

1 **CHARTER REVISION COMMISSION**

2 **SPECIAL MEETING**

3 **AUGUST 23, 2016**

4 **Room 315 – Wallingford Town Hall**

5 **45 S. Main Street**

6 **Wallingford, CT**

7 **MINUTES**

8

9 **PRESENT:** Chairman Stephen Knight; Vice-Chair Christina Tatta; Commissioners Robert Swick;
10 Mark Gingras; Jim Pyskaty; Jonathan Chappell; Pat Kohl; Tom Corrigan; Gina Morgenstein; Sam
11 Carmody; Jim Seichter, arrived at 6:32 p.m. .

12 Members of the Public: None.

13 Chairman Knight called the Meeting to order at 6:31 p.m.

14 **NOT PRESENT:** Commissioners Samuel Carmody and Jim Pyskaty.

15 Chairman Knight called the Meeting to order at 6:31 p.m. and the Pledge of Allegiance was
16 recited.

17 1. Approval of Minutes – **Vice-Chair Tatta made a motion to approve the July 21,**
18 **2016 Meeting as amended. Mr. Gingras seconded the motion which was**
19 **unanimous.**

20 On page 2, second line from the bottom-the word "less" should be changed to "more."

21 On page 5 middle of page, change "for" to "nothing".

22 On page 9, bottom of paragraph, "they" should be "there."

23 On page 10, last paragraph should be "Public to hear" should be "Public Hearing."

24 2. Discussion and possible action concerning topics submitted by members of the public.

25 Chairman Knight said the Charter Revision Committee would be reviewing ideas that members
26 of the public have brought forth for the Commission's consideration. He said the Commission
27 shares an interest in vetting each of these ideas and giving them due regard. He said these

1 ideas have brought to the Commission's attention thoughtfully and sincerely and the
2 Commission owes the people who took the time to express these ideas, the same consideration.

3 Chairman Knight pointed out the Commission agrees their time needs to be spent productively,
4 and noted the adoption of some or maybe many of these public suggestions is not shared with
5 the majority of the Commissioners. He said if this is the case, and a lengthy discussion is
6 unlikely to sway many of the Commissioners to firmly embrace the proposed changes, the
7 Commission needs to find a way to conclude this in a fair and efficient manner. Chairman
8 Knight said he proposed going down the list each Commissioner has, and if there are two or
9 three Commissioners who are in favor of a discussion of a given idea, then discussion will be
10 opened up. He said if there appears to be a consensus that a given proposal is highly unlikely to
11 be met positively, then he will formally poll the Commission and declare the proposal to be
12 reviewed and no further action will be taken.

13 Chairman Knight emphasized that this would not preclude one of these issues being brought up
14 again in the future. He said the Commission's goal to be transparent and open minded. Ms.
15 Morgenstein asked if the Commission has settled on how this process will be closed or involve
16 the public again in this process. Chairman Knight said the Commission agreed to conduct
17 another Public Hearing in October. He said he would like people to know before the next Public
18 Hearing, that the Commission has considered every item brought up in the first Public Hearing,
19 and considered everything members of the public had brought up in writing at the meetings
20 and hoped the Commission would not have to go over old ground in this additional public
21 hearing.

22 Ms. Morgenstein said she wasn't clear what the Commission was planning for the public's vote.
23 Mr. Chappell said all Commission members should review Corporation Counsel Janis Small's
24 memo on this process which lays out the procedural steps. He said he has written similar
25 documents and would gladly share them and they are the same. He said the Commission has to
26 have a second public hearing and take input. He said this is a fluent process and noted that
27 after the second Public Hearing, the Commission can consider and do something different than
28 was done the first time around. He said the proposed Charter has to go through the Town
29 Council and ultimately to the voters. Mr. Chappell stressed this process was not created in
30 Wallingford, it was created by State Statute. He said the Commission should be aware of this
31 process and that if there was a question, Atty. Small could advise the Commission of the next
32 step.

33 Chairman Knight said the Commission's work is done once the final Public Hearing takes place.

34 Charter Revision Topics Suggested by the Public.

35 1. Time Limit for filling vacancies on Boards and Commissions – (suggested by Jim Krupp
36 by letter of March 9, 2016).

1 Ms. Morgenstein suggested a process rather than a time limit; something that sets up a
2 standard of how does one reach out. Mr. Chappell asked if this was under party control.
3 Chairman Knight said he is sure this would be a nomination through the party process. He said
4 the suggestion by Mr. Krupp, was probably brought about because of the time taken to replace
5 a Public Utilities Commissioner, and also with the Mayor or the appointing body having a limited
6 amount of time to make a replacement. Chairman Knight referred to Mr. Krupp's letter which
7 stated in part that vacancies in appointed Boards & Commissions remain unfilled for an
8 unacceptable amount of time and the Commission should consider a maximum allowable
9 horizon for filling such vacancies. The letter went on to state that if a Mayoral appointment
10 remains unfilled, the Town Council should be empowered to fill the vacancy by default; if a
11 Town Council appointment remains unfilled, the Mayor should be empowered to fill the vacancy
12 by default.

13 Mr. Carmody said he was concerned about the PUC vacancy which remained unfilled for a long
14 time. He said he didn't want the Town Council or Mayor to fill rushed to fill a vacancy. He said
15 there have been cases where an unfilled vacancy has gone on too long. Mr. Gingras said he
16 questioned several people on the PUC vacancy issue and said with the PUC, it is more technical.
17 He said he wasn't aware of any other situation which has gone as long as the PUC. He said he
18 wasn't sure if he would like to see this rush, but wouldn't want to wait a few years. Mr. Swick
19 asked if there is any State Statute requiring a maximum amount of time for an appointment
20 which supersedes what the Commission would do. Mr. Chappell said he wasn't aware of a
21 statute.

22 Mr. Pyskaty noted the Conservation Commission has openings and noted it is difficult to find
23 someone who wants to be on the Commission. He said this is because all the other
24 Commissioners sit on other sub-committees and noted it was a year before a vacancy was filled
25 so he believed a time limit wouldn't work with the Conservation Commission.

26 Mr. Seichter asked about the time period from which former PUC Commissioner Richard Nunn
27 resigned versus know and the Mayor appointing a replacement tonight. Ms. Kohl said she
28 believed he formally resigned at the end of April. Ms. Morgenstein said Mr. Nunn had been
29 absent from the PUC since October. Mr. Seichter said he didn't find that an extraordinary
30 amount of time, but noted this (PUC) is a Commission when one is looking for someone with
31 specific expertise. Mr. Seichter said he didn't believe this was a major issue and pointed out
32 sometimes it is difficult to find people to fill vacancies.

33 Mr. Corrigan noted that making Town policy shouldn't be based on phrases like "not too long"
34 or "not too much time." He said to his knowledge there haven't been problems with the
35 vacancies not being filled right away. Vice-Chair Tatta said many Commissions have alternates
36 who will step up and another alternate will move up and another alternate found. Mr. Chappell
37 said he was concerned that if he got past step one, whether something should be done. He said
38 he didn't have the answer that would fix this particular problem. He said he didn't know what to

1 write in the Charter which would remedy this problem or any of the other delays and didn't
2 know if this would be a fix.

3 Ms. Kohl said she wondered what the problem was that the Commission was trying to fix. She
4 noted there may be vacancies on other Commissions or Boards but wondered if any of them
5 couldn't do their work because of the vacancy. She said she didn't want anything put in the
6 Charter which would hamstring the appointing authority or rush a process for no good reason.
7 Chairman Knight noted that Inland Wetlands is difficult to fill because of its technicality. He said
8 regarding the PUC Commission, given the resume of the person being put forward, he didn't
9 know if the vacancy was that long, given the caliber of the person being nominated.

10 Ms. Morgenstein noted the Commission voted down the PUC having any alternates. She said by
11 virtue of how small the PUC is opposed to the Conservation Commission, when you are dealing
12 with a smaller number, it has a bigger impact, i.e., seven meetings not taking place because of
13 the absence of Mr. Nunn. She asked the Commission revisit the idea of an alternate on the PUC.
14 Chairman Knight said this issue was revisited but it can be discussed again. He said what
15 swayed him regarding the PUC was the fact that State bodies which cover the same matter
16 have only three Commissioners without alternates. Mr. Seichter said one of his concerns
17 regarding the PUC, there were people conference calling in during a meeting. He said this was a
18 short change to the public, with two people being there physically and one on the phone. He
19 said there is a benefit to the public to see how the Commissioner is reacting. He said there was
20 a benefit to having an alternate on the PUC. Chairman Knight said this issue with the PUC can
21 be revisited.

22 The Commission made no proposal regarding time limits for filling vacancies on Boards &
23 Commissions.

24 2. Suggesting by Mr. Krupp and Don Kennedy – Town Manager with titular Mayor with a
25 Town Manager and Council. They cited the example of limited technology due to the
26 Mayor running things.

27 Mr. Swick went on record stating he was vehemently opposed to any type of Town Manager
28 form of government and prefers the Mayor. Ms. Kohl echoed Mr. Swick's sentiments.

29 The Commission expressed no interest in switching to the Town Manager form of government.

30 3. Suggesting by Mr. Krupp – Structure of Town Council blend of At-Large and Geographic
31 Representation.

32 Chairman Knight explained this would be a blend of At-Large and Geographical representation.
33 He noted everyone in Wallingford serves At-Large and represents the entire community.
34 Chairman Knight said the suggestion is that there be Districts with representatives for each
35 District on the Town Council and others that are At-Large.

1 Ms. Morgenstein said she was confused on how this would be mixed. Chairman Knight referred
2 to Meriden as an example, but stated they have divided the Community into Districts and have
3 several At-Large Councilors. Mr. Chappell said he believed the intent was to have representation
4 allocated around the Town and noted theoretically, there could be all nine Councilors living in
5 the same house which is possible under the At-Large system. He pointed out with a hybrid
6 system, one would need to draw in from other areas in Town. He pointed out most of the
7 present Board of Education is on the Lyman Hall east side (8 out of 9 members.). Mr. Chappell
8 said there is intrigue to this issue but didn't know of a Town which switched to this system
9 recently because of population growth. Ms. Morgenstein said she could see why people felt this
10 way. Mr. Chappell said this may be the reason for the blended where one doesn't end up with
11 an election with six Councilors and five Board of Ed members; three could be At-Large.

12 Chairman Knight said for Wallingford this would be quite radical. The Commission agreed to
13 move on and take no further action.

14 4. Performance measurement – (Krupp)

15 Ms. Kohl read the explanation from Mr. Krupp which stated that performance measurement
16 ensures accountability of local government both internally across departments and externally
17 with constituents. She said performance measurement is a specialized tool and articulating
18 specific requirements could limit the communities' and local governments ability to develop a
19 system which fits their specific needs, thus a new section in the Charter entitled "Performance
20 Measurement" might incorporate language as follows: "the City is encouraged to develop and
21 implement a Performance Measurement system as a management and accountability tool where
22 citizens, Council and Management undertake it subject to the year-to-year needs and demands
23 of the Community. The commentary for the new section will describe the rationale for
24 performance measurement in an appendix or in a separate referencing ordinance and
25 referencing for the topic would be listed along with various factors to be considered when
26 developing or maintaining a performance measurement project including the role of citizens,
27 uses of performance measurement and ways to disseminate the performance measurement
28 information to the Community."

29 Chairman Knight said he looked at this as a personnel matter. Mr. Chappell said Wallingford
30 could get a new Mayor, Councilors or Personnel Director who could appoint people who have to
31 do what is in this matter and in his opinion not a charter question.

32 The Commission took no action.

33 5. Zero based budgeting (Krupp)(Kennedy)

34 Ms. Kohl read the explanation from Mr. Krupp and Mr. Kennedy which proposed the
35 Commission include in the Charter a provision that the preparation of the annual budget of
36 Wallingford be based upon zero-based budgeting which requires the existence of a government

1 program or programs be justified in each Fiscal Year as opposed as to simply basing budgeting
2 decisions on previous years funding level. ZBB budgeting is often viewed as a way to ensure
3 against unnecessary spending. ZBB of a some modified version has been used in the private
4 and public sectors for decades. As with most policies there are both benefits and costs to be
5 taken into account when considering ZBB. Studies about businesses and governments who have
6 adopted ZBB or some hybrid version report some improvement, quantitatively or qualitatively.
7 The process has either saved money, improved services, or both, and in addition to saving
8 money, ZBB may increase restraint in developing budgets, reduce the entitlement mentality
9 with respect to cost increases, and make budget discussions more meaningful. Admittedly ZBB
10 may increase time and expense of preparing a budget, but the benefits can be significant. ZBB
11 can be useful for shaking up a process which has grown stale and counterproductive over time.

12 Chairman Knight explained when the Town develops a budget, they take the old budget and
13 ZBB starts from scratch regardless of past history. Mr. Swick said he was against ZBB because
14 of all of the mandated State programs and makes the ZBB an impossible task. He said he could
15 see it on a private sector, but not on the public sector and is not a logical and/or economic way
16 of budgeting. Mr. Corrigan said he didn't understand the ramifications. Mr. Chappell said
17 without putting the words ZBB into the Charter, the practice can be there. He said a program
18 that is not mandated is spent in one year and the Council or Department head decides this is
19 not going to be implemented this year, it is gone. He said it is not starting from a clean slate
20 but in a way, one is getting there from a different direction. Mr. Chappell said in practice, this
21 can be done without putting it in the Charter.

22 Chairman Knight said there is a question whether it is relevant to put ZBB into the Charter. He
23 said of the administration were to determine they wanted to structure a budget using ZBB, they
24 would be doing so. Mr. Gingras said he agreed and said this is management's responsibility. He
25 said ZBB would upset the Town. Ms. Kohl said she looked at the Charter as being a framework
26 of how the Town operates. She said ZBB shouldn't be a substitute for management's judgment
27 and decision making.

28 **The Commission took no action.**

29 6. Separate fund for bond rating (Mr. Kennedy)

30 Mr. Swick said a separate fund could be created for a bond rating on a municipal level, but
31 didn't think this was passable. He said he believes there is the criterion that the bond approval
32 companies use, is not based upon a single fund as it is in corporate climates, but is a municipal
33 finance bond rating based upon the overall budget funding long term debt. He said he didn't
34 think this could be created and is a management function. Mr. Gingras said when bond rating
35 people look at rating a municipality in total, one could have two separate funds, but they will be
36 put together. He said he believed management should make these decisions and noted this idea
37 stemmed from the perceived surplus every year and how it is used.

1 **The Commission took no action.**

2 7. Surplus funds automatically be applied to next year's budget (Mr. Kennedy)

3 Ms. Morgenstein asked Mr. Chappell if this much specificity in the Charter about how the budget
4 is handled appropriate for the Charter. She said these are legitimate issues. Mr. Chappell said in
5 his opinion this is a management issue. He said he didn't know if this could be done and what
6 the results would be. Vice-Chair Tatta said there was a lot of ambiguity on what the surplus
7 actually was this year, and even if the Committee mandated the surplus be applied to next
8 year, it could probably be redefined or moved. She said the Committee would need to have a
9 very specific definition of the budget and the surplus and where it came from and would be
10 overwhelming to put into the Charter.

11 Chairman Knight said the Committee over the past several meetings have come to the
12 conclusion that the Charter is a framework document and the specifics come out of the
13 Ordinances which are written and give the Town more flexibility, than writing something like
14 this into a Charter which necessitates a body as this one to make changes.

15 **The Commission took no action.**

16 8. Surplus: put a percentage toward "rainy day fund" and remainder back to taxpayers (Mr.
17 Gross)

18 **The Commission took no action.**

19 9. Change the budget timeline – currently too tight and lacking transparency; change when
20 public hearing is held; budget should be released by Mayor on March 1 rather than April
21 1; more public hearings; too difficult to get information, needs to be in electronic
22 format; improve content and presentation of budget to public; greater transparency;
23 release meeting schedule earlier (Mr. Kennedy).

24 Ms. Kohl read Mr. Kennedy's letter which requested that a calendar be published in January,
25 February time frame with the following: all meeting times and dates that relate to the
26 departments or divisions, the budget release/presentation/Council discussion, etc., Public
27 Comment periods - more than one because as the budget is discussed, new information may
28 be available and public opinion may be affected and be relevant. Allow enough time between
29 the last discussion and passage enabling the public to contact or discuss with individual
30 members. Ms. Kohl said Mr. Kennedy's letter also addressed electronic format and how much
31 data should be available. She said Mr. Kennedy's statement regarding having the Mayor release
32 his budget on March 1 as opposed to April 1 may have been said at the Public Hearing.

33 Ms. Morgenstein asked if this would be a question for Jim Bowes, Comptroller. Chairman Knight
34 said this would be a question for Mr. Bowes if the Commission decided to pursue this issue. Ms.
35 Morgenstein said she would want to pursue this if it were doable. She said there may be some

1 issue on how the finances are done. Mr. Swick said the reason why the budget is released April
2 1 is because of all the information given to the State as far as funding programs go. Mr.
3 Chappell said with education, the first budget presentation begins in early January and is voted
4 on in mid-February. He said he didn't want the Mayor to rush the budget out the door in 72
5 hours and didn't believe this was doable. Mr. Chappell suggested a call or email be made to Mr.
6 Bowes. Chairman Knight said he would contact Mr. Bowes and this issue may be revisited.

7 Mr. Gingras said there was a problem with the State getting their budget together. He said this
8 is a management issue and should stay the way it is whether Mr. Bowes comes back with a
9 different answer or not. Ms. Kohl said the Town Charter states the budget has to be voted
10 around the second Tuesday of May and noted the State doesn't finalize their budget until June
11 30. She noted that getting the Town budget started earlier won't help anything because the
12 Town doesn't have the audited year-end report from the previous fiscal year until the end of
13 December. Mr. Seichter said he agreed with the sentiment from the Commission noting that if
14 one looks for the Mayors budget on March 1, the Departments would have to get their budget
15 to the Mayor 30 days previously which would be February 1. He said this would be a tight time
16 table and pressing the envelope too much.

17 Chairman Knight entertained a motion.

18 **Vice-Chair Tatta made a motion that no changes to the budget timeline be made in**
19 **the Charter. Mr. Seichter seconded the motion.**

20 **Vote: Swick-yes; Gingras-yes; Pyskaty-yes; Chappell-yes; Kohl-yes; Tatta-yes;**
21 **Knight-yes; Corrigan-yes; Morgenstein-yes; Carmody-yes; Seichter-yes.**

22 **Motion passes unanimously.**

23 Both Chairman Knight and Ms. Kohl stated that this is all management prerogative and
24 management decision making. She said whether the Town Council should have a public hearing
25 before and after the budget workshops is up to the Council and they can now make that
26 decision. She pointed out the Council doesn't need to have a limit of one public hearing. She
27 noted that in previous years, the Council has had public hearings before and after the budget
28 workshops. She said this issue doesn't need to be put into the Charter and tie the Council's
29 hands. Vice-Chair Tatta spoke about electronic formats and asked if this issue relating to the
30 budget should be applied. Chairman Knight said this issue should remain open-ended.

31 Ms. Morgenstein remarked that Mr. Kennedy had made some specific requests this year. She
32 said there is a requirement for public records and noted Mr. Kennedy had requested several
33 documents which he never received. She said these are lengthy public records and noted the
34 Commission doesn't have the ability to mandate electronic vs. paper. Chairman Knight said Mr.
35 Kennedy will have to take up this issue with the administration next year.

1 **The Commission made no changes.**

2 10. Look at all language; include duties and reporting chain of all employees in the town;
3 bring in department heads to discuss sections that apply to them. (Mr. Gross).

4 Vice-Chair Tatta said that bringing in Department Heads to discuss sections that apply to them
5 has been discussed by the Commission -referring to the Fire Chief. Ms. Kohl noted the
6 Commission is looking at the language. Chairman Knight said the duties and reporting chain of
7 all employees is not relevant to the Town Charter.

8 11. Referendums – lower the threshold from 20% to 15% - Chairman Knight noted this was
9 already addressed by the Commission. Mr. Gross's other suggestions were to have a
10 minimum number of polling places open, same hours as for elections.

11 Ms. Morgenstein said the Commission already discussed the referendum and didn't lower the
12 threshold. She asked if the minimum number of polling places open, same hours as for
13 elections was an issue or if Mr. Gross wanted this publically stated so it wouldn't become an
14 issue. Chairman Knight said he believes Mr. Gross's concern is that by limiting the number of
15 open polling places, an inconvenience is created for the voters and discourages participation in
16 the referendum vote. Vice-Chair Tatta noted her polling place was different for Wooding-Caplan
17 but didn't remember the hours being different.

18 Mr. Carmody said at some level he agrees with Mr. Gross that more polling places should be
19 available as possible to make it convenient for the voters, but pointed out turnout for
20 referendums tends to be small. He said we don't want to limit peoples access to vote, but it is
21 an expensive process when only a few show up at a polling place, was it a good choice to open
22 all 9 polling places. Ms. Kohl said the Wooding-Caplan issue was the only time there was a small
23 number of polling places open and it didn't work. She said she couldn't see changing the
24 Charter over this issue which occurred once and never happened again.

25 Mr. Chappell said he is somewhat confident that if there was an issue, the elected officials can
26 make a change and open up the nine polling places. He said he wouldn't want to mandate this
27 in the Charter because it isn't there. He said he assumes this was left out on purpose.

28 Ms. Morgenstein echoed Mr. Carmody's sentiments, noting that although there is a cost to open
29 all nine polling places, there is also a cost to people not coming out to vote. She said rather
30 than disenfranchising some portion of the people, most would recognize that Wooding-Caplan
31 was an unusual thing, it has stuck with us and the Town has an empty space in the middle of
32 the downtown because of how divisive this issue was. Chairman Knight said he had trouble
33 using the word disenfranchising and said he believes expense becomes an issue. He said the
34 Commission is hoping to have this wrapped up and put into a municipal election where there is
35 a good turnout. He said it would be tough putting this issue into a Town Charter that all of the
36 polling places have to be open as if it were a general election.

1 Mr. Gingras said it might be in the best interest to suggest this to the Town Council. He also
2 spoke about the Simpson Court referendum which was divisive. He said management, the
3 Council should make this decision. Ms. Kohl said putting a number into the Charter would be
4 counter-productive noting there used to be 14 polling places, now there are nine. She asked
5 what number the Commission would want. Chairman Knight said this issue sounds unwieldy.

6 **The Commission made no changes.**

7 12. Put as many issues as possible on the ballot and let the voters decide; look at
8 everything for the betterment of the whole community and not to benefit one specific
9 person; needs checks and balances - (Mr. Gross).

10 Ms. Morgenstein said she believed Mr. Gross was addressing her question of what would be put
11 onto the ballot, and noted the Town Council would decide what would be put onto the ballot.

12 **The Commission took no action**

13 13. Another Public Hearing because first Public Hearing attendance was sparse – (Morrison).

14 Ms. Morgenstein said this issue was already addressed noting that three public hearings would
15 take place.

16 **No Action Taken**

17 14. Don't make drastic changes (DiGenova)

18 **No Action Taken**

19 Chairman Knight said the memo from the Board of Education was reviewed. He said all the
20 other topics given by the public have been reviewed. Mr. Gingras asked how the Commission
21 was proposing to notify the public of the October meeting. He said there are proper notices that
22 have to go out and asked if something more could be done to get a better attendance.

23 Chairman Knight said the press was present at the last meeting and could write something
24 about the work the Commission has done. He said there is WPAA which could publicize as well
25 as WGTV and the Town Council could also make an announcement. He said a good effort will
26 be made to publicize the next public hearing.

27 Chairman Knight said his goal is to try to synopsise what has been done so far, at least the
28 major points. He said we should be able to tell the public that every item suggested at the
29 public hearing and through correspondence has been considered. He said Atty. Small will be
30 attending the August 30th meeting.

31 The Committee agreed to meet on Oct. 6. It was suggested the public hearing take place the
32 first week of November (Nov. 3). Chairman Knight said he would like to have one of the

1 workshop meetings during the month of October. Chairman Knight suggested the public hearing
2 take place on October 4th and the Commission workshop on October 6th both at 6:30 p.m.

3 Upcoming meetings: August 30th; Sept. 1; Sept. 15; Oct. 4 and Oct. 6th.

4 **Adjournment**

5 Ms. Kohl made a motion to adjourn the Meeting at 8:02 p.m. Mr. Corrigan seconded the motion
6 which passed unanimously.

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8 Respectfully submitted,

9 Cynthia Kleist

10 Recording Secretary

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