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**Public Hearing Charter Revision
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Dennis Tracey requested approval for the minutes of the August 17th and September 7th meetings. Mr. de Keijzer moved that the minutes of August 17th be accepted. Motion seconded and approved unanimously.

Mr. Bliss asked that the Commission get copies of the approved minutes.

Mr. Bliss moved that the September 7th minutes be approved. Mr. de Keijzer asked if it would be useful to have a couple of sentences of what people said as part of the minutes. Mr. Tracey said that the public hearings are having a transcript made which is virtually verbatim. They will post those transcripts so that the public can see them. Mr. Bliss said there should be a notation in the minutes saying that. Mr. Bliss said Frank spells his name with an “e” instead of a “g”. Mr. Edgar said it has been corrected on his computer. Motion seconded and approved unanimously with the changes.

Stephan Grozinger- Mr. Grozinger said when they met at Planning and Zoning on these issues they tried to narrow down the number of issues that they presented to the Commission so that they could stress the ones that they found very important. There may be additional issues but he thinks that they will hear about them from other people. He would like to focus on those two letters that were submitted.

Mr. Edgar said he wanted to talk about his personal letter first. Mr. Grozinger rightfully pointed out there were differences between the way we provide ordinances to our citizens and the way other surrounding Towns do. Mr. Edgar said that Ms. Weinstein was at one of their earlier meetings and based on his recollection, said that they were going to put the ordinances in electronic form so that it will be available and hopefully meet Mr. Grozinger’s point that these ordinances should be available to the public. Whether they decide to put that in the Charter or not may depend on whether the problem still exists or if it has been resolved. Mr. Grozinger said that he thinks that if an electronic copy of the ordinance is available that would satisfy the state statute. They are on a section of the Charter right now that provides much less formal and far less complete process.

Mr. de Keijzer said presumably a hard copy of the regulations would be still available here and for anyone who wants them. Mr. Grozinger said he is not in charge of how the ordinances are distributed. The State Statute, he thinks, is satisfied by electronic form but he thinks it is a good idea to have one at the Weston Library as well as hard copies available for purchase at a much reduced price than the current \$215. Zoning regulations are available for \$10 at the land use offices. The ordinances are a little longer but it should be around that price to make it affordable and accessible.

Mr. Edgar said he would like to focus on Mr. Grozinger P&Z letter.

Mr. Grozinger thanked the committee for inviting him and P&Z to come in. He said that Ridge, Jane, Britta and Don from P&Z Commission were with him. They discussed at

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length what they want to say to the committee at their September meeting and they boiled it down to the two primary issues. He said he thinks the charter revision commission is authorized to help them frankly. (Blank spot on the tape)

The legislative body should be permitted to choose what form our regional government takes. Right now we are an RPA and there was a movement recently to change it to a COG which he understands may be put on the back burner at this point. It is an issue that they want to stay very much focused on. The primary point that he wants to make and it covers both those issues is that they are not asking the commission to decide whether the Town should be exempt or not. They are not asking the commission to decide whether they should be an RPA or a COG but what they are really doing is asking the commission to acknowledge that these are extraordinarily important issues that should be decided in the context of a Town Meeting as opposed to being decided by the Board of Selectmen.

In all likelihood, the Board of Selectmen would act in good faith and would utilize the provision of the Charter that says that anything of importance should be brought to a Town Meeting, but they think that it is an important enough issue that it should be in the Charter that the Board of Selectmen simply does not have the authority to unilaterally change us from an RPA to a COG or exempt the Town from its zoning regulations.

Each of them in turn, as he said in his letter, said the decision to exempt the Town from its zoning regulation was made in 1971 and appears to have been made in executive session by the Board of Selectmen. He doesn't know this first hand, but it was in response to some litigation that was going on. That's all the detail that he knows about it. It was not brought to a Town Meeting, there are no minutes on the discussion, the decision was simply made in that context and never revisited as far as he can tell. Obviously whether or not the Town is exempt from the zoning regulations is a critical question.

It is difficult to figure out just how many municipalities in Connecticut are exempt. They could only find a number less than six. Less than 6 out of 169 towns seem to make this decision and he can tell you that none of the Towns around us have made a similar decision.

The zoning regulations were modified several years ago in anticipation or at least hope that the Town would not be exempt from its regulations. They have regulations in place that would apply to municipal projects should the exemption be voided or should the Board of Selectmen decide that the exemption is no longer in place. They think it is an important issue because obviously we are a residential Town. Any time the Town engages in a construction project it is usually not single family dwellings. It is usually a large project unlike most of the rest of Weston like a school or something else. They think those sorts of matters deserve closer scrutiny rather than what amounts to really no scrutiny.

To clarify that point there are two ways in which zoning reviews a project whether it is municipal or otherwise. One is under 8-2 where they have a full review, they can require

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whatever it says the regulation requires, surveys, plans, traffic studies. The Town has exempted itself from that. The only remaining requirement is an 8-24 and it's very vague. They have established a protocol with the Town for surveys and various other plans. The statute tells them that they have to issue a report and once the report is issued if it is a negative report the Board of Selectmen can call a special Town Meeting and can overturn that decision. There is no court involvement in that situation.

In Mr. Grozinger's mind the big disadvantage of the current situation is that if P&Z's decision needs to be challenged, it does not get challenged in a court so aggrieved neighbor couldn't go to court and say, "listen these guys did not follow a specific set of regulations that reflects the community values. I would like the court to impose those here." Instead it goes to a special Town Meeting and although there is a very democratic process, it can also be a process that does not take into account principles of equity and principles of fairness that you might get in a courtroom and obviously the regulations are out the door, whatever setbacks you might want to apply don't apply to the Town.

That is issue number one. P&Z hopes that even though the Charter Revision Commission does not have the authority to void the decision of the Selectmen, they could certainly list it among the things that the Selectmen do not have the authority to do in the future. Then they could lobby the Selectmen to have the issue brought to Town meeting and see where the Town wants to go with it rather than it being as it is now a default decision having been made in 1971 in executive session.

Mr. Edgar said we have been in this mode for forty years and how many times has this really come to be an issue. Mr. Grozinger said he did not think it would be valuable to him to question how the process worked and whether it was successful in the past. Obviously we had some major school building projects. There are people in Town who would say that those were extremely successful. There are other people in Town who would say that the P&Z review would be helpful in those cases. Really the issue is what could happen in the future although present and past administrations obviously acted in good faith and with great confidence. What happens 10 or 15 years from now if there is a project that has intense public scrutiny? The Town purchased the property next to you - you may well want P&Z to have a review process and regulations that would apply to that process.

Mr. Edgar said he was not sure if Mr. Grozinger checked section 2.7 of the Charter which gives any citizen the right to petition to essentially force a Town Meeting on the question of whatever action they would like to have taken. So the question is whether that is also a remedy. To put that in context, because if it should turn out that the committee decides to recommend your course of action, essentially the only power we have is the power to recommend. The selectmen then have the power to accept or reject the committee's recommendation. Should they reject their recommendation because they differ with P&Z's prospective then you have the right to petition to still take this to the public but that would require a 10% support in your petition whereas section 2.7 only requires 5%. Mr. Edgar said he was not dealing with substance right now he was trying to frame what the alternatives are depending on how we determine it come out.

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Mr. Bochinski said this political tug of war between your commission and the selectmen has certainly preceded you as chairman or any of your members. This has been there for a while. Certainly with Mr. Gilbert and his board, it goes back quite a while. The Selectmen over time have consistently said that they prefer this. He has not encountered one but hasn't talked to everyone specifically over the last 40 years who might think that the town should be nonexempt. Why is it that no matter who has held this office, they all end up with that same prospective. Why would the selectmen want to consistently, not for the incident in 1971 but since then, remain exempt in terms of the Town?

Mr. Grozinger said it goes faster if you do not need P&Z approval. Under most circumstances, under most private applications, the process can be quite lengthy. They have the regulations that they put in place to include a deadline for themselves. They are extraordinary cognizant of the fact that the strongest agreement against them is that their process can be lengthy. There is no getting around it; it is when you have a full review and you have to apply regulations and you have to have a public hearing, it is more lengthy.

He would argue that rarely is there a construction project that needs to wait as a result of that review. By the time you're done with planning the project and doing survey work that P&Z would require, the application can be submitted and they would be done far before the bids are before them. If the Selectmen are aware of this process and are aware it might take as much as a month, I'm sure that no construction permit would be delayed as a result. It also gives aggrieved neighbors a forum in the courts that they wouldn't have otherwise. He is not sure that is really different from their current situation.

Mr. Grozinger said if I were aggrieved by 8-24 review, I would have a very good matter to litigate just with the legitimacy. He feels it really comes down to the speed. They have really tried to address that at P&Z. They have tried with 8-24 applications to demonstrate that we are not in it to delay or to fool around. They are there to pass important construction projects forward.

Mr. Tracey said in Mr. Grozinger's letter and here today, he has said that the principal difference between having exemption and not having an exemption is if the Town has an exemption the ultimate arbiter is the Town Meeting and if the Town does not have an exemption the ultimate arbiter is the court. Mr. Tracey said it is much more fundamental than who has the final say. If there is an exemption and it is in fact an effective exemption, put aside whether you can do that in an executive session. That means that the zoning regulations in fact, as a matter of substance, do not apply as a mandatory matter to the town whereas if there is no exemption, they apply as a mandatory matter.

If there is no exemption that means even if the Town has a matter of discretion and democratic process decides that a particular improvement or construction should take place, if the zoning regulations are mandatory, they would apply like any private citizen. The Town would not be able to do it if it violated the regulations and if it went to court the court would stop it. Mr. Edgar said the Town would first have to go to the Zoning

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Board of Appeals. The typical process, if you are in that arena, is you go to P&Z and if they are not happy, you can go to the Zoning Board of Appeals. Then you would wind up in court and then the court could well determine, too bad, you're not in compliance.

Mr. Grozinger said that they have tried to address that issue with the municipal improvements regulation that they passed four years ago, essentially giving P&Z the right to waive what is ordinarily non-discretionary setbacks and height requirements etc. That would throw it in a different arena, so if you went into court and said we can't do this as a result of the setback, but P&Z has the right to waive it, he thinks the court would then take that into consideration. We have eliminated essentially the non-discretionary stuff from the regulations and given P&Z the ability to waive it and by extension for the court the ability to waive that as well. There would not be a situation where the judge just throws up his hands and says you can't do it because regulations say no.

Mr. Tracey said, in your letter, you said that under the exemption regime an 8-24 review could disapprove a project and then the Town could go ahead if a Town Meeting approved the proposed construction. The 8-24 also says that the Town council can approve construction over the objection of an 8-24 review. Mr. Tracey asked if it was P&Z's view that the Board of Selectmen is not a Town council for that purpose. Mr. Grozinger said he was aware of that issue, but is not sure how it has come out in the past. He has never been a part of that decision where the Board of Selectmen can overturn it with a 2/3 vote or whether they are triggering this as so important it should go to a Town Meeting provision. He does not know what the decision-making process has been in the past; he is only aware of them having given a negative report once.

Mr. Edgar asks Mr. Grozinger to take us through the significance of moving from an RPA. What is an RPA, how do we get out of it, how do we get into a COG and what does a COG do. Mr. Grozinger said the concept of regional planning is obviously a very benign term. When you hear or say it, it sounds like a great idea no matter what. Obviously they want to construct the facilities of the Town or provide services. They want them to be as efficient as possible. If our neighbor next to us is doing the same service or needs a similar facility, they will be sharing it especially when it comes to transportation.

Currently we are in an RPA with seven other Towns in our area. The principal difference between an RPA and a COG is that an RPA it is made up of representatives appointed by two boards, P&Z, where the current representative is Dr. Tom Failla and the Board of Selectmen whose current representative is Dr. Margaret Wirtenberg. They each have a vote at SWRPA. The larger Towns do have more representation than the smaller Towns which is one disadvantage as for as Weston is concerned. Both representatives would come back to the respective boards and report about what is going on and the boards would have some authority over how they do their jobs.

Mr. Grozinger said in a COG, the only voting representative is the Town's First Selectman or Mayor. It effectively disenfranchises both the Board of Selectmen and the P&Z commission because they would no longer have the ability to direct or appoint or

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anything else. He pointed out that there is a non-voting function for P&Z. They are permitted in the COG to send a member of their commission as a non-voting member. That member would have to be approved by the Board of Selectmen. He said that is ultimately the primary difference that they are focused on is that with RPA you have this reporting back to two commissions. The two commissions would be disenfranchised in a COG and you have all the authority go to the First Selectman or the Mayor.

The advantages to that are just like the exemption. It's faster, it's more efficient, you don't have to have two individuals go back in the context of an open hearing and talk about what they want to do, what the agenda is, a decision can simply be made then and there by the First Selectman.

Currently the concept of regional planning is pretty benign. You don't hear much about how regional planners have run amok. That makes sense; SWRPA currently has a truly advisory role and does not have any authority whatsoever.

Mr. Edgar asked how we join the COG. Mr. Grozinger said it would be the legislative body of the Town that has the right to make that decision. Mr. Edgar said since there is no specific allocation to the Town meeting, it would seem like the Board of Selectmen would make that decision. Mr. Grozinger said you would think in good faith they would trigger the right to have a Town meeting; again it is not obligatory at this point. Mr. Edgar said if the Board made that decision, they do have the right to petition to overturn that decision under the current Charter.

Mr. Edgar said if we were in a COG and the COG says we think you should build a football stadium in your Town because that is really best for the region, can the COG tell us mandatorily to do anything or is everything we do voluntary? The COG can make recommendations, but they can never take away from us our ability to manage our Town as we see fit. He asked if that was a correct statement. Mr. Grozinger said that is a correct statement.

Right now there is no difference in terms of authority between an RPA and a COG. But there always is a possibility that the legislation will change and either an RPA or a COG is given greater authority. Their point at P&Z, is whether they remain an RPA or move to a COG, they will want some sort of review and he assumes that they will want some sort of review by the Board of Selectmen and by P&Z of the decisions that are made by the COG or RPA. Mr. Edgar said they would make recommendations and then you would have a full review with regard to any recommendations they made subject to their discussion of item #1 here today. Mr. Edgar said, "so your concern would be that the legislator might give COG more authority than it currently has?"

Mr. Bochinski said that this is different in importance. The first point that P&Z made is really a matter of principle. It is broad and it is long standing where as this one is a specific policy matter that he wonders whether it would ever be considered to be inserted in the Charter. Mr. Grozinger said both of these points are essentially statutory authority given to the legislative body that has a tremendous impact on the Town. Ultimately it

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seems to him the Charter ought to look through the State Statutes and see where the legislative bodies have the authority to make decisions for the Town. In at least certain circumstances, both of these, that authority should be given to the Town meeting rather than the Board of Selectmen or perhaps the practical matter would be that the Board of Selectmen would approve it and then it would have to be approved by a Town Meeting before it becomes law.

Mr. Bliss said just to summarize your comments, the issue here is not whether or not to join a COG, the issue is not whether the Town be exempt from zoning or not, the only issue is whether the Town through a Town meeting should approve such decisions rather than the Board of Selectmen. Mr. Grozinger said correct.

Mr. Grozinger said what he has handed out to them is a report issued by the Office of Policy and Management last year and it is entitled "a review of regional tax base revenue sharing programs and the establishment of regional asset district." It discusses the pros and cons of creating a regionally based tax system. It goes through the various models that exist around the nation and ultimately, he thinks it is fair to say, would encourage in Connecticut a tax system where road and property taxes are used for various purposes including addressing regional economic disparities which he thinks is code for having taxes from small Towns go to larger Towns. That does not work well for Weston.

On the bottom of page 22 of the report in January 2012, the Office of Policy and Management is charged with reviewing and potentially redrawing the lines of the RPA's and COG's in the region. Regions will be larger than they are now, instead of being eight Towns (6 small Towns and Stamford and Norwalk) we may be grouped with the entire county. At that point he imagines, we will be asked to vote on whether that structure should be an RPA or a COG. He thinks it is coming up again whether or not it has been tabled for now.

Mr. Grozinger thinks this report outlines a very good reason why they should think it is an important decision. If the Office of Policy and Management is going to be seeking to give these new regions the ability to tax or have them administer a regional tax, whether it is for addressing economic disparities or any other reason we want to really look at that carefully. He hopes the Charter Revision Committee will think about whether or not they want a single Selectman to make those decisions on a regional level or whether they want P&Z and the Board of Selectmen involved as you would in an RPA. More pertinent to the Charter Revision Committee, what is the structure for approving Weston being an RPA or a COG. He suggests that there ought to be a Town Meeting that makes that determination.

Mr. Grozinger said that the report is a well written balanced report. He does not agree with their mission on the regional tax front. They say that they will preserve mill rates at the same time as addressing disparities between towns. He does not see how that could possibly happen without the regionalization of some services. He said the latest push to turn us into a COG took place over regionalized Emergency Service Dispatchers - pretty much the only thing on the list that they wanted immediately to change to a regional

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service. He thinks that would be a disaster for Weston. He is on the volunteer fire department and listening to a call this summer. . . . Mr. Edgar said, "I don't mean to cut you off but we are getting into the pros and cons of whether it is a good idea or a bad idea". He understands it is a mixed topic. Mr. Grozinger said he is not trying to tell them whether it should be an RPA or a COG. What he is saying is that these are important regional issues and regional services and if you go to a regional planning structure where regional government has a lot authority, these are the things that are going to happen. Regional dispatch is simply too small to maintain a mill rate. You would have to go to other places as well.

Mr. Tracey said assuming that the exemption that was created in 1971 was effective, if the Charter Revision Committee decided to amend the Charter to state that in the future an exemption from zoning regulations would have to be done by a Town Meeting as a matter of law he doesn't think that would have any effect on the existing exemption. He asked Mr. Grozinger if he agreed with that. Mr. Grozinger did agree.

Mr. Tracey said that means if they were to change the Charter in the way he suggests, it would have no legal impact on the Town's exemption unless someone decided to revise or invalidate the existing exemption and then if a new exemption were implemented it would have to go through Town Meeting. Mr. Tracey asked if that was accurate. Mr. Grozinger said we would have to assume a certain amount of good faith on the Board of Selectmen and it is a good assumption. If the Charter Revision Committee would list whether or not the Town is exempt is one of those things that needs to go to a Town Meeting, he would expect in good faith, the Board of Selectmen would call a Town Meeting and have it move forward. If the Charter Review Committee decides not to do that then it would probably remain with what he would call default position that was made in 1971. It relies on the good faith of the Board of Selectmen to respond to that sort of change in the Charter.

In terms of the legality, it is a complicated subject. In a nut-shell, both the 8-2 and 8-24 in terms of the exemption, appear in chapter 124 of the Connecticut general statutes. It gives the right to make this decision to the legislative body. That term is not defined in chapter 124, so typically, you would go to section 1-1 which says where the section is not defined here is what it says. In 1-1 it says the legislative body is the Town Meeting. However, in section 7-193 it has the opposite and says that it is the Board of Selectmen. Whether that second section applies or not is an open issue. Legislation is not always as clear as we might like. P&Z is very unlikely to litigate this. We wouldn't know what the outcome would be.

Donald Saltzman- He said that the Charter Revision Committee had asked Mr. Grozinger what went wrong with the exemption since 1971. Two years ago the Town realized they had to replace two bridges - Cartbridge and Valley Forge. During that process the engineers and the Town came to P&Z on Cartbridge. The engineers showed us what they were going to build and how they were going to build it. P&Z made suggestions to protect the adjacent homeowners, keeping the driveways open etc. because it was important. The engineers did not bring it to us we brought it to them.

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At Valley Forge they were realigning the road to get rid of a bad curve and building a new bridge. Mr. Grozinger asked where their survey was. The Town did not present a survey so they could not make an informed opinion on anything. They had neighbors say they are taking some of my land and they had to go back and look at titles and searches. P&Z objected and said the Town needed a survey so the Board of Selectmen called a meeting. It was a form of a Town Meeting and they voted that the Town needed to present a survey to P&Z before they could give their informed decisions. The Town did and P&Z won.

When they built the schools and Mr. Bliss was the Selectmen it was an excellent thing for the school system, they needed it. The only authority P&Z had was an 8-24 review of the project which is really suggestions to the selectmen. Mr. Grozinger did some more research and found that we have more authority on an 8-24 than just suggestions. They can put condition and then the selectmen could take them to court and challenge it but we don't go that far. They have a member that was demanding all sorts of changes whether it was wet lands changes or privacy changes. The Selectmen at the time bought a house to protect neighbors so that there would be a buffer zone where the ball fields were being built. That was a good thing - they were concerned about the privacy of the neighbors.

Mr. Saltzman said when he was appointed chairman of the Tower Committee to build the communications towers in Town they felt at that time that they were not going to build anything in your back yard. They put it on municipal land where it worked, not because there was an exemption from municipal land but it was to protect the neighbors. Mr. Edgar said there are appeal processes for an exemption if it happens to stay that way. Mr. Saltzman said the Town charter basically takes away the right of appeal for the people. When you have 250 signatures on a petition in 14 days in order to challenge the selectmen that means you have to send 20 people out in parking lots in Town Center to get signatures. That was changed from a lesser number. If you want to make an appeal process that is okay that's okay – but, make the appeal usable by the Town.

Mr. Saltzman said Town Meeting is important and the Selectmen even agreed when they made machine votes so the whole Town could vote in the last budget and he hopes that gets into the Charter Revision.

Mr. Saltzman said that he does not want to lose home rule. This Town is based on home rule. Right now according to the transitional projections, they have 8 members in the group in SWRPA, 5 want to vote for a COG. However, 17 more cities and Towns can appeal to the Secretary of State and she can put them in our COG. When you have an unwieldy county government sitting over our head and a State government sitting over that head the COG becomes a great lobby in Hartford. He can send the committee his own letter about the horrors of a COG.

Mr. Saltzman said that the Town meeting is important, put something in there. Lower the ability of the people to sign petitions to challenge it. Mr. Edgar said they are going to get

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to that topic. They have been working very actively to protect the Town and they want to continue to protect the Town in the future.

Margaret Wirtenberg- She is a former member of P&Z from 1983 until 1990. In that time there were a number of things that came up. The fire department was interested in building a third firehouse that would service the northern part of Town. Their proposal was to build it on something less than an acre. P&Z told them no and that worked.

Her second point is about the Tower committee and the fact that the Town is exempt from zoning was very helpful because the five companies would have very happily gone ahead and paid off neighbors and built Towers all over Town. The Town very strongly went against the State organization that was going to force us to approve towers but George Guidera took the State to court and held everything up and made the five companies come and testify before a special committee. It was worked out and that is why the first tower was at Town Hall and the second one would be at the Transfer Station.

Dan Gilbert- Mr. Tracey said they had sent Mr. Gilbert some questions that he might want to consider and think about in advance of his testimony. Those were just the things that occurred to the co-chairs on the Commission because they were interested in hearing about them. Mr. Gilbert is welcome to comment on any part of the Charter that he is interested in.

Mr. Gilbert said the Commission was selected by The Board of Selectmen because of who they were. They know the Town has integrity, they're known to be independent thinkers and in this process there is no question that they will not be political. He feels fortunate as a person to have them here.

Mr. Gilbert said the 13 questions are all relevant so he will take them one at a time, sometimes he'll put them together. He took the second question first: "should the budget process be changed". The first thought that came to his mind when he saw that question was how many people participate in the process and from his prospective it should be changed because what evolved over the last couple of years has given more and more people the opportunity to participate in the process. The machine ballot has been extraordinarily successful. First year we had over 1000 people. This year we had over 800 and that's different in than the Annual Town Budget Meeting where about 150 residents come to that meeting.

The changes he would like to see considered, there are three all linked to voter turnout. At the Annual Town Budget Meeting (ATBM) it would be healthy if after we finish the process and we voted, people had an opportunity then to go to a machine ballot and vote. They have perfect information, they have heard all the arguments and he would think anybody at that point and time who is ready to vote should have that opportunity. It would be more effective in terms of turnout to not have that person have to show up again to vote. He would like to see a machine ballot that night.

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He would appreciate them considering, would be confined in the Charter, a machine ballot for the circumstance after the ATBM as we had the last two years so that members of the Town who want to vote would vote yeah or nay on the various budget items using a machine ballot. Our turnout has been better, it's private, it couldn't be better in his prospective. It would be great to codify the right to have an absentee ballot as a part of the process.

When he thinks about the budget process it is about turnout; it's about giving people a chance to vote at the ATBM and finish their vote and then sequent to that machine ballot with the opportunity for absentee ballot process. He thinks that really ties it together very nicely and it codifies it as we move forward.

Mr. Gilbert said that he looked at the two questions they had relative to the Board of Selectmen and he put them together because he sees them as a natural package. The questions were #3 "should the Board of Selectmen be extended to five members". Question #5 "should a Selectman's term be 2 or 4 years. Question #6 "should the First Selectman's position be a full-time or part-time position.

What strikes him about the role of the Selectmen is that he would like to see people in that role who see it as community service. The politics is a part of being elected. After that then the issue is who do we want sitting at this table. People who see the role very similar to volunteer fire, volunteer EMS, food pantry. People who want to see Weston realize its vision and people who want to help neighbors in need.

The question is if that's how you see the role, then how do you answer the three questions. Mr. Gilbert believes the three member board is the optimum board for Weston. Weston is a relatively small Town, 10,000 people, with very limited commercial involvement. Based on other Towns we are a very fundamentally a simple Town to manage all things being equal. While other Towns have much larger boards, RTM, he would see that as being counterproductive here.

He gets concerned about the issue of people who show up at meetings, smile and nod, don't make much of a contribution. With a three member Board of Selectmen that cannot happen. The larger group the easier it is for someone to make comments, use another comment a person made, smile go home do that and be re-elected. The Board of Selectmen, when you look at them you have three people but many more people represented at the table. We are very fortunate, we have access to people like Mike O'Brien on the Board of Finance; they are always available to us. Members of the Board of Education as well, Town Administrator, any member of the Board of Selectmen have a tremendous amount of resources available to them to help them fulfill their responsibility.

He does not see more people being better. He sees more people being counterproductive. He likes the fact that it is eyeball to eyeball contact. He likes the fact that there is pressure to do a good job 365 days two years. He would be anxious about simply adding more people and if your argument is more people would do a better job because you would

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have more opinions at the table, to be perfectly honest he does not buy that argument. He really believes three members is an optimum number for Weston.

Then the question becomes how long do they serve? He likes two years because two years makes every decision very real because the public has an opportunity to say yeah or nay relative to your performance in a relatively short time frame. With a two-year term an elected official can't wait the public out, things change, people forget. What's critical today becomes less critical six months from now etc. People come and go and elected officials have, we've seen, wait the public out.

Like Thomas Jefferson, eyeball to eyeball contact, relatively small Town, Town meeting, you serve, you respond, you're always ethical, you're always effective and if you are not the electorate has an opportunity to take you out immediately. The people who designed our Town government did an extraordinary job realizing that if every elected official had a two year term it would be unhealthy. Mike O'Brien on the Board of Finance has a six year term. They can sit back and sometimes take a more studied approach on the issue so we have good balance.

The First Selectman speaks for all of us. That's a two year term because if all of us are happy that's great; we endorse the person and they continue to serve. If we aren't, someone else has an opportunity. For him we have a really good balance in Town. We have a very strong Town Administrator with a tremendous amount of expertise, a Finance Director, we have a Board of Finance with six years somewhat similar to the Senate and we have Selectmen who have to respond to things on the ground as they happen effectively or they don't survive the experience.

A four year term would insulate the Board of Selectmen from some of that pressure. He would see that as being very unhealthy. Ms. Moch asked if he would consider a three year term. Mr. Gilbert said he likes a two year term. It's about responsiveness. It is very similar to the US Congress, if you're fortunate enough to be elected to the US Congress day after you are elected you start running again. People will say that's really unhealthy, well that's life, but you're running again if you want to be re-elected. That means you are listening, that's what we want, we want you to listen. We want you to be responsive. We want you to feel pressured. The Senate doesn't feel that pressure, the President doesn't feel that pressure so we need a dynamic government where that pressure is always on government to be effective.

When he looks at the First Selectman as a full time or part time position, for him the question isn't germane because I see the role as community service. This is about serving the public because you love your Town, because you have vision for the Town that is in sync with most people that live here. What you want to do is help the Town realize that vision and if some days you work 10 hours and the next day you show up and work three that's life. If some days you're in Hartford, Norwalk and some days here, that's life. It's wonderful to have that privilege. It's not about full time or part time, it is about the position as it exists today. He thinks it's perfect, if it's called part time that's fine. It's

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about community service, it's about serving the public and you spend the time honoring your responsibility to the public, period.

The question also becomes what happens with a four year term. Well, that person is less responsive to the community. You're going to have different types of people coming forth because if it is full time, you're going to have to spend more. Now it starts looking more like a job because now someone could actually take that job and do pretty well. Benefits are great, you can't be laid off for four years and you have a short commute. We are going to have people who want the job and people who will make decisions because they have to keep the job. Today that doesn't happen, \$48,000 most people aren't going to make decisions to keep the job. For \$100,000 or \$110,000 then that changes.

You are also going to have people come forward who are going to think of the role as a very political role because in four years you can build a very good political base. You win two elections you're in here for eight years you can build a political base across the State. While we continue to have the types of people who serve historically come forward we are going to have other people come forward who don't see the role as community service and that's not healthy.

A four-year position also moots the role of the Town Administrator. That is extremely unhealthy. It would be unconscionable for us to have a full time First Selectman and a full time Town Administrator both making over a \$100,000 plus a year, you can't do it. Because your First Selectman is paid more it has dramatic impact on our ability to have a Town Administrator, that all changes, it either goes away or becomes part time. We lose continuity and expertise. I have had the opportunity to know Rick Darling and Tom Landry for a long time and I know what they bring to Town government. There is tremendous amount of expertise there. While Selectman change having people like Tom and Rick in Town government gives us a consistency regardless of what happens for elected officials.

If we have a First Selectman that has never been a Selectman before, that brings a lot to table and there is a learning curve which is perfectly understandable, bills get paid, stuff gets cleaned up, emergencies get handled because the core is there. If you were to agree that a four-year term is the right way to go and if in fact the Board of Selectmen agreed with you and if you were paying that person \$100,000 plus, you can't stop there. You have to look at the Town Administrator because we shouldn't be paying two people.

Downgrade the Town Administrator position you will never get anybody with the talent of Tom Landry. If you could imagine a First Selectman without business experience sitting down to negotiate his first labor contract, I would not want to be there. The people who developed our Charter god bless them I think they did a really good job. Two years is very responsive, Board of Finance six years, studied. Town Administrator, full time has expertise on paving roads, maintenance on buildings, heating and air conditioning, negotiating labor contracts.

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You might find some person who is elected First Selectman who can handle all that stuff. Mostly you find people who are really good people with certain levels of expertise in areas who rely heavily on the Town Administrator to run the operations dimension of the Town. That would change with a four-year term. When he looked at the three questions what came to his mind was what type of person do I want to serve me. He sees the role as pure community service helping Weston realize its vision for the future. He does not want someone who wants the job because it pays 100k and has great benefits with a short commute and no layoff provision. He doesn't want someone who takes the job because he or she wants to build a political base. You can't do that with two years, with two years you have to respond, you have to be a good listener because the next time around someone else is in that role. That's how he saw the three questions and that was his sense for them.

Ms. Moch said on the subject of full or part time do you know approximately, in the last five years how many hours a week the First Selectman has been working and then how many hours per week are the other Selectmen were working. He said he has no idea on the hours that the First Selectman puts in nor does he think it is relevant. He sees the job as community service. Ms. Moch said if you see the role as community service and yet as a part time job, community service could end up entailing 40 to 80 hours a week. Are you then limiting the base of people who can give to the community by saying that those people would have to be people who may be older, who have finished their careers or are independently wealthy because what you are doing is ruling out other people who might be interested in community service but could not afford to give 80 hours per week for \$40,000 and quit their regular job.

He doesn't agree with that but Ms. Moch makes a good point. The larger point for him is he doesn't want people who want to take the job to serve for political aims. If you decided and the Board of Selectmen agreed with you that in fact a full-time position was right for Weston you are going to have people come forward who are good people, community service oriented who would be absolutely superb. You also would get people who want the job and would do what it takes to keep it and you're also going to get people who see the role as a political role who will drive that process. Those two last points scare him to death.

Mr. de Keijzer asked what Mr. Gilbert thought of term limits so that someone on the Board of Selectmen doesn't serve more than two or more terms. Mr. Gilbert said he did not see that as an issue with a person who serves two years because that person has to report to the public on a real time bases and if that person is doing that we are in great shape and if the person isn't things will change. He puts a lot of trust in the public especially with a two-year term.

Mr. de Keijzer asked Mr. Gilbert if he was comfortable with the way we choose our Selectmen. Some Towns have a separate race simply for First Selectman and who comes in second in that race does not automatically get on the Board of Selectmen. Mr. Gilbert said he had never given that a thought.

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Ms. Daniel asked if there was a process he favored for removal in case there is an unsatisfactory performance by a selectman. Mr. Gilbert said he was predisposed to short terms. He believes that the Board of Selectmen has to be a tuned to the rhythm of what's happening in Town at that moment in time. The public has to have a clear opportunity to make a decision. The people who serve and serve effectively the public have opportunity to once again continue to support. For him two years seems right.

Mr. de Keijzer asked if it should be easier for an unaffiliated person to run for Selectman. Does the current petition process have the right amount of voters? Mr. Gilbert said he sees this as a very healthy process. Government is a precious entity, it is something we all hold close to our hearts and if you want to serve, serve. Good people who do not want to be tied to a political party of any reason who want to serve can serve.

Mr. Gilbert went to the question regarding the duties of the Board of Selectmen and the Town Administrator. Mr. Gilbert said "know that there was a really good balance there". He likes a full-time administrator. He likes the fact that that administrator has continuity and expertise to the process and he likes the balance exactly the way it is.

Mr. Gilbert read the next question "We have been urged by P&Z to require that any exemption of the Town from P&Z regulations should be made by the Town Meeting rather than the Board of Selectmen. Do you agree and why?" Mr. Gilbert said that he agrees because of a very fundamental issue.

Town Municipal Building projects are absolutely critical projects whether it is a school or a soccer field. Because they are critical there is a certain amount of healthy public pressure to address them on a timely basis. Any Board of Selectmen will feel that pressure. There is a challenge if you happen to be a neighbor to that project. We know that the Board of Selectmen will do the best they can to find an accommodation between getting it done on time, within a certain budget and trying to help satisfy your needs. He would have to think the public pressure would be significant. That places the neighbor at a tremendous disadvantage. The best intended Board of Selectmen will make errors in judgment from time to time to get it done.

What protection does the public have today, none, P&Z regulations do not apply. If you're a neighbor or a group of neighbors you're going to be pretty uncomfortable because you do not have the protection of those regulations. P&Z regulations with regard to building projects have a significant amount of flexibility built into it because they knew the Town had to move quickly. They provide waiver provision knowing that given certain project certain dimensions of the regulations could be waived. There was sensitivity on P&Z part to what the Selectmen have to get done. Without the regulations regarding applications the neighbors to any municipal project are at mercy of the Board of Selectmen. Most Board of Selectmen are going to be very sensitive. For him, in order to find a balance between what's good for the Town and protecting the neighbors, the Town should not be exempt.

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The next question on P&Z is “we have also been urged by the P&Z Commission to require that any conversion to a COG be determined by Town Meeting” Do you agree? Mr. Gilbert said no, he thinks that in any regional organization where a decision is going to be made based on a majority vote, the Town Meeting should have preference. Not about a COG - it is broader than that. When we start talking about the type of regionalization that we are going to see over the next 5 to 10 years we are going to see other forms of regional government surfacing. He does not want two Selectmen to determine that we are going to join a regional planning organization where that organization makes their decisions based on a majority vote where that majority vote could try lobbying in Hartford that would hurt our Town.

Mr. Tracey wanted to clarify that Mr. Gilberts answered no to the question. Mr. Gilbert said yes because the question has COG in it. That is a very specific type of regional organization. It’s not about the COG it’s about the COG makes its decisions based on majority vote. What happens if some of us come up with different names for organizations, not the COG, but work the same way. He finds the language too restrictive.

A Town Meeting should decide whether or not Weston should join any regional planning organization where that regional planning organization makes its decisions with the CEO’s in that regional planning organization make the decision based on the majority vote. As an individual planning organization where a majority vote can take an issue to Hartford and lobby that issue, he does not want two selectmen making that decision.

Mr. Tracey asked question #10 “should the Town Clerk and Tax Collector be appointed or elected positions”. Mr. Gilbert said elected because they have to be responsive to the Town. He wants them to be responsive to people walking through the door and the elector to have an opportunity to say yeah or nay.

Mr. Bochinski asked if it was fair that other Town employees who also have to be responsive to the public should also be elected for example the Administrator, the Assessor, the Finance Director. Mr. Gilbert said no.

Question #11 “would he make any changes to the appointed positions of Article 7 of the Charter”. He likes the balance that’s there but he would go through the Article and update the positions that exist today.

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 safe seat”. Mr. Gilbert said for him there are no safe seats because the way a political party should work is that there is a natural very healthy vetting process that happens. The person has the opportunity to vote based on knowledge. The healthy dynamic that takes place eliminates the safe seat issue for him because he has seen it work. He sees political parties as being very healthy.

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Ms. Moch asked for clarification of the question. Mr. Gilbert said the fundamental question for him is how do you get there. The answer is not there are safe seats because for him the answer is there is a process that takes place before that ever takes place that provides very healthy competition. He wouldn't change the process.

Question #13 "do you believe the Charter should create a position of ombudsman to mediate disputes between citizens and the Town or between Town agencies". Mr. Gilbert said for him it would build bureaucracy into the process and slow the system down. He likes the fact that elected officials have to respond to the public and if they don't the public will let them know so there is a natural progression to be responsible. Ombudsman is one more voice and we should not have to have one more voice between general population and our boards and commissions.

Question #1 "should we make any fundamental change to find balance in the Charter between the powers and responsibility of the Town Meeting and what goes to the Board of Selectmen". Mr. Gilbert said no. The balance is excellent and he would not change it.

Question #4 "are there any issues with the transition of a former Board of Selectmen to a new Board". Mr. Gilbert said no. There are natural hiccups that are going to take place but we have Town government that operates effectively.

Mr. de Keijzer said that in the unaffiliated voter issue the Charter and State Statutes provide that a person who is a Democrat or a Republican presently serving on a board or commission, if that person resigns or leaves that term early he or she is to be replaced by someone from the same party. Where an unaffiliated voter comes out (because of petition) should the Charter say something about the fact that that person should be replaced by an unaffiliated voter? It's a question that has several layers and he would need to think through in order to give them a response that he would be comfortable with.

Mike O'Brien- Chairman of the Board of Finance said that the mission of the Board of Finance is very complex in terms of budget process. A lot of the Charter is written about the budget process. One of his observations in the eight years that he has been involved with the Board of Finance is that some new people coming onto the Board of Finance have to take a long time learning about the budget process, how it works, how the numbers work particularly the Board of Education budget. If we are electing new candidates for positions on the Board of Finance instead of 6 year terms immediately they might do a two or four year term, something to get their feet wet. He thought there might be an interim there for the first time coming in to learn because many of the people that come on the Board have to take some time to figure out what's going on.

Ms. Moch asked if that couldn't work in a negative way for someone who was doing a good job and really doing well with their learning curve could be unseated after two or four years. Mr. O'Brien yes, the reason he looks at it this way is when he first came onto the Board of Finance it took him a while to figure out what was going on with the process. Then he had to run for election after two years and was elected for a two year term at that point. There was some mix up in the way the party had setup the election

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because he should have been elected for a six year term. That allowed him some time to know exactly what was going on. Taking on the six year term as chairman now he is very comfortable with the whole process.

Mr. de Keijzer asked the question “some Towns have adopted staggered terms for the Board of Finance and other boards, do you have any thoughts about that?” Mr. O’Brien said yes the Board of Finance is on staggered terms. Mr. Bliss said in 1979 there was a mistake made where they went from four year term to six year term, the Town Clerk never changed it on the ballot so we elect four representations for six year term and then three representative and then none. It needs to be corrected but can be corrected easily.

Ms. Moch asked if they thought about a two-year apprenticeship if someone is interested before they could be eligible for election. Mr. O’Brien said it is important that if someone gets recommended by the Town Committees they should have some credentials to be on the board in the first place. Maybe the first two years is sort of an apprenticeship for someone coming off at the end of that term.

Mr. Bliss asked about using alternates so that they can maintain attendance because people travel. He said the alternate is a vetted position but you only get to sit and vote when someone can’t make it. On ZBA the alternates tend to attend the meetings even though they don’t have the voting ability. What they have seen on land use is folks move from alternate to ZBA members or P&Z members.

Mr. O’Brien said what he has done is try to partner up people. When Melissa joined he had her sit next to Michael Carter. He sat next to Jerry Sargent for a while and that’s how you learn. A lot of the work we do is questioning what we are presented with. Mr. O’Brien said if they were going to provide alternates he would rather have them at all the meetings. Mr. Bliss asked generally what their attendance was. Mr. O’Brien said worst case they would be down to four. Generally they have full attendance and try to stay with the Charter which is the second Thursday of the month. The Selectmen are the first and third Thursday and they would like to stick to that process.

Mr. O’Brien said there is a lot of time that goes by between all the meetings that are setup when they get the budget documents that are set for approval. The Board of Finance sets a meeting for a public hearing for the budgets then they go the ATBM with a moderator and go through the line items on the Selectman’s budget and a single Board of Education budget. One of the issues with the ATBM is attendance, another is the intimidation factor, and we need to do something that is more democratic in the sense of having the ATBM. The last process worked very well. He recommends having the ATBM and the electronic ballot on the same day on a weekend like a Saturday. We have become a commuter Town so we are missing a lot of voters during the day.

Ms. Moch asked when they generally finish with the budget. Mr. O’Brien said that they get the budget the latter part of February early March. They get a month to review the budget but generally by the time they get the Selectman’s budget the members of the Board go through it within the next week. The Board of Education budget is different

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because the way the numbers are laid out and the system is laid out is you're going back and forth between various component parts of the Education budget.

Ms. Moch asked if it would be beneficial if the ATBM was moved earlier so that there is not so much of a lag time and the budgetary items are fresher in people's mind. Mr. O'Brien said that would be a plus. There is a time period where the Town Clerk has to notice the meeting.

Mr. Bochinski said that they had a suggestion from someone that the ATBM be held no later than April 1st which would make it easier to setup the referendum that would follow if that were the case. He asked if that was a doable thing for the Board of Finance.

One of the problems they have is getting the numbers squared away during the budget process. One of the biggest numbers that they have problems with is the health care programs in the Town and Board of Education. The ability to get the information from the insurance companies and from the actuaries is better late April. You have better figures a month later. Otherwise an April 1st meeting is okay if we had decent data on all of the other line items and those are the numbers that we want to put before the public without changing them later. Ms. Moch said based on the way the Charter is written we may be into the middle of April anyway.

Mr. Edgar asked if Mr. O'Brien favored a mandatory referendum. Mr. O'Brien said he does favor that. He feels the public has a right to voice its opinion and do it in a secret ballot. Mr. Edgar said at the ATBM itself the Town can only vote the Board of Finance recommendation downward. Why is it that it can't be recommended to go up. Mr. O'Brien said he has no idea why it was that way. His sense is that the Board of Selectmen vote on and validate the selectmen's budget and put it to the Board of Finance. The Board of Education's is validated by the Board which presents it to the Selectmen who also validate the budget and then present it to the Board of Finance. He believe that the rationale for that is that so many people validate the budgets on behalf of the Town you have to start with the numbers that have been validated. Mr. Edgar said he sees that argument as being equally valid both ways.

Mr. Edgar asked if it was possible to flip and say let's just vote on the overall number and if you're not happy with the overall number lets go back and lets analyze line by line why you're not happy as opposed to putting everyone through the process of line by line laboriously and then coming to that last thing. Mr. O'Brien said at the ATBM that is the purview of the people in the audience to take on a line item and say we do not want this or we do want this. He said giving it to the ATBM is the way to get through the process in a way that is efficient and works pretty well. The vote at the end is a little problematic for them because if the budget is voted down then they have no guidance on what to do.

Mr. Edgar said let's assume that we have a Town meeting with poor attendance should there be a provision that requires that we have a certain number of people at that meeting in order to validate, address the budget and avoid a small amount of people unduly influencing. Mr. O'Brien said that he felt that there should be certain percentage of the

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population represented. What happens if you don't get it? Mr. Bliss said there are some major hurdles to overcome. Mr. O'Brien said that is why he was recommending a Saturday or weekend day to help attendance.

Mr. de Keijzer asked about the duties and responsibilities that are now outlined for the Board of Finance in the Charter and was Mr. O'Brien comfortable with them. Most of them they had just talked about but there are a number of duties that they have in terms of the investment portfolios of the Town, the grand list, the capital items, working with the two other boards and recently with Irene giving permission for the Town to spend money, those are all things that are aside from the budget process. Mr. de Keijzer said if Mr. O'Brien had some thoughts on it he could email it to the Commission.

Helen de Keijzer asked if the Board of Finance could raise a budget item from the Board of Selectmen or in Capital. Yes they can and Mr. O'Brien gave some examples of that. Mr. Edgar asked after the budget is set is he comfortable that the Charter gives them enough flexibility to respond to needs of the Town that were not necessarily in the Budget. Mr. O'Brien said yes, the Charter is pretty clear that gives the Board of Finance and the Selectmen power to make changes as well in terms of needs. They are limited in some of the items they can touch while the Board of Finance can do a lot more. Mr. O'Brien said that it is working extremely well.

Mr. Tracey made a motion to adjourn the meeting, seconded and passed unanimously.