

**EAST HAVEN TOWN COUNCIL
SPECIAL MEETING MINUTES
MONDAY, NOVEMBER 25, 2013**

The East Haven Town Council held a special meeting Monday, November 25, 2013, at 7:00PM at the Mario Giaimo Room, East Haven Town Hall, 250 Main Street, East Haven, CT 06512.

Mayor Joseph Maturo Jr. calls the meeting to order at 7:00PM.

Item #1

Roll Call- all 15 members present.

Item #2

Appointment of a permanent Clerk of the Legislative Town Council.

Councilman Richard Anania makes a motion to appoint Danelle Feeley.

Councilwoman Judy Esposito seconds the motion.

Roll call vote: all in favor- none oppose- none abstain. Motion carries.

Councilman Anania makes a motion for a Republican caucus.

Councilman Robert Sand seconds the motion.

Republican caucus begins at 7:01PM.

Republican caucus ends at 7:13PM.

Councilman Parlato did not return from the caucus.

Councilman Joseph Badamo calls for a Democratic caucus.

Councilman Michael Riolino seconds the motion.

Democratic caucus begins at 7:01PM.

Democratic caucus ends at 7:07PM.

Mayor Maturo calls the meeting back to order at 7:14PM.

Item #3

Election of a permanent Chairperson of the Legislative Town Council.

Councilman Vincent Spaduzzi makes a motion to elect Richard Anania.

Councilman Joseph Santino seconds the motion.

Roll call vote: 13 yes- 1 no (Badamo) – no abstentions. Motion carries.

Item #4

Election of a permanent Vice-Chairperson of the Legislative Town Council.

Councilman Vincent Spaduzzi makes a motion to elect Robert Parente.

Councilwoman Esposito seconds the motion.

Councilman Nicholas Palladino makes a motion to elect Robert Sand.

Councilman Badamo seconds the motion.

Councilman Sand says thank you but he is not going to accept the nomination.

Roll call vote for Robert Parente: all in favor- none oppose- none abstain. Motion Carries.

Item #5

Approval of minutes from November 12, 2013 Regular Meeting.

Town Attorney Joseph Zullo explains that for any members who were not on the Council at the time of this meeting can feel free to abstain, unless they obtained a copy of them and wish to vote on approving them.

Councilman Santino makes a motion.

Councilman Parente seconds the motion.

Roll call vote: 9 yes- 0 no- 5 abstentions (Mckay, Butler, Thompson, Spaduzzi and Palladino). Motion carries.

Item #6

Short review of Town Council policies, standing rules, pertinent Freedom of Information Act provisions, and relevant procedures.

- Town Attorney Joseph Zullo explains that the vast majority of the Council's powers and duties come from the Town Charter; it is all in Chapter 3. Anyone can go and get a copy of the Charter from Town Clerk Stacy Piccirillo. Stacy explains that for the next meeting she can have copies available for anyone who may want them and does not already have one. Attorney Zullo explains that the Council acts in three ways, by Ordinance, by Resolution and individual members act by motion. Ordinances are required for transfers in excess of \$50,000 and resolutions are required for transfers between \$25,000 and \$49,999. This is important to know because Ordinances require public hearings. Notices are put

in the newspaper before and after for Ordinances. The standing rules are where you get the procedures for how the Council operates. So the Charter provides powers and duties, and the standing rules provide the procedures. He says again, if anyone does not have a copy of the standing rules, they can get a copy from the Town Clerk. The key things to know are that 8 people constitute a quorum. Regular meetings are set every year; they are set at the regular meeting following the Election. So technically, at the next meeting the Council will set the meetings for 2014. The Mayor or the Chairperson can call a special meeting. Public Hearings can only be scheduled by Council vote but they can be re-scheduled by the Chairman. So, if the Council sets a Public Hearing for an Ordinance and there is not a quorum, the Chairman can re-set that public hearing without going back to the Council. Conduct at meetings is easy; all discussion runs through the Chairman. Anytime you have a question or wish to speak, you should address the Chairman. The same thing goes for the public when it is time for public comment. The public should address the Chairman with their comment, and if they wish to ask a Councilman or a member of the audience a question, they should address it through the Chairman. There are subcommittees which Council members will be appointed to. One subcommittee all council members will serve on is the Hearing Committee. The Hearing Committee sits for the public hearings. At the end of a public hearing, the Hearing Committee reports to the full Town Council and recommends action on every public hearing. So they hold a public hearing, at the end they vote to recommend action on it and at the meeting immediately following it, the Council will then vote on the Ordinance or whatever the subject of the public hearing was. As far as setting the agenda, there is an Administrative Services committee that consists of the Chairman and two members of the Council chosen by the Chairman, one which is from the majority party and one from the minority party. The agenda is set every month by this committee, and if the committee fails to meet it can be set by the Chairman. The Charter has specific provisions about how the public can submit items to the administrative services committee for consideration to be put on the agenda. It can be worked out with the Chairman to decide who they would like to have on the committee.

- Councilman Badamo states that the Democrats decided Councilman Henry Butler III will do it from their party. Chairman Anania is in agreement with that.
- Attorney Zullo states that the last thing they need to know is that if the Charter is where the powers and duties come from and the standing rules set how you act, The Freedom of Information Act is the key provision that tells you what you can and cannot do as far as ones duties as public officials and a public agency. It tells you that you have to have 24 hour notice for a special meeting and the schedule of regular meetings has to be out by January 31 of each year. The three other key provisions are if you were to have a caucus, which is a meeting

of all members of a single political party, you can request one and no other members are allowed. Executive sessions are a meeting without the public, of the entire Town Council for purposes of discussing a very select group of items specified under the Freedom of Information Act. For example, Town contracts, employee/personnel issues, settlements of lawsuits/pending litigation. In those sessions, members who are not sitting members of this public agency can come in and speak to the Council such as himself, the Mayor, etc.

- Councilman Michael Riolino asks if a notice has to be put out, he can't recall them ever having a meeting just for purposes of an executive session.
- Attorney Zullo says you don't have to put a notice out. Anytime you have a subject matter which falls under the executive session provision, the Council can call an executive session.
- Councilman Riolino asks if it is a special meeting first.
- Chairman Anania says if something is on the agenda, say it is a personnel matter, we can call to go in executive session. Attorney Zullo says if it is a regular meeting and something comes up and is added to the agenda, you can go into executive session without having it already on the agenda.
- Councilman Riolino asks about an instance when they would call the Town Council in order to have an executive session. Then would it require a notice of a special meeting.
- Councilman Palladino says when he was on the Board of Education that is the way they had to do it.
- Attorney Zullo says it can be done that way, or if they plan to have an executive session at a regular meeting it can just be put on the agenda.
- Attorney Zullo says lastly, they are a public agency so if you all happen to be at Chilis tonight talking, it is not a meeting per say. But if they all go and discuss what we are going to do with 200 Tyler Street, you have now conducted a meeting. He explains that they should be careful what is done by email and phone. If more than 8 of them reply to a stream of emails together not about procedure but about substantive issues, they have conducted a meeting. If the Council does end up getting ipads or tablets, they are for public use and anything on them is FOI able.
- Councilman Riolino asks about a caucus, what if he got together with the other Democrats outside of this meeting.
- Attorney Zullo explains that it is not a meeting because they do not have the majority.
- Councilman Santino asks about the schedule for regular meetings, will it be the same as it is now the first Tuesday of the month. Then they can avoid so many special meetings. Attorney Zullo states that they can discuss this at their next meeting. In some instances they will need special meetings but hopefully there can be less.

- Attorney Zullo adds that as far as legal opinions go, he issues legal opinions to the Chairperson of a committee or subcommittee. So Council Chairman Rich Anania can request a legal opinion and the Council as a group can make a motion or a resolution to request a legal opinion. He cannot give legal opinions to individual Council members.
- Chairman Anania says hopefully the ipads will be given to the Council which will make things easier.
- Town Clerk Stacy Piccirillo says that the Ordinances are online on the Town website but if anyone wants a copy, they can call the Office and request one.
- Councilman Anthony Mansi asks if there have been any updates or changes since the last addition received. Chairman Anania explains that the Resolutions that they pass get added to it. The Clerk has all the copies if needed. But we won't be doing the books again unless requested.
- Councilman Riolo asks about a policy for public hearings. It seems like there are times people from the public call from their seats. Can we have them approach the clerk, give her their information and we have a microphone next to the clerk where they can address the Council from. In the past the person commenting would have to sit next to the person who is the focal point and it was awkward.
- Councilman Santino says we can set up a separate table for public comment somewhere else with a microphone.
- Attorney Zullo says there is nothing in the standard rules to prevent it, and as a body they can adopt revised standing rules and this can be incorporated in that. He adds that as far as special meetings go, the topic of conversation should be constrained to the points on the agenda so as a result, he suggests they adjourn and bring this up at the next meeting regarding Council procedure.

Item #7

Councilman Santino makes a motion to adjourn.

Councilman Parente seconds the motion.

Voice vote: all in favor- none oppose- none abstain. Motion carries.

Meeting is adjourned at 7:31PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council