

CHARTER REVISION COMMISSION
Town of Wallingford

Regular Meeting
December 8, 2008

(REVISED)

A Regular Meeting of the Wallingford Charter Revision Commission was held on Monday, December 8, 2008, at the Wallingford Town Hall, Room 315, Wallingford, Connecticut.

Seated from the Commission was Jeffrey Knickerbocker – Chairman, Suzanne Wright – Vice Chair, Debbie Gross, Kate Wall, Ray Rys, Hank Toman, Ray Lilley, Robert Applegate, Vincent Cervoni, and Recording Secretary Sonja Vining

Chairman Knickerbocker called the meeting to order at 7:05 p.m.

1. PUBLIC COMMENT:

Sharon Sanders, 46 South Cherry Street, commented that she does not feel that there is any need to change the current system regarding the override of the mayoral veto. She believes that the current system is working fine.

Jason Zandri, 35 Lincoln Drive, feels that if there is an issue that the public expresses interest in, one way or another, they should have the opportunity to vote on it. He doesn't feel that it is up to this Commission to make all of the decisions before the people get a chance to even know what is being considered. Mr. Zandri feels that if all of the decisions are made by this Commission that takes the rights away from the people. He stated that the issues should be put out there for the people to decide what they want to have in the Charter.

Craig Fishbein, 179 Grieb Road, discussed the possible change, from 7 to 6, in the number of votes needed to override a mayoral veto. He gave a breakdown of surrounding towns stating that no town has such a low bar for overturning a mayoral veto. Mr. Fishbein does not feel that the current system needs to be changed.

Steve Knight, 289 Ivy Street, urged the Commission to reject the notion that the Charter needs revision with regard to the number of votes required to override the Mayor's veto. He stated that there is one single full time person elected to office, and that is the Mayor. Mr. Knight pointed out that the Council is made up of nine part-time legislators. He stated that Wallingford is a strong mayor system and a strong mayor needs strong authority. Wallingford is a well-run community and Mr. Knight does not believe that the current system should be changed. Mr. Knight stressed to the Commission that when each Member votes they should give the reasons why they are voting the way they are.

Lucille Trzciensky believes that the Mayor currently has too much authority and the Council does not have any. She does not believe that this is purely a political issue. Ms. Trzciensky believes that perhaps this Commission needs to look beyond just this one veto issue regarding the kind of authority given to the Mayor. She stated that the town currently runs well due to the efforts of many people and in many cases due to state law. Ms. Trzciensky would like this Commission to look at the actual form of government that currently runs Wallingford.

Geno Zandri, 9 Balsam Ridge Circle, indicated that the Zoning Board of Appeals and the Planning & Zoning Commission should be elected no appointed positions. Regarding the veto issue he feels that it should go out to the people to decide.

Kathy Zandri, 9 Balsam Ridge Circle, stated that in her experience she has seen frustration with past Councilors regarding the request of budgetary items that were sent to the Mayor's office. The Council is not fully informed if what happens is that items go to the Mayor and never make it out of his office. She stated that the Mayor has a great deal of power. He has 90% of all the appointments in town and the Council has very few. Ms. Zandri's main concern was for the ZBA and the Planning & Zoning Commission. She questioned Commissioners on comments that were included in an article in the Record Journal. Ms. Zandri feels that the election process allows for a more open and transparent form of government.

Bob Hogan would like to see the Commission relieve themselves of the burden of deciding whether 6 or 7 members of the Council are necessary for a vote override. He suggested to the Commission that they recommend to the Council that the public decide. Mr. Hogan would like this item to be a separate line item on the ballot. He agrees with the others that the members of the ZBA and the Planning and Zoning Commission should be voted in by the public.

Jason Villani, 47 Parker Farms Road, spoke about the veto issue. He feels that it should be up to the people to decide what should be in the Charter. Mr. Villani believes that the strong Mayor form of government is counterproductive since it does not share power equality among the branches of government. He believes that the 2/3 override will make it fair as far as the balance of power.

Patricia Kohl, 50 North Street, read a statement dated December 8, 2008 into the record.
(Attachment I)

Wes Lube would like to see the Planning & Zoning and the ZBA be elected. Regarding the veto issue he discussed some history about the Council having six opposition seats with a victory by the opposing Mayor. He believes that when people talk about the 6 plus 1 issue in the Council he feels it is virtually unimaginable to be achieved with any type of consistency. He stated that if there has never been a successful override of the veto of any consequence then the system that is set up is not working. He feels it is no a political question it is an administrative question. If there is a true balance of power rather than an autocratic power then there is an imbalance. Mr. Lube asked if any changes have been proposed to the Power of Initiative section. He suggested that the Commission revisit that section. Mr. Lube suggested that the maintenance of the dams in town be added to the duties of public works. He spoke briefly about insurance being a union matter contradictory to what was stated by Chairman Knickerbocker at a previous meeting. Mr. Lube

expressed his concern for the BOE. He does not feel that increasing the term to three years would solve the issues with that board. Mr. Lubees feels that the work of the BOE is disproportionate to other boards in town, they do more work than most and the members do not get compensated. He would like the Commission to give some thought as to how the BOE can be rewarded for the effort that is being asked of them.

2. APPROVAL OF MINUTES:

November 24, 2008 - Regular Meeting

Ms. Wall made a motion to approve the Minutes of the November 24, 2008 – Regular Meeting. The motion was seconded by Mr. Lilley and passed.

3. MAYORAL VETO:

There was some brief discussion about increasing the number of Council members to 15.

Ms. Wright feels comfortable leaving it at nine members. She feels the balance of power is important and believes that the issue should be up to the electorate to decide since there has been so much interest expressed.

Mr. Toman feels there is a light number of Councilors for this town. He stated that he could not view this one issue of the mayoral override by itself. To him it is linked to other issues like minority representation. Mr. Toman doesn't believe there is any such thing as the sharing of power equally. He stated what is needed is a balance of power. Mr. Toman believes that the current system supports that balance of power and if you change it to 2/3 you weaken the Mayor's position. He feels that the votes needed for a mayoral veto should remain as is. He thinks that if this change is made the Commission needs to look at increasing the number of Councilors, eliminating minority representation, combining at large election and district election of Councilors and a town manager versus a strong mayor system. He doesn't think that you can just take away this issue without looking at others. Mr. Toman stated that he couldn't vote for the 2/3 unless some of these other issues are brought along with it.

Mr. Rys stated that he feels that the current system is working fine and doesn't need to be changed at this time.

Mr. Lilley stated that Wallingford is not a perfect town and he believes that a vote for 2/3 would be an improvement.

Ms. Wall stated that she has put a great deal of thought into this matter. She feels that there have been numerous times when the Council has set forth new ideas or approaches and they have been stopped by one person, the Mayor. She stated this is a huge town government and there is a lot of money that gets spent. There is a lot of power within the administrative duties of the Mayor. She feels the fiscal duties should be shared and the Mayor should have to talk to the Council and the

Council should have to talk to the Mayor. Ms. Wall doesn't believe that is always what happens. She stated that she would support the 2/3 votes because she feels that many things have been held back that could have gone forward because the Mayor has decided not to go ahead with something the Council has introduced.

KNICKERBOCKER: **MOTION TO REVISE CHAPTER III, SECTION 7, LINE 116 TO READ "ORDINANCE BY AT LEAST TWO THIRDS (2/3) AFFIRMATIVE VOTES OF THE ELECTED BODY OF THE TOWN COUNCIL WITHIN TEN (10) DAYS AFTER" (DELETING – "SEVEN (7)")**

WRIGHT: **SECOND**

VOTE: **MS. WALL – YES, MS. GROSS – YES, MR. CERVONI – NO, MR. RYS – NO, MS. WRIGHT – YES, MR. APPLGATE – NO, MR. LILLEY – YES, MR. TOMAN – NO, MR. KNICKERBOCKER – YES. THE MOTION PASSED BY A VOTE OF 5/4.**

4. REPORT BACK LEGAL QUESTIONS

Attorney Small reviewed her memorandum dated December 8, 2008 responding to questions submitted by the Charter Revision Commission. (Attachment II)

Chairman Knickerbocker decided to skip Chapter IV, Section 2 at this time and revisit it at the next meeting given all of the interest that was expressed.

WRIGHT: **MOTION THAT CHAPTER III, SECTION 11 BE REVISED TO READ "ALL APPOINTMENTS MADE BY THE TOWN COUNCIL SHALL BE MADE WITHIN 30 DAYS OF A POSITION BECOMING VACANT. IF THE TOWN COUNCIL FAILS TO MAKE THE APPOINTMENT WITHIN 30 DAYS, THE MAYOR SHALL MAKE THE APPOINTMENT, SUBJECT TO THE CONFIRMATION PROCESS SET FORTH IN CHAPTER II, SECTION 8. APPOINTEES MAY CONTINUE TO SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. (DELETING – THE ENTIRE SECTION AS IT IS WRITTEN)**

TOMAN: **SECOND**

VOTE: **UNANIMOUS**

There was some discussion about the Town Clerk position. The Town Clerk is referred to as the clerk of the Town Council. The fact that she currently does not attend Town Council meetings was discussed. Attorney Small suggested to the Commission that it check with the Council to see if the Town Clerk should still be called the clerk of the Town Council.

APPLEGATE: **MOTION THAT CHAPTER IV, SECTION 1, LINE 5 BE REVISED TO READ “TOWN CLERKS, SHALL ACT AS CLERK OF THE TOWN COUNCIL AND ATTEND ALL TOWN COUNCIL MEETINGS AND SHALL HAVE SUCH”**

TOMAN: **SECOND**

VOTE: **MS. WALL – NO, MS. GROSS – NO, MR. CERVONI – YES, MR. RYS – NO, MS. WRIGHT – YES, MR. APPELATE – YES, MR. LILLEY – YES, MR. TOMAN – YES, MR. KNICKERBOCKER – NO. THE MOTION WAS APPROVED BY A VOTE OF 5/4.**

KNICKERBOCKER: **MOTION THAT CHAPTER IV, SECTION 1, LINES 1-6 BE REVISED TO READ “THE TOWN COUNCIL SHALL APPOINT AND MAY REMOVE, SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ADOPTED PURSUANT TO THE PROVISIONS OF CHAPTER XVI OF THIS CHARTER, A TOWN CLERK WHO SHALL HAVE ALL POWERS AND DUTIES CONFERRED OR IMPOSED BY LAW, SHALL ACT AS CLERK TO THE TOWN COUNCIL AND ATTEND ALL TOWN COUNCIL MEETINGS, AND SHALL HAVE SUCH OTHER POWERS AND DUTIES AS ARE PRESCRIBED IN THIS CHARTER AND AS PRESCRIBED BY THE TOWN COUNCIL.” (DELETING – LINES 1 THROUGHT 6 AS CURRENTLY WRITTEN)**

RYS: **SECOND**

VOTE: **MR. TOMAN – YES, MR. LILLEY – YES, MR. APPELATE – YES, MS. WRIGHT – YES, MR. RYS – YES, MR. CERVONI – YES, MS. GROSS – YES, MS. WALL – YES, MR. KNICKERBOCKER – YES. THE MOTION PASSED UNANIMOUSLY.**

Attorney Small went on to discuss briefly the Board of Assessment Appeals, Constables and the Animal Control Officer as mentioned in her memo of December 8, 2008.

LILLEY: **MOTION THAT CHAPTER IV, SECTION 4, LINE 28 BE REVISED TO READ “THE COUNCIL SHALL APPOINT AT ITS SECOND REGULARLY” (DELETING – “BEGINNING IN 1992”)**

APPLEGATE: **SECOND**

VOTE: **UNANIMOUS**

APPLEGATE: **MOTION THAT CHAPTER X, SECTION 6, BE TITLED ANIMAL CONTROL OFFICER (DELETING – DOG WARDEN)**

CERVONI: **SECOND**

VOTE: **UNANIMOUS**

WRIGHT: **MOTION THAT CHAPTER X, SECTION 5, BE TITLED THE OFFICE OF EMERGENCY MANAGEMENT (DELETING – CIVIL DEFENSE)**

WALL: **SECOND**

VOTE: **UNANIMOUS**

Several issues were discussed that were brought up at the last meeting many of which Attorney Small would be looking at and reporting back to the Commission for the next meeting on January 12, 2009.

- Board of Assessment Appeals – workload
- Chapter II, Section 9, Page 4 – Removal of Elected and Appointed Officials, Suspension
- Chapter VII, Section 4 – Purchasing Agent – alternative language / state bids / low bids
- Chapter VIII, Section 3 – Building Inspector – enforcement officer
- Employee health insurance – collective bargaining process
- Chapter V, Section 2 – annual report of the Mayor – due date
- Evaluations of department heads – written, annual
- Assistant Town Attorney
- Board of Education - compensation

5. LENGTH OF TERMS FOR BOARD OF EDUCATION

There was discussion of three-year terms and the petitioning on for the Board of Ed.

6. ADDITIONAL PAGES, TIME PERMITTING:

None discussed

7. ADJOURNMENT:

Mr. Cervoni made a motion to adjourn. The motion was seconded by Mr. Applegate and passed. Meeting adjourned at approximately 10:10 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Town of Wallingford
Charter Revision Commission
December 8, 2008