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**Charter Revision Transcription  
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**Donna Anastasia-**

Mr. Tracey said that one of the questions that they would be asking is if the Town Clerk should be an elected or appointed position. He asked if Ms. Anastasia had any comments on that or anything else in the Charter. They would be very happy to hear from her.

Ms. Anastasia said that she personally believes that the Town Clerk should be elected. There is an argument on both sides as far as pros and cons to appointed and elected Town Clerks. Appointed Town Clerks are appointed by the administration and also can be easily dismissed by administration and that has happened. The Town Clerk's office is different than other offices in Town Hall in that there are many things in their office of a personal nature. That is one of the reasons she believes the Town Clerk should be elected because she thinks it should be up to the residents to decide who's in that office.

Mr. Edgar asked for an example. Ms. Anastasia said they are custodian for example of paternity filings, adoption papers and they issue burial permits and certified death certificates. Some of these things are as personal as you can get. Land records - they have had people come in unaware of when they bought the house, whose name the house was in, how title was held. That has happened several times in the last eight years where a spouse has come in and said "I thought we owned the house together" and that was not the case.

Over time what happens is that you become the contact person for the resident. Often times it goes beyond what their office does and they will say I didn't know who else to call, I don't know what else to do. For that reason I think it should be an elected position. That also forces the Town Clerk to be a resident of the Town.

There was a case about four years ago where there was a Town Clerk in Connecticut who was an excellent Town Clerk for 14 years. She was appointed and a new administration came in and just said we have someone else for the job. As far as not having the knowledge on both sides, that can happen also. Even in an elected position, she knows at least three Town Clerks that just ran for the office just to do it and they won and they walked in and didn't know anything. It happens on both sides. She definitely thinks it should be elected; she definitely thinks it should be a four year term. She doesn't know how it began as a four year term. She does know from day one it takes three and a half years to complete Town Clerk school. It would seem foolish to go to school for three and a half years and have a two year term.

Mr. Tracey asked about the sensitive document issue. Do the First Selectman and the Town Administrator have access to those documents? Ms. Anastasia said everyone has access to the land records. Mr. Tracey asked if that included the documents that you referred to as personal in nature. Ms. Anastasia said no, no one has access to those.

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Ms. Moch said that she had just gone on the Town of Weston website to search the clerks index and it does say that death indexes, land records, map surveys, marriages and trade names are online. Ms. Anastasia said it will show you the dates of deaths and marriages - births are protected. Even if you were to go into the vault and see the land records associated with that index on the computer, you would not see the vital record associated with that on the computer. Mr. Tracey asked if those records were accessible to the First Selectman and the Town Administrator. The records that she referred to including the death certificate itself. Ms. Anastasia said yes - deaths and marriages. Mr. Tracey said of all the records that you have in your custody; are there any records in your custody that are not accessible to the First Selectman and the Town Administrator? Ms. Anastasia said yes - paternity papers, adoption papers, name changes, birth certificates, and affidavits to change those names. They do not have any as yet but there are certain records now, the law was changed about three or four years ago to protect certain marriage records. If someone were to come in and file a form with us saying that they did not want that seen by anyone, it has to do with stalking and privacy for that person, they can do that now. We do not have any of those but they wanted to do that and protect those records.

Mr. Bochinski said she mentioned Town Clerk school. Is there and if there are, what are the requirements the State might have for someone to have a job of Town Clerk. Ms. Anastasia said the State does not have any requirements. Mr. Bochinski said if it is an elected office could somebody could just run and become clerk? Ms. Anastasia said yes. Mr. Bochinski said there would be nothing then that would compel them to go to town Clerk school. Ms. Anastasia said that was true. Mr. Bochinski said do you have knowledge going back to Gertie, Helen and Cynny? Were they all qualified by town Clerk school standards? Ms. Anastasia said as far back as Helen, she's not sure about Gertie because she started when she was 17 or 18.

Mr. de Keijzer asked how the integrity of the office was maintained. If one were elected by a particular party or non-party, is that person bound by confidentiality? Could that person, for conceivable political reasons or other reasons, make some of that information public? What governs the integrity of your office and would it be because of the need for integrity and professionalism, wouldn't an appointed Town Clerk be of advantage to the Town. Ms. Anastasia asked Mr. de Keijzer to elaborate a little more. Mr. de Keijzer said is there a standard for integrity? You talked about the confidentiality rules. Who imposes those upon you? How are they maintained and assured? Mr. Edgar said, take for example, a paternity situation. You have that in your possession and no one else can see it. Is there a law that says that you shall never discuss this with anyone? What is the thing that protects that knowledge? Ms. Anastasia said that she thinks that it was enforced by your oath when you take the oath of office. A huge part of the job is to be discreet - it is not a political position at all. She couldn't think of what to compare it to, maybe a doctor for example. He takes an oath, a part of it being the sanctity of the body after someone is dead. It's the same kind of thing. Someone saying who enforces that, the person in that office does. Mr. Edgar said right, these are professional organizations and statutory provisions that govern that but he thinks they are asking is there something you sign or whatever to obligate yourself not to discuss these matters? Ms. Anastasia said our job is a lot of protecting the people.

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Another recent law that just went through is we can't divulge social security numbers to anyone. Only we can see them so we have to go through a whole different procedure now when we issue a marriage license so that Justice of the Peace or minister or whomever doesn't see the social security number. When we get it back, we put the socials on after the fact. Then we destroy the social security numbers when we mail out the copy. Mr. de Keijzer asked if that was State or Federal law. Ms. Anastasia said that is State Law. Ms. Moch said there is a law in the State of Connecticut that requires that social security numbers and bank accounts be redacted for public documents. For example in a divorce action, if you are putting in as an exhibit of the tax return, you have to redact the social security numbers, bank accounts all but the last four numbers - that sort of thing. It is because of identity theft.

Ms. Daniel said I think what I heard you say is that there are pros and cons to either elected or appointed but your concern is if it is appointed that it could politicize the office. She asked if she was correct. Ms. Anastasia said she believes that the position should be in the hands of the people that live here. They should elect who they want to that office. She believes that would be first and foremost. You really do work for the people in Town in many different ways and she would see that as being taken away if it was appointed.

Mr. De Keijzer asked if there is challenge to the Town Clerk's position, more than one or two people running for the Town Clerk. Ms. Anastasia said not since she's been here or since she worked for Cynthia.

Ms. Moch asked if Weston participates in the Connecticut Town Clerk Association? Ms. Anastasia said yes and the New England Regional. Ms. Moch asked if they pay for her to go up and attend any of the meetings. Ms. Anastasia said yes.

Mr. Tracey thanked Ms. Anastasia. He said that this commission has been asked to review the entire Charter and to develop recommendations on changes that it might believe are in the interest of the Town so we are asking many questions about virtually every Article of the Charter. This is only one question and it is not any reflection on her performance. They are extremely grateful to her for her performance - it has nothing to do with her and he just wanted to assure her that they are very grateful for everything that she does and they are just doing their job. Ms. Anastasia thanked them.

#### **Charity Nichols-**

Mr. Tracey asked her to provide any input she had on any part of the Charter that she thinks might be of use to them including the questions relating to whether the Tax Collector should be appointed or elected.

Ms. Nichols said she thought that the Tax Collector's office should be elected. Also if it stays elected, she thinks it should be four years like the Town Clerk. She has been in the Tax Office for over 24 years. The office is unopposed - so the reason she has to come up every two years doesn't make any sense.

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The reason she says it should be elected rather than appointed is she doesn't see the benefit for the tax office to have an appointed official. They operate under State Statute so the Selectman doesn't get involved in the day to day operation of the tax office. The State Statutes are very clear what the collector shall do and they also provide for what the collector can do. It is that area where the governing body in our Town, the Selectman, can suggest maybe how aggressive they want the collection to be. That is really where she has gotten some input from the various administrations.

It's an apolitical job really. They see and hear a lot of personal things from the taxpayers. Dealing with the Elderly programs that they have, her assistant and herself are the only ones that see the applications which is their 1040's, so again they have social security numbers, we have their finances, we have their whole income tax. They have to give them all the back-up and it is kept in her office and only she and Mary Lou (her assistant) see that. The Selectmen may ask for a report giving figures but not individual accounts.

She said that she thinks continuity in the Tax Office is what's important. If you had an appointed position and a different administration came in and decided they wanted to appoint someone as the tax collector, you couldn't have a business man or an accountant or anybody come in there and from day one do the job of the Tax Collector because there are different laws, different ways of doing it that they would not know. There are four courses given for Tax Collectors. Ms. Moch asked if they were mandatory. Ms. Nichols said mandatory to be certified, yes. They are not given all the time so you have to at least have the first one. When she took it, it was one course and now it's divided into two. You really need that - those are the rules and regulations, the how to's for tax collecting. The others after that you can take at various times. For someone just coming in, it not's just a matter of the tax bill appears and people come in and they pay. That is not what the job really entails. You really have to have the knowledge of the State Statutes that govern the office.

Mr. Tracey asked if she thought that there was any part of the Tax Collector's job that needs to be insulated from influence by the Selectman. Ms. Nichols said she didn't know what it would be other than the Elderly program which the state says that you cannot reduce anybody's taxes by more than 75%. Each Town can write their own program and it's just certain very small limited things in each Town that would be the same. It's that program that your Selectmen decided upon and she implements it. As far as the regular tax, the mill rate is set by the Selectmen, by the Town and it's her job to collect as much of it as she can.

Mr. Bochinski asked if she had any idea why it is a two year office. Ms. Nichols said she didn't know. She guesses that you would be able to remove the Tax Collector with an election. Two years would be safer than four years but if you make a grievous error they can. Mr. Bochinski said he just didn't see the consistency between the collector and the clerk.

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Mr. Bochinski said is the Tax Collector as a paid Town Employee, is that person managed by the Town Administrator as he would direct other heads of department. Ms. Nichols said "Not directly." She tries to work with them, letting them know when they have a problem or something like that but no they can't tell her you must do this or you must do that. The State Statute is so clear.

Mr. Bochinski said there could be a procedure in Town Hall that everyone is following and that they would make the request that all offices follow that. As an elected official would you be able to do that. Ms. Nichols said it would depend on what they were asking. She would have to have an exact example of what it could be. Mr. Bochinski said that it could be purchasing policy in your office. Ms. Nichols said yes. The cost of running her office is basically the salaries. She cost the Town almost nothing. She goes to the State meetings, she goes to the Fairfield County meetings and the budget for that is \$35 a meeting. Postage is her biggest cost for the Town. She talks to Mr. Landry all the time and lets him know if we have a problem or if they want to know if any problem collecting from certain people and how many are delinquent but our collection rate has been one of the top in the State for as long as she's been here. The last couple of years it has dropped a little bit but it is still one of the highest. Until we have some type of a problem, the office runs the way she has always run it.

Ms. Nichols said one question she does have and she really didn't know the answer is if it is an appointed position, is it going to be the same as the Assessor. Is it going to be a union position? If it is a union position and the idea of having an appointed collector is so that the new administration, whoever they are, can appoint somebody new, can you get rid of an employee that has performed and remove them not having just cause? Wouldn't the union step in? The committee said it was a great question. Mr. Bochinski said just cause goes a long way in employment practices and management practices. Ms. Nichols said the Assessor is a manager and it is a union position.

Mr. Tracey said following up on Mr. Bochinski's question, what if the Selectmen decided that for fiscal purposes all Town Employee positions should be four day a week positions. Would that apply to the Tax Collector? Ms. Nichols said that she didn't know. There was no law that said that you had to be opened five days a week. Where she thinks a position like the Town Clerk, because of filings, they would have to be open. She doesn't see that it would affect the office - we are online now so even people coming in for a title search can do it on their own rather than having to come into the office where she used to have to give it to them. She doesn't think that would make a difference in collections. Mr. Edgar said he thinks the answer to Mr. Tracey's question is probably no.

Mr. de Keijzer asked if Ms. Nichols position had been contested at all in the last decade or two. Ms. Nichols said no.

Mr. Tracey said thank you and they really deeply appreciate her service to the Town and this has nothing to do with Charity Nichols.

**Rick Phillips and Beth Gralnick-**

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Mr. Tracey thanked them for coming and they could tell them whatever they want to tell them. One of the issues that they are addressing tonight is the Police Commission and any potential changes that they would recommend or recommend against in terms of the number of members or its constitution or anything else that they think would be of interest.

**Beth Gralnick** said she was currently vice chairman of the Police Commission. She has been on the commission for 20+ years and she's been elected. As long as she's been on the commission and since the commission first began in 1975, it has been a seven member commission, much like the majority of boards and commissions in this Town. In her 20 years on it, it has worked very successfully as a seven member commission. She's a firm believer in the more, the merrier. They have never had a quorum problem, seven people give you diversity of opinions, discussions etc. It is a very nonpolitical board but she thinks having seven works very well. For another reason a fair amount of their work has been through subcommittee. Subcommittees meet and then report back to the full commission. With a seven member board, a subcommittee can be three people because that does not constitute a quorum. They can meet, they can meet quickly, nothing has to be posted, and it doesn't have to be that formal. It is not done in private, they are not trying to hide anything and they come right back and report in public session to the commission. If you had a five member board you could only have two on a subcommittee and essentially of the five members everybody would be on a subcommittee all the time. She sees no problem with the seven members on the commission, it's worked.

**Rick Phillips** said he is currently the chairman on the Police Commission. He has been on the commission for 10 years, 7 years as chairman. A lot of what Ms. Gralnick said reflects his feeling.

In terms of how their commission works and operates and how it is structured, he's pretty proud of how it's been working since he has been on it. Beth said it right- we are an apolitical commission. It doesn't necessarily mean that we always agree. In fact he thinks a little bit of conflict brings some important tension into the meeting that gets things done. Sometimes they arrive at compromises and that's how the democratic process works. It is a commission that works, it's a commission that works very well and he thinks seven is the right number. You do get that diversity of opinion. Speaking as chairman it is a very manageable number. Nine might be a little bit kooky but seven people bring to the table a difference of opinion that you can get all sides of it.

If you went down to five, Beth said a couple of things, but he can't really stress enough the fact that getting the quorum would be a real tough challenge for them if they went down to five for several reasons. Right now their board is made up of roughly half professionals and on any given meeting month they have at least one person out on the road so they are already down one. He thinks it is important that boards and commissions have actively working professional member or members of the committee who work on them rather than just retirees because at the end of the day if you want everyone there you would be dealing with retirees and even retirees go away, go to Florida – that type of thing. They have never not had a quorum. When it comes down to the subcommittee

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level Beth missed one important thing which is essentially they try to appoint subcommittees first on a bi- partisan basis so they have representatives from both parties. Also, they try to do it in an odd number so they have the tie breaker. Typically the subcommittees do things like the chief's evaluation or study police cars or right now they are doing a study on the communication center. If you don't have a tie breaker on a subcommittee, then you could essentially have them come back with a report saying we didn't really come up with anything. If you're down to five you really can't have subcommittees, every meeting you have would be a quorum, would be a meeting that would have to be posted and it would be an official process. He is a big fan of full disclosure and checks and balances so he believes that they should be elected. You don't want to end up with a Mayor Gilbie and his boys kind of situation. Nevertheless he recognizes that there are Towns in the State where there is no police commission or the police commission is appointed or the police department reports directly to the First Selectman. He doesn't think that works; it probably works for them - he doesn't see it in Weston. He is big on checks and balances and would prefer that the people elect them and they are essentially a neutral party between the Town, First Selectman and the Police Department. As far as terms he thinks four is right.

Beth Gralnick said that she didn't think it was necessary that the First Selectman be a voting member of the commission. The First Selectman as of now as far as she knows is not a voting member of any other elected board or commission in Town. She doesn't see the advantage to it. She thinks there is more of a disadvantage. Police commission under State Statute can be appointed or elected. The commission is autonomous and it has the fiscal and managerial and administrative responsibility to run the police department. She doesn't quite understand what the purpose of having the First Selectman as a voting member would be. If the First Selectman was a voting member you would have to change another part of the Charter which says that no member of the police commission can hold a paid or elected position in Town. The other thing that you would have to do is change the number of make-up of the commission - you always want an odd number. So do you elect six? Ms. Daniel said yes, that's what they do in another Town. Ms. Gralnick said as a commissioner, we do our job and they have their responsibilities by State Statute etc. and the Selectman have their responsibilities and she doesn't see where there is an advantage to including a Selectman on the Police Commission.

Mr. Phillips said to add to that is the one scenario where it might make sense to have the First Selectman sit on our board is if the First Selectman sat ex officio i.e without voting rights. That would solve your issue of six plus one. Mr. Bochinski said that the First Selectman is an ex office member of the board. Ms. Gralnick said so there is no necessity. Mr. Phillips said sometimes when Gayle is there or Woody was there, it was nice because invariably the commission begins with him having a note of several things he has to follow up with the First Selectman on the next day. If the First Selectman was sitting there, it would save him a call and an interpretation thereof but it also is a lot more work for the First Selectman which he thinks it would be dumb.

Mr. Tracey asked under Article 4 of the Charter, it says that under the general policy direction of the Board of Selectmen the First Selectman shall have the following

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responsibilities and (c ) the hiring and with the prior concurrence of the Board of Selectmen, dismissing of paid employees who are not elected or appointed officers or heads of departments. Ms. Gralnick said that is directly with what the State Statute says. Mr. Tracey said in your view the Police Commission has the sole authority to hire and fire. Ms. Gralnick said read section 7-276 chapter 104, municipal police and fire protection. Under police powers of commissioners - such board shall vote all the powers given by the general statutes to boards of police commissioners shall have general management and supervision of the police department of such Town and of the property and equipment used in conjunction therewith, shall make all needful regulations with the government thereof not contrary to law and may prescribe suitable penalties for the violation of any such regulations etc. Such board shall have the sole power of appointment, promotion and removal of the officers and members of such department, under such regulation as it adopts for the purpose.

Mr. Phillips said the checks and balances part which is, we can hire or fire an officer, we can make a contract with the chief but the First Selectman has to execute the contract and execute those important agreements. Ms. Gralnick said because those are Town employees. Ms. Gralnick said they go through the process, they do all the interviewing, the selection etc and then the Selectman inks. Mr. Tracey said that raises the question of whether there would be potentially more coordination if the First Selectman were a voting member. Mr. Tracey said he gathers their view is that there is adequate coordination without the First Selectman being a voting member. Ms. Gralnick said yes and also when you are a police commissioner you don't just go on the police commission and instantly know everything about the police department. There is a big learning curve in term of what kind of officers you want, what type of person you're looking for in a police chief, what type of person you are looking to promote to a sergeant or detective and that takes a while to understand and learn. Nothing against the Selectman, but unless you are a member of the Police commission and have lived through this month after month, know the department, know the policies and procedures, know the rules and regulations, that might be more difficult for you to make that decision as opposed to those of us who have been on it or study it.

Mr. Phillips said he did not think one needs a vote to execute a contract, technically legally. The contracts that they make or the people they hire are based on their experience and knowledge of the police department. When it comes to the First Selectman finally executing that contract or agreement, then the First Selectman is looking at a document that has been put together by people who have been doing this for years, who know police but then he or she is representing the Town's interest and he kind of likes that division because if we were to put together the contract and sign it, that would take away some of his checks and balances rule if you will. By having the First Selectman, who really doesn't spend a lot of time on the police commission but is more concerned about Town issues look at that, that person is looking at it with a fresh eye from a different angle. He kind of likes that and it has worked very well particularly with the chief's contract. Ms. Gralnick agreed. They have sent it up to the First Selectman a couple of times and both of the last two have come back with slight tweaks here and there that they never thought of. So actually keeping the First Selectman off the board kind of gets rid

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of the inbreeding that you might have. Ms. Gralnick said that was a good point and it does give a different prospective when you are not on the board. Mr. Bochinski said this is the first chief to his understanding that has that written contract. They said yes. Mr. Bochinski said Joe and Tony did not. They said yes. Mr. Phillips asked if they understood why. He said there is a State Statute (he did not have the exact number) but it basically states that chiefs of police cannot be terminated unless willful acts and moral turpitude. Ms. Moch said it was section 7-278 Hearing prior to dismissal of municipal head for “just cause”. Mr. Phillips said that a “just cause” standard is very high but it could be superseded by a contract.

Mr. Bochinski asked if the selectmen were asked to make a final approval or was it just an authorization that you asked the First Selectman to authorize. Mr. Phillips said it was final approval. Ms. Gralnick asked if he meant of the current contract. Mr. Bochinski said he was thinking about the appointment for the chief. Mr. Phillips and Ms. Gralnick said no actually not. Ms. Gralnick said they had 99 applicants they whittled them down and when they choose the chief, he was the chief. Ms. Gralnick said that’s the way it should be. Why have an elected police commission if they can’t do their job?

Mr. Edgar asked Ms. Gralnick if her view was that 7- 276 requires that all police officers including the chief of police be appointed, fired, hired by the police commission. Ms. Gralnick and Mr. Phillips said that is what it says and that is what counsel has said and it supersedes the Town Charter. Ms. Moch said it’s very blunt “such board shall have the sole power of appointment, promotion and removal of the officers and members of such police department under such regulations etc”. Mr. Edgar said that doesn’t mean they have exclusive power.

Mr. Edgar asked Ms. Moch what 7-274 said. She said it is- Establishment of town police commissions which says: Any town may, by ordinance, establish a board of police commissioners to be elected, in accordance with the provisions of section 9-201 or to be appointed by the council or board of directors of a town, the common council or other body empowered to make ordinances of a city, the board of burgesses of a borough or the board of selectmen of a town not having a council or board of directors, provided in a town having both a board of selectmen and a representative town meeting such ordinance may designate the representative town meeting as the appointing authority , for the purpose of organizing and maintaining a police department in such town. Such board shall consist of three, five or seven electors, all of whom shall be resident taxpayers of such town. Such commissioners shall be sworn to the faithful performance of their duties and shall serve without compensation, but their actual expenses and disbursements incurred in the performance of their duties shall be paid from the town treasury. Mr. Edgar said he was satisfied.

Mr. Tracey said to be clear, the State law does allow us to eliminate the police commission if we so choose. Yes. Ms. Moch said if there was a Board of Selectmen and an RTM you can designate the RTM as the appointed authority. Ms. Gralnick said you could have designated the Selectman - like Westport has no police commission. Their First Selectman runs their police department. There are a lot of Towns that have

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appointed police commissions which she vehemently opposes. Then it becomes a political perk which is really not good.

Ms. Gralnick said our Charter created the police commission our Charter can take it away. Mr. Edgar said he thought the police commission was added to the Charter in 1979. It pre-existed the Charter and then there was a debate in 1979 as to whether it should be in the Charter and was then added to the Charter. Ms. Gralnick said she remembers the creation of the police department and the police commission.

Mr. de Keijzer said from his understanding from what they said is that the only power that the selectman or Town Administrator have over the police commission is whether or not to sign the final contract with the chief or the other hires of the police department. Ms. Gralnick added “ other than their budget.” Mr. Edgar said if they have the exclusive power to hire and fire, why do they need the First selectman to sign. Ms. Gralnick said she’s wondered that herself. Mr. Edgar said it doesn’t sound consistent. Mr. Phillips said their right there is the hiring and firing and then there is the actual execution of the contract between the Town and the individual which is part and parcel of the hiring and firing process they have always granted the First Selectman. Mr. Bochinski said it may have something to do with the final fiscal authority. Ms. Gralnick said that might be right. Mr. Edgar said he was trying to figure out what the technical ground rules are.

Mr. de Keijzer said there is no need to bring the contract to the entire Board of Selectman. This is purely the function of the fiscal duties. Mr. Phillips said they have in the last two go rounds of the contract. Ms. Gralnick said they don’t have to but they always have. Mr. Phillips said they always have as a courtesy to let all of the selectmen see it because again the more eyes the better. You never know what you might miss.

Mr. de Keijzer said right now you only have to go to the First Selectman. Is there any case to be made that it would be good in the Town Charter to say to all of the selectmen, all the selectmen have to be consulted. Mr. Phillips said personally he welcomes that. Ms. Gralnick said it wouldn’t matter. Mr. Phillips said they are the governing body of the Town, why not.

Ms. Moch asked if the police officers sign contracts with the Town. Ms. Gralnick said no they are a part of the union. Mr. Tracey said, “And those hiring’s you do not obtain selectman approval for?” The answer was no.

Respectfully submitted

Judy M. DeVito