

TOWN OF WALLINGFORD CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

WALLINGFORD TOWN HALL-ROOM 315

JANUARY 19, 2016

7:00 P.M.

WORKSHOP

PRESENT: Chairman Vincent Cervoni; Vice-Chair Thomas Laffin; Councilors Craig Fishbein; John LeTourneau; Christopher Shortell, arrived at 7:12 p.m. Joseph Marrone III; John J. Sullivan; Vincent F. Testa Jr.; Jason Zandri; Janis Small, Corporation Council.

NOT PRESENT: Mayor William W. Dickinson, Jr.; Town Attorney Gerald Farrell Sr.; Comptroller James Bowes.

Chairman Cervoni called the Workshop to order at 7:04 p.m. The Pledge of Allegiance was recited and the agenda was taken in the following order:

2. Executive Session pursuant to Connecticut General Statutes Section 1-200(6)(D) to discuss lease for relocation of Board of Education Offices/Law

Motion to move into Executive Session at 7:05 p.m.

Made by: Laffin

Seconded by: Marrone

Vote: Unanimous

Present at the Executive Session: Chairman Cervoni; Vice-Chair Laffin; Councilors: Fishbein; LeTourneau; Marrone; Shortell, arrived at 7:12 p.m.; Sullivan; Testa; Zandri; Board of Education members Supt. Sal Menzo; Roxane McKay, Chair; Amanda Doerr; Mark Deptula and Cindy Lavalette, Assist. Supt. for Personnel.

Motion to move come out of Executive Session at 7:21 p.m.

Made by: Fishbein

Seconded by: Zandri

Vote: Unanimous

Chairman Cervoni called the Workshop to order at 7: 23 p.m.

3. Consider and Approve waiver of bid and authorizing the Board of Education to negotiate and execute a lease for the relocation of Board of Education offices/Law.

Motion to consider and approve waiver of bid and authorizing the Board of Education to negotiate and execute a lease for the relocation of Board of Education offices

Made by: Laffin

Seconded by: Fishbein

Atty. Small said the purpose of the motion would be to allow the Board of Education to have temporary office space while the renovations at the Hall Avenue property can be completed within several months.

She said negotiations are ongoing, noting any differential between the rents will be covered by the Town' insurance company. Chairman Cervoni asked if there would be any expenses incurred beyond what the Town's insurance company would cover. Atty. Small noted that it was her belief that everything would be covered.

There were no public comments. Chairman Cervoni asked for a Roll Call Vote.

Roll Call:

Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes.

Motion passes.

1. Discussion and possible action regarding:
Town Council Rules of Procedure-Revision

Chairman Cervoni said his intention was to go through the rules by Roman Numeral and if any Councilor had a proposed change, it could be discussed and motions could be entertained. He said his intention was to come up with a draft proposal with final adoption at the next Town Council meeting.

Regarding Roman Numeral I – proposed change from "The Town Council will schedule regular meetings on the second and fourth Tuesday of every month in the (changed from Town Council Chambers of the Town Hall) to "the Robert F. Parisi Council Chambers".

Motion to change the name of the Town Council Chambers to the Robert F. Parisi Council Chambers.

Made by: Shortell

Seconded by: Laffin

Councilor Fishbein noted that there are times when the Council meets in other rooms. Chairman Cervoni said any change is published with the agenda.

Vote: 9 ayes

Rule II – Rules of Procedure.

Councilor Fishbein spoke about Roberts Rules as a guide and stated he didn't know what this meant; was it used as a guide, or is the book in the room. Chairman Cervoni explained that if the rules or silent or ambiguous, Robert Rules of Order will be consulted. Councilor Fishbein said he was told the Council didn't go by Roberts Rules, it was just a guide. He suggested changing the wording from "as a guide" to "controlling where there is ambiguity".

Motion to strike "as a guide" and add "where ambiguity arises, Robert's Rules should be controlling".

Made by: Fishbein
Seconded by: LeTourneau

Atty. Small said the reason "as a guide" is there because if it is "controlling" all the time, someone needs to know Robert's Rules of Order. She said if there is an issue, Robert's Rules is a good place to go. Councilor Fishbein said this is why we are qualifying it with ambiguity, which these are the Council rules and if they are ambiguous, Robert's Rules dominates. Councilor Testa noted the paragraph says the Chairman will run the meeting, using Robert's Rules as a guide and everyone is familiar with this concept of parliamentary procedure and is a nice guideline to follow.

Chairman Cervoni asked for a Roll Call vote.

Roll Call: Fishbein-yes; Laffin-no; LeTourneau-no; Marrone-no; Shortell-no; Sullivan; Testa-no; Zandri-no; Chairman Cervoni-no

Motion fails.

Rule III: The Question & Answer Period.

Councilor Sullivan said he received Mr. Kennedy's email regarding public discussion and noted there is a meeting place in the middle on public discussion and the opportunity for the public to discuss beyond the 20 minutes. He said it is important to hear from the public and noted that normally, the time limit of 20 minutes isn't an issue, but there are times when there is an important topic. He proposed additional language to the sentence which currently states: "The Public Question & Answer Period, taking out will be for a period –(taking out the word "maximum") of 20 minutes" adding "and this time limit may be extended at the Chair's discretion."

Councilor Sullivan also cited the sentence: "If, after doing so, time remains available during the Public Question & Answer Period, individuals will be allowed to return to the microphone to ask additional questions until the 20 minutes have expired", and proposed adding "or the Chair closes the Public Q & A period".

Councilor Sullivan said the two Chairs he served under were cognizant that public discussion is solicited when agenda items are discussed and input is important. He said a middle point on this is to allow the Chair to have discretion. He said he proposes the same change for Roman Numeral IV. He said at the last meeting there was a non-voting item which was a hot topic and people had come to the meeting to speak on this. He said the Chair did the correct thing by allowing public comment on that. Councilor Fishbein said asked how many times the 20 minute Public Q & A time limit was maxed out. Chairman Ceryoni said there were several meetings where the Public Q & A went to 21 minutes and it was closed. Chairman Fishbein said there is frustration in hearing the same thing said several times, but noted he appreciated public comment.

Motion that Roman Numeral III middle paragraph be changed to reflect the following: The Public Question & Answer Period will be for a maximum of 20 minutes; this time limit may be extended at the Chair's discretion.

**Made by: Sullivan
Seconded by: Fishbein**

Councilor Shortell said he also appreciated the letter from Mr. Kennedy and said the role of Public Comment is to persuade the Council on an issue. He said it felt like the time for the Q & A built into the agenda is short, and the time attached to actual items is long. He suggested building in 30 to 45 minutes for Q & A and limit the time on actionable items to 15 minutes, because these items have been vetted. Chairman Cervoni said the first 20 minutes is free form and while the rule limits it to policy and operation of Town Government, there are a variety of topics which can be discussed in that time period. He explained that when there is an agenda item, the Council could be making a \$5 million decision and this can direct the volume of comments which comes towards that item. Councilor Testa said the public feels strongly about being able to weigh in on what the Council is discussing, adding that 20 minutes is more than fair. He said he liked the idea of allowing the Chair to expand the Public Comment.

Councilman Fishbein said if non-actionable items can only be discussed during public Q&A, the question may be different after it is presented.

The amendment to the motion stated: "until the twenty minutes have expired or the Chairman closes the Public Q & A speaking period"

**Made by: Sullivan
Seconded by: Fishbein**

Roll Call vote on amendment to motion:

Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes;
Zandri-yes; Chairman Cervoni-yes

Amendment passes.

Roll Call vote on the full question:

Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes;
Zandri-yes; Chairman Cervoni-no.

Motion passes.

Rule IV – Public Input on Individual Agenda Items

Motion to add at the bottom of the paragraph on non-voting agenda items, “the Chair at his or her discretion may allow public comment”.

Made by: Sullivan
Seconded by: Testa

Motion to strike the line “which would require the vote of the Town Council” from the first line of the sentence, which would now read: “Public input on individual agenda items will be received during the discussion of a specific agenda item”.

Made by: Marrone
Seconded by: Fishbein

In response to Councilor Sullivan’s question, Councilor Marrone said the public would be able to speak on any agenda item whether the Council was voting or not. Councilor Sullivan withdrew his original motion and Councilor Testa seconded the withdrawal of the first motion. Chairman Cervoni pointed out that historically, the practice had been to only allow public comment on agenda items which required a vote and it wasn’t in the rule so it was adopted to conform to our practice. Councilor Fishbein said he is supportive of the motion because the public will know that whatever is on the agenda, they can comment to their public officials. He asked about commenting on the consent agenda and said there should be some distinguishing. Chairman Cervoni said if the Consent Agenda is to serve its intended purpose, it needs to be excluded.

Motion: To amend the original motion to include the words: “with the exception of the Consent Agenda”.

Made by: Marrone
Seconded by: Fishbein

Councilor Zandri said he wants people to come to him ahead of time, but noted it is good to get on the spot feedback. He said he likes the ability for the people to come forward, but doesn’t have a problem with the ability of the Chairman to control. He said if it is a critical idea, it

should be brought up as an agenda item, noting there is little input today and many people are disassociated and said he likes the idea of adding more ability for people to come forward.

Councilor Sullivan said it should not go on more than 30 minutes unless it is at the Chairman's discretion.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes
Motion passes

Rule V – Business acted upon at regular Council meetings

Councilor Fishbein said the word "next" is unnecessary.

Motion: To replace the word "next" meeting with the word "respective" meeting.

Made by: Laffin
Seconded by: Fishbein

Vote: 9 ayes

Motion passes

Motion: Replace the word "secretary" with "staff"

Made by: Laffin
Seconded by Fishbein

Vote: 9 ayes

Rule VI – Items placed on agenda.

Motion: In the first sentence, the word "must" be replaced with "may."

Made by: Fishbein
Seconded by: Zandri

Councilor Fishbein withdrew his motion.

Motion: To change part of the first sentence to "Any Councilor, the Mayor, the Town Attorney, or the Comptroller requesting that an item be placed on the agenda of a regular meeting must do so in writing."

Made by : Testa
Seconded by: Zandri

Vote: 9 ayes

Motion approved

Councilor Fishbein said the second line on Rule VI was redundant because it is Rule V. Chairman Cervoni pointed out that when the Council waves Rule V, this is the sentence that tells us how to do it.

Motion: To take out second sentence, second paragraph of Rule VI because of redundancy

Made by: Fishbein

No second-motion dies.

Rule VII – No rule of the Council will be waived.

Councilor Fishbein asked what this Rule meant. Chairman Cervoni said this is a waiver pursuant to Rule V procedures so there would be no doubt that this can be done with five members present.

Motion: to strike all of Rule VII

Made by: Fishbein

No Second-Motion dies

Chairman Cervoni said if for some reasons, five members of the Council decide there will be no public comment on an agenda item, the reason must be stated. Councilor Fishbein asked what was the reason for Rule VII. He said if the Chairman makes a determination under his discretion to expand the item under public discussion, one of us can say we motion to suspend this authority and with five votes the authority is suspended.

Atty. Small said another example should be used. She said this Rule is talking about waiver or suspending any of the Rules.

Rule VIII – The Proceedings of the Council

Councilor Fishbein asked what the Public Library does with their copy of the Minutes. Atty. Small said the Library cannot be told to keep the Minutes on file. She said she assumes they are on file for viewing. Councilor Fishbein said all of the Minutes are not on file. Councilor LeTourneau noted that although the Library will receive signed copies of the Town Council Minutes, the Town Council cannot tell them what to do with them, but if they are going there to benefit the public, maybe some verbiage should be added stating that the Minutes will be available for six months to the public. Atty. Small re-iterated that the Library cannot be told what to do with the Minutes but the Library wants the Minutes.

Councilor Zandri said the online Town archive goes back to 2008 and one could go to the Library, look the Minutes up online and print them. He noted the archives serve a purpose.

Motion: To remove sentence of Public Library receiving Minutes

Made by: Fishbein

Second by: LeTourneau

Vote: 2 ayes-7 nays

Motion fails

Rule IX – Meetings of the Board of Public Utilities Commissioners

Councilor Fishbein asked about the Council rules requesting copies of the PUC Minutes.

Chairman Cervoni said the verbiage can be changed, but noted this would not affect the Council's effectiveness. Chairman Cervoni suggested the verbiage be changed to "the Minutes shall be transmitted to the Council immediately upon their receipt by the Council office". He said this is the extent of which this can be enforced. He said the Council has a standing order for the Minutes, they are not requested each time.

Motion: To eliminate Rule IX

Made by: Fishbein

Seconded by: LeTourneau

Motion Withdrawn

Chairman Cervoni noted the Minutes are not always received by the Council in time to take action. Councilor Fishbein noted the Council just began receiving the backup to the agenda approximately six months ago. Atty. Small said the Council is in a position to find out what happened to the item the Council is interested in and technically have the capability of having the knowledge prior. Councilor Fishbein noted that today, the Council received 205 pages of Minutes and an agenda and backup for a Meeting tonight which he said was unacceptable. Councilor Fishbein said the Charter said it is 14 days from their (PUC) action. He said the Council got notice of their action, two days before the 14 days expired which wasn't enough time to call a Special Meeting to deal with this.

Atty. Small suggested asking for the Record of Votes. Chairman Cervoni suggested the staff be directed to get the Record of Votes. Chairman Cervoni suggested the rules be revised to reflect this discussion. The paragraph was stricken and replaced with the following verbiage:

Motion: Council Staff will request of the Public Utilities Commission Chairman the Records of Votes upon filing and Minutes to follow which shall be transmitted to members of the Town Council as soon as reasonable.

Made by: Fishbein

Seconded by: Shortell

Vote: 9 ayes

Amendment passes

Rule X - Comptroller providing the Council with a monthly financial reports of all department budgets

No changes made.

Rule XI – Investigatory powers of the Council

No changes made.

Rule XII – Requirements regarding the Mayor’s appointments

Councilor Marrone questioned the purpose of item #5 where only non-substantive questions may be asked. Chairman Cervoni said the historical origin of the verbiage was to attempt to make the appointment as apolitical as possible. He said the rule obfuscates the process.

Motion: Strike paragraph in Item #5

Made by: Marrone
Seconded by: Shortell

Councilor Shortell said he agreed with Councilor Marrone that there was no point in having an interview if one can’t ask questions about people’s policy in a respectful way. Councilor Testa said there may be a small litmus test questions which may be appropriate. He said we are there to decide whether someone is qualified to hold a position, not whether we agree with them or not.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

Chairman Cervoni asked if Councilors wished to consider a new rule. Councilor Fishbein said he had another issue with “A” – Mayor’s appointments requiring Council confirmation. He asked about having a resume in the Council’s packet. Atty. Small suggested before the Council confirming an appointment, they could ask for a resume. Chairman Cervoni suggested the Mayor’s letter be accompanied by any material considered by the Mayor in making an appointment. Councilor Fishbein said if the Council approves someone, the Council should know something about that person.

Motion: A letter from the Mayor naming his/her appointment in (2) after “acceptance” should read “as well as a resume or list of qualifications”

Made by: Fishbein
Second by: Sullivan

Vote: 7-ayes -2 nays (LeTourneau, Testa)

B. Council Appointments

(4) Questions regarding substantive matters, policy or hypothetical questions.

Motion to strike paragraph

Made by: Marrone
Second by: Shortell

Vote: 9 ayes

Councilor Fishbein asked about item (1) regarding a letter to the Council from all prospective nominees indicating a desire for appointment or reappointment will be submitted at least seven days prior to the date set for making such appointments (this requirement may be waived at the discretion of the Council).

Motion: To strike the first two sentences

Made by: Fishbein
Second by: Shortell

Councilor Fishbein called the question.

No second on calling the question.

Chairman Cervoni asked for a Roll Call Vote on the Motion.

Roll Call Vote: Fishbein-yes; Laffin-yes; LeTourneau-yes; Marrone-yes; Shortell-yes; Sullivan-yes; Testa-yes; Zandri-yes; Chairman Cervoni-yes

Motion passes

Rule XIII – Correspondence requires a written signature.

Councilor Fishbein said “written signature” should be stricken from the rule. He cited the correspondence by Mr. Kennedy.

Motion to strike all of Rule XIII

Made by: Sullivan
Second by: Shortell

Vote: 9 ayes

Chairman Cervoni said for the purpose of the balance of the Meeting, he would be referring to the former number of the Rules.

Current Rule XIV – Rules may be amended by a vote of not less than (5) of those Council members present at a regular Council Meeting.

No changes made.

Current Rule XV – Consent Agenda

Councilor Fishbein said that a no vote on the Consent Agenda should be appropriate without the Councilor stating which particular portion of the Consent Agenda they are voting no on. Chairman Cervoni explained one of the former Town Councilors kept voting no on the Consent Agenda because of his total agenda to the Consent Agenda. He said since then, with the exception of certain abstentions or removals, the Council hasn't had any votes on the Consent Agenda which hasn't been unanimous. He said if a Councilor doesn't agree with something on the Consent Agenda, it is taken off. Atty. Small said there should be a valid reason for abstaining.

Regarding Current Rule XV – Procedure (C)

Motion: Change "Should the Town Council Secretary be unavailable" to "Should the Town Council Staff be unavailable".

Councilor LeTourneau amended the motion to include the entire document

Made by: LeTourneau

Second by: Sullivan

Vote: 9 ayes

Councilor Fishbein asked about "B" on Current Rule XV, the second sentence, "Any problems or questions that arise regarding an item on the Consent Agenda should first be taken up with the Department Head having submitted the request, or with the Mayor if a satisfactory answer is not obtained".

Councilor Fishbein said the Mayor told him this is not necessary. Chairman Cervoni said he preferred to keep this in the Rule as a courtesy to the Department Head. He said he encouraged Councilors to have discussions with Department Heads before having something removed from the Consent Agenda.

Current Rule XVI – Public Hearing Procedure-Bond Ordinances

Chairman Cervoni said this Rule was adopted with the assistance of the Bonding Attorney.

No changes made.

Current Rule XVII – Decorum and Order

No changes made.

Adjournment

Councilor Fishbein made a motion to adjourn the Meeting at 9:30 p.m. Councilor Sullivan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist
Acting Recording Secretary