

Public Hearing  
Charter Revision  
October 17, 2013

Ms. Weinstein said the purpose of the public hearing is to hear comment regarding proposed changes to Weston Town Charter. Town Attorney Pat Sullivan is in attendance to answer any questions that might be of a legal nature.

Harvey Bellin, Maple Street- In 1974 in the case of Gilson vs the Town of Weston the superior court judge struck down Weston's ATBM quorum requirement and ruled that a simple majority qualified voters present and voting at the ATBM has a right to reduce budget line items. In 1979 the Charter eliminated the ATBM quorum requirement. He is asking that prior to the Board voting on the majority report that they bring in some other eyes to have a look at the 1974 court decision, and he recommended that they use Weston's Legal Review Committee. One reason is to prevent the Town from potentially costly lawsuit in the future.

Town Attorney Pat Sullivan said she looked over the case and the case asked two questions: Was the budget validly adopted and were the taxes legal. She went through the process at the time. Reductions to the budget made by the Board of Finance required that 5% of the qualified voters be present. The other provision in the Charter at the time was, except as otherwise provided in the Charter, the majority votes prevails. The 5% requirement was if you wanted to reduce the Town budget but there was no 5% requirement to just approve the budget.

The case stands for if you have a quorum requirement, then you have to honor it. The court was saying you have a 5% percent requirement for a defeat you didn't meet it, so what was left is an approval of what was put forth by the Board of Finance.

The case was a superior court decision so it doesn't have precedential value. Ms. Sullivan said that it would be legal to have a quorum at the ATBM. The decision as to whether or not to have a quorum is a philosophical question.

Dan Gilbert, Ladder Hill North- This has nothing to do with the law, it was to do with fundamental democracy. When they heard the initial proposal about a quorum a lot of us felt it was a good idea because we didn't want a small number of people reducing the value of the education budget. What he saw was that the quorum became undemocratic and in conflict with the fundamental principal, one person one vote majority rules. Fundamental democracy trumps quorum.

Pat Heifetz, Ledgewood Court- Shared the history of what happened to cause the court case.

Nina Daniel, Good Hill Road- She said she disagreed with the Town Attorney because she reads the Judges opinion as saying something that would be applicable to the future if we should reinstate a quorum. She read the Judge's decision.

Frank Billone, Curiosity Lane- With the amount of technology that's brought into the ATBM today, anytime any small group has a tiny amount of ability to do something, the

larger group will be able to send out text and he suggest that the parking lot will not accommodate all the cars that will show up within 15 minutes. He was unable to make the comments he intended at the ATBM since there was no meeting. If the goal of the quorum is to kill the ATBM he thinks it is a good goal because they are on plan.

Christine Lomuscio, Cannondale Road- Agreed with what Frank Billone said. The problem with the quorum idea is that it's also muddled with the idea of other things. It's the unwillingness to have a paper ballot, the unwillingness to stand up to what you actually believe in a room. She said to have an automatic referendum then what is the point of having the ATBM. She is against the quorum.

Irine Gibilisco, Quail Ridge- She asked how much the referendum cost. Ms. Weinstein said approximately \$3,000. She said that they moved to Weston 7 years ago and before that she lived in Monroe. The Monroe budget never passes before three referendums. She asked how often you have had more than one. She asked if it was because all the issues are ironed out and all the amends are made in the ATBM that we are trying to eliminate by creating a quorum.

Arne de Keijzer, Salem Road- The quorum does not undermine the ATBM. He said both commissions voted in favor of a quorum and the Town and the Selectmen endorsed a quorum. He does not feel that they made a mistake. The concern is manipulation. His concern is people should understand that if you don't want something, you need to show up. We all have an equal chance to show up and he feels that a quorum encourages people to show up.

Bob Ferguson, Hickory Lane- He takes issue with Attorney Sullivan saying that since the Gilson case was a superior court case, it has no precedential value. He asked if there is a reason why we haven't gotten an outside legal opinion on this case. Ms. Weinstein said that's why we have the Town Attorney on retainer. He wonders if the case had been brought up in 2012 if the vote would have been different and the same in 2013. He said that he disagrees with Ms. Sullivan that this case doesn't offer precedential value.

Lucy Bowden, Stonehenge said that she feels those present and voting should decide. This is the purest form of democracy and Weston is so fortunate to have it. If we institute this quorum we give all sorts of play to things happening. We don't go directly to what we should be doing which is deciding on our budget and discussing with each other in an open forum. We should not lose the ability to experience pure democracy and we should get rid of the quorum.

Ken Edgar, Wells Hill- We need to get our facts straight. There have been six charter review commissions that have determined whether there should be a quorum or not. Five out of six of them think there should have been a quorum.

He said there are misrepresentations of facts, as well. In the Gilson case there were two issues, one issue is whether you could reduce the budget and the other issue is who gets

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to vote on the unreduced budget if the budget is not reduced. There was absolutely no challenge to 5% requirement for reducing the budget. Judge Burden said there is good reason to require a minimum vote before a recommended appropriation in a budget may be decreased at a Town Meeting. His view is 180 degrees different than what has been set forth in Harvey's letter and what is set forth in the article that appeared today in the Forum.

Margaret Wirtenberg, Wilson Road- She doesn't think we need a quorum and we don't need a mandatory referendum. She thinks the old Charter worked well.

Michael O'Brien, Georgetown Road- The ATBM is one of the best debates that you can have within this Town. The referendum is only 2 or 3 numbers but at the ATBM is the opportunity for the people in this Town to talk and make their presence and opinion known. That's the most important thing about this.

Bob Machson, White Birch Lane- He agrees with what Ken Edgar had to say. The problem is the Board of Education. The Board of Education is a hostile process because it doesn't permit Town's people to become enjoined in the process. If you are worried about how to improve the process, the Board of Education needs to change first and the rest of it will become more democratic.

At 7:39pm Ms. Weinstein closed the public hearing.

Respectfully Submitted

Judy M. DeVito  
Administrative Assistant