

CHARTER REVISION COMMITTEE

SPECIAL MEETING

JUNE 23, 2016

MINUTES

PRESENT: Chair Stephen Knight; Patricia Kohl; Jim Seichter; Tom Corrigan; Robert Swick; Gina Morgenstein; Jim Pyskaty; Mark Gingras; Jonathan Chappell; Samuel Carmody; Corporation Counsel Janis Small; Members of the Public Tom Laffin, Vice-Chair, Town Council.

NOT PRESENT: Vice-Chair Christina Tatta.

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

1. Approval of Minutes: June 16, 2016.

Mr. Gingras made a motion to approve the June 16, 2016 Charter Revision Commission Meeting Minutes as presented. Mr. Seichter seconded the motion.

Vote: Unanimous

2. Continuation of discussion and possible action on Town Council List of Charges

Charge Item # 1 – Chapter II Section 2 - Consider the term for all elected officials to be four years.

Chair Knight noted there was significant discussion of this item at the last meeting. He entertained a motion that there are no changes to Charge #1.

Ms. Kohl: Motion that no changes be made to the terms of elected officials.

Mr. Seichter: Second

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

Mr. Seichter noted the second paragraph which deals with the Board of Education, but said it doesn't deal specifically with the terms. He said the Town Council specifically states there can be no more than six people from one party. Atty. Small said State Statute addresses this issue.

Charge Item #2 – Chapter IV Section I – Consider the appointment/hiring process for the Town Clerk

Chair Knight said in Chapter 17, he was concerned, Section 2, that he couldn't find where this applies. Atty. Small said the information was in Chapter 18, page 38. Chair Knight said the consensus of the Commission at the last meeting wanted to ensure the current employee maintains her position, even if the change is made. He pointed out that Atty. Small suggested Section 2, Chapter 18, could be amended in the first sentence to remove "permanent" and replace it with "full-time". Ms. Morgenstein said that she wanted to ensure that by changing this wording, it wouldn't undermine anything having to do with the Town Clerk's current situation. Atty. Small said this section is meant to deal with this, but noted the Town Clerk's position is not permanent and a change would have to be made.

Mr. Seichter said that by doing this, it makes no sense. He noted the Town Clerk is a two-year appointment, and is not as though it is a permanent employee who now may be losing his or her job and the desire is to retain the job. He said with the Town Clerk position, the employment is in jeopardy every two years. He said if this position is to be made permanent; the Personnel Dept. would put a job description together and the qualifications for the position. Mr. Seichter noted that in the 17 or 18 months, if the existing Town Clerk is no longer in that position, during that period of time there would be a new Town Clerk appointed. He pointed out that during that time period, no one would have any idea of that person would meet the qualifications of the new job description. Mr. Seichter said he believed one should look at this as a permanent position but the employment isn't permanent; it is for two years.

Atty. Small said if nothing was done, the Personnel Dept. would work to create a job description. She said by State Law, Town Clerks have to be certified. She said the incumbent could apply for the Town Clerk position. She believed it wasn't necessary for the Charter to state the incumbent Town Clerk had to be protected while this process was ongoing and didn't believe the Charter had to be clouded with this language. Chair Knight asked the Committee if they wanted to table this item. Atty. Small said she would provide language to the Committee stating the Town Clerk needs to answer to someone. Chair Knight suggested the Committee, at the beginning of each meeting, go over information from the previous meetings and go over anything provided by Atty. Small.

The Committee agreed not to take any action until they read language provided by Atty. Small.

TABLED

Charge Item #4 – Chapter IV Section 4 – Consider the continued need for Town Constables

Chair Knight noted there currently was seven constables and asked the Committee members if they wished to change this number. Mr. Swick asked about the duties of the Constables. Atty. Small explained this is a special constable position appointed by Mayor Dickinson. She said the Constables can serve papers but didn't know how active they were. Mr. Carmody noted that he currently is a Constable and has never served any papers in Wallingford. Ms. Morgenstein said

she understood the Constable position is honorary and noted there is money for a Marshall to serve papers. Mr. Chappell pointed out that if the system isn't broke, don't fix it and said this is in the Charter and could be confused if this position disappeared or was changed.

Mr. Laffin noted that if the Constables don't do anything why keep them if the Marshalls serve this purpose. Chair Knight said the point that the Constable is an honorary position is worthy of consideration. Mr. Carmody asked if it is required by State Statute to have Constables. Atty. Small said there wasn't enough language for her to feel comfortable to come to the conclusion that the Constables could be eliminated. Ms. Morgenstein stated that if it isn't certain what Constables do, it doesn't make sense to have these positions.

Chair Knight suggested a motion to not make any changes to the Town Charter regarding the Constable positions, but then asked Atty. Small to find out if the Town Constable positions can be eliminated.

NO ACTION TAKEN

Charge Item #5 – Chapter V Section 3 – Consider the continued need for a Board of Selectman

Mr. Corrigan – Motion to delete the continued need for a Board of Selectman from the Charter

Mr. Carmody – Second

Atty. Small said the Selectman is a holdover. She said they could get involved in boundary disputes but don't and isn't necessary to have them.

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

Charge Item # 8 - Chapter XI Section 3 - Consider the need for the Department of Welfare

Chair Knight said according to Atty. Small's memo of June 16, 2016, there is no need for the Department of Welfare in the Charter. Atty. Small said all of the social service needs which are required, are now done by the Dept. of Youth & Social Services.

Chair Knight entertained a motion.

Mr. Gingras: Motion to eliminate the Dept. of Welfare

Mr. Pyskaty: Second

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

Charge Item #11 – Consider integrating electronic publication unto the Charter where appropriate

Atty. Small said every year, the Connecticut Conference of Municipalities (CCM), asks Hartford to remove some of the requirements that we publish in the newspapers, thus saving the municipalities money. She said the newspapers have lobbied against this and have won the argument. Atty. Small said this is a battle fought by municipalities every year. She said most of them in the Charter are required by Statute, except for the Purchasing Dept. She said most of the local Statutes correlate with the State Statute requirement to be published in the paper. Atty. Small said a provision could be added, if permitted by law, the Council may by Ordinance require something other than publication in the paper. Ms. Kohl asked if something could be put in the Charter to be published in accordance with methods specified in the State Statutes. Ms. Morgenstein said there are two sides of the coin: the expense of putting the notices in the paper and with the State Statutes, this has to be followed. She said there is more media available and is not necessarily this body's responsibility to decide how to make the public more aware of things. She said there are plenty of things available media wise that won't have a cost to the Town. Atty. Small said more can always be done. Mr. Chappell noted this issue came up when he was Council for a similar Committee. He said that Committee came up with language which stated instead of saying newspaper, it said "or other means". He said he would share this with Atty. Small and requested this be tabled to the next meeting.

Mr. Chappell said providing the minimum allowed by law and giving the Town Council the power is by Ordinance to change this, so the Charter doesn't have to be amended in 30 years to catch up. Chair Knight agreed to consider Mr. Chappell's suggestion and and vote on this at the next meeting.

Charge Item #12 – Consider amending the language of the Charter to be gender inclusive where appropriate

Chair Knight said the question which seemed to be left open was to use "he" "she" or eliminate the pronouns altogether. Atty. Small said in 2009, wording was changed to "he" "she" and changed "Chairman" to "Chairperson" and "Chief of Police" and "Mayor" where it fit. Mr. Seichter said "he" and "she" should be used as limited as possible.

NO ACTION

Procedure for Commission's review of Charter upon completion of reviewing Town Council charge.

Chair Knight noted the document from 2009 which has hundreds of changes ranging from minor to significant. He opened up for discussion how the Committee wants to do their work. He said it would be efficient to try to piggyback some of this work. Mr. Gingras suggested taking blocks of sections and look through what is now there, what was proposed from 2009 and see if anything changed and then have a discussion.

Mr. Chappell said this is still a tedious process but said topic areas might allow for more cohesion and might make more sense. He said the block method is similar to an issue spotting exercise and gets through things quicker. He spoke about the explanatory text on the questions on the last ballot, may be something to put on the agenda to discuss and vote on. Mr. Chappell said regarding taking section by section, a better way may be to do some homework and have everyone come in with their personal agenda through the Chair to create a pecking order of importance. He said getting comments from elected and appointed officials should be done now instead of next March. He said the earlier this information is gathered is better. Mr. Chappell said there is no magic answer and noted he has been involved with two of these charter revision processes. He said the key is to decide on a deadline of April 30 and do the bulk of the work before the holidays this year.

Ms. Morgenstein said she took notes of what the public wanted, i.e., and noted there were five broad issues. She said the other focus is what the controversial issues were which were voted down. She said these should be bullet points to be discussed. Atty. Small said she would send the ballot questions and explanations from the last time in 2009. Chair Knight said the meeting could be fashioned around this. He said he would like to get through the charges and dispense of them first and design a procedure for tackling the entire Charter. Mr. Chappell suggested dealing with the 2009 charge items.

Atty. Small said if the Committee approaches this subject by subject, they will be covered. Chair Knight said his concern is the Committee may not be capable of digging out every item. Mr. Swick suggested the Council items be discussed and enacted and voted on, and if there are points from 2009 not covered in the Council charge, then this should be addressed. He said public comments should be analyzed and covered and then the 2009 items should be addressed. He said he was not in favor of going page by page because the Committee doesn't have the legal expertise.

Atty. Small said the Committee has to think about when they want to communicate with each other. Chair Knight said he would like to do this concurrently. Mr. Seichter said he would like to clear the deck on the charge items and look at the public comments and then look back at the prior and have a deadline. Mr. Knight said he hoped to put together an agenda a week prior to the meetings so everyone can have an opportunity to study and an agenda is produced to alert anyone who is interested. He asked each Committee member to submit five issues that can be discussed. He said there have been letters received from the public and input from the public hearing and agenda items can cover this. He said the charge, the public comment; items from

2009, the seven questions will be the way to proceed. The Committee agreed to proceed in this order.

Chair Knight said the five topics should be submitted by July 5 for the July 7 meeting. Mr. Seichter asked about the three charge items, #6, #9 and #10, which haven't been discussed. He suggested with considering expanding the PUC beyond three members, it would be helpful to have representatives from the PUC to give their input. Mr. Seichter said he was looking for input from the PUC or anyone else who would want to attend. Chair Knight said there is an open invitation for affected department heads to attend.

Atty. Small spoke about Charge Item #6, considering the legality/effectiveness of the Building Inspector being the Zoning Enforcement Officer. She said there is no requirement the Building Inspector be listed as the ZEO, and noted that Wallingford has had zoning since 1955 but no Town staff until 1964. She said she believed the Building Inspector filled that role until 1964 and this is why it is in the Charter. She noted the Building Inspector doesn't perform a zoning function.

Chair Knight entertained a motion to adjourn.

Adjournment

Mr. Gingras made a motion to adjourn the Meeting at 7:52 p.m. Mr. Chappell seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary