

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

TOWN HALL  
Trumbull

TELEPHONE  
(203) 452-5005



Trumbull Town Council  
MINUTES  
August 1, 2011

CALL TO ORDER: Chairman Carl A. Massaro, Jr., called the meeting to order at 8:11 p.m. at the Trumbull Town Hall, Trumbull, Connecticut. All present joined in a moment of silence and the Pledge of Allegiance.

ROLL CALL: The clerk called the roll and recorded it as follows:

PRESENT

Suzanne S. Testani	Mark S. Altieri	Jeff S. Jenkins
Chadwick Ciocci	Carl A. Massaro, Jr.	Michael J. London
Roberta A. Bellows	James F. Meisner	David R. Pia
Tony J. Scinto	Debra A. Lamberti	John M. Rotondo
Jane Deyoe	Martha A. Jankovic-Mark	Robert J. Pescatore, Jr.
Daniel Helfrich	Michael Rappa	Mary Beth Thornton
John A. DelVecchio, Jr.	Ann Marie Evangelista	Kristy L. Waizenegger

Also Present: First Selectman Timothy M. Herbst, Chief of Staff Mr. Daniel Nelson, Director of Finance Maria Pires, Town Attorney Edward Walsh, Chairman of the Charter Revision Commission Judge Chiota, Charter Revision Commissioner Russ Friedson, Charter Revision Commissioner William Holden, Gail Hanna, James Cordone and Mr. Al Barbarotta of AFB Construction Management.

\* Chairman Carl A. Massaro, Jr. exercised his right not to vote unless otherwise noted.

Approval of Minutes:

Moved by Mr. Pia, seconded by Mr. Ciocci to approve the July 7, 2011 meeting minutes.

Moved by Ms. Mark, seconded Mr. Ciocci to amend the July 7, 2011 meeting minutes as follows:

- On page 7, third paragraph to read as:  
Ms. Mark stated that including health insurance in the contract could possibly cause the Department of Internal Revenue Service to consider the individual an employee of the town, not an individual contractor.
  
- Page 11, last paragraph to read as:

Ms. Mark stated that it his her opinion that she would err on the side of caution and would not want to change the Charter this much, speaking specifically to the referendum and feels that there is too much micromanaging throughout the Charter, changing to a town meeting system from an elected official government.

➤ Page 13, the last paragraph to read as:

The CRC had designed provisions that were in conjunction with each other, so when the five items are on the ballot this November it could get the town into trouble if some changes passed and others do not, speaking against sweeping broad changes.

VOTE: Motion to amend carried 19-1(Against: Scinto).

VOTE: Approved as amended 19-0-1 (Abstention: Scinto).

#### Discussion Item

##### *Trumbull High School Building Committee Update:*

Mr. A. Barbarotta reported that this is an exciting time for the project, there are approximately 180 workers on site; they have been working 10-hour days including Saturday and Sunday of last week and will be through to the opening of school.

A teacher orientation is scheduled for August 25<sup>th</sup>. The administrators have agreed to give the project access to the school on Friday, Saturday and Sunday before the start of school in order to be able to clean and fine-tune the systems. The school will be clean, safe and occupiable for the opening of school. The sprinklers and the fire alarms will be in, 25 air handlers will be installed on the roof; most of the original a/c will be used at the start of school. Items that will be completed for the opening of school are as follows:

The majority of the school will have a/c, the hot water systems will be operational, the new entrance to the administration area will be opened, the media center will be ready, the ceiling has been installed in the commons area, electrical and mechanical rough-ins are in place, the senior lounge and the kitchen will be operational. There are still some punch list items being worked on in the auditorium.

On August 16<sup>th</sup> the gym floor will be finished and one side of bleachers will be installed for the first day of school, all of the mechanical work and ceilings of the gym are complete. The elevator is operational. They are starting to put the academic wings back together and would expect all academic areas, with the exception of the room used for swing space, to be back in operation. The team rooms, locker areas and showers will be running; the gang showers will be ready at the end of September. The concession stand has been postponed. AFB prides themselves on never having missed an opening of school, the project is very busy at this time but is on target for the opening of school.

The project's funds are being tracked, the design team has developed a wish list of items, representing items totaling \$4-5 million dollars more than the current budget; the Building Committee is in the process of reviewing the list and eliminating many of the items. Contingency funds have been expended for certain unforeseen issues, there may be a point in time that they may come back and say here is a list of items that was not in the budget that would need approval on before they were to move forward on. The postponement of the concession stand and other items will not hold up the opening of the school.

In response to Ms. Testani, Mr. Barbarotta explained that the football field is not being replaced at this time, it is ten (10) years old, it did have an eight (8) year life. The parking lot is scheduled for next summer.

The Chair spoke in favor that the project is on schedule for the 25<sup>th</sup>, noting that there had been some angst with regard to this by the parties involved. The Chair stated if there are any schedule adjustments or issues that arise, that the project should not wait until a council meeting to apprise them of the situation; the earlier the better with regard to notifying the council.

BUSINESS:

1. RESOLUTION TC23-176: Moved by Mr. Pia, seconded by Mr. Ciocci.  
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.

Committee Report: The L&A Committee met on 07-25-11 and voted unanimously to recommend.

VOTE: ADOPTED unanimously.

2. RESOLUTION TC23-177: Moved by Ms. Bellows, seconded by Mr. Jenkins.  
BE IT RESOLVED, That \$512,056 is hereby appropriated from the Unrestricted Fund Balance to 01060000-522205 Board of Education Program Expenses.

Committee Report: The Finance Committee met on 07-25-11 there was not a quorum. The Finance Committee met on 08-01-11 and voted unanimously to amend the resolution to \$477,056.

At the time the Town Council agenda went to print, the Board of Finance had acted on the \$512,056.00 amount. The Board of Finance later determined it could not increase the proposed number from \$477,056.00. Subsequently, the Board of Finance called an emergency meeting and reduced its appropriation to \$477, 056.00. The Town Council is limited to act on said amount and cannot increase it.

The Chair explained the appropriation was to fund the following items:  
3 teachers, 2 secretaries, 1 Custodian, Freshman Sports, Sophomore Football and Girl's Club Ice Hockey.

Mr. DeVecchio noted that during the budget process there should have been compromise with the BoE and spoke in favor of this resolution.

Ms. Testani spoke in support of this resolution and that the BoE had returned the surplus, noting that there has been an average surplus of \$500,000 returned by the BoE annually. Ms. Testani spoke in favor of the request for an appropriation process in lieu of funding it in the budget. The surplus results in the taxpayers being taxed inappropriately.

Mr. Pescatore echoed Mr. DelVecchio's comments and spoke in favor of this resolution, but spoke against using funds from the General Fund Balance.

Moved by Mr. Altieri, seconded by Mr. DelVecchio to amend RESOLUTION TC23-177 to read as, BE IT RESOLVED, That \$477,056 is hereby appropriated from the Unrestricted Fund Balance to 01060000-522205 Board of Education Program Expenses.

Mr. Altieri stated that it was unfortunate that the list of items that make up the appropriation were the pawns of this matter in the hopes that funds would be returned and spoke in favor of the resolution no matter how it came before the Town Council.

Mr. Ciocci clarified that the Town Council does not decide where the funds would be allocated, the BoE does.

VOTE: Motion to amend CARRIED unanimously.

VOTE: ADOPTED as amended unanimously.

3. RESOLUTION TC23-178: Moved by Mr. London, seconded by Mr. DelVecchio.

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.

The L&A Committee met on July 25, 2011 and voted unanimously to amend the resolution by deleting the period at the end of the resolution and adding the phrase, "*and the Pension Plan will be amended accordingly.*"; the vote on the resolution as amended carried 5-0-1 (Abstention Altieri).

The Chair committee report's amendment.

Moved by Mr. DeVecchio, seconded by Mr. Pia to amend RESOLUTION TC23-178 to read as follows: 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 and the Pension Plan will be amended accordingly.

Mr. DeVecchio spoke in favor of the resolution and noted that it is a good start, moving forward hopes that money will be budgeted to fund the pension.

Mr. Altieri stated that he had asked Labor Counsel, Floyd Dugas in committee whether this plan would cost more on annual basis if everyone was enrolled at the 5% match, the answer was yes. This plan on a per year basis would cost more, because there is no savings for the pension in the future it must be paid in that year. This plan is a benefit for the mobile employee. Mr. Altieri has asked Labor Counsel in committee if a choice would be offered to the new hires? The answer was that the offer would not be made. Labor Counsel did note in committee that the plan would be a benefit to those that would be a short term employee, if you were a long term employee you would be better off with the traditional pension plan. A legal opinion would be necessary with regard to mandating an employee to contribute a set amount to the plan. In the private sector, at the time of enrollment, the employee may be enrolled at certain level of contribution, but the employer must make it known that the employee can opt out at any time. The good news of the traditional plan is that the employee gets the benefit of good management of the pension funds; when the employees or the general public manage their own funds and make investment choices they do not always practice the best management. There are inherent pitfalls and dangers with any plan the town shall go to. Mr. Altieri spoke against this resolution.

In response to a question Mr. Pescatore, Ms. Pires stated that the highest earner on payroll in a non-union position is \$120 - \$150,000; a 5% match equals approximately \$7,500. There are approximately 20 non-union positions currently. The resolution is currently proposing the plan for elected, appointed and non-union employees only. This year the Town budgeted \$38,000. The number of Non-union employees expected to be on the plan next year would not change.

VOTE: Motion to amend CARRIED unanimously.

VOTE: ADOPTED as amended 16-1-3 (Against: Altieri) (Abstention: Thornton, Rotondo and Pescatore)

4. RESOLUTION TC23-171: Moved by Ms. Evangelista, seconded by Ms. Lamberti.

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 8<sup>th</sup> 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.

The Chair stated that the Charter Revision Commission was constituted sixteen (16) months ago and commenced an ambitious effort to modernize the Charter by proposing changes required by law and suggested by common sense and practical experience in Trumbull. The result is a series of proposals which provide our citizens with earlier and greater access to information, more frequent election of town officials, new rights to referenda for capital projects and the annual budget.

On behalf of the Town Council and the citizens of Trumbull the Chair extended his gratitude to Chairman John Chiota, members Dan Schopick, James Cordone, Paul Timpanelli, Gail Hanna, Russ Friedson, William Holden, Clerk Marilou Mangemele and counsel to the commission Robert Maslan. Thanking them for extraordinary service to the Town on this endeavor.

The Chair also extended his gratitude to the L&A Committee for shepherding the Town Council through the review process while conducting no less than eight (8) scheduled meetings, and two (2) public hearings. The Town Council will review the proposals and the final report and will choose to accept or reject in whole or in part. Upon adoption the Town Council will direct the Town Clerk to place the proposals on the ballot at the next municipal election on November 8, 2011; collectively as one question or as multiple questions. The proposals adopted at this meeting will be published within 30 days of tonight's meeting.

The Chair OPENED the Public Hearing at 8:59 p.m.

There were ten (10) people present from the public to speak.

Public Comment (See Attached).

The Chair CLOSED the Public Hearing at 10:10 p.m.

The Chair called a RECESS at 10:11 p.m.

The Chair called the meeting BACK TO ORDER at 10:32 p.m.

Committee Report: the L&A Committee met on 07-25-11 and voted unanimously 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.

The Chair explained the procedure as:

To accept the final report, reject it in whole or in part, there are a variety of items that need to be discussed and addressed.

The Chair stated that the first motion to consider should be to reject the final report in whole and called for a motion.

**Moved** by Mr. Meisner, seconded by Ms. Mark to REJECT in whole the Charter of the Town of Trumbull Final Draft dated July 21, 2011 as submitted.

Mr. Meisner stated that there are grounds for this document to be rejected, one being that the state statute has not been followed; written commentary including rationale for the change was not provided at the correct juncture and many specifics of the document have been brought up at this meeting such as typos, inconsistencies. The Town Council does not have the time at this meeting to do their job properly. Mr. Meisner spoke in favor of rejecting the Final Draft. The CRC took on too many changes the revisions have not been properly vetted through the public hearing process.

Mr. DeVecchio stated that he had read through the Final Draft, but did not go line by line because he did not agree with it in the first place. The composition of the CRC should have been 3-3 which would have encouraged compromise. With regard to the BoE provisions, the current school system is one of the best in the state especially when you look at the per pupil spending vs. other affluent communities. Page 8 of the red-lined draft, Section 2. subsection J. reads vaguely and does not make sense. The section of the Director of Public Works has an addition of language which he has not gotten a clear answer as to why. A 14-7 majority is not favorable, there is a lack of compromise, people should be accountability, if the voters do not like what you are doing they can send a message and vote you out as they did in 2009.

Mr. Pescatore stated that this process has been flawed, the Final Draft has errors and typos, the premise of the CRC was to fix loopholes and clean up language. It has turned into a sweeping overhaul, which may be unnecessary. Based on procedure, he will support the motion to reject the document in its entirety.

Ms. Thornton stated she has reservations on the document. The CRC did a great job, the L&A Committee did a great job as well, but at this evening's meeting it has been pointed

out that there are problems with the document and is incomplete. The public did not petition the revision. We trust the public and the public trusts us and because of this she is willing to work on this document through the night if that is necessary.

Mr. Rappa a member of the L&A Committee stated he had come into the meeting with mixed feelings, is a member of the L&A Committee and considered himself one of the experts. This started as a process, maybe the CRC took on too much, they did listen to the council a month and half ago and did revise some. The council should listen to the public comment tonight.

Mr. Ciocci agreed there are mistakes that do not belong in the document and cautioned that some of the council members may reject some good provisions within the document if rejected as a whole. Mr. Ciocci urged the council to defeat the motion before the council and will stay until 6:00 a.m. to go through the document line by line to make the necessary changes, noting that they are not going to get a perfect document nor would they with a new CRC. The work is owed to the people of Trumbull, the CRC and the council members present and all who have worked on this.

Mr. Meisner reiterated and agreed with Mr. Ciocci that we need a document such as this and that the council could work and remove the objectionable, but the question is still whether the process was followed properly and was the public given the chance to have input into the process? If we proceed and approve at this meeting, it is still not clear as to whether state law had been adhered to and believes the process had not been properly followed.

Mr. DelVecchio stated if there was room full of 100 people who did not know of this document and had asked what you want your legacy to be? He would have to think a long and hard.

Mr. Ciocci stated that we do not have 100 people here who do not know about the document, there are 21 people who are educated on this document and have gone through it in detail and have asked questions of the CRC and amongst themselves. If he did not know anything about the revisions he would not feel safe voting on them either. The council has gone through the document numerous times and he is prepared to reject large portions of the proposed changes. There is no guarantee under a different administration or even the same administration that there would be a perfect process.

Ms. Mark stated the document is a good starting point and believes the council will be here for a long time tonight. Procedure had not been followed correctly, there are extensive changes, if the proposals do go through, they would be changing from an elected form of government to a town meeting form of government. A small fringe of people making decisions and does not speak in favor of that. Because the council can only reject, the problems with the document will not be fixed effectively. In 2009 there was great change in the administration, when she voted to open the Charter it was to clean up the Charter and make it easier for a bonding referendum. These changes are going far and spoke against the changes.

Mr. Altieri stated that the CRC did a lot of work, the hours that the L&A Committee had put in were many and when the public speakers brought other issues with the document to his attention at this meeting (that had not been discussed at the L&A work sessions) he was disappointed with himself that he did not see them. He trusts this council to act in a bipartisan manner; L&A has done a good job bringing to the council in a bipartisan manner most of the sweeping changes and have since been deleted from this document. Mr. Altieri has mixed in his feelings with regard to this motion due to the amount work vested in the document and the fact that this his second revision to the Charter, it is hard to say we need to start again. What we bring to the Town of Trumbull as a Charter is important. The Charter that existed was not broken, there were a couple of things he would like to see fixed. If we go through this document tonight and fix what needs to be fixed there probably won't be much of this document remaining. Mr. Altieri thanked everyone who worked on this document and noted that it was unfortunate that the focus was not on just a half of dozen subjects. It is unfortunate that the process was not handled differently from the beginning.

Mr. Pia echoed the gratitude to the CRC, there is politics, personal opinions and what is in the best interests of the Town involved in this process. The best interests of the Town are really why all are here. All are willing to stay to get the job done, but questioned the quality of the work done at 2:00 a.m. noting that the council only has a certain amount of time this evening, questioning if there is an option to come back on another evening and start at 6:00 p.m. fresher after having looked at the document line by line?

Mr. Rotondo questioned what is the rush, this is the most important document of the Town, The only reason we are rushing is to get the document on the ballot in November. The Town Council can not add to the document only reject or go back to what is in the current Charter. Mr. Rotondo spoke in favor of rejecting the document in whole.

The Chair clarified for the record that the Town Council under state statute has fifteen (15) days from the date that the final report was received to act on it, whether we had one (1) change or one hundred (100) changes the Town Council has fifteen (15) days to act on the Final Draft, tonight is the night. The Final Draft was delivered to the Town Council on July 21, 2011. August 5<sup>th</sup> is the deadline.

Ms. Mark questioned if it was possible to have the Charter considered at a special referendum. The Chair clarified that the Town Council only has four days from this meeting (August 5<sup>th</sup>) to act on the document, when it is voted on a ballot is irrelevant at this point.

**VOTE:** Motion FAILED 9-10-1 (Against: London, Testani, Bellows, Evangelista, Jenkins, Ciocci, Waizenegger, Scinto, Deyoe and Lamberti) (Abstention: Pia).

The Chair recognized the amendments made by the L&A Committee.

**Moved** by Mr. Ciocci, seconded by Mr. Jenkins to accept all amendments of the 07-25-11 Committee report.

The 07-25-11 L&A amendments are as are as follows:

- 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.”.
- 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”.
- 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).
- 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.
- To reject on page 16 Section 12, 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.

**The following referenced motions, votes and page numbers indicated are based on the Red Lined Final Draft of the Charter of the Town of Trumbull dated July 21, 2011.**

**Moved** by Mr. Ciocci, seconded by Mr. Jenkins to REJECT on page 55, Chapter VIII, Section 7, subsection (c) of section B. Petition Requirements, (iii) Said petitions shall contain the following: Subsection (c) reads as, “ A request that the annual budget be decreased to the Budget Referendum Threshold.”

Mr. Ciocci clarified this would permit the referendum process to increase or decrease the budget.

**VOTE:** Motion CARRIED 17-0-3 (Abstention: DelVecchio, Rappa and Altieri)

**Moved** by Ms. Testani, seconded by Ms. Deyoe to have the Final Draft report as amended and adopted be proofread for spelling, punctuation, grammar, pagination and formatting prior to publication.

The Chair clarified for Mr. Pia that this would be done by people who are familiar with this document.

Ms. Evangelista left the meeting at 11:17 p.m.

Ms. Evangelista returned to the meeting at 11:19 p.m.

In response to a Ms. Thornton, Judge Chiota stated that the document had been proof read but due to statutory timeline requirements, there was a chapter not proofread.

The Chair stated in response to Mr. Rotondo that a special meeting could be called to review the document after it has been proof read.

**VOTE:** Motion CARRIED 14-0-6 (Abstention: Mark, DelVecchio, Thornton, Altieri, Meisner and Pescatore).

The Town Council reviewed in detail the Final Draft chapter by chapter as a result the following motions & votes were taken.

**Moved** by Mr. Meisner, seconded by Ms. Mark to REJECT on page 2 of Chapter I, Section 4. Definitions the following:

“Adoption of Legislation” Unless otherwise specified, all references in this Charter to days are business days.

**VOTE:** Motion CARRIED 18-1-1 (Against: Scinto) (Abstention: DelVecchio).

\* The consensus of the Town Council was to approve following corrections be made by the proofreader before publication:

- **Chapter I, Section 1. Incorporation.** The word Statues should read as Statutes.
- **Chapter II, Section 5. Meetings.** The word therefore should read as, **therefor.**

**Moved** by Ms. Meisner, seconded by Mr. Rotondo to REJECT all changes in **Chapter II, Section 7. Emergency Legislation** and Appointments.

**VOTE:** Motion CARRIED 19-0-1 (Abstention: DelVecchio).

(Mr. Rappa left the meeting at 11:33 p.m.)

**Moved** by Mr. Meisner, seconded by Mr. Ciocci to REJECT on page 3, **Section 2. Composition and Election.** The provision which allows for the elector to vote for three (3) members of the Town Council as opposed to two (2) candidates.

(Mr. Rappa returned to the meeting at 11:35 p.m.)

**VOTE:** Motion FAILED 4-12 -4 (Against: Testani, Bellows, Pia, Evangelista, Jenkins, Ciocci, Scinto, Deyoe, Lamberti, Pescatore, Helfrich and Rappa) (Abstention: Thornton, DelVecchio, Rotondo and Altieri)

**Moved** by Mr. Altieri, seconded by Mr. Rotondo to REJECT on page 8 of Chapter III subsection I.

**VOTE:** Motion CARRIED 14-5-1 (Against: Scinto, Evangelista, Jenkins, Testani and Lamberti) (Abstention: DelVecchio)

**Moved** by Mr. Altieri, seconded by Mr. Meisner to REJECT on page 8 of Chapter III subsection J.

\* The Chair voted.

**VOTE:** Motion FAILED 8-12-1 (Against: London, Testani, Bellows, Pia, Scinto, Jenkins, Ciocci, Massaro, Evangelista, Deyoe, Waizenegger and Lamberti) (Abstention: DelVecchio)

**Moved** by Mr. Rotondo, seconded by Mr. Meisner to REJECT on page 8 Chapter III section J the word *ineffective because of chance of law* inserting a period at the word improper.

Mr. Meisner **WITHDREW** his second.

**Moved** by Mr. Rotondo, seconded by Mr. Mesiner to reject on page 8 Chapter III section J the words *invalid, or ineffective.*

**VOTE:** Motion FAILED 4-12-4 (Against: Testani, Bellows, Pia, Evangelista, Jenkins, Ciocci,

Scinto, Deyoe, Lamberti, Pescatore, Helfrich and Rappa) (Abstention: Thornton, Pescatore, Helfrich and Rappa).

Moved by Ms. Mark, seconded by Mr. Rotondo to REJECT page 8 Chapter III section J the words *improper* and *ineffective* leaving only the word *invalid*.

VOTE: Motion CARRIED with 3 Abstentions (Thornton, Ciocci and DelVecchio).

(Mr. Altieri left the meeting at 11:57 p.m.)

Moved by Mr. Meisner, seconded by Mr. Pia to REJECT the change to the word Muncipal on page 8, Chapter III, **Section 3. Absence, Disability, Vacancy, etc. subsection B.**

VOTE: Motion CARRIED 18-1 (Abstention: DelVecchio).

Moved by Mr. Meisner, seconded by Ms. Mark to REJECT the change to *five (5) percent* on page 8, Chapter III, **Section 3. Absence, Disability, Vacancy, etc. subsection B.**

(Mr. Altieri returned to the meeting at 12:00 a.m.)

VOTE: Motion FAILED 5-11-4 (Against: London, Testani, Pia, Scinto, Jenkins, Ciocci, Evangelista, Deyoe, Waizenegger, Pescatore and Lamberti) (Abstention: Thornton, DelVecchio, Helfrich and Rappa)

Moved by Mr. Meisner, seconded by Mr. Altieri to REJECT the strikethrough of the first line of **Section 4. Removal of Appointees** on page 9, Chapter III.

VOTE: Motion FAILED 6-10-4 (Against: London, Testani, Pia, Scinto, Jenkins, Ciocci, Evangelista, Deyoe, Waizenegger and Lamberti) (Abstention: Thornton, Pia, Pescatore and DelVecchio)

Moved by Mr. Meisner, seconded by Mr. Jenkins to REJECT the second sentence of **Section 6.**

**Department of Finance, subsection G Purchasing contracts and expenditures (i).** on page 12 of Chapter III.

Mr. Meisner **WITHDREW** his motion.

Moved by Mr. Meisner, seconded by Mr. Altieri to reject all changes in subsection (i) on page 12 of Chapter III **Section 6. Department of Finance, subsection G.**

VOTE: Motion FAILED 4-14-2 (Against: London, Testani, Pia, Scinto, Jenkins, Ciocci, Evangelista, Bellows, Deyoe, Waizenegger, Pescatore, DelVecchio, Thornton, Lamberti) (Abstention: Mark and Rappa)

Moved by Mr. Pescatore, seconded by Mr. Pia to REJECT on page 12, Chapter III **Section 6.**

**Department of Finance, subsection G (i) the phrase, *in accordance with the policy as.***

VOTE: Motion CARRIED 19-0-1 (Abstention: DelVecchio)

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 13 Chapter III, Section 6. subsection G (vii) - vender is misspelled and should read as vendor.

**Moved** Mr. Meisner, seconded by Mr. Altieri to REJECT on page 14, Chapter III, Section 7. Town Clerk the stricken phrase, subject to the provisions of chapter VII, section 20 of this Charter. Section 20 would now have to read as Section 15.

**VOTE:** Motion CARRIED 19-0-1 (Abstention: DeVecchio).

**Moved** by Mr. Meisner, seconded by Mr. Pia to REJECT on page 15, Chapter III, Section 12. Department of Public Works Subsection A. the last insertion of the abbreviation which reads as, LAG.

**VOTE:** Motion CARRIED 19-0-1 (Abstention: DeVecchio)

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Chapter III, Section 12 to correct the lettering.

**Moved** by Mr. Meisner, seconded by Mr. Pia to REJECT Section 16. Department of Economic and Community Development on page 19 of Chapter III.

**VOTE:** Motion CARRIED 15-4-1 (Against: Deyoe, Lamberti, Testani and Lamberti) (Abstention: DeVecchio)

**Moved** by Mr. Meisner, seconded by Mr. Ciocchi to REJECT Section 17. Director of Labor Relations on page 20 of Chapter III.

**VOTE:** Motion CARRIED 15-5 (Against: Jenkins, Lamberti, Scinto, Bellows and London)

**Moved** by Mr. Meisner, seconded by Mr. Pia to REJECT the word business on page 22 of Chapter IV, Section 1 B (ii).

**VOTE:** Motion CARRIED 17-3 (Against: Testani, Bellows and London).

**Moved** by Mr. Ciocchi, seconded by Mr. Pia to STRIKE the word business when connected to days except in the Definition portion.

(Ms. Mark left the meeting at 12:43 a.m.)

(Ms. Mark returned at 12:44 a.m.)

**VOTE:** Motion CARRIED 18-1-1 (Against: London) (Abstention: DeVecchio)

**Moved** by Mr. Meisner, seconded by Mr. London to REJECT the change to the word may in Chapter VII, Section 1. B.

**VOTE:** Motion CARRIED 18-0-2 (Abstention: Altieri and DeVecchio)

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 33, Section 8 Police Commission subsection B. Powers and Duties to strike the second be made addition.

**Moved** by Ms. Testani, seconded by Ms. Bellows to REJECT the change of the number to 14 from 12 on page 35 Section 11. Parks and Recreation Commission subsection B.

**VOTE:** Motion CARRIED 17-0-3 (Abstention: Mark, London and DeVecchio)

**Moved** by Ms. Mark, seconded by Mr. Pia to REJECT on the addition of 12:01 a.m. on page 45 of Chapter VIII, Section 3. **Biennial Town elections.**

The Chair voted.

**VOTE:** Motion FAILED 10-11 (Against: Testani, Bellows, London, Ciocci, Evangelista, Jenkins, Waizenegger, Pia, Deyoe, Lamberti and Massaro).

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 47, Chapter VIII, **Section 6. Initiative.** Cross reference issue; insert the number nine (9) in the blank.
- Page 49, Chapter VIII, **Section 7. Referendum.** Cross reference issue under (i); 3(B)(ii) should read as (3)(C)(ii).

Moved by Mr. Meisner, seconded by Ms. Mark to REJECT on page 49 all changes to Chapter VIII, **Section 7. Referendum subsection B (ii)**.

Motion WITHDRAWN.

Moved by Mr. Ciocci, seconded by Mr. London to REJECT page 49 the change to the phrase previous municipal election to Chapter VIII, **Section 7. Referendum subsection B (ii)**.

**VOTE:** Motion CARRIED 19-0-1 (Abstention: DeVecchio).

Moved by Mr. Meisner, seconded by Mr. Pia to REJECT all changes to Chapter VIII, **Section 7. Referendum subsection E(i)**.

Mr. London left the meeting at 1:24 a.m.

Mr. London returned at 1:27 a.m.

Mr. Meisner WITHDREW his motion.

Moved by Mr. Meisner, seconded by Mr. Altieri to REJECT all changes/strikethroughs to Chapter VIII, **Section 7. Referendum subsection E(i)**, except the phrase in the affirmative.

**VOTE:** Motion CARRIED 12-8 (Against: Testani, Ciocci, Evangelista, Jenkins, Scinto, Deyoe, Pesatore and Lamberti).

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 55, Section 8 A. (iv), the word petition should be inserted after the phrase Each page of said.

Moved by Mr. Meisner, seconded by Mr. Mark to REJECT Chapter VIII, Section 8, Referendum for Annual Budget, pages 53 through 55 in its entirety.

**VOTE:** Motion FAILED 10-11 (Against: Pia, Massaro, Bellows, Testani, Evangelista, Ciocci, Jenkins, Scinto, Deyoe, Lambert and Pescatore)

Mr. London left the meeting at 1:52 a.m.

Mr. Ciocci left the meeting at 1:53 a.m.

Mr. Ciocci returned to the meeting at 1:54 a.m.

Moved by Mr. Meisner, seconded by Mr. Pia to REJECT on page 57, Chapter VIII, Section 8 E.

Mr. London returned to the meeting at 1:57 a.m.

**VOTE:** Motion CARRIED unanimously.

**Moved** by Mr. Altieri, seconded by Mr. Pia to REJECT the phrase, who voted in the previous municipal election on page 57 Chapter VIII Section F (ii).

Mr. DelVecchio left the meeting at 2:07 a.m.

Mr. DelVecchio returned to the meeting at 2:08 a.m.

The Chair voted

**VOTE:** Motion CARRIED 11-10 (Against: Testani, Bellows, Evangelsita, Ciocci, Jenkins, Waizenegger, Scinto, Deyoe, Lamberti and Massaro)

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 58, Chapter VIII, Section 8. subsection H. The reference to 9 should be changed to 8.

**Moved** by Mr. Meisner, seconded by Ms. Mark to REJECT on page 58 Chapter VIII, Section 9 Bonded Debt.

**VOTE:** Motion FAILED 6-12-2 (Against: Testani, Bellows, Pia, London, Evangelsita, Ciocci, Jenkins, Waizenegger, Scinto, Deyoe, Lamberti and Massaro) (Abstention: Rappa and DelVecchio).

Ms. Thornton asked for a sense of the Town Council with regards to the Board of Education term as 4-year staggered terms on page 30. The Town Council by consensus was not favorable to 4-year staggered terms.

Moved by Mr. Rotondo to REJECT on page 22, Section 1. Duties of the First Selectman. B.(ii) the strike through of Bi or ii infra.

Mr. Rotondo WITHDREW the motion.

\* The consensus of the Town Council was to approve following correction be made by the proofreader before publication:

- Page 22 the cross reference issue is: 3 Bi or ii infra should read as 3B and C.

**Moved** by Mr. London, seconded by Mr. Pia to amend RESOLUTION TC23-171 to read as:

RESOLUTION TC23-171: BE IT RESOLVED, That having received the Final Report of the Charter Revision Commission, the Trumbull Town Council hereby approves the proposed revisions to the Charter of the Town of Trumbull, except those that have been rejected by motion 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 8<sup>th</sup> day of November, A.D. 2011; and

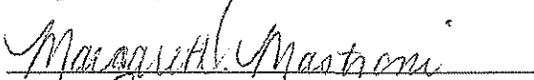
BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to give such notice as required by law of such ballot questions at the regular municipal election, and of the registration of electors entitled to participate therein.

**VOTE:** Motion to amend CARRIED 12-7-1 (Against: Thornton, Mark, Rotondo, Helfrich, Rappa, Meisner and Altieri) (Abstention: DelVecchio).

VOTE: ADOPTED as amended 13-6-1 (Against: Thornton, Mark, Rotondo, Helfrich, Meisner, Altieri) (Abstention: DelVecchio).

There being no further business to discuss, upon motion made by Mr. Helfrich, seconded by Mr. DelVecchio the Town Council adjourned by unanimous consent at 2:53 a.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Margaret D. Mastroni  
Town Council Clerk

## RESOLUTION TC23-171

### Town Council Public Hearing August 1, 2011

1. Cindy Katske of 129 Meadow View Drive urged the Town Council to stop the Charter Revision process; it has been partisan and has not followed statute process and requirements. The final report has many errors. The draft report did not include comments as required by state statute and resulted in a rushed process. The final report is less drastic in its revisions as the first draft report had been, but still contained many errors and two controversial revisions that were not favored by the democrats on the commission. A bi-partisan commission should have been seated and should be seated the next time the Charter is revised. The proper statutory procedures had not been followed by either the Town Council or the Charter Revision Commission. The Connecticut General State Statute Section 7-190 b requires the commission to comment on each of its proposed changes, the Town Council and the Commission failed the timeline mandated by the statute, stating that the council's recommendations needed to be made by June 21, 2011, 15 days after its last public hearing. Although the opinion letter states the date the council replied with the recommendations as June 21, 2011 she believes that was not the case. Two work sessions were held by the L&A Committee they appeared to be sessions where they conferred with the commission by statute, but the sessions were question and answer type sessions that did not result in recommendations provided to the commission. The L&A voted on June 27<sup>th</sup> and the council voted on their recommendations on July 7<sup>th</sup>. The question is what form did the recommendations take and who transmitted them on June 21<sup>st</sup>? There are many spelling and grammatical errors to the final draft and questioned the use of taxpayers' dollars on a proof reader who missed so many errors, urging the council to stop the process and restarting the process after the election due to the importance of the document. If the council does move forward on this process she urged them to go through the document chapter by chapter to make certain of all of the changes. With regard to the BoE provision, there will be many problems without staggered terms. One being that the first job of a member is to work on the budget. Ms. Katske spoke in favor of a bipartisan board.
2. Lisa Labella of 9 Sally Ann Drive is a BoE member but is not speaking as a BoE member but as a citizen of Trumbull. Ms. Labella noted that she had sent an e-mail to the Town Council last evening. Ms. Labella reviewed certain items/sections of the redlined copy of the final draft (See full list of items discussed with the Town Council attached).
3. Richard White of 169 Church Hill Road spoke to Chapter VII, Electoral Process, Section 8 referendum requirements pages 53-58.  
Mr. White asked the L&A Committee to reject the Budget Referendum for the third time and the entire Town Council to reject for the second time. After having asked the commission not to tie it to a formula, the CRC has ignored those concerns and repackaged the original proposal. Mr. White spoke against the budget referendum and requested that the Town Council to reject the budget referendum based on timeline as outlined in the proposed referendum. Respectfully Mr. White requested that the Town Council reject the referendum.
4. Kate Donahue of 82 Meadowview Road West was stunned that the Town Council would try to vote on the final draft this evening. The changes are dramatic and represent a consolidation of power in the Executive Branch. There is not a comprehensive list of why each change is

necessary, there has been an explanation of the changes and what they mean, but not what problems they fix. There has been no evidence that the Town Council has looked at every change, especially the smaller ones, the document is full of spelling errors typos, reference issues and grammatical problems. The document has not been properly vetted by this body; the document is confusing and difficult to follow. There are too many questions that need to be resolved and spoke in favor of the Town Council postponing the vote or voting down the document.

5. John Greene of 23 Topaz Lane stated the referendum is essentially a declaration of representative government failure. It has been presented as empowering the voters, but it is invariably questions the competence of those same voters. Voters over the past ten years have had many opportunities to vote and make changes, it was their right and they exercised it. This plan causes some major problems, and would have rather have had a referendum proposed every year allowing the voters to know that it would happen every year, instead of it coming as a surprise. Mr. Greene questioned why the commission had gotten a legal opinion on this? The attorneys should be representing the town and its citizens, if there was to be cut to anything it should be to the legal budget.
6. Russ Friedson extended his gratitude to his fellow commission members and the council who have gone through the last 16 month process; this was anything but a rushed process. The changes made to the Charter, overall increased the transparency, the accountability of the town government and increased the ability of the public to directly impact the direction of the Town. In 1981 there had been a previous 4-2 CRC, the composition is not unprecedented, more importantly the final draft carried 6-0 unanimously by the CRC, this does not reflect a radical partisan document; everyone compromised. There is nothing more partisan than having your town committees pick the candidate, that is wrong and that is what we had. The public should have a say in who is elected to the BoE, the Town Council is reelected every two years, and they to have the potential for being a brand new council all at once who are also working on the budget, everyone here lives by a two-year election cycle. We do not see 100% replacement after an election of any board, if there is then something must have been very wrong for the people to have had to change the whole board. If it does happen to be that extreme, that means the change was necessary. Standard majority limitations (as the town council is currently) is what is proposed for the BoE. The intent was to give the public real input in choosing the BoE. The sense of the council was to have a one-time referendum and that they were uncomfortable with the CPI. Twenty years of data had been reviewed and researched. That is how the numbers were established, and average taxpayer's income does not go up with the inflation rate, government spending should be limited to what the taxpayers' incomes are increasing by. This proposed referendum allows for increasing and decreasing spending, there is still a provision for a line item. We have to trust the public, empower the voters and urged the council to pass the document as presented.
7. Tony D'Aquila of Valley View Road stated the public officials should trust the public, in his assessment of the past thirty (30) years that has not happened. Many of the public officials have not trusted anyone, much less the public. The CRC should be applauded for dramatically expanding the rights of the voters, specifically for allowing the voters to vote for three (3) Town Council district candidates. Previously they were only permitted to vote for two (2) candidates. No one could ever explain that restriction, except for political reasons.

As for the BoE he remembers, when there was a 3-3 split on the board, he had urged them to stop charging for pay-to-play and instrumental education and they refused, with seven member board they have still refused. Under the proposed Charter the people will be able to vote for five (5) of the seven (7) people, which allows the public to vote people who do not fulfill their obligations to the children or the community off the board. Mr. D'Aquila fully supportst the BoE provision and the referendum provision. As a community member he gets insulted when he is told he is not educated or smart enough to render these decisions, the public is smart and educated and the officials should respect the public's education.

8. Kathleen McGannon of 59 Jackson Drive noted that Mrs. Katske's is an attorney and all should pay attention to timeline and criticism of this revision. At the first public hearing Ms. McGannon had asked the commission why no public notice, no channel 17, why the document was not available in time, why there were no comments made and was told by the CRC Chairman that the commission had to rush. In order to get the document on the ballot in November, so yes the process was rushed.

\* Ms. Cindy Katske of 129 Meadow View Drive continued her earlier comments at this public hearing.

Ms. Katske pointed out certain issues of the red-lined document as follows:

Full Budget Referendum on page 55 Section 8, B, (iii) said petitions shall require the following C. reads as only a decrease.

Ms.Katske commented on the CRC Public Hearing and Process – tonight's public hearing was noticed as a parenthetical buried inside this meeting's agenda, there was a legal notice in the paper, there was nothing separate on the website.

Page 5, Chapter II, Section 7. Emergency Legislation and Appointments – The way this is worded, the word and means that both have to happen, noting that was not the intention of the CRC; the word and should be substituted with the or. The section contains a new sentence at the end that was not in the draft report and had not been asked or voted on by L&A or the full council and was not clarified by the CRC's comments.

Page 8, Chapter III, Section 2. Powers and Duties. Subsection I. The first selectman shall have the authority to appoint the staff. She understood the word accept will be changed, but questioned where else this language is provided and if it isn't, why is this language included?

Page 8, Chapter III, Section 2. Powers and Duties. Subsection J. This section has been changed from the draft report; this provision was changed even though L&A and the council did not request the change and the CRC's comments do not reflect it. The change of language may not work and may have been added to address the issue that the election of BoE members does not comply with state law. The change in the Charter did not follow the law , the addition does not fix the problem.

Page 12, Section 6. G (i) – The language with regard to the Purchasing Policy is confusing and does not belong in the Charter, it is a policy. Management does not belong in the Charter and would suggest to reject this.

Page 13, Section 6. G 9vi) - The Rate of Expenditure - L&A had voted to remove this subsection because it is unenforceable and vague. The CRC did not believe L&A understood the provision and decided to leave the provision in and let the Town Council decide. Ms. Katske is unaware of any problem with the rate of expenditures; different departments have different needs and believes it is unenforceable.

Page 13, Section 6. G. (iii) Contract signed by administration change, language has been added since the draft report. "2/3 council vote of present and voting is required" L&A had asked for an emergency provision be added and this language was added by the commission. It is new and the TC should take note of it.

Tree Warden – page 17, Section 12 – (should be G. but says E )  
This is a code of Ethics issue and should not be in the Charter.

Page 17, Section 13 – Office of Emergency Management – In the draft report it is called the Civil Preparedness and now has been changed, it was done to support state statutes, but this is new language and the Town Council should take note of it.

Page 22, Chapter IV, Adopting the Annual Budget - Section 1 B (ii) – This changes the Charter language and is a change since the draft report. This specifies that the first selectman can veto any budget adopted by the Town Council, not just a budget recommended by the BoF. The L&A Committee wanted to wait for this language to be provided and is not sure if it had been reviewed at last week's L&A meeting. There were many people who disagreed that the First Selectman has veto power over a budget not recommended by the BoF. Being that this is a controversial provision and not addressed in the CRC's comments it should be discussed by the Town Council. This change was made in lieu of changing the BoF to a 7-member board. Ms. Katske is uncomfortable with the First Selectman, Town clerk, Treasurer and the Town Council having 2-year terms and the BoF having 4-Year terms. Other town's do have BoF with 7-members, 9-members and 5-member boards, and is not sure how other towns are able to do so? She has not had time to review the state statute to see whether a 4-year term is required.

Page 40, Chapter VII Boards and Commissions – subsection 16 Ethics Commission – The hearing timeline has been changed from thirty (30) days to forty five (45) business days. Questioning whether thirty (30) days is too short and whether forty five (45) business days is too long? Is there a reason for this change and whether this would prolong the process.

Page 45, Chapter VIII, the Electoral Process - Section 3 Terms of Office is now specified to begin at 12:01 a.m., questioning whether this is needed in Trumbull?

Page 49, section 7. Regular Referendum section – (line item) - Is concerned that there is no minimum turnout requirement. The threshold has been lowered, but now goes too far without a minimum voter turnout.

Page 53, Special Budget Referendum – This is a new provision in the final report and needs to be looked at, the fact that it is submitted at all is surprising, given that it had been voted against by this body, urging the Town Council to reject this provision. The 3.5% is merely a restatement of the CPI.

Page 58, Bonding Referendum - This is a new section, this provision is very brief, there is no timeline, no notice requirement, no procedures. If this is invoked, how do we know how to run the referendum and get the information out to the public? There is no cross reference to another section with regard to timing. There is no minimum turnout requirement and questioned if the \$15 million is the correct threshold.

These referendum provisions go too far, bringing them away from a representative government toward a town meeting. This signals a lack of belief in the ability of the voters to elect representatives that will make decisions in their best interests, these referenda introduced have too much second guessing and do not represent the direction she would like the Town to be heading in.

9. Mr. William Holden clarified that he had never said that the BoF must be a 4-year term; the very first statute says when a BoF is created, they will be appointed to a 6-year term. The statement with regard to some towns having a 7-member BoF should be clarified; every statute calls for a - member board; the towns that have other than 6 members may have a Charter or an ordinance that pre-dates state statute.

\* Mr. Friedson continued from his earlier comments. In response to Ms. Katske's comments: Under budget referendum section, (the last section), page 55 section B. Petition requirements, (iii) (c). - this should have been stricken and is included in error. Section D talks about being rejected and is replaced with a "not to exceed" that is where the 3.5 % is, the replacement is key to that section. With regard to the rate of expenditure question raised at this public hearing, it had been a problem under a previous first selectman where the BoF and the Town council had reduced the funding for lawyers. The administration hired more town attorneys and used a full year's budget in a six (6) month period and forced a request for an appropriation. So yes there was a specific problem to be corrected. The language is clear. With regard to the Ethics Commission and the question raised to the number of days -There is a need for more time to the work and the process. The fact that there is no minimum turnout for the regular referendum was a result of the sixteen month compromise within the commission. You have to trust the voters, if it is important to them they will show up to vote; if it is not, they will not come out to vote.

\* Mr. Greene continued from his earlier comments at this public hearing - Mr. Greens stated that a previous speaker had misunderstood his statement, his intention was that he would like to trust the voter every year with regard to the referendum rather than spring it on the voters in an unknown number of years, particularly with a referendum that has a schedule vaguely defined. Mr. Greene agrees that voters are intelligent, will educate themselves and will turn out. He does not have a problem with a reasonable minimum turnout; the only time they would not have a reasonable minimum turnout would be a systemic failure. That is why it needs to be a real representation of the town; the way it is written now may not.

10. Mr. James Cordone Charter Revision Commissioner - Mr. Cordone thanked Chairman Chiota for doing an outstanding job as Chairman of the Charter Revision Commission, also wanted to thank former First Selectman Paul Timpanelli. The two of them set an outstanding example. There was a level of discourse, and rigorous debate took place, that was spirited at times. The CRC wrestled with a lot of different and important issues but the conversation was always civil.

The respect for the individuals was always clear and appreciated that, suggesting this as an example to be followed by all of our town committees and bodies. Mr. Cordone stated the end result here tonight, is a process, anyone who has been part government, as all present here tonight have been, know that working in politics and government is a process that is not always clean and neat. It is a process with give and take, and I is appreciative of the effort the Town Council put in to review this Charter and its series of recommendations that by and large the CRC accepted.

Four weeks ago Mr. Cordone did not think he could have voted for the Charter as an entire package, but both himself and former First Selectman Paul Timpanelli, as well as the four republican members of the commission, voted unanimously to recommend this Charter and knows full well that tonight the Town Council still has the opportunity to look at provisions that are not favored to reject then. Mr. Cordone encouraged the council to do that, to vote your conscience and to do the outstanding job that you have already done by representing the members of your district and the town as a whole. Mr. Cordone thanked the Town Council and hopes the Town Council will pass this Charter tonight and looks forward to the changes the Town Council makes this evening.

References to items numbered per Proposed Charter Showing Amendments

[http://www.trumbull-ct.gov/filestorage/7112/8075/Final\\_Proposed\\_Charter\\_-\\_Lined\\_Revisions\\_-\\_July\\_21,\\_2011.pdf](http://www.trumbull-ct.gov/filestorage/7112/8075/Final_Proposed_Charter_-_Lined_Revisions_-_July_21,_2011.pdf)

**P. 8 - Chapter III, section 2, item J** – allows amendment of the charter outside of the charter revision process, thereby putting charter revision in the hands of only those 21 people, eliminating the checks and balances required as part of the amendment process.

**P. 10 Chapter III, section 6, item B** – “A publicly accessible and downloadable copy of all audit reports performed by or on any Town entity (including those departments managed by the First Selectman as well as the Board of Education) will be posted on the Town’s website no less than forty-eight (48) hours after **they are completed and reported to the appropriate Town entity**. This includes, but is not limited to, audit reports done by outside auditors as well as those performed by the Town’s internal auditor. Copies of audit reports must be kept available on the Town’s website for the greater of ten (10) years or the minimum required by law.”

Completed or reported? These are often two very different dates, as reporting to the Town entity (i.e. Town Council) must be done according to the meeting schedule.

**P. 11 Chapter III, section 6, item E-(a)** - Expense reimbursements and payments made on behalf of the First Selectman and the ~~Director of Finance~~ Superintendent shall be by the Treasurer. Payment shall be by check instrument signed by the Director of Finance and countersigned by the Town Treasurer.

Is this referring to the Superintendent of Schools? That position is an agent of the Board of Education, which is an agent of the state. How can the Town Treasurer claim authority over that position?

**P. 12 - Chapter III, section 6, item iii** – Shouldn’t this be cleaned up to be clear as to whether or not the \$10,000 is for the entire project? The internal auditor said it was for a single line item.

**P. 16 - Chapter III, section 12, item A** - Director of Public Works. The Director of Public Works shall have (5) years’ experience as a director or deputy director of public works or the equivalent.

This section appears to be misnumbered. This belongs in a policy manual, not in the Charter. **This is the only position that has this type of requirement.** Has the potential to restrict the pool of candidates. Why create this limit? The use of the words “or the equivalent” essentially negates the requirement anyway.

**P. 17 - Chapter III, section 12, item E-** The Tree Warden cannot have a financial interest in the tree work to be performed on behalf of the Town.

Appears to be misnumbered. Also, the language is redundant – that’s called a conflict of interest, which is covered under the Town’s Ethics policy.

**PP. 19 and 20 - Chapter III, section 16 and 17** – create the positions of Director of Economic and Community Development, and Director of Labor Relations. **There is nothing stopping any FS from creating these positions. It's a policy decision.** Putting it in the Charter makes it sound as if the FS SHOULD appoint that position - which will add funding to the budget. The Director of Labor Relations duplicates in large measure what the Labor Attorney is supposed to be doing. Also can overlap with the Director of Human Resources/Personnel.

**P. 29 - Chapter VII, section 2-A** – where is the rationale for this change? What problem is it solving? Have there been many meetings with no quorum, requiring the addition of alternates?

**P. 30 - Chapter VII, section 3** – Refer to my original email, attached.

To the members of the Town Council:

I am writing to convey my concerns with the proposed revisions to the Town Charter, most specifically, with the proposal to change the terms of the Board of Education to 2-year concurrent terms, and a potential party split of 5-2.

Please keep in mind that I speak as a member of the Board of Education, but certainly not on behalf of the Board of Education.

That being said, on September 7, 2010, the Board of Education discussed proposed changes to the Town Charter. Following are the minutes of that discussion:

G. Town Charter Revision—Mr. Lovely reviewed the Charter Commission's proposal on the composition and election of members to the Board of Education, including staggered terms, elimination of two-year terms, and the increase from a 7 member Board to a 9 member Board. Discussion ensued including the number of members, length of term and staggering terms. First Selectman Herbst was present and asked to address the Board on this issue. Mr. Herbst noted that the Charter Commission would like to see a 9 member Board as the Board of Education is responsible for the largest part of the Town budget and there would be more oversight. Mr. Herbst also noted that he was not supportive of a 9 member Board of Education. **Several Board members felt it was important to have staggered terms and noted also the importance of the quality of the people serving, not the quantity.** Mr. Iassogna was asked to share his opinion on this topic and he conveyed that he was not in favor of a 9 member Board. He believes that such would only be necessary if there were areas that have not been addressed due to lack of Board members, but this has not been the case as our Board of Education has done a superb job in meeting its duties and responsibilities. **It appeared to be the consensus of the Board to support staggered terms and the proposed 4 year length of term,** but would like more specificity regarding Board membership (from 7 to 9 members). (source: <http://www.trumbullps.org/boemin/minutes/2010/9-7-10.pdf>)

Since that meeting, the Board of Education (BOE) requested data from the CT Association of Boards of Education (CABE) with regard to the composition of BOEs around the state. I believe it is significant that of the 166 school districts reporting, 101 have four year terms, and of those, 95 have 4-year staggered terms. Only 18 of the 166 districts have 2-year terms.

With regard to two-year terms, the concerns raised at our Board meeting were that it is possible that the entire Board could be newly-elected. Should that be the case, it puts an extreme burden on the Administration and the district. First, it takes at least two years to gain a comprehensive understanding of the workings of the school district; and second, even before taking office, Board members are presented with the proposed budget for the upcoming fiscal year. Losing the "institutional memory" of the Board under those circumstances will make the budget process, and subsequent necessary decision-making process, more difficult, and the results could be detrimental to the district. Four-year staggered terms will allow for this institutional memory to stay in place.

With regard to the party makeup of Board members, I have attached the CAGE Code of Ethics that are guidelines for Boards of Education. I'm sure you will agree that a lopsided party split can easily create an environment that makes it difficult, if not impossible, for Board members to adhere to this code.

I agree that the current language of the Charter cannot stand; at the very least, it must be revised to articulate the actual process. And I support language that creates an environment where voters are more directly selecting those who will service on the Board of Education.

Based on all of the above, I recommend that the Town Council reject the proposed language. Then, research the towns that have 4-year staggered terms; I have to believe that given the large number that have that in place, language exists that provides for a more open election and also allow only for a simple majority. Should that not be the case, then adopt language that codifies the existing language, which at the very least provides for an orderly transition of incoming and outgoing Board members, and minimizes the influence of political agendas on this very important Board.

Thank you,

Lisa Labella  
9 Sally Ann Drive