

TOWN COUNCIL  
**Town of Trumbull**  
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Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE  
Minutes  
June 1, 2011

Chairwoman Suzanne Testani called the special Legislation & Administration Committee meeting to order at 7:02 p.m.

Members present: Chairwoman Suzanne Testani, Vice-Chairman Jeff Jenkins, Chadwick Ciocci (arrived at 7:10 p.m.), Mark Altieri and Michael Rappa.

Members Absent: Kristy Waizenegger.

Also Present: First Selectman Timothy Hernst, Chief of Staff Daniel Nelson, Judge Chiota, Charter Revision Commission Chairman, Charter Revision Commission Members, James Cordone, Russell Friedson, Gail Hanna (arrived at 7:07 p.m.), William Holden (arrived at 7:07 p.m.), Paul Timpanelli, Town Council Members, Jane, Deyoe, (arrived at 7:11 p.m.), Debra Lamberti (arrived at 7:37 p.m.) and Town Council Chairman Carl Massaro (arrived at 7:11 p.m.)

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

Judge Chiota noted that the L&A Committee had been distributed 5 suggested questions and/or topics for questions. (See Attached)

Mr. Jenkins questioned if the Charter Revision Commission had considered an incumbent be elected to a 4-year term and a newly elected person be elected to a 2-year term?  
Mr. Timpanelli stated that there is no statute that would allow that, Judge Chiota agreed.

In response to Mr. Jenkins, Mr. Friedson stated that he was opposed to a 4-year term, but has come to accept the term based upon the Charter Draft as a whole, the council change is specifically designed as the counter weight to the 4-year term, similarly the referendum threshold numbers at 3% is a counter weight to a 4-year term as well. The advantages of a 4-year term such as continuities and administrative efficiencies can be picked up with these safeguards in place which will protect the tax payers. Dismantling those safeguards would offset the 4-year term negatively.

The Chair clarified that the counter weights referred to were 3 votes per district 2 being from the district and one at-large. Mr. Friedson agreed. Judge Chiota further clarified that the Town Council would be elected every two years as a counter weight.

Mr. Timpanelli stated that he had come to the complete opposite opinion, he had originally been in favor of the 4-year term, but has come to be against the length of term based upon the result of other changes made to the Charter which has the potential for one party to have too much authority, secondly separating the questions could run the danger of removing those safeguards.

Judge Chiota noted that suggested questions are written in two ways to address that issue. Mr. Friedson spoke in favor of the 4-year term for the first selectman, town clerk and treasurer being linked together with the town council question.

Mr. Altieri stated that the topic at hand is complicated, the council change is more in depth, it is not just a matter of changing terms, it is a different council with a potential of a 19-2 majority. It seems that the consensus of the commission that there is a danger to the 4-year term without checks and balance, suggesting changing the BoE terms to 2-year terms allowing all to be on equal terms. Mr. Altieri stated that the form of the question in of itself could be confusing.

In response to Mr. Altieri, Judge Chiota cautioned against more than 6 suggested questions.

Mr. Holden stated the commission had considered 2-year BoE term for all seats but there had not been a majority consensus on this item. Since the 1984 change in district plan, 3 people are elected to the town council with 4 people running; the public can only vote for 2, as a result 1/3 of the town council is not elected; noting that process is flawed. The commission felt minority representation should still be required. After the state finishes the reapportion for senate and representative seats, the town districting would greatly affected. The town should try not to have split districts as they are costly, confusing to voters and to election personnel. Mr. Holden suggested the answer is something less than the current 7 districts. Prior to 1983 there were 4 districts in town. As the number of candidates elected at large increased, the effect of majority limitation also increases; there are less seats that can be elected by a majority party. There is a problem when the public only is able to vote for 2/3 of the town council explaining that minority representation is designed for appointed positions not elected positions.

Mr. Altieri spoke against the melding of the term length questions together. Mr. Holden stated that the questions should be written by the town council. Mr. Altieri noted that he appreciated the input from the commission with regard to the questions.

Mr. Altieri stated that revisions are comprised of a lot of changes all at once.

Mr. Holden noted that the proposed changes of the Charter if adopted by the voters would not take place until 2013.

Mr. Friedson stated that the questions distributed were meant to be a guide for discussion to explain the thought process of the Charter Revision Commission on these points. The form of the questions can be changed.

Mr. Timpanelli stated that the overwhelming amount of people in the community whom we serve do not care about all of these details, they care that live in a good community with good services, suggesting the question be asked, "What is broken and what needs to be fixed?" Some of the

proposals are things that are not broken and do not need to be fixed, our system and governance has worked exceptionally well by both democrats and republicans for over 50 years noting there seems no justification for the town council change.

Mr. Friedson respectfully disagreed, noting that there are many things that are broken; over the past ten years the town's spending went up over 2 ½ times the rate of inflation, beyond the increase of people's incomes, seniors needed to move out of town, children unable to move back into the community. Charter Revision by definition exists because not everything is perfect. Taxpayers have been asked to shoulder these costs, with no practical ability under the Charter to address it. The majority of the changes to the Charter are designed for the greater power of the voters and to have meaningful elections. The board which has control over the single largest amount of funds of the town's budget is not elected. People should be empowered. The question should be if you want the people empowered than you should support the changes, not to ask if the question whether if it is broken?

Mr. Timpanelli stated that the Trumbull is not isolated in the fashion of seniors moving out of town or that the children can not move back into town. People concluded in 2009 that change was necessary, our current system allowed them to make the change; that is how the system was intended to work.

Mr. Friedson stated the system did not work well based upon the fact of the amount of time it took; there should have been other measures in place before the people had to move out or their families impacted. There has not been a responsive enough Charter.

Mr. Altieri spoke in favor of shorter terms and the ability to change the change government more often.

Mr. Cordone stated that those who are in favor of the Minority Report believe the town has been successful and do not believe the system is broken and should not make these changes to the Charter.

Mr. Friedson stated that the commission has proposed changes to the Charter in order to make Trumbull an even better town.

Mr. Timpanelli stated that the Charter Revision Commission essentially agrees on all of the changes proposed with the exception of 4 proposed changes. Judge Chiota noted that the number is actually down to 3, with the change of the number to \$15,000,000 on the referendum question.

In response to the Chair, Judge Chiota agreed that the 2-year seat of the BoE has to change due to the fact that it violates state statute.

Mr. Friedson explained the BoE 5-4 or 6-3 candidate question as: if it is 5-4; people get to choose 9 out of 10 candidates, if it is 6-3; 12 people run for 9 seats, that is a real competition, and the people really gets a choice, this is the same ratio the town council lives by currently.

Mr. Altieri stated that a 4-year BoE terms gives the people less choice. Mr. Friedson explaining that nothing is more partisan than having the town committees appoint the board members.

Mr. Jenkins spoke in favor of 6-3; having people vote for 9 out of 12 candidates, cautioning that a 4-year term could be problematic and would like to hear more discussion on the 2-year term vs. 4-year terms for the BoE.

Ms. Hanna stated that discussion had taken place with regard to a 2-year term for the BoE and did not foresee opposition on that point, what was an important factor was there would be no guaranteed seats moving forward. Staggered terms were discussed, if it were a bare majority of a 5-4 board without staggering the seats, every other election there would be guaranteed seats. There was some continuity concerns but the thought was that continuity would provide for itself because the voters are voting, the concern was not to have any guaranteed seats, that is why they chose to go with majority limitation rule with 9 members and to have the terms expire all at once.

Mr. Timpanelli stated the litmus test is when you ask the people what they care about with regard to the BoE; the answer would be quality education.

Mr. Friedson stated that the people do care if they are asked whether they want to elect the BoE or have the BoE appointed for them, they would answer that they would want to elect the board.

Mr. Ciocci stated that the partisan system has worked very well; the school system is one of the top systems in the state.

Mr. Friedson stated that it is not to say that it can not be made even better, it is not how much is spent, but how effectively the funds are spent, the overall BoE budget increased by 70% in the last ten years; the per-pupil spending increased by 50% in that same period.

In response to Mr. Ciocci, Mr. Friedson stated that the proper role of the parties is to vet candidates and it is the public's role to elect the candidates who have been properly vetted, it is not the parties' place to anoint; people should a choice.

Mr. Rappa suggested expanding the town council to 23 members with possibly one or two candidates at large, noting that most of his constituents would not be interested in many of the technical topics at hand. Mr. Rappa spoke in favor of the bonding referendum, but was not sure with regard to a referendum on the budget whether the overriding authority on the budget should be changed and would not like to see a 19-2 majority on the council.

Mr. Friedson stated that the referendum is not automatic and would be a one time only, if spending exceeds a threshold of 1% over inflation that would make a referendum possible but would still need to be petitioned for, it makes everyone careful about spending. Currently the Charter does not provide for an effective referendum process.

Mr. Cordone spoke in favor of the referendum change but it should not be included in the Charter it should be a policy change.

Mr. Holden stated that because the possibility of a referendum is written into the Charter does not mean that they will happen.

Mr. Timpanelli stated that all agree something has to be done with the referendum; it is the formula with which there is some disagreement. The numbers have to be fixed, the numbers have to be lowered to ease the burden and encourage participation in the process.

Formulas were discussed. Judge Chiota stated that the threshold could be a starting point. Mr. Friedson spoke to a CPI formula. Judge Chiota stated that if the formula is too tight it could be CPI plus 2 or 3.

In response to a question from Mr. Altieri, Judge Chiota stated that there is a legal question whether they can limit the referendum results and would hope to have an answer on this by the June 6, 2011 Town Council meeting.

In response to a question from Mr. Jenkins, Mr. Friedson stated they had looked at a decade worth of budgets, seven would have been eligible for the people to petition for. We have seen contracts recently negotiated more mindfully and that there will not be an automatic 3-4% raise and most recently have seen a 0% increase negotiated. We need to trust the public to make an informed decision.

Mr. Cordone spoke to 2-year terms and trusting the voters.

In response to Mr. Cordone's statement, Judge Chiota stated that would say the only way to have change in the town would be by not reelecting the first selectman or the town council; it does not provide for any other option for change.

In response to Mr. Rappa, Judge Chiota stated that there were statutory issues with changing the BoF terms. Mr. Holden stated that every state statute he knew of called for a 6-member BoF board but had recently been informed that Westport had a 7-member board, but was not sure how that was not challenged.

Mr. Altieri noted that we can see the results of an even numbered board.

The Charter Revision Commission will look at the Budget Veto language.

In response to the Chair, Judge Chiota stated that the recall is gone due to the fact it is now illegal by state statute, and is relatively new based upon a case of 2003 or 2004.

In response to a question from Mr. Altieri, Judge Chiota conformed to the best of the Charter Revision Commission has addressed all statutory changes to their best of the knowledge.

In response to a question from Mr. Rappa, Mr. Holden stated the Town Clerk is supposed to in the June preceding an election, to determine the population number of each district and divide into 21 council seats and arrive at the number of seats each district is entitled to have, this has not been done since the 7-district plan was put into place in 1984 (the first year it was effective was in 1985). Judge Chiota stated that is where the at large comes into play and brings the number to 21.

In response to a question from Mr. Altieri, Mr. Holden stated that the district 7's population has had a lot of growth. The Chair noted that District 1 has also had a lot of growth.

Mr. Holden noted that the number of candidates for the town council and at large seats would allow for all candidates to be voted on, each voter would vote for two from their district and the at large seats; however number of at large seats there are.

Mr. Friedson stated the advantage of at large seats is that the town council deals with town wide issues, preserving district representation per district is important but so is town wide representation on many issues.

In response to a question from the Chair, Ms. Hanna clarified that the town committees will still be endorsing the candidates, if the candidates were to come from all one district that would mean that the town committees would be endorsing candidates from one district; that would be highly unlikely.

Mr. Timpanelli stated the at large seats as a training ground for future boards has merit, but does not justify 7 at large seats, suggesting one at large seat.

In response to a question from Mr. Altieri, Mr. Friedson stated that the at large seats of the town council based on the succession theory, provide experience, background, and decision making on a town wide issues, while other boards do not have the town wide issue component. Whether 7 seats are too many is a question, but one at large seat would be too few.

In response to a question from Mr. Ciocci, Judge Chiota stated that it would be the thought that anyone who is running for town council would have the town's best interest and would not be concerned with the dynamics of whether another council person was an at large candidate or a district candidate.

Mr. Massaro requested that when the Charter Revision Commission looks at the budget veto language, that they also look at the referendum language in Chapter 8 section 7 explaining that there is reference to Town Council adoption of the budget, Chapter 4, section 3b, II, the language is exactly the same as what is written in the veto provision, if the commission looks at the budget veto language it will need to look at the referendum language as well. Mr. Massaro confirmed for Judge Chiota that this request would be included in the list of suggestions from the Town Council.

Mr. Massaro stated that there were adjustments to the audit powers of the BoF explaining that the Town Council audit powers and BoF audit powers are not the same for both entities and requested that the Charter Revision Commission look at that and decide which board should have more power.

Mr. Friedson stated that the Charter Revision was trying to codify what has been in practice, the internal auditor reporting to the BoF, under state statute the BoF has the right to look at the books & records of any entity that has spent money in the past year or is going to send money in the year to come, there have people who have challenged that, the intent was to codify past practice and will look to see that the council's powers are as strong.

All present discussed a communication plan on the proposed changes and the possible ballot questions. Judge Chiota stated it is incumbent on the Charter Revision Commission, members of the Town Council, possibly the Rotary and Lions Club to go out and make a presentation, post on the website, and possibly a host a channel 17 show, it would be the commission's and the council's responsibility to educate the public on the proposed Charter Draft.

All present agreed the Charter changes are significant and that a communication plan is important in order to inform and educate the public.

The Chair stated that the next public hearing on June 6, 2011 at the Town Council Meeting, the meeting begins at 8:00 p.m.

The June 6, 2011 public hearing will start the 15-day clock for the Town Council to submit their report to the Charter Revision Commission; the Charter Revision Commission would then have 30 days from the June 21<sup>st</sup> to submit their final report.

Mr. Holden explained that from the time the Charter Revision Commission is formed they are limited to 16 months to submit their final draft, which is August 2011.

VOTE: Motion carried unanimously 5-0.

There being no further business to discuss the Legislation & Administration Committee adjourned at 8:47 p.m.

Respectfully Submitted,

  
Margaret D. Mastroni, Town Council Clerk

**Question 1:**

Shall the Trumbull Town Charter be revised to provide for four (4) year terms for the Office of the First Selectman, Town Clerk and Town Treasurer?

Yes

No

**Question 2:**

Shall the Trumbull Town Charter be revised to provide two (2) year terms for the twenty-one (21) members of the Trumbull Town Council, and to change the corporation of the Town Council to consist of two (2) members elected from each district and the remaining members to be elected at large?

Yes

No

**Alternate Question 1:**

Shall the Trumbull Town Charter be revised to provide for four (4) year terms for the Office of First Selectman, Town Clerk, and Treasurer

and

Shall the Charter also be revised to provide for a change in composition of the Town Council to consist of two (2) members elected from each district and the remaining members to be elected at-large?

Yes

No

**Question 3:**

Shall the Trumbull Town Charter be revised to enlarge the Board of Education from the current seven (7) members to nine (9) members who shall serve for a term of four (4) years and to be selected simultaneously?

Yes

No

**Question 4:**

Shall the Trumbull Town Charter be revised to provide for a one-time special referendum on the entire budget when the proposed budget adopted by the Trumbull Town Council exceeds the "Budget Referendum Threshold"?

Yes

No

**Question 5:**

Shall the Trumbull Town Charter be revised to provide for a special referendum as to whether or not the issuance of bonded debt (whether or not combined with a refinance package) and/or the undertaking of a capital project in excess of fifteen million (\$15,000,000.00) dollars?

Yes

No

**Question 6:**

Shall the Trumbull Town Charter be revised to include all of the other recommended changes made by the Charter Revision Commission?

Yes

No