

**CHARTER REVISION COMMISSION  
Town of Wallingford**

**Regular Meeting  
March 30, 2009**

A Regular Meeting of the Wallingford Charter Revision Commission was held on Monday, March 30, 2009, at the Wallingford Town Hall, Room 315, Wallingford, Connecticut.

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

Absent: Hank Toman

Chairman Knickerbocker called the meeting to order at 7:00 p.m.

**1. PUBLIC COMMENT:**

**Wes Lube**, Montowese Trail, thanked the Commission for being so open to the public. He gave some background on himself explaining the interest he has in this process. Mr. Lube handed out to each Commissioner a four-page packet of his comments regarding the Board of Ethics. (Attachment I) He read through his comments for the record.

**Bob Gross**, Longhill Road, did some research on the topic of ethics in other towns. He stated that most towns set a term limit anywhere from 8-12 years. Most allow no more than three from one party and no more than two from the alternates. No members of the Board of Ethics should hold any public office or have been a candidate for public office. No member can be a member on a town party committee. They cannot contribute to anyone who is running for any municipal office or attend a fundraising event. Many towns allow the Board of Ethics to employ outside counsel.

**2. APPROVAL OF MINUTES:**

March 23, 2009 - Regular Meeting

Mr. Applegate made a motion to approve the Minutes of the March 23, 2009 – Regular Meeting. The motion was seconded by Mr. Cervoni and passed. Ms. Wall and Ms. Wright abstained from voting.

**3. UPDATE ON THE RETIREMENT SECTION, PAGE 24:**

**MS. WRIGHT:**           **MOTION TO DELETE CHAPTER XIII, SECTION 4 AND REPLACE IT WITH LANGUAGE PROVIDED BY ATTORNEY SMALL. (ATTACHMENT II)**

**MR. APPLGATE:**   **SECOND**

**VOTE:**                   **UNANIMOUS**

**4. UPDATE ON THE FINANCE SECTION, PAGE 31:**

The Commission reviewed proposed language provided by Attorney Small in Attachment II. She included the abandonment language in her draft.

**MS. WRIGHT:**           **MOTION TO DELETE CHAPTER XV, SECTION 4, LINE 79 THROUGH LINE 103 AND REPLACE IT WITH LANGUAGE PROVIDED BY ATTORNEY SMALL. (ATTACHMENT II) INCLUDING AN ADDITION TO THE END OF THE SECOND PARAGRAPH TO READ “EXCEPT AS PROVIDED IN THE NEXT PARAGRAPH.”**

**MS. WALL:**           **SECOND**

**VOTE:**                   **UNANIMOUS**

**5. RESEARCH PROPOSED RESTRICTION ON SELECTION TO ETHICS BOARD:**

Attorney Small reviewed her memorandum and draft dated March 30, 2009 (Attachment II) regarding the Board of Ethics. Chairman Knickerbocker brought up for discussion the issue of who should appoint the members to the Board of Ethics. It was suggested that the Council should appoint the members and there should be minority representation. The Commission discussed many options including the Council picking four members; two from each party, and then have the four members pick the fifth member. Some Commissioners felt that there should not be one body picking all of the members to the Board of Ethics. The Commission realizes that this is a very difficult issue and there is no way that every situation can be covered. The issue of having all unaffiliated members on this board was discussed again. It is impossible to eliminate all bias from the Board of Ethics. Just because a person is not registered to a certain party does not mean they do not have an opinion or are less bias then a person who is registered.

Different options regarding the appointing of this Board were discussed. There was a suggestion that the Mayor appoints and gets 2/3 approval from the Council.

**MR. APPELATE: MOTION THAT THE MAYOR APPOINTS THE MEMBERS AND THE COUNCIL APPROVES BY A 2/3 VOTE.**

There was no second.

**MR. APPELATE: WITHDREW HIS MOTION.**

**MS. WALL: MOTION TO APPROVE THE DRAFT PREPARED BY ATTORNEY SMALL FOR CHAPTER XVII (ATTACHMENT II).**

**MR. APPELATE: SECOND**

The Commission continued to discuss the best way to get balanced representation on the Board of Ethics. It was suggested that there be no more than three members from the same political party and no more than two alternates from the same party.

The Commission would vote on individual sections of Chapter XVII, Ethics and Conflict of Interest using a draft from Attorney Small to work from. (Attachment II) Once all sections are voted on they would be put together to replace the existing Chapter XVII in the Charter.

**MS. WRIGHT: MOTION THAT CHAPTER XVII, A., BE REVISED TO READ: "SECTION 1. CREATION AND APPOINTMENT OF MEMBERS "THE BOARD OF ETHICS SHALL CONSIST OF FIVE (5) MEMBERS AND THREE (3) ALTERNATES. NO MORE THAN THREE MEMBERS FROM THE SAME POLITICAL PARTY AND NO MORE THAN TWO ALTERNATES FROM THE SAME POLITICAL PARTY. NO SEATED BOARD SHALL HAVE MORE THAN THREE MEMBERS FROM THE SAME PARTY."**

**MR. APPELATE: SECOND**

**MS. WALL: WITHDREW HER PREVIOUS MOTION.**

**MR. APPELATE: WITHDREW HIS SECOND.**

**VOTE: (ON MS. WRIGHT ABOVE MOTION) UNANIMOUS**

**MR. LILLEY: MOTION THAT TWO MEMBERS AND ONE ALTERNATE SHALL BE APPOINTED BY THE MAYOR AND TWO MEMBERS AND ONE ALTERNATE SHALL BE APPOINTED BY THE TOWN COUNCIL.**

**MR. APPELATE: SECOND**

The Commission discussed the motion and other possible combinations for appointing the Board.

**MR. LILLEY:**            **WITHDREW HIS MOTION.**

**MR. APPLGATE:**   **WITHDREW HIS SECOND.**

**MR. APPLGATE:**   **MOTION THAT “THE MAYOR SHALL APPOINT TWO (2) MEMBERS OF THE BOARD NEITHER OF WHOM ARE FROM THE SAME POLITICAL PARTY, THE TOWN COUNCIL SHALL APPOINT TWO MEMBERS, NEITHER OF WHOM ARE FROM THE SAME POLITICAL PARTY. ONCE APPOINTED THOSE FOUR (4) MEMBERS SHALL APPOINT THE FIFTH (5) MEMBER. THE MAYOR SHALL APPOINT ONE (1) ALTERNATE AND THE TOWN COUNCIL SHALL APPOINT TWO (2) ALTERNATES, NEITHER OF WHOM ARE FROM THE SAME POLITICAL PARTY.**

**MS. WRIGHT:**        **SECOND**

The Commission discussed the motion.

**VOTE:**                    **MR. LILLEY – YES, MR. CERVONI – NO, MR. APPLGATE – YES, MS. WRIGHT – YES, MR. RYS – NO, MS. WALL – YES, MS. GROSS – YES, MR. KNICKERBOCKER – NO.**

The Commission discussed Chapter XVII, Lines 6 through 13 and how the time frame should work to get all members seated for March 1<sup>st</sup>.

**MR. KNICKERBOCKER:**   **MOTION TO REVISE CHAPTER XVII, A., LINE 6 (BEGINNING WITH EACH) TO READ “EACH MEMBER AND ALTERNATE SHALL SERVE WITHOUT COMPENSATION FOR A TERM OF THREE (3) YEARS COMMENCING ON MARCH 1<sup>ST</sup> OF THE YEAR OF HIS/HER APPOINTMENT. THE MAYOR AND TOWN COUNCIL SHALL MAKE SUCH APPOINTMENT ON OR BEFORE JANUARY 31<sup>ST</sup> 2010 AND EVERY THREE YEARS THEREAFTER.**

**MR. LILLEY:**            **SECOND**

**VOTE:**                    **ALL MEMBERS VOTED “YES” BY A VOICE VOTE EXCEPT MR. CERVONI WHO ABSTAINED FROM VOTING.**

The Commission went on to discuss what would become Section 2 regarding the process by which the fifth member would be appointed.

**MS. WRIGHT:**           **MOTION THAT SECTION 2, CHAPTER XVII READ “WITHIN SEVEN (7) DAYS OF APPOINTMENT OF THE FOUR MEMBERS, THE MAYOR AND THE TOWN COUNCIL SHALL EACH PROVIDE THE BOARD WITH A LIST OF NAMES AND QUALIFICATIONS OF AT LEAST 3 ELECTORS WILLING TO SERVE ON THE BOARD. THE BOARD IS NOT LIMITED TO SELECT FROM THIS LIST. THE BOARD SHALL, BY MAJORITY VOTE, APPOINT THE FIFTH MEMBER NO LATER THAN MARCH 1<sup>ST</sup>.”**

**MR. RYS:**               **SECOND**

**VOTE:**                 **UNANIMOUS**

The Commission discussed what would become Section 3 regarding criteria for Board of Ethics members.

**MS. WRIGHT:**           **MOTION TO APPROVE SECTION A3 OF THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 3 OF THE REVISED CHARTER WITH ONE CHANGE TO ITEM B. TO READ “HOLD OR HAVE HELD AN OFFICE IN ANY POLITICAL PARTY OR BE A MEMBER OF A POLITICAL COMMITTEE FOR THREE YEARS PRIOR TO APPOINTMENT;”**

**MR. APPELATE:**   **SECOND**

The Commission discussed the motion and who may be excluded unnecessarily or unfairly.

**VOTE:**                 **MR. LILLEY – NO, MR. CERVONI – YES, MR. APPELATE – YES, MS. WRIGHT – YES, MR. RYS – YES, MS. WALL – NO, MS. GROSS – NO, MR. KNICKERBOCKER – NO.**

(9:15 p.m.) The Commission took a ten-minute break.

The Commission continued discussion of the criteria for the Board of Ethics members.

**MR. KNICKERBOCKER:**   **MOTION TO APPROVE SECTION A3 OF THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 3 OF THE REVISED CHARTER WITH THE ADDITION OF ITEM F. TO READ “HAVE A BUSINESS OR CLOSE PERSONAL RELATIONSHIP WITH**

**ANY PERSON HOLDING AN ELECTED POSITION OR A POSITION WITHIN THE TOWN OF WALLINGFORD.”**

**MR. APPELATE:**                    **SECOND**

There was discussion of how difficult it is to define a close personal relationship. Some suggested a possible disclosure section or a section discussing recusing oneself from a hearing. The Code of Ethics was discussed.

**VOTE:**                                **MR. LILLEY – YES, MR. CERVONI – NO, MR. APPELATE – NO, MS. WRIGHT – NO, MR. RYS – NO, MS. WALL – NO, MS. GROSS – YES, MR. KNICKERBOCKER – YES.**

The Commission discussed other possibilities for this section.

**MS. WALL:**                        **MOTION TO APPROVE SECTION A3 OF THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 3 OF THE REVISED CHARTER WITH THE CHANGE TO ITEM A. TO READ “HOLD ANY PUBLIC OFFICE NOW OR WITHIN THE LAST THREE YEARS. AND ITEM B TO READ “HOLD OR HAVE HELD AN OFFICE IN ANY POLITICAL PARTY OR BE A MEMBER OF A POLITICAL COMMITTEE FOR THREE YEARS PRIOR TO APPOINTMENT;”**

**MR. APPELATE:**    **SECOND**

**VOTE:**                                **UNANIMOUS**

The Commission reviewed Section B, Code of Ethics, in the draft provided by Attorney Small. (Attachment II)

**MS. WRIGHT:**                    **MOTION TO APPROVE SECTION B, CODE OF ETHICS, OF THE DRAFT FROM ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 4 OF THE REVISED CHARTER.**

**MS. WALL:**                        **SECOND**

**VOTE:**                                **UNANIMOUS**

The Commission reviewed Section C, Duties and Powers, in the draft provided by Attorney Small. (Attachment II)

**MS. WALL:**                        **MOTION TO APPROVE SECTION C FROM THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II).**

**MS. WRIGHT:**                    **SECOND**

The Commission discussed the motion.

**MS. WALL:**                    **WITHDREW HER MOTION**

**MS. WRIGHT:**                **WITHDREW HER SECOND**

**MS. WRIGHT:**                **MOTION TO APPROVE SECTION C1 FROM THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 5A AND BE MODIFIED SLIGHTLY TO READ: "THE BOARD SHALL HAVE THE POWER TO INVESTIGATE ANY ALLEGATION OF UNETHICAL CONDUCT, CORRUPTING INFLUENCE, ILLEGAL ACTIVITIES OR VIOLATIONS OF THE CODE OF ETHICS LEVIED AGAINST ANY OFFICIAL, OFFICER, APPOINTEE OR EMPLOYEE OF THE TOWN".**

**MS. WALL:**                    **SECOND**

**VOTE:**                         **UNANIMOUS**

**MS. WRIGHT:**                **MOTION TO APPROVE SECTION C2 FROM THE DRAFT PROVIDED BY ATTORNEY SMALL (ATTACHMENT II) TO BECOME SECTION 5B AND BE MODIFIED SLIGHTLY TO READ: "THE BOARD SHALL RENDER ADVISORY OPINIONS WITH REGARD TO THE REQUIREMENTS OF THIS CHAPTER AND THE CODE OF ETHICS UPON THE REQUEST OF ANY OFFICIAL, OFFICER, APPOINTEE OR EMPLOYEE.**

**MS. WALL:**                    **SECOND**

**VOTE:**                         **UNANIMOUS**

The Commission reviewed Section 3 from Attorney Small (Attachment II). Section 3 will become Section 6, Complaint Procedure, in the revised Charter.

**MS. WRIGHT:**                **MOTION TO APPROVE SECTION 3A AND B (ATTACHMENT II) TO BECOME SECTION 6A AND B.**

**MR. APPLGATE:**   **SECOND**

There was discussion about what the actual role is of the Board of Ethics. Some members thought that the Board of Ethics should investigate violations of ordinances or of this Charter. There was some discussion about what is actually a breach of the Code of Ethics. There were differing opinions on whether not doing your job would be an ethical violation. It was stated that issue would be handled in the Code of Ethics as written by the Council.

There was no vote taken on the last motion. The Commission would revisit it at the next meeting.

**6. REWRITE PROBABLE CAUSE SECTION RE: ETHICAL VIOLATIONS:**

To be discussed at the next meeting.

**7. REWRITE HEARING SECTION TO INCLUDE ABILITY TO OBTAIN OUTSIDE COUNSEL:**

To be discussed at the next meeting.

**8. RESEARCH ON ORDINANCES CONCERNING ETHICS:**

To be discussed at the next meeting.

**9. REPORT BACK ON RESEARCH REGARDING BOARD OF SELECTMEN:**

Attorney Small indicated in her memorandum dated March 30, 2009 (Attachment II) that the Charter does not have to provide for a Board of Selectmen.

**MR. APPLGATE: MOTION TO DELETE CHAPTER V, SECTION 3, LINE 40 THROUGH LINE 44 FROM THE CHARTER.**

**MS. WRIGHT: SECOND**

The Commission inquired as to how often the Board of Selectmen has acted. Attorney Small will report back at the next meeting.

**10. REPORT BACK ON RESEARCH CONCERNING TOWN ENGINEER:**

Attorney Small read from her memorandum dated March 30, 2009 (Attachment II). The Commission discussed the memo. Attorney Small will supply more information at the next meeting.

**11. REVISION OF CHARTER AFTER 5 YEARS:**

To be discussed at the next meeting.

**12. ADJOURNMENT:**

Mr. Lilley made a motion to adjourn. The motion was seconded by Mr. Applegate and passed unanimously.

The meeting adjourned at approximately 10:26 p.m.

Respectfully submitted,

Sonja Vining  
Recording Secretary  
Town of Wallingford  
Charter Revision Commission  
March 30, 2008