

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

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LEGISLATION & ADMINISTRATION COMMITTEE  
MINUTES  
December 29, 2011

The Chair called the Legislation & Administration Committee to order at 6:19 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 Testani, Chairman  | Fred Palmieri, Jr. (arrived at 6:28 p.m.) |
| Chad Ciocci, Vice Chairman | Kristy Waizenegger                        |
| Martha Jankovic-Mark       |   |
| James Meisner, Alternate   | (Not Voting arrived at 6:25 p.m.)         |

Absent:

|              |                          |
|--------------|--------------------------|
| Jeff Jenkins | Jeff Donofrio, Alternate |
|--------------|--------------------------|

Also Present: First Selectman Timothy M. Herbst, Mr. Daniel Nelson, Chief of Staff, Ms. Maria Pires, Director of Finance, Carl A. Massaro, Jr, Town Council Chairman, Mr. William Holden Registrar of Voters and Mr. Mark Devestern, Tax Assessor.

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1. RESOLUTION TC24-8: Moved by Mr. Ciocci, seconded by Ms. Waizenegger.

BE IT RESOLVED, That the reformation of the Town voting districts is hereby approved.

Mr. Holden distributed a copy of a 1983 Town Council resolution to the Committee. The Town should have been redistricted in 1992 and 2002 but had not been. The Town's districts are currently in violation of the federal law, "One Person One Vote". The cost to staff each district is approximately \$2,000. Mr. Holden recommended the elimination of as many split districts as possible. If redistricting does not take place by this November, Trumbull will have twelve (12) districts instead of the current ten (10). The Town does not have enough tabulators and would have to borrow from the State or incur the cost for the additional tabulators; one tabulator is approximately \$6,500. Trumbull would need

four (4) more, two (2) memory cards per tabulator at \$250 per memory card, plus programming costs, (a minimum of \$5,000).

Mr. Holden spoke against a seven (7) member Committee. Ideally each council member represents 1,715 persons. If a redistricting is not in place by this November, there will be three (3) districts in District 7, two (2) of which would be split. District 2 would split and 5 & 6 will continue to be split.

The Committee discussed possible redistricting options with Mr. Holden. Ms. Waizenegger noted that the resolution before them was the reformation of a Redistricting Committee; the L&A is not to solve the redistricting.

Mr. Holden indicated under the present municipal district plan there is inordinate amount of recounts, i.e. 10 of the last 13 local elections there were recounts. If there are fewer districts there would be more council members per district, therefore mathematically the likelihood of there being less than 20 in votes is diminished. The Connecticut General Statutes with regard to redistricting is 9-169 (f), some of it covered in 9-168 and 9-438 requires polling. Council representation is based upon the number of people each council member represents; this has been confirmed with the Secretary of State's office. The districts do not need to be equal in size; the representatives have to represent the same number of people. Ideally there would be three (3) districts of 5 and one district of 6, if there were 5 districts, he would like to see 4 districts of 4 and one district of 5. It is not required but it is common sense that they should be as close to one another as possible.

All present agreed the language in the current resolution would need to be amended.

The redistricting has to take place by June 1, 2013 if the districts are to be reformed by the upcoming election, the Town Council must approve the new districts by May 16, 2012.

Moved by Mr. Ciocci, seconded by Ms. Waizenegger to amend Resolution TC 24-8 to read as:

“ RESOLUTION TC24-8: BE IT RESOLVED,

1. That the Trumbull Redistricting Committee, **2012** be and the same is hereby established;
2. That the said committee consist of **five (5)** members comprising the two (2) Registrars of Voters, The Town Clerk, one enrolled member of the Democratic Party and one enrolled member of the Republican Party.
3. That the said Committee recommend to the Town Council a councilmanic redistricting plan comprising of voting districts of **no more than five (5)** voting districts of substantially equal populations including the specific boundary lines of the **five (5)** districts.

4. That the said Committee hold its organizational meeting no later than February **16, 2012**.
5. That the said Committee advise the Council of its progress no later than **March 16, 2012** and;
6. That the said Committee render its final report to the Council no later than **May 16, 2012**".

Mr. Holden suggested that dates coincide with the May Town Council meeting.

Mr. Palmieri suggested a date in March for the final report with the progress report due in February. Mr. Ciocci suggested those dates are too soon. Ms. Mark suggested a 6-member committee. Mr. Ciocci suggested that the Committee be comprised of the town Clerk, Two (2) Registrar of Voters, a republican and a democrat and an unaffiliated. Ms. Mark spoke against the unaffiliated seat suggesting the addition of another democrat bringing the committee to a 3-3 composition. Mr. Palmieri cautioned that could create a tie vote. Mr. Holden pointed if there were a 3-3 vote theoretically you could get two (2) reports, the final decision is the Town Council's. Mr. Massaro suggested that the democrat and republican be appointed Town Council members.

Mr. Ciocci withdrew his motion.

Mr. Ciocci moved to amend the following sections of RESOLUTION TC24-8 to read as, "BE IT RESOLVED,

2. That the said committee consist of five (5) members comprising the two (2) Registrars of Voters, The Town Clerk and one (1) enrolled member of the Democratic Party **from the Town Council**, and one (1) enrolled member of the Republican Party **from the Town Council** and **one at large possibly unaffiliated or a democrat**".

Mr. Holden explained the above amendment is contrary to statutes, the language used is, "Not more than X number from any one political party".

\*There was no second to the motion.

Mr. Ciocci moved to amend the following sections of RESOLUTION TC24-8 to read as, "BE IT RESOLVED,

2. That the said committee consist of five (5) members comprising the two (2) Registrars of Voters, The Town Clerk and **two (2) members of the Town Council no more than one (1) of which shall be from one political party**.
4. That the said Committee holds its organizational meeting no later than **January 20, 2012**.
5. That the said Committee advise the Council of its progress no later than **February 20, 2012 and;**"

Ms. Mark questioned why the five (5) districts had been included in the language?  
Mr. Palmieri suggested that language not be included in the resolution and to allow the Redistricting Committee to recommend the number of districts.

\*There was no second to the proposed amendment heard.

Mr. Ciocci moved to amend the following sections of RESOLUTION TC24-8 to read as,  
“BE IT RESOLVED,

2. That the said committee consist of **five (5) members** comprising the two (2) Registrars of Voters, The Town Clerk and **two (2) members of the Town Council no more than one (1) of which shall be from either one political party.**
3. That the said Committee recommend to the Town Council a councilmanic redistricting plan comprising of **voting districts** of substantially equal populations including the specific boundary lines of each of **those** districts.
6. That the said Committee renders its final report to the Council no later **than May 7, 2012.**

The Committee discussed the dates and allowing for more time between the submission of the final report and the May 16, 2012 statutory deadline.

Mr. Ciocci moved, seconded by Mr. Palmieri to amend Resolution TC24-8 to read as:  
“RESOLUTION TC24-8: BE IT RESOLVED,

1. That the Trumbull Redistricting Committee, 2012 be and the same is hereby established;
2. That the said committee consist of five (5) members comprising the two (2) Registrars of Voters, The Town Clerk and two (2) members of the Town Council no more than one (1) of which shall be from either one political party.
3. That the said Committee recommend to the Town Council a council redistricting plan comprising of voting districts of substantially equal populations including the specific boundary lines of each of those districts.
4. That the said Committee holds its organizational meeting no later than January 20, 2012.
5. That the said Committee advise the Council of its progress no later than February 20, 2012 and;
6. That the said Committee renders its final report to the Council no later than April 2, 2012.

VOTE: Motion to amend carried 4-1 (Against: Mark).

VOTE: Motion to recommend as amended carried 4-1 (Against: Mark).

Mr. Ciocci moved, seconded by Ms. Waizenegger to take Resolution TC 24-10 out of order. VOTE: Motion carried unanimously.

7. RESOLUTION TC24-10: Moved by Mr. Palmieri, seconded by Mr. Ciocci.

BE IT RESOLVED, That the Town Attorney is hereby authorized to enter into a Stipulation For Judgment with the Southern Connecticut Gas Company, herein referred to as "Southern", to resolve a tax appeal of assessed personal property owned by "Southern" located in the Town of Trumbull on the Grand Lists of October 1, 2007, October 1, 2008, and October 1, 2009.

Mr. Devestern explained that this is a result of an audit of personal property and an appeal, negotiations took place, a \$290,000 payment had been made (as not to incur interest); after negotiations the Town will retain a settlement amount of \$172,000.

Mr. Ciocci, seconded by Ms. Mark moved to send Resolution TC24-10 without recommendation in order to discuss the matter with the Town Attorney. VOTE: Motion carried unanimously.

8. RESOLUTION TC24-9: Moved by Ms. Waizenegger, seconded by Ms. Mark.

BE IT RESOLVED, That the person appointed by the First Selectman to the position of Economic Development Director with maintaining the existent business base and expand new job opportunities while marketing the Town of Trumbull to new and existing businesses and shall have the following minimum qualifications:

1. Bachelor's degree, preferably urban studies, business administration, public administration or a related field;
2. Five years progressively responsible managerial and leadership experiences in local, regional and/or state economic development;
3. Experience interacting with public agencies, private sector partners and prospective businesses and interpreting and communicating complex issues to groups with various interests;
4. Demonstrated past success in bringing together groups and constituencies to foster creative and practical solutions for local economic development issues;
5. Experience in community development, economic development and/or marketing;
6. Experience with alternative funding sources for startup businesses to meet capital needs.

In response to the Chair, First Selectman recommended labor counsel examine the resolution and the Civil Service Board be brought into the discussion. The 2003 Charter Revision included Civil Service Board review of the job description, post the 2003 Charter Revision the job descriptions are reviewed by the Civil Service Board, the Town and its employees as they negotiate with the collective bargaining units. This could have

unintended consequences impacting other job postings or job descriptions that would be developed in the future. During the Charter Revision the Commission had made a recommendation as it related to two (2) positions and their qualifications. The Town Council collectively made a determination that it was not necessary to include job descriptions in the Charter, questioning why it would be necessary to legislate a job description? First Selectman Herbst raised the question as to when a job description been legislated before? The Town has developed a job description for the Economic Development Director position. The job description developed is more encompassing than the job description drafted by way of legislation. The Town's job description was developed by consulting other municipalities, other job descriptions and job postings; it is more encompassing than the previous Economic Development Director and is confident that once the Economic Development Commission reviews the description that there will be bi-partisan approval and will be able to attract the most qualified candidates for the position.

In response to Mr. Palmieri, Ms. Mark clarified that she had submitted the resolution and had drafted the job description.

Ms. Mark suggested a motion to send the resolution without recommendation. The Chair questioned if this is a legislative issue at all? In response to First Selectman Herbst, Ms. Mark stated that she was not aware of any other position's job description that had been drafted as a resolution. The basis or rationale for the resolution was the First Selectman's public remarks that he was going to hire an unconventional Economic Development Director. First Selectman Herbst clarified for the record that he had not used the word unconventional; at the swearing in ceremony he was clear that the Town should not restrict itself to a professional government employee serving as an Economic Development Director. The Town should look to candidates with private sector business experience and properly ascertain a diversified pool of candidates to choose from to give the Town options.

Ms. Mark moved, seconded by Mr. Palmieri to send Resolution TC24-9 without recommendation.

Mr. Ciocci spoke in favor of keeping the resolution in committee for labor counsel review.

VOTE: Motion failed 2-3 (Against: Testani, Waizenegger and Ciocci).

Moved by Mr. Ciocci moved, seconded by Ms. Waizenegger to Hold Resolution TC24-9 in committee. VOTE: Motion carried 3-1-1 (Against: Mark) (Abstention: Palmieri)

4. RESOLUTION TC24-11: Moved by Mr. Ciocci, seconded by Ms. Waizenegger

BE IT RESOLVED, That the Town Council Finance Committee is hereby directed to research and make a recommendation to the Trumbull Town Council in regards to personal property tax abatement for senior residents.

Mr. Nelson stated that the resolution should be referred to the Finance Committee not L&A. The Chair agreed and Mr. Palmieri stated that was his question as well. Ms. Waizenegger stated that it makes sense to have another committee consider the resolution as opposed to the Finance Committee.

Mr. Ciocci moved, seconded by Mr. Palmieri to send without recommendation. VOTE: Motion carried unanimously.

5. RESOLUTION TC24-12: Moved by Ms. Mark, seconded by Mr. Ciocci.

BE IT RESOLVED, WHEREAS, the Town Council upon the recommendation of the Pension Board, herein referred to as the “Board”, may provide for the retirement of Town elected officials and appointed employees; and

WHEREAS, the Town Council upon the recommendation of the “Board” may adopt retirement plans as it may deem advisable; and

WHEREAS, the Town Council has received a recommendation from the “Board” to adopt a retirement plan;

NOW THEREFORE, BE IT RESOLVED, that the Town Council hereby approves and adopts the Town of Trumbull 401(a) Plan, herein referred to as the “Town Plan”, to provide employees of the Town of Trumbull with retirement benefits; and

BE IT FURTHER RESOLVED that the Town Council hereby does hereby declare the intention of the Town of Trumbull to continue the “Town Plan”, but hereby reserves the right to terminate or amend the “Town Plan” at any time; and

BE IT FURTHER RESOLVED, that the representatives of the Town Council are hereby jointly and severally authorized to take such actions and to execute such documents they deem necessary or desirable in order to carry out the intent of the foregoing resolutions and required under the “Town Plan” to make the “Town Plan” fully effective in accordance with its terms and intent.

Mr. Nelson explained that this is a requirement if the Town was going to adopt a 401(a) style plan; currently it would be for non-union and appointed officials.

Ms. Waizenegger recused herself at 7:20 p.m. as she is employed by the Hartford.

Mr. Nelson stated at the last Pension Board meeting they made the determination of what would be inclusive in the plan, they voted and approved the following: Five year vesting period; Minimum six month probationary period before starting to contribute to the plan and Matching up to no more than 5% by the Town.

They are still awaiting a finished draft from the Hartford. They are not sure if the plan document will be available in time for Town Council review before 01-05-12 meeting. Ms. Pires stated that the Town would like to implement the plan for January 1<sup>st</sup>. Mr. Nelson recommended sending the resolution to the Council without recommendation in case he receives the document in time to e-mail it to the Council for their review. Ms. Pires stated they have been working with the Hartford; they do have the employees' documents, there are highlights to the plan that they had issues with and had made changes to.

Mr. Palmieri moved, seconded by Mr. Ciocci to send Resolution TC24-12 without recommendation. Mr. Palmieri suggested the inclusion of a stipulation that a representative being present at the 01-05-2012 meeting.

The Clerk questioned whether the stipulation of having a Hartford Insurance representative present is included in the motion? The Chair stated no. Ms. Mark stated that more importantly that Mr. Nelson, Ms. Pires and the Town Attorney should be present.

Ms. Pires stated that they can ask a representative from the Hartford to attend the meeting. They had interviewed three companies for the plan, AXA Ballick and the Hartford, (the three companies that responded to the RFQ).

VOTE: Motion carried unanimously 4-0.

Ms. Pires requested a list of questions form Ms. Mark prior to the full Town Council meeting. Ms. Mark stated that she would not be able to provide the list since so many of the questions would lead into one another.

Ms. Waizenegger returned to the meeting at 7:25 p.m.

There being no further business to discuss and upon motion made by Mr. Ciocci, seconded by Mr. Palmieri the Legislation and Administration Committee of the Town Council adjourned at 7:26 p.m.

Respectfully Submitted,

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Margaret D. Mastroni, Town Council Clerk