

**TOWN OF WALLINGFORD, CONNECTICUT**

**TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Tuesday, April 5, 2022**

**6:30 P.M.**

Robert F. Parisi Council Chambers

Wallingford Town Hall

45 South Main Street

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Review and Approval of Minutes from March 1, 2022 Ordinance Committee.
5. Discussion and Possible Action regarding Tax Breaks for retired residents – Councilor Zandri
6. Discussion and Possible Action on forming a Maintenance Committee – Councilor Zandri
7. Update on the status of the executive order, potential state legislation and outdoor dining.
8. Adjournment.

*In accordance with Title II of the Americans with Disabilities Act- Individuals in need of auxiliary aids for effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior to meeting date.*

*Wallingford Town Hall, 45 South Main Street*

**TOWN OF WALLINGFORD, CONNECTICUT**

**TOWN COUNCIL MEETING**

**ORDINANCE COMMITTEE**

**Tuesday, March 1, 2022**

**6:30 P.M.**

Robert F. Parisi Council Chambers  
Wallingford Town Hall  
45 South Main Street

**RECORD OF VOTES AND MINUTES**

The meeting was called to order at 6:30 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Autumn Allinson, Sam Carmody, Vincent Cervoni, Craig Fishbein, Thomas Laffin, Christina Tatta, Jason Zandri, and Chairman Joseph Marrone. Also in attendance was: Corporation Counsel Janis Small.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes of October 5, 2021, Ordinance Committee meeting.

**MOTION WAS MADE TO APPROVE THE OCTOBER 5, 2021 MINUTES AS PRESENTED.**

**MADE BY: CERVONI**

**SECONDED BY: TATTA**

**VOTE: UNANIMOUS**

**MOTION: PASSED**

5. Discussion and Possible Action on amending Alcoholic Beverages, Chapter 62-6, Article III, Sunday Hours for Alcohol.

Councilor Laffin explained that the Town ordinance says that alcohol can't be served before 11 am, while the State law allows sales at 10 am. He suggested either amending the ordinance to 10 am or rescinding the Ordinance so it defaults to the State laws.

Councilor Zandri stated that the easiest would be to strike down the ordinance. He noted that it would also affect the 11 pm closing time on Sundays. He supports removing the ordinance and stated that the rest of the state goes by the State ordinance.

Councilor Fishbein asked if business owners were in favor of the change and why the ordinance was enacted. He noted that there was a write-up in the paper about this meeting but no business

representatives are present. He asked if that meant that this is a solution looking for a problem. He stated that he supports the change to closing time but that it is not on the agenda.

Councilor Zandri noted that the agenda wasn't clear and that affected business owners would be working at this time. This change would still give business owners the liberty of closing earlier. He supports removing the ordinance from the books.

Councilor Tatta asked to see the history of the ordinance to see the rationale behind it. She asked if Council could see the minutes from the meetings where it was discussed. She noted that the original ordinance appears to be from 1995 and it was revised in 2006.

Atty. Small replied that if the ordinance is repealed, then liquor stores can sell at 8 am instead of 9 am based on the State law.

Councilor Allinson stated that business owners can choose whether to take advantage of the longer hours.

Chairman Cervoni stated that during the COVID pandemic the Town proved it was good at accommodating businesses. This would release one more restriction that is unique to Wallingford.

Councilor Tatta stated that we should be certain that business owners want to do this. They may feel that once they are allowed, they have to in order to be competitive.

Chairman Marrone stated that the ordinance started more restrictive and has been stepped down over the years. He noted that the CT Liquor Commission is very controlling. Maybe business owners want it and maybe they don't, but it will give them the choice.

Councilor Zandri agreed that not all liquor stores open on Sunday even though they can. He mentioned Chick Filet which closes on Sunday by choice. He isn't comfortable preventing everyone from having the choice in favor of those that don't want it. He noted that the origination may have been after the Blue Laws were repealed. He supported letting the State parameters apply.

Councilor Fishbein stated that he agreed with the freedom aspect but added that we don't know why it was put in place, to begin with. He would like to see the minutes. He stated that he would also like to hear from businesses.

Atty. Small noted that she found Ordinance #233 which amended Ordinance #11. She will look for the minutes. The latest revision, in 2006, was so restaurants could have brunch on New Year's Eve Sunday, starting at 11 am instead of noon. Closing stayed at 11 pm with that change. Atty. Small noted that the change would affect liquor stores as well.

Councilor Laffin asked Atty. Small for the best way to proceed, change or rescind. He stated that he is in favor of allowing the earlier morning hour, but asked if we want to give the liquor stores that freedom. He is in favor.

Councilor Zandri stated that liquor stores will have the choice to open earlier based on the State law. He stated that he doesn't want to restrict business.

**MOTION WAS MADE TO REPEAL THE RESTRICTIVE HOURS IN THE ORDINANCE REGARDING SUNDAY HOURS AND ALCOHOL AND CHARGE ATTY. SMALL WITH DRAFTING THE APPROPRIATE WORDING.**

**MADE BY: LAFFIN**

**SECONDED BY: CERVONI**

Atty, Small clarified that the intent is to repeal the whole section including liquor store hours.

Councilor Zandri asked if the motion is to advance this to Council or discuss it more. He said he was okay with advancing it to Council.

Chairman Marrone stated he was okay with that.

Councilor Tatta stated that she would like more information and is not prepared to vote yes at this time.

Chairman Cervoni noted that this won't appear on the regular Council agenda for three weeks.

Councilor Fishbein asked for a copy of the State statute that we will be defaulting to. He asked if the committee will also be looking at 62-7 regarding unlawful hours for other permittees, or package stores.

Atty. Small agreed to outline the differences. She read the statute 'cannot between 2 am and 10 am on Sunday'. She agreed to check other sections and provide a synopsis. She noted that by State law package stores can open at 8 am on Sunday. She stated that the proposal is to repeal the entire ordinance.

Councilor Tatta noted that the agenda only mentions 62-6. She stated that business owners didn't know 62-7 and 62-8 would be affected. She suggested allowing package stores to weigh in on this.

Atty. Small stated that this committee is just advancing it to a public hearing at a Town Council meeting. She stated that the public notice would be to repeal the whole thing.

Councilor Fishbein noted that not only are business owners not here, but Social Services and the Police Department should weigh in on this topic and they aren't here either.

Chairman Marrone stated that the change in hours to serve liquor in restaurants on Sunday is just a one-hour change. Maybe it's not that big of a deal.

Councilor Allinson stated that the Blue Laws were removed by the Supreme Court because they were unconstitutional. She stated that we are not making a wild change, just changing the capability of businesses.

Councilor Zandri noted that even if the public isn't here, we have business to do. He encourages people to attend.

Councilor Laffin stated that it is important to hear what the public says, but sometimes we have to rely on our own beliefs.

**ROLL CALL VOTE:**

<b>ALLINSON:</b>	<b>YES</b>	<b>MARRONE:</b>	<b>YES</b>
<b>CARMODY:</b>	<b>YES</b>	<b>TESTA:</b>	<b>ABSENT</b>
<b>CERVONI:</b>	<b>YES</b>	<b>TATTA:</b>	<b>NO</b>
<b>FISHBEIN:</b>	<b>NO</b>	<b>ZANDRI:</b>	<b>YES</b>
<b>LAFFIN:</b>	<b>YES</b>		

**6 - AYE**

**2 - NAY**

**1 - ABSENT**

**MOTION: PASSED**

6. Discussion and Possible Action on a possible ordinance to publicly post openings for Boards and Commissions.

Councilor Fishbein referred to the email attachment with a Berlin Town Council agenda. He stated that our present procedure for filling vacancies is discriminatory against unaffiliated and unregistered voters, which is the largest voting block in town. There should be a procedure where the general public can find out about openings, terms, responsibilities, etc. Berlin lists openings in their agenda. This would be a more open and transparent government. He stated that it needs to continue into perpetuity, and that might require an ordinance.

Chairman Cervoni stated that the practice has been to funnel appointments in through town committees. He agreed that it would be good to get a bigger pool of applicants. He noted that most positions require that they are registered to vote. Being registered to vote is the first step in participating.

Chairman Marrone asked if this requires an ordinance.

Atty. Small replied that Berlin doesn't have an ordinance. She offered to share their application forms. She suggested that we want to try to structure it and see how it works and then consider an ordinance, but an ordinance is not necessary.

Councilor Zandri suggested making it a regular item on the Council Agenda. He agreed that filling boards and commissions is challenging. He stated that there is a mechanism but no one knows about it. People can come to a meeting and ask how to serve. He stated that he wants people to know that they can just talk to one of us. He agreed we should include unaffiliated voters.

Councilor Laffin stated that he is in favor of this and in making it more operational. He agreed that we are always looking for people to serve and that we should look for the right person despite their affiliation.

Chairman Cervoni stated that we can try posting positions on the website without an ordinance to see how it goes. Then revisit an ordinance to ensure posterity. He stated that we can ask the administration to see how a posting would be done.

Councilor Fishbein suggested asking about the Police Department website as well.

Councilor Marrone asked if Berlin postS the positions on their website.

Atty. Small replied that people can apply on the Berlin website. She suggested that the Chair announce them at meetings.

Councilor Zandri noted that the dates on the website are off and have been for a while. He has no confidence in the website. He gave the example of the snow ordinance and how people are parked on the street anyway because no one knows of the ordinance.

Councilor Fishbein asked about sidewalk clearing, as he is aware of an issue where Public Works isn't clearing a sidewalk. He wondered if this is an issue for a future Ordinance Committee meeting.

Atty. Small stated that they are supposed to give 24 hours notice, if not done, they get cited and public works will do it and bill the owner.

Councilor Allinson offered to help the webmaster manage the posting of upcoming items. Happy to be part of the solution.

**MOTION WAS MADE TO TABLE THE DISCUSSION OF POSTING OPEN POSITIONS TO THE NEXT AGENDA.**

**MADE BY: FISHBEIN  
SECONDED BY: ALLINSON**

**VOTE: UNANIMOUS  
MOTION: TABLED**

**RECEIVED FOR RECORD** 3/7/2022  
**AT** 9:00 **AND RECEIVED BY**  
Deborah McKernan **TOWN CLERK**

#### 7. Adjournment

Chairman Marrone declared the meeting adjourned at 7:25 pm.

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary