

**TOWN OF WALLINGFORD, CONNECTICUT**  
**SPECIAL WORKSHOP TOWN COUNCIL MEETING**

**February 4, 2014**  
**WORKSHOP**

**RECORD OF VOTES & MINUTES**

The Special Meeting of the Wallingford Town Council was called to order at 6:40 P.M. The Pledge of Allegiance was said. Councilors in attendance were as follows: Chairman Vincent Cervoni, Craig Fishbein, Thomas Laffin, John Letourneau, Christine Mansfield, Robert F. Parisi, Larry Russo, John Sullivan and Vincent F. Testa, Jr.

**2. Discussion and Possible Action with regard to the Town Council *Rules of Procedure***

Chairman Cervoni recalled the motion for the Rules as proposed at the January 14, 2014 meeting and that there two amendments accepted as friendly. He stated that his purpose of the proposed Rules were not to reduce significantly public comment or not to squelch public comment. Briefly, the purpose is to help these meetings run in an orderly fashion and to give people an anticipation of the type of time restraints under which the meetings would be run. He thought that the proposed changes might encourage some new participants to meetings.

Councilor Cervoni agreed to the suggestion to take it paragraph by paragraph.

**Rule I.** No discussion on the proposed change.

**Rule II.** Change clarified and is textural in nature. Referring to a rule from another town that might meet the needs of the Council, Councilor Fishbein suggested an additional change with regard to Robert's Rules. He read his proposal.

*"Where the rules hereby adopted do not specifically indicate the procedure to be followed in a particular case, the Council shall be governed by the Rules of Parliamentary Procedure contained in the Robert's Rules of Order Revised, 75<sup>th</sup> Anniversary Edition."*

He said it clears up the intent of the paragraph. Councilor Laffin said he did not question this paragraph and does not see this as a necessary amendment. Mr. Fishbein said that he sees it as at the discretion of the Chairman. Chairman Cervoni said that as he reads the paragraph the discretion of the Chairman is 'except as otherwise specified in the Rules of Procedure. He does not agree that this paragraph gives the chairman carte blanche to ignore the rules. Councilor Fishbein argued that where the rule is not clear, this proposal makes it clear. Councilor Sullivan wants this to be fairly interpreted by all parties. Rule II was suspended so everyone could receive a copy and read it.

**Rule III.** Chairman Cervoni read the proposed change to Rule III., the addition of a last sentence and said that at the last meeting a friendly amendment was accepted to add to that last sentence the phrase "*which may be extended at the discretion of the Chairman.*" Councilor LeTourneau said that in general for Rule III., he would like to see the public question and answer period go to 15 minutes and no longer held for 20 minutes.

Councilor Sullivan stated that he thinks the current 20 minutes is fine and that sometimes this period is over in ten minutes. Councilor Testa is not in favor of it or the reason for it. Councilor Russo does not agree. No further comments. Councilor Letourneau withdrew his suggestion for lack of support.

Councilor Fishbein referred to his newspaper research of Council discussions with respect to rules dating back to 1995. He reviewed some of those discussions, likening them to déjà-vu. He declared he is not in favor of changing what we already have. The Rule is fine. Chairman Cervoni said that this is a rule that he wants to use in a very reluctant way. He talked a little bit about the old-fashioned Town Hall meeting and thinks that what has changed since the time where that was the only forum in which to speak. Now, he said, the population is much more literate; and there are all types of media wherein the public may communicate with the Council. Councilor Russo stated that we need to hear from the public but we also have to have public guidelines. He said in Rule III., we have a time-limit, a question-limit, and a time-limit on the question. He said if those rules are adhered to, then there is no need for the last sentence. Councilor Mansfield understands Councilor Russo's comments and likes the Chair's discretion and that if we are going to implement the new part, she is in favor of keeping the friendly amendment (*...which limit may be extended at the discretion of the chairman*) in meetings where more public comment is needed and that the chair can extend the period.

Councilor Testa said the purpose of the Public Question and Answer is to hear all matters other than what is on the agenda. He said he understands the intent of allowing someone more than three questions but it really would only happen if there were more than a couple of people trying to ask more than three questions. If that is the case then he doesn't see the point in having the three question limit. He discussed the math of Rule III against the clock, and the possibilities of more than three questions shrink. The 20-minute limit is what keeps the meeting under control. He doesn't see the need to limit at all.

Councilor Fishbein said he thinks there needs to be some perimeters. He said that the only limit needed is 20-minutes and that it would be sufficient. Chairman Sullivan commented that sometimes our process needs to be set aside at the discretion of the Chairman from time to time to allow some discussion. He thinks that the Chairman should have the discretion to entertain the response of a Councilor during Public Question & Answer, using good judgment and common sense to do that. He said he sees some verbiage conflict. He is in favor of 20 minutes as the limitation. Councilor Laffin made comments with regard to the number of questions. Councilor Sullivan stated the conflict remains and that if the goal is to incorporate the three questions and limit it to the three questions, then the sentence at the end is not needed. He wants to clean up the language.

Chairman Cervoni re-stated Councilor Sullivan's proposal if he would consider a limit of three questions and to change that sentence to "if after doing so, time remains available during the Public Question and Answer period, individuals will be allowed to return to the microphone to ask additional questions but no more than three times until the twenty minutes have expired." Councilor Sullivan is not making a proposal because he is not in favor of the three questions. He said that he is saying that if that is the goal of the majority of this body, then let's clean up the language because at least it would eliminate conflict. Councilor Parisi said that sometimes it takes care of itself. He said that he has always felt that the twenty minutes is dedicated to the public.

Councilor Fishbein does not think we can require people to not make statements to their government. We can't require that they ask only questions. He suggested for Rule III that it be stripped down to the 6<sup>th</sup> line where it says 20-minutes period and get rid of the rest.

**MOTION WAS MADE THAT THE PROPOSED LANGUAGE AND THE EXISTING LANGUAGE AFTER "...TWENTY (20)MINUTES," AND THAT EVERYTHING ELSE BE STRICKEN BEGINNING AT "EACH INDIVIDUAL SPEAKING...."**

**MADE BY: FISHBEIN**  
**SECONDED BY: PARISI**

Councilor Russo asked that the next sentence be included as well.  
**FRIENDLY AMENDMENT BY COUNCILOR RUSSO TO KEEP THE NEXT SENTENCE AS PART OF THE MOTION.**

Councilor Fishbein accepted.  
**SECONDED BY: SULLIVAN**

Councilor Testa likes the existing language without the new proposed language. He discussed the value of the existing Rule. With regard to those points, Councilor Fishbein withdrew his motion. The second was withdrawn by Councilor Parisi. Councilor Testa said the confusion comes in when it is 'question' versus "statement."

**MOTION TO REJECT THE PROPOSED LANGUAGE TO RULE III.**

**MADE BY FISHBEIN**  
**SECONDED BY: LETOURNEAU**

**ROLL CALL VOTE:**  
**FISHBEIN: YES MANSFIELD: YES SULLIVAN: YES**  
**LAFFIN: NO PARISI: YES TESTA: YES**  
**LETOURNEAU: YES RUSSO: YES CHAIRMAN CERVONI: NO**

**7-AYE; 2- NAY**  
**THE MOTION PASSED.**

**RULE II** Chairman Cervoni confirmed that language that was submitted by Councilor Fishbein

**MOTION TO ADOPT THE LANGUAGE THAT HAS BEEN PRESENTED TO REPLACE RULE II.**

**MADE BY: FISHBEIN**  
**THERE WAS NO SECOND. THE MOTION FAILED.**

Councilor Sullivan said it is important to maintain some discretion on the part of the Chairman and that we need to govern as well with common sense on the part of our leaders with Robert's Rules as a guide.

Councilor Fishbein asked which trumps which based upon the current Rules. He said there is a conflict. Councilor Cervoni does not see the conflict in that where the Rules do not speak, then it is up to the Chairman with Robert's Rules of Order, as amended, as a guide. Councilor Testa made statements with regard to "as a guide" and "as governed" to mean the same thing. He has no problem with the current wording, and there is no point in changing the Rule.

There was a motion and a second to accept Rule II both of which were withdrawn in deference to the motion already on the floor.

**RULE IV.** Councilor Fishbein's accepted that the friendly amendment was acknowledged and that the first line would then read:

**FRIENDLY AMENDMENT 1.**

*"Public input on an individual agenda item, which will require a vote of the Town Council, .....".* Councilor Fishbein said it makes more sense in this location. With regard to the other proposed language, he is opposed to it.

Councilor Russo in comparing Rule III. to Rule IV. would like to see consistency in the guidelines between the two. Rule IV. needs a time limit. Councilor Testa does not object to the proposed language since the Council can vote to extend public participation. It could just say that the 'comment could be extended by a motion and voted upon by a *majority of Councilors present.*' Chairman Cervoni offered '*simple majority of Councilors voting and present*' to which Councilor Testa agreed.

**FRIENDLY AMENDMENT 2.**

**MR. TESTA'S FRIENDLY AMENDMENT:**

*"Public comment on an individual agenda item may be extended beyond thirty minutes by motion of a member of the Council, seconded and passed by affirmative vote of a ~~two-thirds~~ simple majority of Councilors present and voting. ~~but not less than five (5) of those Councilors present and voting.~~"*

**AS AGREED TO BY COUNCILOR LAFFIN.**

Councilor Letourneau made comments on public speakers and the time it takes in meetings.

**MOTION TO REDUCE PUBLIC TIME FROM 30 MINUTES TO 20 MINUTES**

**MADE BY: LETOURNEAU**

**SECOND: NONE**

**FAILED.**

Councilor Sullivan made comments with regard to public comment and that it should simply be 'public comment may exceed thirty minutes at the discretion on the Chairman.' He doesn't see this as an issue. He wants to see the chairman extend it past thirty minutes if we are on a hot topic. This is their town. They put us here. They want us to listen to them, and he doesn't have an issue with that. He said he learns more here in the Council Chambers than he does from an email. Several Councilors made comments with regard to public comment and the length of time given to that period, or not. Councilor Fishbein stated that the rule is fine the way it is. Councilor Testa saw a possible conflict if the Chairman wants to go on but the Council does not, and visa versa, so that having a vote might be worthwhile if the Council is in disagreement with the Chair.

**MOTION WAS MADE TO ADD:**

***"PUBLIC COMMENT MAY EXCEED THIRTY MINUTES AT THE DISCRETION OF THE CHAIRMAN," FOLLOWING THE PREVIOUS SENTENCE WHICH ENDS IN "...EXCEED THIRTY MINUTES." WITH THE REMAINDER OF THE PROPOSED CHANGE TO BE STRICKEN FROM THE RULE.***

*Public comment on an individual agenda item may be extended beyond thirty minutes by motion of a member of the Council, seconded and passed by affirmative vote of a ~~two-thirds majority, but not less than five (5) of those Councilors present and voting.~~*

**MADE BY: SULLIVAN**  
**SECONDED BY: PARISI**

**ROLL CALL VOTE:**

**FISHBEIN: NO MANSFIELD: YES SULLIVAN: YES**  
**LAFFIN: NO PARISI: YES TESTA: NO**  
**LETOURNEAU: YES RUSSO: YES CHAIRMAN CERVONI: NO**

**5-AYE; 4- NAY**  
**THE MOTION PASSED.**

**Rule V.** No proposed changes or comments on this rule.

**Rule VI.** Discussion ensued with regard to agenda backup materials and the timing of the dissemination of the backup materials after the agenda has been closed. There was general agreement for the proposed change.

**Rule VII. MOTION WAS MADE TO STRIKE RULE VII.**  
**MADE BY: FISHBEIN**  
**SECONDED BY: NONE**

**Rule VIII.** No proposed changes or comments on this rule.

**Rule IX.** No proposed changes or comments on this rule.

**Rule X.** No proposed changes or comments on this rule.

**Rule XI.** No proposed changes or comments on this rule.

**Rule XII. MOTION TO AMEND WAS MADE TO ADD ITEMS 2., 3. & 4. FROM SECTION B. TO SECTION A. SECTION A. WOULD THEN HAVE FIVE (5) SUBHEADINGS.**

A. Mayor's appointments requiring Council confirmation shall include:

(1) A letter from the Mayor naming his/her appointment;

(2) A letter from the person(s) receiving the appointment(s) indicating his/her/their availability and acceptance should accompany the Mayor's letter but shall not be considered mandatory.

(3) *Upon learning that an individual is being recommended for an appointment or confirmation, any Councilor who wishes to conduct an interview of such individual, shall request the Chairman to call a Special Meeting for that purpose. The Chairman shall invite such individual to the Special Meeting and advise such individual that no other interviews are required.*

(4) *Whereas the Freedom of Information Act requires meetings to be public and upon notice, the Chairman, upon request from any Councilor shall then call a Special Meeting at which meeting Councilors may interview the prospective appointee. The Special Meeting shall be in a workshop format and members of the public shall not participate.*

(5) *Questions regarding substantive matters, policy, or hypothetical questions are not proper during such interview. Questions shall be limited to biographical information, education and experience. No Councilor shall make any attempt to create any bias or prejudice on any matter nor shall any attempt be made to predispose a prospective appointee on any point.*

**Rule XII. con't**

**MADE BY: FISHBEIN**  
**SECONDED BY: LAFFIN**

**ROLL CALL VOTE:**

<b>FISHBEIN: YES</b>	<b>MANSFIELD: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>PARISI: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>RUSSO: YES</b>	<b>CHAIRMAN CERVONI: YES</b>

**9-AYE; 0- NAY**

**THE MOTION PASSED.**

**Rule XIII. MOTION TO AMEND WAS MADE TO ADD “PHONE NUMBER” AFTER THE WORD “ADDRESS”.**

**MADE BY: FISHBEIN**  
**SECONDED BY: SULLIVAN**  
**VOTE: ALL AYE (9)**  
**MOTION PASSED.**

**Rule XIV.** No proposed changes or comments on this rule.

**Rule XV.** Language change.

**Rule XVI.** Change from reading line a script to the language of a Rule.

**Rule XVII.** No comments.

**ROLL CALL VOTE IN MR. LAFFIN’S MOTION TO ACCEPT WITH FRIENDLY AMENDMENTS AND OTHER MOTIONS MADE.**

<b>FISHBEIN: YES</b>	<b>MANSFIELD: YES</b>	<b>SULLIVAN: YES</b>
<b>LAFFIN: YES</b>	<b>PARISI: YES</b>	<b>TESTA: YES</b>
<b>LETOURNEAU: YES</b>	<b>RUSSO: YES</b>	<b>CHAIRMAN CERVONI: YES</b>

**9-AYE; 0- NAY**

**THE MOTION PASSED.**

**MOTION TO ADJOURN**

**MADE BY: PARISI**  
**SECONDED BY: LETOURNEAU**

**VOTE:**

**9-AYE**

**MOTION PASSED.**

**The meeting adjourned at 9:00 P.M.**

Respectfully submitted,

Sandra Weekes  
Secretary to the Town Council  
Meeting digitally recorded

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Vincent Cervoni, Chairman

Date

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Barbara Thompson, Town Clerk

Date

