Charter Revision Transcription
September 21, 2011

Phil Schaefer- He said that he was speaking as a citizen and not as a member of the Board of Education. He has been on the Board of Education for nine years starting his tenth year in November. He is glad that the Town and the Commission are going through a comprehensive Charter Review. He said he was going to speak on one topic, the approval of the Board of Education Budget. It is the same as the Town Budget in terms of the process. They have another layer, the Selectmen who will recommend what their thoughts are in their budget so they do another layer of scrutiny beyond the Selectman's budget.

The Board of Education Budget the superintendent and administration put together a budget starting around October, November of the prior year. It's vetted and we see a lot of things that have been trimmed even before it gets to the Board of Education which is sometime in January. There is a level of scrutiny and a review and understanding within the school system itself. By the time it gets to the Board of Education many things have been flushed out and scrutinized and thought about different ways of operating and overseeing a school system.

The Board of Education spends three comprehensive workshops which entail about three hours per workshop, about nine hours of meetings, there are presentations, a lot of board questions, oral presentations, budget book with a lot of verbiage, a lot of numbers. After those three workshops, the Board of Education gets together for a meeting and on the agenda is any additional discussions and hopefully passage to budget where it then becomes not a superintendent budget but a Board of Education approved budget. From there it goes to the Selectmen who ask questions and if they have a recommendation will share it with them and the community.

The budget is then handed off to the Board of Finance which is seven members and usually goes one night. They review the budget and ask a lot of questions, sometimes questions are asked that cannot be answered so then documentation would be exchanged between that meeting and the time they finally make a decision on the budget. Before the Board of Finance makes a decision on the Board of Education and Town budgets there is a public hearing of which the Board of Education, Superintendent, other board members are there. If the Town has any specific questions, very good questions are asked and answered in that format. That doesn't include that throughout the year we are not open to taking questions and trying to answer to the best of our ability.

The ATBM from his prospective has been quite interesting. Maybe it worked years ago but he's not sure with 6000 registered voters today, if you want to have most of the voters participate if they want to participate and lend an opinion on an operating budget for the Town and the Board of Education, that having a two or three hour meeting is the best way to solicit the opinion of the Town. He generally did agree with the folks out there that said let's try to give more of a chance of a say on these budgets and so we have two

years of machine vote referendums. He personally thinks it is a good idea. Whatever the will of the Town is.

The fact that we now have a machine vote and we have been doing that for a couple of years, he thinks it is fine but he does not understand the necessity of continuing with an the ATBM. He's heard a little bit of feedback from people saying that it preserves the quaintness and the history of the town. The reality is he thinks it is redundant and is a little bit unnerving to sit in a meeting and have a meeting where someone arbitrarily wants to stand up and have a huge hit on either the Town or Board of Education budget even though the budget was vetted and the overall good of the Town has a chance to vote on it. He finds it strange and odd and an odd issue of how the ATBM is handled.

He also doesn't understand why there are line items with yeahs or nays on the Town budget and the Board of Education is one large number. He would think you would vote a number for the Town Budget and a number for the Board of Education but not necessarily at the ATBM. In his mind going forward it should be a machine vote with a suitable amount of leeway for people who are working late or out of Town or traveling somewhere. A general election where you could do an absentee ballot but not this middle step of first you have to go to an ATBM and depending on who shows up you may or may not have the funding that you expect before it goes to the full Town to vote on. Whoever shows up at the ATBM you first have to pass that round before it gets to round two of the greater public voting for it. He thinks it terrific that the committee is looking at that and the whole Town Charter.

His recommendation is to eliminate the ATBM and for the people to say you can't ask questions and stuff, you can ask questions all throughout the year. At the public hearing that should take care of the folks who say they do not have a chance for input or questions or answers on the specific future budget that is being presented. The whole concept of if I get 50 or 80 people somehow revved to go to that meeting I could possibly have an effect of reducing either the Town and/or Board of Education budget before it gets to the overall Town vote he finds that really peculiar, strange and potentially damaging. It doesn't make sense to him.

Mr. de Keijzer asked if the ATBM is essential to the Town Meeting form of government. Can a Town like us with home rule do without an ATBM? Mr. Edgar said legally you do not have to have an ATBM.

Mr. Tracey asked if he had any thoughts on the process for election of Board of Education members generally. We have two sets of staggered terms, four and three and in years like this one there are "safe seats" because of minority representation rule. Mr. Tracey said he was interested in Mr. Schaefer's comments based on his long experience as to whether the minority representation rule is a useful rule and whether we are implementing it properly because there is a lot of discretion on the part of the Town. We have the ability to change those rules to a certain extent as a result of this process.

Mr. Schaefer said if you're an independent how do you achieve a seat on the Board of Education. He said he hasn't thought about it very much but that is something to think about. Mr. Tracey said an unaffiliated candidate could be nominated but it hasn't happened in recent history and he does not know how likely it is to happen. Mr. Bochinski said there was an unaffiliated write in candidate who won a seat on the Board of Education. As a result one of the Democratic candidates lost. She had a well-organized group of people, mostly parents, who supported her.

Mr. Tracey said the only rule is there cannot be more than a bare majority of a single party and so the practical effect of that today is if you have four seats up two Democrats and two Republicans there can't be more than two Democratic candidates elected. There is no limit in terms of the number of unaffiliated voters that can run. There is a limit of how many you can vote for on the ballot. Mr. Tracey said if Mr. Schaefer did not have an opinion today and had one after further thought he can provide it.

Mr. Bliss asked if the Board of Education had any discussion on the Charter and did Mr. Schaefer think it would be helpful for them to have a discussion. Mr. Bochinski said that if they found that there were some opinions from the Board of Education and perhaps some consensus then they could always put something in writing.

Gayle Weinstein- Ms. Weinstein passed out her comments and said she broke them into two different sections. She felt they were both administrative and political issues that needed to be dealt with as far as the Charter in terms of what we deal with on a daily basis in Town Hall as well as the overarching political issues.

The questions that the Commission had given to her were to her more the political nature and more of the hot bed questions. She also attached a section in back of specific comments that are really administrative changes to the Charter. She said if they want to go through it and have her come back at a separate time.

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

Ms. Weinstein said that she feels that the Town Meeting is a very important process here in Weston. It gives the residents of the Town a chance to vote and make their opinion known. She thinks it is very important and historical to the Town. The option is what they do in larger communities like Westport where they have a Representative Town Meeting. Given the size of crowds that we attract she is very comfortable with keeping the Town Meeting structure in place.

Mr. Tracey asked about Mr. Schaefer's concern about a small minority of people in Town can come to the ATBM and vote on a change to a budget or a line item. She said that any resident in Town has that right to get their friends to attend meetings and have their voices heard. In the years that she has been attending the ATBM there have been times when there has been some discourse but she has never seen a group of individuals

override the overarching message of the meeting in a way that she felt this is something that should never happen again.

The one issue that she does have with the ATBM is that she does not think it is fair that you can vote the budget down but you cannot increase the budget. While she thinks we do a very good job to come across and present very fiscally responsible budgets in a way she wishes she could say, being in the position that she's in, this is really the best I could do. She thinks the question should be "is this something that the Town has the stomach for or not" but she thinks you also have to look at the converse and a perfect example of how that could have come into play was this year's budget when we made the decision to cut the land use department down by 20%. This was a significant change in the budget. P&Z members were very upset about that and perhaps community members would come forward and say no we do not like that cut to the budget. With the process we have in place they did not have that opportunity. She is very comfortable with the decision she made but she is giving that as an example of where people could have increased the budget.

At the ATBM we discuss not only the operating budgets for the school and Town, which we have been bringing to the referendum for the last two years, but there are also two other budgets that we discuss and pass that night, the Debt service and the Capital budget which can be very cumbersome. She is also concerned that if we start listing line item by line item on a ballot that would be way too cumbersome which is why we made the decision to stick with bringing the operating budgets to a referendum vote. It seemed like that was what the people in the Town who had asked for secret ballots votes were most concerned about. She feels that that is a process that we need to honor going forward.

She said the question is can you combine the Board of Finance public hearing with the ATBM which is what some communities do. She thinks it is an interesting thought but she likes the idea of being able to go through the budget line item by line item. It may be cumbersome but it is the only time where people can really stand up and say "hey explain the Police Commission Budget to me". She said if I can't explain that to you then there is a problem. She does not have a problem with the structure of the ATBM but she agrees that we have to continue to provide some sort of referendum ballot.

The other issue that she has with the referendum ballot is you have to take the cost into consideration. The first year we had 1000 people who showed up for that vote and the second year 800. If we get to a point where we only have 400 people showing up for a referendum vote is it really worth spending the $4000 for 400 votes rather than trying to encourage them to attend the ATBM.

One of the Towns had a tipping point where a certain percentage of the population had to show up at the ATBM and if not then it went to an automatic referendum. She said she liked that idea, she did not know how practical that it is here but if there was a way to make that work logistically she thinks that would be great.

Mr. de Keijzer said on that same question, you mentioned that you might consider the ability for people to increase the budget as well as decrease it. If people decided they wanted to increase the budget for a certain department couldn't they dominate the meeting and increase that budget and put that burden on the rest of the population. Ms. Weinstein said the same way that you can have a large mass of people come in and dominate the meeting and say they want to decrease budget. It has to work both ways, we have to be fair.

Mr. Edgar said that one way to approach this is to flip it and say okay is everybody happy with the bottom line number. If we are we have a vote we're done, if we're not and that does not command a majority then you go back line by line and you determine where the problem is and try to work it out. Ms. Weinstein said she wouldn't necessarily have a problem with that. She is trying to look at the least intrusive way to change what we currently have because she thinks you also have to take into consideration that people do not like drastic change. Obviously we are redoing the Charter, this is something we don't do every five years we have to take that into consideration but she also thinks you do need to take a little bit of a historical prospective when you make these changes.

Ms. Weinstein said the biggest issue we had with the budget process was really trying to figure out what was the legally correct way to handle the referendum because the Town Charter is all over the place. You really need to separate out Town Meeting from the ATBM as two completely separate entities because they should have no correlation between each other.

We worked with Town attorney to figure out what was the best practical way to handle it. We are still not 100 percent sure whether everything we did was following the Charter 100% correctly or not. It would have been nice if they had guidance from the Town Charter as to how to handle that referendum. Mr. Bliss asked if she was going to submit some language perhaps recommended by Town attorney to fix that particular issue. Ms. Weinstein said she was not planning on it because they certainly have enough attorneys on the Commission but she would ask her. Mr. Edgar said Pat Sullivan, Town attorney will be appearing at the October 5th meeting and they will be submitting questions to her ahead of time.

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

Ms. Weinstein said she does not see a reason to do so. She thinks it works with three members and she doesn't feel like they are not representing the public well. She thinks that both the Democrats and Republicans have a difficult time finding good qualified candidates as it is and she does see a need to change it.

Question #4 is there any issue with the transition of a former Board of Selectmen to a new Board of Selectmen-elect.

Ms. Weinstein said that she personally did not have any transition issues but she also believes that she maintained a good relationship with the former First Selectman who she

was always free to call and she still calls if she has questions or needs advice on something. That made the transition very easy for her. The transition meeting was a little dicey but Mr. Bliss had said to her she would learn as she went and if she had questions he was there for her call anytime. She is aware of Towns that it was not quite as easy and mostly it had to do with the relationship between the incoming First Selectman and the outgoing First Selectman.

She was not aware of any transition issues when she first became a board member. Mr. Bliss and Mr. Major guided her along and she did not have any issues whatsoever and she is not aware of any issues that David or Dan had.

Mr. Edgar said that the Charter says that your appointment of powers begins right away but your other powers you do not gain until you're there for a week. Theoretically therefore you could have a lame duck Board of Selectmen. Mr. Bliss said the place where you see problems is where an incumbent First Selectman of one party gets defeated by a candidate of the other party. There are incidents that he is aware of, not in Weston, where the outgoing First Selectman just packed up his office took everything and just left. Ms. Weinstein said the way that the Selectman's office is run is that the Administrative Assistant has a copy of everything.

Mr. Bochinski said looking back he can think of a couple of occasions when the transition was rather awkward. What he thinks has saved it is the last 39 years we have had a Town Administrator and that is what he thinks provided the continuity. When Weston did not have a Town Administrator that abrupt change would have really been a problem.

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

Ms. Weinstein said that this is something that there are pro and cons to. A new First Selectman every two years can be problematic administratively, especially if the new First Selectman has very different views regarding budget, town administration, or has little experience in municipal government. It does take some time to catch on to what the duties and responsibilities are for a First Selectman. They are very broad reaching and she thinks unless you're in this role and you had someone who was not on the board at all who came into the role as First Selectman they would be incredibly lost for quite a while until they actually caught up with everything that has to be done not only in the Town but across the region and across the State as well. She thinks that's a problem.

The other problem is that two years is really not long enough to accomplish your visions and goals. When you're trying to talk about long term strategic planning it is very difficult to do it in a short window of time in terms of two years. The cons to increasing the term to four years is number one if you get someone who really turns out to be not a terrific First Selectman, four years is a very long time and they can do significant damage to the Town. We have a Town Administrator who would protect it somewhat but in terms of departments, budget processes and everything that else could happen.

The other issue is if you go to a four-year term, you will have an election here where you could only have the Board of Finance running and she doesn't know what kind of turnout you would get if it is just the Board of Finance candidates.

Susan Moch asked about a three year term for Selectman. Ms. Weinstein said she thought it interferes with State statutes which say you have to run municipal elections in the odd years and the federal elections in the even years. Mr. Edgar said they should check that out. Mr. de Keijzer said that a recall process is possible if someone was very unhappy with the Selectman.

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

Ms. Weinstein said that flexibility is key for this position. You have to know when you run for this position what you're getting into. There are days when she is here far longer than a regular work day and then there are some days when she comes in and there is nothing on her calendar and nothing pressing and she can leave. She thinks that really works in the First Selectman's position especially when you count in the evenings that you may be responding to emails or answering phone calls or the evening that she spends creating the power point presentations for the budget or going to events on the weekend.

She is happy with the position as part-time because the title of part-time gives you that flexibility to work when you need to work and gives you a little freedom when you don't necessarily need to be here physically in the office. If it were full time she would feel the need to physically be here in the office from 9:00am to 4:30pm plus continue to do what she does at night and on the weekends. People who ask for this job to be full-time are often looking for the Town Administrator to be eliminated and that would be a huge huge mistake. It provides the continuity in terms of running the Town. We have a Town Administrator who is completely a political here who makes sure that we continue to operate efficiently.

She thinks the relationship between the Town Administrator and First Selectman probably changes depending on who is in the First Selectman role and the responsibility that the First Selectman wants to take on. Generally with she and Tom he handles most of the operations end of the Town, human resources related issues although she will get involved if it is something significant. He handles all of the contracts, he goes to the building committee meetings, if the boiler breaks he handles it and she handles the bulk of the rest of the stuff. She handles the legal, the political, when people are unhappy they talk to her, she is the one who goes to all the State and regional meetings and tries to position Weston for that.

She thinks the part-time First Selectman and full-time Town Administrator works and she thinks if they were to make both positions full-time you would have a real problem with budget and she does not think it is necessary.

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

Ms. Weinstein said she is not sure what the exemption, which is really a planning issue, has to do with the Town Charter. The Charter provides a mechanism for the Town Meeting to overrule any decision that the Board of Selectmen makes. She thinks it is important to keep that in. It never happened in the four years that she has been on the Board but she thinks that if there is a group of citizens who is really outraged by a decision that the Board of Selectmen makes and want to bring it to a vote and they have the required number of signatures then that should remain in place.

The issue that she has with the special permit, which is what P&Z is referring to when it talks about the zoning exemptions, is that four members of P&Z can make the decision for the entire Town. They set the zoning regulations, they do it with a public hearing but it does not require a Town vote so they can decide how they want the zoning regulations in Town to be regardless of what everyone else in the Town says. All you need are four people in Town to make decision that impacts all of us.

Mr. Edgar said in fairness they set some ground rules for Stephan Grozinger when he was here where we urged him not to discuss the pros and cons of the position but simply the narrow question of whether this Commission should overturn in the Charter the existing status quo. Ms. Weinstein said she did not see where the exemption was in the Charter and with all due respect she should be allowed to answer. Mr. Bliss said that he believed that Ms. Weinstein's comments were very appropriate notwithstanding what they said to Stephan because Stephan's issue was slightly different. She's on the core of this question which is she has an opinion and she is expressing why she thinks yes or no on it.

Ms. Weinstein said essentially the Town wants to put a community center on Street x and as you know Weston is zoned residential. Those four members for whatever reason, maybe their neighbors don't want to have that community center on that street. They can vote no, turn down the special permit because it is in violation of their zoning regulations. So what is the recourse for the Town at that point? It would go to ZBA who could make a decision based on P&Z regulations. They have no choice, no matter how much they are in favor of this project but to vote no. The only recourse the Town would then have would be to take them to court. Right now if they issue an unfavorable 8-24 report we bring it to a Town Meeting. It is not the Selectmen who vote on it; it's the Town Meeting that votes on it. We would lose the opportunity to have the Town Meeting vote on these very important issues. To her to take away the rights of 10,000 people and give it to four people should not happen.

Mr. Tracey said the limited question that we are being asked to answer is the decision of whether the Town should have an exemption sufficiently important in the context of the Charter to require a Town Meeting. Ms. Weinstein said that she did not believe so. She thinks that there are mechanisms in place that any issue that residents feel is important enough they can petition to have Town Meeting. And it should not be based on

discussions of special exemptions or COGs or any of these other things. She thinks that what needs to be looked at is, is there a mechanism in place for the community to overturn a decision by the Board of Selectmen and the answer in the current Charter is absolutely.

Question #8 we have also been urged by P&Z to require that any conversion to a COG be determined by Town Meeting. Do you agree with that? Why or why not?
Ms. Weinstein said that because P&Z is not happy with the potential decision that the Board of Selectmen makes they do not get to have that option. In order for the Town to change its structure from a Regional Planning Agency (RPA) to a Council of Government (COG) requires an ordinance change. The question before you is, are you satisfied with the way we currently pass out ordinances or not. It has nothing to do with a COG. We just passed a bulky waste ordinance recently, do you feel the whole community should have voted on it or do you think a public hearing where we take into account what people say is sufficient enough. That is really the decision before you.

Other Towns take it to their RTM's for ordinance passage. What she finds when talking to the First Selectmen is that that process becomes very cumbersome and again if we pass an ordinance that people in Town don't like there is a mechanism in place for them to overturn it. Mr. Tracey said another witness have provided background material for reading on that if you would like to provide it that would be fine.

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

Ms. Weinstein said she responded to that in the handout. One of the important things that it does say in the Charter is that the Town Administrator duties are as directed by the First Selectman. She thinks that is broad enough to allow the relationship to stay the way it is. Mr. Edgar asked if it was wise to have a Charter that is granular in nature and seeks to be very specific about duties or is it wise to have a Charter that similar to her statement is, well the Town Administrator generally has these responsibilities and is subject to the direction of the First Selectman so we don't get into the question of let's flyspeck every single duty and lets checkout whether this is being met. He asked that as a concept.

Ms. Weinstein said that they will go through her comments on the handout and she has areas where she specifically says delete we don't do this, or even thought this says this in the Charter, or for example Section 7.1 (a) (ii) says that we have to appoint an assistant treasurer. We do not have an assistant treasurer. Mr. Edgar said that the more specific you are in your Charter the more you open yourself up. You lose flexibility and then someone decides to make an issue out of the fact that you do not have an assistant treasurer. Ms. Weinstein said that there were items on her handout that say delete.

Mr. Tracey said on the Town Administrator duties one of the requirements of that job under the current Charter is to satisfy reasonable request by other Town agencies and officials to provide information at his disposal which seems entirely reasonable. He's curious as to whether there has ever been any conflict with regard to how the Town

Administrator should spend his time or does that work pretty well. Ms. Weinstein said it works very well. Tom is very good at providing whatever information is requested of him. Sometimes if it's questions that she can answer or really more of something that she is handling then she will respond for him or with him but they have not had a problem with that as far as she knows.

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

Ms. Weinstein said that she believes they should be changed to appointed positions. These two positions first of all require a specific skill set and potentially, this has not happened in Weston because she cannot remember these positions ever being contested in an election as far as she knows, which is another problem into itself, and potentially you can have someone who is elected to this position who really has no sense of how to do the job.

The Town Clerk position in particular has such a lot of rules and regulations that they must follow and every year when the State goes through all of their legislative sessions and bills come out they have to be able to be responsive to all of those changes and adapt to whether it is a change in the conveyance rate or change in the dog licenses laws or whatever it is. It really does take a person who is particularly savvy to do that.

The other issue is more of a personnel related issue and that's the fact that it is easier from a management prospective to handle someone who is appointed a Town employee like the rest of town hall except for the First Selectman than it is to have two people in particular who don't necessarily have to have follow the same standards. This is nothing to do with the two individuals who are there in the positions. They both do an excellent job but she thinks that we have to think outside of the box when they are no longer here and these are issues that we can potentially have.

Mr. Edgar asked if you want to be elected presumably you would have to be a resident of Weston. Ms. Weinstein said yes. If someone lived across the border and it was appointed position that wouldn't apply. Ms. Weinstein said that is what she believes but location wasn't really part of her thinking because she hope that we would get the best candidate for the job - end of discussion. In Town or out of Town it would give us the flexibility. It also prevents the current Tax Collector and Town Clerk from moving out of Town so if for whatever reason they have a situation where they needed to move out of Town they would lose their jobs.

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

Ms. Weinstein said Section 7.1 we do not have an assistant treasurer. Item 4 she would change that to Emergency Management Director. Item 5 she would change that to Chief of Police; we no longer have a constable. The question she has which she does not know the answer to is should the Board of Selectmen appoint the Chief of Police or is it the

Police Commission responsibility. Mr. Edgar said they would explore that. Susan said she thinks it is the Police Commission at the moment.

Ms. Weinstein said that section 7.1 (b) she would add the Tax Collector and Town Clerk and remove Parks and Recreation. She asked why the Conservation Commission is appointed and not elected. She puts that on the same level of Planning and Zoning.

Question: should all Commissions be listed.

She is not sure if those that are listed are required by State statute and that is why they are listed in the Charter but she thinks there needs to be some consistency there where either you list all the commissions and designate them as something separate and apart from boards and committees or whether you just have the commissions that are regulated by State statute in the Charter.

Ms. Weinstein said she has no idea what a jury committee is she just knows we do not have one. She said we have a Board of Ethics and asked if that was what they meant. Mr. Bochinski said that the Board of Ethics as an appointed board should have been added to the Charter a few years ago when they went through that revision because it was not created until 1996.

7.14 (c) delete. Ms. Weinstein said that we may have been in violation of the Charter a couple of years ago where we decreased the First Selectman's salary. They made that decision because they were asking town employees to take a freeze and at that point and time they did ask the First Selectman to take a 2 ½% pay cut. She said it would have had to start after the election cycle and not at the fiscal year.

Mr. Edgar said the term compensation is a very loose term and it encompasses health care and encompasses all kinds of things. When you start talking about decreasing there are a few places that this appears not just to the First Selectman. You can get into difficulty because people equate compensation with salary but that is not the really the definition of compensation. Ms. Weinstein said she does not think it belongs in a Charter.

Mr. Edgar said hypothetically if a First Selectman is elected and then the Board of Selectmen composed of a different party votes to cut their pay and the Board of Finance approves that are we getting into territory that is perhaps dicey. Ms. Weinstein said then the pay should be cut. You have to trust the Board of Selectmen and Board of Finance to do their job. In what she has experienced in watching Town government in at least the past ten years, she can't talk before that, where the Board of Finance has ever made the decision to drastically cut the salary that way.

Mr. Bliss said that the Charter was not in violation because it was done for the succeeding term and not for the existing term. Mr. Edgar said that he did not believe it was in violation because it was done voluntarily.

Ms. Moch asked why Ms. Weinstein wanted to delete section 8.2 (d) which is the one where you can present programs that were previously acted upon by P&Z. Ms. Weinstein said that we have never done that. We have never presented at the ATBM programs that were presented by P&Z. It makes it more cumbersome, anything in the Charter that she felt that she had never seen done she felt should be eliminated because obviously there is no point of having it in there. At any point in time we can add whatever we like but once it's in the Charter that means we are supposed to be doing it and that's the problem she has with it. Ms. Moch said it does say may present.

Mr. Edgar said there is a Section that says if anybody has a voucher in Town for a nominal number they have to come to the First Selectman to get payment. You have to sign the check and it has to be countersigned by the Town Treasurer (Section 8.7 (b).) Ms. Weinstein said she changed that to audited by the First Selectman or the Town Administrator. Mr. Edgar said every single check you sign has to be countersigned by the Treasurer. Ms. Weinstein she thought that was fine even if it is a nominal amount.

Ms. Weinstein said in section 8.7 (d) she changed it because it is technically the treasurer or the Finance Director. Ms. Moch said rather than making it the Treasurer how about something like saying the First Selectman may recommend to the Treasurer. The Finance Director presents to the Board of Selectmen and Board of Finance and it is really the Board of Finance who makes the ultimate decision. The First Selectman does not initiate the process - the Treasurer does. It is part of the end of year process that we go through.

Ms. Weinstein said that she put in there the question of being able to put our information on line. She thinks it is something that is very important in this day and age. Putting ads in the paper are very expensive especially when we have to put every single line item for the ATBM for example. One compromise would be to put something in the newspaper stating ATBM to go www.westonct.gov for details. We still have something in print that directs people to the website so people don't necessarily have to know but it would save us so much money in advertising cost. Mr. Edgar said that will probably be a subject of State law and we would have to check the law on that.

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

Ms. Weinstein said that she was absolutely against the concept of safe seats. She doesn't think it's fair. If you're going to have an election you should be able to contest it so whether it is simply a matter changing the rules so that the minority representation in that case can challenge the majority or someone else she feels something needs to be done.

She also thinks that we should have some way to allow either unaffiliated voters or voters who may have a "D" or "R" next to their name but aren't comfortable going to the Town committees to come to the Selectman directly and essentially ask to be put on those appointed boards or committees. In Westport they do not run the appointed seats through the Town Committees. They go directly to the First Selectman and she thinks that we

should add that as an option. Mr. Edgar said the person would come to the First Selectman but would still be appointed by the whole Board of Selectmen. Ms. Weinstein says the same way we do it now. We have other situations where we may have open seats that are either Democrat or Republican because they are appointed D's and R's but maybe there is a Democratic opening and someone who happens to be a Democrat just doesn't want to go through the process of going to a Town committee. That person should be able to have their voice heard and be able to come forward to the Board of Selectmen directly as well as an unaffiliated voter who you are essentially making choose - are you more aligned with the D's or R's and she does not think that's fair to do to people.

Mr. Edgar said that she was raising a fundamental point because if he recalls correctly the Charter currently provides that if you are an appointed person, if a vacancy comes up the replacement for you would have to come from the same party. Absent a State law requirement to that effect the question to come to this Commission is is that the best way to run an airline. Why won't you take the next most qualified candidate versus the candidate that happens to be in that party?

Ms. Weinstein said she believes in minority representation. We are one of the few Towns that actually have that and she thinks it is really why or Boards and Commissions operate so effectively. You speak to other Towns where they do not have the minority representation and it becomes very political. It is very rare that any appointed committee or commissioner, even the elected boards get into discussions that end up becoming political in nature and she thinks it is because people are equally represented.

Mr. Bochinski asked if she meant by minority the kind of bare majority we have now or could some Towns the minority say a seven person board could be two rather than three. Ms. Weinstein said that she meant what we have in the Charter now. Ms. Moch said if you have a bare majority rule how do you avoid the safe seat issue if you have for example six republicans who want to run for a seven member board. Ms. Weinstein said what she would suggest in a situation that we are currently facing this year with Board of Education you have one party than can only run two people but you have the minority party who wants to contest that and should be able to run three people. Then you still maintain the balance between the parties because either three Republicans get on and one Democrat in which case the majority flips or else you have two Democrats and two Republicans get on which means that the majority stays.

Mr. Edgar said he is talking about appointed commissions now. Let's say four to three and there is vacancy on this board which now makes it three to three and your best candidate is an unaffiliated person if he understands the Charter correctly you could not appoint that person. Mr. Bliss said that is correct. Ms. Weinstein said you can appoint an unaffiliated if they are recommended by that Town committee. Ms. Weinstein said we still need the Town committees to field candidates for us because it would be overwhelming and that's what they do. They do an excellent screening process and you know that this person is being vetted by more than the Board of Selectmen.

For Select Committees we do not look at party affiliation at all and appoint the people who are best for the position. For the other committees that have been in place that are not select committees, there needs to be a way that you can still get candidates from the Democrats and Republicans. However you need to have a mechanism in place for someone who does not want to go through that process.

Mr. Tracey said for the specific issue of a vacancy you would encourage us to have the parties continue to vet candidates but not to require that the candidate that assumes the vacancy come from the same party necessarily. Ms. Weinstein said as long as you maintain the bare majority she does not have an issue with it.

Mr. Edgar said the only reason they got there in the first place is that you appointed them. It is not the elector that said I want a four to three Republican versus Democrat or vice-versa. You are trying to theoretically find the best person for that position regardless of party and a best person to replace that vacancy is in a different party is that really consistent with the underlying concept. Mr. Bliss said in theory he is 100% correct but in practicality you're 100 % wrong. It becomes very political and it shouldn't be and this just helps ensure that it isn't.

Ms. Weinstein said we really do not have a vehicle for unaffiliated voters. Mr. Bliss said that is a much bigger issue. The unaffiliated voters are the largest party in Town and there are very few of them on boards and commissions. Ms. Weinstein said in all fairness to the RTC and DTC the reason why they have so little unaffiliated voters come up is because most people who decide they want to be an unaffiliated do that because they want to be unaffiliated. She said she has tried hard to recruit people from many different boards and commissions who she knew were unaffiliated to try to increase that balance and she couldn't make it happen.

Mr. Tracey asked if there could be a process of having an unaffiliated nominating committee or a blue ribbon panel of some kind. Mr. Bliss said on select committees there are also very few unaffiliated voters and select committees go right to the Selectmen for appointment and even then we are not getting unaffiliated voters to come forward. Ms. Weinstein said if someone puts their name in that she doesn't know she will call them. Typically most of the people that step forward she does know, she would like to broaden our reach and it seems to be the same people that want to volunteer over and over again which is great but she would love it if some new people want to join our fold here.

She will try to call the candidate and talk to them so they don't come before the Board of Selectmen cold not knowing what kind of questions they are going to ask and if she feels that it is not a candidate who really would be a fit she does try to have that conversation with them so that they are not embarrassed when they come to the meeting. If they still want to come forward after having that conversation we are always happy to interview then and put them through the process because it is not just her that makes the decision but she does try to have an honest conversation with them about what the committee is about, what the timeframe is etc.

Mr. Bochinski said he did not think that we can compel people who choose to be unorganized to organize. The best way is to try to encourage these people to be welcoming but it is their choice.

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

Ms. Weinstein said she does not believe we need a position of ombudsman to mediate disputes between citizens and the Town. However if you were going to offer her an ombudsman to mediate disputes between neighbors that would be incredibly helpful. Issues between citizens and the Town if they have an issue with a decision that we made or the Town agency made normally it comes down to a legal decision or legal issue. If someone has a huge issue with that they could either choose the recourse of suing us or they could go to the Board of Ethics if they feel that they have been aggrieved ethically.

Mr. Bochinski said the Board of Ethics do not mediate disputes. They can issue advisory opinions or investigate complaints with regard to conflicts of interest when they are brought to them. The code of ethics is just limited in that way. Ms. Weinstein said she did feel we need an ombudsman for that but we do have a lot of issues. She has a lot of people who come to her office on a regular basis complaining about neighbors whether it's fences or trees or water runoff because they are not satisfied with the decision that P&Z made or Conservation Commission and they come to her office to overturn the decision. She does not have the power or the authority to do that and also does not have the authority to mediate between neighbors.

Mr. Tracey asked in her concept would the ombudsman be useful before it goes to P&Z. Ms. Weinstein said there is no dispute to mediate until P&Z makes a decision. Mr. de Keijzer asked if it could be a step between the P&Z decision and taking it to court. Ms. Weinstein said no you would be making it more complicated.

Mr. Tracey said the idea that was being expressed at the public hearing on this point was that there seems to be too much litigation between residents and the Town that could be avoided. Ms. Weinstein said that there was not as much litigation as you would think. Since she has been in office they have not lost a case. Mr. Bliss said in eight years they lost one case and they have had lots. Ms. Weinstein said when you look at the fact that we always win the cases you cannot prevent anyone from suing you because if they feel they have been aggrieved it is their right to go through that process. When you look at our track record you see that P&Z, Conservation and ZBA have made the correct decisions.

Ms. Weinstein thanked the Commission for putting in all the hard work and effort to do this. It is such an important job and it is so important that we get this done and get it done right to make our Town Charter better.

Mr. de Keijzer asked if Ms. Weinstein was satisfied with the current election procedures. In some Towns they have separate election just for the First Selectman and for the other

Selectmen. Is she satisfied with the current system or has she thought about alternative systems. Ms. Weinstein said that she really hadn't given it much thought. When you have a situation where you have two people running for First Selectman and one person loses, if the person who loses does not take it well and decide to be part of the team it makes it very difficult to get a Board of three people that work cohesively together. We don't always have that in Weston where that always happens.

When she lost to Woody four years ago she made a decision to support him in whatever she could and to be an active Board of Selectman member and to not get politics involved at all and they definitely had a situation where decisions she felt as the minority representation on that Board, she did not feel like she was given the short end of the stick. She felt that there were times when she and Woody voted together, there were times when she and Glenn voted together and times when Woody and Glenn voted together. It really depended on the issue that they were discussing at the time.

There are other times where you can have someone who loses to the First Selectman and makes it their mission, "I'm going to win next time" whatever that decision is, puts up that wall and decides rather than being a team member and really trying to actively get involved with what the Board is trying to do as a group and that becomes very divisive and uncomfortable. That is her opinion and she has not thought about the alternative structure and she would have to process it to give them a definitive answer one way or another.

Mr. Bliss said one of the benefits of the current system is that frequently the losing candidate for First Selectman becomes a member of the Board and then moves up to First Selectman. It happened to the last three so you get some experience on the Board as a member before you are First Selectman. Ms. Weinstein said she agreed with that.

Mr. de Keijzer asked in her talk to other Towns are there provisions in those Charters or Boards and Commissions that we do not have here that she thinks should be considered. Ms. Weinstein said that she had not looked that thoroughly she assumed that the Commission would do that. She happened to read through the Charters when they came through CCM but she really had not done a full detailed survey. Most of the Towns we deal with other than Redding have a much larger structure than us so their form of government is different.

Mr. de Keijzer asked if some boards like Board of Finance have alternates. Ms. Weinstein said one other thing that needs to be addressed, which she did not put in here, is with appointed positions, the issue of attendance. It is her personal opinion if you miss more than three meeting in a twelve meeting cycle or in a year then that should be cause for automatic dismissal unless there is a reason, illness etc. She didn't think about having alternates for elected boards.

The Commission thanked Ms. Weinstein for her input.