

AGENDA FOR THE NOVEMBER 2 MEETING OF THE WESTON CHARTER
REVISION COMMISSION

Item 1 – Approval of the Minutes of the October 19 Meeting.

Item 2 - Discussion of matters carried over from Meeting of October 19; specifically the discussion of the following questions:

Section 5.2. Section 5.2 provides that the newly elected Board of Selectmen takes office one week after being elected, but also provides that they have the immediate right, upon being elected, to make appointments and fill vacancies.

Question: Is this provision the most appropriate way for the new Board to take office?

Section 5.3. Section 5.3(c) provides that the position of tax collector is an elected position.

Question: Should the tax collector be an elected position?

Section 5.4. Section 5.4 provides that the position of Town Clerk is an elected position.

Question: Should the Town Clerk be an elected position?

Item 3 – Discussion of Articles 6 and 7 of the Charter. This discussion will include an analysis of the following Sections:

Section 6.1. The beginning of Section 6.1 makes reference to the election of federal officers.

Question: Is this reference appropriate for the Charter?

Sections 6.2 and 6.3. Sections 6.2 and 6.3 set forth technical rules regarding Voting Districts and Voter Registration in Town.

Question: Do these rules reflect current practice and are they in compliance with applicable State Law?

Section 6.5. Section 6.5 contains provisions for breaking a tie vote in an election or referendum. It mandates that an “adjourned” election be held on the seventh day after the results of the election or referendum have been published.

Question: First, does this provision comply with current State Law, and second, what if such seventh day is a weekend or holiday?

Section 6.6. Section 6.6 deals with vacancies in any elected office, and provides unexpired terms to be filled until the earlier of the expiration date of the term or the next

biennial election. If the person vacating the office is from a political party, the vacancy must be filled by a member of the same party. Section 6.6 does not explicitly deal with a vacancy in the Office of First Selectman. Vacancies in the Office of the First Selectman are mentioned in Section 4.2(b), which provides that the Second Selectman assumes the post, but the Town does not have a Second Selectman.

Question: Is the requirement that a vacancy in elected office be filled from the same party appropriate? What if the person occupying the office was not affiliated with any party? Should there be a requirement that that person's successor be similarly unaffiliated?

Question: Should we wait until the next biennial election to fill vacancies or can we conduct a special election in an even-numbered year to fill the vacancy?

Question: What should the process be for filling a vacancy in the Office of First Selectman?

Section 6.7. Section 6.7 provides that removal of any elected official from office "shall be in accordance with the general law."

Question: Is it clear what this means? Should the Charter be more specific on this topic for the sake of clarity? What are the circumstances that should lead to removal of an elected official?

Section 7.1. Section 7.1 lists appointed positions and their terms. The positions need to be updated to reflect today's offices and nomenclature.

Question: The beginning of Section 7.1 requires that appointments must be made by the Board of Selectmen within 30 days after the Tuesday that follows their election. Is that a sufficient time period for all appointments to be made?

Question: Which offices, boards and commissions need to be added to the list and which should be subtracted from the list?

Question: Should the Charter clarify that the Chief of Police is appointed by the Police Commission?

The last sentence of Section 7.1 provides that appointees don't begin to serve until they are qualified.

Question: How does this provision work, in practical terms?

One of the appointed Boards is the Conservation Commission.

Question: Why is the Conservation Commission appointed and not elected?

Section 7.3. Section 7.3 provides for filling vacancies in appointed agencies, and mandates that if the person vacating the office was recommended by a political party the vacancy can only be filled by a person from the same party.

Question: Is the requirement that a vacancy in appointed office be filled from the same party appropriate?

Section 7.5 Section 7.5 provides that the Town Attorney must, upon written request, furnish any Town officer or agency a legal opinion on any question involving their powers and duties.

Question: Should there be some standard governing such requests, such as a pre-approval from the First Selectman or Board of Selectmen?

Section 7.5 (fourth paragraph) provides that the Town Attorney can settle an action with approval of the Board of Selectmen but cannot, however, appeal a decision unless the Board of Selectmen and the relevant Town agency agree?

Question: What is the reason for this distinction and is it appropriate?

Sections 7.6 and 7.7. Sections 7.6 and 7.7 require that the Town Building Inspector and Assessor pass a State of Connecticut examination.

Question: Since the Town Administrator has testified that this is a requirement of State Law, do these provisions need to be in the Charter?

Section 7.10. Section 7.10 provides that the Conservation Commission implements “The Inland Wetlands and Water Courses Act.”

Question: Should jurisdiction for Wetlands be separated from the Conservation Commission?

Section 7.13. Section 7.13(a) provides that unaffiliated voters must be invited to submit their names for consideration to be part of the panel of moderators.

Question: Are unaffiliated voters actually solicited to become moderators?

Section 7.13(b) provides that, not less than 10 days prior to any Town Meeting, the Board of Selectmen must nominate a moderator for the Town Meeting.

Question: In some Sections, particularly Section 2.7, there is no set requirement for the Board of Selectmen to fix the time of the Town Meeting in advance, yet Section 7.13(b) requires that at least 10 days in advance of any Town Meeting the Board of Selectmen must nominate a Moderator. Can this cause an inadvertent violation of the Charter?

Section 7.14. Section 7.14(b) provides that necessary non-budgeted expenses of Town officers or Board members must be reimbursed.

Question: Should our treatment of this Section mirror our treatment of Section 5.12(b), to which we have previously added a requirement that there must be a form of pre-approval from the First Selectman in order for a non-budgeted item to be reimbursed?

Section 7.14(c) provides that the rate of compensation of a holder of an appointed officer cannot be reduced during that person’s term of office.

Question: If the Board of Selectmen has the power to remove an appointed officer (see Section 7.3) then is it logical that the Board of Selectmen cannot reduce that person’s rate

of compensation? Also, compensation is a very broad term. Would a negative change to the health care program violate the Charter?

Article 7 (Generally)

Question: Should the role of a “Commission” vs. a “Committee” be clarified?

Question: Should we add the Board of Ethics to Article 7?

Question: Should the Board of Selectmen appoint a Town “Ombudsman” to mediate disputes?

Question: Should Article 7 be expanded to include references to “Select Committees?”

Question: Should we try to standardize the effective date and termination date of appointments? (E.g. December 1?)

Item 4 – Any other business of the Commission.