

1 **WALLINGFORD CHARTER REVISION COMMISSION**

2 **OCTOBER 6, 2016**

3 **TOWN HALL – ROOM 315**

4 **45 S. MAIN STREET**

5 **WALLINGFORD, CT**

6 **MINUTES**

7
8 **PRESENT:** Chairman Stephen Knight; Vice-Chair Christina Tatta; Commissioners Jim Seichter;
9 Gina Morgenstein; Mark Gingras; Jonathan Chappell; Bob Swick; Patricia Kohl; Tom Corrigan;
10 Corporation Counsel Janis Small.

11 **NOT PRESENT:** Commissioners Jim Pyskaty; Sam Carmody.

12 Chairman Knight called the Meeting to order at 6:30 p.m. and the Pledge of Allegiance was
13 recited.

14 **1. Approval of Minutes – September 15 2016**

15 Page 1, line 22 should be "Ms". Kohl not "Mr". Kohl.

16 Page 3, line 33 should be "leaning" not "leaving".

17 **2. Discussion and possible action concerning topics addressed by Mayor**

18 Chairman Knight said there were items brought up over the past few meetings. He said Mayor
19 Dickinson met with his Department Heads. Chairman Knight said he met with the Mayor this
20 Thursday afternoon to review the recommended changes.

21 Chairman Knight started with Chapter 3, Section 2, Page 5, line 9 which recommends the
22 removal of the time requirement, (8:00 p.m.).

23 **MOTION: A motion by Vice-Chair Tatta seconded by Commissioner Chappell that on**
24 **Chapter 3, Section 2, Page 5, Line 9, the wording "at 8:00 p.m. " be removed.**

25 **Roll Call Vote: Swick-yes; Corrigan-yes; Gingras – yes; Morgenstein-yes; Seichter-**
26 **yes; Chappell-yes; Kohl-yes; Knight-yes; Tatta-yes.**

27 **Motion passes**

28 **Chapter VII, Department of Finance**

1 Section 3 – Town Treasurer; Page 15, line 28, remove the phrase “agent of the Town deposit
2 fund”, this no longer exists. Commissioner Morgenstein noted the wording didn’t make sense
3 and additional words needed to be added. The other Commissioners agreed the existing
4 wording made sense.

5 **MOTION: A motion by Commissioner Corrigan second by Commissioner Gingras to**
6 **strike the phrase “agent of the Town deposit fund”.**

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

9 **Motion passes**

10 **Chapter VII, Department of Finance**

11 Section 4 – Purchasing Agent

12 Recommendations already sent to Charter Revision Commission by Atty. Janis Small and Sal
13 Amadeo, Purchasing Agent. Chairman Knight asked Atty. Small how to reference her changes.
14 Atty. Small said she could provide a copy to attach to the Minutes. She noted the bid limits
15 would be changed by Ordinance. Commissioner Morgenstein said she has heard people speak
16 about unused property. She asked if the Mayor is the person needing to decide whether an old
17 typewriter or a copier should be disposed of.

18 Vice-Chair Tatta said this is under the section of Comptroller and said she wasn’t sure whether
19 the Mayor approves every item or gives a blanket approval. Atty. Small said it would probably
20 be something major, like fire equipment. Atty. Small said she believes this section is meant as a
21 check and balance.

22 Commissioner Gingras said in the business world, when the CEO or Director looks at disposable
23 products, an entire list of items, and an explanation of how the items will be disposed, and this
24 is done twice a year. Commissioner Gingras noted the Mayor is the CEO of the Town. Chairman
25 Knight said this centralizes and controls the decision making from time to time.

26 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl to adopt the**
27 **changes for Chapter VII Section 4 as set forth in the Law Dept’s memo dated**
28 **10/3/16.**

29 **Chapter VIII, Department of Public Works**

30 Section 1, Page 16, Line 5 – remove the word “lighting”; line 6 – remove the word private.

31 Chairman Knight said the reason for this is that the Dept. of Public Works has nothing to do
32 with lighting and the Town doesn’t deal with private drains. Commissioner Kohl suggested one
33 change to the Mayor’s suggestion that the word “and” be added and remove the words “and

1 private". Vice-Chair Tatta asked Atty. Small about two Section Two's in some places in the
2 Charter. Atty. Small said this will be corrected and a draft copy sent to the Charter Review
3 Commission for their review.

4 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick on Chapter 8,**
5 **Dept. of Public Works, Section 1, Line 5 remove the word "lighting" and on Line 6**
6 **remove the words "and private".**

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

9 **Motion passes**

10 **Chapter VIII, Remove Section 2, Building Inspector-Add Building Department as a**
11 **separate Chapter (Chapter XI). Renumber remaining Chapters.**

12 Change Building Inspector to Building Official.

13 Commissioner Kohl said she believed the 2009 Charter Revision Draft put this under Planning &
14 Zoning or the Planning Department. Atty. Small said the Building Inspector is not part of Public
15 Works and should have its own Chapter. Commissioner Morgenstein asked about the current
16 makeup of the Building Inspector.

17 Atty. Small said the State Statutes call this "Building Official". She said the Building Official is
18 the head of the Department with two Inspectors under the Building Official and a third who is a
19 Housing Inspector and a few clerical people under the Building Official. Commissioner
20 Morgenstein said after speaking with people, she came under the impression that the Town has
21 a Building Inspector for all intents and purposes, may not be capable of inspecting every
22 building in the Town. Atty. Small said it isn't the Building Inspector but someone on his staff.
23 Commissioner Kohl said if the Building Dept. will be its own Chapter, then the Commission must
24 change adoptive pursuant to the rules of Chapter 16, this must be made Chapter 17. Atty. Small
25 said she will change the Chapters. In answer to Commissioner Gingras' question, Atty. Small
26 noted the new Building Official answers to the Mayor.

27 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick to change the**
28 **"Building Inspector" to "Building Official" and add the "Building Department" as a**
29 **separate Chapter.**

30 **Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes;**
31 **Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes.**

32 **Chapter IX, Department of Engineering**

33 Section 1, Page 17, Line 2 – replace certified civil engineer with licensed Professional Engineer.

1 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl in Chapter 9,**
2 **Section 1, Page 17, Line 2, to replace “Certified Civil Engineer” with “licensed**
3 **Professional Engineer.”**

4 **Roll Call Vote: Kohl-yes; Seichter-yes; Chappell-yes; Gingras-yes; Corrigan-yes;**
5 **Swick-yes; Tatta-yes; Knight-yes.**

6 **Chapter X, Civil Defense**

7 Section 5, Page 19 – Title and lines 62, 63 – replace Director of Civil Defense with Director of
8 Emergency Management.

9 **MOTION: A motion by Vice-Chair Tatta seconded by Commissioner Swick, that**
10 **Chapter X, Section 5 be changed to “Emergency Management and on lines 62, 63 be**
11 **the wording be changed from “Director of Civil Defense” to “Director of Emergency**
12 **Management”.**

13 Commissioner Kohl noted the title of Section 5 must also be changed from Civil Defense to
14 Emergency Management.

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

17 Page 19, lines 63,64, 65 – remove “and he shall appoint an advisory council of resident electors
18 to assist him in accordance with the provisions of the Connecticut General Statutes, provided
19 that” Insert : and the Mayor may appoint a Deputy Director of Emergency Management.

20 Commissioner Seichter asked for an explanation. Chairman Knight explained there is no
21 advisory council of resident electors and said it is felt the Mayor should have the latitude to
22 appoint a Deputy of Emergency Management.

23 Commissioner Kohl wondered if there is a need to remove up to line 67 and then insert.
24 Commissioner Gingras asked if the Deputy Director would be an assistant to the Director of
25 Emergency Management. Chairman Knight said the Director of Emergency Management is
26 someone who is within this group and is not a separate person. Atty. Small said she didn't know
27 if the Mayor appointed the Director or someone to be the Director. She said she thought he was
28 the head of this. Chairman Knight explained this person would be what the Fire Chief is
29 currently and would be an additional title. Commissioner Gingras suggested going back to the
30 Mayor with maybe this should be Deputy Directors because as things grow, there may be more
31 than one Deputy.

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1 Commissioner Chappell commented that he was not reading that this change would give the
2 Mayor the ability to appoint another position and this is probably a title given to someone in the
3 Police Dept. Atty. Small said when one talks about Emergency Management; one is talking
4 about fire and police which are part of this team. She said the Mayor is not looking for someone
5 on the outside to be a part of this. Chairman Knight said this is largely governed by State
6 Statute which is referred to in the Charter. Commissioner Gingras said he could foresee in the
7 future, someone being a Director of Emergency Management and with nothing else to do. He
8 said the Town could expand enough where a Director of Emergency Management would be
9 needed.

10 **MOTION: A motion by Commissioner Kohl that the Commission remove from**
11 **Chapter 10, page 19, line 63 through 67, the words "and he shall appoint an**
12 **advisory council of resident electors to assist him in accordance with the provisions**
13 **of the general statutes provided the Mayor may name any resident elector as his**
14 **Deputy Director of Civil Defense, and that we insert the words, "and the Mayor may**
15 **appoint one or more Deputy Directors of Emergency Management", and leave in the**
16 **words on line 67, "when in his opinion it becomes necessary to do so".**

17 **COMMISSIONER KOHL WITHDREW THIS ORIGINAL MOTION AND MADE A NEW**
18 **MOTION BASED UPON COMMENTS FROM ATTY. SMALL.**

19 **MOTION: A motion by Commissioner Kohl second by Commissioner Chappell that**
20 **the words on page 19, lines 63 through 67 starting with "and he shall appoint an**
21 **advisory council" ending with the words "necessary to do so" and remove all of this**
22 **language and insert "and the Mayor may appoint one or more Deputy Directors of**
23 **Emergency Management."**

24 **Roll Call Vote: Kohl-yes; Seichter-yes; Chappell-yes; Morgenstein-yes; Gingras-yes;**
25 **Corrigan-yes; Swick-yes; Tatta-yes; Knight-yes**

26 Chairman Knight indicated this motion was passed with the understanding this will be written
27 up and reviewed.

28 **Chapter X, Dog Warden**

29 Section 6, Page 19, Title & line 68 – change Dog Warden to Animal Control Officer.

30 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl in Chapter 10,**
31 **Section 6, Page 19, Title & Line 68 be changed from "Dog Warden" to "Animal**
32 **Control Officer".**

33 **Roll Call Vote: Seichter-yes; Kohl-yes; Chappell-yes; Morgenstein-yes; Gingras-yes;**
34 **Corrigan-yes; Swick-yes; Tatta –yes; Knight-yes.**

1 **Chapter XI, Dog Warden**

2 Section 3, Page 21 – Department of Public Welfare – Remove from Charter – this Department
3 no longer exists (no longer a State program).

4 This was voted on previously.

5 **Chapter X11, Department of Parks & Recreation**

6 Page 21, Line 6 – change Director of Recreation to Director of Parks and Recreation.

7 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick that Chapter**
8 **XII line 6 be changed from “Director of Recreation to “Director of Parks and**
9 **Recreation”.**

10 **Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes;**
11 **Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

12 **Chapter XIII, Personnel Department**

13 Section 1, Page 22, line 26 (g) – should read “certify all payroll vouchers. Remove remainder of
14 (g).

15 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl that in Chapter**
16 **XIII, Section 1, Page 22, Line 26 (g) that the wording be changed “payrolls” to the**
17 **wording “payroll vouchers” and remove all wording after “payroll vouchers” up until**
18 **Letter H.**

19 **Roll Call Vote: Kohl-yes; Chappell-yes; Seichter-yes; Morgenstein-yes; Gingras-yes;**
20 **Corrigan-yes; Swick-yes; Tatta-yes; Knight-yes**

21 **Chapter X1V, Public Utilities**

22 1. Replace “Electric Department”, “Water Department” and “Sewer Department” with
23 “Electric Division”, “Water Division” and “Sewer Division” through chapter.

24 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick to replace**
25 **“Electric Department”, “Water Department” and “Sewer Department” with “Electric**
26 **Division”, “Water Division” and “Sewer Department”.**

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

29 2. Section 6, Line 69, change “Authority” to “Division”

1 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick to change in**
2 **Chapter X1V, Section 6, Line 69 "Authority" to "Division"**

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

5 3. Section 8, lines 87-88, replace "Public Utilities Commission of the State of Connecticut "
6 with "Public Utilities Regulatory Authority".

7 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl that in Chapter**
8 **X1V, Section 8, lines 87-88 be replaced with the wording from "Public Utilities**
9 **Commission of the State of Connecticut" with "Public Utilities Regulatory Authority".**

10 **Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes;**
11 **Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

12 4. Section 9, lines 96-97, replace "general law and by regulation of the Public Utilities
13 Commission of the State of Connecticut" with "pursuant to state statutes" and replace
14 "as applied to" with "applicable to".

15 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Swick that in**
16 **Chapter X1V, Section 9, Lines 96-97 be replaced from "general law and by**
17 **regulation of the Public Utilities Commission of the State of Connecticut" with**
18 **"pursuant to state statutes" and replace "as applied to" with "applicable to"**

19 **Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes;**
20 **Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes**

21 5. Section 9, Line 98, change "September" to "October".

22 Chairman Knight explained that according to the Mayor the deadline is tight regarding the end
23 of the fiscal year report, to be completed by Sept. 1 for the Public Utilities Commission, and so
24 the Mayor would like this moved to Oct. 1. He said the Comptroller had no issue with this
25 change.

26 **MOTION: A motion by Vice-Chair Tatta seconded by Commissioner Kohl that in**
27 **Chapter X1V, Section 9, Line 98 be changed from "September" to "October"**

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

30 Section 10, Line 123, change "superintendent" to "general manager".

31 **MOTION: A motion by Vice-Chair Tatta second by Commissioner Corrigan that on**
32 **Chapter X1V, Line 123, be changed from "superintendent" to "general manager"**

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

3 **Chapter XV, Finance and Taxation**

4 Section 7, Page 3, line 143 – change \$200 to \$500

5 Chairman Knight explained this was not an arbitrary number. He said the Mayor said this
6 doesn't happen very often but noted that \$500 is a number which is reasonable. Commissioner
7 Kohl said the \$200 amount on line 146 has to be changed to \$500. Commissioner Morgenstein
8 asked for an explanation. Chairman Knight said the Town Council is required to approve
9 transfers from one account to another, but the Mayor can make transfers up to a certain
10 amount and this amount is being raised from \$200 to \$500.

11 **MOTION: A motion by Commissioner Kohl seconded by Commissioner Gingras that**
12 **in Chapter XV Section 7, Page 3, line 143 and 146 change the amount from \$200 to**
13 **\$500.**

Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes;
Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes

**3. Discussion and possible action concerning topics addressed by Law
Department.**

Atty. Small said she gave the Commission what she believes they voted regarding the Town Clerk position. Commissioner Kohl asked under Chapter 4, "Appointed Officers" if the Town Clerk should be removed from that Chapter because the Town Clerk will now be a priority position. Atty. Small said she didn't know if the Commission wanted to put this under "Mayor" or by itself. She asked the Commission if this was all they wanted to do with the Town Clerk position. Commissioner Seichter said Town Clerk is becoming a classified position and believed this was the discussion by the Commission. He asked that an item be added that the person in the current position, until the Mayor appoints someone, would stay in this position.

Atty. Small said she believed this was covered somewhere else in the Charter and would double-check. Vice-Chair Tatta asked Atty. Small why the words "all fees collected by him or her shall be paid into the Town Treasury" were removed. Atty. Small she said she didn't believe this statement was necessary because there was a time the Town Clerk was paid from those fees but this is not the case now. Chair Knight suggested voting on Town Clerk issue again. He asked if this issue had to be moved out of Chapter 10. Atty.Small said this can be put under Mayoral Appointment or make another chapter.

Commissioner Gingras said the Town Clerk deserves its own chapter. Commissioner Kohl said this should come under whatever departments come after the Mayor but believed the Town

Clerk should be in its own chapter because she is a department head appointed by the Mayor.

MOTION: A motion by Vice-Chair Tatta second by Commissioner Kohl to adopt the language regarding the Town Clerk as proposed in the Law Department's memo dated Oct. 3, 2016 and that its new wording be made its own chapter in the charter.

Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes; Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes

Removal of Officials – Topic of Atty. Small's Oct. 29, 2016 memo.

Atty. Small reiterated that elected officials cannot be removed. She said there needs to be a conversation about who is being talked about and noted there was a discussion among Commissioners about leaving in elected officials in case they can be removed. She said she strongly recommended this not happen. Atty. Small said she would not put in any language that talks about something the Commission doesn't have the power to do which would be elected officials. She said she wasn't clear of the Commission's intentions.

Commissioner Corrigan said he remembered the Commission speaking about this issue, noting he and other Commissioners were in favor of it but found out through Commissioner Chappell there is a State Statute which covers this. He noted the Town is subordinate to State Statute. Commissioner Chappell noted there was discussion about the Pension Statute and discussion about removing elected officials. Atty. Small pointed out that the law on removing someone's pension is in very limited circumstances. Vice-Chair Tatta said the Commission's concern regarding eliminating this part (elected officials) was the optics of it. She said the Commission discussed leaving this alone because they don't have the authority to do anything about this. Atty. Small said anything the Commission doesn't have the power to act on shouldn't be in the Charter.

Atty. Small said she believes if State law were to pass saying we had the power to remove elected officials, it would be similar to that. She said notwithstanding the fact, the Charter may say otherwise or not say anything at all. Commissioner Kohl noted the previous Charter Revision Commission removed that section and said even though it wasn't a separate ballot question, it was in their proposed draft taking out the removal of elected officials. She said it wasn't a controversy or one of the specific ballot questions, but was one of the changes they made and fell under the housekeeping section.

Chairman Knight said he believed there was consensus to make this change and remove this and hoped the voters understand the ramifications. Commissioner Morgenstein asked if there is any provision in place to replace an elected official that is unable to serve, i.e., in jail and can't perform their duties, or does their seat sit empty. Atty. Small said just elected is being removed noting appointed is another issue. She said if one goes to Chapter 4, it talks about appointed officers and the removal section talks about appointed officials. Atty. Small said when one talks

about appointed officials; she believes this is everyone on the boards and commissions the Town Council appoints. Atty. Small told the Commission might want to think about this, i.e., who is an officer vs. an official vs. someone appointed. Commissioner Kohl had a question on the wording "any appointed official may be suspended from his or her position by the appointing authority without pay, and hearing upon his or her arrest for felony involving his or her conduct in such position". She asked if this needed to be changed. Atty. Small said this needs to be removed because it talks about employees. Commissioner Kohl pointed out the only appointed people who get paid are members of the Public Utilities Commission.

Atty. Small said this will have to be re-written but said the Commission may want to take a look at this. Commissioner Chappell said the last paragraph of that section seems to create jurisdiction of the Superior Court. Commissioner Gingras said this is set of landmines and should be out of the Charter completely regarding the removal of people. Commissioner Kohl said there should be a process of removing people who are appointed to boards & commissions. Atty. Smith said the power to appoint implies the power to remove so this doesn't have to be affirmatively stated. She said the language, appoint and remove, can be inserted with the Land Use Boards. She said there is interest in having them all consistent and can be defined in an ordinance. She said one alternative to make the language consistent would be to have them all in one section and that the Council can appoint all three Land Use Boards and Commissions. She asked if the Commission would consider condensing the Land Use into one generic section or one section for each Board and Commission.

The Commission reached a general consensus to have Atty. Small write something for the Commission regarding this issue. Commissioner Seichter said with Planning & Zoning, the ordinance just needs to be referenced and include alternates which weren't addressed. Both Chairman Knight and Commissioner Kohl pointed out that the 2009 Charter Revision Commission created a Land Use Section in Chapter 10, page 17 of their draft, and put the Building Inspection under that. Chairman Knight said the 2009 Commission also addressed the Economic Development Commission. Atty. Small said the Land Use could be made smaller and the Ordinance could be referenced. Chairman Knight said this would be a separate chapter.

Vice-Chair Tatta said she was not 100 percent in favor of removing Section 9, page 4, the removal section, and having that process stipulated by ordinance. She said she didn't know if it would be better to have a process spelled out in the Charter.

Chairman Knight said Atty. Small will prepare a draft for Commission discussion.

Minority Representation

Atty. Small said the current wording has State law on minority representation. She said in the Charter, it talks about minority representation and noted there was some discussion. She said she doesn't usually recommended repeating a Statute in the Charter. She asked the Commission what problem needs to be addressed regarding the language. Atty. Small referred

to her Oct. 3, 2016 on Charter changes. She pointed out the Commission voted on Chapter 2, Section 2, but said the Commission needed to reconsider putting one of the lines back. She said this had to do with the Board of Education and said the way she understood it, the Commission took out lines 19 through 21 which stated "at each such election, each elector shall have the opportunity to vote for a number of candidates equal to the number of vacancies occurring on the Board of Education.

She said if this sentence or something similar is not in the Charter, by State law only four or five can be voted for and Wallingford votes for 9 Board of Education members. She said the Charter has to say this and don't state otherwise, you can only vote for the bare majority that any party could have. She said the sentence was cleaned up, but went too far. She suggested rewording that section.

MOTION: A motion by Commissioner Chappell second by Commissioner Gingras that the Commission keep what is now in the existing Charter from lines 19 to 21, Chapter 2, Section 2, last sentence "that each such election" all the way through to vacancies occurring on the Board of Education.

Roll Call Vote: Swick-yes; Corrigan-yes; Gingras-yes; Morgenstein-yes; Seichter-yes; Chappell-yes; Kohl-yes; Tatta-yes; Knight-yes

Commissioner Morgenstein asked about the wording on line 28, page 3 "all elective officers" and asked if it should read "elected". Commissioner Chappell said he read this as not being appointed. Commissioner Kohl said because some of the Boards and Commissions mentioned how many members of each party and some didn't, she thought about making the language uniform, even if it was to reference that the Board and Commission shall have minority representation pursuant to State Statute. She said she wasn't recommending that the Commission repeat the Statute or even the table, but only commented the Statute has a table based upon how many members and how many can be from each party She said she was looking to simplify things and say "minority representation in accordance State Statutes".

Atty. Small said if she works these sections into a Land Use section, she could probably do what Commissioner Kohl suggested. Commissioner Kohl asked if the Recreation Commission was also subject to minority representation rules. She said she was concerned some boards and commissions mentioned this (minority representation), and others didn't. Atty. Small said she would review this. Commissioner Gingras said he didn't want to hamper the Commissions by stating they had to have minority representation. Atty. Small said when the Boards and Commissions are appointed; the minority representation is paid attention to.

Board of Ethics

Atty. Small said she and Commissioner Chappell met and discussed the possibility of adding a purpose section. She said the Ordinance has a purpose section and a mission statement. She

spoke about what was needed to say in the charter and how to simplify the Charter portion of this. She asked the Commission if they had any concerns and noted when there is an issue, both the Charter and Ordinance are referred to. Commissioner Chappell said he printed up 7-148H and 1-82A and distributed these Statutes to the Commission.

He said if the Commission was beginning today, he would not have that procedure in the Charter because the Statute lays the groundwork of what can be done and the Ordinance code is detailed. He said he was looking specifically at Chapter 17, Section B "Duties and Powers – Advisory Opinions – Investigations-Probable Cause Hearings" stating in his opinion, this wasn't needed because it is mentioned elsewhere. He said he liked Section A which in his opinion solidifies the Ethics Board which can be established by Ordinance. Commissioner Chappell said in Section E he had a slight issue with the removal provision and Section F, he said he looked up a case which tries to grant the court jurisdiction to grant an appeal which was dismissed. Commissioner Chappell said he recommended removing Section B and Section F stating the language of Section B needs to be tweaked. He said none of this is harmful but needs simplifying. Atty. Small said she liked Commissioner Chappell's analysis.

The Commission reached a consensus allowing Atty. Small to draft language for their review.

October 3, 2016 memo

Charter Changes based upon the Sept. 15, 2016 Minutes.

Atty. Small noted #1 was completed; Chapter 2, Section 3 nominations of candidates. Vice-Chair Tatta said she recalled the discussion centered around voting machines vs. ballots and antiquated language. Atty. Small said she could clean up the language for the Commission to review. She spoke about Section 4 and the "tie". She said the problem is that Section 4 doesn't just doesn't discuss election of candidates, it also talks about votes on issues. She said Statutes don't address ties and if one looks at just the votes on initiatives and referendums, it states one has to win by a majority. She said it also states if there is a tie on an issue vote, there is a new election and there are conflicting sections in the Charter.

Atty. Small asked the Commission for their opinion. Commissioner Chappell said if issues were taken out, breaking the tie, there would still be language on how to win. Vice-Chair Tatta agreed that if issues were taken out, as long as it was covered in other sections would be fine. Commissioner Kohl said if the words "or issues" on line 46 were to be removed, the Commission would also have to remove everything after the word "elected" on line 48 to the end of the sentence which ends on line 49.

Atty. Small will clean up the language for the Commission to review and discuss. Commissioner Morgenstein asked what if a referendum stated one thing was done, but now this isn't want anymore. Atty. Small has to be a yes or no question.

Blight Committee

Atty. Small's memo of Oct. 3, 2016 stated the departments which handle blight are Building, Health, Fire Marshal and Police. She said dealing with blight is an administrative function. She said the departments at times work together on particular matters, when the matter involves their various jurisdictions. She said her opinion is that the departments need to do their jobs and they do and when they have to work together, they do. She said there is no committee, but if the departments feel they need to get together with her office, they do.

Atty. Small noted that Health and Fire have a great amount of statutory power. Chairman Knight said he spent a lot of times on this years ago and said it was useful. He said he hand a lengthy discussion with the Mayor this afternoon, and noted his concern was that forming a blight committee is a committee without any true organization because the power comes from the individuals which comprise the committee. He said any movement would be by Ordinance, not through the Charter. He said by formalizing this and calling it a committee similar to any of the other committees set up in Town is duplicative because administrative departments can meet if they have an issue to discuss enforcement.

Atty. Small said all of these departments' powers are statutory. Commissioner Chappell said these committees are formalized, the area FOI and meeting requirements to consider. Atty. Small said these (blight) issues are sensitive.

No Action Taken.

The Charter Revision Commission set the following meeting dates: November 10 and November 17 (both Thursdays) and December 1 (Thursday).

Adjournment

Vice-Chair Tatta made a motion to adjourn the meeting at 8:53 p.m. Commissioner Chappell seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

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