

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

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LEGISLATION & ADMINISTRATION
MINUTES
April 25, 2011

Vice Chairman Jeff Jenkins called the Legislation & Administration Committee to order at 7:30 p.m. All present joined in a moment of silence and the pledge of allegiance.

Members present: Kristy Waizenegger, Mark Altieri and Michael Rappa.

Absent: Chairman Suzanne Testani, Chad Ciocci.

Also Present: Chief of Staff Dan Nelson and Attorney Michael Gillan.

Ms. Waizenegger moved, seconded by Mr. Altieri to take Resolution TC 23-160 out of order.
VOTE: Motion carried unanimously.

1. RESOLUTION TC23-160: Moved by Mr. Rappa, seconded by Mr. Altieri.
BE IT RESOLVED, That the Town Attorney is hereby authorized to settle a worker's compensation claim known as Francis Morlando vs. the Town of Trumbull.

Mr. Gillan explained that Ms. Morlando, former BoE cafeteria worker, had sustained an injury on May 24, 2010. Attorney Gillan recommends settlement.

Mr. Rappa moved, seconded by Ms. Waizenegger to amend Resolution TC 23-160 to read as,

“BE IT RESOLVED, That the Town Attorney is hereby authorized to settle up to the recommended amount, a worker's compensation claim known as Francis Morlando vs. the Town of Trumbull.

VOTE: Motion to amend carried unanimously.

VOTE: Motion carried as amended unanimously 4-0.

2. RESOLUTION TC23-158: Moved by Ms. Waizenegger, seconded by Mr. Altieri.
BE IT RESOLVED, That the submittal of the first draft of the Charter Revision is hereby accepted.

Mr. Nelson stated that the Charter Revision Commission met and had taken their final votes on the Charter Revision Draft on Wednesday, April 20, 2011. The draft had been distributed to the town council this afternoon electronically; hard copies were distributed at this meeting.

In response to a question from Mr. Altieri, Mr. Nelson recommended sending Resolution TC23-158 without recommendation. In response to Mr. Altieri's question, Mr. Nelson stated that he would request that Town Council Chairman address his question. Mr. Nelson left the meeting at 7:42 p.m.

Mr. Rappa stated the Charter Revision is holding a public hearing on the draft on April 27, 2011.

Mr. Nelson returned to the meeting at 7:43 p.m.

Mr. Altieri recommended holding the resolution in committee.

Town Council Chairman Massaro arrived at 7:44 p.m.

In response to Mr. Altieri, Mr. Massaro explained that this draft report starts a 45-day calendar to the Town Council's required public hearing after which the full council would accept the draft in part or in whole. Chairman Chiota will be coming to the full town council meeting scheduled for May 2, 2011 to give a summary, discuss and answer questions. If the 45 days starts today April 25, 2011, the 45-day period would be slightly past the June Town Council meeting, which is sufficient time for the town council to hold the public hearing at the June L&A meeting?

Mr. Altieri stated that if the resolution were held in committee the time still allowed for the public hearing to be held at the June L&A meeting. Chairman Massaro explained that Judge Chiota would be at the May 2, 2011 to update the full town council. The clerk confirmed for Mr. Massaro that the draft had been distributed to the full town council electronically today. Mr. Massaro clarified for Mr. Altieri if the resolution were to be held in committee it would stay in committee and would not be an item of discussion at the May 2, 2011 meeting.

Ms. Waizenegger and Mr. Jenkins stated that the resolution reads as acceptance of the receipt/submittal of the draft document.

Mr. Altieri recommended holding the resolution in committee; Judge Chiota could come to speak to the town council after everyone had a draft. Mr. Massaro stated that the resolution read as receipt of the draft.

Mr. Massaro confirmed for Mr. Rappa that the draft would come back to committee before there was a vote on the content of the draft.

Ms. Waizenegger moved, seconded by Mr. Jenkins to send RESOLUTION TC23-158 to the Town Council without recommendation.

VOTE: Motion carried 3-0-1 (Abstention: Altieri)

3. RESOLUTION TC23-159: Moved by Mr. Altieri, seconded by Ms. Waizenegger.

BE IT RESOLVED, WHEREAS, Federal monies are available under the Connecticut Small Cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Economic and Community Development pursuant to Public Law 93-3 83, as amended; and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Economic and Community Development is authorized to disburse such Federal monies to local municipalities; and,

WHEREAS, it is desirable and in the public interest that the Town of Trumbull make application to the State of Connecticut for \$300,000.00 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement therefore, should one be offered,

THEREFORE, BE IT RESOLVED BY THE Trumbull Town Council, that this legislative body is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and, that the filing of an application by the Town of Trumbull in an amount not to exceed \$300,000.00 is hereby approved, and that Timothy M. Herbst, First Selectman of the Town of Trumbull is hereby authorized and directed to file such application with the Commissioner of the Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Town of Trumbull.

Mr. Nelson stated that this resolution is a prerequisite to file for the small cities community block grant application; the town is planning on replacing the original town hall elevator, circa 1959. This elevator has been experiencing many recent break downs. There is no guarantee the town will be awarded the grant; if the town is awarded the grant an agreement will come before the town council for approval.

The Vice-Chairman opened the Public Hearing at 8:03 p.m.

No one from the public was present to speak.

The Vice-Chairman closed the public hearing at 8:04 p.m.

Mr. Jenkins recused himself at 8:06 p.m.

VOTE: Motion carried 3-0.

4. RESOLUTION TC23-161: Moved by Mr. Jenkins, seconded by Mr. Altieri.

BE IT RESOLVED, WHEREAS the Congress of the United States has passed the Armstrong/Walker "Excessive Force" Amendment (P.L. 101-144, Section 519) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS the Town of Trumbull is applying for and may receive a Connecticut Economic and Community Development Block Grant and is required to comply with the Armstrong/Walker “Excessive Force” Amendment; and
WHEREAS the use of excessive force against demonstrators may cause the Town to lose its grant or eligibility for future federal grants;
THEREFORE, BE IT RESOLVED that the Town of Trumbull adopts a policy that prohibits excessive force by local law enforcement agencies against individuals engaged in lawful and nonviolent civil rights demonstrations within the boundaries of the Town.

Mr. Nelson stated that this resolution is a prerequisite for the economic and community development grant application for the town hall elevator. The town would like to replace the elevator and to be in compliance with all the grant requirements respectfully asking for the committee’s consideration.

Mr. Nelson reviewed the list of required items that the town has to be in compliance of with the L&A committee, such as the Fair Housing, ADA Compliance and Armstrong Walker.

VOTE: Motion carried 4-0.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk