stated the additional 20' is necessary for the operations of the combined dispatch center for fire, police and EMS. This will enable communication between emergency personnel and headquarters at all times. There are several areas of Town that currently have weak signal areas, (Trumbull Center and parts of Tashua).  
(Mr. Christiano arrived at the meeting at 8:25 p.m.)

Deputy Chief Byrnes explained the renovation of the dispatch center is making good progress. The construction manager has been chosen. The current radio system transmits from only one location. There are many inadequate transmission areas in Town.

First Selectman Timothy Herbst stated this resolution speaks to public safety and will rectify a problem with communication, (radio transmission), that has gone by the wayside too long. It is critical to have all emergency services on the same system, to have radio capability at all times in order to communicate and respond to another. The world is different now. It is our solemn obligation to protect the welfare, health and safety of our citizens. Emergency personnel need to be able to communicate at all times. This resolution is not about a cell tower it is about public safety. The consensus of the Police Commission on this matter is unanimous.

Dennis Veriera of Northeast Communications, radio provider of the Trumbull Police Department, was present and indicated that the point to point radio system will only work with a tower at 150'. The current system runs on phone lines and is a problem. The audio is noisy and does not always come through. There are two types of connectivity available: 1. phones lines and 2. point to point. Phone lines are not reliable, can not be controlled by the user. Wireless radio systems provide steady and true connection with a back up system in place and is controlled by the user/owner. In the last 5 years many police departments have gone to a point-to-point system, (Greenwich, Stamford, Milford, Clinton, Thomaston and Stratford are some examples, there are more). The point-to-point system is capable of handling multiple departments when they are ready to switch to this system. The additional 20' is necessary for police officer safety.

Mr. Coppins of the Phoenix Partnership stated the tower approved in 2009 has not been built to date. T-Mobile has one more piece to do with the Siting Council. They will go back to the Siting Council for approval of the additional 20'. They will show the non-connectivity areas in Town and how the additional 20' will alleviate the issue. T-Mobile and another carrier were interested in going on the tower at 120', each would provide back-up to operate during a down time. They expect to be able to take the additional steps to construct the tower within the next 60-90 days.

Atty. Marino explained when the process began in 2009; the Siting Council approved the tower at 130' because the Town could not show the need for 150'. The Town is now positioned differently. Co-locators mitigate having multiple towers within the same vicinity.

Ms. Testani stated at 150', the Town will have control over the tower and, if there were multiple towers in the area, the Town would not have control. Mr. Christiano questioned the possibility of having multiple co-locators on the tower. Atty. Marino confirmed for Ms. Penkoff that the cell tower has already been approved and the additional 20' in height is for public safety. Mr. Coppins explained that once the tower is in place it will take approximately 45-60 days to have the system in place and indicated for Ms. Tesoro that they will need Siting Council approval for the additional 20'. The Town is in a position to prove the need and is confident they will receive the approval. Mr. Vereira stated the engineering path analysis shows the need for the point-to-point connectivity. Ms. Tesoro stated that the Monitor Hill Tower may need to be replaced and could potentially serve the need for the police department. Mr. Vereira stated Monitor Hill has not been addressed and an engineering study would be necessary. Mr. Christiano stated he was not aware the tower would have co-locators and thought the tower was only for the police department and is uncomfortable with the possibility of additional co-locators. Atty. Marino stated there are limitations as to how many co-locators there can be. It is always best to have Town control a cell tower, If the Town were not in control there is always the chance of having multiple cell towers within the same vicinity. The vendors were always a part of the 130' tower previously approved. The representative of Motorola was present and indicated that the additional 20' will serve to improve public safety; the system is built and ready to install. Typically for any system the most important site is at the police department. New Milford's tower is 160', Darien's is 180' and Milford's is 150' high. These heights are very typical for first responders. Atty. Marino stated the Town would serve the role of landlord. This resolution represents an amendment to the lease and is not authorizing a new cell tower. The focus of the amendment is public safety. It was confirmed for Mr. Helfrich that it is not possible to have point-to-point connectivity at 130'. At 130' you are reliant on a phone line system. It is only possible 150'.

The Chair OPENED the PUBLIC HEARING at 9:12 p.m.

There were 13 people present to speak. (Public Comment Attached)

The Chair CLOSED the meeting at 10:10 p.m.

Atty. Marino explained that the Town had not been represented by his firm when the cell tower had been originally approved. The Town was represented by Berchem, Moses and Devlin. There are four potential vendors, AT&T, Verizon, T-Mobile and Sprint. The Town could construct the tower at 130' and all of the approvals are in place. Annual testing of emissions is a condition of approval already in place. The vendors all use fiber now not microwave and can be extended in the future. Towers used for solely for public safety do not require Siting Council approval. The Siting Council never denied the height of 150' they only said the Town would need to come back. The Siting Council will hear the detail. Public safety relies upon Verizon's coverage not only the radio component. The amendment to the lease can be approved without the height. Ms. Penkoff stated the cell tower as approved will be built with at least 1 vendor. When the Town approved the new radio system it was done so at a joint meeting. A very detailed presentation was given and the need for the system had been proven. The cell tower can be built with the approvals already in place. The amendment represents public safety. Atty. Marino stated the new radio system can be utilized with the current tower but it would be at higher cost to the Town. The currently approved tower provides for the need of additional ground space. The additional space is being requested for the sheds. In 2009 the only potential user was T-Mobile, we now have Verizon. Chief Kiely indicated the current tower on the site is 100' high and have had no issues with ice. Mr. Coppins stated they have towers from 100' - 190' and has had no issues with ice on any of them. The towers are designed to withstand 105 mph winds and ice to 1 1/2" thick. The towers are designed with a break point so they would break instead of falling over. They have never had a tower fall over yet. The Chair agreed towers are very well engineered.

Ms. Seidell spoke in favor of the resolution and spoke to the importance of public safety. Officer Coppolla, TPD Union president stated that he had mutual concerns with the residents in 2009 and was active in making the residents aware of the noticing issues. He had requested a copy of the study done but has not received it to date. He has read the consolidation study and still opposes. There are dead spots in Town but are mainly in concrete buildings. THS and Frenchtown schools used to be dead spots but have since been rectified. Officer Coppolla stated officers are always able to communicate with one another. He has not seen the study and has not been convinced of the need for the new system but is open to discussion. The Chair stated this amendment serves the change to a central dispatch system and the safety of the officers. Officer Coppolla agreed and stated the current radio system is outdated. The Police union has not been given any new studies and is keeping an open mind. Officer Coppolla explained for Ms. Llodra Gilman that if they change to channel 3 on the portable radios they can communicate with the other officers but can not communicate with Headquarters. Ms. Evangelista stated she works in a school and has been made aware by other officers of 2 pockets where there is no communication possible. Officer Coppolla stated not all officers agree with the police union. Ms. Penkoff stated if the police do not have 100% faith in the radio system or if teachers and/or para-professionals can not get a call out there is a problem and wants the entire Town to be able to feel safe. Chief Kiely spoke to the importance of the new radio system. Atty. Marino further clarified that the existing ground space could utilized as is, instead of having additional sheds to house the equipment they could be stacked but would add to the height. The lease has always accommodated multiple co-locators.

The Chair called a RECESS at 10:46 p.m.

The Chair the meeting BACK TO ORDER at 10:57 p.m.

Moved by Mr. Christiano, seconded by Ms. Tesoro to amend the resolution by adding after the last line the following language: "The tower will host only one (1) entity/user with no co-locators without Town Council approval."

Atty. Marino stated the Siting Council would have an issue with this motion because they encourage co-locators, the motion would cause the lease to be renegotiated and the resolution would be jurisdictionally defective because of the rules of the Siting Council. Mr. Christiano stated he was uncomfortable with not knowing how the additional co-locators would serve the users and/or police.

VOTE: MOTION FAILED 2-15 (IN FAVOR: Tesoro and Christiano)

VOTE: ADOPTED 16-1 (AGAINST: Christiano)

Ms. Tesoro stated she was compelled to vote in favor of the resolution but would have rather had tabled the resolution instead of having to vote on the same night of a public hearing.

The Chair extended his gratitude to Police Commission and all present who spoke to this resolution. There has been criticism in the past for holding public hearings at the committee level where only a small portion of the Council is present and scheduled this public hearing for the whole body to hear because this was an important issue. The cell tower only has the possibility of small financial gain but has the ability to have a great positive impact for public safety.

2. RESOLUTION TC25-116: POSTPONED IN COMMITTEE TO NOVEMBER  
BE IT RESOLVED, That the appointment of Daniel Ranocchia of 26 Pondview Avenue, be and the same is hereby approved as an alternate member of the Planning & Zoning Commission for a term of December 3, 2012 extending to December 7, 2015.
3. RESOLUTION TC25-117: Moved by Mr. Marconi, seconded by Ms. Testani.  
BE IT RESOLVED, That the appointment of Ken Martin, Jr. of 51 Hilltop Drive, be and the same is hereby approved as an alternate member of the Planning & Zoning Commission for a term of December 5, 2011 extending to December 1, 2014.

Committee Report: The Finance Committee met on September 29, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

4. RESOLUTION TC25-118: Moved by Mr. London, seconded by Ms. Llodra Gillman

BE IT RESOLVED, That \$115,000.00 is hereby appropriated from the Fund Balance to Tax Assessor Services & Fees Professional 01011600-522202.

Committee Report: The Finance Committee met on September 29, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

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

VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC25-119: Moved by Pifko, seconded by Ms. Testani  
BE IT RESOLVED, That \$86,456 is hereby transferred from Town Hall Contingency to various accounts. (Attached)

Committee Report: The Finance Committee met on September 29, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

6. RESOLUTION TC25-120: Moved by Ms. Colucci, seconded by Ms. Llodra Gilman  
BE IT RESOLVED, That \$284,480 is hereby appropriated from the General Fund to various accounts. (Attached)

Committee Report: The Finance Committee met on September 29, 2014 and voted unanimously.

VOTE: ADOPTED unanimously.

7. RESOLUTION TC25-94: HELD IN COMMITTEE  
BE IT RESOLVED, That the acquisition of real property known as 6175 Main Street, Trumbull, CT is hereby approved; and  
BE IT FURTHER RESOLVED, That the First Selectman is hereby authorized to execute any agreements or take any necessary steps to complete the acquisition.

There being no further business to discuss and upon motion made by Mr. LeClair, seconded by Ms. Llodra Gilman the Town Council adjourned by unanimous consent at 11:12 p.m.

Respectfully Submitted,

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Margaret D. Mastroni  
Town Council Clerk

PUBLIC HEARING  
PUBLIC COMMENT

1. Tracy Vonick of 155 Killian Avenue stated he hoped the council would discuss and debate the contract. Many of his questions were answered at this meeting and stated there is no required testing of emissions. Tenants can be added at their leisure.
2. Hank Lefcort of 23 Chestnut Hill Road stated he was a member of the Citizens Against the Cell Tower and has been since he found out it was approved. This resolution is about the cell tower and the amendment to the lease. He reviewed the amendment; the issue of financial payment to the Town seems to be exactly the same with the exception of the Town getting a one-time payment of \$20,000. The Town has the choice of having co-locators or not. The Town is now the holder of the lease. The sheds will take up a significant amount of space. He was surprised that the tower could go up within 60 days. He has a lot of questions with regard to storms and ice. We all want to protect their homes, families and children. It is an issue for those who live on streets near the police department; there is a danger of radiation. The Siting Council is not allowed to deal with that issue. The police should be able to have full communication but questioned if the pole height of 150' is necessary. The residents' property values will be affected. Mrs. Carol Lefcort questioned what would happen if the Siting Council says no.
3. Scott Wich of 47 Killian Avenue stated the Police Commission and the L&A committee voted unanimously on this matter and agreed with almost everything First selectman said and questioned how anyone could argue with this. Mr. Wich spoke against more co-locators and noted that the Cohen & Wolf law firm represented some party other than the Town the first time around He is waiting to hear why 150' is better and urged the Council not to buy into this. This will have a negative impact to the people who live in the area. The information from Northeastern can not be trusted. He wants to make sure the Town is making the right decision. The tower will be 173' high including the town's antennae on top of the pole. P&Z always has control over a tower.
4. Joseph MacNeil of 45 Plymouth Avenue stated he would not be able to see the tower from his house but is concerned with fairness. The resolution was not accurately represented, it was only referenced as an amendment to the lease and believes notices should have been mailed out to all of the affected area. He does not believe a notice on the website is sufficient and asked the Council to look at this closely. This should be sent back for review or for the public to be able to properly to it.
5. Barbara Wood of 29 Merwin Street stated the only equity she has is in the house she lives in directly behind the police department and questioned what the Town is prepared to do to help those who will be negatively impacted by this tower. The tower

- is really 173' high. The other speaker was correct to advise us not to rely on the experts who have a vested interest.
6. Kevin Magee of 8 Koger Road stated he had just returned from Vermont where he had driven through 5 towns with no cell service and questioned how this is about public safety. This is not about an amendment to a lease, it is about property values. If the cell tower falls it will fall on his property and spoke in favor of the safety of his children. It is hard to believe the difference of 20' is about public safety. \$2.1 million has been spent on a system without the tower. The Police Union president is against this. This is not just an amendment to a lease.
  7. Michael Parisi of 5207 Main Street stated he appreciates the police. The point-to-point radio system makes sense and cautioned the use of microwave frequency. We should use the vendors' money to consolidate frequencies. There are only 1-2 vendors now but could be as many as 10 in the future. The Town should ask for more money from those who will profit. We need to do the right thing for the first responders and the people.
  8. Joanne Davies of 6 Koger Road asked how many people in the audience were in favor.
  9. Jennifer Lieberwitz of 25 Koger Road stated she brought 2 of her 3 children to this meeting so they could understand what they will be living with. She wants to stay in the neighborhood forever but is considering leaving because she does not want her children exposed.
  10. Angela Buckley of 7373 Huntington Turnpike spoke in favor of the resolution. There is no communication in Trumbull Center, this may not be perfect and understands people's feelings on the matter but asked to think of all the people not just those in the shadow of the tower.
  11. Kevin Plumb of 10 Marina Avenue stated he was embarrassed the Town spent \$2.1 million on a system for a tower we do not have. The contractor as a consultant is a conflict of interest, an outside consultant should be used. He has worked many years in communications and believes there are other options available.
  12. Phil Simpson of 40 Cove Road stated he has more questions after hearing what was presented at this meeting. People will make money this is not only about public safety.
  13. Darren Frances of 11 Rangely Drive stated the Town's technology infrastructure is light years away from where he used to live and needs to improve. He is a resident who does not have a land line at his house. The radiation from a cell phone is a thousand times more dangerous than the emissions from the cell tower.



<b>TRANSFERS TO/FROM - FY ENDING JUNE 30, 2014</b>						
<b>TRANSFER NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>ACCOUNT NUMBER</b>	<b>BALANCE BEFORE TRANSFER</b>	<b>AMOUNT OF TRANSFER</b>	<b>BALANCE AFTER TRANSFER</b>	
	<b>FROM</b>					
09-17-04	Town Hall-Contingency	01013800-501116	205,568.00	(86,456.00)	119,112.00	
	<b>TO</b>					
	Bd Of Finance - Salaries-Maths contr	01011400-501101	(4,528.98)	4,529.00	0.02	
	Tax Assessor - Salaries FT-Mathas Cont	01011600-501101	(2,166.76)	2,167.00	0.24	
	Tax Collector - Salaries FT-Mathas Cont, final retiree payout	01012000-501101	(9,872.94)	9,873.00	0.06	
	Purchasing-Salaries FT-Mathas Contr, final retiree payout	01012200-501101	(16,567.26)	16,568.00	0.74	
	Purchasing-Longevity	01012200-501106	(125.00)	125.00	-	
	HR- Salaries FT- 1 additional day in fiscal year	01013000-501101	(663.28)	664.00	0.72	
	EMS-Salaries-FT -Position upgraded	01022600-501101	(4,344.85)	4,345.00	0.15	
	Fire Marshal-Salaries - 1 additional day in fiscal year	01022800-501101	(792.40)	793.00	0.60	
	Building Official-Mathas and 1 additional day in fiscal year	01023200-501101	(2,796.16)	2,797.00	0.84	
	Engineering-Salaries FT	01030500-501101	(2,827.56)	2,828.00	0.44	
	Social Services-salaries-FT-Mathas Contr	01050000-501101	(3,243.24)	3,244.00	0.76	
	Social Services-salaries-FT-Mathas Contr	01050600-501101	(4,305.01)	4,306.00	0.99	
	Recreation - Salaries FT -Mathas and 1 additional day in fiscal year	01080400-501101	(16,022.79)	16,023.00	0.21	
	Recreation - Salaries FT -Longevity	01080400-501106	(75.00)	75.00	-	
	Parks-Salaries FT-Mathas, employee final payout	01080600-501101	(18,118.11)	18,119.00	0.89	
				86,456.00		
	<b>To transfers salaries for approved contracts, final payouts to retirees and 1 additional day in FYE (budget based on 52 weeks, 1 extra day this year)</b>					