

AGENDA FOR THE OCTOBER 5 MEETING OF THE WESTON COMMISSION
FOR CHARTER REVISION

The meeting will occur at 7:30PM in the Town Hall Meeting Room.

Item 1 – Approval of the Minutes of the September 17, 21 and 24 Meetings.

Item 2 – Town Attorney Pat Sullivan will appear before the Commission to share her thoughts regarding the Town Charter.

Item 3 – Discussion of Articles 2 and 3 of the Charter. This discussion will include an analysis of the following Sections:

Section 2.3. Section 2.3 (second paragraph) provides that the moderator of the Town Meeting must read the Connecticut State Statutes regarding who is qualified to vote in the Town Meeting and the penalties for unqualified persons voting. **Question:** Can we give the moderator the option of reading a summary of the law, rather than the actual text?

Section 2.4. Section 2.4 (b)(2) and (3) require that any sale or leasing of real estate of the Town, or any purchase of real estate by the Town, must be approved by a Town Meeting. **Question:** Clearly these are important events, but should there be a materiality threshold; i.e. should very minor transactions require Town Meeting approval?

Section 2.4 (c) requires that any proposed contract for services or use of facilities by or with the United States, any Federal agency, the State of Connecticut or any political subdivision thereof, must be approved by a Town meeting. **Question:** Is this provision too restrictive, either because it lacks a materiality standard or because it covers too many different types of transactions?

The Planning & Zoning Commission has proposed that the Town's exemption from the zoning regulations should be submitted to the vote of a Town Meeting.

Question: Is it appropriate to amend the Charter to include this provision?

The Planning & Zoning Commission has proposed that any decision to have the Town join a "Council of Governments" for purposes of regional planning be subject to approval by a Town Meeting.

Question: Is it appropriate to amend the Charter to include this provision?

Section 2.5. The last paragraph of Section 2.5, which applies to certain Town Meetings (other than the Annual Town Budget Meeting) contemplates a "yes" or "no" vote on the item(s) presented to the Town Meeting, but also provides that the Meeting must be

reconvened between seven and fourteen days after it was adjourned for the purpose of holding the vote. It also doesn't seem to specify directly when the vote needs to be taken.

Question: Should this provision be clarified to provide a) that there is no need to reconvene the Meeting after a machine ballot (because the machine ballot will have determined the outcome) and b) the dates on which the vote will occur?

Currently, neither Section 2.6 nor 2.7 permit a machine vote to decide an issue brought to the Town Meeting pursuant to these Sections.

Question: Should these provisions be amended to permit a machine vote either at the discretion of the Board of Selectmen or pursuant to a petition from the voters?

Section 2.6. Section 2.6 allows five percent of the voters to petition within 20 days to overrule an action of the Board of Selectmen.

Question: Should these requirements be changed or are they fine as they are?

Section 2.6 also requires, in Subsection (d), that the action of the Board of Selectmen can only be overruled if at least 100 voters have voted in favor of overruling the action.

Question: Is this the appropriate number of voters that should be required to take this action?

Section 2.7. Section 2.7 allows five percent of voters to petition for a Special Town Meeting, but the second paragraph allows the Board of Selectmen to reject the petition if the subject of the petition is materially the same as a matter that has previously been voted on. However, this provision does not contain a time limit, so that theoretically the Selectmen could reject a petition if it covered material that was voted on, for example, ten years previously.

Question: Should this provision be modified to add a time limit to the Selectmen's ability to reject the petition?

Section 3.1. Section 3.1 currently provides for the election of three Selectmen.

Question: Should we expand the Board of Selectmen to five members?

The last sentence of Section 3.1 provides that no Selectman may hold any other "office of profit" in Town government.

Question: Does this provision need to be clarified? Should Selectmen be allowed to serve on other Town Boards or Commissions?

Section 3.2. Section 3.1(c) provides that the Board of Selectmen has the power to enter into agreements with the Commissioner of Transportation of the State of Connecticut.

Question: Should this power be expanded to include other agencies of the State?

Section 3.2(d) provides that the Selectmen can adopt ordinances that incorporate by reference statutes or regulations that "have been printed in book form", but only if "there have been filed two copies of the [statute or regulations] in the office of

the Town Clerk.” The language seems antiquated, at least to the extent such statutes or regulations are available online.

Question: Can we simplify the language and eliminate the need to keep two copies of statutes in the Town Clerk’s office?

Section 3.2(e) gives the Selectmen the power to “regulate the internal procedure” of Town agencies (i.e. Boards and Commissions).

Question: Do the Selectmen actually do this? Is it appropriate for them to do so?

Section 3.2(h) makes the Board of Selectmen, as part of their duties, responsible for reviewing the two-year and five-year needs of the Town.

Question: How is this provision administered, and is it overly specific in prescribing two and five-year projected time periods?

Sections 3.2(i) and (j) appear to provide that the Board of Selectmen cannot hire, fire, fix the compensation of, or otherwise deal with the job description of appointed or elected Town officials.

Question: Are these provisions causing any practical problems, and should they be revised?

Section 3.3. Section 3.3 (and Section 4.2) require that the Board of Selectmen elect a “Second Selectman,” but only when there are more than three Selectmen.

Question: Since provisions regarding the Second Selectmen are currently not applicable, should they be eliminated?

Section 3.3 provides that the Board of Selectmen must, by resolution, determine its own rules of procedure.

Question: Should procedure at the Board of Selectmen be determined by Roberts Rules of Order?

The first two sentences of the second paragraph of Section 3.3 have been superseded by Connecticut State Freedom of Information requirements.

Question: Should these sentences be eliminated?

Section 3.6: Section 3.6 provides that the Board of Selectmen coordinates the operations of Town Government.

Question: Should this be changed so that the First Selectman has this responsibility?

Item 4 – Any other business of the Commission.