

**CHARTER REVISION COMMISSION
Town of Wallingford**

**Regular Meeting
March 9, 2009**

A Regular Meeting of the Wallingford Charter Revision Commission was held on Monday, March 9, 2009, 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, Hank Toman, Ray Rys, Ray Lilley, Robert Applegate, and Recording Secretary Sonja Vining
Absent: Vincent Cervoni

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

1. PUBLIC COMMENT:

Wes Lubee, Montowese Trail, discussed the PUC. He feels that the responsibility of the PUC is far too large for a three-person board and if one person is not available then there are only two to make major decisions. Mr. Lubee feels that the use of telephone participation on the PUC is due to its small size.

Mr. Lubee brought up the BOE. He pointed out that the BOE handles 60% of the town budget. Mr. Lubee feels that the Charter Revision Commission should spend more time on discussing the BOE. He suggested discarding party affiliation when it comes time for nominations for the BOE. Mr. Lubee stated that something has to be done and it cannot be left as it is now.

Mr. Lubee asked how much value is given to a job interview. He believes it should be stated and not left to the discretion of the Personnel Manager and the appointer.

Mr. Lubee discussed the removal of appointees. He feels that there must be a standard established for the Chairman and appointing bodies to fall back on.

Mr. Lubee discussed the Ethics Board explaining how the system currently works. He stated that there is a terrible conflict of interest in this system. He believes that the ethics section of this Charter has to be rewritten. Mr. Lubee suggested taking the five largest religious congregations and having those five ministers each appoint a member of the board as long as that person has not been politically active for the past five years.

Bob Gross, Longhill Road, asked what happens if the Charter is not followed? Are there any repercussions to the person or agency that does not follow the Charter. He feels the Commission should discuss the issue.

Rosemary Rascati, 482 North Main Street, suggested that the PUC be left as it is. She feels it is working fine.

Ken Daily, 594 North Elm Street, believes that if an agency or a person is in violation of the Charter that it would go to the Corporate Council.

2. APPROVAL OF MINUTES:

February 23, 2009 - Regular Meeting

Ms. Gross made a correction to Page 2. Ms. Wright made a motion to approve the Minutes of the February 23, 2009 – Regular Meeting as amended. The motion was seconded by Ms. Wall and passed unanimously.

3. CHAPTER XIV – PUBLIC UTILITIES COMMISSION

There was discussion about the fact that this Commission has had people phone in to vote. The Commission discussed the possibility of adding the thought that all appointees should regularly attend meetings and they can only vote in person.

MR. KNICKERBOCKER: **MOTION TO ADD THE FOLLOWING TO THE END OF SECTION 8, PAGE 4 AND SECTION 11, PAGE 10.**
“APPOINTEES SHALL REGULARLY ATTEND MEETINGS AND SHALL NOT BE ALLOWED TO VOTE BY PHONE EXCEPT IN CASE OF AN EMERGENCY AS DETERMINED BY THE CHAIRMAN OF THAT PARTICULAR BOARD”.

MR. TOMAN: **SECOND**

The Commission discussed the motion.

VOTE: **MR. TOMAN – YES, MR. LILLEY – YES, MR. APPLGATE – NO, MS. WRIGHT – NO, MR. RYS – NO, MS. WALL – YES, MS. GROSS – YES, MR. KNICKERBOCKER – YES.**

The Commission moved on to discuss the number of members on the PUC.

MS. GROSS: **MOTION TO THAT CHAPTER XIV, SECTION I, LINE 3 BE REVISED TO READ, “BOARD OF PUBLIC UTILITIES COMMISSIONERS CONSISTING OF FIVE (5) RESIDENT**

ELECTORS OF THE TOWN, NO MORE THAN THREE (3) OF WHOM SHALL BE MEMBERS OF THE”.

MS. WRIGHT: **SECOND**

There was discussion of the motion.

VOTE: **ALL MEMBERS VOTE “YES” BY A VOICE VOTE EXCEPT FOR MR. APLEGATE WHO VOTED “NO”.**

There was discussion of the possibility of having the Council appoint the PUC members rather than the Mayor.

MR. KNICKERBOCKER: **MOTION TO ADOPT REVISIONS TO CHAPTER XIV. PUBLIC UTILITIES AS INCLUDED IN THE MEMO FROM JAMIS SMALL, TOWN ATTORNEY DATED MARCH 5, 2009 (ATTACHMENT I).**

MS. WALL: **SECOND**

VOTE: **UNANIMOUS**

MS. WALL: **MOTION TO DELETE LINES 33, BEGINNING WITH “EXCEPT AS”, THROUGH 38 OF CHAPTER XIV, SECTION 2.**

MR. RYS: **SECOND**

VOTE: **UNANIMOUS**

MS. WALL: **MOTION TO REVISE CHAPTER XIV, SECTION 2, LINE 18 TO READ “BOARD, SHALL CONSIST OF FIVE (5) MEMBERS WHO SHALL BE APPOINTED BY THE”**

MR. RYS: **SECOND**

VOTE: **UNANIMOUS**

There was discussion about the terms of the PUC members. Attorney Small will work on language for Chapter XIV. Public Utilities. The new language would include staggered terms and it would exclude the history that is currently included in Section 1. The legal draft will also clarify members of the PUC serving on other commissions.

MR. KNICKERBOCKER: **MOTION TO REVISE CHAPTER XIV, SECTION 2, LINE 19 TO READ “A PUBLIC UTILITIES COMMISSIONER SHALL**

NOT HOLD ANY OTHER ELECTED OR APPOINTED POSITION. A PUBLIC UTILITIES COMMISSIONER SHALL NOT HAVE A BUSINESS RELATIONSHIP OTHER THAN AS A CONSUMER WITH ANY OF THE PUBLIC UTILITIES OF THE TOWN.

MS. GROSS: **SECOND**

The motion was discussed.

VOTE: **MR. TOMAN – YES, MR. LILLEY – YES, MR. APPEGATE – NO, MS. WRIGHT – NO, MR. RYS – YES, MS. WALL – YES, MS. GROSS – YES, MR. KNICKERBOCKER – YES.**

4. LAND USE AND DEVELOPMENT SECTION:

The Commission reviewed Draft A and Draft B as prepared by Attorney Janis Small and included in her memorandum dated March 5, 2009. (Attachment I)

MR. KNICKERBOCKER: **MOTION TO ADOPT DRAFT A FROM ATTORNEY JANIS SMALL DATED MARCH 5, 2009 (ATTACHMENT I)**

MR. LILLEY: **SECOND**

The Commission discussed the details of Draft A. There was a suggestion that the Environmental Planner should be appointed by the Mayor not the Inland Wetlands & Watercourses Commission.

MR. KNICKERBOCKER: **MOTION THAT THE ENVIRONMENTAL PLANNER BE APPOINTED BY THE MAYOR.**

There was discussion of the motion.

MR. KNICKERBOCKER: **WITHDREW HIS MOTION.**

MR. KNICKERBOCKER: **MOTION TO ADOPT DRAFT A, SECTION 1 (ATTACHMENT I) TO READ:**
SECTION 1. LAND USE BOARDS AND COMMISSIONS
A. THE COUNCIL SHALL APPOINT AND MAY REMOVE MEMBERS OF THE PLANNING AND ZONING COMMISSION, THE ZONING BOARD OF APPEALS AND THE INLAND WETLANDS AND WATERCOURSES COMMISSION. THE COUNCIL SHALL, BY ORDINANCE, DETERMINE THE NUMBER

OF MEMBERS AND ALTERNATES, THE METHOD OF APPOINTMENT AND REMOVAL, PROVIDE FOR MINORITY REPRESENTATION, SPECIFY THE TERMS OF OFFICE AND SUCH OTHER REQUIREMENTS AS MAY BE PERMITTED BY LAW.

MR. TOMAN:

SECOND

VOTE:

UNANIMOUS

MS. WRIGHT:

**MOTION TO ADOPT DRAFT A, SECTION 2 (ATTACHMENT I) TO READ:
SECTION 2. PLANNING DEPARTMENT
THERE SHALL BE A PLANNING DEPARTMENT WHICH SHALL SERVE AS STAFF TO THE PLANNING AND ZONING COMMISSION AND THE ZONING BOARD OF APPEALS TO PROVIDE PLANNING, ZONING AND DEVELOPMENT SERVICES. THE MAYOR SHALL APPOINT AND MAY REMOVE, SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ADOPTED PURSUANT TO THE PROVISIONS OF CHAPTER XVI OF THIS CHARTER, A TOWN PLANNER WHO SHALL BE THE DIRECTOR OF THE DEPARTMENT. THE TOWN PLANNER SHALL HAVE THE POWERS AND DUTIES AS THE COUNCIL MAY PRESCRIBE.**

MR. APPLGATE:

SECOND

VOTE:

UNANIMOUS

MR. KNICKERBOCKER:

**MOTION TO ADOPT DRAFT A, SECTION 3 (ATTACHMENT I) TO READ:
SECTION 3. ENVIRONMENTAL PLANNING
THE MAYOR SHALL APPOINT AND MAY REMOVE AN ENVIRONMENTAL PLANNER SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ADOPTED PURSUANT TO THE PROVISIONS OF CHAPTER XVI OF THIS CHARTER. THE ENVIRONMENTAL PLANNER SHALL SERVE AS STAFF TO THE INLAND WETLANDS AND WATERCOURSES COMMISSION AND SHALL**

HAVE SUCH POWERS AND DUTIES AS THE COUNCIL MAY PRESCRIBE.

MR. APPLGATE: **SECOND**

There was discussion of the motion.

VOTE: **UNANIMOUS**

The Commission discussed the membership of the Economic Development Commission.

MR. TOMAN: **MOTION THAT THE ECONOMIC DEVELOPMENT COMMISSION HAVE FIVE (5) MEMBERS.**

There was discussion of the motion.

MR. TOMAN: **WITHDREW HIS MOTION.**

Chairman Knickerbocker skipped down to the Building Department section.

MR. KNICKERBOCKER: **MOTION TO ADOPT DRAFT A, SECTION 5 (ATTACHMENT I) TO READ:**
SECTION 5. BUILDING DEPARTMENT
(A) BUILDING INSPECTOR: THE MAYOR SHALL APPOINT AND MAY REMOVE, SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ADOPTED PURSUANT TO THE RULES OF CHAPTER XVI OF THIS CHARTER, A BUILDING INSPECTOR WHO SHALL BE THE ENFORCEMENT OFFICER OF THE BUILDING CODE AND PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY COUNCIL.
(B) BOARD OF APPEALS: THERE SHALL BE A BUILDING DEPARTMENT BOARD OF APPEALS PURSUANT TO THE CONNECTICUT GENERAL STATUTES.

MR. LILLEY **SECOND**

VOTE: **UNANIMOUS**

MR. KNICKERBOCKER: **MOTION TO DELETE CHAPTER VIII, SECTION 3 FROM THE EXISTING CHARTER.**

MR. TOMAN: **SECOND**

VOTE: **UNANIMOUS**

MS. WRIGHT: **MOTION TO ADOPT DRAFT A, SECTION 4 (ATTACHMENT I) TO**
READ:
SECTION 4. ECONOMIC DEVELOPMENT COMMISSION THE
COUNCIL SHALL, BY ORDINANCE, APPOINT AN ECONOMIC
DEVELOPMENT COMMISSION. THE ORDINANCE SHALL
PROVIDE FOR THE NUMBER OF MEMBERS AND
ALTERNATES, THE METHOD OF APPOINTMENT AND
REMOVAL, MINORITY REPRESENTATION, TERMS OF OFFICE
AND SUCH OTHER REQUIREMENTS AS MAY BE PERMITTED
BY LAW.
THE ECONOMIC DEVELOPMENT COMMISSION SHALL HAVE
SUCH DUTIES AND POWERS AS SPECIFIED IN STATE
STATUTES AND IN THE ORDINANCE.

MS. WALL: **SECOND**

VOTE: **UNANIMOUS**

Mr. Bob Beaumont, Vice Chairman Public Utilities Commission arrived and spoke on the existing three member PUC. He feels it functions fine with three members. He discussed how the Commission works if someone is not available to attend a meeting in person. There was some discussion about how and why the Charter Revision Commission motioned to increase the number of members on the PUC to five.

5. STATUTES REGARDING THE BOARD OF EDUCATION AND APPOINTMENTS:

Attorney Small reported that she has not found anything that supports the idea that you can elect BOE members but she is still looking into the issue. She will report back with more information at the next meeting.

6. PERSONNEL AND PENSIONS SECTION 1B-D:

7. PERSONNEL AND PENSION APPEALS BOARD SECTIONS 2-4:

Attorney Small reviewed her comments regarding the Personnel and Pension Appeals Board included in her memorandum dated March 5, 2009.

MS. WRIGHT: **MOTION TO REVISE CHAPTER XIII, SECTION 1B TO READ:**
“THE HUMAN RESOURCES DEPARTMENT SHALL ADMINISTER
THE PENSION SYSTEM”.

MR. APPLGATE: **SECOND**

VOTE: **UNANIMOUS**

MS. WRIGHT: **MOTION TO DELETE CHAPTER XIII, SECTION 1C.**

MR. APPELGATE: **SECOND**

VOTE: **UNANIMOUS**

MS. WRIGHT: **MOTION TO DELETE CHAPTER XIII, SECTION 1D**

MR. APPELGATE: **SECOND**

VOTE: **UNANIMOUS**

MS. WRIGHT: **MOTION TO CHANGE “DIRECTOR OF PERSONNEL” TO
“DIRECTOR OF HUMAN RESOURCES” IN CHAPTER XIII,
SECTION 3.**

MR. APPELGATE: **SECOND**

VOTE: **UNANIMOUS**

Attorney Small will work on revising the language for Chapter XIII, Section 4.

MS. WRIGHT: **MOTION TO REPLACE CHAPTER XIII, SECTION 6 WITH THE
FOLLOWING LANGUAGE PROVIDED BY ATTORNEY SMALL
(ATTACHMENT I): “SALARIES OF ALL EMPLOYEES OF THE
TOWN SHALL BE DETERMINED BY THE COUNCIL IN
CONFORMITY WITH APPLICABLE COLLECTIVE BARGAINING
AGREEMENTS, CIVIL SERVICE RULES AND THE BUDGETARY
PROCESS, PROVIDED NOTHING HEREIN SHALL BE CONSTRUED
TO LIMIT THE POWER OF THE BOARD OF EDUCATION TO FIX
THE COMPENSATION OF PROFESSIONAL EMPLOYEES OF THE
SCHOOL SYSTEM IN ACCORDANCE WITH STATE LAW”.**

MR. APPELGATE: **SECOND**

VOTE: **UNANIMOUS**

8. DISCUSSION OF PROCEDURES FOR REMOVAL OF APPOINTEES:

The Commission discussed language included in the memorandum from Attorney Janis Small dated March 5, 2009. There was discussion of where to place the language for the removal of appointees and conditions that would warrant removal of an appointee.

MR. KNICKERBOCKER: **MOTION TO ADD TO THE END OF CHAPTER III, CREATING SECTION 12 TO READ:**
SECTION 12. REMOVAL OF APPOINTED OFFICIALS
THE COUNCIL SHALL REMOVE ANY MEMBER FROM ANY APPOINTIVE BOARD, COMMISSION OR COMMITTEE, INCLUDING THOSE APPOINTED BY THE MAYOR, AS FOLLOWS: (1) UPON SUCH A MEMBER'S ABSENCE FROM THREE (3) CONSECUTIVE MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE, WHETHER A REGULAR OR SPECIAL MEETING, WITHOUT JUSTIFIABLE CAUSE OR (2) UPON SUCH A MEMBER'S ABSENCE FROM THIRTY (30%) PERCENT OR MORE OF MEETINGS OF THE BOARD, COMMISSION OR COMMITTEE, WHETHER REGULAR OR SPECIAL MEETINGS, WITHOUT JUSTIFIABLE CAUSE DURING THE TWELVE (12) MONTH PERIOD COMMENCING ON FEBRUARY FIRST (1ST) OF EACH CALENDAR YEAR.

MR. TOMAN: **SECOND**

There was discussion of the motion.

VOTE: **UNANIMOUS**

9. CHAPTER XV – FINANCE AND TAXATION:

The Commission discussed comments submitted by Attorney Janis Small.

MS. WALL: **MOTION TO DELETE LINE 64 (STARTING WITH IT) THROUGH LINE 78 OF CHAPTER XV, SECTION 4.**

MR. APPLGATE: **SECOND**

VOTE: **UNANIMOUS**

Attorney Small will draft language for Chapter XV, Section 4 regarding the Council and budgeting issues.

MS. GROSS: **MOTION TO REVISE CHAPTER XV, SECTION 4, LINE 53 TO READ: “OF THE TOWN CLERK AND, AT LEAST SEVEN (7) DAYS BUSINESS DAYS PRIOR TO THE AFOREMENTIONED”.**

MR. TOMAN: **SECOND**

VOTE: **UNANIMOUS**

Attorney Janis Small will be working on modifying the existing language for Chapter XVI to be discussed at the next meeting.

10. ETHIC BOARD:

To be discussed at the next meeting.

11. OTHER ITEMS TIME PERMITTING:

None discussed.

12. ADJOURNMENT

Mr. Lilley made a motion to adjourn. The motion was seconded by Mr. Applegate and passed unanimously.

The meeting adjourned at approximately 10:18 p.m.

Respectfully submitted,

Sonja Vining
Recording Secretary
Town of Wallingford
Charter Revision Commission
March 9, 2009