

PARK COMMISSION
MARCH 14, 2011

The regular monthly meeting of the Park Commission was held at Town Hall, opened at 7:40 p.m., with the following in attendance:

Robert Ferrigno (Presiding)
Kevin Bellows
Joseph DeSabia
John Scippa

Ken Martin
Vin Lipinski
Diane Mayo
Anthony Chmielewski

Also,
Dmitri Paris, Park Superintendent
Mary Markham, Recreation Director
Edward Walsh, Town Attorney

Guests:

Greg McDonald, 57 Raven Road, Trumbull Little League and Extreme Chaos Soft Ball Program
Mike Mastroni, 9 Bear Den Road, Fallen Heroes Event
Beth Kiernan, 260 Nichols Avenue, Shelton, Fallen Heroes Event
Gary Bean, 162 Hilltop Circle, Trumbull Babe Ruth League

MOTION by Mr. Chmielewski, second by Mrs. Mayo, unanimously approved adding to the Agenda those guests not listed on the agenda.

Greg McDonald, Trumbull Little League and Extreme Chaos Soft Ball Program:

He submitted the Trumbull Little League's Financial Statement, Certificate of Liability Insurance, 2009 Tax Return of Organization Exempt from Income Tax (Form 990).

Mr. McDonald went on to explain that he is requesting practice time scheduling for a new Girls Soft Ball Team, Extreme Chaos, working with Trumbull Little League. They are comprised of 14 nine and ten year old girls. They currently practice inside in Ansonia, four hours a week for ten weeks. Come spring, they would like outdoor practice. Their season is April 9/10 through June 12/14. Cost is \$850 (covers custom uniform, helmet, equipment and practice time for winter clinics and tournaments). They are a Trumbull Tournament Team. It is not mandatory they play Little League but are encouraged to. All but one (who had a conflict with Trumbull Pisces Training) play Little League. Their letter requests practice time for twice a week, but they could scale back to once a week, 90 minutes. All Tournaments are away, within one hour distance because of their age. They have four coaches. They would schedule through the Little League scheduler, George Hess, as he distributes space out to all other Little League teams. He submitted a Roster of coaches and players and Certificate of Liability Insurance for Xtreme Chaos, 1115 Chapel Street, Stratford and unsigned Extreme Chaos's Tax Form 990-EZ.

Mr. Martin questioned whether they have their own 5013c Tax Forms completed. He responded they are associated with the Extreme Chaos Travel Team group.

Mike Mastroni and Beth Kiernan, Fallen Heroes Tribute:

He returns to request permission to conduct the Trumbull Veterans and Fallen Heroes Committee annual tribute, this year planned for September 24, 2011, beginning at 12:30 p.m. That week happens to be Gold Star Mothers and Fathers Week. This is a free event to honor the families of our and our neighboring states' Fallen Heroes. Each year they honor 7 families. They arrange for prominent speakers for each of the honored, with military band participation and donated refreshments and catering (caterer will be compliant with health codes).

Paintings of the honored heroes are presented to each of the families. Fund Raisers are held to cover the costs of the Tribute. Tents are set up by Abby Tent in compliance with park Superintendent's supervision.

They arrange for Fire Company and EMS presence. They completely clean the area prior to leaving. Attendance was slightly down last year because of inclement weather, but they plan for around 300 in attendance. They questioned if a ramp could be installed to the stage as they have one wheelchair individual participating and will work through this with the Park Superintendent's guidance.

Mr. Scippa, who attended last year's event, said that, this is one of the best things we have ever supported. It is an extremely moving and well managed event.

Gary Bean, Trumbull Babe Ruth League:

Submitted Babe Ruth's request for field scheduling, including Certificate of Insurance, IRS Return and Article of Incorporation. Rosters and Background Check will be available for our April Meeting. They have a 20 game schedule, cost \$285. With reference to the planned Batting Cage construction, they are preparing final plans, will obtain a formal building permit. They will be meeting with an approved landscape architect on field maintenance and will make a report on his advice as well. Mentioned that there is need for tree pruning in the right field area. (Superintendent and Commissioners Ferrigno and Martin will walk the site with him in this regard.)

MOTION by Dr. Bellows, second by Mr. DeSabia, unanimously passed to close the guest portion of the meeting.

CONSENSUS to change order of the Agenda to discuss with the Town Attorney protocol for approval or disapproval of proposed Field Use Policy, to be brought forward under the Old Business portion of the Agenda.

Attorney Edward Walsh introduced himself as one of the Town Attorneys for the Town of Trumbull. The Town Attorneys have issued an opinion about the Ethical responsibility of the Park Commission members on voting on the Proposed Field Use Policy for 2011. He explained that Commissioners have an individual obligation to follow the Code of Ethics of the Town of Trumbull. Their opinion is that every member, where there is a conflict or a possible conflict, must make full disclosure of such to the Board and shall not vote or participate in any deliberations or proceedings on such matter. This is an obligation of government public officials. He noted from Section VI, Conflict of Interest of the Ethics Code, that Town officials shall be acutely sensitive to possible conflicts of interest and shall carefully avoid sensitive to possible conflicts of interest and shall carefully avoid such conflicts. When there is a possibility of conflict, he would have the official err on the side of recusing yourself. He went on to state that the code is specific in that a conflict of interest is declared or exist when the vote or other official act of any official may result in personal advantage or financial gain, or otherwise affect the financial interest of relatives of that official, spouse, child, grandchild...member of the immediate household. Under these facts, there may be two or more members of the Park Commission with children and grandchild in the athletic programs of the town, therefore a possibility exists for conflict and they should make full disclosure and not vote on the Field Use Policy. It is a conservative view, but based on the Town's Code of Ethics.

Attorney Walsh continued that he is telling us one attorney's opinion. He is bound by his own code of ethics and always errs on the side of conflict if partiality is possible.

Commissioner Lipinski questioned what is "personal advantage".

Attorney Walsh stated that the Ethics Code does not give that.

Commissioner Lipinski questioned if we (Park Commissioners) take your opinion, we can't even recuse ourselves or abstain in voting. If I were to abstain, not take your advice, do I still have the ability to deliberate?

Attorney Walsh said if you conclude you have a conflict, then such interested official or employee shall not vote or participate in any deliberations or proceedings on such matter and must declare.

Commissioner Lipinski, said, based on that, I cannot even deliberate. Instead of recusing and/or abstaining, I cannot be a part of the deliberation?

Attorney Walsh said if you believe you have a conflict, my understanding is that you cannot participate in any way.

Commissioner Lipinski: "You" have got to declare. Based on that, I can't vote and I can't deliberate. Personal advantage is not defined. I don't know whether I can vote or not.

Attorney Walsh said that if you are challenged and you are bound by the Ethics Code, you have to defend yourself.

Commissioner Lipinski said if he needs legal help after the fact, would he have the Town Attorney to help?

Attorney Walsh said, "No". If there was an ethical charge, there would be a sanction by the Ethics Commission.

Commissioner Lipinski questioned if there are those on the Commission who have more knowledge than others about the subject, can they give that information.

Chairman interjected that discussion could be unethical now that we have a legal opinion indicating there should be no participation in any of the deliberations.

Commissioner Lipinski noted that the proposed Fees Policy was presented in January and February.

Chairman said it was presented. With the Legal Opinion we are now "informed" about what we can or cannot do.

Commissioner Lipinski questioned that if the Field Use Policy was discussed in public, would the commissioner be able to speak to this issue? Can a commissioner discuss as a Town resident rather than as a commissioner?

Town Attorney said this is not fair under the Town Charter or Code of Ethics. Can't stand back and then put another hat on and deliberate on something he shouldn't speak to. If there is a challenge to voting on a Town Policy, charges will ensue, it is important to do what you are charged to do as members of the Park Commission.

Commissioner Lipinski mentioned we heard from two folks tonight, prior to a Field Use Policy, what happens to their requests.

Chairman said we accepted their applications, as with others. No scheduling has been done yet.

Mrs. Mayo stated that we might not have any grief from users once the Policy is presented to the Leagues.

Commissioner Lipinski said that his vote might give him a personal “disadvantage” rather than advantage.

Commissioner Scippa noted that there may be other boards with much greater potential for greater gains which would impact them more so than this Commission.

Chairman responded that Board of Education, Board of Finance, etc. represent the whole general community. This policy is geared to a specific group, a select part of the population.

Town Attorney Walsh reiterated the Town Ethic Code is facts specific.

Commissioner Lipinski questioned if someone has information about the Fields Use Policy that this Commission should know, can he make this information known?

Town Attorney Walsh said if you follow the Opinion and you don’t vote, you cannot deliberate.

Commissioner DeSabia asked if challenged, we pay for our own attorney on it?

Town Attorney Walsh said that the Town would not pay for counsel for this type of circumstance. The Town Attorney gives an opinion, one doesn’t agree with that opinion, they are potentially liable. If there isn’t a legal opinion given, they have every right to figure it out for themselves.

Superintendent noted that this Commission has never had something like this come across the table before.

Town Attorney Walsh reiterated that as Town Attorney he is very conservative on ethics issues.

MOTION by Mrs. Mayo, second Mr. Chmielewski, and passed that the Park Commission vote on the Town of Trumbull Field Use Policy for 2011 as presented.

Chairman requested Disclosures from the eight Commissioners present. Town Attorney said only those with disclosures need to speak; however, all responded.

Disclosures:

Vin Lipinski:

- Two sons in Legion,
- One son in Babe Ruth,
- One son in Little League and
- Son and Daughter in AYSO
- On Little League Board 1994-1997
- On Babe Ruth Board last two years, expired Oct/Nov 2010

Kevin Bellows:

- Son in Little League and Little Legion
- Daughter in Little League and Soft Ball
- Coaches Little League
- Sponsor of Sr. City Team (uses high school field)

Joseph DeSabia:

- Little League involvement for many, many years.
- Twenty years involvement with Legion. (Not involved in the last year in any official capacity; however, remains a backup to signing checks (in a diminutive way).

John Scippa:

- Past president of Little League (7/8 years ago)
- Not currently involved.

Robert Ferrigno:

- No involvement.

Diane Mayo:

- Five/six years ago involved with AYSO.
- No children in Program.

Ken Martin:

- Grandchild registered for Little League this year.

Anthony Chmielewski:

- No involvement.

Chairman noted we have eight Commissioners present. A quorum is five. Four can vote. Three in favor would pass.

Question of Recreation Director: Do fees apply to practice time.

Reply: No fee for practice time, but only on fields designated. Premium fields at full rate as applied.

VOTE: Three In Favor: Commissioners Ferrigno, Mayo and Chmielewski. One Voting No: Commissioner Scippa.

MOTION PASSED.

Chairman thanked Town Attorney Walsh for his attendance and assistance.

Park Superintendent and Recreation Director briefly explained that the new Field Use Policy will be phased in for implementation as we need to have the additional rangers in place which will come with the new fiscal budget beginning in July if approved. We will begin to do all scheduling of all fields (Town and Board of Education) this spring season which will be the introduction to the new policy. Core groups will only complete their own scheduling, all others will be through Recreation Director. Skinned fields only for practices. The B.O.E. field maintenance contract covers 7 fields (\$210,000). Rangers will be instructed to keep close track of schedules provided. Rain dates, cancelled games: no play, no charge; unless we schedule and a league cancels without notice so field can be rescheduled.

MOTION by Mr. Chmielewski, second Mr. DeSabia, unanimously passed to accept the minutes of the February 14, 2011 meeting as distributed.

Correspondence:

- Babe Ruth correspondence acknowledged. Chairman, Superintendent, and Mr. Martin will arrange to meet with Mr. Bean to view trees in need of trimming at the Babe Ruth Field area.
- Dana Publiese, HotDog Cart Request: **Request is denied** per Section 15-6 of our Park Ordinances, No soliciting goods or wares...in any town park except with the permission of the Board of Park Commissioners.

Fallen Heroe Tribute:

MOTION by Mr. DeSabia, second by Mr. Bellows, unanimously passed to approve use of Indian Ledge Park field I and Amphitheare Stage for the Annual Fallen Heroes Tribute, Saturday, September 24, 2011 beginning 12:30 p.m. Committee to work in compliance with direction of the Park Superintendent.

Tidy Up Trumbull, April 4-8, 2011:

MOTION by Mr. Bellows, second by Mr. Chmielewski, unanimously passed granting the Trumbull Community Women permission to conduct their annual Tidy Up Trumbull project throughout the parks system the week of April 4-8, with closing picnic at Twin Brooks Park Pavilion April 8th.

Xtreme Chaos Program:

Request for scheduling use of practice fields in Trumbull parks system for 2011 spring season **was denied.** Preliminary to consideration by the Park Commission for scheduling, guidelines must be met comprising receipt of properly signed 501c3 Tax Exempt designation, signed Insurance Certificate and background checks.

Discussion on Ice Cream Vendors coming into park facilities. The current vendor, who does in fact work Recreation sponsored events, will be notified that Section 15-6 of our Park Ordinances provides that there be no soliciting goods or wares...in any town park except with the permission of the Board of Park Commissioners.

Superintendent's Report:

- Beginning spring season preparations.
- Heavy flooding at Twin Brooks.
- We have been accomplishing clean-up in the Nichols area.

MOTION to adjourn at 9:50 p.m. by Dr. Bellows, second by Mr. DeSabia, unanimously passed.

Respectfully submitted:

Joan E. Plouffe
Clerical Adm. Assistant

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