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Charter Revision Transcription September 24, 2011

David Muller- Mr. Muller thanked the commission for inviting him. Their work in bringing the mechanic of running the town into the 21st century is extremely important as he believes the voters need to see their government functioning in an efficient manner. He wants to make one general comment before responding to the list of questions that had been prepared for him. They managed to hit all the individual topics he would have noted himself and then some, so he could gradually go on their thoroughness. One important point is that the Charter should reflect the reality that women can and do serve in the role of First Selectmen and the wording in the entire document should be revised to permit the reflection of this reality by changing the relevant title to reflect the gender of the office holder.

Mr. Edgar asked if he had a suggestion. Mr. Muller said you could either use person or man and woman. You should give the flexibility. First Selectperson is a little bit sterile. Mr. Edgar said that he was totally sensitive too and appreciates his point but he's having trouble with the term. Mr. Muller said that his preference would be that if there was a male holding the job it is "Selectman" and if there is a female "Selectwoman". He thinks that is the preferable way to doing it. Mr. Edgar said they could use it in a definition section.

Question # 1 Should we change the current balance in the Charter between the responsibilities of the Town Meeting and those of the Board of Selectmen?

Mr. Bliss asked if Mr. Muller was going to be submitting written testimony to them. Mr. Muller said he would do it by email afterwards.

Mr. Muller said that he should preface his comments by noting that he is continually troubled by low turnout of Town residents at all but those meetings where the subject could be considered controversial. Town Meeting has a long history in this part of the country and he would not like to see its diminution or elimination as it remains a key forum for the exchange of ideas and for public voting.

He believes that the Town meeting requirement is cumbersome in certain areas and can be used by a small interest group in a way to advance or defeat a proposal or project by relying on the apathy of the voters. We have all seen situations where there is an item that might not be seen as controversial but the people who feel very energized by it get 30 people to show up and it is passed or defeated accordingly by a very small number of people that show up.

He would implement a trigger level similar to the policy which governs acceptance of gifts by the Town above which a Town Meeting is required. This would permit the Board of Selectmen to handle routine business without the necessity of calling a Town Meeting. That only really pertains to financial decisions but he thinks that the concept of a trigger would ensure that the Town not accept a gift where there is an ongoing liability to the

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Town. Really it should be the responsibility of the gift giver. He thinks that a comparable trigger or threshold at certain levels could be something you could implement where a \$1,000 lease would not necessarily need to go to a Town Meeting, a \$100,000 lease would. He does not know what the correct number is but we have seen situations where very small dollar amounts must go the route of the Town Meeting because it stipulates leases. Mr. Bliss said that was covered in the Charter with regard to expenditures. It is not covered with regard to other things like real estate transactions.

Mr. de Keijzer asked if Mr. Muller had any recommendations for getting more people to the Town Meetings. Mr. Muller said it is a perennial problem. The only large Town Meetings he has seen is when there is a real hot button item. Frankly the last hot button item other than the Nature Center at Lachat was the School Building Project where you had hundreds of people. He does not like decisions of the Town being made by 20 people and there are a vast number of small Town Meetings where, if it were not for Margaret Wirtenberg and a few other people we wouldn't have a meeting at all.

That said he does not think that you can say you must have a certain number of people in attendance because you will end up with a lot of failed Town Meetings. There has got to be a medium of publicity. He cannot see going to an absentee vote or a dial in vote or perhaps a concept of an internet vote that you must attest to the fact that you listened to the testimony and then vote. He does not want there to be "discussion public meetings", where three people are there and you get three votes. If you are broadcasting Town Meetings live as we are doing for this meeting, that there be the ability for people in Town to vote if they check the box "I have listened to the public hearing". He thinks that they are headed in the direction where you acknowledge the fact that people do have the ability to participate in meetings but they are sitting at home and physical presence going forward is not a top priority. You do want people to attest to the fact that they have listened to the public discussion and their vote reflects their views and having heard the public comments.

Mr. de Keijzer said the Wilton Charter, if he reads it correctly, appoints a special committee to help publicize and get people involved in the Town Meeting. He doesn't know how well it works but he believes they have that language. Ms. Daniel said she did not remember that language but it doesn't always work. They had 18% one year and 10% another year. Mr. Muller said he believes that is just for the budget. He said if you count the number of required Town Meetings during the year, not the budget meeting, you can sometimes have a Town Meeting with three or four people.

Mr. Bliss said when there is low turnout there is probably no controversy. Mr. Bliss asked about him making a comment about not having absentee voting. Mr. Muller said he did not want a situation where people vote on issues without the attestation that they have participated in the public meeting. That is why he said that at least if you are voting having watched on TV that you say yes I attest to the fact that I have participated in the public meeting being sitting in my living room rather than sitting in public. What he does not want is for people to have the ability to vote totally absent any participation in the process.

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Ms. Daniel said what about reading in the Newspaper. Mr. Muller said if you look at subscription numbers there is not one document that everyone subscribes too. You can make it available on the Town website but it requires proactive steps by the voter.

Mr. Edgar said let's assume that we are exploring a referendum, that would require everybody who is voting on a machine ballot to either have attended the ATBM or to attest that they had seen the ATBM on TV which he is not sure is constitutional. Mr. Muller said the ATBM is a different structure. It is treated differently than the regular Town Meeting to pass or approve what the Board of Selectmen may have recommended or the Board of Finance may have recommended. He would draw that distinction.

Mr. Tracey said we have not heard anyone say to this commission that the Town Meeting should be eliminated. He asked if there is an evolution that would allow it to be more electronic in the future - for example a participatory forum electronically where comments could be made about proposals and then votes could be done electronically. In other words, not requiring people to be physically in one room but having them communicate.

Mr. Muller said he has seen professionally where those sorts of meetings occur where there is a live presentation and participants can dial in, remote web access and they can look at the presentation, they can see the slides, they have the ability to type in questions that can be posed and the moderator then alternates between someone sitting live in the room asking a question and someone doing it remotely. We are headed in the direction of different ways to access public information. The ATBM and Town Meeting concept goes back to a period when there wasn't the ability to do that. Moving us into the current century, the concept that people access public information is vastly different today than it was ten years ago.

Mr. Tracey said in this context you would be balancing physical presence and interaction against potentially more access, more information and more participation. Mr. Muller said he likes going to the ATBM, he likes seeing people, it is a great social setting, it is interesting hearing people's comments and people ask questions that he doesn't think of himself. Losing that sort of interaction would be a serious error. He recalls when they were talking about the first time they went to the concept of "do we shift to a machine ballot?" and there was a very interesting quote by a guy who said "you know what. It is once a year, it affects you every day of the year, get your body there, if you need to go outside for a smoke, go outside but don't absent yourself for the whole day". There is a part of him that feels it is one evening out of 365 and not everybody is going to find a babysitter. But if you care enough to like the process, you moved here mainly knowing how the Town ran, for one evening at least in a married couple one of the people can show up. If you're going to complain about it afterwards then come speak up and talk about it.

He does hear the argument that people do not necessarily want to make their views known in public and he has full sympathy for that but you can look at it both ways and say it one night out of the year and it is important to you then show up.

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Mr. Bliss said at the republican presidential debate they had people all over the country asking questions through “youtube”. He thinks that what Mr. Muller is talking about is to bring electronics to bring participation to the meeting. Mr. Muller said at work they have their portfolio manager sit in a room and he has prepared a presentation and investors in the fund will dial in by phone and they will remote web access it. The presentation is up on their screen but there are some extra boxes and they can type in a question. It immediately goes to a moderator sitting in a room with the portfolio manager and if you have a question, you don’t want to identify who it is because people feel more free to ask questions if their name isn’t going to be broadcast and questions come in either from people who have decided to come into the meeting or connect remotely.

Mr. de Keijzer said one of the hesitations for him is how do you know that these are registered voters of the Town. Mr. Muller said password protection. If you are a registered voter you have a voter ID, you have a number and you dial in. You have voting available for certain period, you can’t vote until after the public hearing is closed and then you have a two or three hour window during which to vote.

Ms. Daniel said since she is on the Commission on Aging she wonders if in some ways this would be disadvantageous for certain sectors of the population who are not computer and internet friendly. She thinks that is a major hesitance that needs to be addressed. Mr. Muller said you are looking for a third alternative, they can’t get there physically, they don’t have the computer skills to do it, he doesn’t know how to address that.

Mr. Bliss said that he thinks we need to set policy and direction with the Charter, the specific implementation is really up to the people in office.

Question #2 Should the budget process be changed?

Mr. Muller said the current process of developing a budget is extremely efficient but the process of approving the budget is too long. He suggest that the timeframe between presentation of the budget by the First Selectman and Board of Education and the public hearing and voting on the proposed budget should be shortened but pushed off further in the year to permit incorporation of State Budget items that are currently not known when the Weston Town Budget is being prepared. It is very hard to leave a variable of that magnitude that swings based on the economy, the whims of whoever is in power in Hartford in the Governor’s chair and the State Legislature. We just “guesstimate” what that could be. That can often be a big swing so he would put it off.

He also thinks that the budget process loses steam in the middle. That’s partially attributable to the school calendar. You don’t want to have significant votes when the parents of young children may be on vacation. He thinks that the process needs to be shortened but shifted out a little bit further in the year. Mr. Tracey asked if he had given any thoughts to the dates, Mr. Muller said he had not. He said that you could sit down with the school calendar, Town calendar and the public holiday calendar and figure it out fairly straight forward. He has not done that.

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Ms. Moch asked when does the State give you its input. Mr. Muller said it is usually right around the time that we are actually voting on the budget. Mr. Bliss said it is usually the first or second week in June. Mr. Muller said Mr. Bliss was right but there is sufficient feedback and input from the State level for what the proposals are going to be and where they are headed. Moving it to May would help.

Mr. Bochinski said looking at some Charters that have their ATBM sometime in May, the problem may come up that if there is a referendum to follow should the budget fail, then that has to be addressed in what may be too short a time before the end of the fiscal year. Mr. Edgar said we will have that discussion.

Mr. Muller said should you end up in a situation where the budget is defeated because of the time when you vote and you don't have sufficient time, then you would do what other entities do which is you would continue with the prior year's budget until such time as the new year's budget is resolved.

Mr. Edgar asked if Mr. Muller would be in favor of a mandatory referendum or the system we have now which is discretionary with the Selectmen. Mr. Muller said that his preference would be that you continue with the vote and then you have the public referendum immediately thereafter. Mr. Tracey asked if this should be mandatory, Mr. Muller said "required," he thinks that is a recognition of what people want.

Question #3 should the Board of Selectmen be expanded to five members?

Mr. Muller said he saw no reason to extend the number from three to five. You do not get any incremental benefit by broadening the number of people sitting at the table in decision making. There is a check and balance for the Board of Selectmen with a Town meeting so he thinks that the process works.

Mr. Muller said you know how difficult it is to get interested candidates to fill all the positions for which there are openings in Town. If you start the concept and you ask later about some other alternate positions, it is difficult enough to get enough interested candidates for what we have now. Expanding numbers would just exacerbate that problem.

Question # 4 is there any issues with the transition of a former Board of Selectmen to a new Board of Selectmen elect?

Mr. Muller said to the best of his knowledge the transition has always occurred smoothly and in a friendly and corporative manner. However, he believes the Charter should plan for a situation when the transition is not carried out. He would suggest the timeframe after the election for the inauguration of the new Board be extended to permit the new First Selectman to manage the transition process independent of the current expedited schedule. There is a lot that has to happen extremely quickly and he would lengthen the hand over process. Not vastly but by perhaps two to four weeks to allow for a greater

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transition process in a situation where the outgoing and incoming may not have the ability to work together efficiently. He is assuming that is never the process and he doesn't know if it has been anything but a very smooth and amicably process but you need to have a structure or framework in place for the situation when it is not.

Question #5 should a Selectman's term be two or four years, whether the terms should be staggered and whether there should be term limits.

The term for Selectmen should be lengthened to four years without term limits. Given that two of the three Selectmen serve as volunteers he questions whether mandatory term limits might not create a situation where there is a dearth of interested candidates to run. I don't have an opinion whether terms should be staggered but he can see compelling reasons both for and against. He would caution against changes in the length of terms. It could create a situation where only the members of one elected board are on the ballot at any one time as a probably turnout would be greatly exacerbated. He doesn't want to end up with a situation where the staggering ends up with a situation where you only have the Board of Selectmen or Board of Education or the Board of Finance individually (because of the staggering of other terms), be the sole office up for election. The turnout would essentially be limited to those running and their spouses. Mr. Edgar said if you stagger you might run into a safe seat issue.

Mr. Tracey said you would advocate four year terms for the both the First Selectman and the Selectman without term limits and staggered if it could be done without creating problems. Mr. Muller said yes.

Question # 6 should the First Selectman's position be full or part time position?

Mr. Muller said the current situation works well with the First Selectman determining how part-time his or her job actually is. He can attest to the amount of time the First Selectman and the last First Selectman spend on their part-time jobs. We are getting a bargain based on the salary we pay. He believes that having a Town Administrator who keeps the Town running on a daily basis, independent of the political process, is an arrangement we should retain as well.

Mr. de Keijzer asked if the First Selectman in generally assigned specific areas of the administration of the Town with the other Selectmen. In other words Mr. Muller might be given the job of overlooking the Parks & Recreation or Dog Warden side of the Town. Mr. Muller said he hadn't and he did not know if Mr. Bliss did.

Mr. Bliss said not for ongoing functions. For specific projects they could get assigned. Mr. Muller said it depends on where your interest and background is. Having been on the Board of Finance we talk about some financial matters and when we talk about reviewing contracts and about investment policy he thinks that he can bring his expertise there. When they talk about issues to do with P&Z both Mr. Gilbert and he have a background

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in that space so they bring that expertise. There is no, “there are nine departments you take three, I’ll take three.”

Mr. Bochinski said as a matter of historical fact, there have been First Selectmen who have taken exactly that and assigned the other two Selectmen as liaison to specific boards and commissions so that they would stay in touch with them. It has happened and was rather effective he thought in keeping the whole board informed.

Mr. Muller said he thought currently, and doesn’t want to make any partisan statements, having worked with Gayle for two years she really is in touch with the various departments. She has taken an extremely hands on role in working with each of the departments. Woody, Hal and other First Selectmen can talk about how they handled it. He thinks it depends on what the First Selectman wants to do. If they want to be very involved, and he knows Gayle does that and is in regular contact and goes to meetings and sits in. She doesn’t think that she necessarily would want to give up that responsibility. If you have a First Selectman who is fully employed in a paying job outside of that role then he could see a strong argument for saying balancing my part-time job as First Selectman with my full- time job is more complicated. I am going to ask the other two selectmen to take on that responsibility. He said he did not think you could mandate it - it is the leadership style of whoever is sitting in the First Selectman’s chair.

Mr. Bliss said it really is that the First Selectman spends considerably more time involved in the affairs of the Town than a Selectman can for lots of reasons. Mr. Muller said he works in Manhattan and his ability to be around Town during the day when a lot of meetings occur is limited. He can do things in the beginning of the day, he can come home early but he has two jobs. One is volunteer and one is what he needs to stay living in Weston.

Mr. de Keijzer said that one of the Charters that he came across said that there was a mandatory liaison meeting between the key boards and the Selectmen once a year. He knows the coordination between their boards works very well at the moment but is that something that you might want to consider putting in the Charter.

Mr. Muller said he could see a very strong reason to do that in that it mandates a process that might not happen on its own depending on who is in the role of First Selectman and the Board of Selectmen. There is another ancillary benefit in that given that it would be done publicly, it would allow the public to see the inner workings of a lot of the Town departments that they otherwise know nothing about. He thinks it would be a strong benefit to say once a year you come before the Board and you do your pitch. This is what we’re doing and get the feedback of the Board of Selectmen. He thinks the interaction would be advantageous both for the Board as well as for the public.

Question #7: we have been urged by the P&Z commission to require that an exemption of the Town from P&Z regulations should be made by Town Meeting rather than the Board of Selectmen. Do you agree with that? Why?

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Mr. Muller said he has served as a Commissioner and a Selectman- he has been on both sides of the argument. The exemption is in place and has been for nearly 40 years. He does not believe the review of the Charter can make a retroactive determination that would alter the status quo. Ironically he would make the same point as Selectman that he did make when he was a commissioner on P&Z. He was on speaker phone because he was on a business trip and couldn't participate in the P&Z meeting and making the point that he thinks was made to the consternation of some of his fellow commissioners. He has not yet seen any situation where the Board of Selectmen has undertaken steps that have been seen to violate common sense and the wisdom of regulations in place. There is already a mechanism in place, the Town Meeting, to address perceived errors made by the Board of Selectmen. He has heard the arguments that the exemption needs to be overturned as a rogue Board of Selectmen could undertake a project detrimental to the Town and a clear violation of the intended planning regulations.

“Rogue Board” was mentioned many times when he was a commissioner. His contention is that there is a greater” likelihood” that the commission would attempt to implement a change to regulations that is not in keeping with the will of the Town. This is simply a reflection of the attention paid to what the Board of Selectmen does, but for careful reading of changes to P&Z regulations, the commission operates largely out of public view even though meetings are open. This is not to imply they are doing things in secret but it is just a recognition that the Board of Selectmen’s decisions, their meetings are much more visible than those of other commissions.

A lot of what P&Z does is pertinent to individual property owners. The current commission and other commissions have attempted re-writes in years when the Plan of Conservation and Development is developed. There are a lot of public hearings but a lot of what they did when he was on P&Z and a lot of what they do now is pertinent to individual residents so the attention of other people in Town is very limited. He thinks it is regrettable but a reflection of reality.

He is also concerned that a combative commission, with no implication that this is what the current situation is, could create a situation where the only route for the Board of Selectmen to appeal P&Z decision regarding special permit is in the courts. He thinks that they are potentially opening up an avenue that becomes much more litigious and costly for the Town. If people could point to a number of grievous errors by the Board of Selectmen where there needs to be redress, he would say this is a different question but he has not seen that in the eleven or so years he has been involved in Town Government.

Mr. Tracey asked on his first point which is, such a change could not be retroactive, he agrees with him on that and actually the P&Z commission agrees with him on that. The suggestion would be that a change in the Charter would lead on a voluntary basis to a submission of the issue to a Town Meeting. He asked if it did happen how he thought the Town would vote on it.

Mr. Muller said to be very frank he did not think there was much understanding of what the issue is. He thinks that when it is raised, when it is in the paper, you get a few people

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that get fired up about it but he thinks it is another issue that is somewhat esoteric and people wondering how does this affect me and is there something that's broken that needs to be fixed. He could make a compelling argument that there is nothing broken. If you were starting fresh, pretending this was never an issue, would you want the Town to control that sort of decision? You could probably build an argument that makes sense but we have four decades worth of history to look at and he goes back to "if it ain't broke don't fix it".

Question #8: we have also been urged by P&Z commission to require that any conversion to a COG be determined by Town Meeting. Do you agree with that? Why or why not?

Mr. Muller said he could not imagine a situation where the Board of Selectmen would make a determination of this magnitude without a detailed information session or sessions and subsequent approval by Town Meeting. He believes that the request by P&Z falls well outside the mandate of what the Charter Revision Commission has been asked to consider. That said he thinks it is crucial to incorporate consideration of the CGS 4-124i through 124p which describe the process to change from a Regional Planning Agency (RPA) to a Council of Government (COG). Once 60% of the municipalities in a RPA approve the change, the change is enacted. Towns may opt out but then they are "standalone" municipalities without any voice at the regional or State level. He believes there are several advantages to the COG structure that must be carefully outlined to the voters and he is extremely concerned about the amount of misinformation such as comments about taxing authority and more moves towards county government and the role that such information could play in the public arena.

It is not a decision to be taken lightly or he as a selectman would take lightly or would ever envision doing outside the Town Meeting structure. That said he does not think that this is something that is a Charter issue. There is a magnitude issue that that sort of question would certainly come before the Town in many many instances. You look at how it is being handled currently in the other Towns in the Southwest region. The First Selectman in each of the Towns that he has read have all made the same comment, that this would be a significant change, they can speak for or against it but it is not something that they would ever do without fully addressing all of the concerns in a very public and open arena.

Mr. Tracey said he is very reluctant to make any changes to the Charter that is directed to a specific current issue. If we step back and were writing the Charter from scratch would we include in it a provision that requires a Town Meeting for any significant change to the participation of our municipality in regional governmental structure? Mr. Bliss said it was already there. Mr. Tracey said not that specific type of change. Mr. Muller said that he thought they were covered already. He doesn't think the Charter should address specific matters beyond terms etc. If this were to occur then that should happen. He doesn't think that is what a Charter should entail. The Charter should be a document like the constitution that gives you the framework and that is then interpreted, argued when someone interprets incorrectly you have the ability down the road to correct that

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interpretation. That is what he sees a Charter to be not like some of the European constitution which delineates absolutely every event, every circumstance in the life of a political entity.

Question #9 are there duties of the Board of Selectmen and/or the Town Administrator in the Charter that require revision or clarification?

Mr. Muller said he believes that the current delineation of roles is defined in Article 4 is appropriate and works well. However if the role of the First Selectman were to be made a full time position then obviously a re-write of the relevant responsibilities would be necessary. The only specific change that he would highlight is the removal of references to the second Selectman which are contained in the Charter which to the best of his knowledge is not something that has ever really been done. You could say the second Selectman is the Selectman of the majority party but there are responsibilities in the Charter designated for the second Selectman. He said you do need a provision for what happens if the First Selectman is incapacitated or dies in office; those are relevant. It is not a title with a capital "S" that we have ever used.

Question # 10 should the Town Clerk and Tax Collector be appointed or elected positions?

Mr. Muller said he would be very much in favor of approving the efficiency of having both positions be appointed rather than elected. He thinks that there is a certain skill set that goes with each. As much as he trusts the electorate he thinks it is much easier to say these are appointed. They are administrative positions that are much more appropriately handled in the structure of the Town administration.

Question #11 would you make any changes to the appointed positions in Article 7 of the Charter?

His only suggestion with regard to appointed positions would be extend the current 30 day window during which all appointments must be approved. It has proven to be very difficult to ensure adequate deliberation and consideration be given to interested parties and to gather the names of potential interested parties who would serve but may not be aware of opening within the brief time window currently allowed for appointment.

Question #12 would you favor any changes to the role of the parties nominating candidates for public office and should there be a mechanism to make all elections competitive as opposed to having some safe seats?

Mr. Muller said that he has not heard any compelling arguments why the current system doesn't work relatively well. That said, he thinks it would be beneficial to develop a process whereby unaffiliated voters could run effectively without the sponsorship of the party. He thinks it is outside the scope of this committee to deal with the financial aspect of running for office.

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With regard to the concept of safe seats he has not heard any compelling argument why the current system isn't working efficiently but he believes strongly that anyone interested in serving in Town government should not have to fight a battle just to be allowed to run.

Mr. Muller said regarding his comment about the financial aspect, there is a cost to running for office. What he can't see is the Town instituting a mechanism that deals with the financial side of it. If someone wants to run he thinks that they should certainly be allowed if they get sufficient signatures on a petition but they must be aware that they then carry the cost of running that campaign.

Mr. Edgar said the safe seat question really relates to situations where because of the minority representation rule you have let's say four candidates running for a position and regardless of how the public votes they are all going to be elected. One person could theoretically get zero votes and still be elected to the position. Mr. Muller said there is a balance between minority representation and the safe seat and he would not want to do away with a situation where you have minority representation.

Mr. Edgar said if one could craft a system where there are not safe seats but preserve minority representation would that be a superior system to what we have now? Mr. Muller said yes.

Question #13 do you believe that the Charter should create a position of ombudsman to mediate disputes between citizens and the Town or between Town agencies?

Mr. Muller said he did not think adding an additional paid position within Town government is an idea worth pursuing in the current environment. He doesn't believe there would be sufficient demand for the services of an ombudsman. In those situations where there is a dispute the Board of Ethics is in his view the appropriate entity to deal with such issues.

If we have a volunteer ombudsman that is on a budgetary matter, again he has not seen or heard of a sufficient number of issues that would be of sufficient gravity to have an independent third party deal with them.

Ms. Moch said they heard of one suggestion for an ombudsman to solve neighbor to neighbor disputes before they got to P&Z or Board of Ethics or court. Mr. Muller said he thought neighbor to neighbor disputes should be settled between neighbors. Ms. Moch said they often can't be, the fence, the dog... Mr. Muller said P&Z is not going to handle that. There is no legal weight in the ombudsman role to the best of his knowledge and it's kind of like people's court. Why would people stupidly go on TV and air their grievances to an ex-judge, current actor /actress and then abide by that decision. The wronged neighbor, the person who feels that the ombudsman went the wrong way is still going to go the legal route if they feel that they have been wronged. It is a small number of situations and there is an even smaller number where there is a satisfactory resolution by someone stepping in to a neighbor to neighbor dispute.

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Mr. de Keijzer said Mr. Muller raised the Board of Ethics. Right now it's relatively narrowly defined in terms of financial conflict of interest although during his term on the Board of Ethics the Board went beyond strict financial. Twice the Board was asked to serve as a mediator in Town contracts. That was an issue they discussed in the Board of Ethics whether or not it was appropriate for the Board of Ethics to expand its role into mediation of some sort. He asked Mr. Muller if he wanted to say anything about that.

Mr. Muller said he had not prepared anything but he thinks that that is a structure that is existing. He wouldn't want to see the Board of Ethics become so involved in pedestrian matters that it loses its aura of independence and its aura of interpretation of ethical matters that pertain to how the Town is being run. He could see a role in mediation where it is a question of interpretation. He doesn't know how you define that adequately for a Board of Ethics mandate. He can see a route that could take you to a Board of Ethics to say there is a dispute and it is over an interpretation of XY&Z. If both parties in that case then say that is a very fair way of dealing with it. He can see this happening more in disputes between Town entities than in Town residents. That would be an interesting expansion of the role of the Board of Ethics to mediate in intra-Town agencies or commissions or more disputes.

Question #14 Are you comfortable with the current election procedure for the First and other Selectmen?

He thinks the system works well but the awareness of how the process works is extremely low. If you went out to Town center right now and asked how the Board of Selectmen get elected he did not think you would find more than two in ten would have any real understanding about what happens to the loser of the First Selectman's race and then how the other two selectmen are determined. He thinks it works but he doesn't think that people understand it. He said that he thought you could vote strategically, it is possible to vote strategically when you go to vote for First Selectman and Selectman to have the outcome work in a way other than what is intended by voting only for one and not voting for the other. He thinks that can sway how the vote works. He doesn't think that that was how it was intended but he thinks the process is working well.

Question #15 are there effective ways to provide for unaffiliated voters to hold office?

Mr. Muller said he would certainly support a process by which unaffiliated voters can petition for a spot on the ballot but can't see a mechanism whereby such voters could raise even a limited amount of funds needed for the purposes of publicity. It's a catch 22, you want more people involved but there is a cost associated with it.

Question #16 Are you comfortable with the number of boards and commissions currently provided for in the Charter and whether it's clear what the distinctions between boards, commissions and committees actually are?

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Mr. Muller is comfortable with the current number of boards and commissions and will continue to rely on sections 7.2 of the Charter which permits the establishment of additional officers, boards and commissions as necessary for governing the Town. The Charter notes that there should be a jury committee. He has no idea what that is there for.

Question #17 Would you recommend increasing the number of members especially alternate members?

He said he thought he addressed this earlier. He did not see a reason to add more members to the various boards to serve as alternates. He thinks it works.

Ms. Moch asked what about something like the Board of Finance which is an elected position. Would you favor appointing an alternate who could step in in the case of a problem, a vacancy, an absence, an incapacity or to provide a learning forum for someone who might want to run for something like the Board of Finance. Mr. Muller said that there is a mechanism for appointing vacancies.

Ms. Moch said an elected alternate or appointing alternates who could then learn the committee other than by sitting in at every meeting. Mr. Muller said you could make that argument for all things that we vote for, that you should have a learning curve, but very honestly he doesn't know that someone is going to run for election to sit at a meeting twice a month or once a month and not have a vote. The electorate makes a decision if a person is sufficiently qualified independently whether they have had a period of sitting in meetings as an elected alternate.

Question #18- Shouldn't the Board of Ethics be added to the Charter?

Mr. Muller said if the question was should the Board of Ethics be added to the Charter he would say yes it is an important component of effective Town government. However section 7.2 of the Charter gives the Board of Selectmen the ability to appoint such a board and has done so. Could the Selectmen unappoint it, he guesses so, but he thinks that the Board of Ethics is a crucial arbiter of matters that are brought to it.

Question #19 -Are there any provisions in the Charter that you should consider?

Mr. Muller said he would fully support the automation of all Town ordinances, putting them on the Town website, ceasing the practice of charging for copies. The more people have access to what is going on the greater information flow, the more informed the electorate is and then it cascades down to voting at the ATBM. He would strongly support that.

He would also suggest that the provision in the Charter that addresses rules and how the committees and commissions and boards run be replaced with the reference to Roberts Rules of Order. He thinks that is standard operating procedure everywhere and that should be incorporated.

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If not already a component of the committees work, he would encourage the committee to view a number of documents. The works of the National Youth Cities and the National Civic League to determine how best practices can be implemented in municipal government. They are two publications that he has found, the model city charter finding good government in a new millennium as well as the guide for Charter Commissions both published by the National Civic League. Dennis Tracey said the Charter Revision Committee has them. Finally the National Youth Cities has produced a report entitled changing the way we govern, building democratic governance in your community. With so many organizations focused on good government practices it would behoove the committee to ensure the best practices contained in these documents be considered during the review of the Weston Town Charter.

Mr. de Keijzer said right now a vacancy on any board or commission the Charter says has to be filled with a person from the same party. Were unaffiliated voters to become more active how would you deal with that? Would an unaffiliated voter also have to be replaced by an unaffiliated voter or don't we make any reference other than minority representations guaranteed.

Mr. Muller said that he thought that we are doing a huge disservice to the largest political party in Town, unaffiliated. He believes that unaffiliated is the largest party. Short of changing their affiliation there is no real way currently for them to take public office. He thinks that is wrong. However, he thinks that when people are interested in running or being appointed they end up having to change the "U" to either a "D" or "R" which accomplishes something in that there is a sponsorship but is there an expectation that that letter after your name dictate who you listen to and are you trying to affiliate unaffiliated voters. He thinks that is wrong. You should have a system that empowers the largest block of voters in Town which are those who don't wish to publicly side with either the Democrat or Republican Party.

Tom Landry- Mr. Landry said unlike the others he was not given prepared questions to respond to so he didn't. The memorandum that he had submitted to the committee came as a response to a direct request from the Ms. Weinstein which he hasn't thought about since he submitted it.

In reading the Charter there are some circumstances that are different now than at the time the Charter was framed and it is really out of step in some ways in what we actually do now. Many of the things he saw were more bookkeeping type things.

Mr. Bliss thanked Mr. Landry for the very thorough job he did in going through the Charter. He thought he made some excellent suggestions and recommendations. Mr. Bochinski echoed the same thing and said some of the best comments from most people they talked to are in Mr. Landry's memo.

Mr. Bochinski asked about his comment on 4.3 (b). He expressed his surprise that there is not some standard evaluation of Town employees in place. Mr. Landry said he was not surprised that it was a flash point for Mr. Bochinski or somebody else. If you talk about

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how you manage employees one of the things that you are taught is evaluation and goals and all that. He doesn't do it. I could choose to do it regardless of what the Charter says but I gave up on it a long time ago. The reason he did is because generally with the systems we have in place, he is not able to reward people for good performance, he is not able to hold them accountable for poor performance so it really seems to be a wasted effort and to do it properly is extensively labor intensive. He found over the years it was a place he was putting a lot of time in and getting no result for it.

Mr. Bochinski said would you say this shouldn't be in the Charter - this is really a policy matter for the administration of the Town to work out. Mr. Landry said he thought that was fair that even if you wished to do an employee evaluation system. Most people if you speak to would initially say yes I think we should do that, that's a good thing and if we choose to that he doesn't really see it as a part of the Charter.

Mr. Bliss said when he first became First Selectman he and Mr. Landry had many debates on this because he came out of a corporate culture where it was a base assumption kind of thing. Tom convinced him that it was not a proper thing to have. There is no carrot, there is no stick and it is very time consuming.

Mr. Tracey said if there was the ability to give merit compensation changes would that change your mind. Mr. Landry said that is half of the equation. There is also poor performance and what do you do about that. He said you have to negotiate that with all of your bargaining units, you have four of them here now. The philosophical question that he would pose is when he asked the Board of Selectmen when they did the paying classification plan and they did a step plan for the non-union employees he said the question is this do you get another step for time? In other words adequate performance or do you get another step only for excellence. To him that is really the matter. If you look at the public sector you don't see examples of pay increases only for excellence. You may see it in addition to but not in place of.

Mr. Tracey asked if we were in step with peer Towns in this regard. Mr. Landry said in terms of performance evaluations he would say yes. Mr. Bliss said you would be hard pressed to find any Town which does employee evaluations which was a shock to him.

Mr. Edgar said Mr. Landry commented on 5.12 indicating the potential issue with reimbursement of expenses for Town official. He asked if that had been an issue in the past. Mr. Landry no. 5.12 (b) necessary non- budgeted out- of- pocket expenses actually incurred shall be paid. Mr. Edgar said that someone could run up expenses and then just submit a voucher under the term that it had been paid. Mr. Landry said they could. What you end up with is probably our most aggressive disagreements in anything in that regard between P&Z and Board of Selectmen whether it's that or the comment he made later about legal opinion. The best example of anything we had when it came down to expenses - there was something that P&Z wanted and thought they needed to do the job effectively a few years ago. They did not get it in the budget process, which is fine, but supposed it gets honed and Town Meeting votes and says "Yeah we are only going to do \$500 for equipment or \$1,000 for training." That is what we are doing this year. Maybe

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that is not the last word, thinking of it that way but where do you want the last word to be?

Mr. Edgar asked for any general comments Mr. Landry had for the Town Meeting and how the process does or doesn't work. Mr. Landry said it seems like one vote should be enough but we don't do it that way and in fact most places do it exactly the way we do it. It is something that has always struck him. He thinks our Town Meeting is really setup as a coronation and that's what it does, it works that way. The budgeting process is a very long deliberative process and by the time you get to Town meeting the likelihood of someone finding a perspective or an expenditure that nobody knew was there, it's not going to happen. It is just another opportunity to say no. Many of our procedures are like that.

Mr. Bochinski said would you go so far as to say why don't we just take this from a required public hearing and go right to a machine ballot within a space of a week or two weeks and just bypass the ATBM. He said that you would still have a public hearing before a referendum. Right now you have a public hearing and then a Town meeting so maybe you have a public hearing and then you have referendum. Mr. Landry said that's up to you if you wish to do that but he wouldn't see the value of having a public hearing and then having a Town Meeting and then having a referendum. There is an awful lot of redundancy there especially when the whole process is viewable and open. It's not like people go into a room and come out three months later and say here it is.

Mr. Tracey asked if the ATBM was retained would Mr. Landry make any changes to the ways in which proposals could be made to adjust line items; for example allow proposals for increases and not just decreases. Mr. Landry said you will have a fine budget if you don't change it. He thinks what they are talking about is not so much a financial exercise as a political one. Basically you have gone through this very extensive process, by the time it goes to him, the First Selectman, Board of Selectmen, Board of Finance there have been four reviews. Basically if you ask for something as a department head in your budget and you are told no four different times, well why not ask a fifth time, doesn't hurt, especially if you're a department that has a board of some kind affiliated with it, police commission, youth commission, P&Z then you have a built-in community advocate for your position. They can stand up and presumably if it was in your budget in the first place they thought it was a good idea. He would just anticipate that they would have more of that in the final meeting.

Ms. Moch said that she was interested in the New Hampshire Town Meeting that he had participated in where they can increase the budget. Mr. Landry said they can. Ms. Moch said what happens if someone at a Town Meeting suggested an increase in the budget and the Town meeting votes on it, what happens next? Mr. Landry said the budget actually gets increased, so if you had a 10 million dollar budget and someone wanted to add \$1,000 then you would have a \$10,001,000. budget and the mill rate is set to raise that \$1,000. They would see that by petition, they would see a lot of things come in that way. In one of the communities he was in they had a hospital, they would give money to the hospital every year, to the little league - there were a bunch of groups. Here we only do

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two or three but there you would see a proliferation of those types of groups come in and ask for money. The community would vote on whether they wanted to give \$3,000 to whomever.

Mr. de Keijzer said they had a suggestion to consider moving the date of the ATBM down the road a week or two because we don't know what the State impact would be on the budget did Mr. Landry have a view on that? Mr. Landry said you may wish to defer it for a couple of weeks but honestly what he has seen out of Hartford in ten years he thinks only one time they knew by the first of May. They just tend to be chronically late. Sometime after July 1, they haven't passed the budget.

Mr. Edgar said 8.9 of the Charter says the Town shall make no contribution to any person unless authorized by the General Statute and with the approval of the First Selectman, the Board of Selectmen and the Board of Finance. What he is wondering is in practice do you include contributions in the budget. Mr. Landry said we do but he did not know how a person is defined. Mr. Edgar said person, organization or a private corporation. Mr. Landry said we do make them. Mr. Edgar said if it is in the budget why do you have to go back and get these very many approvals. Mr. Landry said the amount in the budget is an amount for basic contributions - it is not defined by groups. Mr. Edgar said so in fact when you make a contribution to Homes with Hope for example, there is an amount in the budget, when you seek to allocate it to that entity then you go back and get all these approvals and that has not been a problem. Mr. Landry said yes.

Ten years ago when he came to Weston we did not have a line item in the budget for that. He would see these recurring donations every year and finally they talked to the Board about putting in some dollar amount for them. They then talked about putting in a dollar amount for defined organization. The Board felt that they did not want to be in a position where an organization was entitled to the money. They felt that there may be instances where they wanted to hear from them, there may be something up with that organization that year that would give them pause as to whether to go through with the amounts that they have historically given. We no longer do First Night. If you go back to 2002 when those donations were made they were done as supplemental appropriations, they would come out of the Town's general fund balance, they would not set a new mill rate, now we don't do it that way. We got through the first \$30,000 or whatever was in the budget this year and the board wanted to give additional money to some group they still could through a supplemental appropriation.

George Guidera- Mr. Guidera said he did not know what they meant by changing in a fundamental way the balance in the Charter between the powers and responsibilities of the Town Meeting and the Board of Selectmen.

Mr. Edgar said at present the way the Charter operates is that there are specific instances in which the Town Meeting must occur. Every other legislative power is delegated to the Board of Selectmen so that there is a natural balance of power between the Board of Selectmen and the Town Meeting. Other Towns deal with it differently. Other Towns for example might say you can't have a Town Ordinance unless you have a Town Meeting.

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Mr. Edgar said he didn't mean to create a big question mark when none is occurred so he will tell you that they haven't had a lot of negative comment on our current balance of power, if you want to call it that, but they welcome any points he might have in that matter.

Mr. Guidera said with that explanation his answer would be no, I have no problems with it as it works. Obviously the Town Meeting is the supreme authority whether it's the open meeting that you have at the schools or it is a referendum. Referendum is just a Town Meeting continued to a vote and no I do not have a problem with it. The only reason he could think of that would prompt one to have the Town Meeting have more authority than it does would be the ability to increase the budget, which currently it does not have. He would strongly oppose the ability of the Town Meeting to increase the budget. He thinks it should always retain the ability to decrease the budget but he is not a fan of increasing it because if you get a very small group who can come out and run through the budget and increase it to a ridiculous size. He really does like the system that we have at the present time. He thinks it works extremely well.

As far as preparing the budget that eventually makes its way from the First Selectman to the Board of Selectman to the Board of Finance and then through the Town Meeting obviously somebody needs to prepare that budget. Speaking for the Selectmen side of the budget, which is the one that he had the one and only real extensive experience with, he likes that system very much where the First Selectman proposes, the Board of Selectmen make their changes. There were many times when he proposed a budget to the Board of Selectmen who actually changed his mind about some of the appropriations that he had. He doesn't think that there was ever a time on the Board of Selectmen where one or both of his other Selectmen didn't have a better idea than he did as far as the budget was concerned. Some of those were to increase the budget, spend more money in particular areas as well as cut the budget itself. He thought it really worked well and by the time it came out of the Board of Selectmen it really was a budget that we could all support. Maybe not all of us were happy with every exact point of it but it came out as a pretty good document to present to the Board of Finance.

Question #2 Should the budget process be changed?

Mr. Guidera said yes. He does not think that a referendum on the budget should be by petition. He thinks it should be automatic under the Charter. Why do you make people go out and get petitions signed, you don't want to make it too onerous so let's say you don't require 5% of the voters to sign the petition you only require 100 people to sign it. Trying to decide what is the right number of people is I think it should just automatically go to a referendum.

He thinks what the world craves which America has always had and New England in particular has always had is the concept of direct democracy. It's a concept that is not talked about very much now but he thinks that is what people want. If you have a Town meeting which then becomes a meeting for the purpose of jawboning about the budget, will people come out? Probably not as many as would if it could make the final decision.

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That's an error or a problem with citizenship. As a citizen you have an obligation to come out. You don't want to discharge that, then it is entirely possible that the Town Meeting is a huge waste of time. If he had to make an error he would make it on the side of having a direct referendum, automatic referendum.

The Town is saved from continual turndown to the budget because state law is if you don't have a budget by July 1, your budget is what it was last year. It's not as if the Town is going to be without money to operate. That being the case he thinks they should keep voting on that budget in a referendum until it's passed.

Mr. Bochinski asked if it would be better, maybe more efficient, if we went directly from the Board of Finance public hearing, specify a time, right to the machine ballot. Mr. Guidera said that he was probably right. That is probably what would happen. Right now what he would do because people are used to a Town Meeting, he thinks the Town Meeting would have the benefit of allowing the people who drafted that budget to stand up and explain why they did this or that or the other thing. That would be the only benefit to it because he thinks that you would only have 20 people show up for a Town Meeting. You will probably have more people presenting than you have listening to it. Mr. Bochinski said that would be more dangerous because that small group then could reduce any Selectmen's line item.

Mr. Guidera said if you had a direct referendum and then the Town meeting was only used for explaining it. Mr. Edgar said that the obvious conclusion to the thought is it would not be a vote at the Town Meeting. Mr. Guidera said that was correct - he did not think there should be vote at the Town Meeting; he thinks it should be a direct vote. He said he thinks that is what people want- everyone gets their say. If you have a Town meeting and it passes a budget and it never winds up going to a referendum, there is a feeling even on the part of people who are so irresponsible that they don't take the time to come to the Town Meeting, that somehow they got screwed. If you go to a referendum and the decision went one way or the other, people at least feel that they have an opportunity to have direct input themselves on it and they settle for the result. There have been times when budgets have passed in Town when he and his wife felt it was a ridiculous budget and we didn't vote for it, but we got out voted. You can accept that more than if a Town Meeting does that where 120 people show up. Mr. Edgar said that eliminates the ability to decrease the budget at the Town Meeting. Mr. Guidera said that's right, he doesn't have a problem with that. He thinks it should be up or down, yes or no. You shouldn't be able to increase it or decrease it at a referendum but as a former First Selectman, you get the message. You get the message that they either think it's too high or too low.

Mr. Edgar said if the majority felt it was too high, it would simply fail. Mr. Guidera said you are going to read it in the newspaper, you're going to hear it on the street, the First Selectman doesn't live in a vacuum in the Town of Weston and neither do the Selectmen and if you presented a budget that is higher than the public wants, if they are really enraged by it, you're going to know that right away. There is an understanding that there are x number of people who are against any budget. They want the budget to be zero.

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They don't want the roads plowed; you have to discount some of that, but if you're hearing it everywhere you will have to listen.

They have had budgets where there was no feedback on the Selectman's budget at all. We knew the budget was fine- the flack was coming on the Board of Education budget. Those budgets didn't get turned down, but had they been turned down he would have reassembled his Selectmen, reduced the Selectmen's budget by \$5.00 and sent it back because he knew it was not the Town's budget that they were objecting too.

Mr. de Keijzer asked if Mr. Guidera thought that the only purpose for the ATBM is a chance for the different budget lines to be explained. Mr. Guidera said you can call it a Town Meeting, you can call it a public hearing, you can call it whatever you want to call it. Mr. de Keijzer said the public has a chance to have input on all of these budgets as the process goes along. Is there any need for an ATBM? Mr. Guidera said that he thought there was. He thinks the more you can permit the public to speak its mind one person at a time, the better off you are. The other thing it does too is if you have a group or even a single person who thinks the budget is outrageous he gets an opportunity to go to that Town meeting say his piece, hopefully gets printed in the newspaper and he can convince other people that the budget should be passed or defeated whatever it may be. It is an opportunity for each citizen to have a say. If you lose the Town Meeting form of government, if you stop calling it a Town Meeting you're losing something valuable in New England.

Nina Daniel said she thought Mr. Guidera said no separate vote at the ATBM. Mr. Guidera said that was exactly what he is saying. Mr. Guidera said he thought people should have the opportunity to say their piece. If the local reporter reports it correctly in the newspaper there may be something somebody said that convinces them that no, I shouldn't vote for this budget or yes I should vote for this budget.

Mr. Bliss asked what you are proposing for the ATBM is no different other than title than a public hearing. Mr. Guidera said that is correct.

Question #3 should the Board of Selectmen be expanded to five members?

Mr. Guidera said hell no. The Board of Selectmen no matter whose administration it is works exceptionally well. He thinks there is a little bit of psychology that goes with it. He goes to P&Z and ZBA for clients, one has seven members the absentee rate at meetings is huge. The greatest offender of absenteeism, even though they have alternates is ZBA. Connecticut State law requires them to have five and two alternates and quite often you will get to a meeting and only three shows up. You need four votes to win. It's the only Board in local government that requires an 80% vote instead of a simple majority. If you can get four members of P&Z to agree to your subdivision you get it but that is not the way it is on ZBA. The alternates don't show up, the members don't show up, it is an outrage in the Town of Weston what goes on with the ZBA.

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What he has found is that the smaller a board is the more each member rises to the occasion to do his duty. When you are one of seven you can say well I don't feel so good I'm not going to go to the meeting. When you're one of three you really have to show up. Probably you would find the attendance on the Board of Selectman vastly superior to what it is on the Planning and Zoning Commission or any seven member board. Mr. Guidera said that three works well. Wilton has five. The Board of Selectmen the way it operates in Weston is one of those kinds of things "if it ain't broke don't fix it".

Mr. Guidera said that the police commission is way too large. It should be reduced to either three or five. He would like to see three but you're probably not going to buy that. Mr. Edgar asked why Mr. Guidera thought it was too large. Mr. Guidera said you don't need that many people to make the decision. There is no such thing as a Republican and Democrat point of view when it comes to law enforcement. Really all that board does is hire and fire police officers including the chief and supervise the running of the police department and its proper execution. It has no appropriating authority, it can't spend money that isn't appropriated to it, it should have the ability to hire and fire cops and take that out of the political arena of the Selectmen or anybody else or the Town Meeting. He said I just don't think you need seven people over there. Five would do, three would be better and not the type of board of three to five that they have in Norwalk where it is the mayor, the chief and a citizen. It should be three citizens who are not police officers or have a vested interest in the police department. He thinks that is one board that could be reduced.

Mr. Guidera said he kind of feels the same way about the Planning and Zoning Commission but not quite as strongly. They do parcel out to their individual members different duties and responsibilities and he has seen them execute that very well. He thinks it is good that they have input when they are coming up with new regulations they all seem to get very involved with it. He just doesn't see any reason they have seven people on the police commission.

Question #4 are there any issues with the transition of a former Board of Selectmen to a new Board of Selectmen- elect?

Mr. Guidera said that he wasn't sure that there is a problem in the transition of the Board but he thinks there is a problem in the transition of the First Selectman. When he became First Selectman and it still the law today, you are First Selectman one week after the Tuesday after Election Day The first thing that is thrown at you is a budget that you have to come up with and you have a very short period of time. This is a case if you have never been First Selectman before where the Town Administrator is a huge help to you. He said it takes two years to really learn the budget process in Weston. He felt comfortable with the third budget that he did. He thinks that you might consider making the transition period two weeks or three weeks instead. But then what I'm saying is you're giving the incoming First Selectman even less time to come up with a budget.

Question #5 Should a Selectman's term be for two or four years.

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Mr. Guidera said the sooner you can get the hook out the better off you are. There have been a lot of good First Selectmen in the Town of Weston and not everyone would agree with this opinion he thinks there has been a couple of boobs as First Selectman and the sooner you can get the hook out. He said he knows a lot of Towns are going this way. Westport has always had a four year term - he really does prefer a two year term. You also have the situation that someone gets into the job and just hates it. Go out in the hall and look at how many First Selectmen have spent more than four years in the job. A lot of people get very tired of that in a short period of time.

Mr. Guidera told the committee how he became First Selectman. His wife was chairman of the Republican Town Committee and they had nobody who wanted to run for First Selectman and a couple of her pals on the Republican Town Committee asked her to ask him if he would run. He said I'll run if I get elected. It is one term - that's it. At the end of term starting in February he kept saying to his wife, who is going to run for First Selectman. She said well they haven't found anybody yet and they dragged it out and dragged it out till the next night is the Town Committee endorsement and they still didn't have anybody so why don't you just take it for another two years. He did enjoy it and it went on and on and on. Finally after 12 years he said to his wife, "I mean it this time I'm not running" and that is how he finally got out of it.

Mr. de Keijzer asked if there should be term limits. Mr. Guidera said that he feels strongly that there should be term limits in congress. He asked if he was talking about First Selectman or Board of Selectmen. Mr. de Keijzer said the whole group. Mr. Guidera said lets go back to the presidency of the United States with Franklin Delano Roosevelt. Republicans yelled and screamed about him getting a third term. He ran for a fourth term and got elected to a fourth term. Is it not the right of the people to elect anybody they want to elect? If you have a really good First Selectman or a really good Board of Selectman why should they be denied the right to elect that person?

Then the other question is: you go out for two years and then you can come back again or is it a term limit. Is it an absolute term limit and you can't serve for longer? He doesn't feel so strongly about term limits on lower levels because he thinks the Board of Selectmen and the various boards have operated well. He likes the people that we have elected in the Town of Weston. People ask him what's the tone of your P&Z Commission. He always used to say and it is still true today, the Republicans are very conservative and the Democrats are arch conservative. You need a score card to tell who is a Republican and who's a Democrat on P&Z Commission. In other words, there seems to be almost a unanimity of, it's that concept of we all know where we came from and we all know where we are today. We all know where we want to go in the future. There is no Republican and Democrat criminal supervision, there is no Republican and Democrat zoning in the Town of Weston and to a large extent there has been no Republican and Democrat other business on the Board of Selectmen.

When he was First Selectman, sometimes his Republican counter-part would vote with him and sometimes he wouldn't or Hal Shupack would vote with him or Dick would vote with him and sometimes the two of them shot down anything. New England government

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is essentially this, it's designed so that nobody gets to run with the ball. Even the First Selectman can't run with the ball unless he has one Selectman that will support him. It is a great system. It's not like a strong mayor form of government, even a weak mayor form of government, although it resembles more of a weak mayor form of government than it does anything else. You can come in and say we are going to do this and we're going to do that, but you need to be careful when you're First Selectman not to run out and tell the newspaper here is what we're going to do because when you go to the meeting your two partners may shoot it down so badly you look like a complete fool. Harvey Attra was his Republican compatriot on the Board of Selectmen for a long time. He can remember four or five votes where he really embarrassed him. I got him in the other room later on and told him what I thought but he had his reasons and he had his point of view and quite frankly he has forgotten what those things are.

Mr. de Keijzer said that he is suggesting even at the local level there shouldn't be term limits. Mr. Guidera said he didn't think so as long as you keep the minority representation law that we have now which has worked exceptionally well in the Town of Weston. It brings in Republicans and Democrats and could if the two parties wanted to bring in Independents. They rarely nominate an Independent but it has worked very well he thinks.

Question # 7 we have been urged by the Planning and zoning Commission to require that any exemption of the town from P&Z regulations should be made by Town Meeting rather than Board of Selectmen.

Mr. Guidera said, "Ladies and gentlemen. If you change the ability of the Board of Selectmen to exempt itself from its own zoning regulations you are headed for severe problems in the Town of Weston.

If the Town of Weston is going to be subject to its own zoning regulations, then the cost of doing anything in Weston, building schools, building any kind of a building is going to be a disaster. Essentially what the Selectmen did, (it didn't happen on his watch, it happened when Sue Hutchinson was First Selectman and the Board of Selectmen at that time) was exempt the Town. You never ever want to put into the hands of the Planning and Zoning Commission the ability to make zoning regulations that apply to the Town. What we really have now is this, the zoning authority when it comes to school buildings, various things that have a zoning impact is really a committee of the whole. The Selectmen, the Board of Finance, the Board of Education present a plan, they show you the buildings, they show you the setbacks, they show you everything that is involved, the septic system that's going to go in or if it's not a septic system, the sewerage disposal system that's going to be there. You do send it over to P&Z for an 8-24 report which is title 8 section 24 for their point of view but if they are negative on it that can't stop it. Really what it does is it allows the P&Z Commission to give its input but not to stop the project from going in front of them.

Eventually you go to a referendum on the expenditures. The public should have taken into account (the set-backs are showing on the plan) all of the zoning considerations and

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yet it's their Town; they can build whatever they want to build. What you do when you exempt yourself from the zoning regulations, is you create the entire citizenry as the P&Z Commission of the Town of Weston. Not only that, if you put the zoning approvals in the hands of a P&Z Commission they are going to require 500 foot set-backs. They are going to require you buy a huge piece of property, they are going to require this that and the other thing. It will take you a year to get through them and it is just going to be an unmitigated disaster. You will never be able to do what you want to do. Anyone who is against the project can come to the referendum and vote against it whether they don't like the zoning, they don't like the appropriation or whatever it may be, but it is then up to these people.

Lastly it's no secret that the P&Z Commission is composed of the seven most conservative human beings in the Town of Weston. It only takes four votes to say no. It's not seven votes - you don't have to lose all seven votes. You only have to lose four of those votes and if you look at the composition of the P&Z Commission, it is largely been people who don't have kids in the school system and tend to be more conservative than the average.

One time they sent an 8-24 report he thinks they did a little core facility at the elementary school and it was going to cost 4 to 4.5 million dollars to build it. They sent it over to P&Z Commission for an 8-24 report and they can approve with conditions. They can make comments whatever. They sent it back and said they approved it as long as the Selectmen would watch its expenditures in the future and keep the budget in line. The Town Attorney promptly ruled that condition irrelevant and something that they did not have to pay attention to.

Mr. Guidera asked what is the P&Z Commission saying - they want the Town Meeting to exempt us from the regulations. Anybody who has a kid in the school system who would vote to allow the Town meeting to make that decision is a fool. That's his point of view.

Question #8 we have also been urged by P&Z to require that any conversion to a COG be determined by Town Meeting. Do you agree with that? Why?

Mr. Guidera said he did not understand the question at all. He doesn't know much about a Council of Government or what it would require to convert to COG. Mr. Bliss said this would be SWRPA becoming a COG as has happened in nine of the fifteen RPA's already. Mr. Guidera asked if they have the same authority and power that they have now with SWRPA. Mr. Bliss said they have additional authority. There is a full range of things that they can do.

Mr. Guidera said we have a very strong tradition of home rule in the State of Connecticut. He thinks that is great. Sure there are State laws that we have to comply with and sometimes they impact what we do in the Charter but generally speaking he's not for anything that gets us involved with any kind of outfit or organization that limits our ability with respect to zoning or budget or whatever it may be.

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Mr. Edgar said it's beyond the scope of this committee to determine whether a COG is a great idea or a really lousy idea so they try to avoid that debate. All they are trying to figure out is whether the decision to go into a COG should be delegated to the Town Meeting versus made by ordinance. They are also aware that even if you did an ordinance which allowed you to go into a COG there is a provision 2.6 of the Charter which allows the Town to overturn that ordinance if they are dissatisfied with it.

The second point he wants to make is the testimony they have so far indicates that there is no sacrifice of home rule to being in a COG. That is the short answer to your question. Mr. Guidera said he served one term in the State House of Representatives and three terms in the State Senate and there is an old saying that "nobody's wife or property is safe when the legislation is in session." There is also another saying - "two things the public should never see: the making of sausage and the making of their laws". He does still have an interest in the Connecticut Legislature having served up there. The legislature is a vastly different place than it was when he was there in the 1970's. Towns or districts of Towns use to send their reps and senators up there to protect its Towns from the State of Connecticut. Now these people are all going to be President of the United States. It has become a profession to be in the general assembly. It is not the local guy who goes up and professes the point of view of his community. He has always been afraid the general assembly is moving us by inches in certain directions or tying grants or state funds (although we get none here in Weston worth mentioning) to tie me to this or that or some other organization. He doesn't want to see us move away from our tradition of home rule.

Mr. Bochinski said when the P&Z chair was here, he shared with us a review from 2010 pointing out to us that they were analyzing things like creating regional asset districts as well as zoning would be included with regional planning, indicating potentially that the importance might persuade us to ask for a Town Meeting.

Question #9 Are there duties of the Board of Selectmen and/or Town Administrator in the Charter that require revision or clarification?

Mr. Guidera asked if they all understand how the Town Administrator came into existence in the first place. Jim Daniel was the First Selectman and felt that he needed some help. Mr. Guidera said he strongly feels that the First Selectman should be the point person in the community. If the First Selectman is not the ombudsman, then there is something wrong with Weston Town Government. Probably half the time he spent as First Selectman was people coming in with their hat in their hand peaking round the First Selectman's door saying, "Can I sit down and talk to you." In twelve years there were only two lunatics that came into his office. Usually there is something that you can help them with and probably nine times out of ten it is some public official in the Town Hall who was little short with them or was a little irritated by them and once you walk them over there and you could see that public official giving you daggers but you got the problem taken care of.

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Basically, you look at the Charter- it says the Town Administrator does whatever the First Selectman tells him to do. Unless you're moving toward more of a non-partisan government in Town, non-partisan such as New York has where they have the Town or City supervisor, you never can create a totally nonpolitical environment. Somebody has to appoint somebody and he would rather be relying upon a citizen who lives next door to him or down the street to be the First Selectman that he can always go to. He thinks the Board of Selectmen and the Town Administrator work well together. He would not get rid of the Town Administrator because they do a fantastic job in getting the ground work done for you on budgets and things like that and also the day to day operations of the community.

Question #10 Should the Town Clerk and Tax Collector be appointed or elected positions?

Mr. Guidera said he really thought that they could be appointed. Again there really is no such thing as a Republican or Democrat Town Clerk or Tax Collector. On the other hand if you're trying to take out the realm of politics completely, I don't think you could ever do that. What it will do is probably reflect, if you could do what Westport has done, they had a Town Clerk that was elected and when they switched to the appointed system they appointed her as the Town Clerk. That was a Republican Board of Selectmen and she was a Republican. Later on when the Democrats came in they kept Joan, it really was non-partisan. Joan went from being a partisan Republican to being very non-partisan. That's what the Town Clerk should be anyway. The Town Clerk should service anybody who comes through that door.

Mr. Guidera said his sister is the Assistant Town Clerk and she said that they have moments over there when people are just un-waveable but they try as hard as they can to be as helpful as they can be to people. If you don't know where to go in the Town of Weston you wind up in the Town Clerk's office. It's the jack of all trades in any Town. He said he really thought it could be appointed without any problem.

Mr. Edgar said that he really did not mention Tax Collector. Mr. Guidera said he really didn't see any difference between Tax Collector and Town Clerk. He thinks that they both could be appointed and that's two more public officials off the ballot in November.

Question #11 would you make any changes to the appointed positions in Article 7 of the Charter?

Mr. Guidera said he has often wondered why the Conservation Commission is appointed and Planning and Zoning is not. Conservation has worked well; could P&Z be appointed? He said yes it could. He has no idea why Conservation is appointed. Mr. Edgar said there was a significant discussion in 1979.

Ms. Moch asked if he thought P&Z could be appointed as well instead of elected. Mr. Guidera said he did. He said he thought they had a greater impact on the Town than Conservation. It is a more important board in his opinion. Yes, it could be appointed.

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Mr. de Keizer said theoretically, that could become a more political board if were appointed. Mr. Guidera said he thought there was no politics now. It is possible that it could become more political if the First Selectman and another Selectman of the same party wanted to make it political. He thinks basically all that would happen is the chairmanship would change.

Mr. Guidera said that everyone on an appointed board probably should remain there and add the Town Clerk and what you do on P&Z wouldn't bother him at all. He thinks that all of the appointed boards are subject to the simple majority party and if you're doing that, he thinks that's fine.

Question # 12 Would you favor any changes to the role of the parties in nominating candidates for public office, and should there be a mechanism to make all elections competitive, as opposed to having some "safe" seats?

Mr. Guidera said he didn't know what they meant by the safe seat. Mr. Guidera asked if there were really safe seats? Mr. Bochinski said the Board of Education this year is two and two. Mr. Guidera said he did not know what they could do about it. Generally speaking what he would say is it's best to have a contest every time you have a municipal election but he thinks that you're on a catch 22, you can't do it. Mr. Bliss said that it turns out that there is a state law that provides that but the state law also provides that in your Charter you can exempt yourself from it. You then can have contested elections all the time. Many Towns have but Weston has not. Mr. Bliss said he didn't know it until the issue came up with a candidate issue.

Mr. Edgar said that Mr. Guidera had covered ombudsman. Mr. Guidera said that if you have an ombudsman you are admitting defeat, you're admitting something that should be going on automatically. If you look at the United States Constitution, it says that the president of the United States is the executive authority. He shall be the CEO of the country. That's it! That's his job description. Basically, you have the same thing with your Town Charter and then you say that's stupid, but when you stop and think about it, if a First Selectman is not going to be here, be available to the public, say Mrs. Jones what's the problem? If you don't care enough about the community to meet with people who have stupid things, it's so simple to solve. The best one he ever had was a guy comes into his office, must be 85 years old and says to him, "Mr. First Selectman, I want to talk to you." He comes and sits down and says my assessment is way too high. Mr. Guidera said have you talked to the assessor, maybe he made some mistake. As a matter of fact, I'll walk down there with you and we will take a look at your assessment, we'll look at your field card and everything else. The gentleman says no, no, he's got it right, everything is right on it, so Mr. Guidera says, "What's the problem?" He says, "Look pal, I know that you can walk down that hall and tell that guy to reduce my assessment and he'll do it." Mr. Guidera said if I could do that, I'm going to walk down the hall and tell him to reduce mine." He said to me on the way out he was not going to vote for me the next time. I said to him, "Did you vote for me the last time?" He said "NO". By and large, people come in with their hat in their hand - they don't understand that something was done and they think it impacts them and nine times out of ten, it's the other way

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around. Sometimes when you explain to them “I’m sorry I can’t do what you want us to do” they’ll say ok as long as you’ve looked at it and made sure.

They would come in for elderly tax relief, they would come in and wouldn’t know whether they should go with this program or that program and they weren’t getting a lot of help from the Tax Collector on it so he got a guy here in Town who became very knowledgeable about it and would put it in the newspaper that he was having meetings. He sat right at this table and helped them fill out everything they needed to fill out and he would look at their documents and make sure everything was right and would file it with the Town Clerk at the time.

Question #14: Are you comfortable with the current election procedure for the First and other Selectmen?

Mr. Guidera said yes.

Question #15: Are there other effective ways to provide for unaffiliated voters?

Mr. Guidera said that the American system is not perfect but it is the most perfect system there is. He thinks that a lot of unaffiliated voters don’t want to dirty their hands with a label or anything. He really doesn’t have any sympathy for that. The American system is that you have to be in politics before you can be government. You may not like it that but is God going to come down from on high and point at some citizens of our community and say, this unaffiliated voter is going to make a better First Selectman than a Democrat or Republican. If you’re not going to participate in politics, to me you’re not a true American. Americans love argument, we have always argued about everything. It may not be a perfect system and he thinks we get a bad rap on the state level and we get a bad rap certainly on the local level by what goes on in Washington. Should they have term limits down there? Yes – one term and that’s it. Do the Republicans sit around saying that everything that John Boehner says is right, no and probably say the same thing about Obama or Nancy Pelosi or whoever it may be. Most Americans like a Chinese menu- one from column A and one from column B. They want social security, they want good social security which to Republicans was an anathema in the thirty’s but by the same token they want the government to be conservative about how it spends its money and make sure that we are not headed for some sort of bankruptcy down the line.

99% of Americans are right in the middle; that should mean that unaffiliated would make the best president, congressmen and the best First Selectman in the Town of Weston. The fact of the matter is, they refuse to dirty their hands with a political label and he just doesn’t have a lot of sympathy for that. The only place that you can put unaffiliated people would be the Board of Selectman putting them on appointed committees. He knows there was a guy that he thinks was on the Conservation Commission and they made him chairman and he was an unaffiliated. It was great! There were three Republicans, three Democrats and this guy. Then again the Republicans and Democrats never argued about anything on Conservation anyway.

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Mr. Guidera said he did not know of any way to get them involved other than to convince them that politics is not dirty especially in a Town like Weston.

Mr. Tracey said based on your long experience with this Town and its residents do you think that there is a pool of resources among the unaffiliated voters that we are missing. Mr. Guidera said yes absolutely, no question about it. Some of those people run for the hills the minute there is one tiny disagreement over anything, yes some of the people do run for cover, they don't like controversy. He joined the League of Women Voters at one point and one of the things he liked about the League of Women Voters was that they tried unanimity opinion or consensus and he is not sure that's possibly in a democracy. You're always going to have somebody upset.

Mr. de Keijzer said he is not sure that people who are unaffiliated are unaffiliated because they don't want to get their hands dirty. Would you think that unaffiliated voters should band together as an independent party. Mr. Guidera said that has been tried in the past, it's not universal, it has been singularly unsuccessful in the past. Good candidates, good issues and good organization are what wins you elections and they don't have the organization. They also tend to think they are above it all. They tend to think that they are better than the rest of us. He does not agree with that. They are no better - they're no worse, they just are unaffiliated. He thinks people who do affiliate with a party are saying in a very loud voice that they care about government, they care about country, they care about the Town, they want to get involved, they want to do things. You're all sitting here on the board. Some of you may be unaffiliated, he didn't know. Mr. Edgar said that there were no unaffiliated on the board. Mr. Guidera said just because you are a Republican doesn't mean you have to vote for a Republican. He doesn't remember the last time he voted a straight ticket either in the Town of Weston or on the National level. The people who are involved in government and politics really care.

One percent of the people, maybe two percent of the people, do everything that happens in the Town of Weston. The other 98% take advantage of that. Instead of criticizing them, they should get down on their hands and knees and thank them for what they do. They are the same people who run the little leagues, they run the Town government, they are on the EMT squad, and they are on the Fire Department - whatever it may be. These people, they are born volunteers. He had two uncles who were First Selectmen in the Town of Weston, between the two of them and him, in the last century some member of his family was First Selectman at one point for 22% of the time. They used to have big family meetings at Christmas Eve, (when you're Italian you get together for Christmas Eve, Easter, Thanksgiving even Labor Day,) when they sat down for dinner, politics was dinner table conversation. For ten years, one or the other of his uncles was First Selectman of the Town of Weston and the two of them would argue about something one of them was doing. In Italian families, when you're yelling at each other, you're just having a conversation. When the knives come out, then you know it's a serious argument. Dinner table conversation was politics and government and serving and your obligation as a citizen to serve and he thinks the people that get involved in politics are the people that wind up running everything. Politics is nothing but a word for having interaction with other people in the body politic. He does not have a lot of sympathy for unaffiliated

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but are there good unaffiliated out there who should be involved, yes. There are a lot of good Republicans and Democrats out there that are better than some Republicans and Democrats currently in office who should be involved but they are not.

Question# 16: Are you comfortable with the number of boards and commissions currently provided for in the Charter? Is it clear what the distinctions are between boards, commissions and committees? Mr. Edgar said it was a little muddy in the Charter as to boards, commissions and committees and whether they should be better pigeonholed.

Mr. Guidera said a lot of that has to do with the State Statutes. He's not sure the General Assembly has any rhyme or reason to have it. Is he comfortable with it? Yes. Should there be alternate members on the boards, again he's not sure you can do that except with State Statute sanction. If you're going to have alternates, the bigger you make the commission the easier you make it for somebody to miss a meeting and call an alternate and say be there in my place.

If you are going to run for a board or commission or you get appointed to one you should have a near perfect attendance record. That is one of the biggest problems when he was First Selectman, people wouldn't show up. In the past someone would be appointed to a board and sometimes it would be an important board, Board of Finance, Board of Education and he or she was just not showing up. There was an unwritten thing. If I was Chairman of the Republican Party and it happened to be a Democrat I could go to the Chairman of the Democratic Town Committee and say you've got a loser on this board and he would invariably say to me, tell me about it and vice versa. The Republican Town Committee knew it six months before anybody said anything to us and that's how it used to be handled in the past and there would be a suggestion that if you didn't improve your attendance record immediately, we want your resignation.

Question: Should the Board of Ethics be added to the Charter?

Mr. Guidera said yes, ethics is extremely important. The state ethics rule are nothing compared to the local ethics rules. Mr. Bochinski pointed out that Mr. Guidera was the First Selectman who appointed a code of ethics study committee in 1996 which lead to the Board of Ethics.

Mr. de Keijzer asked if the whole code of ethics should be included in the Charter. Mr. Guidera said "No" because it would then be too hard to change the code- no more than P&Z regulations should be in the Charter.

Question: Are there provisions that you are aware of in other Charters that we should consider?

Mr. Guidera said no, he has made all his comments. He thinks Weston government runs very very well, exceptionally well. This is not a document that you have to make a whole set of changes in. There is no skullduggery going on in the Town of Weston, never has been. Any Selectman we have had has always tried to think about what is best for the

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community. There were times when he would support something that personally if it was up to him he would not have supported but he knew the people in the community wanted it. If you just concentrate on what's good for the community you could never really make a mistake as First Selectman or member of the Board of Education. He thinks that in all their endeavors here, ask yourself the question, "Are we reducing direct democracy or expanding it?" Direct democracy being the ability of the people to have a personal say in the affairs of the Town. The more you move away from direct democracy, the more your community is going to suffer and also do nothing that reduces your ability to exercise your home rule rights.

Mr. De Keijzer said section 2.4 of the Charter which talks about when actions by a Town Meeting is required (d) To consider and act upon any proposal the Board of Selectmen deems of sufficient importance. The opposite of that is what the Board of Selectmen considers unimportant. Arguably there have been cases in the past decade or so where some people felt the acquisition of property, for example, should have gone to a town meeting and the selectmen decided not to do that. Mr. Guidera said it's automatic - it has to. Mr. Guidera said an 8-24 requires that it goes to the P&Z Commission. It also requires that it goes to a Town Meeting. The difference is if P&Z turns it down, the Town Meeting could still overrule it but if the Town Meeting turns it down, that's it, you're done.

Mr. Guidera said the thing that came up most often that he went to P&Z for was the acquisition of open space. We would go there and say we have a great deal we are going to buy this property. If P&Z turned it down he could say the hell with you - I'm taking it to a Town Meeting and if they voted for it, it was approved.

Mr. Tracey asked if there had ever been any controversy over what falls within 2.4 (d) and what doesn't. Mr. Guidera said "No", but he would leave it in because there were times when the Selectmen would say should we sent this over to a Town Meeting or not and the answer is yes, we are going to cover ourselves if we sent it to a Town Meeting.

The board thanked Mr. Guidera.

Ms. Moch said based on comments from Mr. Guidera about independent voters and Margaret Wirtenberg about the LWV encouraging people to join a party, she realized that while they know the number of independents who are registered voters, we don't know what percentage actually come out and vote. She knows the registrars must have the statics of what percentage of Democrats, Republican and Independents vote in each election and she thinks it would be interesting for them to know, given all the consideration to the independents in Town focusing on why shouldn't they be involved in boards. Let's see what percentage care enough to come out and vote the last five years. If they are the highest number of registered voter but the lowest percentage voting in each election, that is something she thinks they should consider when they are looking on how to change things in the Charter.

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Mr. de Keijzer said he would like to see that as well, but he didn't think that Margaret meant to say that the LWV encourages people to join political parties. He thinks the LWV encourages political participation of any kind. Ms. Moch said she didn't mean to misstate.

Woody Bliss- Mr. Bliss said under the heading of data collection, which he agrees with them, and that would be very useful. Perhaps they also should ask for attendance records over the last several years on Boards and Commissions because if we are going to be considering alternates, one of the justification for alternates is for attendance purposes. As part of FOI, among other things, you must record attendance at all board and commission meetings.

Mr. Edgar said it is interesting because Mr. Guidera's argument would be that the more people you have, the less attendance you have. So, if you have lousy attendance on a board, adding alternates might make it worse. Mr. Bliss said the big advantage of alternates is also a training ground for folks to come up through the ranks. Mr. Tracey said getting the numbers can also test the theory of whether it is on the large committees that there is more lack of attendance.

Mr. Bliss said on the Board of Selectmen the attendance was almost 100%. He said they passed a resolution that enabled folks to participate in committee meetings via telephone. Richard Miller, who spent the winters in Florida, once in a while would do that as well. Electronic participation to his way of thinking, is every bit as good if you have all the documents in front of you as any other.

Mr. Bliss said we have a mission and he thought they needed a slogan. The slogan is "if it ain't broke, don't fix it" and the other side is "if it is broke, fix it."

He had some general comments. Fundamentally, his experience is the Weston Town Charter is working very well. He has intersected with the Charter in a number of different capacities in Town. Both he and Mr. Bochinski were on the Board of Finance together for a period of time. He was on the panel of moderators for ten years of which four years he was the chairman and more recently he is on the panel of moderators again. He was on the Board of Selectmen for ten years and eight of those years he was the First Selectman. He has had a chance to intersect in a number of different ways with the Charter.

Question #1 Should we change in any fundamental way the current balance in the Charter between the powers and responsibilities of the Town Meeting and those of the Board of Selectmen?

Mr. Bliss said he did not believe there was any need for changing the fundamental balance between the Town Meeting and the Board of Selectmen. The Town Meeting is the ultimate decider of everything and there is a very good clean crisp process in the Charter for getting items to the Town Meeting. Any decision of the Board of Selectmen can be overruled by a Town Meeting and it takes just 5% of the voters which he thinks is about 300 and something signatures. Two people on a Saturday morning can go to

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Weston Center and get 500 signatures for anything, so it's really no burden but it makes it not a trivial thing either.

Question #2 Should the budget process be changed?

Mr. Bliss said yes. We need to keep the ATBM. He would change the voting procedure. He thinks there should be a secret ballot on the total of the Board of Selectmen budget and the total of the Board of Education budget and you can do three votes. He copied this from Wilton, "Yes I approve", "No, it's too high" or "No, it's too low". That will give a little sense to what it is. Mr. Guidera is absolutely right, when we came to a budget vote he always knew where we were, where the weak spots were, what was going to happen. He was chairman of the panel of moderators and he and Ms. Moch both moderate a lot of ATBM's. When Mr. Guidera was First Selectman he overlapped with him almost completely. He and I would talk before and he would say to me, where is it going and I would say it will be approved or we have a problem in this or whatever.

Mr. Edgar said when you say "secret ballot", is the Town Meeting voting or is it going directly to a referendum for the secret ballot? You have the Town Meeting, you conduct it as we have conducted it with the exception of the final approvals of the budgets. The purpose of the Town Meeting is a chance for the citizens to reduce the budget. He thinks that invites pandemonium if you allow for the increase there. And others have said so well there are four serious review steps that go on for a period of roughly almost six months, so he thinks it is very well vetted by the time it gets there.

Mr. Edgar said he buys that analysis totally, but why doesn't that apply as much to reductions as it does to increases. Why isn't the same logic equally valid for reductions and increases? Mr. Bliss said giving the citizens the ability to reduce the budget at the ATBM has a strong physiological factor on what happens. We have had reductions at the meeting and frankly they have not been major. The ones that have been approved, have not been major. There was a proposal to reduce the school budget by 5%, that didn't go anywhere but reducing some budgets by this kind of small amount have been approved, and then the budget gets approved. He thinks the last thing in the world, not just as First Selectman but as a citizen as well, is for the budget to be defeated. The reason for that is you have to go back through that whole process. We want to present a budget that we believe the majority of citizens will approve but there may be some little things in there that should get tweaked. That's why he would favor that kind of thing. He does apply a different logic to reduction rather than increase and he will get to that later when they talk about appointed and elected boards. You can use some same logic with them but he hopes he can differentiate that for you a little bit.

Mr. Tracey said your different logic on increases verse decreases is the decreases physiologically lead to a) a sense among the residents that they have a say and b) it leads to approved budgets whereas increases could lead to a sense of insecurity among the Town that if they are not present at a small meeting, the budget could be increased without their knowing. Mr. Bliss said the appeals for increase go on through those other four review steps as well. He would make a recommendation and people would come to

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him and say no, no, you have to do this and you have to do that and you have to do the other kind of thing. If he didn't buy it, they would go to the Selectman's budget hearing and to the Board of Finance with the same thing. They would speak up at the public hearing.

Ms. Moch said if someone asked you to decrease the budget through the four public hearings and you have refused, they are getting the fifth shot of the apple at the ATBM but someone who wants an item increase is denied that. Mr. Edgar said that was Mr. Tracey's point. Ms. Moch said that he is saying that people would worry about an increase at a small ATBM if we opened it to increases and decreases then wouldn't we actually be encouraging people to participate in ATBM to protect their own positions and to protect the budget and perhaps put in something like if it is going to be increased more than 5% or decreased more than 5% it goes to referendum?

Mr. Edgar said he was going to cut this off because they are going to have this conversation later, when they are really here now to hear Woody's prospective. Mr. Bliss said he was on the debate team in High School and college and one thing he loves about lawyers is they are the best at being devil's advocate.

Mr. Bliss said he also thinks that there should be a space on the machine ballot to write any comments about the budget you choose to write. We have a new system now, it's not machines so it's not like you're tying up a piece of hardware. There are plenty of booths, they're never full so if you want to write a few comments on there so that will give guidance later should something be turned down and even if it's passed it might give guidance about "Yeah we passed it, but people are sensitive about xy or z."

Mr. Bliss said he thinks there should be a provision for extended hours and absentee ballots. Mr. de Keijzer asked if those were things Mr. Bliss suggest dealing with in the Charter or are these more suitable for Town rules and regulations. Mr. Bliss said most of them are things he thinks should be in the Charter. There are a few that he thinks that through the Charter should delegate to the Board of Selectmen to make decisions on to implement as matters of policy. Things like extended hours absolutely, and absentee ballots he thinks we should be very specific on that. He followed the model of the Wilton Charter.

Mr. Bliss said he thinks the Charter should have a provision for paper balloting at the ATBM on any item that is being reduced from the Board of Finance recommendation. So if we are considering the police commission budget and somebody says I think we should lower it by \$10,000 or something, if that goes to a vote that should be a vote by paper ballot not by a show of hands because that provides privacy for the people who want to vote however they want to vote. He looked at the Board of Education budget prior to our machine votes. It was being approved in one case by 200 votes. He thinks it was approved with one person saying nay. In 2007, it was unanimous, when it went to machine vote it was a 70% approval rating. People are afraid to express themselves in public like that. Any changes on budget line items should have a paper ballot. It's easy to

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do - the registrars are there prepared to do it and to him it preserves democracy. Democracy to him is about private ballots.

The vote at the end of the ATBM on the total budget is redundant and should be eliminated. He has never been able to explain that to anybody when they say why are we doing that.

In the Charter is a process for Supplemental Appropriations. When we get to that we can look at it but fundamentally he thinks that should be updated because he thinks the clip levels on the dollar amounts are pretty well given the size of our budget today considering those were probably set up back in 1979.

Question #3 Should the Board of Selectmen be expanded to five members?

Mr. Bliss said his position is no. You've heard no, no, no from everybody so he'll move on to question #4.

Question #4 Are there any issues with the transition of a former Board of Selectmen to a new Board of Selectmen-elect?

Mr. Bliss said this is an interesting question. The world is how you see the world. When he came in he had been on the Board of Selectmen already a year, he'd been through three budget processes on the Board of Finance and he worked for a corporation where they did short term and long term budget and he managed an organization of over 500 people so he knew the HR stuff. To him it was a smooth transition but he can't say that's true for everybody, he just doesn't know. He is not aware of any problems. He knows there have been some in Towns and it is mostly where an incumbent gets defeated by somebody of the other party and they are mad about it so they take some action by taking all the records or I'm not going to talk to you or I'm not going to help you through the process. Mr. Guidera and Mr. Shupak helped him a lot when he became First Selectman and he's tried to help Ms. Weinstein as she had indicated when she became First Selectman. He said he thinks that's true of the Selectmen as well.

Mr. de Keizer asked if he agreed with Mr. Guidera's suggestion that perhaps the transition should be longer instead of a few days if you will, two weeks. Mr. Bliss said he didn't really have an opinion. He came in and it was easy because he had been on the Board. He would listen to Ms. Weinstein a lot more than him on that.

Mr. Bochinski said Mr. Guidera also pointed out that that would create problems with the budget creation. Mr. Bliss said that is right, the first thing you dive into instantly is the budget because the budget prep starts in September and by the time November comes around your department has it pretty well set what they want in the budget so they know a lot more than you do. The Town Administrator is a tremendous help also in that transition.

Question #5 should the Selectmen's term be two or four years?

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Mr. Bliss said that two years is fine. The other problem he has is if you do a four year term the year that you don't have a First Selectman you will get an even lower voter turnout.

Question # 6 should the First Selectman's position be a full or part time position?

Mr. Bliss said the he was a strong supporter of part time. He frankly didn't look at the \$45,000 a year as salary he looked at it as a stipend, a thanks for serving kind of thing. It worked so well with a part time First Selectman and a full time Town Administrator. Gordon Joseoff, Bill Brennan and Jeb Walker will tell you they are really jealous of what we have here because they do all the stuff themselves. They have no Town Administrator. They do labor negotiations, they do day to day operations, and they do everything. They are full time and get paid \$100,000 plus or minus. He is really concerned about full time because you talk about transition issues now you have nobody to turn to about a whole bunch of stuff.

Question #7 We have been urged by P&Z Commission to require that any exemption of the town from P&Z regulations should be made by Town Meeting rather than the Board of Selectmen. Do you agree with that? Why?

Question#8 We have also been urged by P&Z to require that any conversion to a COG be determined by Town Meeting. Do you agree with that? Why?

Mr. Bliss said that questions 7 and 8 frankly are silly and a waste of time. He said if there is anything that he is upset about is what's going on here it's all the time we are spending on this stupid stuff. We have very good provisions that have worked very well. He has asked repeatedly P&Z to give him one example in the history of the Town where the 8-24 process hasn't worked and they have not one example. Why are we wasting our time talking about it.

Question # 9 Are the duties of the Board of Selectmen and/ or the Town Administrator in the Charter that require revision or clarification?

There are some very minor things to change. He thinks the Charter should clarify that the employees of the Town worked in a structured organization under the Town Administrator who in turn work for the First Selectman. That's the way it works, that's the way it has always been. He thinks it should be called out.

Mr. Edgar asked if we were better off to not get too specific about the duties of the Town Administrator an essentially those duties are delegated by the First Selectman as opposed to putting down a bunch of duties that sometimes they do and sometimes they don't. Mr. Bliss said he agreed with that. Town Administrator takes direction from the Board of Selectmen and the First Selectman.

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Question # 10 should the Town Clerk and Tax Collector be appointed or elected positions?

Mr. Bliss said that the Town Clerk and Tax Collector, and he thinks Mr. Guidera said it much better than he did. You want to make sure that those are preserved as professional positions, not political positions and he thinks that is going to take some significant isolation somehow to keep it away from the political arena and likewise, he is very much opposed to the appointment of a P&Z commissioner because a developer comes in and sends him a lot of money to run his campaign and now oh you didn't do it so I'm going to appoint somebody next time. He said he did not have trouble with those being appointed positions but he thinks we are going to have to have some kind of contractual structure that isolates it from the political sight.

Mr. Edgar asked what he had in mind. Mr. Bliss said it might be without the power to remove except for cause. He said he is worried about a shorter appointment and frankly it might be a longer appointment because when you do appointment you can do provisional. The Town does letters of appointment as opposed to appointment contract and with a letter of appointment you can have a probation period of whatever you want and you can put whatever kind criteria you want to be successful in that probationary period. That's got to be thought through before we change it.

Mr. Tracey asked what are the functions of the Town Clerk that he would be concerned would become politicized without a contractual protection. Mr. Bliss said the basic appointment. It's a very good job, it's a nice paying job, it takes a certain expertise and you have to have a certificate from the State to do it. He worries about his aunt Mary who needs a job, oh yeah Town Clerk pays twice as much as you're making now.

Mr. Edgar said not to put words in his mouth but what he's hearing is you're not necessarily upset about them being appointed but you would like the protection. Mr. Bliss said that was exactly what he was saying.

Question # 11 Would you make any changes to the appointed positions in Article 7 of the Charter?

Mr. Bliss said he went through article 7 and listed out some stuff. He said he definitely thinks the Board of Ethics should be called out in the Charter fairly completely. He said he thinks the party thing works well as a vetting process but there should be no safe seats but fundamentally what we need to do is put that in the Charter so that we don't have the kind of situation that we have had.

After the questions he has a whole bunch of miscellaneous stuff that he will talk about.

Question # 13 Do you believe that the Charter should create a position of Ombudsman to mediate disputes between citizens and the town or between Town agencies?

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Mr. Bliss said you create Ombudsman when you get a bureaucracy that can't give proper attention to citizen's need. You do not need an Ombudsman in Town as Mr. Guidera said. Mr. Bliss told his favorite story. This lovely very attractive, very well dressed woman came into my office one day and Judy said Mrs. So and so needs to see you, she has problems. She came in and she's really upset and I said "What's the matter?" She said we moved to Weston last August and my husband is out of Town and we always pay our bills on time and I'm really upset with this Town. If you didn't get payment for my water bill why did you cut my water off? Mr. Bliss said did you happen to come from Manhattan, she said as a matter of fact we did, he said let me tell you we are on wells.

Mr. de Keijzer asked Mr. Bliss about unaffiliated. Do you tend towards Mr. Guidera's position that they do not want to join the political parties there is no reason to involve them or do you think there should be something separate that either encourages in some way participation.

Mr. Bliss said he had to confess that he didn't think he was smart enough to come up with some sort of a process or procedure that would get them more involved in Town politics other than registering in a party. He said he was very open and would love to have them participate more. It's a wonderful objective; the question is, how do you do it?

Ms. Daniel asked should the First Selectperson be a separate race. Mr. Bliss said no he likes the system the way it is. Westport has it just the opposite. The losing candidate for First Selectman is automatically a member of the Board of Selectmen. He said he thinks we have struck a balance between the two.

Mr. Bliss said he keeps coming back to "if it ain't broke don't fix it".

Under State Statues 9-204 b2 and 9-167a in our Charter we can put an exception that says we can have multi candidates for the Board of Education. It just applies to the Board of Education and not other boards. Other Boards can have races but the Board of Education has something very specific and as a result of that we only have competitive races every four years on the Board of Education. In 2011 there would be no competitive race because of this but we can do an exception and he thinks we should do that.

Mr. de Keijzer asked what he meant by multi candidate exception. Mr. Bliss said that it means that a party can have more candidates running than you have openings in that party. Mr. Tracey said this time around there are four openings, two Democrat, two Republicans, State law prohibits the Democrats or the Republicans from running more than two candidates and they can override that.

Mr. Bliss said there should be a section on Select Committees. The reason he says that in section 7.2 talks about appointing committees but we have used this select committee thing which was an invention of Bruce Swan and what it does is we create committees with a starting date and an ending date and a mission. Those committees are done irrespective of people's political party. Let's say you have a committee of five you could have five Democrats or five Republicans or whatever. The party part is irrelevant; it's

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people with the expertise to do it. The very first one we had was the Select Committee on School Planning. That committee which happened to be seven did an incredible job of getting the school project off the dime and moving. He thinks they should think about incorporating that in the Charter. Mr. Edgar said technically section 7.2 only allows new officers, boards and commissions; should it be expanded to committees?

Mr. Bochinski said the selectmen can create any committee they wish and in this case he thinks they use the word select and it simply means what most people call ad hoc. Mr. Bliss said when they get to discussing this he will give them very specific language that he thinks should be put in there.

Mr. Bliss said he thinks they should specify fixed terms for all appointed officials and key Town positions that are called out in the Charter. Most of them are fixed terms but there are a few that aren't. He also thinks that appointments should call out the fact process wise that they would have an effective date in other words when they are appointed and then a termination date and he would strongly recommend that we terminate only on June 30 and December 31.

What has happened in the past is you have committees ending in all different times and we had a couple cases where people's term had expired and they were still going to meetings and voting. He thinks that needs to be nailed down. Mr. Edgar said a First Selectman is elected in November and then the First Selectman and Board of Selectman can appoint committees and someone could terminate June 30 and then there is an election and a new Board of Selectman wants to appoint a new committee. It is possible that someone could wind up serving only from July 1st to November or is that not possible. He said he was just trying to figure out whether the election date is relevant to the start of a new term for a commission and whether it should be. Mr. Bliss said there are some already in the Charter that are specified to be appointed within 30 days of taking office. He wouldn't touch those. Where they appoint other folks to various functions he would have all of those terminate either on December 31st or June 30th. Mr. Edgar said these would be commissions etc. that weren't affected by the election.

Mr. Bliss said having elected alternates for especially P&Z and possible Board of Finance and possible other committees. He thinks they need to gather a few more facts about that and then appoint alternates for Conservation Commission.

Mr. Bliss said we have a problem currently because of an error that was made in 1979. In 1979 they redid the Board of Finance from a four year term to a six year term. However the Town Clerk never changed to have staggered terms, so what they had with the Board of Finance was six year terms. One election four folks got elected, the next election three and the next one nobody. He thinks it should be 3,2,2 or 2,2,3 so that's something he thinks we just need to change in the Charter so that in every election at least a couple of members of the Board of Finance are up for election.

He encourages the use of the website to make more information available. Mr. Edgar said this is going to be a state law issue as to whether you cannot publish something in the

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newspaper and instead put it on a website and save the Town a lot of money. Mr. Bliss said that was a little different issue. He is saying regardless of whether you have to post in the paper or not it should also be up on the website. That should be called out.

We have a couple of things called out in the Charter that we are not honoring and there may be more than a couple. You've heard about Second Selectman clearly called out but we haven't done that. Mr. Edgar said the provision on Second Selectman says you must have a Second Selectman if you have more than three Selectmen. By its terms we are in compliance with the Charter and language is totally meaningless. Mr. Bliss said he wouldn't say its meaningless it's just not necessary.

Mr. Bochinski said Mr. Landry wrote very effectively to that. It calls for a two year plan and a five year plan and we are not doing that. Mr. Edgar said we are going to discover a few places where this happens.

Mr. Bliss said the Charter should more clearly define the Board of Selectmen as the legislative body. He thinks the language could be improved here. Mr. Bliss said he thinks the Charter should call for an emergency plan. He thinks it should hold the First Selectman accountable for making sure that an emergency plan is in place. That would be for natural emergencies.

Mr. de Keijzer asked if Mr. Bliss thinks that the staggered terms should be done for any other Board or Commission. Mr. Bliss said they are.

Respectfully submitted

Judy M. DeVito