

**Public Hearing Charter Revision
July 19, 2011**

Ken Edgar called the meeting to order.

Dennis Tracey said that they found out that they could do nothing until they have this hearing tonight. They have scheduled another public hearing for September 7th. They will have bi-monthly meetings on the first and third Wednesdays of the month at 7:30pm. All of their meetings are public unless there is an executive session. They are planning on getting their work done and provide a draft report to the Board of Selectmen by the spring of next year barring any unforeseen delay.

They have a letter from Martha Diamant and Pat Heifetz that they will read into the record at the end of the public hearing.

Richard Troxell - Steephill Road- 38 year resident. Served on the RTC, Board of Finance, and The Panel of Moderators and has presided at numerous Town meetings. Prior to moving to Weston he lived in Massachusetts where he served on the Town's Finance Board, Board of Selectmen and Town Meeting Moderator.

1st suggestion is to strip all party identification from the direction of Town officers and board members and from the ballots and to strip from the Town Party Committees their power to nominate candidates for office. To make Town elections completely non-partisan. There are 2 reasons for making this proposal 1). In his experience there is no difference between the two parties locally as parties on the issues. There is no democratic or republican position. 2). The partisan nature of Town elections, particularly a nominating process, disenfranchises a large part of the electors - mainly those people who are not party members. They have no say in the nominating process. He suggests that nominations for the elected office should be by petition with the Charter stating a required minimum number of signatures to get a candidate on the ballot. With the abrogation of party identification candidates, there would be no need for the so-called party balancing of boards and commissions.

2nd suggestion is that the Charter provide for a recall of an elected official. That would be a special election called to remove from office this or that named elected official. Recall would be done by means of petition with a stated minimum number of signatures on the petition required.

He did not know that either one of the suggestions are legal by Connecticut Statutes. The previous Town that he served in before did nominations on a non-partisan basis. It was strictly by petition.

Helen de Keijzer- Salem Road-one of the things that everyone has been frustrated by is not having any history of the Charters themselves. She is very concerned about the referendum process or some process and perhaps this will be put in place again to encourage the inclusion of more voters within the Town.

Another thing that is of interest is party affiliation requirement, very much to what Mr. Troxell said – putting something in place that encourages participation on boards, commissions, committees of those people who are unaffiliated.

She would like to have some mechanism for mediation within the Town's operation so that when there are conflicts within boards and commissions with each other or in land use planning there will be a way to mediate them. She thinks there is room now, more than there has been in the past, to raise some sort of a mediation function so that is the first place people go. People who feel respected and included can discuss away some of things that might grow into big issues otherwise.

Some Towns seem to separate the Conservation and the Inland wetlands functions. Should we have a separated on going mechanism for long range land use plan. She is not sure if alternates would be a benefit to a town of our size but it is something to be considered. The other thing is the incorporation of a Board of Ethics. Not a code but a commentary about Ethics in the Charter.

Margaret Wirtenberg- Wilson Road- It would be nice if they could either televise their meeting so that they could be recorded or she would volunteer to video the meetings for them. As long as they keep the Town meeting she's happy.

Dana Levin- Georgetown Road- She would love to see the ATBM be kept. She thinks it is a wonderful form of government we have where every citizen can come and keep in mind the issues of the day. As a history student it is a great educational opportunity for our Towns people. The past couple of years where we have had the ATBM followed by the referendum we need to clarify exactly how we are going to be approving the budget. She has heard that there are some other places where they have a percentage of voters attend the ATBM then they do not go to a machine vote. They feel as though they are depending on participation and their ultimate goal should be for the Charter to do what we can to increase participation in something as important as voting on our budgets. On the assumption that we are doing a machine vote, she urges that it be done in a way that is most fair to the greatest amount of possible voters out there - meaning that if we are going to keep a machine vote as part of this process that it be a full day on a weekday when people could come in from 6:00am to 8:00pm that captures the most possible voters.

Don Saltzman- Newtown Turnpike- Is a 30 year resident and has served on land use boards for 28 years. He has chaired ZBA, P&Z and has been on the cable council for 25 years. He brought the TV studios to the State of Connecticut and particularly the Town of Weston where they built two studios. He was chair of the Tower Communications Committee that was able to bring some income on the tower located on Town land. He has served as special counsel to our State Legislative on Cable TV and communication issues. He is on the Board of Director of St. Vincent's Medical Center. He has worked on two Town plans.

He feels that there are a lot of things in the Charter that can be left alone because it is a good solid foundation for what represents the legislative body of the Town. However, we are a Town Meeting type of government whereas the voice of the people controls basically what happens here. The Board of Selectmen has three people but with a body of three it takes two to vote and make a majority. To have two people make a decision for over 10,000 people and not have an appropriate challenge to that is a little out of whack. For example on P&Z we make regulations, we have public hearings and we have people coming in telling us what they like or don't like about the proposed regulations. If an applicant gets what they consider a bad outcome they can go to ZBA. If ZBA does not give them relief they can go to Superior Court and then the Appellate Court. There are ways you can challenge certain boards and commissions. P&Z follows State law.

There is a movement in Town that to save money they want to merge things with other Towns. I am a fierce independent person who believes that the Town of Weston has to make its own destiny. If you merge with other Towns, like communication, I do not want that to leave Town. I want our people in our Town to know what's going on. The same thing with the fire department. I do not want someone up State telling our Fire Department where to go; we want our people to tell the fire department what they should be doing in response. We need a home rule, which has been over 250 years, where the Town fought for itself.

There is a movement afoot with the SWRPA where they are forming a Council of Government which would be a Government between Hartford and the Town of Weston and other Towns. It takes 5 out of 8 votes on that council to make a law. We lose control over land use, which should not happen. I am not a proponent of joining a COG; however it may happen. Here is the bad news. After the 8 people are members of COG are the same Towns, 17 Towns upon application to the Secretary of the State can get a certificate and they join the group. Therefore you will have big cities in the State telling us what to do that may be of benefit to them. We lose home rule. When the Committee devises their plan keep us independent.

Mr. de Keijzer asked how he sees that written into the Town Charter. Mr. Saltzman said a paragraph, something that has to be written that believing in home rule, these are the boards and commissions and rules of operation and government must follow and not subscribe to anything but State law. Not any other organization that is formed has to tell us what to do.

If the Selectmen make a decision and some people don't like what they did, in the Charter it says that you have to get 250 signatures on a petition within 14 days to form a Town Meeting which is a legislative body to discuss it and possibly overturn it. I don't think that's right. There should be a comfortable number in a comfortable time frame that the citizens of the Town can go to the Selectman and say here we need a Town Meeting and let the Town Meeting decide yes or no. I'm looking for fairness.

Term limits for Selectmen. I think the Selectmen have a good deal for two years. He does not want to see a four year term for Selectman. He wants to include a job description of

the Town Administrator. If one of the Selectmen quit instead of having a political party say who they want in there we should have a new election of anybody in Town. Forget political label, let independents come in and vote, getting rid of the parties may help, but there is a tradition in the United States about political parties. He wants to see everybody have a chance. Pick the best person you can pick. No changes to the type of government and also however you work it we have to have votes by machine including independents. He would also encourage you to make a reading file so that the public can sit down and read the letters that are sent to the group.

He asked how the committee wants to handle ex-parte communication. He wants to keep the volunteerism up and does not believe the Board of Selectmen should be more than three people.

Harvey Bellin- Maple St- His recommendations have to do with the ATBM. The 1st point is to revise the Charter to institutionalize the adjournment to be a private or secret ballot vote. He compared the number of people voting at the ATBM as opposed to the referendum and there was a big difference in voter turnout in the referendum.

We should retain our traditional ATBM with live discussion. As an option at the end of that meeting provide a mechanism for a machine vote where 4 major line items can be voted on. You should provide a sufficient number of days in the Charter between the evening ATBM and the all-day referendum voting so that there is sufficient time for press coverage and TV coverage for people who did not attend the evening meeting. We should not have the adjourned all day ATBM voting on Saturday or Sunday.

Revise the Charter to facilitate secret private voting on revisions to items proposed at the evening ATBM. Under current regulations anyone could stand up anytime and call for a paper ballot on any item. However in order to get passage of that it requires a majority vote. He suggests that they revise the Charter so that the only thresholds for approving the secret ballot vote on specific line items should be 10% of eligible voters attending the ATBM. Make it a reasonable threshold so it is not two people but it is not 50% of the people.

Retain the Charter exactly as it is in terms of the provision that prohibits the ATBM from increasing a proposed budget line item because a small well organized special interest group could blow away years' worth of diligent budget work by the Board of Selectmen, Board of Education and Boards of Finance.

Barbara Reynolds- Cannondale Road- If we maintain our ATBM status and we are allowed to reduce the budget she would like consideration given to increasing too. She would like the committee to look at other Town's and see if other Towns are handling anything that way and if so what percentages they allow.

She would not be necessarily opposed to doing away with the ATBM or maintaining it and a referendum day. She thinks any of those options are valid. She agrees that getting 250 votes in 14 days is a fine way to overturn a decision made by the Board of Selectmen

and she would not like to see any change in that. She does not believe 10% of anybody that's gathered should be able to change procedure.

She would like the committee to look at what other committees are doing with regard to the term served by the First Selectman. She feels that four years is more appropriate than two especially if it is your first term and especially if you have not sat on the Board of Selectmen. She would also like to see an analysis done of neighboring communities and how they handle whether their First Selectman is a full-time or part-time position which then brings into question the need for a full-time Town Administrator. Perhaps we can move in the direction where this becomes one position whereby saving the Town \$50,000 or so every year. Perhaps a flip-flop where the Town Administrator is part-time.

She asked if they had come to a decision yet as to the ability for public input in future meetings and if so at some point that they let them know. Mr. Edgar said no and yes.

Stephan Grozinger- Lyons Plain Road- He thought Helen de Keijzer's comment about a mediator was a great idea. He thinks it would work very well in Weston because generally a representative of the public who intercedes with a public agency that would do a lot to tone down rhetoric at times. It might do a lot for our sense of community here in Weston.

Laura Smits- Birch Hill Road- She is there as a private citizen but also as an election official. We currently have a secret ballot mechanism in the Charter that we never seem to get to. It is there besides the machines and she believe that we should have a secret ballot sometime. She is not against a machine vote however she wants to make it clear of the cost of bringing out machine whether it's on that night or the Saturday after. Every time they do that it is about \$3,500 to \$4,000 each time.

She feels Wilton has a good idea which is a Saturday right after the referendum. Harvey's point about people having things on the weekend is a good one but we could overcome that by having in person absentee voting between that time period. If they had Saturday vote she would ask that it be a limited time like 9:00am to 12:00pm. She does not feel that we should have mail-in absentee ballots because it is much too confusing and a lot of paper. The problem with the ATBM and the schedule is that we end up backing into the school vacation which eliminates a lot of people in the Town.

Part of the cost issue is the past few years we have been subsidized by the State with regard to our cost for programing cards, cost for machine maintenance and our cost for ballots. This is no longer the case and every year they seem to be less and less inclined to help us pay for these things.

The other thing that she is concerned about is if they go to a machine vote on an ATBM and we do whatever we do with the vote, we have to take into consideration what happens if it fails. That is the biggest concern she has. There are Towns who have machine referendums that go to multiple machine votes. Every time we do that it will cost the Town money. She would like to keep budget neutral as much as possible. She

would like to see the ATBM if we have a referendum that it not 6:00am to 8:00pm because it is very difficult to find people to staff the whole day and it also interrupts the school day. The Saturday option, you eliminate people that cannot get home from work that night. You have to give people multiple options. She feels the secret ballot is an appropriate thing and she totally agrees with that idea. It is just a question of what is the least cost, the cost we can incur and what is the way you can get the most people to participate in the process without jamming Town Hall and costing a lot. Also if you can do anything to get rid of the 6:00am to 8:00pm on a referendum.

Amy Sanborn- She agrees with what Helen said about the history and understanding what changes have been made to the Charter and why. She thinks it is also important to understand since the Charter was amended how the State Statutes may have changed and where the Charter is silent on some things State Statutes prevails. An example is a section in the Board of Education that actually relates to party affiliation and it mentions how many people from each party can be on it. That is a section where the Charter is silent on something and therefore the State Statutes take precedence..

She thinks that there has been discussion of how other Towns do things and she thinks that it is very important to understand. Particularly in the State of Connecticut as opposed to Pennsylvania, Massachusetts, New Hampshire etc. and it may be more germane in Connecticut because we are all driven by the same Statutes but she thinks there is also a history of Town Meeting kind of governance and the people governing which she has great and strong respect for.

She thinks that it is interesting that there were two Towns in North Carolina that were looking at their Boards and Commissions because all of them rolled at the same time so they were going to go to staggered terms which we have and she thinks is great and we should not change that. Two Towns were looking at should they go to a 4 year Selectman and one did it, the other was thinking about it and the one that did it was in the process of changing back because they determined that two years was the right amount of time. She personally believes that Boards and Commissions should be 4 years or 6 years in the event of Board of Finance but she believes the Selectman should be two and she feels strongly about that.

In terms of quorums and calling meetings 2.6 overrule of action taken by the Selectmen and 2.7 calling a Special Town Meeting and it is 20 days for an action to overturn action taken by the Selectmen to file a petition and she likes the 20 days. The two sections have different thresholds for taking an action. When the Charter was revised in 2003 they raised it from being 50 signatures which is what is in the State Statutes, to 5% of qualified votes to call a special town meeting for enactment of an ordinance or other action. It then sets a threshold of 5% quorum and she thinks that that effectively precluded Town's people from being able to call a meeting because it is virtually impossible to get a 5% quorum at a meeting that has been called. She thinks they might consider looking at that.

In terms of merging with other Towns or having regional boards, commissions, activities, business, speaking as a citizen but as chair on the library board Ms. Weinstein had asked a while ago whether they should consider regional and it was clear to them that they would be disenfranchised in term of their percentage in people voting on any board where they were in some sort of arrangement with a larger Town. They realized it would cost them more money and she thinks that we have to be very careful that if there is any kind of regional anything that as a Town we are careful about with whom we partner, contract or whatever because if we are the little guy then we take what the majority rules and tells us what to do and we lose our voice.

In terms of the Selectman and Town Administrator she does not believe that the jobs are similar. She feels that they are very different. Her personal opinion is that hiring a Town Administrator is very different from electing a Selectman and she believes it should remain the way it is.

There was a lot of discussion about the ATBM and voting. There is a group the way it is done now that is disenfranchised with the absentee ballot the way it is. That is any taxpayer who does not live in Town was not able to vote when the ATBM goes to a referendum. When you say you want everyone to be able to vote it is virtually impossible between the ATBM and referendum you could not get an absentee ballot sent to you and returned so anyone who owns property in Town and did not live here could not vote.

Dennis Tracey read a letter from Pat Heifetz dated July 19th.

Pat wants the committee to 1). Create a new position, preferably elected of ombudsman who would be charged with the job of dealing with a variety of disputes within the Town including those concerning neighbors, land questions and almost any disagreement that might come up within the Town

2). Enlarge the Board of Selectmen to five as is now the case in many Towns the size of Weston. She would also like to return to the small honorarium we traditionally gave to our First Selectman until a resent change made about three years ago, while continuing the large salary we give to our Town Administrator. This has always been the salary situation here so that any resident could serve as Selectman and not allow only part-time or retired persons to fill this spot.

3). At the local level setup political parties other than our State and National democrats and republicans since locally we have vastly different positions than those of our current National parties. I believe many of our currently unaffiliated registered voters would become participants on our governmental stage.

Dennis Tracey read another letter dated July 19th from Martha Diamant.

She believes the prime focus of the Charter Revision should be to focus on updating ancient language that is no longer necessary. The most important reason for Charter Revision in her opinion is the continuation of the secret ballot on the budgets of the Board of Education and the Board of Selectman.

She is also concerned with vague suggestions which appeared at a recent Weston Forum editorial that the Board of Selectmen should be expanded and the First Selectman's position be changed into a full-time position. I can find no rationale for such a change. Our Town where I have lived for more than 40 years have been very well served by part-time First Selectman. I also feel that the Town Administrator is a vital asset for our Town. The position brings the education, experience, talents and continuity that make Town Hall function so well. Most people running for First Selectman do not have the extensive background or experience needed to manage the diverse functions that make Weston municipal government successful.

I will follow closely your deliberations and thank you for serving on the commission.