

**MINUTES**  
**Charter Revision Commission**  
**May 20, 2014**

**CALL TO ORDER**

Chairman Suzanne Burr Monaco called the Charter Revision meeting to order at 7:00 p.m. at the Town Hall, Nichols Room, Trumbull, Connecticut. All present joined in the Pledge of Allegiance.

**PRESENT**

Suzanne Burr Monaco, Chairman  
Dan Portanova, Vice Chairman  
Adam Maiocco, Secretary  
Ken Martin  
Daniel Shamas  
Barbara Schellenberg, Attorney

Review minutes of 5/13/14 meeting. Moved by Dan Shamas, seconded by Dan Portanova, voted to approve the minutes.

The Chairman opened with an explanation for the additional Commission meeting, scheduled prior to the public hearing which has been moved to 5/27/14 at 7PM in the Council Chambers. The reason for the rescheduling was that Atty Schellenberg advised that the Charter revisions needed to provide a reason for each change incorporated into the Proposed Draft. The latest draft was provided to Commission members. Additionally, Thomas Lee of the Ethics Commission had provided an email (incorporated herein) regarding modifications to the Ethics Commission revision(s). Tonight we will review all of the proposed revisions and their reasoning, and vote on the same.

The Commission briefly reviewed the draft and the email. D. Portanova suggested that we review the Draft, paragraph by paragraph. Atty Schellenberg noted two corrections to the opening paragraphs: 1. That the Commission was selected by the Town Council, not the First Selectman; 2. Setting forth the meetings held; 3. Reference to suggestions by the Ethics Commission.

Chapter I, Section 4B. After discussion of the repercussions of calendar days vs. business days, particularly regarding FOI special hearings (which require 7 business days notice), it was VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter II, Section 5B  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter II, Section 6  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 1  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 3A  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 3C.  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 6D  
VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section G(ii)

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter III, Section 7

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter IV, Section 3B

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter IV, Section 6

Discussion begun by the Chair, stating her strong feeling to mandate the pension funding to the ARC, and willingness to include a stringent opt-out policy of 50% funding in a year of extreme financial circumstances, upon recommendation by the Board of Finance and with an 18-3 vote of the Town Council. Mr. Portanova feel strongly about the mandate, with no opt-out provision, indicating that it was best for the town and taxpayers in the long run. Mr. Martin has discussed the mandate with other towns, including Newtown (which closely resembles Trumbull). Newtown fully funds to the ARC every year, without a mandate or written town policy. It is Newtown's attitude that the funding is matter of fact and not negotiable. Their attitude appears to be different from Trumbull in that they never consider full funding to be anything less than an obligation. Mr. Maiocco is in favor of the mandate and agreed with the potential 18-3 vote for an opt-out as it would be an extreme circumstance in which an 18-3 vote would be obtained. Mr. Shamas in favor of the mandate with no opt-out. Following significant discussion, including consideration that the Commission can modify the draft following the Public Hearing, it was

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 3A

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 3C

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 3D

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 17D

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter VII, Section 17C

Following discussion of the language proposed by Atty Lee of the Ethics Commission, it was

VOTED: UNANIMOUS to accept the proposed draft as presented.

With the understanding that Atty Lee would present his proposal at the Public Hearing.

Chapter VIII, Section 5D(i)

VOTED: UNANIMOUS to accept the proposed draft as presented.

Chapter IX, Section 7

VOTED: UNANIMOUS to accept the proposed draft as presented.

The Public Hearing will be held at 7PM. The Commission will convene their meeting at 8PM. In the event the public session is not yet completed, we will return to the Public Hearing and re-convene the Commission meeting following the completion of the Public Hearing. The Commission meeting will be to amend, if necessary, any proposed revisions to the Charter. The Commission is required to submit the proposed revisions to the Town Council on or before May 30, 2014.

Following further discussion, it was  
VOTED: UNANIMOUS to accept the entire proposed draft as presented.

The meeting was adjourned by motion of D Portanova, seconded by D Shamas and unanimous consent at 8:05PM

Respectfully submitted,

Nancy Milewski

**Suzanne Burr Monaco**

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**From:** Tom Lee <tom@attorneytomlee.com>  
**Sent:** Friday, May 16, 2014 11:14 AM  
**To:** Suzanne Burr Monaco; Barbara Schellenberg  
**Cc:** Timothy M. Herbst; Robert Miller; Martin L. McCann; James F. Stapleton; Eric Gross; Attorney William Brown; Joseph Piccirillo; Vince Marino  
**Subject:** Charter Revisions - 2014

RECEIVED FOR RECORD  
VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_  
2014 MAY 19 10 58 AM  
TRUMBULL TOWN CLERK  
ATTEST  
TOWN CLERK

Dear Chairman and Counsel,

I have several thoughts on revisions to Section 17(Ethics Commission) of the current Charter of the Town of Trumbull based upon some 14 years as its Chairman. The views expressed are mine however.

I believe Section D should be deleted in its entirety because it is redundant and contains a provision which would violate state statute (FOI). The right to counsel is contained in the Code, the 45 day provision is arbitrary and the Commission must render a decision within 120 days per the Code and the Code specifically allows the Commission to proceed in a hearing in public without the complainant, respondent or other witness. The right to examine and cross examine through counsel or otherwise pro se is already contained in the Code. There is really no reason to have this section in the Charter.

I believe Section C needs several revisions.

1.) The word "shall" should be deleted and replaced with the word "may" after the words "matters involved" in the second sentence. Simply put this is a change from a directory command to a permissive use and standard. Reading the prepositional phrase in its entirety beginning with the phrase "with the exception" it commands a reference to criminal authorities upon mere supposition that a violation of the criminal code may exist. It requires speculation and not much more in the worst case. It also indicates that the matters are then "reserved" for the appropriate criminal authorities. The words "and reserved for" after "referred to" should be deleted in that it is debatable what the word "reserved" means. Does the authority of the Commission cease upon such a referral? Under the Code one of the Sanctions found in Section XI is a recommendation by the Commission to the Town Attorney or State's Attorney for further action. This would follow an investigation, finding of probable cause, hearing in public and the occurrence of a violation. The phrase should not be stricken due to the fact that during the investigation of matters which might be violative of the Code, information may develop of a criminal act. Since the Commission is required to follow the dictates of C.G.S 1-82a (a) it would seem to follow that this otherwise confidential information may be communicated to the Chief State's Attorney or other prosecutorial authority. However a clear authority to do so in the Charter would serve best.

2.) After the words "Town employees" in the first sentence I believe the definition of who is subject to the Code should be expanded to parallel and match the Code with the addition of the following:

"...including the Board of Education and all its employees which term shall include paid consultants of the Town and all Boards, Commissions, and Authorities, including the Board of Education."

The position of the BOE, its employees and paid consultants has provided issues since it is not used in the Charter but in the Code. This language would hopefully resolve this seeming inconsistency.

Thank you for your attention and if there are any questions you may certainly call or write to me or any of the members of the Commission.

Thomas E. Lee

## **TRUMBULL CHARTER REVISION COMMISSION'S**

### **DRAFT REPORT DATED MAY 20, 2014**

The Trumbull Charter Revision Commission consists of five members appointed by the Town Council: Suzanne Burr-Monaco, Daniel Portanova, Adam Maiocco, Ken Martin and Daniel Shamas. The Commission held its organizational meeting on April 8, 2014. At this meeting, the Commission elected Ms. Burr-Monaco as Chairman, Mr. Portanova as Vice-Chairman and Mr. Maiocco as Secretary.

Subsequent meetings were held weekly on April 15, April 22, April 29, May 6, May 13 and May 20, 2014. All meetings were open to the public. A public hearing was held on April 21, 2014 prior to the Commission beginning substantive work on the Charter. The Commission heard and reviewed all suggestions for revisions made by the public, in addition to suggestions made by the First Selectman, the Chairman of the Town Council, the Clerk of the Town Council and the Chairman of the Ethics Commission. The Commission also heard and reviewed information regarding funding of the Town's pensions plans which was provided by the Treasurer and Director of Finance.

After considering all suggestions and information provided, the Commission hereby proposes the following changes to the Town Charter:

#### **Chapter I, Section 4B. Incorporation and General Powers. Defined Terms. (p. 3)**

"Day(s)" means calendar day(s). Unless otherwise specified herein, in determining the last day of a time period, the last day shall, and the first day shall not, be counted.

(REASON: Definition of "calendar days" provided for uniformity throughout Charter; provision on counting days added for clarification.)

#### **Chapter II, Section 5B. Legislative Branch. Meetings (pp. 7-8)**

All elected and appointed boards, commissions, and committees, including the Town Council, will post information about meetings as follows:

- For all meetings, agendas and all non-privileged supplemental materials will be posted on the Town's official web site no less than forty-eight (48) hours prior to the posted start time of the related meeting.
- Minutes of all meetings will be posted on the Town's official web site by the end of the seventh (7<sup>th</sup>) day following the date the meeting ends.

- The information posted on the Town's official web site must be publicly accessible and downloadable.
- The posted information must be kept available on the web site for the greater of five (5) years or the minimum required by law.
- Such additional requirements under the Connecticut Freedom of Information Act as amended.

(REASON: "Non-privileged" language added to clarify that privileged documents, e.g. those discussed in executive session, need not be posted.)

#### **Chapter II, Section 6. Legislative Branch. Adoption of Legislation (pp. 8-9)**

The adoption of the annual budget shall be governed by the provisions of chapter IV, *infra*. Every other legislative action, except an emergency action, election of Council officers, appointment of the Clerk of the Council, appointment of an acting First Selectman and adoption of rules and procedure, shall, within three (3) days of its passage, be submitted to the First Selectman for his/her approval. The First Selectman shall sign the proposed legislation, if he/she approves it. If he/she disapproves of the proposed legislation, he/she may within five (5) days following receipt of the same veto and return it to the Clerk of the Council with a statement of the reasons for his/her veto which statement shall be transmitted by the Clerk to the Council at its next meeting. The Council may thereafter pass the proposed legislation by an affirmative vote of at least two-thirds (2/3) of its entire membership. Final passage shall mean adoption by the Council and approval by the First Selectman as provided herein or, in the event of veto by the First Selectman, a subsequent adoption of such legislation by two-thirds (2/3) vote of the entire membership of the Council. If the First Selectman neither approves nor vetoes said legislation within the time required, no further action shall be required by the Council for final passage. Unless such legislative action shall be designated emergency legislation as provided herein, or shall specify a later effective date, it shall become effective on the fifteenth (15<sup>th</sup>) day following publication, except with reference to the annual budget which shall become effective as hereinafter provided. Additionally, the fifteen (15) day period shall not apply to appointments made for members of Boards and Commissions. Such appointments shall become effective immediately upon publication.

(REASON: 15 day waiting period for appointments to Boards and Commissions omitted to provide quorums for meetings).

**Chapter III, Section 1. Executive Branch. Office of First Selectman; Election and Qualifications. (p. 12)**

Except as provided herein, a First Selectman shall be elected at the Town election to hold office for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, a First Selectman shall be elected at the Town election to hold office for a term of four (4) years and until his/her successor shall be elected and qualified.

(REASON: Term changed to 4 years to provide greater continuity.)

**Chapter III, Section 3A. Executive Branch. Absence, Disability, Vacancy, etc. (p. 13)**

In the event of his/her disability, personal emergency or temporary absence, the First Selectman may, by letter filed with the Town Clerk, appoint the Chairman of the Town Council or the Town Treasurer in the event that the Chairman of the Town Council cannot or will not serve, to perform the duties of and serve as acting First Selectman. In the event that the First Selectman fails to do so, the Town Council may make said appointment by resolution. The Town Council shall in any event make said appointment if the First Selectman shall be absent from his/her duties for more than thirty (30) consecutive days.

(REASON: Succession changed to minimize need for special election; Chairman is also involved in all aspects of Town government.)

**Chapter III, Section 3C. Executive Branch. Absence, Disability, Vacancy, etc. (p. 14)**

Such special election shall be held on a day to be prescribed by the Town Council which day shall not be earlier than the ninetieth (90<sup>th</sup>) day and not later than the one hundredth (100<sup>th</sup>) day following the day of such warning. Until the result of said special election shall have been determined, the Chairman of the Town Council shall serve as acting First Selectman. If the vacancy occurs within one (1) year from the end of the First Selectman's term, no proceeding shall be had to fill the vacancy and the Chairman of the Town Council shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term. In the event

the Chairman of the Town Council declines to serve, the Town Treasurer shall become the First Selectman and serve as First Selectman until the expiration of the First Selectman's term.

(REASON: 6 months changed to 1 year to provide greater continuity especially for budget process; succession changed to conform with change in Section 3A.)

**Chapter III, Section 6D. Executive Branch. Department of Finance. Treasurer. (p. 18)**

Except as provided herein, the Treasurer shall be elected at the Town election for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, the Treasurer shall be elected at the Town election for a term of four (4) years and until his/her successor shall be elected and qualified. The Treasurer shall have and exercise the powers and duties conferred and imposed by law on town treasurers except those duties which are conferred specifically upon the Director of Finance by this chapter.

(REASON: Term changed to 4 years to provide greater continuity.)

**Chapter III, Section G(ii). Executive Branch. Department of Finance. Purchasing contracts and expenditures. (p.21)**

Before any purchase is made or any contract for insurance, public work or services, other than professional services, involving an expenditure of more than five thousand dollars (\$5,000.00), is let, said purchasing authority shall procure quotes from at least three (3) sources, whenever practicable, and such quotes shall be open to any bidder who shall conform to the regulations which may be imposed by said purchasing authority when the quotes are requested.

(REASON: \$1,000.00 expenditure changed to \$5,000.00 due to increased costs of many purchases and contracts; it has also become increasingly difficult to obtain bids for lower dollar amount.)

**Chapter III, Section 7. Executive Branch. Town Clerk. (pp. 24-25)**

Except as provided herein, the Town Clerk shall be elected at the Town election for a term of two (2) years and until his/her successor shall be elected and qualified. Commencing with the election occurring in November 2017, the Town Clerk shall be elected at the Town Election for a term of four (4) years and until his/her successor

shall be elected and qualified. The Town Clerk shall have all powers and duties conferred or imposed by law on town clerks and shall serve as registrar of vital statistics. The Town Clerk shall appoint and remove, subject to the provisions of Chapter VII, Section 15 of this Charter, all full-time deputies, assistants and employees in his/her office.

(REASON: Term changed to 4 years to provide greater continuity.)

**Chapter IV, Section 3B. Adopting the Annual Budget. Duties of the Town Council. (p. 39)**

The Town Council shall consider the budget recommended by the Board of Finance and shall adopt a budget by a majority vote of the Town Council members present and voting no later than the 30<sup>th</sup> day of April, and submit same to the First Selectman within two (2) days of adoption.

(REASON: Clarification that Town Council adopts overall budget by majority vote.)

**Chapter IV, Section 6. Adopting the Annual Budget. Funding Pension Plans (NEW SECTION) (Should also be added to the Table of Contents) (p. 41)**

Notwithstanding any of the foregoing provisions of this chapter or any other provision of this Charter, the budget adopted for each fiscal year shall fully fund the Town's Retirement Plan and Police Retirement Income Plan based on the Annual Required Contribution for each plan as prepared by the actuaries. The amounts for these Annual Required Contributions shall be included in the proposed budget prepared by the First Selectman pursuant to Section 1 of this chapter, the budget recommended by the Board of Finance pursuant to Section 2 of this chapter, and the budget adopted by the Town Council pursuant to Section 3 of this chapter.

(REASON: Funding mandated to ensure that Town's legal obligations are met on an annual basis.)

**Chapter VII, Section 3A. Boards and Commissions. Board of Education. Composition and election. (pp. 47-48)**

Except as provided herein, the Board of Education shall continue as established, subject to and pursuant to the General Statutes, consisting of seven (7) resident electors. At the Town election occurring in November 2015, three (3) members shall be elected for a term of two (2) years and four (4) members shall be elected

for a term of four (4) years. Commencing with the Town election occurring in November 2017, all vacant seats on the Board of Education shall be filled by members elected for a term of (4) years, unless otherwise prescribed by the General Statutes.

(REASON: Term changed to 4 years to provide greater continuity; staggered elections provided to prevent complete Board turnover in any one election.)

**Chapter VII, Section 3C. Boards and Commissions. Board of Education.  
*Transition Election (p. 48)***

Delete this Section.

(REASON: No longer applicable.)

**Chapter VII, Section 3D. Boards and Commissions. Board of Education.  
*Powers and duties.***

Change "D." to "C."

(REASON: Required due to deletion of previous section.)

**Chapter VII, Section 17D. Boards and Commissions. Ethics Commission.  
*Procedure. (pp. 64-65)***

Delete this Section.

(REASON: Procedures are addressed by ordinance and section D(ii) is inconsistent with FOI requirements.)

**Chapter VIII, Section 5D(i). Electoral Process. Vacancies. (p. 73)**

The receipt by the Town Clerk of the incumbent's written resignation; for the purpose of computing the (10) day period specified in subparagraph (C)(i), *supra*, when a resignation has occurred, the first day of the ten (10) day period shall be the day the written resignation is received and time stamped by the Town Clerk.

(REASON: Provision on time period added to clarify long-standing practice.)

**Chapter IX, Section 7. Adoption and Amendment Procedures. Referendum on Approval of Charter. (p. 94)**

This Charter as revised shall be submitted to the electors of the Town for approval at the election to be held on November 4, 2014. If a majority of those voting shall vote in favor thereof, this Charter as revised shall become effective thirty (30) days after the election.

(REASON: Provision updated.)