

TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING
Town Council Chambers

TUESDAY, JUNE 2, 2009

The following minutes are a record of the Special Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, June 2, 2009. The Meeting was Called to Order at 6:33 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Councilor Vincenzo M. DiNatale arrived at 6:45 P.M. Town Attorney Janis Small was present, and Mayor William W. Dickinson, Jr. arrived at 6:40 P.M.

The meeting began with a Moment of Silence, the Pledge of Allegiance and the Roll Call.

2. Conduct a PUBLIC HEARING on the report and recommendations of the Charter Revision Commission.

Chairman Brodinsky called upon Ellen Deutch, 1 Malchodi Drive, Vice-Chairperson of Inland Wetlands and Watercourses Commission, said that she is representing the regular commission members. She read a prepared statement concerning opposition to Chapter X, Section 3 of the proposed revised Charter as it affects the Wetlands Commission and its ability to do their job as tasked by the Town of Wallingford. Her statement is attached. (*Appendix I*)

Geno Zandri, 9 Balsam Ridge Circle, said that there was another major accident at the junction of Rt. 5 and Toelles Road. He reported that he was one of the leaders to start the ball rolling for getting the Charter revised. He said that there were two things he wants changed 1) the way the position of Town Clerk is handled, and 2) having Planning and Zoning and the Zoning Board of Appeals elected instead of appointed. He said he made these recommendations to the Charter Commission and that residents should be able to elect who sits of those boards. He said that he feels his recommendations fell on deaf ears. He directly asked the Town Council, if the Council "...feels that residents of Wallingford deserve the right to vote on whether or not they would like to see their Zoning Board and Zoning Board of Appeals be an elected position or an appointed." Chairman Brodinsky said there is no one Councilor who can respond for the other eight Councilors. He said that the answer to his question has to lie in the following process, which is through a motion, a second and discussion by the Council. He said that the process that is being followed is to hear the views of the public on the recommendations of the Charter Revision Commission. Mr. Zandri said that all he wants is for the Council and the residents to think about this and then to have the ability to vote on this issue.

Robert Sheehan, 11 Cooper Ave., asked how many questions will be on the ballot. He said that any more than the Mayor's veto and the Town Clerk issue aren't worth mentioning. He said to keep it plain and simple so that there is no need for legal interpretation.

Wes Lubee, Montowese Trail, he spoke about the recommended three-year term for the Board of Education, Page 5, and made comments that it is not the solution to anything. He spoke about Section 18, pages 32-34, Ethics, Lines 57 to 60, which refers to the Corporation Council and commented that this doesn't work.

Bob Gross, 114 Long Hill Road, said that he was one of the organizers to get signatures for Charter Revision. He said that it was discussed to not go after the Mayor but that the Charter had not been opened in 18-19 years and that is a long time. He said that the Council appoints the people who sit on the Charter Revision Board, so that those collecting signatures had no idea what the Charter Revision Commission would decide to do. He said that he wants to make this clear.

Craig Fishbein, Grieb Road, addressed three topics:

Land Use Commissions and whether they should be elected, Chapter X, Section 1. He sees no need to change this and stated his reasons.

The reduction in the number of votes to overturn the Mayoral veto from 7 to 6, Chapter III, Section 7. He looked to the origins and the reasoning for the seven vote requirement. He reviewed the minutes of the original Charter Revision Commission who met for two years 1959 to 1961 and created the original charter. This commission was made up of twelve members, 6 Republicans and six Democrats. They recommended that the town switch to a Mayoral - Council form of government and that the council be made up of nine members with no more than six from either party, and in order for the Town Council to override a Mayoral veto, a vote of seven would be required. He quoted parts of minutes with regard to Mayoral-Council form of government. Mr. Fishbein said that his belief is clearly supported by those minutes. On November 19, 1960, the commission held a public meeting attended by 80 members of the public along with the commission. Under the proposed Charter, the Mayor is the executive charged with the day-to-day activities of the town and the Council is the legislative body. The voters have control over these officials through the ballot box. He said that at that time Mr. Lube questioned the necessity of seven votes overriding a Mayoral veto complaining that he did not feel that one party would be able to obtain enough votes to override the Mayor's veto when necessary. Mr. Fishbein said that the 1960 commission responded saying that it was not the intention to have the Council go strictly by party lines and that they felt to override, a veto would require a majority of the whole Council, which would require serious consideration. Mr. LeClair, a commissioner at that time, said he hoped the proposed charter would attract people in the welfare of Wallingford rather than a party or a particular district. Mr. Fishbein said that he agrees with this commission, who favored a strong Mayor form of government and that they didn't want decisions just because of political affiliation. He said whenever possible leave politics out of it and that the government serves all of the people. He said seven votes are necessary. He said that you vote someone out of power but you don't change the governing document.

The makeup of future Charter Commissions, Chapter XIX, Section 6, page 36, said that we can do what we want as long as it doesn't conflict with our general statutes, which do not provide for how the members of the Charter Revision Commission are selected but history has shown as precedent that the Mayor has been given the ability to appoint two individuals to a Charter Revision Commission. To his understanding, this has happened every time until the Democrats took control of this Council, and the Mayor was denied this opportunity. He said that in his eyes it makes no difference what party affiliation the Mayor holds, the fact of the matter is that this body, apparently because the Mayor is a Republican, decided to arbitrarily strip him of that power. He thinks that action violates the current Charter in Chapter V. Section 2. where it states that "the Council shall not diminish by ordinance vote or otherwise the powers and duties of the Mayor except those powers and duties imposed on him by the Council under the provision of the section." He spoke about the expenses to the town of this revision. He does not agree that Charter review should be mandated, which was his recommendation to the Charter Revision Commission and was subsequently voted down.

For clarification on the formation of the current Charter Revision Commission, Chairman Brodinsky stated that this Town Council followed the General Statutes of the State of Connecticut, not only in spirit, but to the letter of the law. It is following 7-190 of the General Statutes and 7-187 of the General Statutes. He read the section with regard to the 'appointing authority' which is the Town Council.

Patricia Kohl, 50 North Street, expressed her opposition to the proposed reduction in the number of votes for the Mayoral veto. She next referred to Chapter 18 Section 2, Board of Ethics, with respect to qualification of members and stated that the proposed change penalizes any citizen who chooses to exercise their right to support a political candidate party.

Lucille Trzcinski, 25 Turnberry Road, said that she feels that no one, who could be before an Ethics Commission, should have any say on who sits on that Commission, including the Town Council. She said that Commission should be clear of any kind of any perception of favoritism, or any kind of issue, that would say that they could not make a fair judgment. She thinks that people who sit on the current commission voted based upon political motivation. She spoke about Mayoral veto override.

Randy Frank, 7 Promotory Drive, suggested breaking up different sections of the Charter so that you don't lose all the hard work that the commission did on the administrative types of things and the changing of the proper words. Page 15, Section 4, Purchasing, she said that you changed the section that said you have to have \$2,000 to go out, and it was changed to an ordinance. Speaking from experience as a buyer, she said that is the way to do it because the numbers change depending on the economy, and you want to be able to adjust the ordinance based on the needs of the community. She talked about purchasing programs that are in the State of Connecticut and mentioned the Capital Region Purchasing Council, the state bid process, all of those things that allow you to do a proper bid process but not just in the Town of Wallingford but using other systems. She talked about working with other towns on large bids to save money and for efficiency. She next talked about the Human Resource section and wanted to know the objective for deleting so much of the current charter. Attorney Small said that the goal was to simplify it and that it was not necessary to list specific duties so the goal was to capture in a paragraph the broad definition of what a Human Resource Director would do.

Steve Knight, 289 Ivy Street, acknowledged the Charter Revision Commission for the many, many hours of good faith effort to improve the Charter of the Town of Wallingford. He said thank you. He said that the change to the Mayoral veto is not a good idea. He said that we have a town that we are very proud of and that we have a very representative and accountable local government. He said he thinks what is lost in discussion regarding accountability is that the Mayor runs for office every two years as does the Town Council. He does not understand where in the conversation about the Board of Ethics how it came up that anyone participating as an active member of a political party is a tainted citizen. He said that this proposed requirement is unbelievably restricting. With respect to the Board of Education proposed three-year term, he said that it clashed with state and national elections. He supports no change in the two-year term.

Jason Zandri, Lincoln Drive, made general comments and responded to other speakers. He said that he wants people to be able to vote on how they want to be governed going forward.

Kathryn Zandri, 9 Balsam Ridge Circle, stated that that neither she nor her husband, while he was in her Company, in having people sign petitions and in answering their questions did Geno or she ever raise the issue of the 7-6 vote. She said that is a subject that is going to be decided by the public

hopefully. She thinks that too much is being made of the 7-6 vote, when there are many other things in the changes of the Charter to consider. She said that she thinks that everything that was raised at the committee's level by the public should be reviewed by the Council and put out for public vote. She spoke about electing land use boards, about appointments by the Mayor and the Town Council and expressed that there are many unaffiliated people in Wallingford who would like to serve the town through appointment to a board or commission. She said that she is opposed to the Town Clerk position being appointed by the Mayor and that it won't change anything from the way it is now. She said she thinks it should be elected to run on the platform that they see for the town. She said that she thinks that it should not be the appointment of the Mayor because when she sat as Town Council Secretary and Ms. Rascati sat as Town Clerk, there was a conversation that they had one time regarding monies that were coming in for the document fee. She said that she remembered that it was said that the monies were not coming to the Town Clerk from the Mayor. She said that when she became Town Clerk she spoke with the Comptroller about this subject with respect to state statute. She said to give the citizenry the chance to vote on it.

David Parent, 421 South Elm Street, made comments of the Mayoral veto override saying that the situation has to be extreme. With regard to the Board of Selectman, he said that he is one of the town's selectmen and the 'viewing of fences' is an inexpensive way for the town to settle property disputes. With respect to the Environmental Planner, he said that Inland Wetlands, like ZBA and P & Z, are administrative agencies, not executive branch agencies. In order for them to do the job, they have to have staff, the Environmental Planner, who is responsive to the Board and who works in harmony with the board to do what is required by the board. He said that to have that person report to the chief executive of the town contradicts what administrative agencies should be. He recommends that the commission be responsible for the Environmental Planner and that it not be given over to the Mayor.

RECESS MOTION

Mr. LeTourneau made a motion, seconded by Mr. Parisi, for a ten-minute recess. All Councilors present (9) voted Aye. The motion passed. The recess commenced at 7:50 P.M. Chairman Brodinsky called the meeting to order again at 8:07 P.M.

3. Discussion and Possible Action regarding the recommendations of the Charter Revision Commission, including but not limited to:
 - a. Issues, if any, to refer to the Charter Revision Commission for consideration;
 - b. "Stand-alone" ballot questions;
 - c. "Omnibus" ballot questions;
 - d. Recommendations to be rejected, if any.

Chairman Brodinsky said that he was going to make a series of proposals. He said that the issues that he raises have been discussed before by the Council at a workshop that they had on May 21st. The issues are not new to the Council. Some are matters of minor language and some maybe not so.

MOTION (1)

Chairman Brodinsky made a motion that on page 6, Section 6, *Lines 72-74 be deleted* and the following language or the functional equivalent be substituted in lieu thereof: "*Appointees shall regularly attend meetings and shall not be allowed to vote by phone except in the case of an emergency special meeting, the notice of which is given pursuant to Section 1-225(d) of the General Statutes.*" Mr. Farrell seconded.

There were no comments by the public or by the Town Council.

All Councilors present (9) voted Aye. The motion passed.

MOTION (2)

Chairman Brodinsky made a motion that on page 9, Section 6, *Line 101*, which refers to posting the ordinances on the town webpage, to *insert the words "if available"* after the phrase "*on the town web page...*". Mr. Farrell seconded.

There were no comments by the public or by the Town Council.

All Councilors present (9) voted Aye. The motion passed.

MOTION (3)

Chairman Brodinsky made a motion that on page 10, Section 11, *Line 199-200*, to *delete "thirty (30) days"* and to substitute, in lieu thereof "*sixty (60) days...*" with regard to Town Council appointments for positions that become vacant. Mr. Farrell seconded.

There were no comments by the public or by the Town Council.

All Councilors present (9) voted Aye. The motion passed.

Mr. Testa noted that there may be two places where the change needs to be made.

MOTION (4)

Chairman Brodinsky made a motion that on page 30, Section 7, *Line 161*, which has a similar issues on the website, says the town audit shall be published on the town webpage to *add the words "if available,"* after the phrase "the town webpage." Mr. Farrell seconded.

There were no comments by the Town Council.

Kathryn Zandri, 9 Balsam Ridge Circle, asked if the library could be included. Chairman Brodinsky said that they have their own governance.

No other comments were brought forth.

All Councilors present (9) voted Aye. The motion passed.

MOTION (5)

Chairman Brodinsky made a motion that on page 11, Section 11, *Lines 204-206 be deleted*, and the following language or the functional equivalent be substituted in lieu thereof: "*Appointees shall regularly attend meetings and shall not be allowed to vote by phone except in the case of an emergency special meeting, the notice of which is given pursuant to Section 1-225(d) of the General Statutes.*" Mr. Farrell seconded.

There were no comments by the public or by the Town Council.

All Councilors present (9) voted Aye. The motion passed.

MOTION (6)

Chairman Brodinsky made a motion referring to page 11, Section 12, that *Lines 208, 210 and 213 be deleted* and the following substituted in lieu thereof: "*...commission, including those appointed by the*

Mayor, as follows:... ”, He said that this is in regard to a new section on the removal of appointed officials that was suggested by the Charter Revision Commission. He said that ‘committee’ is what is at issue here. He said the idea is to *eliminate the word “committee”* from the *entire Section 12*. Mr. Farrell seconded.

There were no comments from the Council

Jason Zandri, Lincoln Drive, asked for explanation of the change. Chairman Brodinsky said that most of the time a committee is advisory, and not like boards or commissions who have real authority.

Robert Sheehan, 11 Cooper Avenue, asked how many changes. Chairman Brodinsky said that there are eighteen (18) in front of him and that they go back to the commission as recommendations. They can adopt or not. If they do not recommend these changes, then they don’t get on the ballot. The Charter Revision Commission has recommended five (5) questions for the ballot and four (4) of them have to do with the more controversial changes, and the fifth question would be a catch-all for all the other things that were less controversial. He said that the commission finished a proposed, final draft subject to this public hearing and subject to the recommendations of the Town Council. Chairman Brodinsky hopes that they can get a meeting during the next week to wrap things up.

Craig Fishbein, Grieb Road, asked ‘why’ make this change to remove ‘committee’. Chairman Brodinsky many committees are study committees and don’t have any business that is binding on the town. They have no authority to make decisions –one is the Community Lake Study Committee, Wallingford Energy Conservation Committee and there are other committees out there. The decisions that they make do not require any actions by the town. He compared committee to the Planning and Zoning Commission. There is a distinction in the roles that they play. Mr. Fishbein said that he does not necessarily agree and that perhaps it would be appropriate to raise the bar and that attendance is important and that there should be a requirement. Chairman Brodinsky said that to their credit, the Charter Revision Commission made a giant leap forward in requiring attendance of public officials in the draft Charter. Mr. Fishbein said that he is against taking ‘committee’ out of this.

Kathryn Zandri, 9 Balsam Ridge Road, said that ‘committee’ should stay in because if there were enough Absences, so that a quorum is lacking, it would render a committee unable to operate.

Jason Zandri, Lincoln Drive, suggested that in the future the naming of new groups should be taken into account in order to make the attendance requirements for that group. Chairman Brodinsky said that also when committees are re-appointed with every new Council in January or February, it is the responsibility of the Town Council to not re-appoint people who have poor attendance.

There were no comments by the Town Council.

All Councilors present (9) voted Aye. The motion passed.

MOTION (7)

Chairman Brodinsky said that he is suggesting that a *new paragraph 3 be added*, and the new paragraph would read as follows, or the functional equivalent of the following would be added:

“ that the Council shall remove any member for just cause as determined by a majority vote of the Town Council after notice and an opportunity to be heard is given to the appointed official.” The specific

language was recommended by the Town Attorney. Chairman Brodinsky moved to add paragraph 3 to Section 12. Mr. Farrell seconded.

There were no comments by the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (8)

Staying in the same section (12) of removal of appointed officials, Chairman Brodinsky moved that the following, or the functional equivalent of the following, be added as a new paragraph, sub-section 4, which would read "...*The chairpersons of all boards and commissions shall notify the Town Council of any absenteeism described in sub-paragraphs (1) and (2) above.*" He gave some background regarding how is the Town Council supposed to know about absenteeism. This is one of the ways to handle that issue. Mr. Farrell seconded.

There were no comments by the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (9)

Referring to page 17, Section 5, Chairman Brodinsky made a motion changing the formatting issues to the same as other sections, including removing "*A. Building Inspector*" and "*B. Board of Appeals.*" He said that this is clean-up of language and that there are no substantive changes Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (10)

Referring to page 8, Section 4, Line 47, Chairman Brodinsky made a motion to *delete the word "elected."* This section describes what a quorum, is or how many it takes to make a quorum, and *the new language says two-thirds (2/3) of the elected members shall constitute a quorum.* He said that this is a technical issue and addresses, for example, if one of the Council is appointed to fill a vacancy. Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (11)

Chairman Brodinsky added a motion to give the same treatment to Line 50 as in the prior motion, to delete the word "*elected.*" Mr. Parisi seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (12)

Referring to page 9, Section 7, Line 118, Chairman Brodinsky said that here it is talking about the veto power requiring two-thirds (2/3) of the elected body, and the issue is of whether it is going to

be seven (7) votes or two-thirds (2/3), will be coming up soon but for now he is addressing the word "elected." He made a motion to *delete the words "of the elected body."* Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (13)

Referring to page 10, Section 10, Line 196, Chairman Brodinsky said that it is an identical issue that has to do with an investigation that says the Council by a vote at least one-third (1/3) of the elected members, and it would just read *one-third (1/3) of the members*. He made the motion to *delete the word elected*. Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (14)

Referring to Chapter XV, Pages 24-27, Chairman Brodinsky made a motion to change where appropriate all references to "Board" so as to refer to "Commission," as is *Public Utilities Commission* and not *Public Utilities Board*. Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

Bob Applegate, 1 Perkins Drive, Section 1, Line 13, pointed out the term Board of Electrical Commissioners and said that you have to be careful where you replace with the work Commission. Chairman Brodinsky said that would be an exception and with the understanding that the Board of Electrical Commissioners will stay because it is historical fact.

MOTION (15)

Referring to Pages 34, Section 13, Line 159, Chairman Brodinsky made a motion that the words "*of the elected*" be deleted.

Mr. Farrell seconded.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

MOTION (16)

Referring to Pages 34, Section 5(B), Line 59, Chairman Brodinsky made a motion to *delete the words "...shall be the same as in judicial proceedings."* And to substitute in lieu thereof: "*...shall generally follow the Administrative Procedures Act.*" He said that this deals with the Board of Ethics and hearings. He said that there is language in there that indicates that on Ethics Board hearings, the rules of evidence shall be the same as in judicial proceedings, that would be court proceedings, and the idea is that that may be too strict and technical a standard. He said that the state has an Administrative Procedures Act, which has its own code of evidence, which is more relaxed but is still a serious evidentiary standard. He suggests that we do as the state does. Mr. Parisi seconded.

Mr. LeTourneau asked if there was a state statute reference, it should insert that reference. Chairman Brodinsky said he suggests that this be referred back to the Charter Revision Commission, and they can work this out. Mr. LeTourneau wanted to amend this to include as per all state statutes. Chairman

Brodinsky said that we can recommend that they look at the state statutes and incorporate that in the language if they think that is advisable and any other general language in case we missed one. Mr. LeTourneau concurred.

Mr. Parisi recalled the workshop discussion that for a lay person it would be very helpful if the statute section was listed.

MOTION (16) rephrased:

Chairman Brodinsky said that his re-phrased motion will now be "...*the standard shall generally follow the Administrative Procedures Act, including, but not limited to, the statutes that may pertain or the functional equivalent of that language.*" Mr. Parisi seconded.

Mr. Parisi asked if this can also be applied to any other section that refers to a state statute if there are any. Chairman Brodinsky asked if that could be taken up so that it won't be lost.

Mr. Farrell said that technically the name of the statute is the Uniform Administrative Procedures Act and that you could put language in there that says..."shall generally follow the Uniform Administrative Procedures Act of the Connecticut General Statutes as shall be amended from time to time by the legislature." He said that there are amendments every single year. He said that he thinks that is cleaner language. Chairman Brodinsky said that he has no problem with that and he wants to incorporate the thought that the specific statute, to the extent that we know them, be referred to in the Charter. Mr. Farrell interjected that that is a specific statute that isn't going to be abolished as he can see it and that it would be continued. Chairman Brodinsky said that this should be referred back to the Charter Revision Commission, and he will revise his motion and start fresh here.

MOTION (16) FINAL rephrased:

Chairman Brodinsky said made a motion to refer back to the Charter Revision Commission, and they adopt some language that refers to the Uniform Administrative Procedures Act as the same shall be amended from time to time and if they deem advisable refer to the specific statutes that they are aware of together with any other language in case we miss a statute. Mr. Parisi seconded.

Mr. Fishbein said that they have tried to be gender appropriate and that in Line 59, it should say his/her. He then realized that he had an earlier version of the draft, and that it now says "The Town Attorney or in its discretion, an attorney appointed..." taking into consideration that it is now gender appropriate.

There were no comments from the Town Council or by the public.

All Councilors present (9) voted Aye. The motion passed.

As introduction to Motion #17, Chairman Brodinsky, in reference to page 35, Section F., stated that this is a new concept not discussed by the Charter Revision Commission, and if we like it, it would open the door to the possibility of regionalization of the Board of Ethics and that it would be a new Section 9, and the idea would be to have the Charter allow for an ordinance, and if passed, that that would permit an exchange, or regionalization, of the Ethics Board and would also require that the Town Council approve any specific agreements made with any other towns. He said that there are some administrative, procedural hurdles to overcome if we wanted to do this.

MOTION (17)

He is suggesting the following "*The Council may, by ordinance, authorize the Town of Wallingford to enter into reciprocal agreements, with other municipalities, pursuant to which the Wallingford Board of Ethics would handle ethics complaints filed in other towns, and the municipal signatories*

of the agreements would handle ethics complaints filed in Wallingford. The Town Council shall approve each such agreement.” So if the Town Council doesn’t like the agreement, we don’t enter into this, and if we don’t pass an ordinance, we don’t enter into this. Chairman Brodinsky made the motion. Mr. Testa seconded.

Mr. Farrell said that he will not support this. He said that he was elected by the people of Wallingford, not of Greenwich or Winsted, and that we appoint members of the Town of Wallingford for the Board of Ethics not members of the Board of Ethics for Greenwich or Winsted. He said that he thinks that if there are issues here that they are inherent on our community to solve and sit in judgment of so while it may seem to be not a bad proposal, he thinks it is abdicating responsibility that really is inherently ours. He said that he will not vote for this.

Mr. Parisi said that he agrees with Mr. Farrell for basically the same reasons.

Ms. Rascati said that she also agrees in that we would be appointing a Board of Ethics to judge other towns, but not our own.

Mr. Letourneau said that he agrees strongly with this motion and said that he believed in it since Wooding-Caplan was on the table. He referred to Section 2, page 32, a whole new section, that deals with qualifications in regard to political committees, served as a member of a municipal agency, etc. He said he thinks that the Board of Ethics does not work. He said that there have been accusations and innuendos made and that people’s loyalties have been questioned. He said all of these have been members of the Ethics Board. He thought during this period that it would be great if we could take this out of town. He said that it is not that we don’t have the ability to solve our own problems, but if an ethics charge was brought against him as an elected official, he would want it brought out of town and judged on the merit, on the charges, and not who he knows or who knows him. He compared the process to that of a court of law with a high profile case. He thinks that there are other small towns that would be much like Wallingford. He thinks that it would be much fairer. He said that he will vote for this change and hopes that the Ordinance Committee will take another look at this. He said that he is sure there will be much discussion on this.

Chairman Brodinsky said that he supposes that a public official could take the position that if the complaint is going to be filed against him/her, that s/he doesn’t care where it is heard, that it doesn’t matter, as long as there is agreement that whoever is hearing it in another town is fairly appointed. He said that we would have to have trust in the system of another town, but without it, we would not sign any agreement that would implement this. He asked for the assumption that there are other towns out there where the system is trusted, and we believe that their system has generated fair and objective people to sit on an Ethics Board, as his colleagues to his left, on the right side of the aisle, believe that our system has generated fair-minded people. If we give credit to other towns as we give credit to ourselves, if a complaint was filed against him, he said he would not care where it is heard, that he doesn’t care if anyone knows him as he has confidence in his conduct. He said that he thinks that this is a healthier look at this, to take it wherever you want. This idea is very forward looking, to add this to the ordinance, and he isn’t sure of any other town that has it. It is cutting edge and takes a new kind of thinking. He said that the benefit is that it drains from the process risks of an adverse perception, a perception that cases could be, not will be, decided on things other than the facts and on the law. He said if you have confidence in your conduct, then no one is hurt by having a case heard elsewhere.

Mr. Parisi said that there are parts that he likes but that he is concerned is that it is being put to a level where you need a legal fund to help someone that doesn’t have the means to step up to this

level. He said that if someone is going to be heard in another municipality, then they will make sure that they have a lawyer, and hence, the cost of it. He said that he is concerned that through this we might be eliminating some people, or not giving them their due, perhaps because they can't afford it. He talked about his own experience with conflict of interest.

Chairman Brodinsky acknowledged an honest and civil disagreement on this with Mr. Parisi, based on taking a case out of town and that there is extra pressure to get a lawyer, which could also be the case if it is heard in Wallingford. He said that he doesn't think the nature of the case changes merely because it is heard out of town such that you would have to get a lawyer.

Ken Daly, 594 North Elm Street, spoke about ethics qualifications. He asked the Council to re-visit all of the disqualifications.

Craig Fishbein, Grieb Road, said that it seems that we have taken a lot of time already to draft language within the proposed Charter that seems to insulate these kinds of improprieties or perceptions of bad things happening. He said that you can't insulate someone, who is Republican, even if you go to Greenwich where there are five (5) members of the board and three (3) are Republicans and two (2) are Democrat. You can't insulate the outcome. You can't control how another municipality selects their board. Investigation needs to be done on how another municipality does it, and then that municipality can be selected. He said how do you select which municipality it goes to? He described his own experience with other boards of this nature and the claims that are made. He said that he does not think that this is appropriate at all and that the Charter Revision Commission has gone over the top with trying to insulate us from this kind of activity. He recalled the individual who made a \$200 contribution to someone's campaign fund and was rejected from membership on the Ethics Board. He asked how much more ridiculous are we going to get?

Jason Zandri, 35 Lincoln Drive, asked if the intent of this proposed addition is to have all cases be heard, or cases on exception, be heard out of town. Chairman Brodinsky responded that the intent is to draft an ordinance that would take into an account all of these things, and not that this language is to solve all problems and that those who draft the ordinance would have to consider exactly the thing Mr. Zandri is talking about. He said that there would have to be five (5) votes to pass an ordinance, and after that there would have to be an agreement, a contract, even with the ordinance, between the Wallingford Town Council and the other municipality to further implement this. He gave several examples of how it would be structured perhaps by time limit.

Mr. Farrell asked the Town Attorney if he is an elected official and is brought up on Ethics charges, and under this proposal, is referred to the Winsted Board of Ethics, as example, and wants to appeal a decision, then where it would be done.

Town Attorney, Janis Small said that if you feel you were wronged by the Board of Ethics, you would have to bring some type of an action for redress, but not an appeal. It would be brought in the district where the board sits. Attorney Small also said that she thinks that the plaintiff can bring an action where they live. She said that the statutes would have to be checked. Mr. Farrell said his point is that it is so novel a concept that, if it goes forward, he thinks the Town Attorney's Office needs to be highly involved because there will be those issues that are beyond what in front of the Council.

ROLL CALL VOTE:

Brodinsky -yes, DiNatale -yes, Economopoulos -- yes; Farrell -no,
LeTourneau -yes, Parisi -no, Rascati -no, Spiteri -yes, Testa -yes
(6) Aye; (3) Nay

The motion passed.

Mr. Farrell acknowledged the Council for going through all of these motions. He said that others have said this also but on behalf of the four (4) Republican Councilors that he is speaking for, he is expressing the thanks for the service of the Charter Review Commission. He said that this is a thankless task and said that by and large, they did a good job.

Mr. Farrell said the four (4) minority Republican members will present five items and ask that the Council vote to go back to the Charter Revision Commission to either reconsider or remove. He said that they picked out the five things because they think that these five items reflect highly substantive changes to the Charter.

The five items that they will address are the

- (1) the three-year term for the Board of Education
- (2) the Council override of the Mayor
- (3) the situation where a PUC Commissioner may be prohibited from serving on other town boards with some specifics forthcoming
- (4) the override of the PUC by the Town Council
- (5) the issue of the Board of Ethics.

He said the Charter has served the town well for almost 50 years and under four different Mayors, people who were as different from one another as from Mayor Dickinson, all of whom brought different qualities. His comments are divorced from the incumbent and that all of these five things that will be specifically discussed that are substantially substantive changes to the way that we have done business thus far. He said that one commentator said that they shift us from a strong Mayor system to a strong Council system. If that is what the people of Wallingford want, perhaps that is their choice, but the collective judgment of the four of us is that we were elected to make some of these decisions on some level for the town. He said that is the preface to the motions.

MOTION (18)

The first motion for the Republican side of the table, referring to page 5, Line 18, Mr. LeTourneau made a motion to reconsider the change in term length for the Board of Education and restore it to two years. Mr. Farrell seconded.

Jason Zandri, Lincoln Drive, said that he supports the two-year term, and not the proposed three-year term. He said if anything it should be made four years. He said that the people should come out and either vote this through or vote it down.

Craig Fishbein, Grieb Road, acknowledged the Commission for their work.

Mr. Farrell said that the nature of the motion is that the Commission 'reconsider' in this case the three-year term. He said that they collectively are asking the Commission to reconsider the three-year term because they believe that it would discourage people from running.

Mr. Economopoulos acknowledged the Commission and their time and their discussion on this. He said that they voted on this on three different occasions. He said to go back is doing a disservice to the work of the Commission.

Chairman Brodinsky said that the Charter Revision Commission recommendation is a strong one and has substantial support in many ways. He said that there are many ways to look at this, and there are two opinions of how we can help those on the Board of Education, who give so many hours in their work to the town. He said it does depend on who you ask.

Mr. Farrell said there is a difference of opinion on what would encourage and what would discourage people from running. He said that some of the Republican members of the Board of Education had not been approached and those are people who did run and might have some particular insight on who would run and who would not run again.

Mr. Testa said that we are discussing something with substantive change in considering handing it back to the Charter Revision Commission and that the statute puts the responsibility for Charter revision in our hands. We are authorized to appoint an advisory commission, which we did. We are given the authority to disregard everything that comes back. He is not suggesting that nor is he in favor of that. He said that his point is that there had to be a reason for that. He said that he believes with respect to things he has heard that in many situations, it is desirable for the whole community to vote on things. He spoke of the give and take between the Council and the Commission in what goes on the ballot. He said that by law in the best interests of the town, it is the Council's responsibility to decide as to what question is out there. Regarding the appointment of the Commission, he said that it is spelled out in the statute that it is the legislative body's responsibility. Without recalling the details, he said that in the past the Mayor was given an opportunity to suggest members of the commission. It was a give and take at that time but that it is and always was a courtesy. They chose to not exercise that courtesy this time, and speaking for himself, he said that he read the statute and saw that it was the responsibility of the Council, as a legislative body, to oversee the revision of the charter of the town and that is what he chose to do. He strongly stated that he finds it objectionable and does not like his motives questioned. He said do not question his judgment or his motivation or his integrity. He said do not stand in this room and give an opinion as if it is fact. Do not make a statement that he made a decision based on politics. He said that he sat on the Board of Education when the term was four years, and that he disagrees with both of these ideas. He said that the last Charter Revision changed it. He said that he would like to see it four years again and make it staggered for a balance of experience and new people as when he served on that board.

ROLL CALL VOTE:

Brodinsky -no, DiNatale -no, Economopoulos - no; Farrell -yes,
LeTourneau -yes, Parisi -yes, Rascati -yes, Spiteri -no, Testa -no
(4) Aye; (5) Nay

The motion failed.

Ms. Rascati said that she would like to speak to the issue of the Mayoral veto. This change is exclusively political in nature and undermines the original Charter's establishment of a "strong" Mayor form of government. The original wording also provided a system of checks and balances, and if an override of a Mayoral veto is really warranted, the Council would get the required seven votes.

She said that she was actively involved with the original Charter in 1961 and in the four (4) revisions since, and it has been the consensus with each of the revision commissions that this veto section be kept intact so as to preserve the original intent of the Charter. It has worked very well for the past 48 years and now all of a sudden it doesn't work anymore.

She continued saying that if the new wording is approved, and the number of Councilors remains at nine (9), then this legislative body could become a one (1) party governing entity, much like a neighboring city like Meriden. And, she said, this goes for either party.

MOTION (19)

Following her introduction, Ms. Rascati made a motion, the second one from the Republican side of the table, to remove the language on page 9, Lines 118 & 119 concerning Council override of the Mayor's veto and restore it to the original language. Mr. Farrell seconded.

Mr. Farrell said that the intent of the motion is that it is a substantial change that you are deciding where you want the balance of power to be. He said that at the end of the day the Mayor, no matter who it is, is the person here on a day-to-day basis and can be held most accountable. He said that if you want a strong Council that that is a substantial change. He thinks that it has not been emphasized enough just how substantial a change this is because it changes the balance of power.

Mr. LeTourneau said that he will support this motion stating that no party should have such control. He said that it removes the checks and balances and the system has worked well since 1961.

Mr. Economopoulos said that the vote is 5-4 on the Commission and that he thinks that the Mayor is a great Mayor, and he has voted for him as Mayor. He said that some of his colleagues have used the terms balance of power, checks and balances, and the bottom line is who are they kidding? He said that there are no checks and balances up here and that the Mayor is the sheriff of this town right now, and there is no way that that can be changed. He said that you are telling me that all we need is six members of the same party. He said that the reason that this is working is because Mayor Dickinson is a good Mayor. He said that it would not work with a terrible Mayor with Councilors who supported with a terrible Mayor's terrible principles. He said that this is not political for him. He said the bottom line is that six is correct.

Mr. Parisi appreciated the eloquence of Mr. Economopoulos and said that he does make the point that the seven has never hurt the Town of Wallingford or its progress. We should not change this, and we should let it sit.

Mr. Testa said that when it comes down to that it really only effects budgets. He asked the Council when was the last time we passed an ordinance that the Mayor vetoed. He said that this will not alter the way the Mayor administers the town. He said he thinks that the requirement of seven (7) votes hinders us as a town. He recounted a time when the Council made changes to the Mayor's budget that the Council thought was progressive and not drastic, and the Mayor vetoed the budget. Mr. Testa thinks that we would have been better off had the Mayor not vetoed the budget. He gave the example of when the Council voted to increase the Mayor's salary so that running for the office of mayor would be more attractive to people in the business world. The mayor vetoed that budget. Mr. Testa said he thinks that this is an example of how the town does not move forward.

Mr. LeTourneau said that he hopes that as Councilors that we are about the good of the town. He said that if a budget is really bad, then he would vote to override. He said that he does not agree with Councilor Testa.

Mr. Parisi said that it goes back to what was said earlier that there is an assumption that presently we have a Republican mayor, and we won't vote against him. He said that is not true. He said that the situation has to present itself.

Mr. Testa said for the record that he is not referring to present parties and people currently in office. He said that he is not and that in speaking for himself that he would be hard pressed given political realities if he was in a similar situation that he discussed. He said that he would like to think that he would do the right thing, and he believes he would. He said that he is talking about the pressures that can come to bear that have nothing to do with the current Mayor.

Jason Zandri, 35 Lincoln Drive, emphasized his opinion that this question should go to the voters.

Craig Fishbein, Grieb Road, reported that he attended every Charter Revision Commission meeting when this question was discussed and shared his observations that there was no presentation or discussion that this is what other towns do of similar size do. He said that he presented this fact to the commission. He said that there was a perception that there was a spearhead behind this and in his opinion that decisions like this should be bi-partisan, but the Commission voted along party lines. He said that he thinks that seven votes are important to override the Mayoral veto and stated that the Mayor can be voted out if we think he is not a good Mayor. Mr. Fishbein recalled the analogy of the house and senate and said that this is not similar and in that it is a difficulty to override a Presidential veto. He said that he does not see how this improves our government.

Robert Gross, 114 Long Hill Road, said that he attended almost every meeting of the Charter Revision Commission. He said that he recalls the Commission discussing other communities and the two-thirds (2/3) rule.

Chairman Brodinsky stated his concerns. He said that he has not to date indicated whether he prefers the two-thirds (2/3) rule or the seven (7) votes to override. He will still say 'no opinion' to the question of his preference. He said that the reason is that he fears for his town, as this issue is right on the edge of over-politicizing this town and of this becoming a very divisive issue, when it shouldn't be. He said that the Charter Revision Commission process started off in a flash where accusations were made and motives were impugned. He said that it was very inflammatory. He said that it is important that the Town of Wallingford be able to disagree without being disagreeable and that a discourse be civil and respectful. He asked could it be, if you are in favor of the two-thirds (2/3) rule, that you have good faith motives based on sound governance and a perspective of government that has only the best interests of the residents of Wallingford at heart.

He thinks that it doesn't help if you think that this is political. He said that nationally the Republican Party has long-favored a strong Executive Branch. He said that nationally the Democratic party has favored a more equal balance and a more active legislative branch. This is one of the dividing lines between the two parties based upon a philosophy of government. It is how you see government. He said that he does not think that anything is farther from the truth in starting off the discussion saying that this is just cheap politics. He said that the voters of Wallingford deserve to have this in front of them to vote on it up or down, and that there is nothing to fear in this. He hopes that going forward discussion will be civil.

ROLL CALL VOTE:

Brodinsky -no, DiNatale -no, Economopoulos -no; Farrell -yes,
LeTourneau -yes, Parisi -yes, Rascati -yes, Spiteri -no, Testa -no
(5) Nay; (4) Aye

The motion failed.

Mr. Farrell said that there was debate at the Council's workshop concerning other appointments that a PUC Commissioner might hold and the proposed Charter language contains an overall prohibition on page 24, Lines 20-21. He said that he thinks that his motion addresses what was debated that night.

MOTION (20)

Mr. Farrell made a motion to reconsider the language concerning *other appointments a PUC Commissioner may hold, to prohibit service on land use boards and the Economic Development Commission but otherwise to allow for other service*. He said that the rationale is that there is some agreement with the sentiment that was expressed at the workshop that a PUC Commissioner might have the appearance of a conflict of interest, if they did double duty and served on a land use board or on the EDC, but if they served on the Public Celebrations Committee or something that did not tangentially raise a specter of a conflict of interest that that innocuous double-duty ought to be permitted. Mr. Parisi seconded.

RECESS

For technical reasons in the Council Chambers, Chairman Brodinsky called a recess at 10:05 P.M. He reconvened the meeting at 10:22 P.M. and returned to Mr. Farrell's motion concerning the service on other boards by a PUC Commissioner.

There were no comments from the Council or from the Public.

All Councilors present (9) voted Aye.

The motion passed.

MOTION (21)

On page 27, Line 159, Mr. Parisi made a motion to remove the language concerning override of the PUC by the Town Council and restore it to the original language. Mr. Farrell seconded.

Mr. Parisi said that he believes that this is not in the interest of the PUC or the Town of Wallingford.

There were no further comments from the Council or the public.

Chairman Brodinsky said that this motion is to oppose the two thirds (2/3) and leave it at seven (7) votes. Mr. Parisi concurred.

ROLL CALL VOTE:

Brodinsky -no, DiNatale -no, Economopoulos -no; Farrell -yes,
LeTourneau -yes, Parisi -yes, Rascati -yes, Spiteri -no, Testa -no
(5) Nay; (4) Aye

The motion failed.

MOTION (22)

Referring to Pages 32, 33 and 34, Mr. Farrell made a motion to remove the changed language concerning the Board of Ethics and restore it to the original language. He said that are those who believe that the system isn't broke, and therefore, it doesn't need to be fixed, and there are those who believe the opposite, and therein lies the debate. Mr. Parisi seconded.

Chairman Brodinsky said that it's not the issue whether anyone thinks the system is broke. He said that he thinks it's whether the Charter Revision Commission has come up with some ideas that improve the system. He said that this is room for improvement. He said that he will support the recommendation of the Charter Revision Commission. He noted that many of the recommendations of the Charter Revision Commission were unanimous. He said that certainly the qualifications section was a unanimous vote. He said this was the section that provided no member of the Board of Ethics shall hold public office now, or within three years, or be a member of a Town Committee, or make political contributions. He said the vote was 7-2 dealing with the complaint procedure. He said that there is a lot of bi-partisanship going into the changes. He will vote against the motion.

Ken Daly, 594 North Elm Street, said that being a member of a party does not have to make you partisan. He said that upwards of 40% of this community are unaffiliated, so they don't vote in lockstep with either party, although each party in Wallingford tends to insist that their endorsed candidates act in lockstep. He said that his point is that for all the good they have done, and he really admires them, that the Charter Revision Commission has tried to make it impossible for any Council, whatever their role, would be in appointing members to the Board of Ethics. He said that by nature this outfit is partisan, and we are supposed to believe that you can't think independently. Mr. Daly said that if there is someone who is public-spirited in this town, who may give money to one party of another, who may never have done anything but pull the old lever, who is well-educated enough to doubt his own opinions, and therefore, would have an open-mind, then this someone is disqualified if he has ever served before. What an awful thing to say about 40% of the people in this town who are unaffiliated but do participate, and we want them to participate.

Mr. Daly said that what is being voted on now is more important than any budget, any appointment or any ordinance. It's a covenant. The Town Charter is a covenant. When people in this town wonder what the Mayor does, or what the Council does, they say that there are rules in place for self-governing, and that we all adhere to this covenant. He asked why would you muck it up by disqualifying people. Chairman Brodinsky said that the thousands and thousands of voters who belong to a party, they aren't disqualified because they are a Republican or a Democrat. Mr. Daly asked why you wouldn't trust them to elect you and to appoint an Ethics Board with the Mayor's help. Chairman Brodinsky said that he thinks that that is what they have done. Mr. Daly said it's what you have done in the past but never has there been such disqualifications of your talent pool. Nobody would appoint a rabid partisan to the Ethics Board, the Mayor or the Council. He said that this makes no sense to him.

Craig Fishbein, Grieb Road, said as he said to the Charter Revision Commission, there is an attempt to micromanage the Ethics Commission. He said that he thinks that it is appropriate if we had general language in our Charter, and then it is incumbent upon the Town Council to decide who is going to be in the Ethics Commission, and how it is comprised, and who is excused. He said that there are a lot of changes here, and he agrees with Mr. Daly. He said that he does not

think that it is appropriate to knock someone out of contention, or consideration, for the Ethics Commission just because they made a contribution to a political candidate. He said that is the right of free speech and that it is incumbent upon the Ethics Commission that if they think that that contribution sullies their ability to adequately consider what is before them, then they would have an ethical duty to recuse themselves. That is the way we and other municipalities deal with this. Mr. Fishbein asked, since this is such a major change, if we are going to let the people know what the current Charter says about the Ethics Commission, and then what is being proposed for the change, or are we just going to say that this is an amendment. Chairman Brodinsky said that the Law Department would have to look at the procedures.

Robert Gross 114, Long Hill Road, said that the Charter with the changes is online right now on the Wallingford Town website. He said that this issue was debated extensively and in his opinion, it didn't go far enough. If you look at other towns and under certain scenarios, state employees cannot give to elected officials. He went on to give other examples.

Ken Daly said that there is a prohibition that state employees cannot solicit contributions but that they are not barred from contributing; it's too basic.

Wes Lube, Montowese Trail, acknowledged that Charter Revision Commission, and while he might not agree with everything, it is evident that they attempted to raise the bar and to elevate the Ethics Commission to a higher standard with hope that appointments to that commission will be less biased. He gave an examples the makeup of the Ethics Board in the past and told of a campaign manager who sat on the ethics board and of people who have contributed substantial sums of money to a candidate, and therein, is the difference. He said that the recommendations of the Charter Revision Commission state a donation to an individual campaign, not a donation to a party. He said that he doesn't think it is fair that these people are going to recuse themselves because these very people to whom he has referred never recused themselves. He said that it is nonsense that they were not biased.

Mr. Economopoulos recounted some of the votes of the Charter Revision Commission.

Chairman Brodinsky asked if it is a good thing to try to devise a system which minimizes the risk that irrelevant factors will be screened out of the Ethics Board. Is it good to try to do that? He said that this is the issue for him and that it is a good thing. He gave example of how this could work and also added that this language is from model codes of ethics that are being kicked around and tested.

Mr. Farrell said that if you do take that line of thinking to its logical conclusion then there is a loop hole. He said it says a 'contribution to an appointing authority,' and if you feel the way that you do then the logical full step to take would be to preclude a contribution to a town committee because any politically savvy person would know that would be the way to get around your prohibition because it, ultimately, gets to the candidate, but yet you haven't invoked this proposed prohibition. Chairman Brodinsky asked if he was in favor of the prohibition. Mr. Farrell said that he thinks that what we are trying to do, what you say we're doing, you should take the logical next step and not have a loop hole that is left. He said that he is in favor of the prohibition. Chairman Brodinsky asked if he would support a motion that would include anyone who has contributed to a town committee. Mr. Farrell said absolutely and that he thinks that you can't have a gaping loophole.

Mr. LeTourneau said that this discussion supports his opinion that the Board of Ethics should be out of town, and that if we can't get past this, how are we ever going to solve it. If it is out of town, then a lot of this just goes away, such as Section 2 - Qualification of Members. It would disappear.

Chairman Brodinsky clarified. He said that the substance of the motion is to reject the changes made by the Charter Revision Commission and reinstate the existing Charter language.

ROLL CALL VOTE:

Brodinsky -no, DiNatale -no, Economopoulos -no; Farrell -yes,
LeTourneau -yes, Parisi -yes, Rascati -yes, Spiteri -no, Testa -no
(5) Nay; (4) Aye;

The motion failed.

MOTION (23)

Mr. LeTourneau made a motion to have the Charter Revision Commission reconsider having the Zoning Board and the Zoning Board of Appeals be an elected position instead of an appointed position. Mr. Farrell seconded.

Robert Gross, 114 Long Hill Road, said that in 100 towns of 169 towns in the State of Connecticut that at least one of these boards is elected. He said that some of them are more than one.

Craig Fishbein, Grieb Road, noted that the Charter Revision Commission voted on this issue at least 2 or 3 times, and it was voted to not have this.

Geno Zandri, 9 Balsam Ridge Circle, said that this was discussed on two occasions at the Charter Revision Commission - the first time it was brought up, there was no motion made but at the following meeting with many people, who had the same interest as Mr. Zandri, Mrs. Gross made the motion with a second for discussion, and it didn't go anywhere. He said that his argument is still to let the people of Wallingford decide this issue. He said that the way it is now is that you to have an 'in' with one of the parties, or else you are not going to be seated on one of those boards.

Jason Zandri, 35 Lincoln Drive, said to let the people have the opportunity to vote on this item. Chairman Brodinsky wanted to make sure that people know that the Council does not have the power to let the people vote on this. He said that there is some confusion that if we vote this way that we can force the Charter Revision Commission to vote 'yes' and it goes on the ballot. He said that the Council does not have control over that.

Jason Zandri said that the Council can vote 'yes' to ask the Charter Revision Commission to go back and take another look at it.

Mr. LeTourneau said that the motion is a recommendation to go back to the Charter Revision Commission.

Mr. Parisi made an observation that this was one of the most deciding votes that they cast at 100% against. He said that when we want something, we are supporting the Commission and when we don't want it, we are against it. He asked to stay stable.

Mr. Economopoulos said that he understands why the Commission voted the way that they did.

ROLL CALL VOTE:

Brodinsky -no, DiNatale -no, Economopoulos -no; Farrell -yes,
LeTourneau -yes, Parisi -no, Rascati -no, Spiteri -yes, Testa -no
(6) Nay; (3) Aye

The motion failed.

Ms. Rascati read from a prepared statement as follows, "For the benefit the public and my colleagues, I would like to correct a statement made by Mrs. Zandri earlier this evening in regard to monies she claimed were not returned by the Mayor to the Town Clerk's Office. This was not true. The Town Clerk's Office operated on the calendar year, and the town operated on the fiscal year, so that at the end of the fiscal year, the Town Clerk's Office still had six months of revenue coming in. The money was always kept in a separate account and returned when I asked for it, and I didn't ask for it every six months. I waited until I needed it for a large expenditure. Also I resented the statement that I was not a good Town Clerk because it was OK if the Mayor did not return the money to the Town Clerk's Office. The money was returned when I asked for it."

MOTION

Mr. Parisi made a motion, seconded by Mr. Testa, to adjourn. All Councilors present (9) voted Aye on the motion. The motion passed.

The meeting adjourned at 11:01 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary
Meeting digitally recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date

6/2/2009

Good Evening,

For the record my name is Ellen Deutsch, I reside at 1 Malchiodi Drive in Wallingford. I am also the Vice Chairman of the Wallingford Inland Wetlands and Watercourse Commission,. And I am her representing the majority of the Regular Wetland Commission Members.

In this capacity I am here this evening to speak on Chapter X Section 3 of the proposed revised Charter.

In short The Wetlands Commission is against the proposed change as it affects the Wetlands Commission and our ability to do our job as tasked by the Town of Wallingford..

My explanation for this opposition is as follows.

The proposed change is as follows –

Chapter X

Section 3. Environmental Planning

The Mayor shall appoint and may remove an Environmental Planner	16
subject to such rules and regulations as may be adopted pursuant	17
to the provisions of Chapter XVII of this Charter. The Environmental	18
Planner shall serve as staff to the Inland Wetlands and Watercourses	19
Commission and shall have such powers and duties as the Council	20
may prescribe.	21

First Wetland Commissioners are appointed volunteers. The Wetlands Commission in town is NOT a paid position. Jim Vitali was appointed upon the Commissions creation, Nick Kern sometime after that and I personally was appointed back in approximately the fall of 1992, All Commissioners when appointed to this position, are instructed to protect the Wetlands and Watercourses in the Town of Wallingford to the best of our ability.

Our ability to protect the Wetlands will be more hampered than enabled by the new provision affecting the Environmental Planner.

The Commission will NO LONGER have any direct say over the Environmental Planners actions. The Environmental Planner will be reporting to the Mayor who at this point in time does NOT attend our monthly meetings, does NOT attend our Special Meetings and does NOT attend DEP seminars nor to the best of my knowledge is certified by the DEP as having attended a sequence of workshops. A side note I have been certified twice. .

What the Commissions can conclude from the change in the Charter is that my approximately 17 years on the Commission the Chairman's 21 plus years on the Commission and Nick Kerns 18 plus years on the Commission , our consistent attendance at regular meetings, special meetings, DEP seminars , and the Vice Chairman's attendance at other environmental seminars, and work in the Marine Safety field for another volunteer organization, and technical background are apparently meaningless when it comes to the evaluation of the work of the Environmental Planner.

There is NO provision allowing the for the Commission to have legal input into the Evaluation of the Environmental Planners work, day to day behavior, or handling of applicants and applications. When it comes to duties if the Environmental Planner if the Commission and the Town Council or the Mayor disagree, it is the Mayor who makes the final decision as to what is done or accomplished. It is through his eyes

only where the evaluation and execution of her job is done. The Charter in its proposed state TOTALLY and Completely does not allow for input from the Commission, or even binding recommendations from the Commission.

The Commissioners are the ones who have the technical expertise to evaluate her work, just by the mere fact of regular meeting attendance, DEP seminar attendance special meeting attendance and experience.

Please explain to me how someone who is NOT attending or have the technical expertise can evaluate someone on technical matters?

How are the Wetlands in Wallingford to be protected and The Wetlands Commissioner's to do their job in a satisfactorily manner if the Commission has no control over the evaluation of the Environmental Planner and the job that is being doing?

Please explain to me how the aforementioned proposed change will make my job easier and more efficient – Remember the Mayor is not required to even listen to the opinion of the Commission. He is the sole authority as to how the Environmental Planners job is being done by virtue of hiring and removing.

I have looked at the new section added to the Charter, I think I understand what is trying to be accomplished. BUT and it is a big BUT as we all know there is a very LARGE difference between Theory and what actually takes place in practice.

One may also say, why aren't we willing to try something new – well suppose this new and improved method does not work, what then – Well I can answer that – worst case my job of protecting the Wetlands and Watercourses of Wallingford will become impossible. Also having a Commission turned into nothing more than a rubber stamp. So why even have the Commission – why not just let the Mayor and Town Council do the work. The Commission's expertise is obviously not useful in knowing what an Environmental Planner should be tasked with and HOW and WHEN to the job done. The Commission would no longer have any power over the Environmental Planner's work quality.

Another scenario – the Mayor and Town Council agree and the Commission disagrees with an opinion about the Environmental Planner, be it the work to do or being done or any other matter. Who's opinion prevails – the way it is proposed to be set up the Wetland Commissioner's experience and technical expertise legally account for ABSOLUTELY NOTHING, it be a political decision not a decision based on technical expertise.

Also what is popular is NOT necessarily what is correct for Wetlands and Watercourses. Wetlands and Watercourses are NOT a political issue they are and should remain an Environmental Issue. Which is where they are right now.

Another point removing the following statement - The Commission may also appoint such other employees as may be provided by ordinance and/or by budget, subject to the same provisions – appears to be removing the Commissions ability to hire or request other technical opinions on Wetlands and Watercourse concerns. This seriously hinders the Commission also from doing its job adequately. The ability to hire an additional expert has proven in the past a very valuable asset.

In summary, I am opposed 100% to the Chapter X Section 3 change in its current form.

Thank you for your time in listening to my opinion about the Section 3 proposed Charter change.