

1 **CHARTER REVISION COMMISSION**

2 **SPECIAL MEETING**

3 **SEPTEMBER 15, 2016**

4 **Room 315 – Wallingford Town Hall**

5 **45 S. Main Street**

6 **Wallingford, CT**

7 **MINUTES**

8

9 **PRESENT:** Vice-Chair Christina Tatta acting as Chair; Commissioners Jim Pyskaty; Bob Swick;
10 Jonathan Chappell; Mark Gingras; Patricia Kohl; Jim Seichter; Tom Corrigan; Gina Morgenstein
11 (arrived at 6: 31 p.m.)

12 **NOT PRESENT:** Chairman Stephen Knight.

13 Acting-Chair Tatta called the Meeting to order at 6:30 p.m. and the Pledge of Allegiance was
14 recited.

15 **1. Approval of Minutes**

16 **Minutes of August 30, 2016**

17 On page 3, line 9, the word "political" should be "politically".

18 On page 3, line 34, the word "minimal" should be "restricted".

19 On page 6, second paragraph, second sentence from the bottom should read "terms" not "term
20 limits"

21 On page 7, last paragraph, last line, should be "just not needed to be noted"

22 **MOTION: Mr. Kohl made a motion to approve the August 30, 2016 Meeting Minutes**
23 **as amended. Mr. Chappell seconded the motion which passed with Mr. Seichter**
24 **abstaining.**

25 **Minutes of Sept. 1, 2016**

26 On page 9, line 22, should be "9-167A" not "90-167A".

27 On page 10, second paragraph, line 9, should be "powers" not "hours".

28 On line 16, should be "subordinates" not "sub-ordinance".

1 On page 6, line 2, remove the word “believes” and put in “knows”.

2 On page 3, second paragraph, third line down, should read “would be able to be arrested and
3 keep his or her position”.

4 **MOTION: Mr. Gingras made a motion to approve the Sept. 1, 2016 Meeting Minutes**
5 **as amended. Commissioner Corrigan seconded the motion which passed with Ms.**
6 **Morgenstein and Mr. Seichter abstaining.**

7 **2. Discussion and possible action concerning topics submitted by Commission**
8 **members**

9 **Topic: Planning and Zoning and Zoning Board of Appeals members and alternates.**
10 **Clarification of language for appointment and addition of language to provide for**
11 **alternates – Mr. Seichter.**

12 Mr. Seichter said on page 10 of the Charter where it mentions the Planning & Zoning
13 Commission and the Zoning Board of Appeals and where the Council at its first meeting will
14 appoint the Planning & Zoning Commission with five resident electors of the Town is not how it
15 happens. He said this is the same for ZBA and noted that Inland Wetlands is more specific.

16 Mr. Seichter said he spoke with Corporation Counsel Janis Small who said she would revisit this
17 and look to see if the Ordinance for Planning & Zoning and ZBA takes care of this. Mr. Seichter
18 said depending upon what the Ordinance stated or didn't state, Atty. Small would look to have
19 some compatible language which tracks more towards Inland Wetlands for the Commission to
20 discuss.

21 No Action Taken.

22 **Topic: Clarification of language of when terms for Department Heads terminate-**
23 **same date as Mayor – Mr. Seichter**

24 Mr. Seichter said he spoke to Atty. Small on this issue. He said Ms. Kohl raised all of his
25 concerns at the Sept. 1 meeting regarding the hiring/firing and terms of various officials and
26 how some of the language regarding responsibilities of the various departments are different.
27 He said from reading the Minutes, this would be looked into by Atty. Small and the Mayor.

28 No Action Taken.

29 **Topic: Consider Multiples of Small Items certain items waived rather than a total**
30 **amount (bid process – referencing Chapter 7, Section 4) – Ms. Morgenstein**

31 Ms. Morgenstein asked about the bid waiver limits. Acting-Chair Tatta said she believed the
32 Mayors memo said he would look into this and speak to the Dept. Heads. Ms. Kohl said the
33 Mayor is meeting or has met with Dept. Heads and will be providing input to this Commission.
34 She said at the last meeting, the Commission looked at language from the 2009 draft regarding

1 the Purchasing Agent. She said she believed the Chairman had heard back from the Purchasing
2 Agent who reviewed who approved the changes made in the 2009 draft.

3 Ms. Morgenstein spoke about hands being tied because of bid requirements. Mr. Swick spoke
4 about certain bid qualifications with the State of CT Transit District depending upon the item
5 and said with computers, it depends on the type of system and what is being purchased. He
6 said it is better to have a bid and get three vendor quotes. He said in the case being discussed,
7 it should be up to whatever the process of the Town Finance Dept. is which oversees technical
8 purchasing overall and how this relates to the Board of Education. Ms. Morgenstein said
9 anything that is being purchased in large numbers, how we do the purchasing and the entire
10 bid process has evolved from 1989 to present. She said she would be looking for information to
11 come back and suggested reaching out to the Board of Education again and possibly the IT
12 people in Town Hall and the School system to be made aware of this discussion.

13 Mr. Swick said his general rule is that anything \$2,500 or more, goes out to bid and anything
14 \$2,500 or less, a State approved vendor is used or vendors on his list. Mr. Swick said the
15 concept of a \$200 limit may be something the Purchasing or Finance Depts. can answer. He
16 cited copier paper as an example, noting that if a bid gets sent out for 1,000 cartons, but if one
17 is in the eleventh month of the fiscal year, what happens if one runs out of copier paper; would
18 there be an extension or would one have to go back out to bid. He said this is a technical
19 question for Purchasing and Finance.

20 Ms. Morgenstein cited computer laptops for schools as another example noting they are not
21 always \$2,000 each. She said this is a multiple question she is asking, not just the bid limits.
22 Ms. Morgenstein wondered if a vendor as opposed to knowing that a Dept. Head or a Supt. of
23 Schools can find a better price without going out to bid. She wondered if there should be some
24 exemptions to the bid process. Ms. Kohl said she believed the changes in Chapter 7, Section 4,
25 that the Commission will be looking at, removes the \$2,000 bid limit from the Charter and
26 references the Purchasing Ordinance which she believes is \$7,500. She said this could be
27 changed more easily than something in the Charter. She said if the Commission adopts the
28 changes which were proposed in 2009 for this section, the \$2,000 limit will be gone and it will
29 just reference the Purchasing Ordinance. Ms. Kohl noted the Commission has the capability now
30 to either go into a Regional Consortium for things or to piggy back on State contracts for a
31 number of items. Mr. Swick cited fuel as an example, noting he purchases fuel at the State of
32 CT spot price and has saved a substantial amount of money over the past few years.

33 Mr. Chappell said he believed the Purchasing Agent was leading towards not having the bid limit
34 in the Charter. Mr. Gingras said he believed this was the Purchasing Agent's sentiment in the
35 beginning after reading the red line, but noted at a subsequent meeting of the Commission, it
36 was reported back that he was happy with the 2009 revisions. Mr. Gingras said he believed the
37 Commission should not get rid of bid limits. He said some discussion should be done with
38 appropriate department heads to get their feelings on this issue and get some sort of uniformity

1 and do this through an ordinance rather than the Charter which would clean up a lot of issues.
2 Mr. Swick said he believed this is more of an ordinance issue.

3 No Action Taken.

4 **Topic: Service as Alternate before full membership on Boards and Commissions- Ms.**
5 **Morgenstein.**

6 Ms. Morgenstein said currently, there are Commissions that have a system where someone
7 becomes an alternate and moves up. She said there have been times where people have
8 replaced full-fledged members. She asked if the Commission would consider the value of
9 someone being an alternate before becoming a full-fledged member of a Board or Commission.

10 Mr. Gingras cited the Public Utilities Commission, where a person, who wasn't an alternate was
11 put into a Commissioner position and wasn't an alternate. Ms. Morgenstein noted the PUC has
12 no alternates. She said she would push for having more members on the PUC, and at least one
13 alternate. (Currently there are three members).

14 Mr. Seichter noted that when he became a member of the P&Z, Rosemary Rascati was a
15 Commission member and left to become Town Clerk. He said there was no alternate to fill her
16 position. Mr. Gingras also noted that the Economic Development Commission has no alternates.
17 He said there have been several discussions at their meetings of getting alternates. He said the
18 EDC applied to the Mayor and this suggestion went to the Council and now the EDC can have
19 alternates and people are now being interviewed. He pointed out that each Commission knows
20 what their needs are and can address these needs transparently by going to the Council and
21 the Mayor. He said he didn't believe this was a function of the Charter.

22 Ms. Kohl said she agreed stating that putting something like this in stone in the Charter wasn't
23 a good idea, but added that it may be a good idea for someone to be an alternate before
24 becoming a full member of the Commission; she said it shouldn't be written in stone in the
25 Charter. Mr. Seichter said most of the Commissions are appointed by the Town Council, so for
26 the most part, it is up to the Council to ensure the people they are appointing are qualified for
27 those positions, whether they were an alternate or not.

28 No Action Taken.

29 **Topic: Strengthen Wording and Consider Regional Board not Town Owned Board –**
30 **Ms. Morgenstein**

31 Ms. Morgenstein said the Commission is chosen to make these decisions, but has a feeling that
32 the Charter is the place to make certain statements one being that the Commission values the
33 importance of ethical behavior. She said engagement in public service should be done ethically.
34 Ms. Kohl pointed out there was a discussion about a mission statement, and noted there is
35 something in the Ordinances and this was the proper place for a mission statement to be. She
36 said the mission statement is very well written.

1 Mr. Chappell said the Wallingford Charter has two full pages, and part of two additional pages
2 regarding ethics. He noted that most other towns have at the most one or two paragraphs
3 referencing ethics. He said there should be something referencing ethics, but the level of detail
4 in the charter a lot. He said this is an ordinance within a charter. He said he agrees with Ms.
5 Morgenstein, but doesn't like this, and believes politically it draws the wrong message to redline
6 the entire section or three quarters of the section. Mr. Chappell said if he was being paid to
7 draft an ethics code for a Charter it wouldn't look like this, but it also wouldn't be very detailed
8 because it is the framework for the Town Government which is controlled by Statute and
9 criminal laws.

10 Mr. Chappell said he will meet with Atty. Small and suggested simplifying things by making a
11 policy statement. Mr. Swick asked if the Town was under the proper State Statute regarding
12 ethics. Mr. Chappell said he believed this was the case, but noted he believed there were some
13 differences with the procedures like who goes where when but noted Wallingford has an ethics
14 board and a code and has hearings, so the Town isn't violating State Statute.

15 Mr. Seichter suggested putting in a preamble or something referencing the Code of Ethics, this
16 issue would be addressed. Mr. Chappell pointed out in another town which had an ethics issue,
17 there was Charter Revision and the Town addressed Charter Revision. He said that Town ended
18 up coming up with a generic statement and establishing a Board of Ethics by Charter because
19 to that point, it was only established by Ordinance. He said the Charter is a more solid
20 document. Mr. Chappell said there were various opinions but they came to the consensus that
21 this document doesn't change every day so one must be careful what is done to it.

22 Acting-Chair Tatta said the Commission agreed not to change the process per se for the
23 hearing. She said whether the Commission wants to change the wording or put in an additional
24 statement, may be considered after Mr. Chappell meets with Atty. Small. Mr. Gingras
25 suggested tabling this item until Mr. Chappell discusses this with Atty. Small. He said he liked
26 the idea of making a general mission statement that we are ethical people. He pointed out the
27 nice thing about an ordinance, is that it can be changed a lot easier than the charter. He said
28 the state can change statutes easier than a charter can be changed. He suggested putting
29 wording in the body "according to State Statute".

30 Ms. Morgenstein went on the record stating there is still public which desires a regional ethics
31 board. She asked for a copy of the ordinance. Ms. Kohl said Ms. Morgenstein should have
32 received an email from the Town Clerk regarding the ethics issue. Ms. Kohl said on the Town
33 Clerk's website, there is a link to all of the Town's ordinances.

34 No Action Taken.

35 **Topic: The Health Department – Safety as it pertains to blight – is there an inspector**
36 **and what is the process – Ms. Morgenstein**

1 Acting-Chair Tatta cited #6 of the memo distributed tonight to the Commission which read "the
2 Health Department is involved with blight if it falls within their statutory jurisdiction. Generally,
3 issues which create health hazards would be dealt with by Health, other forms of blight are
4 handled by the Building Department".

5 Mr. Seichter noted that at one time there was a Blight Committee but didn't know if this
6 Committee was still active. Ms. Morgenstein said blight is a problem in town. She said this may
7 not be the place to address this issue. Acting-Chair Tatta said she will try to get the answers by
8 the Oct. 6th meeting.

9 **3. Discussion and possible action concerning review of Chapters I, II and III of**
10 **the Charter.**

11 Acting-Chair Tatta said she read the Chapters in the Sections and compared them to the 2009
12 version to see if anything different was done.

13 **Chapter 1 – Section1 – Incorporation**

14 No Discussion.

15 **Section 2 – Rights & Obligations**

16 No Discussion

17 **Section 3 – General Powers**

18 No Discussion

19 **Chapter 2 – Officers and Elections – Section 1 – State & Federal Officers**

20 No Discussion

21 **Section 2 – Municipal Elections**

22 Mr. Chappell said there had been discussions on whether to have minority representation in a
23 separate section. He said if this is done, lines 11 & 12 may not be needed. He added lines 11 &
24 12 could be left in with a standalone section. Mr. Chappell said at the end of the page, "except
25 at the 1991 election..." was not needed anymore. He proposed deletion from the word "except"
26 on Line 18 to the remainder of page 2.

27 **Motion: Mr. Chappell moved that the Commission delete from the word "except" in**
28 **Chapter 2, Section 2, the word "except" on line 18, we delete the language all the**
29 **way to line 21 on that same page. Mr. Seichter seconded the motion.**

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

32 **Motion passes**

1 Mr. Seichter noted that on page 3, line 23, voting machines are mentioned. He noted there are
2 no longer any voting machines. Acting-Chair Tatta asked the Commission if they wanted to
3 change the wording to ballots. She said it appeared that in 2009, these two lines were
4 removed. Mr. Gingras said he believed there was a prescribed way of laying out the candidates
5 whether or not there are voting machines, and suggested leaving the line in. He said this could
6 be construed that when one takes the paper one votes on, it could be a machine.

7 Ms. Morgenstein said Sections 3 and 4 also mention voting machines. Acting-Chair Tatta said in
8 Section 4, the wording goes even further mentioning voting machines concerning returns may
9 be unlocked and paper ballots may be used in such elections which she said seems outdated
10 because paper ballots are used currently. Ms. Kohl said looking at the 2009 draft, Sections 3
11 and Sections 4 were removed in their entirety. She asked if the Commission wanted to seek
12 input from the Law Dept. as to why this wording was removed. Ms. Morgenstein said she
13 suspects a lot of this going down may be shortened to read: "voting occurring as per State
14 Statute....Registrar of Voters. She suggested skipping the rest and request an update on these
15 two areas.

16 Mr. Chappell said in Section 4, his personal preference would be to remove breaking a tie and
17 contested election because State Statute would tell us what to do. He said he tries to go with
18 less is more as far as the Charter is concerned. He suggested asking the opinion of the Law
19 Dept. whether they helped with the draft of this chapter in 2009.

20 Acting-Chair Tatta said she will send an email to Atty. Small for her recommendations.

21 **Chapter 2 – Section 5 – Eligibility**

22 Acting-Chair Tatta questioned line 60 which stated "a resident elector of said town" and on line
23 61 states "resident and elector." She said she wasn't sure if this should be "resident elector" or
24 is a typo. She said she believed the "and" was a typo. She said she would note this as a
25 potential typo and change this. Mr. Chappell said "resident elector" would be the same thing as
26 an "elector".

27 **Section 6 – Vacancies**

28 No Discussion.

29 **Section 7 – Voting Districts**

30 Ms. Kohl noted the 2009 draft simplified this section. She said they took out everything – Line
31 74 – "the voting districts shall continue to be as established on the effective date of this Charter
32 provided the Council from time to time by Ordinance, divide the Town into voting districts for
33 the establishment of polling places therein" and simplified that sentence by stating: "the voting
34 districts may be changed by the Town Council in accordance with State Statutes."

35 She asked the Commission if they wanted to go with the more simplified sentence or keep it the
36 way it is currently written. Acting-Chair Tatta said if it serves a benefit to change this, it should

1 be changed. Mr. Seichter agreed with this and said to him, it wasn't anything which served a
2 significance and preferred to leave the sentence the way it is. Ms. Morgenstein said with the
3 districts, she believed this was a State Statute. She said there is no reason to change any of
4 what this means right now.

5 No Action Taken.

6 **Section 8 – Appointments**

7 No Discussion

8 **Section 9 – Removal of Elected and Appointed Officials and Suspension**

9 Acting-Chair Tatta said this was discussed and noted the Charter doesn't have the power to do
10 this. Acting-Chair Tatta said the Commission was waiting for a decision by Atty. Small.

11 **Section III – Town Council**

12 **Section 1**

13 Ms. Morgenstein asked for the definition of "employment under the government". He asked if
14 this meant Town Hall employee, School employee. Mr. Chappell said the question would be
15 could a teacher at Lyman Hall sit on the Council. He said the phrase "under the government" is
16 somewhat ambiguous. He noted the Board of Ed is treated differently, as it is part of the
17 Government and the State but it is not. Ms. Kohl said a teacher at Lyman Hall sitting on the
18 Town Council would have the opportunity to vote on teacher contracts. She said she believes
19 this sentence would mean anyone who is employed by the Town of Wallingford and gets paid
20 by the Town of Wallingford. Mr. Gingras said the key words are "the government", specifically
21 meaning Wallingford. He said he believes this is anyone employed by the Town of Wallingford
22 and teachers are employed by the Town of Wallingford.

23 Ms. Kohl noted that the other issue would be that anyone employed by the Town of Wallingford
24 would then be receiving two paychecks; because they would be getting paid as a Town
25 Councilor and as an employee. Mr. Chappell said he believed there was a section in the Charter
26 regarding employment of the Council. He said the question for tonight is whether the
27 Commission wishes to change this, clarify, or leave it alone. Mr. Gingras said this should be
28 changed, and doesn't believe a Town employee should be on the Town Council. Mr. Corrigan
29 asked if this could be clarified by using the word "by" instead of "under".

30 Ms. Morgenstein suggested leaving the wording as is. Mr. Seichter said this is somewhat clear
31 and states if one is employed by the Town, one is not on the Council. He said this Commission
32 could make it clearer, but it comes down to more additional items being put on the ballot and
33 recommended leaving the language as is. Ms. Kohl recommended also that this language be left
34 as is. She pointed out the language Mr. Chappell was referring to was in Chapter 2, Section 2,
35 the last paragraph: "no person who holds an elected office except as stipulated in Chapter 3,
36 Section 1, shall be appointed to any office or employment under the government of Wallingford,

1 if such appointment is made by the agency of which the elected official is a member, or if said
2 appointed position receives compensation from the government of Wallingford until his or her
3 term of office expires”.

4 No Action Taken.

5 **Section 2 – Presiding Officer**

6 No Discussion

7 **Section 3**

8 No Discussion

9 **Section 4 – Procedure**

10 No Discussion

11 **Section 5 – General Powers and Duties**

12 Mr. Chappell said on page 7, line 79 and 80 it states “there shall be maintained two copies of
13 such code rules and regulations in the office of the clerk”. He said this probably could be left
14 but noted now this is on line. He said he didn’t know if this is worth changing. Ms. Morgenstein
15 said we should be frugal. Ms. Kohl pointed out not everyone has a computer. She suggested
16 leaving this alone.

17 Acting-Chair Tatta noted in this Section on lines 92 & 93, it talks about fixing the compensation
18 for Selectmen. She said she believes this Commission eliminated the Board of Selectmen and if
19 the Council goes along with the Commission’s recommendation, those lines would have to be
20 eliminated.

21 **Motion: Acting-Chair Tatta moved the Commission eliminate the words on line 92**
22 **“the Selectmen” ending on Lines 92 & 93. Mr. Seichter seconded the motion.**

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

25 **Motion passes**

26 **Section 6 – Public Hearing on Ordinances**

27 Acting-Chair Tatta pointed out the statement: “by publication in the newspaper” on line 99
28 which she said the Commission addressed and will be updated. Ms. Kohl asked if the
29 requirement for publication in the newspaper was eliminated. She pointed out that not
30 everyone has access to a computer or has a computer. She said she hoped in the motion the
31 Commission made several weeks ago, that publication in the newspaper wasn’t eliminated, but
32 that the Commission just added an additional way.

1 Ms. Morgenstein said she recalled the Commission said whatever form of notification used by
2 State Statute. Mr. Chappell said he believed the Commission gave the Town Council more
3 opportunity to evolve by ordinance so something along the lines of "other means" was included.

4 Acting-Chair Tatta said she didn't believe the wording left this up to Ordinance. Mr. Chappell
5 said certain things have to be published in the newspaper and the Commission opened it up
6 that if the Statute didn't say this has to be done by newspaper, the Council could, by
7 Ordinance, change this. Ms. Kohl said in order to be transparent and give notice to the widest
8 amount of public, the Commission not preclude what is already out there. Acting-Chair Tatta
9 said the Commission will review Atty. Small's version.

10 **Section 7 – Approval of Ordinances and Appropriations by the Mayor and Publication**
11 **of Ordinances**

12 No Discussion

13 **Section 8 – Power of Initiative**

14 No Discussion

15 **Section 9 – Power of Referendum**

16 Discussed previously by the Commission

17 **Section 10 – Investigation**

18 No Discussion

19 **Section 11 – Council Appointments**

20 No Discussion

21 **END OF CHAPTER 3**

22 Upcoming meetings: Next meeting is the Public Hearing on Oct. 4 at 6:30 p.m. in Town Council
23 Chambers in Town Hall; and the next Regular Meeting will take place Oct. 6, at 6:30 p.m. in
24 Town Hall Room 315.

25 **Adjournment**

26 **Mr. Gingras made a motion to adjourn the Meeting at 7:51 p.m. Mr. Pyskaty**
27 **seconded the motion which passed unanimously.**

28

29 Respectfully submitted,

30

1 Cynthia A. Kleist

2 Recording Secretary

3

4

5

6

7