

1 **DRAFT DOCUMENT – SUBJECT TO APPROVAL**

2 Charter Revision Commission

3 Regular Meeting

4 April 6, 2017

5 Wallingford Town Hall

6 45 South Main Street

7 Wallingford, CT

8 6:30 p.m.

9 **MINUTES**

10 **PRESENT:** Chairman Steve Knight; Vice-Chair Christina Tatta; Commissioners Jonathan
11 Chappell; Patricia Kohl; Jim Pyskaty; Jim Seichter; Tom Corrigan; Bob Swick; Gina Morgenstein;
12 Sam Carmody; Corporation Counsel Janis Small; Public: Paul Ciardullo; Matt Zabierek, Record-
13 Journal.

14 **NOT PRESENT:** Commissioner Mark Gingras.

15 Chairman Knight called the Meeting to order at 6:30 p.m. and the Pledge of Allegiance was
16 recited. He said if the Commission is able to come to a conclusion and submit a draft tonight,
17 this will go to the Town Clerk. Chairman Knight said he sent a cover letter to the Town Clerk
18 and said he thought it would be useful to express to the Town Council, the process the
19 Commission has been going through. He read the letter to the Commission members.

20 **1. Acceptance of the Minutes of the March 15, 2017 Public Hearing on the Town**
21 **Charter revision.**

22 Page 2, line 1, the first word should be "changed" instead of "changes; page 3, line 13, the first
23 word "allowing" should be deleted; line 34 should be "opened" instead of "open; page 4, line 2,
24 should be "places" not "place"; line 20, should be "Vice-Chair Tatta said"; line 31 should be
25 "staff" not "staffed"; page 5, line 18, after the word "January" there should be a closed
26 quotation mark; line 28 should be quotation marks around the phrase: "as constituted prior to
27 the effective date of this Charter".

28 Vice-Chair Tatta said four lines up from the bottom of the page should also be "staff" not
29 "staffed".

30 Chairman Knight complimented Vice-Chair Tatta for chairing the public hearing. Commissioner
31 Kohl seconded the compliment.

1 **MOTION: A motion by Vice-Chair Tatta that the March 15, 2017 Public Hearing**
2 **Minutes be approved as amended. Commissioner Chappell seconded the motion.**

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

5 **2. Discussion and Possible Action on Town Charter subjects raised by**
6 **Commissioners**

7 Chairman Knight said this was the first meeting subsequent to the Public Hearing. He said he
8 likes to believe the public had ample opportunities and had three Public Hearings and offered
9 the opportunity for the public to write the Commission at any time to discuss any matter and
10 said everything was heard, every letter and comment discussed.

11 Commissioner Seichter said he realized a decision was already made involving the number of
12 Commissioners on the Public Utility Commission, but pointed out this item was brought up again
13 at the recent Public Hearing to increase the number of PUC Commissioners from three to five.
14 He said when PUC Commissioner Patrick Birney attended a Charter Revision meeting; he made
15 a compelling case for three commissioners as well as did the Mayor. Commissioner Seichter
16 pointed out there are three Commissioners who control a \$92 million budget, and said on
17 Planning & Zoning there are five Commissioners. He said in his mind, he believes five would be
18 a more appropriate number noting the weight the PUC has and their responsibilities.

19 Commissioner Morgenstein said she agreed with raising the number of PUC Commissioners
20 from three to five. She said the Mayor and Commissioner Birney gave a clear argument, but the
21 fact remains that the public continues to speak on this issue. She pointed out this was a specific
22 charge item from the Town Council. Commissioner Morgenstein said five Commissioners instead
23 of three are appropriate given the amount of money the PUC spends, and millions of dollars
24 into a lawsuit (CMEEC). She said throughout the Charter process, there have been statements
25 that it is hard to get people, but noted the reality is that didn't stop us from finding the third
26 Commissioner and reaching out to new people. She said if we were vesting in finding new
27 people and making people feel more included in the process, this wouldn't be impossible.

28 Commissioner Chappell said after this was discussed and considered and thinking about it, he
29 wasn't sure the difference in PUC Commissioners would change any of the issues. He said with
30 the current situation, if the third person was there and was the opposition, they would be
31 outvoted 2 to 1, but with five there would have to be a 3 to 2 majority. He said he didn't hear
32 anything different to sway his initial thoughts of staying with three Commissioners.

33 Commissioner Kohl said that given the fact the PUC has oversight from the Town Council which
34 can veto anything the PUC does; she didn't see the need to increase the Commissioners from
35 three to five. Commissioner Pyskaty asked if the general public knew how the PUC works.

36 Chairman Knight said he doubted this, noting it was fairly arcane as was discovered after going
37 through the Charter. He said the Council does have the power to override the PUC's decision.

1 Commissioner Morgenstein said her understanding with the PUC is that one member of the
2 public that follows the PUC meetings is very well versed. She said there is a small group of
3 people who make it their business to know and try to impart that information to other people as
4 best they can. Chairman Knight said he underscored what Commissioners Kohl and Chappell
5 said. He said if all of us serve on other boards and commissions, there is an axiom that the
6 more people one has on any organization making decisions, the slower the process is. He said
7 this point was made by the Mayor and was underscored by PUC Commissioner Birney who
8 stated there is a State Board of three members that oversees Public Utilities. He said these
9 were weighted arguments and came down on the side of not increasing from three to five.

10 Chairman Knight took a straw vote to ask each Commissioner if they wanted to revisit this
11 issue. Commissioner Morgenstein asked what the process of what would be put forward to the
12 public to vote on the Charter. Chairman Knight, reading a June 6, 2016 memorandum from
13 Atty. Small, noted that within 45 days of receiving the approved draft, the Town Council must
14 conduct a public hearing; within 15 days of the last Public Hearing, the Council must make any
15 recommendations for changes. If no changes are recommended, the report is final and must be
16 acted upon. If recommendations are made by the Town Council, the Commission must consider
17 them within 30 days of receiving such recommendations. Within 15 days of receiving the final
18 report, if the Commission meets again and considers the Council's changes, a final report is
19 submitted and within 15 days of receiving that final report, the Council must act.

20 Chairman Knight said there is also a referendum process. Atty. Small said the Council makes a
21 decision regarding what the posed questions would be. Chairman Knight said not later than 30
22 days after approval, publication in the paper is required and then a regular or special election
23 must take place 15 months after approval. He said the Town Clerk must submit ballot questions
24 to the Secretary of State, the first 10 days of September in order for the questions to be on this
25 November's ballot. Vice-Chair Tatta said the last time the Charter was voted down she believed
26 there were nine questions. She noticed on page 40 of the current charter that there was one
27 question.

28 Chairman Knight conducted a straw poll of the Commissioners stating that if there was a yes
29 majority; the topic of possibly increasing the number of PUC Commissioners from three to five
30 would be re-opened for further discussion by Charter Revision Commissioners only.

31 **Straw Poll: Swick-no; Pyskaty-no; Corrigan-no; Carmody-yes; Seichter-yes;**
32 **Morgenstein-yes; Kohl-no; Chappell-no; Tatta-yes; Knight-no**

33 **Vote: 6-4 – against further discussion.**

34 Commissioner Chappell said he imagined this was not the end of this issue, pointing out the
35 Commission was not the last word of what would go on the ballot. He said the tonight's vote
36 was not final.

1 **Other Topics – None**

2 Chairman Knight referenced Atty. Small’s March 30, 2017 memo. Atty. Small had a question
3 Chapter 2, Section 5, stating she didn’t believe there was an action vote. Vice-Chair Tatta
4 mentioned the Dec. 15, 2016 Minutes where it said “resident elector of said Town” and then the
5 next line it said “to be a resident and elector”. She said the Minutes indicated there was no
6 vote. She said the word “and” should be taken out so it reads “Resident Elector”. Vice-Chair
7 Tatta said that would take care of #3 and #4 of the March 30, 2017 memo.

8 Vice-Chair Tatta spoke about item# 1 regarding capitalizing the word “town” throughout the
9 Charter. Commissioner Corrigan asked if town was capitalized when it referred to Wallingford.
10 Atty. Small said she didn’t believe the word “town” had to be capitalized. Vice-Chair Tatta said
11 she didn’t believe the word had to be capitalized, but it should be consistent. Commissioner
12 Seichter said the word town should be capitalized when it refers to Wallingford. Chairman
13 Knight said he understood the consistency.

14 Commissioner Morgenstein said Town of Wallingford is a title. Vice-Chair Tatta agreed with
15 Commissioner Morgenstein.

16 **MOTION: A motion by Commissioner Morgenstein, seconded by Commissioner Kohl,**
17 **that when the term in the Charter is “Town of Wallingford”, “Town” and**
18 **“Wallingford” are capitalized. When the reference is to “the Town” it is the title and**
19 **that is capitalized. If the sentence has another meaning and town is simply a noun,**
20 **it will be lower case, and we the body of this Commission gives Vice-Chair Tatta the**
21 **authority to pass along the details so Atty. Small can give this to her staff.**

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

24 Commissioner Morgenstein mentioned a letter from a member of the public, Jennifer Wysocki,
25 that said opened up her thought process regarding gender. She said in 2017, using “he/she”
26 does not include gender neutral people. She said she spoke with a person who has expertise in
27 this area. Commissioner Morgenstein suggested considering using “he/she/they” instead of
28 “he/she” which is the proper non-gender specific to people in 2017 who are sensitive to this
29 issue use.

30 Commissioner Kohl disagreed saying that “they” is a plural noun, and doesn’t see it as a
31 replacement for “he” or “she” or any single person. She said this would make more
32 awkwardness. Commissioner Morgenstein said that people who are gender sensitive, people
33 who are gender different, we live in times where people who through no choice of their own
34 have certain circumstances in their communities, taken on the term “they” so they don’t have to
35 walk into a room and identify a gender. She agreed that grammatically, it is awkward, but if this
36 body wants to be sensitive to the times we live in, this is the request of that community.

1 Chairman Knight said it is unfair to suggest that if this body doesn't adopt Commissioner
2 Morgenstein's suggestion, that we are insensitive to that subject. He said he has a lesbian
3 daughter and have had discussions about this matter with her and she found this a bridge too
4 far. He said the Commission has accomplished what it wanted to accomplish by making the
5 Charter gender neutral. He said it would be imperative to vote on this. Vice-Chair Tatta said to
6 make this grammatically correct, the wording would have to be "he/she/it", and the word "it"
7 sounds degrading. She said she didn't know if there was a correct way to say this, keeping
8 everything grammatically correct and to not make it "he" or "she". Commissioner Corrigan said
9 the task was to have a gender neutral Town Charter which is easy to do. He said being gender
10 inclusive is shooting at a moving target because it seems to change every year. He said if we
11 come in with another word to be more inclusive, it will never be enough and that was his
12 concern.

13 Commissioner Seichter said he appreciated Commissioner Morgenstein bringing this issue up.
14 He said he did research but Commissioner Corrigan brought up a good point. He said today
15 there is one particular word being used but this is the word today. He said next year or so there
16 may be another or additional terminology which goes with this. Commissioner Seichter said this
17 is starting to become too broad. He said he believes the Commission was sensitive. He said he
18 feels comfortable with what we have now. Commissioner Chappell said the Commission had
19 done what we can and noted we took out the word "he" and put in the name of the actual
20 official. He said we can't solve all the world's problems through the Charter and is comfortable
21 with what was done. He said he didn't see a word that could be put in the Charter to solve this
22 issue.

23 **Motion: A motion by Commissioner Swick, second by Commissioner Pyskaty, to**
24 **make this gender neutral "he" "she" throughout the document as it is stated at this**
25 **point.**

26 **Roll Call Vote: Swick-yes; Pyskaty-yes; Corrigan-yes; Carmody-no; Morgenstein-no;**
27 **Seichter-yes; Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

28 The Commission discussed item #5 on Atty. Small's memo regarding Chapter XI, Section 4,
29 should say "may" appoint and remove and not "shall". Atty. Small said she believes the word
30 "shall" is fine. Regarding Chapter XVII, Section 3, Vice-Chair Tatta it was suggested the
31 language be re-worded. She said she could not find the language. Commissioner Kohl said she
32 raised this issue at the Public Hearing because she said the current wording states "the
33 members appointed by the Mayor shall serve for a term of six years commencing on the date of
34 the meeting of the Council in January following the biennial Municipal elections".

35 Commissioner Kohl wondered if the wording should state: "the first meeting of the Council in
36 January" as it also states in the first paragraph under Section 2. She noted in Section 2, under
37 Personnel, Pensions & Appeals Board, it states "the dates of appointment shall be from the date

1 of the first Council Meeting in January". Commissioner Kohl said the wording should be
2 consistent.

3 **Motion: A motion by Commissioner Kohl, seconded by Vice-Chair Tatta, that in**
4 **Chapter 17, Section 3, the word "first" be inserted where it refers to "the members**
5 **appointed by the Mayor shall serve for a term of six years commencing on the date**
6 **of the first meeting of the Council in January following the biennial Municipal**
7 **elections".**

8 **Vote: Swick-yes; Pyskaty-yes; Corrigan-yes; Carmody-yes; Morgenstein-yes;**
9 **Seichter-yes; Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

10 Chairman Knight entertained a motion to approve the draft of the Charter, Atty. Small sent out
11 on March 30, 2017 with the April 5, 2017 changes and the changes approved on April 6, 2017.

12 **Motion: A motion by Vice-Chair Tatta, second by Commissioner Kohl, to accept as**
13 **our Draft to be submitted to the Town Clerk and the Town Council, the Charter**
14 **dated March 30, 2017 with the edits dated April 5, 2017 from the Law Department**
15 **as well as the changes voted on at the April 6, 2017 meeting.**

16 **Roll Call Vote: Swick-yes; Pyskaty-yes; Corrigan-yes; Carmody-yes; Morgenstein-**
17 **yes; Seichter-yes; Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

18 Chairman Knight said he was proud of what the Commission did. He distributed and read into
19 the record, two cover letters; the first one to Town Clerk Barbara Thompson, who will receive
20 the Draft Charter. He thanked the Town Clerk for her assistance to the Commission and
21 thanked the work of the Recording Secretary.

22 Chairman Knight also read a letter he will be submitting to the Town Council outlining the
23 Commission's work, noting they attempted to eliminate politics from their work. The letter also
24 thanked Atty. Small for her hard work. The letter also stated the Draft Charter would be
25 submitted three months ahead of the June 30, 2017 deadline set by the Town Council. The
26 letter thanked each member of the Town Council and the Mayor for allowing each of the
27 members to serve on the Charter Revision Commission.

28 Atty. Small will submit the redline version to the Town Clerk as per the preference of the
29 Charter Revision Commission.

30 The Commission thanked Chairman Knight and Vice-Chair Tatta for their direction.

31 **Adjournment**

32 Vice-Chair Tatta made a motion to adjourn the meeting at 7:45 p.m. Commissioner Chappell
33 seconded the motion which passed unanimously.

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2 Respectfully submitted,

3 Cynthia A. Kleist

4 Recording Secretary

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