

CHARTER REVISION COMMISSION
Town of Wallingford

Regular Meeting
October 27, 2008

A Regular Meeting of the Wallingford Charter Revision Commission was held on Monday, October 27, 2008, at the Wallingford Town Hall, Room 315, Wallingford, Connecticut.

Seated from the Commission was Jeffrey Knickerbocker – Chairman, Suzanne Wright – Vice Chair, Debbie Gross, Kate Wall, Ray Rys, Robert Applegate, Vincent Cervoni, Hank Toman and Recording Secretary Sonja Vining
Absent: Ray Lilley

Chairman Knickerbocker called the meeting to order at 7:00 p.m.

1. PUBLIC COMMENT:

Jason Villani, 47 Parker Farms Road, submitted to the Commission a list of resources. He feels that most people are alienated from town politics and they are not as informed as they could be. Mr. Villani would like to see the town website be updated and include more information and entice people to participate in town politics. He suggested taking a look at the Norwich website as an example. Mr. Villani would like this Commission to address the power dynamics of the current system to evaluate how the people of the town would best be served. He has concerns with the veto override and discussed some options. Mr. Villani suggested two four-year terms as a term limitation for the Mayor.

Phil Wright, 160 Cedar Street, has heard many people say that a lot of the things that are included in the Charter should be taken out and put into ordinances. He would like to see the details left in the Charter. He feels it is a good resource for the public.

2. APPROVAL OF MINUTES:

October 14, 2008 - Regular Meeting

Ms. Wright made a motion to approve the Minutes of the October 14, 2008 – Regular Meeting. The motion was seconded by Mr. Cervoni and passed.

3. REVIEW PAGES 6-14:

Chairman Knickerbocker handed out to the Members copies of memorandums from Janis Small, Town Attorney, dated October 21st (Attachment I), and October 23rd (Attachment II). He indicated

that he received a memorandum from Janis Small stating that she would be unavailable to attend tonight's meeting but would be happy to attend another meeting at the request of the Commission (Attachment III).

CHAPTER II OFFICERS AND ELECTIONS

Section 1. State and Federal Officers

After some discussion and after reviewing Attorney Small's memorandum dated October 23, 2008 it was decided that Chairman Knickerbocker would ask the Legal Department to look at Chapter II, Section 1 again.

Section 8. Appointments

There was discussion of the term "vacant" and if the meaning of that word is clear. The memorandum dated October 23, 2008 from Attorney Janis Small was reviewed.

CERVONI: **MOTION TO REVISE CHAPTER II, SECTION 8, LINES 78 THRU 87 TO READ "ALL APPOINTMENTS MADE BY THE MAYOR THAT REQUIRE CONFIRMATION BY THE COUNCIL SHALL BE MADE BY THE MAYOR WITHIN 30 DAYS OF A POSITION BECOMING VACANT. IF THE COUNCIL TAKES NO ACTION WITHIN THIRTY DAYS OF WRITTEN NOTICE TO ITS CLERK OF SUCH AN APPOINTMENT, SUCH APPOINTEE SHALL BE DEEMED AUTOMATICALLY CONFIRMED. IF THE MAYOR FAILS TO MAKE AN APPOINTMENT WITHIN 30 DAYS, THE TOWN COUNCIL SHALL MAKE THE APPOINTMENT. IF THE COUNCIL REJECTS THE APPOINTMENT, THE MAYOR SHALL PROPOSE A NEW APPOINTEE WITHIN THIRTY DAYS, AND, IF HE DOES NOT, THEN SAID OFFICE SHALL BE FILLED BY A VOTE OF THE TOWN COUNCIL. A VACANCY WOULD INCLUDE BUT IS NOT LIMITED TO LONG TERM ILLNESS, DEATH, RESIGNATION, TERM EXPIRATION, REMOVAL FOR CAUSE, OR THE CREATION OF A NEW POSITION.**

TOMAN: **SECOND**

VOTE: **ALL MEMBERS VOTED "YES" TO APPROVE EXCEPT MR. APLEGATE WHO VOTED "NO".**

Section 2. Municipal Elections

The memorandum dated October 21, 2008 from Attorney Janis Small was reviewed.

WRIGHT: **MOTION TO DELETE LINES 30 THRU 35 FROM CHAPTER II, SECTION 2 AND REPLACE IT WITH “NO PERSON SHALL HOLD ELECTIVE OFFICE IN VIOLATION OF CONNECTICUT GENERAL STATUTES SECTION 7-421 AS MAY BE AMENDED FROM TIME TO TIME.”**

APPLEGATE: **SECOND**

VOTE: **UNANIMOUS**

Section 9. Removal of Elected and Appointed Officials, Suspension

Attorney Small is still reviewing this section.

Section 7. Voting Districts

The memorandum dated October 21, 2008 from Attorney Janis Small was reviewed.

WRIGHT: **MOTION TO REVISE CHAPTER II, SECTION 7, LINES 73 THRU 77 TO READ “ALL OFFICERS OF THE TOWN OF WALLINGFORD WHO ARE CHOSEN BY ELECTION SHALL BE ELECTED AT LARGE. THE VOTING DISTRICTS MAY BE CHANGED BY THE TOWN COUNCIL IN ACCORDANCE WITH STATE STATUTES.” (DELETING – “THE VOTING DISTRICTS SHALL CONTINUE TO BE AS ESTABLISHED ON THE EFFECTIVE DATE OF THIS CHARTER PROVIDED THE COUNCIL MAY, FROM TIME TO TIME, BY ORDINANCE, DIVIDE THE TOWN INTO VOTING DISTRICTS FOR THE ESTABLISHMENT OF POLLING PLACES THERIN.”)**

TOMAN: **SECOND**

VOTE: **UNANIMOUS**

CHAPTER III THE TOWN COUNCIL

Section 3. Clerk

There was discussion of what position the town clerk currently has with the Town Council and their meetings.

No changes were made at this time.

Section 4. Procedure

APLEGATE: **MOTION TO REVISE CHAPTER III, SECTION 4, LINE 46 TO READ “IN THE CONNECTICUT GENERAL STATUTES. TWO THIRDS OF THE ELECTED MEMBERS SHALL CONSTITUTE A QUO-“ (DELETING – “SIX MEMBERS” REVISE LINE 49 TO READ “BY LESS THAN A SIMPLE MAJORITY OF THE ELECTED MEMBERS, UNLESS OTHERWISE SPECIFIED IN THIS” (DELETING – “FIVE AFFIRMATIVE VOTES”)**

CERVONI: **SECOND**

VOTE: **UNANIMOUS**

The Committee took a 5-minute break.

Section 5. General Powers and Duties

The Commission discussed the powers of the Town Council.

TOMAN: **MOTION TO REVISE CHAPTER III, SECTION 5, LINE 81 TO READ “THE COUNCIL SHALL HAVE THE POWER TO TAKE, PURCHASE, HOLD, CONDEMN, DEMOLISH, LEASE,” (ADDING – “DEMOLISH”)**

RYS: **SECOND**

VOTE: **ALL MEMBERS VOTED “YES” TO APPROVE EXCEPT FOR MR. CERVONI WHO VOTED “NO”.**

Section 6. Public Hearing on Ordinances

There was discussion about information being available to the public electronically as well as in print.

KNICKERBOCKER: **MOTION TO REVISE CHAPTER III, SECTION 6, LINE 100 TO READ “IN SAID TOWN, THE TOWN WEB PAGE, AND BY POSTING A NOTICE IN A PUBLIC PLACE, SHALL BE HELD BY” (ADDING – “THE TOWN WEB PAGE,”)**

WALL: **SECOND**

VOTE: **UNANIMOUS**

Section 7. Approval of Ordinances and Appropriations by the Mayor, and Publication of Ordinances

There was discussion about how many votes or what percentage should be required to approve an ordinance.

No changes were made at this time.

Section 8. Power of Initiative

There was discussion of the terms “active registered voters” and “qualified electors”.

GROSS: **MOTION TO REVISE CHAPTER III, SECTION 8, LINE 148 TO READ
“IN NUMBER TO AT LEAST TEN (10) PERCENT OF THE ACTIVE
REGISTERED VOTERS AT THE LAST” (ADDING – “ACTIVE”)**

WALL: **SECOND**

VOTE: **UNANIMOUS**

The Commission discussed changing the percentage of votes required out of all electors to approve an ordinance.

WALL: **MOTION TO REVISE CHAPTER III, SECTION 8, LINE 153 AND 154 TO
READ “PRESCRIBED BY THE CONNECTICUT GENERAL STATUTES.
UNLESS AT LEAST FIFTEEN (15) PERCENT OF THE ELECTORS
ENTITLED TO VOTE ON THE QUESTION SHALL HAVE” (DELETING
– “TWENTY (20)”)**

GROSS: **SECOND**

VOTE: **ALL MEMBERS VOTED “YES” TO APPROVE EXCEPT FOR MR.
CERVONI WHO VOTED “NO”.**

Section 9. Power of Referendum

WALL: **MOTION TO REVISE CHAPTER III, SECTION 9, LINE 174 TO READ
“PERCENT OF THE ACTIVE REGISTERED VOTERS AT THE LAST
MUNICIPAL ELECTION, MAY BE FILED” (ADDING – “ACTIVE”)**

REVISE LINE 188 TO READ “TOTAL OF AT LEAST FIFTEEN (15) PERCENT OF THE ELECTORS ENTITLED TO VOTE ON THE” (DELETING – “TWENTY (20)”)

GROSS: **SECOND**

VOTE: **ALL MEMBERS VOTED “YES” TO APPROVE EXCEPT FOR MR. CERVONI WHO VOTED “NO”.**

Section 10. Investigation

The Commission discussed the power of the Council to call for an investigation.

APPLEGATE: **MOTION TO REVISE CHAPTER III, SECTION 10, LINE 191 TO READ “THE COUNCIL, BY A VOTE OF AT LEAST ONE THIRD OF THE ELECTED MEMBERS, SHALL HAVE POWER” (DELETING – “THREE (3)”)**

TOMAN: **SECOND**

VOTE: **ALL MEMBERS VOTED “YES” TO APPROVE EXCEPT FOR MR. KNICKERBOCKER WHO VOTED “NO”.**

Section 11. Council Appointments

There was discussion regarding revising this section to agree with changes previously made.

CERVONI: **MOTION TO HAVE THE LEGAL DEPARTMENT DRAFT LANGUAGE FOR THIS SECTION TO HAVE THE COUNCIL APPOINTMENTS MIRROR THE MAYORAL APPOINTMENTS ALLOWING THE MAYOR TO MAKE AN APPOINTMENT IF THE COUNCIL HAS NOT MADE ITS APPOINTMENT IN 30 DAYS AND LEAVING THE COUNCIL THE POWER TO CONFIRM.**

WRIGHT: **SECOND**

VOTE: **ALL MEMBERS VOTED “YES” TO APPROVE EXCEPT MR. APPLEGATE WHO VOTED “NO”.**

CHAPTER IV. APPOINTIVE OFFICERS

Section 1. Town Clerk

The Members discussed the pros and cons of having the Town Clerk be an appointed position, a civil service position or an elected position.

No changes were made at this time.

4. ADJOURNMENT:

Mr. Toman made a motion to adjourn. The motion was seconded by Ms. Wall and passed. Meeting adjourned at approximately 10:40 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Town of Wallingford
Charter Revision Commission
October 27, 2008