

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

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
JULY 6, 2020

Call to Order: The Chair called the virtual zoom meeting to order at 7:02 p.m. All present joined in the Pledge of Allegiance.

Roll Call: The clerk called the roll and recorded it as follows:

Present: Jason Marsh, Chairman, Thomas Whitmoyer, Vice Chairman, Ashley Gaudiano, Eric Paulson, Steve Lemoine, Carl A. Massaro, Joy Colon, Alternate, Tony Scinto, Alternate

Also

Present: First Selectman Vicki A. Tesoro, Chief Administrative Officers Cynthia Katske and Kathleen McGannon, Town Attorney Daniel Schopick, Charter Revision Commission members, Chairman Kate Donahue, Thomas Tesoro, Vice-Chairman Nancy Gardiner, Susan Gilson, J. C. Cinelli, Martin McCann and Town Council member Dawn Cantafio, (joined the meeting at 7:14 p.m.)

-
1. RESOLUTION TC28-80: Moved by Gaudiano, seconded by Whitmoyer
BE IT RESOLVED, That the first draft report of charter changes as approved by the Charter Revision Commission 2020 on June 24, 2020 is hereby accepted. BE IT FURTHER RESOLVED, in accordance with Section 7-191 of the Connecticut General Statutes, that if the Town Council makes no recommendations for changes in said draft report the draft report is deemed the final report. (*Public Hearing L&A July 6, 2020*)

Ms. Donahue, Charter Revision Commission explained the Charter is a living document that should be reviewed periodically to make sure it is consistent with state and local government practices. The last time it was revised was 2011. This commission has spent the last 2.5 months reviewing and discussing the changes. During their deliberations they have received over 80 comments and/or suggestions from almost 35 citizens. The have

held two (2) public hearings, voted on fifty items and are presenting approximately 40. She quickly reviewed the three documents sent to the Town Council. The full draft report, (25 pages) includes the list of their recommended changes. The format of the draft report includes the changes listed in the order they appear in the Town Charter and by chapter and section with the current Charter language, the proposed language, the reason for the change followed by the date the commission voted on the change.

Half of the recommended changes are to clarify the use of days, business days and calendar days and modernizing the posting/notifications process for various aspects of the Town government. The red-lined version of the current Charter was included in the agenda back-up.

This is a draft report is a draft and the Council can send them back to look at their recommendations, the Council decides whether the revision goes to the voters and what the questions listed on the ballot will be.

The Committee discussed the following:

Chapter VIII, Electoral Process-Page 52, Section 9, Bonded Debt of Redline Copy

Mr. Scinto noted the following:

- This change should be a separate question.
- CPI was brought up at the last revision and it was decided that it's too hard for people without finance experience.
- Recommended lowering the \$15 million threshold to \$10 million.

Attorney Schopick explained the BOF and Town Council look at the CPI, it wouldn't be hard for them to determine what the CPI would be. This was a compromise in terms of leaving it at the \$15 million with the possibly of increasing it moving forward. It wasn't recommended as a separate question because the referendum was already in the Charter with no description of the process, this revision was an effort to implement the process.

Chapter II, Section 5 A, Meetings and throughout the Charter as well

Mr. Lemoine noted the following:

- Notice in the newspaper will no longer be necessary, this assumes all residents have access to technology.

Ms. Donahue explained they had debated this, but kept coming back to the large majority of people get their information from the website, subscriptions to newspapers continue to decline. The phrase "at a minimum" has been added to allow publication in the newspaper if the board or commission felt it was appropriate. They were trying to be realistic where technology is going. Ms. Gardiner noted the Town Council could continue publishing. She is the only one on her street who still gets newspapers delivered, this just removes the requirement in the Charter. Mr. Tesoro added this would result in a benefit to the taxpayers, a savings of approximately \$70,000 per year. Attorney Schopick confirmed this is in compliance with state statute. Lowering the notice from 48 hours to 24 hours is to be consistent with FOIA. It was noted this change refers to posting of meeting materials on the website and there was a change for the council's notice from 5

business days to 5 calendar days. Ms. Donahue stated they were trying to be more consistent with the references to days with the exception of Chapter 2 days will be business days, which is defined as the weekdays the Town Clerk's office is open. Calendar days were kept in other parts of the Charter to give people more time rather than less. When referring to 30 or 60 days it makes sense to go calendar days. They did review each section where days were referenced taking into account the impact. Mr. Massaro stated less notice is less transparent.

Chapter VII, Section 3-BOE

- Mr. Lemoine questioned with an 8-member board how a tie would be broken.

Ms. Donahue explained when the board was a 6-member board there were very few times a resolution couldn't be found, people worked together and reached across the aisle. If there is a tie the motion fails. Attorney Schopick explained state statute provides for the BOE if unable to elect a chair, Town Council would do so. Mr. Tesoro stated the number 8 was recommended by Loretta Chory, the former BOE chair and the current BOF Chairman Lanie McHugh because of the amount of work the BOE does

Mr. Scinto noted the voters vote for the BOE with the current make-up but this would bring it back to the Town Committees. Attorney Schopick explained this doesn't limit they can nominate more people than they can take seats, people of their own party would be running against each other and a person could petition to be put on the ballot. Ms. Donahue stated they were trying to address when people who are newly elected have to put a budget together right after being elected, this revision would put them on a staggered terms with only half the board turning over every two years. It was also to depoliticize the board.

Ms. Donahue explained the 4-year term makes sense for this board as it is a complex board with a huge budget 2-years is not enough time. Attorney Schopick explained they are staggered terms, the political make-up with have the same carryover. Ms. Gaudio stated she has concerns that the Town Committees nominations and how they are elected. Attorney Schopick clarified that as many people who can be elected to the seat can be put forward to run not as many people as your party can elect.

Mr. Massaro stated the change of putting the BOE on 2 year terms as the Town Council does was because with 7 members theoretically there wouldn't be ties and would give the voters a choice every two years, this would change it back to the an even number board. He spoke in favor of staggered terms. The committees will appoint people to the board. Mr. Marsh spoke in favor of staggered terms and questioned if there is a compromise which would give the choice to the electors. Attorney Schopick noted more people can be nominated than can be elected, that provides the opportunity and if other people want to get on the ballot they can petition to do so. The commission has recommended this be a separate question. It's an elected office and is controlled by state law. Ms. Donahue explained it was their intention to bring the board back to operate more fairly with less partisanship. Mr. Massaro stated the BOE is very complex and no matter what the make-

up has been they have done a great job. The Town Council's job is as complex as the BOE and is only a two year term.

Chapter IV Adopting the Annual Budget, Section 3 – Duties of the Town Council

- Mr. Massaro spoke in favor of going back to the date April 30th as the final day to adopt the budget. The BOE has a deadline of May 1st to send out non-renewal notices. With the new provision/date it causes the BOE to struggle.

Attorney Schopick stated the date was due to an amendment of the Charter, the statute is still valid and the Town Council could amend the date at any time.

Chapter VII, Section 17-Ethics Commission-D-Procedure

- Mr. Lemoine noted the following language: “Any person being charged....” has been crossed out.

Mr. McCann explained this revision was due to redundancy as these provisions are contained in the Code of Ethics.

Chapter VII, Section 25 D

- Mr. Scinto questioned the language added where a member could be replaced.

Ms. Donahue explained the word “may” was used. This was debated. Ms. Katske explained there was a time when someone failed to attend and/or participate for two years. The language allows for the possibility of removal it's not mandatory.

Chapter VIII- Electoral Process- Section 10 A (pg. 54)

- Mr. Scinto questioned the strikethrough of this language.

Attorney Schopick explained the Registrar appoints the deputy per statute therefore it is redundant. Ms. Katske explained the statute reads as the deputy registrar must be appointed and the assistant registrar may be appointed. The Charter Revision Commission felt repeating what state law says wasn't necessary.

Chapter VII Boards and Commissions-Section 1 (pg. 27)

- Mr. Massaro suggested the language be changed with regard to the appointment of alternates and their required party affiliations as there are third parties.

Ms. Donahue explained the commission did discuss this, initially they had three alternates no more than two from one party, and they discussed third party candidates, which is why this language came to be. It was to leave room for an independent Ms. Katske added there was discussion on this with regard to other language such as “major parties’ but they decided that was too complicated. Mr. Tesoro stated the idea wasn't republican and democrat but fundamental fairness to people who are elected to boards that they would have representation of their party if they are unable to attend and wanted to make sure the minority party had representation. Mr. Massaro spoke against naming

parties in the Charter and spoke in favor of a more generic way otherwise there could be a legal question on the provision.

Chapter II Legislative Branch (pg. 3 and pg. 5)

- Pg. 3 - Mr. Massaro asked the Town attorney for a written opinion with regard to setting the number of districts but leaving it to the Town Council per state statute to draw the boundary lines, (per state statute).

Attorney Schopick stated there is a process and is in progress now with the current Redistricting Committee, it is the Council's soul province to define the districts but not to determine how many. Mr. Massaro stated the statute doesn't differentiate. Attorney Schopick added this is recommended as a separate question. Attorney Schopick agreed as every question of the chair of the council, he would prepare a legal opinion.

- Pg. 5 – Mr. Massaro noted the addition of an exception to the 15 day publication for appointments, boards and commissions. He had advocated for this for ten (10) years and questioned the timing of when it's posted on the website and the exercise of the veto of the first selectman.

Attorney Schopick explained it wouldn't be posted until the first selectman approved, if the first selectman vetoes it still goes back to the council for override.

Chapter VII – Youth section (pg. 39)

- Ms. Gaudio questioned whether a definition of youth was necessary.

Ms. Gardiner stated the original idea was to have the principal of the high school nominate two (2) people from the high school, but there are many high schools in town so the intent was for them to probably be high school students. Ms. Gaudio suggested an age range be added.

Chapter VII Boards and Commission - Section 8 Police Commission (pg. 30)

- Mr. Scinto questioned the change from the first selectman appointing commissioners.

Attorney Schopick explained statute has provided for this for years, no one had ever picked up on it before. It also provides that the commission should be 3, 5 or 7 members. They changed the number of commissioners and in order to have the terms change over in a logical fashion the terms were adjusted.

Chapter III – Executive Branch (pg. 7, 8 & 9)

- Mr. Massaro stated this section was a substantial rewrite.

Mr. Tesoro explained this was a clarification of what was already in place, what was written was unclear and up for interpretation, they laid out better timeframes and clear circumstance for which a first selectman would need to or should appoint someone to serve in their place if they can't and the order in which they should be made. Ms.

Donahue read the original language. Mr. Massaro noted this took away the choice of the first selectman.

The Chair OPENED the Public Hearing at 8:02 p.m.

There were two (2) people present to speak, public comment is attached

The Chair CLOSED the Public Hearing at 8:08 p.m.

	AYE	NAY	ABSTAIN
Jason Marsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Whitmoyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ashley Gaudiano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eric Paulson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Massaro	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Lemoine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joy Colon, Alt. (Not Voting)			
Tony Scinto, Alt. (Not Voting)			

VOTE: Motion CARRIED 4-2 (AGAINST: Massaro and Lemoine)

There being no further business to discuss and upon motion made by Whitmoyer, seconded by Gaudiano the Legislation & Administration Committee adjourned by unanimous consent at 8:10 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Clerk

Public Comment

1. Keith Klain, Town Council member indicated in general the recommendations seem to be a solution looking for a problem, speeding up government, limiting communication and anti-democratic shielding of officials from transparency through regular elections. Outside of a few politically connected constituents he had not seen a demand from the public for these recommendations. After watching the meetings and reviewing the minutes, the validity of the origins for these weren't debated by the complete extent by the committee and were accepted as required by the first selectman's office. He spoke against the four-year BOE terms as they further shield them from the residents. As we see the same names run from the local parties there aren't continuity issues, but have seen with boards that have limited accountability there is little room for change or dissent and this board is no more complex than the Town Council or the first selectman's office where the committee reversed their decision and kept those at 2-year terms. Longer terms make it harder to keep the officials accountable. Removing multiple notices for postings removes a layer of transparency and the attempt for modernizations harms the seniors of the community that we are trying to serve on the commission of aging. The option of only posting notices electronically is discriminatory in nature. He spoke against adding more commissions, such as the Youth Commission without a valid reason or purpose.
2. Joanne Glasser-Orenstein, Town Council member questioned the BOE terms, she thought they were staggered but see that they seem to be all the same after the 2023 election and asked for clarification. Attorney Schopick confirmed they are staggered 4 turn over every 2 years.