

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

TELEPHONE
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LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
May 23, 2011

Chairwoman Suzanne Testani called the Legislation & Administration Committee to order at 7:06 p.m. All present joined in a moment of silence and the pledge of allegiance.

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

Also Present: Chief of Staff Daniel Nelson, Judge Chiota, Charter Revision Commission Chairman, Charter Revision Commission Members, Gail Hanna, William Holden, Paul Timpanelli, James Cordone and Charter Revision Attorney Robert F. Maslan, Jr.

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1. Resolution TC 23-164: Moved by Mr. Altieri, seconded by Mr. Ciocci.
BE IT RESOLVED, That the following programs as eligible under the Neighborhood Assistance Act: Trumbull Nature and Arts Center-Greenhouse for Education; The Kennedy Center-Administrative Building Parking Lot and Expansion; Connecticut Radio Information System-Radio Reading Service at Trumbull Studio; St. Vincent's Special Needs Center, Inc.-Augmentative Communication Services are approved.

The Chair opened the public hearing at 7:08 p.m.
No one present at this meeting from the public to speak.
The Chair closed the public hearing at 7:09 p.m.

Mr. Nelson stated this is an annual local pass through grant, private organizations go out for state funding and they need a municipality to act on the behalf. The four (4) programs are the Trumbull Nature and Arts Center-Greenhouse for Education - \$2,500; The Kennedy Center-Administrative Building Parking Lot and Expansion - \$10,000; Connecticut Radio Information System-Radio Reading Service at Trumbull Studio - \$133,497; St. Vincent's Special Needs Center Inc.-Augmentative Communication Services - \$20,000 for a total amount of \$165,997.

Mr. Altieri added that the NAA money allows the organization a tax break on some of the contributions received. In response to Mr. Ciocci Mr. Nelson stated the organization submits the resolution to the state to receive a reimbursement.

VOTE: Motion carried unanimously 6-0.

2. RESOLUTION TC23-165: Moved by Mr. Ciocci, seconded by Ms. Waizenegger.
BE IT RESOLVED AND ORDAINED, That Chapter 19 Utilities, Article II Sewers and Sewage Disposal of the Trumbull Municipal Code is hereby amended to include Division 4, a municipal ordinance on the Discharge of Fats, Oils, and Grease in the Town of Trumbull.

The Chair opened the public hearing at 7:12 p.m.
No one from the public was present to speak to this resolution.
The Chair closed the public hearing at 7:13 p.m.

Mr. Nelson stated that due the Memorial holiday, this committee meeting was held one (1) week early, the WPCA will meet and vote on this item on Wednesday, May 25, 2011. It is unknown if the WPCA will amend the ordinance, every municipality is required to have this ordinance in place by July 1st. Mr. Nelson recommended to pass this resolution to the Town Council without recommendation pending action by the WPCA.

WPCA commissioners or Atty. Kokenos will be at the June 6, 2011 meeting to answer questions.

In response to a question from Mr. Ciocci, Mr. Nelson stated that if this ordinance passed it would be the burden of the town to check and monitor the discharge points and traps.

Mr. Altieri stated suggested the purpose of the ordinance is to make sure that short cuts are not be taken since most restaurants and commercial businesses have their grease traps pumped out by a service,

Mr. Jenkins requested that the current law, the costs involved are and what impact if any this ordinance would to local businesses be provided for the full town council meeting. Mr. Nelson agreed.

Mr. Altieri moved, seconded by Mr. Jenkins to pass Resolution TC23-165 to the Town Council without recommendation.

VOTE: Motion carried unanimously 6-0.

The Chair called a recess at 7:18 p.m.
The Chair called the meeting back to order at 7:30 p.m.

3. RESOLUTION TC23-166: Moved by Mr. Jenkins, seconded by Ms. Waizenegger.
BE IT RESOLVED, That the First Draft of the Charter Revision is hereby accepted for initial review.

Judge Chiota distributed the Town of Trumbull Charter Revision Commission Draft Comments to Proposed Charter Amendments document to the L&A Committee. Judge Chiota explained that the commentary is based upon the Charter Draft submitted to the Town Council on May 2, 2011; the comments are not required by statute. The Charter Revision Commission recognizes that substantial changes are proposed to the current Charter. The Charter Revision

Commission will provide 5-6 suggested questions for the ballot that deal with the substantial changes, suggesting the Charter Revision Commission nor the Town Council should make those decisions, the public should make the decision.

The Chair opened the public Hearing at 7:33 p.m.

There were five (5) people present to speak. (See Public Comment Attached)

The Chair closed the public hearing at 7:56 p.m.

After the public hearing was closed discussion on the resolution began:

Mr. Ciocci questioned Section 4. Definitions "Days" & "Adoption of Legislation" - Judge Chiota stated that was to define whether weekends would be counted as days or not and Attorney Maslan explained the phrase "greater of five (5) years" under Chapter 2 – Section 5. Meetings is necessary if the law should change at some point in the future and would be require it the info to be kept on the website longer than five years.

Mr. Ciocci questioned Chapter 2 – Section 2. Composition and Election noting that the last sentence is not the same as it is in the current Charter-- Attorney Maslan stated that portion was stricken and relocated to Chapter 8 Section 3.

In response to the Chair, Mr. Holden stated the "at-large" is a check and balance against a four-year first selectman term explaining that two members per district are elected, the remainder would be elected at-large. Those elected at-large would be voted on by everybody in town for as many "at-large" seats as there are; it clarifies minority representation. With regard to the council, numbers would be rounded down, not up. It is very rare to have full sweeps throughout the town it has happened in 1987 and in 2009. In 1984 the 7 districts were established; one third of the council was not elected, but guaranteed. There are half a dozen votes that require a 2/3 majority; 2/3 majority is a standard of Robert's Rules of Order. The operation of the Charter says that the maximum anyone can have is 2/3 membership. That is a conflicting idea. In statutes 9-167a, representation is spoken to with regard to appointed positions not elected positions or officials to a legislative body. The likelihood that 9 seats or greater would come from the same district would be unlikely as would be the likelihood that nine people would ever be nominated from the same district. Under a district plan without "at-large", there should be no restriction of candidates nominated by a party and no restriction of the number of candidates a voter can for from their district.

Mr. Altieri stated that he did not see the need for any fundamental changes to the current Charter; a council closer in ratios has been the most effective historically. This plan would make a super majority of 19-2 possible.

Mr. Jenkins requested commentary on the Term of Office.

Mr. Holden explained there was much discussion amongst the commissioners with regard to the four-year term, there were at least two people, in a bi-partisan way who favored the four-year term, he was not one them. The trend in area towns has been towards a four-year term. The argument was made that a first 2 year term elected official only just begins the work when they already have to begin the work for the next election. The minority report states if the council is elected to a four-year term along with the first selectman that would be favorable; Mr. Holden stated spoke against that combination noting that a four-year term for the first selectman and a two-year year for the council is another check and a balance.

Atty. Cordone stated the question should be what are we in need of fixing? The two year term has served the town well for thirty years and has been an excellent form of governance by both democratic and republican.

Judge Chiota noted that the commission has discussed these items at length, two years is not enough time for the continuity of the programs, especially a first term first selectman, too much time spent in the electoral process and not enough in the governance.

Mr. Timpanelli stated he had recommended the four-year term and was the only one on the commission that held that position, as a result of all the other changes made to the Charter has changed his mind, the term change on its own merit deserves discussion by our town, but with the other changes proposed it results in a dramatic change and not one for the better. Trumbull has been governed under the current structure well for the past 50 years; there is not a lot broken to the Charter; there are many improvements that can be made. The recall which exists in the current Charter is not included in the proposed Charter as a result of a court case, not the Charter Revision.

Judge Chiota explained these are topics that not all of us can or will agree upon and are topics which should be decided upon by the voters. Questions should be proposed and placed on the ballot.

Mr. Timpanelli cautioned that the splitting of the questions problematic, it could possibly result in a change of the way the council is elected and not change the term of the first selectman and vice versa.

In response to Mr. Jenkins, Atty. Maslan explained that a three-year term is not in compliance with the state statute 70 day requirement to take office. Three-year terms are not consistent with CT elections.

Mr. Altieri stated that someone doing a good job as a two-year first selectman has the opportunity to be reelected and chosen by the people every two years. The trends seem to be term limits not term extensions.

Judge Chiota stated that the commission had discussed if the first selectman's term went to a four year term it would have been limited to two terms. The Commission decided against the limit based upon Trumbull's history of long term first selectmen's service.

In response to Mr. Rappa, Judge Chiota explained the Town Council will have one or two more public hearings, one of which would be on June 6, 2011. After the last public hearing is held by the Town Council starts the 15 day count. The Charter Revision would suggest topics for the ballot questions. Once the council make a final decision on the draft, the Charter Revision Commission has 30 days to write the final draft, the Town Council will then vote yes or no on. The public could be voting on several questions of the Charter, if the council decides at the November election.

Mr. Holden clarified that it is the legislative body that submits the questions, the commission can suggest topics. It is a legislative function to determine any separate questions. There is a statute that requires the questions be stated in a completely neutral language and answered by a yes or no.

Atty. Cordone stated that the Town Council has the authority to accept or reject the Charter as a whole by a majority vote.

Atty. Maslan explained per state statute, that if the Town Council decides the proposed Charter is fine the way it is it becomes final, if the Town Council decides to send it back to the commission with

comments, the Charter Revision Commission then decides which portions of the recommendations by the Town Council would be incorporated and then it goes back to the Town Council where the Town Council can accept the final report as is or reject portions of it, or reject all of it. The Town Council does decide which questions are placed on the ballot.

In response to a question from Mr. Ciocci, Judge Chiota explained that the commission was trying to in Chapter 3, Section 2, Powers & Duties of the First Selectman the addition of section J was a provision in the event that if legislation was passed with regard to powers and duties, that those changes were accounted for in the Charter, a catch all safety provision.

In response to a question from Mr. Ciocci, Judge Chiota stated the provision that the Town Council has the final say in settling lawsuits would not change; Mr. Ciocci stated state statute Chapter 91 section 7-12 describes duties of selectmen in the state of CT and he would send the information to the commission. The Charter Commission will review the information.

Mr. Jenkins requested commentary on the BoE proposed changes. Judge Chiota explained that the two-year BoE seat has been ruled by the Attorney General is illegal, therefore that portion has to change. With regard to the increase in membership from 7-9, some members felt the board's time should be spread out amongst 9 vs. the 7 members due to the additional work load the BoE currently has. The Charter Revision Commission wanted to make the election to the BoE more competitive.

Mr. Timpanelli stated this is a good example of "If it ain't broke don't fix it". The BoE is one of the reasons why the Trumbull is looked upon favorably and its real estate's value's strength. Upsetting the balance of power within the BoE is his concern.

Mr. Holden stated how the current BoE is made up and chosen is by appointments by a political party speaking in favor of allowing the electorate to choose the BoE.

Mr. Massaro, Chairman of the Town Council stated the BoE currently has 6 seats that are a four-year terms and 1 seat which is a 2-year term that needs to be fixed, suggesting all seats be 2 year terms with staggered elections. Judge Chiota stated this is an item that is still being debated by the Carter Revision Commission.

Atty. Maslan stated if all the BoE seats were run at the same time; 10 people could run; or if staggered 4 seats at one election, 3 could be run at the next election.

Mr. Massaro clarified that to have a truly contested election all seats would have to run at once just as the council does and all other elected boards.

Judge Chiota noted that the commission is aware of the continuity problem.

Atty. Cordone stated that at the heart of all of the issues discussed at this meeting is minority representation or majority limitation, and is not sure the argument for change has been made; these are all checks and balances that served the town of Trumbull for many years.

In response Atty. Cordone, Mr. Massaro stated that when the BoE was comprised of 6, it was not a contested election at all, half of the seats were guaranteed per party.

In response to Mr. Altieri, Judge Chiota stated that the commission was trying not to let the parties control the BoE election; the voters should have a choice, the BoE spends a substantial amount of the town's money.

Mr. Holden stated that under state statute (possibly 9-240a), if there is no more than a bare majority to be elected from any one party, no voter may vote for and no party may nominate for more than the bare majority; therefore you would have a 7 member board with 8 people running and the public would only be allowed to vote for 4 people and 3 people would be totally unelected.

Mr. Massaro stated that this meeting is the first of two phases; the second phase will be comprised of the final report from the Carter Revision Commission to the Town Council. Moving forward the L&A Committee will decide to have another meeting before the June 6, 2011 full Town Council meeting on the Draft Report. When the full council convenes on June 6, 2011 the council should have a list of questions to send back to the Charter Revision Commission. This would keep the process moving. Over the summer the council would receive the final report. A public hearing is planned for the June 6, 2011 meeting allowing the whole council to hear the public.

Atty. Maslan stated that the last public hearing must be within 45 days of the draft having been submitted on May 2, 2011, which brings that date to June 16, 2011.

Mr. Massaro stated that it may be necessary to have a special Town Council meeting after the June 6, 2011 meeting.

In response to a question from Ms. Testani, Judge Chiota stated that the commentary has been filed at the Town Clerk's office an electronic version of the minority report has been posted.

Mr. Ciocci referred to Chapter 3, section 6 - Department of Finance. The proposed Charter subsection referring to the business manager, questioning the business manager's ability to issue a warrant for reimbursement. Atty. Maslan stated that the measure was whether one of the officials could issue a warrant for anything; this was a housecleaning measure. The commission will check on this item.

Mr. Massaro spoke to the section of the succession of the First Selectman with regard to the temporary absence section, the second paragraph deals with a vacancy. The question is in the temporary absence or the vacancy part; if the Treasurer assumes the duties of the first selectman either on a temporary basis or a permanent basis or the Council Chairman leaves to serve as the first selectman; are the vacancies created by either the Treasurer or the Council Chairman addressed?

Judge Chiota stated this issue was discussed by the Charter Revision Commission was decided that it would be covered under the Vacancy section of the Electoral process of the Charter.

Mr. Massaro referred to the "Definition" section of the Charter, it provides for every person, except the council people as an official, heretofore the council has been considered town officials and by definition they would be not be considered an official in the Charter. Mr. Massaro questioned whether there were other references in the charter that would refer to town officials noting that the council would not be defined as such. Judge Chiota stated the Commission would check on this item.

Mr. Ciocci noted for clarification, his earlier discussion on the business manager was referring to the Director of Finance not the BoE.

Atty. Maslan stated that word warrants had been changed in some places and not form other places; if the paragraph is read as a whole there is verification with regard to payments.

Mr. Ciocci noted that in the same section under b the section it should be red-lined and it is not.

Mr. Jenkins requested a commentary on the budget referendum.

Judge Chiota stated the Charter currently provides for a line item referendum. The townspeople should have a right to send back the budget and to go through the process again if the budget is approved too high. The existing provision is too complicated and wanted to make it simpler for the voters. There was a debate within the commission on the percentage of voters necessary, right now it reads 3%, but would probably go to 5% with a minimum turnout of somewhere 20-30%; the percentage has not been resolved to date. There would have to be a substantial voter turnout to overturn the budget and it would be a one time referendum.

Mr. Timpanelli stated that the current numbers for a referendum are too high and all agreed there was a need to be lowered to allow for a referendum. Compromise is necessary; the numbers need to be stronger but not quite as strong as the current Charter provision.

Mr. Holden cautioned typically special election turnouts are in lower range of 20%.

Atty. Cordone stated that there may be a legal issue with the CPI referendum.

Mr. Massaro stated that there were questions submitted by a councilman who is not present at this meeting; one was to make the language gender neutral. Judge Chiota stated that they are looking to hire someone to proof the Charter. That will be done and the other request is to look at the budget veto language, the Charter Revision Commission will look at that as well.

Mr. Ciocci requested that Chapter 3, section 10 – Welfare noting that the Town Council's ability to amend has been limited. Atty. Maslan explained this due to a legal issue; the only way to amend the Charter is to open a Charter Revision.

In response to a question from Mr. Altieri, Atty. Maslan stated that the statute reads that the legislative body first has to decide to create a Charter Revision Commission, members are then appointed and the political make-up is governed by Minority Representation 9-167a; there is a chart that outlines.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to postpone Resolution TC23-166 to a date certain, Wednesday, June 1, 2011 at 7:00 p.m. The meeting would be a work session. VOTE: Motion carried unanimously 6-0.

There being no further business to discuss the Legislation & Administration Committee adjourned at 9:38 p.m.

Respectfully Submitted,


Margaret D. Mastroni, Town Council Clerk

Attachments:

Public Comment:

1. Mr. James Abraham of 48 Craig Lane present as the Chairman of the Economic Development Commission stated that a letter had been sent (via e-mail) to the council clerk for the committee from the Economic Development Commission. (See Attached Letter). Mr. Abraham referenced the section of the letter with regard to the Electoral process and the provision that a Planning & Zoning Commission member may hold a second office on the Economic Development Commission and a number of inconsistent references to the Economic Development Commissions title, specifically Sections 10 and 16. (See Attached Letter for Further Detail).
2. Mr. John Annick of 44 Friar Lane and representative of the Trumbull Education Channel 17 stated that there had been a mix up on Channel 17's part of the videographer's attendance at the first Charter Revision Commission's meeting, this meeting's notice he had not been aware of until earlier this evening and requested that he be notified of the next. The Chair confirmed with the clerk that Mr. Annick is on the distribution list of meeting notices and minutes. Mr. Annick noted that somehow they are not picking up the committee meetings as well as the Full Town Council meetings.
Mr. Annick had been a very strong advocate for the current council minority representation, and is seeking rationale for the proposed change and is opposed to the proposed change.
3. Mr. Bill Holden of 6 Woodfield Drive spoke to two items both address empowering the people and to give the voters more choice. The first is the BoE make-up; presently there are seven (7) members but only one seat is elected. The other six (6) are in effect appointed by the major political parties with each party naming three of those six (6) seats. The voters have very little to say with who serves on the BoE. The proposed change would provide for a nine (9) member board all would be elected and serving a four (4) year tern serving concurrently, parties could nominate as many seats that can be elected by either party. Voters could vote for every seat to be elected; there would like be twelve (12) candidates. If there could be no more than a bare majority than there would be 10 people running at the 9 seats or 8 people running for 7 seats. The other items is with regard to make-up of the Town Council, there is nothing special to the seven (7) districts; up until 1983 we have 5 districts following the 1985 election a redistricting took place that came up with the seven (7) districts. It is rather unique; minority representation is not mentioned in the Charter and there is no requirement for minority representation for a legislative body, the wording that no party and that no voter may vote for than one less the number of seats to be elected is allowed, in 1981 there was actually a 17-4 Town Council under this plan. Redistricting should be done the year following the state redistricting, that is to say that it should have been done in 1992 and in 2002. It definitely should be done next year following the state redistricting of this year. Our present districts make us spend unnecessarily over \$10,000 a year per election in even number years. We have three split districts it may be unavoidable and may have to have one split district. The four year terms seems to be a trend and includes checks and balance where the voters may make significant changes to the council if they are unhappy with the first selectman. Under the present charter turnover in the council requires landslide proportions, people can only vote for two of the three candidates, which results in 2 of the 3 are guaranteed to be elected. The proposal calls for two representatives no matter how many districts there may be. As the number of at larges increases the greater the maximum restriction for any one party, when computing the maximum the number is rounded

down not up, i.e. 7.4 is 7. Mr. Holden suggested that any item deemed controversial be placed on the ballot as a separate question as it was in 2003.

4. Mr. Tony D'Aquila of 29 Valleyview spoke to the nine (9) member BoE Charter Revision proposal suggesting that each district vote one member of the BoE with two members at large; this would offset the significant difference in areas of town with regard to social economic differences, which would affect decisions on pay to play and would encourage more in depth discussions with persons of diverse opinions to make decisions on the school district. In the past there had been 6 members with 3 of each from different parties; there would be one vote no opposition, there seems to be a lot of opposition now which is just good government. Mr. D'Aquila suggested creating an office of ombudsmen, where the town attorney should report to this office not the first selectman, explaining that the attorneys should report to the town. The WPCA should be elected by the users of the sewer system; historically the WPCA does not react to reasonable requests. With regard to the town council it should be mandated to seven (7) districts and not allow the charter to define the number of districts. Each district should elect all three (3) members; in the past voters were limited to voting for only two (2) of three (3). Public meetings – there should be a requirements that all boards, commissions and including the town council should have a mandatory public comments and question section of each meeting. Civil Service – should not be eliminated, this board protects the workers of the town from patronage; the board makes sure the candidates are qualified by examination. Majority Limitation - spoke in favor of being able to vote for everyone. Time limitation at public hearing – the public has the right to be heard statute does not set a time period.
5. James Cordone, Charter Revision Commissioner stated that it has been an honor to serve and commended the Chairman of the Charter Revision Commission for a job well done. Two of the members of the commission had filed a Minority Report based upon on five or six issues that they differ with the majority and asked that the Town Council review the Minority Report before they should take their final vote. (See Attached -Minority Report)

TOWN OF TRUMBULL
CHARTER REVISION COMMISSION
DRAFT COMMENTS TO PROPOSED CHARTER
AMENDMENTS

The Trumbull Charter Revision Commission (the "Commission") submits the following explanatory comments. These comments are brief explanations of the proposed amendments to the existing Charter, which was adopted in 2003.

TERMS OF OFFICE

The Commission proposes that the terms of office of the First Selectman, Town Treasurer and Town Clerk be changed from two years to four years. The Commission has included this amendment to give the electors of Trumbull the opportunity to decide whether to change the terms of these offices. A change in the current two-year term of the Town Council is not being proposed.

The affected Charter sections are Chapter III, Section 1 (First Selectman), Chapter VIII, Section 3(A)(1) (First Selectman), Chapter III, Section 6(D) (Town Treasurer), and Chapter III, Section 7 (Town Clerk).

REORGANIZATION OF TOWN COUNCIL

The Commission proposes that the membership of the Town Council be changed. Currently, the Town Council consists of 21 members. Currently, the number of Council members elected from each District is based on the resident

population in each District. In June of each year, the Town Clerk calculates the number of members to be elected from each District. There is no limitation on the number of Council members who could be elected from the same political party, and it is possible that all Council members could be from the same political party.

The proposal would set the number of members to be elected from each District at two, and the remainder of the 21 members would be elected at-large. In addition, the election of at-large members would be subject to the minority representation limitation, which would limit the number of at-large members elected from the same political party. The minority representation provision is based on Section 9-167a of the Connecticut General Statutes. For example, two members would be elected from each of the seven existing Council Districts, and seven members would be elected at-large. The minority representation limitation would not apply to the members elected from the Districts, and the maximum number of at-large members who could be elected at-large would be five.

The affected Charter sections are Chapter III, Section 2 (composition of Town Council), Chapter VIII, Section 3(A)(2) (composition of Town Council), and Chapter VIII, Section 4 (minority representation).

BOARD OF EDUCATION

The Commission proposes that the composition and terms of office of the Board of Education be changed. Currently, the Board of Education consists of seven members. Six members are elected for four-year terms, and one member is elected for a one-year term. The four-year terms are staggered, with the terms of three members expiring during each municipal election year. Not more than a bare majority of members may be nominated or elected from the same political party. Under the current Charter, the two major political parties may nominate the number of candidates that could be elected to four-year terms, and one candidate for the two-year term. In practice, however, the parties nominate the number of candidates who can be elected under the minority representation rule, which is one or two, depending on the party registration of the number of non-expiring members from each party. The result is that the nominees for the four-year terms are elected without opponents, and the only competitive election is that of the two candidates for the two-year term.

Previously, the Secretary of the State's Office has informed the Town of Trumbull that the current Charter provision is not consistent with the election law, because it does not provide for candidates to be nominated specifically for the two-year seat. The current Charter should be amended to comply with the election law.

The proposal would increase the number of members to nine, change the terms of office to two years for all members, and limit the number of members from the same political party to six. Under this system, each of the two major political parties could nominate up to six candidates, for a total of twelve candidates, running for nine positions. Three of the nine party candidates would not be elected. The Commission believes that the proposal would result in competitive election for all seats on the Board of Education.

The Commission considered three-year terms of office for all Board members. The Secretary of the State's Office has advised that three-year terms are not possible under the mandatory biennial municipal election system.

The affected Charter Sections are Chapter VII, Section 3, and the proposal includes provisions for the transition to the proposed composition.

SPECIAL BUDGET REFERENDUM

The Commission proposes to create a one-time special referendum to apply to the Town's annual budget. Currently, the Charter provides for a budget referendum directed to specific line items identified in the referendum petition, with limitations on requests to increase or decrease line items. Proposed increases may not exceed the greater of (1) the amount proposed by the First Selectman, (2) the amount recommended by the Board of Finance, or (3) ten percent (10%) over the amount adopted by the Town Council. Proposed decreases

may not be less than (1) the amount proposed by the First Selectman, (2) the amount recommended by the Board of Finance, or (3) the amount appropriated for the item or items in question for the prior fiscal year. Referenda on the entire budget is specifically prohibited.

Currently, a budget referendum requires a petition signed by electors of the Town in a number not less than ten percent (10%) of the number of electors on the last completed voter registration list.¹ Referenda shall be decided by a majority of the electors who vote on the referendum, provided that the number of votes cast in the affirmative shall exceed fifteen percent (15%) of the number of electors on the last completed voter registration list. If a referendum increases or decreases a single item, the budget is deemed amended in accordance with the vote. If a referendum increases or decreases an item with more than one account number, the Board of Finance shall recommend modification of the individual items, and the Council shall modify the individual items without modifying the total appropriation set forth by the referendum vote.

¹ According to the data available on the Secretary of the State's website, the latest number of active registered voters in Trumbull is 24,190 and the total of active and inactive voters is 24,894. Ten percent of the total number of active and inactive registered voters would be 2,490. (The current Charter does not specify whether the ten percent (10%) minimum number of petition signatures is based on the number of active voters or the total number of active and inactive voters.)

The proposal would create an additional, special referendum on the entire budget, which would apply only when the proposed budget exceeds the prior year's budget by a "Budget Referendum Threshold." The Budget Referendum Threshold would be calculated on or before November 1 of the previous fiscal year, by multiplying the annual operating budget for the current fiscal year, as revised through December 31 of that year, by the sum of the following:

1. The percentage change in the Consumer Price Index for all Urban Consumers ("CPI-U") for the one-year period that ended the previous July (i.e., the CPI-U change for the second year preceding the proposed budget year), plus
2. One percent (1%).

The following illustrates the calculation of a Budget Referendum Threshold for the FY 2011-12 operating budget:²

FY 2010-11 Amended Operating Budget		\$143,494,200.	
CPI-U Change for year ended July 2010 + 1.0%	x	+ 2.2%	
		\$146,651,072.	
Budget Referendum Threshold			

Under the proposal, if the final budget approved by the Town Council were to exceed the Budget Referendum Threshold, a budget referendum could be triggered by petition signed by not less than three percent (3%) of the number of

² For the purpose of illustration only, the FY 2010-11 amended operating budget number was taken from the FY 2010-2011 Operating Budget as stated in the final FY 2011-12 Operating Budget; the actual FY 2010-11 operating budget as amended through December 2010 may be different. The CPI-U change was taken from the "CPI Detailed Report Data for July 2010," which is available on the U.S. Bureau of Labor Statistics website.

electors who voted during the previous municipal election. For example, if the number of electors who voted during the November 2009 election was 12,589,³ the minimum number of petition signatures would be 378. The referendum would be successful if the majority of the votes cast is in the affirmative, regardless of the voter participation in the referendum.

After a successful Special Budget Referendum, the Budget would be revised so that the total operating budget would not exceed the Budget Referendum Threshold. Unlike the current budget referendum, which will remain available, the proposed special referendum budget would not allow a petition or referendum that would request an increase in the final operating budget.

The affected Charter Section is Chapter VIII, Section 9 (NEW).⁴

BONDING REFERENDUM

The Commission proposes a mandatory referendum for debt taken out for all projects that exceed \$15,000,000, and provides that any proposed bonded

³ The voter turnout number is taken from the 2009 municipal election data available on the Connecticut Secretary of the State website.

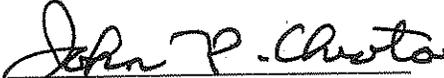
⁴ The Minority Report recommends that the minimum number of petition signatures required to trigger a special budget referendum be increased to five percent (5%) of the voter turnout during the last municipal election, and that the minimum voter participation for a successful vote be set at thirty percent (30%) of the voter turnout during the last municipal election. Based on a voter turnout in the example above (12,589), the minimum number of petition signatures would be 630, and the minimum participation in the referendum would be 3,777.

debt in such amount that is not approved by the referendum shall not be brought up again for referendum until the later of the next municipal election or one year.

The affected Charter Section is Chapter VIII, Section 10 (NEW).

The Charter Revision Commission looks forward to receiving comments from and conferring with the Town Council regarding any provisions contained in the Commission's draft report.

Respectfully submitted,


John Chiota, Chairman 5/23/11

CHARTER REVISION COMMISSION
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MEMORANDUM

TO: JOHN CHIOTA, CHARTER REVISION COMMISSION CHAIR

CC: RUSSELL FRIEDSON, MEMBER
GAIL HANNA, MEMBER
WILLIAM HOLDEN, MEMBER

FROM: JAMES CORDONE, MEMBER
PAUL TAMPANELLI, MEMBER

RE: MINORITY REPORT – CHARTER REVISION COMMISSION

DATE: April 25, 2011

I. INTRODUCTION

Over the past several months, it has been an honor to have had the opportunity to work with each of you and to discuss and debate the efficacy and current structure of Trumbull governance as provided for in our Town Charter. We believe that our discourse has been productive and, although we have on occasion disagreed, we also believe that each of us is sincerely interested in creating what is best for the voters, taxpayers and residents of our community in terms of the structure of their local government.

The purpose of the following minority report is not to lay out a Republican or a Democratic position on matters of charter change. Rather, it's (i) to state for the record where we take issue with the majority on a number of critical issues we feel are vital to the way in which our town is, or will be, governed, and (ii) to state for the record our alternative proposals.

We start with the belief that our current system of government has served our residents and taxpayers quite well for some years. Trumbull is one of the more desirable and better-managed communities in the State of Connecticut. Consequently, we believe that any significant changes to the structure of our local government should be approached with great caution and with a sense of deference for a system that has served us so well for so many years.

We say this as a preamble to the conclusion that we have reached with respect to certain provisions approved by this commission. Assuredly, there is room for improvement in the existing charter. There are many proposed changes that this commission has made that we consider to be smart and forward-thinking, and that we wholeheartedly support. Those include:

- Regulation for the electronic posting of minutes and other information by boards and commissions.
- A clear line of succession in the event the first selectman is temporarily or permanently absent or unable to perform his duties.
- Public accessibility to all audit reports.
- Accountability for expense account charges by the first selectman and the superintendent of schools.
- A clear statement that this council shall enact by ordinance a purchasing policy to govern all purchases made on behalf of the town.
- A limit on bid waivers to any one vendor.
- A direction that the internal auditor is under the control of the Board of Finance.
- Elimination of Personnel Appeals Board, Jury Commission, Conservation Commission, Civil Service Board and Youth Commission.

II. REVIEW OF CERTAIN PROPOSALS

However, the majority membership of this commission has approved other recommendations that dramatically alter a system of government that has worked exceptionally well for decades. The sweeping changes approved by the majority will endanger the balance of a strong two-party system and a well-functioning structure that has developed, nurtured and preserved a very desirable, well-managed community. There are five areas in particular that we strongly differ with, and it's our duty as members of this commission to share them with you and with the community.

COMMISSION PROPOSAL 1: EXTENDING TERMS TO FOUR YEARS

Extend the terms of the first selectman, town clerk and town treasurer from two to four years, while continuing a two-year term for the Town Council.

Why We Object

We believe that the extension of terms for the first selectman in particular, while maintaining the two-year term of the Town Council, fundamentally alters the balance of political power in the town by giving the majority party an overwhelming advantage. Whatever the party in power—and this could as easily work against Republicans as it could against Democrats—the ability of the incumbent first selectman, freed from having to run his or her own election, to influence council elections, is clearly enormous. We would agree with the terms of this revision if all terms were extended to four years, including the council. That said, the four-year term for the first selectman is not an essential need for Trumbull. The two-year term has kept the government close to the people, and allows for a more responsive government—a very healthy characteristic—while not creating any lack of stability or continuity at all over the last 50 years or more. Finally, we cannot agree with extending term lengths at a time when we're required to remove the recall provision in the charter.

What We Propose

Leave a system that works exceedingly well alone. Recent elections are evidence of the fact that the current system has worked well.

COMMISSION PROPOSAL 2: REVAMPING THE TOWN COUNCIL

Overhaul the makeup of the Town Council. This revision calls for the election of two, rather than three, members of the council from each of the seven districts, and for the election of seven members on a townwide, at-large basis. It also calls for the adoption of minority-representation rules for the council. Under those rules, the charter would reserve two positions on the council for the minority political party.

Why We Object

There's absolutely no discernable rationale for creating seven at-large seats on the Town Council. We don't understand, and the majority members of this commission have not explained, what problem this extraordinary restructuring is intended to fix. We don't know why seven at-large members of the Town Council will better serve the town than the current three members from each district.

What We Propose

Elect three Town Council members from each district, but allow voters to select three candidates, not the current two. Do not modify the charter to include at-large members of the council.

COMMISSION PROPOSAL 3: OVERHAUL THE BOARD OF EDUCATION

Expand the number of members of the Board of Education from its current seven, with a maximum of four from one political party, to nine members with a maximum of six from one political party.

Why We Object

We remind all members of the commission that there are a lot of reasons people choose Trumbull as a community in which they want to live and raise a family. At the top of the list is the quality of our school system. This without question is what drives our property values and our town's desirability. There are many factors at play that historically have accounted for our school system's quality performance. One of those factors, in our opinion, has been the absence of partisan politics within the school governance structure, starting with the Board of Education. We fear that the commission has leaned in a direction to change that, and we believe emphatically that is a grave mistake. Many were not in favor during the last charter revision to change the make-up of the school board from six to seven, eliminating, for the first time, the political balance. Most observers now are clearly opposed to changing that number to nine and allowing one political party to have up to six seats. Party control has never been, and must not be the objective with regard to the school board. More than that, by 2015, the entire Board of Education will be up for election every four years, leaving the town vulnerable to a 100 percent turnover in any given election.

Let us not forget that there is no measurable voice within the current board calling for this change. In fact, it's the opposite: The consensus on the school board is to leave the current structure alone. But most important, let us look at the only thing that should drive our decisions as to whether we need to consider changing the way in which our school

system is governed: Student performance and school-system performance. In each of those measures, Trumbull outperforms the competition.

What We Propose

Leave the makeup of the Board of Education as it is, with one modification: Make the length of terms four years for all seven seats. Eliminate "safe" seats and make all seats competitive, while limiting any one political party to no more than four seats.

COMMISSION PROPOSAL 4: A BUDGET REFERENDUM

Creation of a new provision in Chapter 8, Section 9 of the charter calling for a "Budget Referendum Threshold." Under the terms of this proposed change, any budget adopted by the town that exceeds the Consumer Price Index plus 1 percent could trigger a referendum process, with a referendum occurring if at least 3 percent of the voters in the prior election sign a petition supporting it. If a majority of voters in the referendum vote to reject the adopted budget, then the budget process basically starts over, with the first selectman required to submit a revised budget that fits the criteria of less than CPI plus 1 percent.

Why We Object

We have clearly recognized the need to change the charter to provide a better and more reasoned opportunity for our taxpayers/voters to have a say in budget and capital expenditure matters. We all have agreed that what is currently provided in the charter is too cumbersome, and makes challenging spending decisions almost out of the question. So, we all agreed in concept to make referendums easier to come by. We object to the excessively low threshold. We fear that budget-referendum outcomes could easily be altered and controlled by small minorities of angry, agitated, unreasonable naysayer groups. This would greatly impair our successful form of government.

What We Propose

We recommend the following:

1. Change the language in the adopted proposal with regard to the budget referendum to require 5 percent of the voters who voted in the last municipal election to sign a petition (that number would likely be about 600 signatures, which lessens the current requirement significantly, but raises it from this commission's current recommendation of 3 percent, which would amount to about 300 people.)
2. Change the language in the adopted proposal with regard to participation in the referendum to 30 percent of those that voted in the last municipal election must turn out, and one-half plus one of those must vote to overturn the budget in order for the action to be effective. What that means effectively, is that if 12,000 voted in the last municipal election, 3,600 would have to turn out to vote in the referendum and 1,801 would have to disapprove of the budget as enacted in order for it to be sent back to the budget making elected authorities.

COMMISSION PROPOSAL 5: A BONDING REFERENDUM

Creation of a provision for a referendum on bonded debt initiatives that exceed \$15 million.

Why We Object

Again, we don't for an instant object to providing our taxpayers/voters with more control over municipal spending and debt. We look at this as a positive direction. In this instance, though, we believe that conducting an automatic referendum for any project exceeding \$15 million is too low. As costs increase over time, the number will become even smaller, so we're not acting in the long-term manner necessary for revising the town's charter here. It's better, in our view, to provide the process for a possible referendum here, rather than making it an automatic event under the charter.

What We Propose

Enabling a referendum opportunity on all bonded debt expenditures that exceed 15 million, but with an orderly and accessible path to a referendum, not with an automatic trigger.

III. CONCLUSION

Fellow members of this commission, it's worth noting at this point that the 2003 Charter Revision Commission was bipartisan. That panel, with three Republicans and three Democrats, was truly bipartisan. Unfortunately, that is not the case in 2011. And it has resulted in party-line votes on any issue of consequence.

For that reason, as well as because of our differences of substance, we are making this report. As mentioned, many of the other things we've discussed in the months since this commission was formed have merit. But the changes we've itemized above, taken as a whole in their current form, become dramatic changes to our structure of government that will upset the balance of power currently provided by our strong two-party system. These changes will potentially lead to one political party being placed in a position of control that no single party can currently enjoy under the existing charter. We believe that altering this check and balance is not good government and will not be in the best interest of the residents of this town.

We are a town that is fairly evenly balanced among Republicans and Democrats and unaffiliated voters. Our charter has accurately reflected that balance. What this commission's majority is now proposing is to upset that balance.

Anyone would be hard pressed to come up with an example in our region of a town that has been governed better than Trumbull over the last 40-50 years, under either Republican or Democratic leadership. We also believe that one of the reasons for that good governance is the appropriate balance that has been achieved politically between a strong chief elected official and a traditionally bi-partisan Town Council. The adopted proposal that we oppose could change that dramatically.

In conclusion, we have appreciated and respected your leadership, John, in the conduct of our charter revision business. More important, your long history of quality service to the Town of Trumbull leads us to believe that you too would not want to see our historically effective, balanced, and successful local system of governance change in a substantial way. We have offered our proposals in good faith and with the hope that we can find mutual agreement on these matters. We look for your leadership in guiding us toward a needed compromise on these important issues. If not, the case in opposition to these changes will be made to the Town Council and to the town's voters.

**Town of Trumbull
Economic Development Commission
5866 Main Street
Trumbull, Connecticut 06611**

May 23, 2011

VIA E-MAIL DELIVERY

Margaret D. Mastroni
Town Council Clerk, Town of Trumbull
5866 Main Street
Trumbull, Connecticut 06611

**Re: Legislation & Administration Committee
May 23, 2011 Public Hearing
Charter Review Commission Report**

Dear Ms. Mastroni:

On behalf of the Town's Economic Development Commission, kindly accept this letter for submission at the Public Hearing before the Town Council's Legislation & Administration Committee, scheduled for May 23, 2011, on the issue of the recommendations made in the report of the Charter Review Commission.

The Economic Development Commission would like to extend its gratitude to both the Charter Review Commission as well as the Town Council for the tremendous undertaking of reviewing the Town Charter and its efforts in making recommendations regarding same. We are submitting this letter to the Legislation & Administration Committee to highlight several concerns, outlined below, regarding the recommendations as they relate to Economic and Community Development activities of the Town.

References to Economic Development

The current draft of the Charter revisions makes inconsistent reference to Economic and Community Development. Specifically, the proposed Sections 10 and 16 make varying references to "Economic and Community Development," "Economic Development Commission" and "Development Commission." Consistent with Connecticut State Statutes, we

Margaret D. Mastroni
May 23, 2011
Page 2

respectfully suggest that the Charter uniformly refer to the "Department of Economic and Community Development" and the "Economic and Community Development Commission."

Electoral Process

The proposed wording of the "Electoral Process" section of the Charter revision provides, "A person holding an elective office or appointive office shall not hold any other elective or appointive office in the Town provided, however, that members of the Planning and Zoning Commission may serve on the Development Commission." The proposed language creates several potential impediments to the economic and community development activities of the Town.

The Planning and Zoning Commission and Economic Development Commission share the same goal of ensuring the growth of the Town in a manner consistent with the Town's vision and character. Each commission works to achieve this goal by complimentary, yet divergent, means. While both commissions always work under the rubric of the Town plan, the Economic Development Commission's focus is primarily one of marketing and the recruitment and retention of businesses. The Planning & Zoning Commission's focus is primarily one of management and is more directed towards strategic planning for the Town as well as the protection of the Town's character through zoning activity. While both commissions work towards the same goal, their activities towards reaching that goal are independent.

In recent years, both commissions have shared a positive, productive relationship as indicated by, among other things, the ability to grow the Grand List during the recent economic downturn and coordination on a tax incentive plan. We believe it is imperative to allow this relationship to continue without change.

Under the current Charter revision proposal, up to eight (five elected, plus three alternate) Planning and Zoning Commissioners could be appointed to the nine Economic Development Commission positions. In other words, the current revision allows for the effective extinguishment of an independent Economic Development Commission. It is not our understanding that the Charter Review Commission intended this as a possible outcome.

We have not been advised of the reasoning for the proposed revision. If it is to further formalize the coordination of activities between the Planning and Zoning Commission and Economic Development Commission, then the proposed revision does not go far enough. If the Charter Review Commission and, in turn, Town Council sees a need to further coordinate the activities of both commissions, the Charter could require (as opposed to merely permit, as currently proposed) the appointment of a Planning and Zoning Commissioner to the Economic Development Commission. If it is concluded that such a formal arrangement is more advantageous to the Town, we believe the required appointment of a single Planning and Zoning

Margaret D. Mastroni
May 23, 2011
Page 3

Commissioner to the Economic Development Commission would be sufficient to more formalize the coordination of activities while limiting the loss of independence between both groups.

Alternatively, and perhaps most closely tailored to the apparent intent of the Charter Review Commission while maintaining the current successful dynamic of the two commissions, the Charter could be revised to require the appointment (by either the First Selectman or Chairperson of each commission) of one Planning and Zoning Commissioner as a liaison to attend Economic Development Commission meetings and, conversely, one Economic Development Commissioner as a liaison to attend Planning and Zoning Commission meetings. In this way, coordination between the two commissions can be further enhanced while preserving the independence that has allowed for both commissions to be successful in their respective roles in the Town.

Thank you for your courtesies in reviewing our concerns and our best wishes for your continued Charter review efforts.

Sincerely,

James Abraham, Chairman
Economic Development Commission
Town of Trumbull

Scott M. Wich, Esq., Commissioner
Economic Development Commission
Town of Trumbull

cc: Suzanne Testani, Chairwoman, L&A Committee (via e-mail)
Jeff Jenkins, Vice Chairman, L&A Committee (via e-mail)
Kristy Waizenegger, Committee Member, L&A Committee (via e-mail)
Chad Ciocci, Committee Member, L&A Committee (via e-mail)
Mark Altieri, Committee Member, L&A Committee (via e-mail)
Michael Rappa, Committee Member, L&A Committee (via e-mail)
Carl A. Massaro, Jr., Town Council Chairman (via e-mail)
John P. Chiota, Esq., Charter Review Commission Chairman (via hand delivery)