

**CITY OF BRIDGEPORT
MISCELLANEOUS MATTERS
REGULAR MEETING
JULY 28, 2014**

ATTENDANCE: AmyMarie Vizzo-Paniccia, Co-chair; Patricia Swain, Co-chair, Council President Thomas McCarthy, Milta Feliciano, Denese Taylor-Moye, Jack O. Banta, Robert Halstead (6:09 p.m.)

OTHERS: Al Yazbak; Erin McDonough, CAO Office; Atty. Betsy Edwards, City Attorney's Office, Mark Anastasi, City Attorney

CALL TO ORDER

Council Member Swain called the meeting to order at 6:04 p.m. A quorum was present.

APPROVAL OF COMMITTEE MEETING OF JUNE 23, 2014

**** COUNCIL MEMBER FELICIANO MOVED THE MINUTES OF JUNE 23, 2014.
** COUNCIL MEMBER BANTA SECONDED.
** THE MOTION TO APPROVE THE MINUTES OF JUNE 23, 2014 AS SUBMITTED PASSED UNANIMOUSLY.**

117-13 Appointment of Alfred Yazbak (D) to the WPCA Commission.

Council Member Swain explained that the reason that this appointment had been tabled because another appointee had been heavily vetted in the newspapers. Ms. McDonough said that the term "complete background check" was misleading because there was no single database that would cover all the possibilities.

Council Member Halstead joined the meeting at 6:09 p.m.

Council Member Swain asked if there were any other concerns from the Committee members.

Council Member Taylor-Moye said that when Mr. Yazbak was presented before, he was very up front, what the charges were and how they were handled. She said that he had gone through all of this with the Committee. The other appointee had not stated the issue on the forms and the issue had not shown up on the background check done by the City. Because Mr. Yazbak was honest and forthright, she felt that he could sit on a commission without a problem.

**** COUNCIL MEMBER FELICIANO MOVED TO APPROVE THE APPOINTMENT OF MR. ALFRED YAZBAK TO THE WPCA
** COUNCIL MEMBER BANTA SECONDED.**

**** THE MOTION PASSED WITH SIX IN FAVOR (BANTA, TAYLOR-MOYE, MCCARTHY, FELICIANO, SWAIN AND VIZZO-PANICCIA) IN FAVOR AND ONE OPPOSED (HALSTEAD).**

An Informal session regarding a review of the current application process pertaining to appointees to boards and commissions.

Council Member Swain said that she was concerned that the entire council was voting on the appointment of a person that they had little or no information on. As a co-chair for the Miscellaneous Matters, she receives the paperwork before the Committee meeting, but the other members of the Committee do not have access to the forms until the night of the Committee meeting.

Council Member Taylor-Moye said that she had been told that she should attend other committee meetings when she first came on the Council. While she has attended other committee meetings, she did not know how the Council could arrange for all the members to be present for a Committee meeting.

Atty. Mark Anastasi joined the meeting at 6:17 p.m.

Council Member Feliciano pointed out that the Council agenda was published in advance and the information was in the packets. If someone had an issue, they could call the chair with questions.

Council Member Vizzo-Paniccia said that she had made a practice to send out emails to Council Members but she had never been approached by a non-Committee Council member for more information. In the past, there were many meetings when the Council President made the quorum in order for the meeting to be held because the other members were not coming to the meetings. She added that she had asked the City Clerk's office to insure that there was a quorum.

Council President McCarthy asked Atty. Anastasi about the level of background checks and what was covered for FOI. Atty. Anastasi said that personnel records and medical records were exempt from FOI. Atty. Anastasi then asked Ms. McDonough if any applicant had asked what would be done with the information on the form. She said that the information goes to the Ethics Commission and the Miscellaneous Matters Committee. Atty. Anastasi said that one of the issues was that once the information was handed out to the Committee, it becomes a public discussion. He said that it would be important to let the applicants know that the information they disclose would be made public. Council President McCarthy said that he felt that the Council would need an legal opinion on this.

Council Member Vizzo-Paniccia said that the application should be reviewed and things like the date of birth should be removed. She added that there should be a disclaimer about this. Council President McCarthy agreed that having a disclosure statement on the application. Discussion followed.

Council Member Taylor-Moye asked about a previous request to have something indicating whether or not the applicant had been a felon. Atty. Anastasi said that the idea was not to discourage people from applying. Council President McCarthy said that the questions used to be asked up front, but now it is asked later in the application process. Atty. Anastasi said that there were a number of steps that an application goes through. He went on to speak about the nature, severity and the age of the incident and how this might impact a candidate.

Council President McCarthy pointed out that despite the fact that candidate who had been discovered to be a felon had undergone the normal checking process, the incident would not have come up on the background checks. Atty. Anastasi then reviewed the level of the background check, which is the same for the City employees. The Board of Education, Fire Department and Police Department have a more extensive background check. He went on to explain the difference between the levels of the checks and how a removal would be done if it was discovered that someone had lied or misrepresented something. Ms. McDonough pointed out that the issue that had cause the problem was in a sealed juvenile record and should never have been released on the Internet.

Council President McCarthy pointed out that there were legal reasons why a full Federal investigation might be done. Atty. Anastasi said that City is not able to do a full check, and he doubted that the State would do a full background check for the City. Atty. Anastasi said that a Council Member could actually research the applicant. Council President McCarthy said that he felt that this would be a role that the administration should do. Atty. Anastasi reminded everyone that all Internet searches are not equal. Council President McCarthy said that Ms. McDonough had explained that before the meeting started.

Council Member Swain said that it was clear that the Committee needed some info from OIA and FOI before proceeding further.

Council Member Swain said that that the Committee members do not know how many applicants were in the pool. Council President McCarthy explained that the Mayor has the right to appoint nominees to the Commissions and Committees. Atty. Anastasi added that it was not a competitive process. He said that it would not be wise for the Council to reject a candidate that was recommended by a Council Member. Council President McCarthy said that it was a give and take.

Council Member Vizzo-Paniccia asked about bringing information forward from other sources. Atty. Anastasi that he did not think that it was a bad idea for the Council Members to research candidates on the Internet. Discussion followed.

Council Member Taylor-Moye said that there were a large number of people who have a criminal background, and if the Council needed to do this for the appointees, then everyone needs to have the same level of investigation. Atty. Anastasi said that this had been a very significant discussion for both Ms. McDonough and for him. He said that they would double check with Civil Service regarding the level of investigation they perform.

Council President McCarthy suggested that this item should be on next month's meeting, Ms. McDonough also suggested that the co-chairs request Internal Affairs to attend the meeting.

Council Member Taylor-Moye left the meeting at 6:58 p.m.

Proposed Settlement of Pending Litigation with Ryan Keane.

EXECUTIVE SESSION

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS LEGAL ISSUES.**

**** COUNCIL MEMBER FELICIANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The remaining Committee members, Council President McCarthy, Attorney Anastasi, and Attorney Edwards entered into Executive Session to discuss legal issues at 6:58 p.m.

Council Member Vizzo-Paniccia left the meeting at 7:13 p.m.

Council Member Vizzo-Paniccia rejoined the meeting at 7:16 p.m.

The Committee members returned to public session at 7:17 p.m.

**** COUNCIL MEMBER VIZZO-PANICCIA MOVED TO APPROVE THE PROPOSED SETTLEMENT OF PENDING LITIGATION WITH RYAN KEANE.**

**** COUNCIL PRESIDENT MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ADJOURN.**

**** COUNCIL MEMBER FELICIANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:18 p.m.

Respectfully submitted

Sharon L. Soltes
Telesco Secretarial Services