

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

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5000



MINUTES  
JUNE 1, 2015

**CALLED TO ORDER:** The Chair called the meeting to order at 8:05 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

**The Clerk called the roll and recorded it as follows:**

**PRESENT:**

Suzanne S. Testani	Tony J. Scinto	Mark S. LeClair
Vincent DiMasi Jr.	Ann Marie Evangelista	Enrico R. Costantini
Donna Seidell	Mary Beth Thornton	Edna Colucci
Ennio DeVita	Carl A. Massaro, Jr.	Lori Rosasco Schwartz
Daniel Marconi	Vicki Tesoro	Cynthia L. Penkoff
Michael J. London	Scott Wich	Joseph G. Pifko
Antonio Petitti	Kenneth M. Martin	Bethany Llodra Gilman.

**ALSO PRESENT:** First Selectman Timothy Herbst, Chief of Staff Lynn Arnow, Labor Relations Director James Haselkamp, Economic & Community Development Director Jamie Brätt and Parks and Recreation Director Stuart McCarthy.

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\* The Chair reserves the right to vote unless otherwise noted.

1. RESOLUTION TC25-176: Moved by Ms. Seidell, seconded by Mr. London.  
BE IT RESOLVED, That the following programs are hereby approved as eligible under the Neighborhood Assistance Act; Trumbull Nature & Arts Center "Educational Exhibits" - \$6,000; Southwestern area Health Education Center, Inc. "Community Health Workers: Helping our neediest to manage their Asthma" - \$24,000; will require post project review if full amount of request is obtained.

**Committee Report:** The L&A Committee met on May 26, 2015 held a public hearing and voted unanimously to amend and voted unanimously as amended.  
The Chair recognized the amendment in committee.

Ms. Brätt clarified Southwestern Area Health Education Center, Inc. had moved to Bridgeport not Shelton as indicated in committee. This resolution is a tax credit program not a grant program. It is typical to have organizations apply in multiple towns. The program

allows businesses to pair themselves with 501c3's in order to receive tax credits. This has no financial impact to the Town.

Moved by Ms. Testani, seconded by Mr. Marconi to amend by adding "Connecticut Radio Information System" - \$25,000 as the third project of the resolution.

VOTE: Motion CARRIED unanimously.

VOTE: ADOPTED as amended.

2. RESOLUTION TC25-175: HELD IN COMMITTEE

3. RESOLUTION TC25-178: Moved by Ms. Gilman, seconded by Ms. Penkoff.

BE IT RESOLVED, That \$45,500 is hereby appropriated from the Fund Balance to 01011400-522202 BOF-Professional Services - \$15,166, 010180400-522202 Rec-Professional Services - \$15,167 and 01080600-522202 Parks-Professional Services - \$15,167.

Committee Report: The Finance Committee met on May 27, 2015 and voted to amend 5-1 (Against: Tesoro) and as amended 4-2 (Against: Marconi and Tesoro).

The Chair recognized the amendment in committee.

Moved by Mr. London, seconded By Ms. Rosasco Schwartz to amend to \$39,900 from \$45,000. VOTE: Motion CARRIED unanimously.

First Selectman Herbst indicated the Purchasing Department bid this twice, the first time they received no bids and the second bid had one bidder (Matrix). First Selectman Herbst introduced the new Parks and Recreation Director McCarthy to the Council and welcomed him to the team.

First Selectman Herbst explained to the Council that the audit will address several Town Council and BoF members' concerns with regard to Special Agency accounts. The new director needs to be able to meet with all the people involved with the department. The director is qualified to perform and operational audit but not necessarily a financial audit and an internal auditor vice versa. A RFP (Request for Proposal) was put out. The timing of the audit is because it is the peak season. If it were to be done at a later date the fall, winter and spring season would be lost. This timing will allow them to accelerate and implement the changes sooner.

Mr. London spoke in favor of the audit both financially and programmatically. Ms. Tesoro disagreed and believes the internal auditor could perform the audit. The previous internal auditor did audit the special agency accounts. Ms. Tesoro spoke in favor of performing the audit before the hiring of the new director and spoke against the resolution if the funds are coming from the General Fund. First Selectman Herbst noted the Council has audit powers. Legislation can be submitted for consideration of an audit. An audit of either the WPCA and/or the Parks & Recreation Departments can not be performed by one person.

Ms. Tesoro stated the transfer for this item was voted down at the BOF and is now before the Council as an appropriation and reiterated her support of an internal auditor performing the

audit. Mr. Costantini noted that there is no hire of an internal auditor pending and spoke against a delay. First Selectman Herbst spoke to the importance of having an objective firm conducting the audit. Ms. Tesoro spoke in favor of reform and the audit but did not understand the urgency. First Selectman Herbst stated a 39-year Parks veteran has spoke in favor of the audit and stated there is bi-partisan support. Ms. Penkoff stated she had served on the BOF and had requested multiple times the break down of what was going in the department and how much was going out and never received it. This year some of the numbers were submitted but not all. Ms. Penkoff spoke in favor of the audit, performing it during the peak season and not waiting for an internal auditor. Ms. Testani noted that the audit may identify funds that would cover the cost of the audit. First Selectman Herbst agreed. The Chair noted the Council does not have transfer powers but does have the power to approve an appropriation. The Council can only appropriate from the general fund for expenditures not previously budgeted. In this instance, there are unspent budget items which exceed the cost of this audit and the net result of this resolution, if passed, will be less money spent than appropriated in the budget.

Mr. McCarthy stated based on his initial review of the department there has been a lack of attention on the revenue side. This will be a financial and an operational audit. He noted the internal auditor would not be able to conduct an operational audit. The audit is important for the Town and the operation of the department. Mr. Costantini stated the revenue flow is a priority. A problem has been identified and spoke in favor of fixing it.

VOTE: ADOPTED as amended 16-4 (AGAINST: Tesoro, Thornton, Marconi and Wich)  
Moved by Ms. Testani, seconded by Mr. DeVita to pass as *Emergency Legislation*.  
VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC25-177: Moved by Mr. Pifko, seconded by Mr. London.  
BE IT RESOLVED, That the Board of Health Fee schedule is hereby established effective July 1, 2015.

Committee Report: The Finance Committee met on May 27, 2015 held a public hearing and voted unanimously.

VOTE: ADOPTED unanimously.

5. RESOLUTION TC25-172: Moved by Mr. London, seconded by Mr. Pifko.  
BE IT RESOLVED AND ORDAINED, That Chapter 18 Taxation of the Trumbull Municipal Code is hereby amended to include Article VI, Senior and Disabled Volunteer Tax Abatement.

Committee Report: the L&A Committee met on May 26, 2015 held a public hearing and voted to amend and voted as amended 4-1 (Against: Wich)

The Chair stated he did contact Town Attorney Dennis Kokenos with regard to the legality of the ordinance in the scenario where a volunteer, having been current on their taxes, doing the hours and then falling behind on their taxes and not earning the credit. Town Attorney

Kokenos responded to the Chair via email and read his reply into the record as follows: "Being current on all taxes is a requirement for the program. If the resident is not current on their taxes then they have not met one of the requirements to receive the credit, therefore they will not receive the credit. Simply put a resident must meet all qualifiers to receive the credit. As drafted, being current on taxes at the time of the application and at the time of the credit issued are both eligibility requirements of the program. If the resident is not current on all taxes at the time of issuance of the credit then they have not qualified for the program and will not receive the credit. The resident should be made aware of this requirement and all other eligibility requirements at the time they make the application for the program."

The Chair recognized two amendments in committee.

Moved by Ms. Testani, seconded by Mr. Costantini to amend section (i) of the ordinance as follows:

- (i) if at the time of such application, the resident is delinquent in any taxes, user fees, or assessments owed to the Town of Trumbull or the Water Pollution Control Authority

VOTE: Motion CARRIED 19-1 (AGAINST: Martin)

Moved by Mr. London, seconded by Ms. Llodra Gilman to amend as follows:

- and (ii) for any grand list year that such resident is also receiving benefits pursuant to the Town's Senior Tax Deferral Relief Program or Credit program.

VOTE: 18-2 (AGAINST: Martin and Wich)

Moved by Mr. London, seconded by Mr. DeVita to amend subsection (c) as follows:

- (c) *Program implementation.* The First Selectman, or his designee, Tax Collector, or his designee and the Tax Assessor, or its designee, shall be responsible for administration of the Senior and Disabled Persons Volunteer Tax Relief Program.

VOTE: MOTION CARRIED unanimously.

Mr. Wich stated this is a challenge for him. The volunteer will be acting as an employee for the Town and spoke against the resolution due to the lack of an income cap. First Selectman Herbst stated the cost of living continues to rise, 30,000 people leave CT every year mostly seniors. State Legislators are currently raising people's taxes to a historic high. At the local level we have a responsibility to provide relief. Manchester, Bristol and Danbury have all implemented this program. This allows the seniors to age in place.

Mr. Costantini stated the ordinance does not allow for discrimination. The Chair explained this is a supplementary tax credit and is different from other tax program the Town offers. This program brings volunteerism to the forefront bringing any senior and/or disabled person to the community. Ms. Arnow added per statute 12-129 this may be applied in addition to another program. It is not limited to one program. This ordinance provides an opportunity for the resident to give back and be involved in their

community. Mr. Costantini stated that in order to get to section (ii) the person would have to meet section (i). Town residents can apply for both programs.

Ms. Tesoro stated she agrees with income qualification and noted that all other towns have that. Not having an income cap asks other people who are struggling to give relief to those who don't need the credit. There are not many people participating in the other towns' programs. Ms. Tesoro stated she would vote in favor but is concerned that there is not an income qualifier plan and hopes the plan is reviewed in six months to a year. The Chair stated he hopes the Town Hall is inundated with people.

VOTE: As amended three times ADOPTED 18-2 (AGAINST: Martin and Wich)

6. RESOLUTION TC25-173: Moved by Ms. Colucci, seconded by Ms. Rosasco Schwartz, BE IT RESOLVED AND ORDAINED, That Chapter 2 Administration, Article II of the Trumbull Municipal Code is hereby amended to include Section 2-55 et seq, Trumbull Compensation Plan for non-union, appointed and elected officials.

Committee Report: The Finance Committee met on May 27, 2015 held a public hearing and voted to send without recommendation 4-2 (AGAINST: Marconi and Tesoro)

Mr. Costantini suggested because it is an election year anyone who is planning on running for a position that is the subject of this resolution should recuse themselves from the resolution. Mr. Scinto left the meeting at 9:22 p.m. First Selectman Herbst recused himself as an ex-officio member of this body at 9:23 p.m. Mr. Scinto returned to the meeting at 9:23 p.m.

Mr. Haselkamp explained this plan had been used in several other towns. Norwalk and Stamford are two examples. They were similar in the fact that their plans were tied to ranges that move over time. This plan is different from the other towns because the other towns had large ranges. This plan creates an outline and structure to hire and also requires Town Council approval if the hire is above the midpoint. Ranges were based on union clerical and the MATHAS supervisors' union. Discussion in committee consisted of which indexes and the movement of the ranges. If version 9 of the plan was adopted the total cost of the plan would be \$39,506. Next year's impact is half of that \$19,753. \$20-\$25,000 has been put in the 2015-2016 FY Budget Contingency to implement the plan.

Mr. Costantini stated the plan before the council at this meeting is the original version; it had not been amended to any of the subsequent versions to date. The Chair agreed.

Moved by Mr. LeClair to amend as follows:

Section II

- subsection A. by adding a last sentence to read as:  
"Any appointment above the midpoint shall be subject to Town Council approval by a two thirds vote of the full Town Council."

- Subsection B. by changing the percentages to:  
“5 % but not more than 10%,”
- Subsection C - removing the third sentence beginning with “performance appraisal forms are appended hereto” in its entirety and the sentence beginning with “salary increases” should read as:  
“Salary increases shall be, at a minimum, based on the CPI of the Urban Northeast for the previous year.”
- Subsection D. the word “shall” will be inserted after the words personnel department.
- Subsection I. shall be deleted and replaced with:  
“In order to maintain the salary plan objectives, every four years the Personnel Department shall conduct a review of the salary ranges. The Personnel Department may choose to review the salary ranges prior to the four year anniversary if the market changes or job descriptions warrant. Should any changes be made, they shall be subject to Town Council approval by a simple majority of those present and voting”.
- Subsection J - Shall be removed in its entirety
- Subsection K - Shall be renamed subsection J.
- Section 1.

**Elected Officials      Effective: January 1, 2016**

Selectman	(January 1, 2016)	\$110,000
	(January 1, 2017)	\$114,000
	(January 1, 2018)	\$118,000
	(January 1, 2019)	\$122,000
	(January 1, 2020	Midpoint of Director for Finance Range
	each term thereafter	

Treasurer (Part time)                      20 % of the Midpoint of Director of Finance Range

Town Clerk                                      50 % of the Midpoint of Dir. of Finance Range

Registrar of Voters (Part time)            8 % of the Midpoint of the Director of Finance Range

	<u>*Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>
➤ <b><u>Department Heads</u></b>			
Chief of Staff	\$70,000	\$80,000	\$90,000
<b>3. <u>Supervisors/Administrators</u></b>			
Personnel Manager	\$70,000	\$80,000	\$90,000
<b>4. <u>Support Staff</u></b>			
Executive Assistant (First Selectman/PD)	\$52,000	\$57,000	\$62,000

Subsection L will be renamed to subsection K.  
Subsection M will be renamed to subsection L.

Mr. LeClair, seconded by Mr. London to include the following amendment:

Secretary (First Selectman)	\$42,500	\$47,500	\$52,500
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Mr. Costantini explained the plan as amended takes into consideration of all the objectives as outlined originally. This provides continuity, flexibility, structure and is easy to administer. This takes the politics out of the elected and non-union employees' salaries. The BOF unanimously approved the contingency line item and believes that recognized this needed to be addressed.

Ms. Tesoro spoke against the timing of the proposed amendment. They were provided a copy of the proposal at 3:00 p.m. The plan was sent to the council without recommendation and believes the rules of the council are not being followed. Mr. Costantini noted that during his time on the council the minority has never sent a proposed amendment that was going made on the floor to his caucus and believes his caucus has provided her caucus a courtesy. Mr. Scinto added that there has been a great deal of discussion and review at the first meeting there was a two hour discussion and at the last meeting 1½ hours. Ms. Penkoff further explained that this amendment came from the republican caucus and applauded Mr. Costantini for forwarding it to the democratic caucus before this meeting. Mr. London stated the rules have been followed. The substance of this is that no salary ranges will take effect until after the next election and spoke in favor of the amendments and the plan.

Mr. Haselkamp indicated for Mr. Wich that there is no data available to compare other towns' salaries with benefits.

The Chair stated for efficiency the council would review each amendment discussion and review is as follows:

- **Section II, subsection A. Adding the last sentence -**  
No one had question or comment on this amendment
- **Subsection B. Reduced the percentages to "5 % but not more than 10%**  
Mr. Haselkamp indicated for the council this amendment was not what they intended and suggested the following language: "Adding after 10% as follows: "but no more than 10% of the minimum of the new range whichever is greater."
- **Subsection C - The change was in the third sentence by removing the third sentence beginning with "performance appraisal forms are appended hereto" in its entirety and the sentence beginning with "salary increases" should read as: "Salary increases shall be, at a minimum, based on the CPI of the Urban Northeast for the previous year."**  
This sentence previously read, "Salary increases shall be at the minimum as the same is provided to the Supervisors' Union MATHAS". The Chair explained this was a change to the index of what the minimum increase would be. When you are in the 2016 budget season you would be looking at the 2015 numbers. Mr. Haselkamp stated the prior twelve (12) months could be used. Mr. Haselkamp stated changing from the union to CPI may not motivate people by paying them less than a union. The Chair stated that is history, but this calls for the minimum and it would be what came through the budget process.
- **Subsection D. the word "shall" was inserted** after the words personnel department.

The Chair indicated there was a verb missing, a typo. No comment or question.

- ***Subsection I. shall be deleted and replaced with, “In order to maintain the salary plan objectives, every four years the Personnel Department shall conduct a review of the salary ranges. The Personnel Department may choose to review the salary ranges prior to the four year anniversary if the market changes or job descriptions warrant. Should any changes be made, they shall be subject to Town Council approval by a simple majority of those present and voting”.***

Mr. LeClair explained the general understanding is that in four (4) years there is a chance the plan would deviate from the market pay and would be evaluated periodically. Four (4) years seemed to be a rational period of time to use. This is external equity as discussed in committee. Mr. Haselkamp stated it previously read “periodically”. The Chair indicated this amendment makes it a definite 4 year period. Ms. Penkoff explained during their review it was brought up that Year 5 may have differentials, therefore they backed it up to be reviewed at the 4<sup>th</sup> year. It can still be reviewed before the 4<sup>th</sup> year if job descriptions and/or the market changes. If the ranges are changed it would still need Town Council approval. Mr. Haselkamp spoke in favor of this amendment.

- ***Subsection J - Shall be removed in its entirety.*** Mr. LeClair read what this section previously was. The changes made in the previous subsections negate the language of this section. Subsection J becomes K.
- ***Subsection K - Shall be renamed subsection J.***

**Section 1. Elected Officials      Effective: January 1, 2016**

- Mr. LeClair stated this was a compromise. It was discussed in committee. Some of the amounts were too large for some but at the same time did not want the process to take forever to move the First Selectman’s salary to the Director Finance’s salary. A compromise was reached at \$4,000 increments. Mr. LeClair explained for Ms. Tesoro that they had spent a considerable amount of time reviewing data of salaries for mayors and first selectmen in Fairfield County. There was ample evidence that first selectmen salaries are not substantially different from directors of finance. This was discussed extensively in committee and all were provided excel worksheets in committee.

The Chair clarified for Ms. Tesoro this item has been on the agenda two times with two public hearings held and two more opportunities for public comment. People are entitled to work and discuss in caucus. The minority caucus could meet and discuss the same and could have raised any of these questions in committee but there were not many questions raised by the minority. Mr. Haselkamp devoted a lot of time to council members on an individual basis as well as at committee meetings and this meeting. There are many man hours that have gone into this plan.

Mr. London stated procedure has been followed and the public has been given multiple opportunities to speak. The way the system operates allows for individual members to caucus and discuss changes in resolutions. This is something the minority could have done and have done many times with other items over the years. To suggest that this is not following procedure is reaching for a reason to object to something. This is an issue that should be outside of politics. The fact that this was discussed in caucus is the right of every member.

Ms. Thornton spoke in favor of working as a team in committee and how it was not a political issue in committee and thought they were doing a good job. The resolution left committee and came to the council floor without having worked as a team. Ms. Penkoff stated their caucus has spent over 15 hours on this document. The only thing done differently was that the amendments were forwarded to the minority ahead of time. Ms. Penkoff made the motion in committee to send without recommendation with a reason included. Every range was reduced and adjusted so every one is within range. The increases for the Treasurer, Registrar of Voters and the Town Clerk were also reduced. They have reduced, contained and compartmentalized everything in the plan. Ms. Tesoro stated if they had been asked they would have helped, this should have been a bi-partisan effort. Mr. Costantini stated during his time on the council as minority leader he has never received an amendment from the minority ahead of time, they have all been made on the floor. Chairman Massaro has reviewed each amendment point by point. That is the purpose of this meeting to discuss this plan. If you want to discuss and or make a point it should be done at this meeting. They have every right to caucus and the minority has every right to dissect the resolution on the council floor. Ms. Testani added this came to Council without recommendation this would be the appropriate place to discuss the resolution. Mr. Wich stated it seems there was debate and discussion within the republican caucus. The Chair explained for Mr. Wich it is clear a caucus is a caucus and is not a meeting of the council under the Freedom of Information Act.

The Chair continued with review of the proposed amendments.

- **Paragraph 1, Elected Officials** - No discussion
- **Paragraph 2**, The Chair indicated this involves adjustment in the ranges. There are 5 position range changes from the original document. The Chair explained for Ms. Tesoro a lot of information was provided on current salaries on all of the positions. Everyone received that information in committee. When comparing the current salaries and the proposed ranges it appeared to be a large jump at the beginning. There were five identified as discussed in committee. If the salaries were to be brought up to union salaries judgments had to be made on how fast that should happen or if they wanted to get there at all.

Ms. Tesoro requested a recess.

The Chair called a RECESS at 10:21 p.m.

The Chair called the meeting BACK TO ORDER at 10:30 p.m.

VOTE: Motion to amend CARRIED 15-5 (AGAINST: Tesoro, Thornton, Marconi, Wich and Evangelista)

Moved by Ms. Penkoff, seconded by Mr. London to amend Section II (B) by adding after 10% as follows: "but no more than 10% or the minimum of the new range whichever is greater."

VOTE: Motion CARRIED 15-5 (AGAINST: Tesoro, Thornton, Marconi, Wich and Evangelista)

Moved by Ms. Tesoro, seconded by Mr. Marconi to return to committee.

VOTE: Motion FAILED 5-15 (IN FAVOR: Tesoro, Thornton, Marconi, Wich and Evangelista)

Ms. Tesoro called point of order and requested a roll call vote.

The Clerk called a roll call vote. The ayes and nays are as follows:

Ayes: Ennio DeVita, Tony J. Scinto, Mark S. LeClair, Donna Seidell, Enrico R. Costantini, Joseph G. Pifko, Carl A. Massaro, Jr., Kenneth M. Martin, Michael J. London, Vincent DiMasi Jr., Antonio Petitti, Edna Colucci, Cynthia L. Penkoff  
Lori Rosasco Schwartz, Suzanne S. Testani and Bethany Llodra Gilman.

Nays: Vicki Tesoro, Mary Beth Thornton, Ann Marie Evangelista, Scott Wich and Daniel Marconi

\*The Chair voted.

VOTE: ADOPTED as amended CARRIED 16-5 (AGAINST: Tesoro, Thornton, Marconi, Wich and Evangelista).

The Chair called for a vote on the resolution with the amended plan. The clerk called the roll call vote. The ayes and nays are as follows:

Ayes: Ennio DeVita, Tony J. Scinto, Mark S. LeClair, Donna Seidell, Enrico R. Costantini, Joseph G. Pifko, Carl A. Massaro, Jr., Kenneth M. Martin, Michael J. London, Vincent DiMasi Jr., Antonio Petitti, Edna Colucci, Cynthia L. Penkoff  
Lori Rosasco Schwartz, Suzanne S. Testani and Bethany Llodra Gilman.

Nays: Vicki Tesoro, Mary Beth Thornton, Ann Marie Evangelista, Scott Wich, Daniel Marconi

\*The Chair voted.

VOTE: ADOPTED as Amended 16-5 (AGAINST: Tesoro, Thornton, Evangelista, Wich and Marconi)

There being no further business to discuss and upon motion made by Ms. Llodra Gilman, seconded by Mr. Pifko the Town Council adjourned by unanimous consent at 10:35 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk