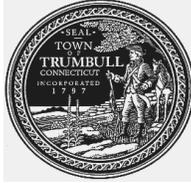


TOWN COUNCIL
Town of Trumbull
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Trumbull

TELEPHONE
(203) 452-5005



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
June 28, 2010

Chairman Suzanne Testani called the Legislation & Administration Committee meeting to order at 7:40 p.m. All present joined in a moment of silence and the pledge of allegiance

Present: Chairman Suzanne Testani, Kristy Waizenegger, Mark Altieri, Chad Ciocci and Michael Rappa.

Absent: Vice-Chairman Jeff Jenkins.

Also Present: Mr. Dan Nelson, Chief of Staff and Town Council, Ms. Mary Moran, Tax Collector and Labor Attorney, Floyd Dugas.

1. RESOLUTION TC23-83: Moved by Mr. Rappa, seconded by Ms. Waizenegger.

BE IT RESOLVED, That pursuant to Connecticut General Statutes 7-148, the approval of building applications by the Town of Trumbull Building Department shall be withheld for any property upon which taxes or sewer charges are delinquent for the property for which the permit is to be issued. The delinquent taxes, along with applicable interest, fees and charges, shall be paid before a building permit application can be approved.

Ms. Moran explained that this process is working very well in many other towns; it is an inequity for people who owe back taxes to have a building permit approved. The procedure would involve adding the tax collector to the list of approvals necessary to obtain a building permit.

VOTE: Motion to recommend to the Town Council carried unanimously 5-0.

The Chair stated that Resolution TC23-85 as the next item of business.

2. RESOLUTION TC23-85: Moved by Mr. Ciocci, seconded Ms. Waizenegger.

BE IT RESOLVED, That Resolution TC22-225 which authorized the First Selectman to enter into a certain Site Lease with Option Agreement between the Town of Trumbull and T-Mobile Northeast, LLC with regard to the property located at 158 Edison Road, is hereby rescinded.

Mr. Pescatore read a letter dated June 28, 2010 from Councilman Martha Jancovic-Mark, District 5 and Mr. Robert Pescatore, Jr., District 2 into the record. (See Attached letter dated June 28, 2010).

Mr. Nelson, Chief of Staff requested that the L&A Committee hold this resolution in committee to allow the town attorneys to review the signed contract to see what the implications would be and whether there would be breach of contract if this resolution were adopted. Mr. Nelson confirmed for the Chair that there are no attorneys present at this meeting. Mr. Nelson confirmed for Mr. Ciocci, that the town attorneys have already been requested to review the contract. Atty. Walsh will be available at the full town council meeting; it would be prudent to allow the town attorneys to review the signed contract and to have representatives from T-Mobile and the Police Union present their case, the Town Council could then make an informed decision moving forward. Mr. Nelson stated that the town attorneys may be able to speak to their review at the August 2010 Town Council meeting.

Mr. Altieri reiterated Mr. Pescatore's statement that the resolution had been written before it was known that the contract had been signed, suggesting that the resolution be amended to reflect that information which would allow the Town Council to act upon the resolution in a proper manner. Ms. Mark suggested the resolution read as, "Rescinding the contract between the Town of Trumbull and T-Mobile". Mr. Pescatore suggested the amendment to read as, "BE IT RESOLVED, That the contract signed between the Town of Trumbull and T-Mobile with regards to a certain site lease with an option agreement with regard to the property at 158 Edison Road, is hereby rescinded". Ms. Mark suggested that the amendment read as, "That the contract entered into on October 30, 2009 between the Town of Trumbull and T-Mobile is hereby rescinded".

Mr. Massaro responded as Chairman of the Town Council suggesting that the committee not take any action on the proposed resolution until the town attorneys' opinion is received with regard of what can be done with this resolution or what should be done with the contract by the Town Council. If the resolution is amended now it may be amended again after the town attorneys' recommendation is received. The resolution was drafted accurately based upon what was passed, it came to light, that in fact, the contract is signed and obviously there are many questions, concerns and facts, which need to be determined with what can be done with what appears to be a signed agreement. Mr. Altieri agreed and added the council does not want to put the town in a position of breach of contract. Mr. Ciocci stated that the amendment is a completely different resolution that what is

before the council at this meeting. Mr. Ciocci spoke against keeping the resolution in committee noting that there were 60-70 residents present at this meeting who are concerned for the health and property values.

Robert Coppola, President of the Town of Trumbull Police Union employed at 158 Edison Road was present at this meeting. Officer Coppola stated that the union reviewed a copy of the contract, noting that the lease date has not been executed to date; nor notarized. There are two (2) pages at the end of the contract that show that the landlord and the tenant need to sign, which has not been done to date. (Pages are marked as 1&2, but are actually pages 13 & 14 in sequence). The contract/lease has not been returned to other party.

The Chair stated that Officer's Coppola's statement is all the more reason why the committee should send the resolution to counsel to review the status of the contract and to wait for advisement. Officer's Coppola's letter dated June 28, 2010 was submitted for the record. Mr. Ciocci requested that the Police Union letter be submitted for the record and attached to the minutes.

* (Hard copy of the letter is attached to the minutes of the June 28, 2010 L&A Committee meeting filed at the Town Clerk's office).

Mr. Altieri moved, seconded by Mr. Rappa to hold Resolution TC23-85 in committee.

Mr. Ciocci spoke against holding TC23-83 in committee.

VOTE: Motion carried 3-2 (Against: Waizenegger and Ciocci).

3. RESOLUTION TC23-84: Moved by Mr. Rappa, seconded Mr. Altieri.

BE IT RESOLVED. That funding for a labor contract between the Town of Trumbull and AFSCME, Local 1303-277 - Council 4 (Fire Marshals) beginning July 1, 2010 and ending June 30, 2014 is hereby approved.

Atty. Dugas stated that the Fire Marshals' union consists of a count of two (2) people. It is a 4-year contract. The first of the four (4) years; wages are frozen; There is a \$750 annual stipend that has been agreed to if the Fire Marshals' possess certain certifications over and above the minimum requirement for the job. Said certifications pertain to arson qualifications, (which would allow them to testify in court), and emergency response training and certifications as well. The second year of the contract includes a 2.6% wage increase; the third year has a 2.6% wage increase; and then to a 2.95 % wage increase in the fourth year. They will be contributing between 8-11% towards health care; previously they were contributing 2%. The second year includes a furlough day, the equivalent of .5% back in a wage increase. Their pension contributions will go up a ½% in each year bringing them to 5%. A defined contribution plan with new hires was agreed upon as well. This will be the first contract with a defined contribution plan. They will have 30 days to use comp time as opposed to the 15 days they have now, simply because there are times when they have a couple of major fires, which

need to be investigated and they just can't use the comp time. This is the most taxpayer friendly contract negotiated in this town. The furlough day and the defined contribution plan are important precedents.

Mr. Nelson stated that the Fire Marshals were very willing to work with the town and understood the trying economic times we are experiencing. Atty. Dugas stated that the Fire Marshals wages due show some disparity with other towns, estimating that they are in the bottom 1/3 approximately in comparison with other towns.

Mr. Altieri cautioned that the defined contributions pendulum may be swinging too far in the opposite direction, pension plans mature very quickly, suggesting that the maturity dates be changed to 30-35 years and a combination of ages, or a hybrid version. Mr. Nelson stated that the town's actuary had been consulted; there are two (2) models to go by a "hard freeze", where the town would mandate that every current employee would have to go onto the defined contribution or a "soft freeze", explaining that at the end of any labor agreements; negotiations would include the incurred employees, which would meet the obligations, and a new start date that new employees would go onto the defined contribution plan. The "soft freeze" will take years to institute, with regard to the pendulum swing; the town is more apt to go with the "soft freeze" representing a steady transition.

In response to a question from the Chair, Atty. Dugas stated that agreement includes sick days to be accrued at a rate of 1 day per month, maximum of 75 accumulated, 2 weeks of vacation may be carried over, if not used it will be lost. Years 1-5 there are 10 days vacation and will max out after 20 years of service at 25 days vacation.

In response to a question from Mr. Rappa, Atty. Dugas confirmed that the contract had been ratified, allowing 44 days from May 24th for rejection, the town council is scheduled to meet on July 8th, leaving one week to spare after the Town Council meeting.

Mr. Ciocci moved, seconded by Ms. Waizenegger to send Resolution TC23-84 to the Town Council without recommendation pending the contract.

VOTE: Motion carried unanimously 5-0.

There being no further business to discuss the Legislation & Administration Committee adjourned by unanimous consent at 8:25 p.m.

Respectfully Submitted,

Margaret D. Mastroni,
Council Clerk
Date: June 28, 2010

Date: June 28, 2010

To: Members of the Legislation and Administration Committee

From: Councilman Martha Jankovic-Mark and Councilman Robert J. Pescatore, Jr.

Re: Proposed Resolution to Rescind Authorization for Cell Tower Lease Agreement

Dear Chairman Testani and members of the L&A Committee,

We would like to take this opportunity to explain the background for the resolution before you, which would rescind the authorization of the First Selectman to enter into a lease agreement with T-Mobile with regard to the property at 158 Edison Road.

This resolution was brought forth in response to concerns from residents regarding a proposed monopole construction at the police department which would be taller than the existing tower and would house cell phone equipment in addition to municipal equipment.

As you may recall, the original agreement was voted on in October 2009 and passed through the Town Council without emergency legislation authorization.

Due to an imminent deadline for including items on the July 2010 Town Council agenda and without being able to ascertain an answer at the time as to whether a signed contract was in place, we submitted the resolution which is before you this evening to allow for a discussion to take place and to be sure that the concerns of residents were heard and considered.

We have learned based on new information that a signed contract is in place and was signed at the end of October 2009 by former First Selectman Raymond G. Baldwin, Jr.

Therefore, we would appreciate it for all of you to consider the possible options before you, to listen to the constituents who reside in the Town as well as any other stakeholders who will be impacted by this new construction, and render a responsible action on this resolution.

Should there be any questions, please do not hesitate to contact us. Thank you for your time and consideration.