

CITY COUNCIL MEETING

PUBLIC SPEAKING FORUM

MONDAY, SEPTEMBER 21, 2020

6:30 P.M.

CALL TO ORDER

This meeting was conducted by Zoom/Teleconference.

Council President Nieves called the meeting to order at 6:32 p.m.

ROLL CALL

No roll call was taken.

THE FOLLOWING NAMED PERSON HAS REQUESTED PERMISSION TO ADDRESS THE CITY COUNCIL ON MONDAY, SEPTEMBER 21, 2020 AT 6:30 P.M.

<u>NAME</u>	<u>SUBJECT</u>
Chris Caruso 208 Beechmont Avenue Bridgeport, CT 06606	FBI & US Attorney criminal investigations, attorney fees, indictment and position of police chief.

Assistant City Clerk said that she had received an email saying that Mr. Caruso would not be attending the meeting due to illness.

Kelvin Ayala 333 State Street Bridgeport, CT 06604	Criminal investigations, city funded criminal, defense attorney fees, indictment and position of chief of police.
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Mr. Ayala greeted the Council Members and asked if the City was embarrassed yet. He said that the Council should be looking at their oath of office and said that the City was in a state of crisis. The Council is the legislative body that should be taking action.

Mr. Ayala said that Atty. Bohannon had provided an opinion but that they needed to refer to the City Charter. He said that the list from the previous Police Chief was still good. The only tainted candidate was Chief Perez, not the rest of the individuals on the national search. He implored the City Council to move forward and request the Mayor to appoint someone from the previous Civil Service list. There is a major moral issue and the Police Department needs leadership.

Regarding Resolutions 139-19 and 132-19 which are on the Agenda and the public knows that these are criminal matters. The City should seek reimbursement for the fees. The City pays out significant money because they don't follow the Charter.

Maria Pereira
85 Nutmeg Road
Bridgeport, CT 06610

FBI & US Attorney criminal investigations, attorney fees, indictment and position of police chief.

Council Member Pereira then made the following comments regarding the appointment of permanent Police Chief.

Tonight there are three critical resolutions before the Council that will clearly impact the taxpayers and residents of Bridgeport regarding whether the resolutions represent the interest of the residence or of the Ganim administration.

The first item is up for Immediate Consideration and regards to the appointment of a permanent Chief of Police from an active employment list. The City Charter Section 4B3 that the Personnel Director shall provide the Mayor with a certified list of three candidate. It is clear that there is an active employment list available from on or around October 2018 that was provided by the defendant, David Dunn.

Council Member Pereira then quoted the City Charter Section 211 which indicates that the employment list for Chief of Police would remain valid until October 2020. She added that the indictment also stated that the FBI was unable to find any evidence that any of the remaining finalist were involved in the reading of the Chief of Police test. The indictment also states that Mr. Dunn made changes to the scoring system in order to benefit A. J. Perez. These changes were to the detriment all the other finalists, but particularly to that of Captain Porter, who is the only Bridgeport resident. He did not benefit from these additional points to the original scoring guidelines.

Mayor Ganim may not appoint an Acting Chief of Police under Section 4D3 [inaudible] irrelevant. In addition in order to maintain an active Chief of Police. Section 4D7 states [inaudible] shall possess all the qualifications established for the Chief of Police. She added that she obtained the documents regarding a national Chief of Police search, from the consultant's website, stated that the candidate needed ten years of law enforcement, with a minimum five years of command experience defined as Captain or above in the Bridgeport PD or fourth in command anywhere else in the country.

The Acting Chief was not promoted to Captain until January 4, 2016 which means that the qualifications for the Chief of Police have not been met. The failure to right this egregious wrong will result in further litigation and substantial settlements paid by overburdened taxpayers.

A legal opinion was issued at 4:29 p.m. regarding a resolution that Council Member Pereira referred on July 9th involving the termination all the retainer agreements for criminal defense attorneys making \$425 an hour representing Mayor Ganim, Dan

Shamas, former Civil Service Director David Dunn, and former Chief of Police Perez, which is being 100% funded by the overburdened taxpayers. Atty. Meyers should be held accountable for recouping every dollar associated with the criminal defense attorneys and municipal expenditures. [Inaudible] prohibited from signing any further contracts related to the criminal investigation without City Council approval.

During last week's [inaudible] budget, both Ken Flatto and Mark Anastasi admitted that Guidepost Solutions had already been paid \$380,000; Mayor Ganim's attorney had been paid \$120,000; Atty. DeVito had been paid \$56,000 with an outstanding invoice of \$40,000 pending; Atty. Paoletti representing David Dunn had been paid \$18,000; and Atty. Frost has been paid \$7,500 to represent A. J. Perez. No cost has [inaudible] Dan Shamas.

Council Member Pereira stated that the total cost was currently \$622,000 for the municipal tax payers. She asked how the two high level City officials that were arrested and indicted and facing a combined 90 years in prison are at \$25,000 in legal fees, yet Mayor Ganim who is completely innocent has \$120,000 in legal fees funded by tax payers. She said that the public would find out who stands up for the residents and who does not.

ADJOURNMENT

Council President Nieves adjourned the meeting at 6:44 p.m.

Respectfully submitted,

Telesco Secretarial Services

CITY OF BRIDGEPORT
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 21, 2020

7:00 P.M.

This meeting was conducted by Zoom/Teleconference.

The public was able to listen to this meeting by calling a conference line.

CALL TO ORDER

Mayor Ganim called the meeting to order at 7:00 p.m.

PRAYER

Mayor Ganim asked Council Member McBride-Lee to lead everyone in a prayer.

PLEDGE OF ALLEGIANCE

Mayor Ganim asked City Clerk Lydia Martinez to lead those present in reciting the Pledge.

ROLL CALL

The City Clerk called the roll.

130th District: Scott Burns, Matthew McCarthy
131st District: Denese Taylor-Moye, Jorge Cruz
132nd District: Marcus Brown, M. Evette Brantley
133rd District: Michael DeFilippo, Jeanette Herron
134th District: Michelle Lyons, AmyMarie Vizzo-Paniccia
135th District: Rosalina Roman-Christy, Mary McBride-Lee
136th District: Avelino Silva, Alfredo Castillo
137th District: Maria Valle, Aidee Nieves
138th District: Maria Pereira, Samia Suliman
139th District: Ernest Newton

A quorum was present.

MINUTES FOR APPROVAL:

• **August 3, 2020**

**** COUNCIL MEMBER HERRON MOVED THE MINUTES OF AUGUST 3, 2020.**

**** COUNCIL MEMBER VIZZO-PANICCIA SECONDED.**

Council Member Martinez joined the meeting at 7:05 p.m.

Council Member Pereira said that there was significant problem with pages 19-23. She submitted the following statement:

The votes and motions from Page 19-23 regarding seeking the City Attorney's assistance to provide language in censuring City Council Members is a egregiously incorrect.

There is not even a vote identified for the motion for immediate consideration made by Ernest Newton and seconded by Denese Taylor-Moye. That vote is listed as the second paragraph of votes on Page 23 on the main motion which passed by two-thirds.

I amended the main motion, NOT the motion for immediate consideration.

Defilippo seconded my motion on page 22 not Silva and the vote on Page 23 appears to be correct.

I made the first motion to remove the item from the agenda as it was not submitted to the City Clerk until Friday which was AFTER the required Wednesday 5:30 PM deadline. That vote is recorded correctly.

The motion for immediate consideration was not amended and passed with just me opposing. That vote is missing and incorrectly recorded on Page 23 under the main motion.

I then amended the main motion to add a number of other City Council members to be censured. That vote appears to be reported correctly on Page 23.

The Mayor never called for a vote on the main motion. Others and I caught the error, however it was not my job to educate the Mayor or my colleagues. There was NEVER a fourth vote on the main motion.

I simply kept it quiet.

**** COUNCIL MEMBER PEREIRA MOVED TO TABLE THE MINUTES OF AUGUST 3, 2020.**

**** COUNCIL MEMBER DEFILIPPO SECONDED.**

**** THE MOTION TO TABLE THE MINUTES OF AUGUST 3, 2020 PASSED UNANIMOUSLY.**

ITEMS FOR IMMEDIATE CONSIDERATION:

166-19 Resolution presented by Council Member(s) Pereira & Co-Sponsors DeFilippo & McCarthy re: Proposed resolution concerning the Appointment of a permanent Chief of Police, FOR IMMEDIATE CONSIDERATION.

**** COUNCIL MEMBER PEREIRA MOVED FOR IMMEDIATE CONSIDERATION REGARDING AGENDA ITEM 166-19 – PROPOSED RESOLUTION CONCERNING THE APPOINTMENT OF A PERMANENT CHIEF OF POLICE.**

**** COUNCIL MEMBER CASTILLO SECONDED.**

Council Member Brown reminded everyone that this item had a 2/3rd vote out of Committee.

Council Member Pereira said that the issue was following the City Charter. She cited Section 4-7 and Section 4-3 along with the indictment. She said that there was an active Civil Service list and the FBI had found no evidence that the other seven finalists were involved.

Council Member Pereira said that she was concerned that there was impending litigation and it would be adding fuel to the fire by not following the City Charter and following the law.

Council Member Brantley asked whether the Mayor had the authority to appoint an Interim Police Chief and reminded everyone that someone had already been appointed to the position.

Council Member Lyons abstained because the Chief reports to the Police Commission. She has a conflict.

Council Member Roman-Christy abstained because she had a conflict.

Council Member Suliman abstained because she had a conflict.

**** THE MOTION FOR IMMEDIATE CONSIDERATION OF AGENDA ITEM 166-19 RESOLUTION PRESENTED BY COUNCIL MEMBER(S) PEREIRA & CO-SPONSORS DEFILIPPO & MCCARTHY RE: PROPOSED RESOLUTION CONCERNING THE APPOINTMENT OF A PERMANENT CHIEF OF POLICE FAILED TO PASS WITH TWO (2) IN FAVOR (PEREIRA AND DEFILIPPO); FOURTEEN (14) OPPOSED(BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, MCBRIDE-LEE, HERRON, VIZZO-PANICCIA, SILVA, CASTILLO, NIEVES, VALLE AND NEWTON) AND THREE (3) ABSTENTIONS (LYONS, ROMAN-CHRISTY AND SULIMAN).**

**** COUNCIL MEMBER PEREIRA MOVED TO REFER AGENDA ITEM 166—19 RESOLUTION TO THE CONTRACTS COMMITTEE FOR FURTHER DISCUSSION.**

**** COUNCIL MEMBER DEFILIPPO SECONDED.**

**** THE MOTION TO REFER AGENDA ITEM 166-19 RESOLUTION PRESENTED BY COUNCIL MEMBER(S) PEREIRA & CO-SPONSORS DEFILIPPO & MCCARTHY RE: PROPOSED RESOLUTION CONCERNING THE APPOINTMENT OF A**

PERMANENT CHIEF OF POLICE TO CONTRACTS FAILED TO PASS WITH FIVE (5) IN FAVOR (BURNS, MCCARTHY, CRUZ, DEFILIPPO, AND PEREIRA); TWELVE (12) OPPOSED (BROWN, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, SILVA, CASTILLO, NIEVES, VALLE, SULIMAN, NEWTON AND TAYLOR-MOYE) AND TWO (2) ABSTENTIONS (LYONS AND ROMAN-CHRISTY).

RESOLUTIONS TO BE REFERRED TO BOARDS, COMMISSIONS, ETC.:

167-19 Resolution presented by Council Member(s) Lyons, Burns, Cruz, Brown, Herron, DeFilippo, Roman-Christy, Silva, Valle & Martinez re: Proposed resolution for traffic calming “Speed Humps” in the 134th District and a Speed Hump Pilot Program, referred to Board of Police Commissioners.

**** COUNCIL MEMBER BROWN MOVED THE ITEM.**

**** COUNCIL MEMBER CRUZ SECONDED.**

**** THE MOTION TO APPROVE AGENDA ITEM 167-19 RESOLUTION PRESENTED BY COUNCIL MEMBER(S) LYONS, BURNS, CRUZ, BROWN, HERRON, DEFILIPPO, ROMAN-CHRISTY, SILVA, VALLE & MARTINEZ RE: PROPOSED RESOLUTION FOR TRAFFIC CALMING “SPEED HUMPS” IN THE 134TH DISTRICT AND A SPEED HUMP PILOT PROGRAM, REFERRED TO BOARD OF POLICE COMMISSIONERS PASSED UNANIMOUSLY.**

MATTERS TO BE ACTED UPON (CONSENT CALENDAR):

***160-19 Budget and Appropriations Committee Report re: Approval of Tax Anticipation Notes (TANS) To Pay Current Expenses and Obligations of the City – FY2021.**

***147-19 Contracts Committee Report re: Updated ranges for Officers’ and Unaffiliated Employee Salaries pursuant to and as required by Municipal Code Section 2.36.010. (Please Note: Item is being reported back to the City Council with a recommendation that the Council take no action on the matter)**

***148-19 Contracts Committee Report re: Equipment Lease – Purchase Agreement with Motorola Solutions, Inc.**

***139-19 Miscellaneous Matters Committee Report re: Resolution calling for the Restoration of the Christopher Columbus statue to its original location in Seaside Park; Resolving to working together to unite the community in reaching an amicable resolution regarding this sensitive issue, DENIED.**

Mayor Ganim asked if there was anyone who wished to remove an item from the Consent Calendar. There was no response. The City Clerk read the items into the record.

Council Member Newton asked for a point of order and stated that a yes vote supports the Committee denials. He added that voting on Agenda Item 147-19 would have the Council Members voting on a matter that they should not be voting on. City Clerk Martinez said that the recommendation was that the City Council take no action.

Council Member Pereira said that she lost the call. She said that she wanted to remove 160-19, 147-19, and 148-19. City Clerk Martinez read the remaining item into the record.

**** COUNCIL MEMBER NEWTON MOVED TO APPROVE THE FOLLOWING CONSENT CALENDAR:**

139-19 MISCELLANEOUS MATTERS COMMITTEE REPORT RE: RESOLUTION CALLING FOR THE RESTORATION OF THE CHRISTOPHER COLUMBUS STATUE TO ITS ORIGINAL LOCATION IN SEASIDE PARK; RESOLVING TO WORKING TOGETHER TO UNITE THE COMMUNITY IN REACHING AN AMICABLE RESOLUTION REGARDING THIS SENSITIVE ISSUE, DENIED.

**** THERE WAS A SECOND.**

**** THE MOTION TO APPROVE THE CONSENT CALENDAR PASSED UNANIMOUSLY.**

160-19 Budget and Appropriations Committee Report re: Approval of Tax Anticipation Notes (TANS) To Pay Current Expenses and Obligations of the City – FY2021.

**** COUNCIL MEMBER BURNS MOVED THE ITEM.**

**** COUNCIL MEMBER CRUZ SECONDED.**

Council Member Burns said that this was a request to approve the TANs to cover temporary budget shortfalls.

Council Member Pereira said that this gives incredible power to the Finance Director, the OPM director and felt that due to the FBI investigation, they should not have this type of authority.

Council Member Newton said that it was made clear that the City Council has the sole authority to approve these notes and that what was being presented.

**** THE MOTION TO APPROVE AGENDA ITEM 160-19 BUDGET AND APPROPRIATIONS COMMITTEE REPORT RE: APPROVAL OF TAX ANTICIPATION NOTES (TANS) TO PAY CURRENT EXPENSES AND OBLIGATIONS OF THE CITY – FY2021 PASSED WITH SIXTEEN (16) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN AND NEWTON) AND TWO (2) OPPOSED (PEREIRA AND DEFILIPPO).**

147-19 Contracts Committee Report re: Updated ranges for Officers' and Unaffiliated Employee Salaries pursuant to and as required by Municipal Code Section 2.36.010. (Please Note: Item is being reported back to the City Council with a recommendation that the Council take no action on the matter)

**** COUNCIL MEMBER NEWTON MOVED THAT THE CITY COUNCIL TAKE NO ACTION ON AGENDA ITEM 147-19.**

Council Member Pereira said under the ordinance, the unaffiliated employees should follow the Supervisor's increases, but there were several positions that received significant raises in the 2020/2021 budget.

Council Member Newton said that the Mr. Amado was present at the Committee meeting and he had stated that Council Member Pereira's figures were incorrect.

Council Member Herron stated that Mr. Amado had explained the figures came from the range from the lowest percentage range to the highest percentages.

Council Member Pereira objected and read a statement into the record.

**** THE MOTION THAT THE CITY COUNCIL TAKE NO ACTION ON AGENDA ITEM 147-19 CONTRACTS COMMITTEE REPORT RE: UPDATED RANGES FOR OFFICERS' AND UNAFFILIATED EMPLOYEE SALARIES PURSUANT TO AND AS REQUIRED BY MUNICIPAL CODE SECTION 2.36.010 PASSED WITH SIXTEEN (16) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN AND NEWTON) AND TWO (2) OPPOSED (PEREIRA AND DEFILIPPO).**

Council Member McBride-Lee said that she did not believe that the Council should have anything to do with the salaries, but since the item passed, it was fine with her.

***148-19 Contracts Committee Report re: Equipment Lease – Purchase Agreement with Motorola Solutions, Inc.**

**** COUNCIL MEMBER NEWTON MOVED THE ITEM.**

**** COUNCIL MEMBER CRUZ SECONDED.**

Council Member Pereira said that she did not have an issue with providing the Fire Department or Police Department with current equipment. When she asked about the \$200,000, Mr. Nkwo and Mr. Flatto said that the amount would come from the Fund Balance to pay for this. Council Member Pereira said this is illegal.

**** THE MOTION TO APPROVE AGENDA ITEM 148-19 CONTRACTS COMMITTEE REPORT RE: EQUIPMENT LEASE – PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC. PASSED WITH SEVENTEEN (17) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).**

MATTERS TO BE ACTED UPON:

155-19 Economic and Community Development and Environment Committee Report re: Resolution Declaring Gun Violence as a Public Health Crisis.

**** COUNCIL MEMBER BRANTLEY MOVED THE ITEM.**

**** COUNCIL MEMBER HERRON SECONDED.**

**** THE MOTION PASSED WITH SEVENTEEN (17) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, PEREIRA, SULIMAN AND NEWTON) AND ONE (1) OPPOSED (VIZZO-PANICCIA).**

39-19 Contracts Committee Report re: Resolution regarding oversight of Guidepost Solutions concerning costs, recommendations and proposals, DENIED.

It was stated that a yes vote is to support the recommendation from the Contracts to deny.

**** COUNCIL MEMBER NEWTON MOVED THE ITEM.**

**** COUNCIL MEMBER CRUZ SECONDED.**

Council Member Pereira said that City Council Rule 15 states that they cannot make motions in the negative.

**** COUNCIL MEMBER PEREIRA MOVED TO AMEND THE ITEM AS FOLLOWS:**

Text of the proposed amendment to be submitted to the City Clerk following the meeting.

**** COUNCIL MEMBER DEFILIPPO SECONDED.**

Council Member Newton reminded his colleagues that the City Attorney's Office released everything that they were allowed to release to the Council. They will give whatever additional information they can when they receive permission to do so.

**** THE MOTION TO AMEND AGENDA ITEM 39-19 CONTRACTS COMMITTEE REPORT RE: RESOLUTION REGARDING OVERSIGHT OF GUIDEPOST SOLUTIONS CONCERNING COSTS, RECOMMENDATIONS AND PROPOSALS FAILED TO PASS WITH FIVE (5) IN FAVOR (BURNS, MCCARTHY, DEFILIPPO, LYONS AND PEREIRA) AND FIFTEEN (15) OPPOSED (CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON)**

Council Member Lyons asked for clarification on the main vote. She was told that a yes vote will support the Committee's denial of the item.

Council Member Newton said that the resolution deals with the costs and legal fees for outside counsel. The City Attorney's Office has told them that the contracts were null and void as of that day. Council Member Herron said that this was correct.

Council Member McCarthy said that this was the wrong resolution. Council Member Newton said that this was about the costs, recommendations and proposals.

Council Member Pereira said that it was her resolution requesting basic public records regarding Purchase orders and invoices from Guideposts Solutions and the outside counsel.

Council Member McCarthy said that they were supposed to be overseeing the City. They are not being given the documentation. He said that he would be voting against this.

Council Member Newton said that when they had first discussed this, the City Attorneys had informed them that there was an investigation underway.

**** THE MOTION TO APPROVE AGENDA ITEM 39-19 CONTRACTS COMMITTEE REPORT RE: RESOLUTION REGARDING OVERSIGHT OF GUIDEPOST SOLUTIONS CONCERNING COSTS, RECOMMENDATIONS AND PROPOSALS, DENIED PASSED WITH FIFTEEN (15) IN FAVOR (CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND FIVE (5) OPPOSED (BURNS, MCCARTHY, DEFILIPPO, LYONS AND PEREIRA).**

132-19 Contracts Committee Report re: Resolution concerning Termination and Collection of Taxpayer funded payments for criminal defense attorneys representing Mayor Ganim, Dan Shamas, David Dunn and Chief A. J. Perez, DENIED.

**** COUNCIL MEMBER NEWTON MOVED THE ITEM.**

**** COUNCIL PRESIDENT NIEVES SECONDED.**

Council Member Pereira said that the vote can only be made in the affirmative.

Council Member Pereira then read the following into the record:

Now, therefore, be it resolved by the Bridgeport City Council that City Attorney Christopher Meyer immediately terminate all the retainer agreements with Attorney Maffeo, Attorney Frost, Attorney Lawrence and Attorney Paoletti in their representation of Mayor Ganim, Chief of Police A. J. Perez, Chief of Staff Dan Shamas, and Acting Civil Service Director David Dunn regarding the criminal investigation(s) being conducted by the FBI and the U. S. Attorneys for both CT and the Southern District of NY as Bridgeport taxpayers have no responsibility to fund the legal representation of any municipal employee or officer engaged in criminal activity and related investigation(s); and

Now, therefore, be it for the resolved by the Bridgeport City Council that City Attorney Christopher Meyer obtain and be held responsible for the 100% reimbursement from Mayor Ganim, Chief of Police A. J. Perez, Chief of Staff Dan Shamas, and Acting Civil Service Director David Dunn regarding all costs associated with the criminal defense lawyers attorney Christopher Mayer authorized municipal payments for; and

Now, therefore, be it further resolved by the Bridgeport City Council that any and all further contracts/retainer agreements related to any FBI and U. S. Attorney criminal investigation be presented to the contracts committee prior to the execution of any such agreement/retainer; and

Now, therefore, be at for the resolved by the Bridgeport City Council that both City Attorney Christopher Meyer and Finance Director Ken Flatto provide the members of the Contract Committee with the invoices, purchase orders, and journal entries for the criminal defense Attorney K. Lawrence representing Chief of Staff Dan Shamas.

**** COUNCIL MEMBER PEREIRA MOVED TO AMEND AGENDA ITEM 132-19 CONTRACTS COMMITTEE REPORT RE: RESOLUTION CONCERNING TERMINATION AND COLLECTION OF TAXPAYER FUNDED PAYMENTS FOR CRIMINAL DEFENSE ATTORNEYS REPRESENTING MAYOR GANIM, DAN SHAMAS, DAVID DUNN AND CHIEF A. J. PEREZ.**

Text of the Amendment to be submitted to the City Clerk following the meeting.

**** COUNCIL MEMBER DEFILIPPO SECONDED.**

Council Member Pereira said that the Mayor should not be chairing the meeting.

**** THE MOTION TO AMEND AGENDA ITEM 132-19 CONTRACTS COMMITTEE REPORT RE: RESOLUTION CONCERNING TERMINATION AND COLLECTION OF TAXPAYER FUNDED PAYMENTS FOR CRIMINAL DEFENSE ATTORNEYS REPRESENTING MAYOR GANIM, DAN SHAMAS, DAVID DUNN AND CHIEF A. J. PEREZ FAILED TO PASS WITH SIX (6) IN FAVOR (BURNS, MCCARTHY, DEFILIPPO, LYONS, SULIMAN AND PEREIRA) AND FOURTEEN (14) OPPOSED (CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, MARTINEZ AND NEWTON).**

Council Member Lyons asked for clarification on the vote. Council Member Newton said that no money has been spent for criminal defense attorneys. The City Attorney's Office opinion stated this. If they discover that the funding was used for criminal defense, the money will be refunded.

Council Member Pereira objected because it was her resolution. Council President Nieves said that she wanted to have Council Member Burns speak on this to clarify the vote for Council Member Lyons.

Council Member Burns noted that they had received an opinion quite late in the process. He asked for confirmation on this.

Council Member Burns said that he would advise his peers to move this item forward because they don't know where the line is between civil and criminal defense. They will recoup every dollar for the item.

Council Member Pereira said that she understood that Council Member Burns was recommending the Council to vote to approve the Committee's denial

[Inaudible] \$622,000 has already been spent. She asked what the City would be recouping if no taxpayer dollars had been spent.

Council Member Pereira said that if the Council votes to approve this matter, they would be voting that the criminal defense attorneys continue.

Atty. Anastasi said that all the Council Members should have received some opinions from the City Attorney's Office. The City Attorney's Office has not retained any attorneys in regards to criminal matters.

The reason that the four attorneys were terminated was because two individuals were charged with Federal crimes. The attorneys have completed their tasks. Regarding recouping any money, the City Attorney's opinion states that if and when they were criminally charged, that would terminate the contracts.

Council Member McBride-Lee said they can't expect others to abide by the rules unless they themselves abide by rules. She said that they need to respect one another. The Council is made up by 20 people and they need to respect one another. She added that there had been issues for a long time and when individuals were indicted, they will try to get the money back. People are innocent until they are proven guilty.

Council Member McBride-Lee said that if they are looking for information to help someone, that's fine, but when they look for information to hurt people, it is wrong.

Council Member Cruz seconded Council Member McBride-Lee's words.

Council Member Newton said that people get sued or have charges brought against them every day. By Charter, the City is responsible if someone is charged. When the WPCA problem happened, the City had to get outside legal counsel. There are people who are on Boards and Commissions and they could get sued if this passes. This investigation was being done by the FBI. The City could not do the work, but they went out and hired outside counsel that has expertise in this area, but also happen to be criminal lawyers. The City has not spent any money on the individuals' criminal defenses. Once they are indicted, then they have to pay for their own legal representation. Spinning the question is wrong.

Council Member Pereira said that CT state statute has employees indemnified for civil actions, but not for criminal actions. All these retainers for criminal defense attorneys are hired to

provide documentation for the subpoenas and they were data mining documents from hard drives and other devices. The fact clearly say that these investigations were for the FBI and U.S. Attorney's investigations. Atty. Anastasi has continually been sanctioned by criminal courts.

Council President Nieves said that Atty. Anastasi's history has nothing to do with the substantive matter.

Council Member Pereira said that she was responding to Atty. Anastasi's opinion.

Council President Nieves said that this was about Agenda Item 132-19, not about any reprimands. Council Member Pereira said that they have the right to ask about the sanctions by judges. Council President Nieves asked Council Member Pereira what the point was.

Atty. Anastasi said that in his legal capacity, he was fined for \$1,000 over an FOI issue two decades ago. He said that the opinion that City Attorney Meyer wrote refers to the fact that the authority to provide legal counsel is assigned by the City Charter, not State Statute. The Charter states that the City Attorney is to provide legal counsel for employees in a civil matter. It is not a criminal matter to provide documentation for a subpoena.

Council President Nieves reminded that City Council Rule 26 said that the Council Members shall not become abusive or attack the office of an employee.

Council Member Brown said that people quote the Charter but the Charter indicates that the Law Department shall be the charge of civil matters. The Charter is very clear. This is not the first time the FBI has been in City Hall.

Council Member DeFilippo said that they were wasting taxpayer money on people who had betrayed the taxpayers. He wished to know since when the victims were expected to pay for the legal fees of the perpetrator. Agenda Item 132-19 refers to a criminal investigation, not a civil matter.

Council Member Lyons said that she now understood how she should vote and she would be abstaining from the vote.

Council Member Cruz apologized for his earlier outburst. He said that he was not a legal scholar and accepted the opinion from Atty. Bohannon and the explanation from Atty. Anastasi. He said that he was sensing a lot of viciousness, which is wrong. It is important to follow the Charter. He wished that the Council had their own counsel but can only support the Committee in their denial of the item.

Council Member Brown said that when someone is found to be guilty of a criminal act, the City needs to recoup any money spent on criminal defense.

Council President Nieves said that this was an ongoing investigation and they were not being allowed access to some of the documentation. The FBI investigation is not completed and when there is an impending investigation underway, there is information that is not available to the Council Members. They must follow the court decision. They need to ensure that this does not

happen again. The Council needs to continue to watch and examine whatever information is released to them.

**** THE MOTION TO APPROVE THE CONTRACT COMMITTEE REPORT RECOMMENDATION OF A DENIAL REGARDING AGENDA ITEM 132-19 – RESOLUTION CONCERNING TERMINATION AND COLLECTION OF TAXPAYER FUNDED PAYMENTS FOR CRIMINAL DEFENSE ATTORNEYS REPRESENTING MAYOR GANIM, DAN SHAMAS, DAVID DUNN AND CHIEF A. J. PEREZ, PASSED WITH FIFTEEN (15) IN FAVOR (CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON); FOUR (4) OPPOSED (BURNS, MCCARTHY, DEFILIPPO AND PEREIRA) AND ONE (1) ABSTENTION (LYONS).**

**** COUNCIL MEMBER HERRON MOVED TO SUSPEND THE RULES TO ADD AN ITEM -- 163-19 PROPOSED RESOLUTION FOR THE ASSIGNMENT, ASSUMPTION, SUBORDINATION AND MODIFICATION AGREEMENT WITH MAPLEWOOD SCHOOL APARTMENTS LIMITED PARTNERSHIP AND MAPLEWOOD COURT LIMITED PARTNERSHIP REGARDING MAPLEWOOD COURT LOCATED AT 434 MAPLEWOOD AVENUE TO THE AGENDA FOR IMMEDIATE CONSIDERATION.**

**** COUNCIL MEMBER CRUZ SECONDED.**

**** THE MOTION TO SUSPEND THE RULES TO ADD ITEM 163-19 PROPOSED RESOLUTION FOR THE ASSIGNMENT, ASSUMPTION, SUBORDINATION AND MODIFICATION AGREEMENT WITH MAPLEWOOD SCHOOL APARTMENTS LIMITED PARTNERSHIP AND MAPLEWOOD COURT LIMITED PARTNERSHIP REGARDING MAPLEWOOD COURT LOCATED AT 434 MAPLEWOOD AVENUE TO THE AGENDA FOR IMMEDIATE CONSIDERATION PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED, (PEREIRA).**

**** COUNCIL MEMBER HERRON MOVED TO APPROVE AGENDA ITEM 163-19 PROPOSED RESOLUTION FOR THE ASSIGNMENT, ASSUMPTION, SUBORDINATION AND MODIFICATION AGREEMENT WITH MAPLEWOOD SCHOOL APARTMENTS LIMITED PARTNERSHIP AND MAPLEWOOD COURT LIMITED PARTNERSHIP REGARDING MAPLEWOOD COURT LOCATED AT 434 MAPLEWOOD AVENUE.**

**** COUNCIL MEMBER CRUZ SECONDED.**

Council Member Herron said that the development has asked for an extension for the loan payments. The City thought that they would allow this to move forward to recover some of the money. This was paid for by HUD funding and is for low income housing.

Council Member Pereira said that they need assistance because of Hurricane Sandy 8 years ago. They received \$125,000 in 1994 and defaulted on the loan. They received additional loan in 1997, which they had not paid back. The new deal will put the City in the fourth position for repayment. There are 8 units that are Section 8, which means that they are market rate. There are 8 units that were damaged by Hurricane Sandy and have not been repaired. She will be voting no.

Council Member Newton said that Council Member Pereira had not mentioned that Maplewood had been current on their property taxes to the City. The Council needs to understand that mixed fair market value and low market value development is good for the City. This could allow some residents to move into a nice, affordable unit. When properties are fixed, property values go up,

Council Member Newton said that he was asking the Council to support this resolution.

Council Member Castillo said that he was in agreement with Council Member Newton because it was an old school converted into units. This is a non-profit and it is for affordable units. He will be voting yes, like he did in committee.

Council Member Brantley asked everyone to support this item. It is one of the few low income developments in her District. Council Member Brantley said that she knows several of the families in the development and they could use the assistance.

Council Member Pereira said that the development is not in the 132nd District, it is in the 136th.

Council Member Brantley said it was on Maplewood right across from Classical Studies.

**** THE MOTION TO APPROVE AGENDA ITEM 163-19 PROPOSED RESOLUTION FOR THE ASSIGNMENT, ASSUMPTION, SUBORDINATION AND MODIFICATION AGREEMENT WITH MAPLEWOOD SCHOOL APARTMENTS LIMITED PARTNERSHIP AND MAPLEWOOD COURT LIMITED PARTNERSHIP REGARDING MAPLEWOOD COURT LOCATED AT 434 MAPLEWOOD AVENUE PASSED WITH SEVENTEEN (17) IN FAVOR (BURNS, MCCARTHY, CRUZ, BROWN, TAYLOR-MOYE, BRANTLEY, HERRON, LYONS, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND THREE (3) OPPOSED (DEFILIPPO, PEREIRA AND VIZZO-PANICCIA).**

**** COUNCIL MEMBER NEWTON MOVED TO SUSPEND THE RULES FOR THE PURPOSE OF ADDING AN ITEM REGARDING COMMITTEE RE-ASSIGNMENTS.**

**** COUNCIL MEMBER CRUZ SECONDED.**

**** THE MOTION TO SUSPEND THE RULES FOR THE PURPOSE OF ADDING AN ITEM REGARDING COMMITTEE RE-ASSIGNMENTS PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).**

Council President Nieves then made the following statement:

“After careful consideration of the behavior of all members of the council I decided to exercise my right under City Council Rule XII. Council Members have been warned in the past that they must adhere to all City Council rules and follow the appropriate parliamentary protocol.

As Council President I must react to the membership when chairs are not living up to their duties or when members are found to be disruptive with the inability to build working relationships with colleagues in committee meetings.

There is a growing sense on the Council that nothing is getting done. Every meeting is chaotic and a growing sense of a negative work space.

These changes are my attempt to yield the most positive and productive environment for the council to rebuild consensus and respect for differences.”

Council President Nieves announced the following Committee re-assignments:

• **Budget & Appropriations:**

Burns, Newton, Taylor-Moye, Herron, McCarthy, Cruz, DeFilippo

• **Public Safety & Transportation:**

Valle, Taylor-Moye, Martinez, Lyons, Silva, McBride-Lee, Vizzo-Paniccia

• **Contracts:**

McCarthy, Herron, Cruz, DeFilippo, Castillo, Silva, Newton

• **Education & Social Services:**

Cruz, McCarthy, Vizzo-Paniccia, Suliman, Silva, Brown, Lyons

• **WPCA Liaison: Ernest Newton**

Council Member Pereira asked why she was removed from WPCA when she had a 96% attendance. Council President Nieves said that it was her prerogative to re-assign Committee members. Council Member Pereira said that she had been removed from all the Committees. She said that she had the best attendance record and prepares for all her meetings.

**** THE MOTION TO APPROVE THE COMMITTEE RE-ASSIGNMENTS PASSED WITH NINETEEN (19) IN FAVOR (BURNS, MCCARTHY, CRUZ, TAYLOR-MOYE, BROWN, BRANTLEY, HERRON, DEFILIPPO, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, SILVA, CASTILLO, VALLE, NIEVES, SULIMAN, MARTINEZ AND NEWTON) AND ONE (1) OPPOSED (PEREIRA).**

ADJOURNMENT

- ** COUNCIL MEMBER NEWTON MOVED TO ADJOURN.**
- ** COUNCIL MEMBER BRANTLEY SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:07 p.m.

Respectfully submitted,

Telesco Secretarial Services