

1 DRAFT DOCUMENT - SUBJECT TO APPROVAL

2 CHARTER REVISION COMMISSION

3 REGULAR MEETING

4 February 2, 2017

5 Wallingford Town Hall – Rm 315

6 45 S. Main Street

7 Wallingford, CT

8 6:30 p.m.

9 MINUTES

10

11 **PRESENT:** Chairman Steve Knight; Vice-Chair Christina Tatta; Commissioners Bob Swick; Jim
12 Pyskaty; Mark Gingras; Tom Corrigan; Jonathan Chappell; Pat Kohl; Jim Seichter; Corporation
13 Counsel Janis Small.

14 **NOT PRESENT:** Commissioners Sam Carmody and Gina Morgenstein.

15 Chairman Knight called the Meeting to order at 6:30 p.m. and the Pledge of Allegiance was
16 recited. He noted that Item #2 was put in for FOI purposes. He said Commissioner Swick
17 suggested the next meeting could be spent looking over Atty. Small's revisions. The
18 Commission agreed with this idea. Commissioner Swick said we have two weeks to read this
19 over and read it over from start to finish and make notes. He said he wants to digest some of
20 the changes the Commission made and ensure they are incorporated and noted that if there are
21 anything the Commission is going through in the final revision, should be brought up at that
22 time.

23 **1. Approval of Minutes of the January 19, 2017 meeting**

24 Commissioner Kohl said on page 9, line 28, that sentence was stated by Vice-Chair Tatta; on
25 page 4, line 36, the word "improvement" should be "improvements"; line 37, the first word
26 should be "not" instead of "note"; lines 38 & 39, the quotation marks should be removed in
27 front of the word "and" and put in front of the word "should" on page 39 and capitalize it,
28 because that is where the next line in the Charter begins. Commissioner Kohl said the words
29 "and then" should not be in the quotation marks.

30 Chairman Knight said on page 4, line 3, mill range changed to four taking the word "from" out;
31 line 31 should be "Charter" not "Ordinance".

1 **Motion: A motion by Vice-Chair Tatta second by Commissioner Kohl to approve the**
2 **January 19, 2017 Meeting Minutes as amended.**

3 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-abstain; Kohl-yes;**
4 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

5 **3. Review of recent memos/correspondence from the Law Department**
6

7 Chairman Knight noted the Commission would review the two memos sent by Atty. Small in
8 response to the last meeting. He said the Commission should start with the "Charter Changes",
9 the Chapters dealing with Finance, Taxation and Law.

10 Atty. Small said on Finance, on the third page, regarding the cross outs, she said there was
11 conversation on whether that should be drawn upon the treasury as opposed to the treasurer.
12 Atty. Small said she spoke with the Comptroller, who told her this was antiquated language and
13 to just say it was approved by the Council. Atty. Small said there was also a discussion about
14 removing the tax bill section, and the question was raised about whether the law requires the
15 bill to go out seven days in advance. She said the law does not require this. She said if the
16 Commission feels this is important, this should be put back in, and consider changing the
17 language.

18 Commissioner Kohl pointed out that in Sections 1, 2, it refers to the "Board of Public Utilities
19 Commissioners" and asked if the Commission voted to change this to "Public Utilities
20 Commission" throughout the Charter. Atty. Small said the Commission was talking about
21 specific chapters, but didn't recall whether it was broadened to all the chapters. She suggested
22 making the changes throughout the Charter.

23 Chairman Knight entertained a motion at this time.

24 **Motion: A motion by Commissioner Kohl seconded by Vice-Chair Tatta that in the**
25 **Chapter on Finance & Taxation, Section 1 & 2, that we change "Board of Public**
26 **Utilities Commission" to "Public Utilities Commission" and that we also make that**
27 **change throughout the Charter.**

28 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
29 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

30 Commissioner Kohl also noted that in Section 3, halfway down, where it talks about "the
31 Mayor's recommendation for the amount to be appropriated for the ensuing fiscal year for all
32 items, including those of the Department of Education", and since it mentions the Public Utilities
33 and Board of Education in both Sections 1 and 2, she asked if the Public Utilities Commission
34 needed to be added to at Section. Atty. Small said she believed the distinction for the Dept. of
35 Education is because they have more control over the budget than any other department. She

1 said she didn't think it was necessary to add. Mr. Gingras asked about the seven days
2 regarding the tax bills, being crossed out and whether Atty. Small asked the Tax Collector about
3 this. Atty. Small said the tax bill is sent out in advance of the due date, but is not required. She
4 pointed out she thought this was in the Statute, but there is no time requirement. Mr. Gingras
5 said if it wasn't deemed to be necessary, he was in agreement to have it removed because it
6 gives flexibility to get the job done rather than prescribe it in the Charter. Atty. Small said no
7 one has indicated to her that this item being in the Charter is a problem. Atty. Small noted that
8 she crossed out Section 7(D) which is on page 3 because the language is antiquated.

9 Commissioner Seichter asked about the "Department of Education" noting that some parts of
10 the Charter refer to the "Board of Education". Atty. Small said the Charter has a Department of
11 Education and no changes were made to this. Chairman Knight entertained a motion.

12 Vice-Chair Tatta said she wasn't certain she liked taking out the seven days for the tax bill. She
13 said it is a protection for the taxpayers and would personally like it to remain. Commissioner
14 Kohl said that in reality, we have at least a month, to a month and a half, from the time we
15 receive the tax bills. She said even though the bill says it is "due" July 1, it's not considered late
16 to August 1 and this applies to the January bill. Commissioner Chappell said he agreed with
17 everyone who spoke. He said the Tax Office will send out the bills and even if they don't, the
18 bill has to be paid.

19 **Motion: A Motion by Vice-Chair Tatta second by Commissioner Chappell to adopt the**
20 **revised Finance & Taxation Section as amended in Corporation Counsel's memo**
21 **dated January 30, 2017.**

22 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
23 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

24 **Chapter on Dept. of Law**

25 Atty. Small said she cleaned up the language in the first paragraph, regarding employees of the
26 Law Department, and took out the book and written opinions. She said she spoke to the Town
27 Atty. and changed the due of the Annual Report to the end of January. She noted someone has
28 raised the issue on the bottom that it didn't say "part-time Assistant Town Attorney" so she
29 incorporated this in, and took out references to an Ordinance because there isn't one to
30 establish any of this.

31 Chairman Knight entertained a motion.

32 **Motion: A Motion by Commissioner Chappell second by Commissioner Kohl to adopt**
33 **the revised proposal by Corporation Counsel in her memo of January 30, 2017**
34 **regarding the Dept. of Law.**

1 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
2 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

3 Chairman Knight noted that the other memo from Atty. Small dated January 30, 2017 included
4 all the updates and versions of the draft we received on January 30, 2017 that was going to be
5 reviewed for the next meeting.

6 Chairman Knight said that in the meantime, a review of Atty. Small's memos indicate the
7 Commission has not reviewed the Nov. 10, 2016 memo which reads as follows:

- 8 1. "Attached for your consideration are drafts of sections we discussed at prior meetings.
9 The revision I made to the removal section provides for the removal of Town Council
10 appointments. It also provides for the details to be established by Ordinance. Another
11 alternative would be to eliminate the section and reference removal in Chapter 4.
- 12 2. "I removed "issues" from the tie-breaking section and changed the timing of a new
13 election. I removed the last sentence, as it is not necessary.
- 14 3. "I provided you with a simplified land use section for your consideration".

15 Atty. Small said she believed the Commission talked about this but didn't know if it were acted
16 upon. Commissioner Seichter said he thinks this was discussed, and believed Atty. Small knew
17 what we were looking for, but the Commission never got specific language back on this and this
18 is what was being provided to the Commission now. Atty. Small said this was given to the
19 Commission in November. Chairman Knight referenced Chapter 2, Section 4, which has to do
20 with breaking a tie. He said this was referencing the 21 days rather than 14 days, based on
21 State Statute. Atty. Small said the Commission talked about the "issues" Section because it
22 conflicted with our referendum section, noting that if there isn't the right number, one loses,
23 and a tie would be a loss and she looked to clean up that language.

24 Chairman Knight entertained a motion.

25 **Motion: A Motion by Vice-Chair Tatta seconded by Commissioner Kohl to accept**
26 **Chapter Two, Section 4 as written in Corporation Counsel's memo dated January 30,**
27 **2017.**

28 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
29 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

30 **Chapter 2, Section 9**

31 Atty. Small noted that the point of Option 1 was to create a section on the removal of appointed
32 officials, those appointed by the Council. She said to clean this up and push the details into an
33 Ordinance, stating that sometimes people have different ideas of what constitutes the grounds
34 to remove someone who is appointed, this should be in an Ordinance. She said she also
35 removed what she believed what she believed was not necessary. Atty. Small said it can't put

1 into the Charter that the person has the right to go to an appeals court so this needed to be
2 removed. She said the other alternative was to say "can appoint and may remove" in Chapter 4
3 which she said she was going to put this, noting Town Clerk came out, so one is talking about
4 Land Use and Board of Assessment Appeals. She said in those types of appointed offices,
5 having an ordinance on how to remove them, is the way to go. She said she could possibly
6 draft something simple to put in Chapter 4, stating this would be done by Ordinance and a
7 procedure and criteria for removal, but this was up to the Commission.

8 Commissioner Kohl asked about people appointed by the Mayor, noting those people would also
9 be confirmed by the Town Council. Atty. Small said those aren't in the Charter to begin with,
10 she said she was just dealing with what was in the Charter. Atty. Small said she could probably
11 put in a generic removal section somewhere that said the "appointing authority may remove by
12 a procedure established by Ordinance."

13 Commissioner Kohl noted the Mayor also appoints the Personnel and Pensions Appeals and the
14 Pension Commission and she believed the Board of Health. Atty. Small said one way to do this
15 would be the same way they do offices that one has the power to appoint and remove or create
16 a removal section in the Charter. She pointed out that the power to remove implies the power
17 to remove, so one doesn't affirmatively have to state this. She said the question is does the
18 Commission feel a need to go beyond stating this. She said she didn't believe it was a bad idea
19 to state appoint and remove, but asked the question how much more than that does the
20 Commission want to say. Atty. Small said if the Commission doesn't want to state this, she
21 would go through the Charter and put "appoint and remove" everywhere and then the
22 Commission could see it.

23 Commissioner Seichter said he believed this was the cleanest and easiest way to do this. The
24 other Commissioners agreed.

25 Commissioner Kohl said if we took out that entire section and make it "may appoint and
26 remove" throughout the Charter, than that also deletes the part about "removal shall only be by
27 a vote of seven members of the Town Council". She asked if the Commission wanted that
28 eliminated. Atty. Small said she could put this all in the section and try to come up with
29 language for this. Chairman Knight wondered what would happen if the Commission put in
30 something referencing an ordinance that doesn't exist. Atty. Small said she could be in that the
31 Council could do this by ordinance.

32 Chairman Knight said he liked the idea there was somewhere in the Charter there was
33 regarding language the removal of officials and references and Ordinance. He asked if what
34 Atty. Small wrote could be amended. Commissioner Gingras asked why throughout the Charter
35 it could state appointment and removal and then have this as an exception specific to the
36 Council. Commissioner Chappell said in Chapter 3 on the Town Council Section 11, Council
37 Appointments, that a second paragraph could be added and doing the appoint and remove

1 throughout. Atty. Small said she would look into doing this. The Commission agreed. Chairman
2 Knight said Section 9 was not needed, and asked Atty. Small to rework Section 11 of Chapter 3
3 and go through the Charter and insert "and remove".

4 Chairman Knight spoke about the new Land Use Section. He said at one time, the Commission
5 had talked about the Land Use Section and adding the Town Planner in the Charter, believing it
6 was an important enough position that it should be noted somewhere in the Charter. Atty.
7 Small said the Town Planner doesn't have to be in the Charter by law. She said there was the
8 administrative concern that if one makes someone a Charter position, the position has to exist.
9 She said she didn't take a position one way or the other on whether this position has or doesn't
10 have to exist. Chairman Knight pointed out he believed the 2009 Charter Revision Commission
11 set this out as a separate chapter. He said in 2009 it was in Chapter 10. Atty. Small said that
12 Commission put in Environmental Planning and the Economic Development Commission of
13 which none are legally necessary.

14 Chairman Knight noted the Environmental Planner is mentioned elsewhere in the Charter. Atty.
15 Small said in her draft this would come out. Chairman Knight said the Commission had talked
16 about putting in there shall be a Planning Department. He said we have to have a Planning
17 Department because we have to have a Plan of Conservation and Development, (POCD), every
18 10 years by law. Chairman Knight said he had an interest in including language that there
19 should be a Planning Dept. similar to what was written in 2009. He said with all due respect,
20 the EDC doesn't need to be in there; the Building Dept. is covered in the Charter.
21 Commissioner Seichter said the Town has to come up with a Plan of Conservation and
22 Development and the Town Planner is a key part of this. He said this should be mentioned and
23 should be a position that should be included in this.

24 Chairman Knight referred to Section 2, Planning Department. Mr. Gingras asked if the Town
25 Planner had to be mentioned. He said if it is put in the Charter, then we will have a Planner but
26 if we may have a Town Planner that is an entirely different thing. He suggested having the
27 Department but don't specifically name a title of Town Planner. Chairman Knight said if we are
28 going to be consistent, there is an Environmental Planner, noting the language "the Mayor shall
29 appoint and may remove an Environmental Planner". Commissioner Gingras said he would like
30 to give anyone who is in charge of these things as much flexibility as they can to run their
31 business. He said he agrees there should be a Planning Dept. in the Charter. He also noted the
32 Mayor is going to appoint anyway, so why does this have to be in the Charter. Atty. Small noted
33 the Environmental Planner position is already in the Charter. She said this was done the last
34 time the Charter was updated but noted there is no legal reason for this to be in the Charter.
35 She said her attempt to do something simple was to replace this.

36 Commissioner Kohl said the Commission can change things already voted upon. She said it was
37 her recollection that we have already voted on the Environmental Planner to change it from the
38 Inland Wetlands making the appointment to the Mayor. Vice-Chair Tatta said she was like to

1 not mention either that once that it is in there, it has to stay in there and removing one of these
2 positions could be cause for concern. She said if we are to leave the Environmental Planner, we
3 should be adding the Town Planner. Commissioner Kohl asked if the Environmental Planner was
4 a department head, or came under the supervisory control of the Town Planner. Atty. Small
5 said for some matters, the Town Planner does in some aspects, have supervisory control.
6 Chairman Knight said some work was done on this already and assuming there was some
7 interest in adding the Planning Department, would this come under Chapter 4.

8 Vice-Chair Tatta noted that in 2009, this was put under Chapter 10. Chairman Knight said the
9 2009 Commission made a new section out of Land Use and Development, using Section 1, the
10 Planning Department, the Environmental Planning, with the Building Dept. fitting in somewhere
11 else. Commissioner Kohl said she believed this Commission made the Building Dept. a chapter
12 of its own. Chairman Knight said the 2009 Commission put in what we are looking at now,
13 Section 1, Planning & Zoning Commission & ZBA, they put that in under the Land Use.
14 Commissioner Kohl said she believed it would be confusing to have the Environmental Planner
15 and Town Planner, under the Section for the Mayor and have the actual Boards and
16 Commissions under the Council because they are interrelated. She said it would be less
17 confusing for someone wanting to look up something, to look in one Chapter. Commissioner
18 Kohl said she wouldn't put the Town Planner or Environmental Planner under Chapter 4,
19 because that is the Chapter where the appointments are made by the Town Council.

20 Commissioner Gingras noted we are not obligated to have a Town Planner or Environmental
21 Planner, so why even mention it. He agreed with having a Planning Department, but why
22 mention we have a Planner, if we don't have to have it and let the Mayor or the Town Council
23 do what they have to do as has been done in the past. Chairman Knight said he understood this
24 to mean we would take out under Section 4, (as it is written now with the Inland Wetlands
25 Commission), the second paragraph: "the Commission shall appoint and may remove an
26 Environmental Planner---. Commissioner Gingras said everything else is fine. Commissioner
27 Kohl said she believed Commissioner Gingras was suggesting leaving Planning & Zoning, ZBA
28 and Inland Wetlands under the Appointed Officers Section where it is currently; take out the
29 Environmental Planner, and maybe put a Section for the Planning Dept. under the Mayor and
30 just not specify job titles.

31 She wondered if something generic could be put in regarding what the Planning Dept. does and
32 include the Environmental Planner duties under this and the Mayor appoints any staff and
33 anybody in that Dept. should be staffed to the appropriate Boards and Commissions. Vice Chair
34 Tatta said no matter what, that paragraph still needs to be removed because that position is no
35 longer an appointed officer and now a Mayoral appointed.

36 Commissioner Kohl said she is going by what Commissioner Gingras' suggestion to be which is
37 to create a Planning Dept. similar to the 2009 Draft (Chapter 10, Section 2, Page 17) –
38 Commissioner Gingras; and just state that the Planning Dept.'s duties are and combine

1 Environmental Planning and the Planning Dept. into a department under the Mayor and he
2 shall appoint staff in that department and leave the actual Boards and Commissions under
3 appointed officers where they are now. Vice-Chair Tatta said even as it is written, she didn't
4 think any other Boards or Commissions under Land Use in 2009 specify a job title except for
5 Building Inspector, Town Planner and Environmental Planner. Atty. Small suggested taking out
6 the reference to powers and duties as the Council may prescribe if the sections are used from
7 the 2009 Charter because it sounds confusing.

8 Commissioner Gingras suggested if we all agree to this, Atty. Small can combine the two and
9 come back to us with a write-up. Atty. Small said if one looks at the Chapters, the Mayor's
10 appointments are their own separate chapters. She said she would have to think about where
11 this would go. Commissioner Chappell said the proposal on the Commission's themselves he
12 likes and wait on the Planning Dept. to be established by memo for our review.

13 Chairman Knight entertained a motion.

14 **Motion: A Motion by Commissioner Chappell seconded by Commissioner Gingras**
15 **that we accept as changes in Atty. Small's memo of January 30, 2017, entitled**
16 **replacing Chapter 4, Sections 2 and 5 and leave Section 1**

17 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
18 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

19 Chairman Knight said he remembered there was discussion at the last meeting regarding the
20 Assistant Engineer. Atty. Small said she would give the changes at the next meeting stating that
21 in doing this, she noticed that some of the other language could be cleaned up and said she
22 showed this to the Town Engineer who started changing it. She said she needs more time and
23 will also look at cleaning up some more of the language in that section.

24 Commissioner Kohl noted that the Personnel Pension and Appeals Board subject to minority
25 representation is in Atty. Small's Jan. 30, 2017 memo. Atty. Small said this is covered by State
26 Statute.

27 **4. Discussion and Possible Action concerning review of other chapters of the**
28 **Charter.**

29 Chairman Knight said it would appear that there are more changes in the works, so the Meeting
30 of Feb. 16 will be to take any action needed to be taken on matters discussed this evening and
31 then going through the Charter page by page to ensure everything we wanted is included. He
32 said the Commission may be able to finish this up.

33 Commissioner Seichter noted on Chapter 2, Section 2, where it talks about officers and
34 elections, state and federal officers, nominations, he wondered if we voted on Justice of the

1 Peace. He said they are appointed by the various Town Committees and is not an elected
2 position and should be removed.

3 Chairman Knight entertained a motion.

4 **Motion: A Motion by Commissioner Seichter second by Vice-Chair Tatta that we**
5 **remove the two Justices of the Peace from Chapter 2, Section 1 of the Charter,**
6 **"Officers and Elections."**

7 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
8 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

9 Chairman Knight said on the Feb. 16, he has hopes of accomplishing enough to be able to set a
10 date for a Public Hearing in March.

11 Chairman Knight entertained a motion.

12 **Motion: A Motion by Commissioner Gingras second by Commissioner Pyskaty to**
13 **cancel the March 2 and March 16 meetings and hold the Public Hearing on March 15**
14 **contingent upon the Town Council Chambers being available.**

15 **Roll Call Vote: Swick-yes; Pyskaty-yes; Gingras-yes; Seichter-yes; Kohl-yes;**
16 **Corrigan-yes; Chappell-yes; Tatta-yes; Knight-yes**

17 **Adjournment**

18 Commissioner Kohl made a motion to adjourn the Meeting at 7:55 p.m. Commissioner Chappell
19 seconded the motion which passed unanimously.

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21 Respectfully submitted,

22 Cynthia A. Kleist

23 Recording Secretary

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