

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
July 25, 2011

Chairwoman Suzanne Testani called the Legislation & Administration Committee meeting to order at 7:31 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

The clerk called the roll and recorded as follows:

Members present: Chairwoman Suzanne Testani, Vice-Chairman Jeff Jenkins, Chadwick Ciocci, Mark Altieri, Michael Rappa and Kristy Waizenegger.

Also Present: Chief of Staff Daniel Nelson and Town Council Chairman Carl A. Massaro, Jr., Floyd Dugas Labor Counsel and Ms. Maria Pires Town Finance Director Charter Revision Commissioners, Gail Hanna and William Holden.

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1. RESOLUTION TC23-176: Moved by Ms. Waizenegger, seconded by Mr. Jenkins.

BE IT RESOLVED, That First Selectman Timothy M. Herbst is hereby authorized to sign on behalf of the Town of Trumbull an application and contract with the State Library for a Historic Preservation Grant.

Mr. Nelson indicated the town applies for this state grant on an annual basis. The Town applies for the grant based on the funds collected by the Town Clerk's office. This year the amount is approximately \$12,000. The Town Clerk's office, if awarded the grant money, will replace file cabinets (with locks) which will create more space for the office.

VOTE: Motion carried unanimously

2. RESOLUTION TC23-178: Moved by Mr. Rappa, seconded by Mr. Jenkins.

BE IT RESOLVED, That a resolution amending the Town of Trumbull Retirement Plan to include Appendix B, Non-Union Employee Hires;

BE IT RESOLVED, that the Town Council amends the Town of Trumbull Retirement Plan as follows:

WHEREAS, the Town of Trumbull has a defined benefit plan known as the Town of Trumbull Retirement Plan, herein referred to as the Plan, established on July 1, 1973; and

WHEREAS, the Plan was amended and restated effective as of July 1, 2002; and

WHEREAS, the Town of Trumbull Pension Board, herein referred to as the Board, has made a recommendation to limit access of new employee hires into the Plan in their annual report to the Town Council; and

WHEREAS, the Board has made a recommendation to establish a defined contribution plan for new employees;

THEREFORE, BE IT RESOLVED, That employees not covered under the provisions of collective bargaining agreements who have not contributed to the Town of Trumbull Retirement Plan as of the effective date of Resolution TC23-178 are hereby prohibited from participating in the Plan and are hereby eligible to contribute towards a defined contribution plan.

Mr. Nelson referred the committee to the back up information provided to the Town Council noting page 3, the bracketed section, bullet #5, representing new language establishing a Town Defined Contribution Plan for non union employees. This is the first step, the second step is the RFP process; no selection of a firm would take place until the Town Council approves the resolution.

Ms. Pires explained non-union employees would not be included in the current pension plan. The Town would contribute up to 5% to an individual's plan. If the individual were to leave their employment, they would take the funds with them.

Mr. Nelson explained that the Town would not be obligated to plan for an employee's retirement, the defined contribution plan may include a 2½ - 3% mandatory contribution by the employee.

Atty. Dugas stated that a study had been done by the General Assembly and a survey had been conducted by personnel directors throughout the state. The study indicated that 37 municipalities in the state have gone to Defined Contribution Plans; twenty towns have it as their only plan for certain persons, primarily new hires. There have also been arbitration awards recently where the Defined Contribution Plan has been the only plan awarded. There can be a cost savings to moving to this plan, (looking at

what is being contributed on a per individual basis). The real issue is avoiding the unfunded liability of the future.

Atty. Dugas stated that the question as to whether the Town could mandate the amount of the employee's contribution should be deferred to the Town's IRS advisor.

There are approximately 20-25 towns in the state, out of 165, that use this as the only form of plan.

Mr. Nelson stated that one of the Town's unions has agreed to the Defined Contribution Plan in the last year of their contract (2013) to date.

The Defined Contribution Plan is based on a 457 plan. The up to 5% match would be dollar for dollar match. The proposed mandate of the employee's contribution at 3% came from a Town Pension Board member.

The advantage to the employee is that the plan is mobile; if the employee decides to leave their position they would take the funds with them if they are fully vested. Sustainability is the question; the pension plan is currently funded at 27%. There is a trend across the country where municipalities are moving towards these plans simply because they can no longer afford the alternative. The Town could not move every employee over to it the defined contribution plan, because most everyone would be fully vested.

Atty. Dugas explained discrimination rules come into play when highly compensated people are treated differently than others and suggested testing to ensure that there are no violations to those rules.

Mr. Nelson stated that one of the Town's determining criteria is that the employee would have access to a consultant from the firm to help plan for their future.

Ms. Pires explained that in addition to consultants, scenarios would be available to input a particular plan that would outline for the employee how to reach their goals of where they would want to be a certain amount of time. Ultimately it would be incumbent upon the employee to manage their own assets.

Attorney Dugas suggested an amendment to the resolution that would reflect that the pension plan would be amended accordingly disallowing the new hires from being able to participate in the pension plan separate and apart from this resolution.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to amend Resolution TC23-178 deleting the period at the end of the last paragraph and inserting the phrase, "and the Pension Plan will be amended accordingly."

VOTE: Motion to amend carried unanimously.

VOTE: Motion as amended carried 5-0-1 (Abstention: Altieri).

3. RESOLUTION TC23-171: Moved Mr. Jenkins, seconded by Mr. Ciocci.

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 8th 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.

Town Council Chairman Massaro stated that the Committee could not make any substantive changes to the Final Draft provisions; the Committee and the Town Council could accept the entire Draft Report, reject the entire Report or eliminate certain proposals. What is accepted can be put out as separate questions.

Chairwoman Testani stated that a Public Hearing will be held on this resolution at the August 1, 2011 Town Council meeting.

The proposed questions per state statute can not be directed from the Charter Revision Commission, the Town Council decides if there will be one or more questions and crafts the language of the questions.

If there were only the one question to accept the Final Draft as a whole placed on the ballot and if the voters were to reject the question, the Charter would then revert back to the 2003 version. The Town Council can separate out as many questions as needed.

The Committee reviewed the adopted Charter Revision resolution and ballot questions of 2003. There were two questions placed on the ballot for the 2003 Charter Revision.

The L&A Committee extended their gratitude to Charter Revision Commission for their time and dedication to this process.

Mr. Holden stated that as the CRC had prepared the Final Draft Report and had taken into consideration the Town Council Minutes, comments, L&A Minutes and the Minority Report. There were two items that did not have the CRC's unanimous agreement:

1. The overall Budget Referendum.
2. The BoE composition.

The overall Budget Voter Referendum the CRC did add a 5% voter requirement to call for a referendum and at least a 5% voter turnout. The referendum previously required 10% of the total registered voters to call for a referendum, with a 15% minimum voter turnout. The CRC unanimously agreed that both of those requirements were too high. The CRC based their proposed percentages on a particular special election voter turnout of 14%. Most special elections not held in November, are typically low voter turnouts.

Mr. Holden stated the BoE composition based on 9-167a says that a 7-member board's maximum from any one party would be 5; there is nothing that says it has to be 5, it could easily be 4-3. There are four different scenarios that could be played out. The minority view protects the strength of political parties with a maximum of 4 on a board of 7 from each party; each party would then nominate four candidates.

Mr. Altieri stated that 7 guarantees a political board and spoke in favor of 2-year terms for all seats for all boards and commissions. The Chair clarified that the BoF would be the only exception of the BoF which is a 4-year term per state statute.

Mr. Holden explained that the Capital Expenditure Referendum would be automatic for anything over \$15 million with a provision written in that a project could not be done in phases to avoid the \$15 million amount. This is included in Chapter VIII, Section 9.

Mr. Altieri stated that the specialized initiatives would pass without a minimum voter turnout and spoke in favor of a minimum voter turn out included in the Capital Expenditure Referendum language.

Mr. Ciocci and Mr. Jenkins spoke in favor of a minimum voter turn out for the Capital Expenditure Referendum. The Committee discussed that they could not change this provision in the Final Draft, they could accept, reject in whole or in part only.

Mr. Ciocci noted for the record that on page 6 of the red-lined version of the Final Draft, Section 11. Powers Denied to Town Council, the phrase "any town official" should be removed. The Committee agreed a note should be made to this section as well as the next Section 12. Vacancies in the Town Council should no longer include the phrase, "or at large, as the case may be." since the at large provision is no longer included in the Draft.

Motion made by Mr. Altieri, seconded by Mr. Ciocci to reject on page 6 of the Charter of the Town of Trumbull Final Draft dated July 21, 2011 (red-lined copy)

Section 12. Vacancies in the Town Council, the phrase, “. or at large, as the case may be.”

VOTE: Motion carried unanimously.

Moved by Mr. Altieri, seconded by Mr. Ciocchi to reject on page 6 of the Charter of the Town of Trumbull Final Draft dated July 21, 2011 (red-lined copy) Section 11 the phrase, “any town official”.

VOTE: Motion carried unanimously.

Moved by Mr. Ciocchi, seconded by Mr. Jenkins to reject all strike-throughs of the word she in all sections of the Charter of the Town of Trumbull Final Draft dated July 21, 2011 (red-lined copy).

Ms. Hanna explained that the intent of the CRC was to be consistent throughout the Final Draft.

VOTE: Motion carried unanimously.

Moved by Mr. Ciocchi, seconded by Ms. Waizenegger to reject the word accept under section I. on page 8 of the Town of Trumbull Final Draft dated July 21, 2011 (red-lined copy) and in its place read as, “except” noting that this was a typographical error the publishing firm may not pick up as a typo.

Mr. Holden explained that the publishing house of the final approved document would have editorial freedom to correct typographical errors throughout the document.

VOTE: Motion carried unanimously.

The Committee stated that the above section clarifies that the First Selectman’s ability to appoint his office staff. Mr. Altieri and Mr. Ciocchi stated that office staff may need to be defined. Ms. Hanna stated the intent of the CRC was that the office staff was the Chief of Staff and the two secretaries.

Moved by Mr. Altieri, seconded by Mr. Jenkins to reject on page 16 under Section A. *Director of Public Works* the sentence, The Director of Public Works shall have (5) years experience as a director or deputy director of public works or the equivalent.

VOTE: Motion carried unanimously.

The Committee discussed the global definition of days, it was agreed upon that in some cases the definition as business days would provide some Town bodies more time, which was the intent of the definition, but would elongate the process of other

circumstances. State statute would supersede the Charter; therefore it was decided not to reject this provision.

Mr. Rappa discussed page 3, The Town Council Elections of the red-lined version of the Final Draft. Mr. Altieri clarified that this could be corrected with redistricting. Mr. Holden agreed and that would probably result in one split district.

Moved by Mr. Altieri, seconded by Ms. Waizenegger to send RESOLUTION TC23-171 to the Town Council without recommendation in order to hear public comment at the scheduled public hearing and for the full 21-member Town Council to consider all provisions.

VOTE: Motion carried unanimously.

There being no further business to discuss and upon motion made by Mr. Ciocci and seconded by Ms. Waizenegger the Legislation & Administration Committee adjourned at 8:59 p.m.

Respectfully Submitted,

Margaret D. Mastroni,
Town Council Clerk