

MINUTES

CHARTER REVISION COMMISSION

October 19, 2011

Town Hall Meeting Room

A meeting of the Charter Revision Commission was held on October 19, 2011 in the Weston Town Hall Meeting Room. Present were Richard A. Bochinski, Nina Daniel, Arne de Keijzer, Kenneth C. Edgar, Susan Moch and Dennis H. Tracey, III. Woody Bliss was absent.

Guest Speakers: Donna Anastasia, Town Clerk
Charity Nichols, Tax Collector
Rick Phillips, Chair, Board of Police Commissioners
Beth Gralnick, Vice-Chair, Board of Police Commissioners

The meeting was called to order at 7:30 PM.

After discussion, the minutes of the October 5 meeting were unanimously approved.

The Commission received comments from Town Clerk Donna Anastasia regarding the Charter, in particular whether the Town Clerk should be an elected or appointed official. While Town Clerk Anastasia believed there were arguments on both sides, in her judgment the office of Town Clerk should be an elected office. The Town Clerk handles sensitive documents and she felt that Townspeople would be more comfortable dealing with a Town Clerk that they elected and that was also a resident of the Town of Weston. She pointed out that it takes three and a half years to complete the training for Town Clerk and that therefore continuity was an important element of the job. She stated that the job could be more political if it were an appointed position, and a new administration could decide to replace the incumbent Town Clerk.

The Commission then received comments from Tax Collector Charity Nichols, who addressed whether the Tax Collector should be an elected or appointed official. Tax Collector Nichols felt that the Tax Collector should be an elected official, and that the appropriate term of office for the Tax Collector should be four years. The Tax Collector must take four courses to be certified and continuity is important. This is an apolitical position and she felt that there was no particular benefit in making it an appointed position. In addition, she too handles sensitive information such as Social Security numbers and tax returns. She stated that while she has discussions with the Town Administrator, she is not under his direct supervision.

The Commission then heard from Rick Phillips, Chair of the Board of Police Commissioners, and Beth Gralnick, Vice-Chair of the Board of Police Commissioners regarding the Charter. Both Commissioners strongly supported the current Charter

provision that mandates a seven person Board of Police Commissioners. They felt that the current subcommittee structure of the Board would be untenable if the Board were reduced to five members. They supported the current four-year term for Board members. They felt that the First Selectman should not be a voting member of the Board of Police Commissioners but felt there was merit in the First Selectman being an ex-officio member of the Board. Commissioner Gralnick also pointed out that under Connecticut Law the Board of Police Commissioners had exclusive authority to hire and fire members of the police department.

The Commission then turned to its continuing detailed review of the Charter, by addressing specific questions contained in the agenda as well as other comments by its members. After discussion of each of the questions, the sense of the Commission was reached, and is reflected in the following series of questions and responses.

Section 4.1. Section 4.1 uses the term “First Selectman,” which implies a male officeholder.

Question: Should “First Selectman” be the proper title or should the title be more gender-neutral?

We will develop a definition of “First Selectman” and “Selectman” that makes it clear that these terms apply to both genders. In addition, the Commission decided to remove “in writing” from the second sentence of the third paragraph of Section 4.1 and decided to modify 4.1(c) by referring to limits imposed by State law on the First Selectman’s ability to hire and fire certain Town employees.

Section 4.2. Section 4.2 contemplates the existence of a “Second Selectman,” but only when the Board of Selectmen consists of more than three members.

Question: Should Section 4.2 be eliminated?

Yes.

Section 4.3. Section 4.3(b) requires the Town Administrator to see that programs to evaluate employee performance are established. This is not in fact the way that human resources are administered in Town.

Question: Should Section 4.3(b) be changed to provide that the town Administrator will manage Town personnel?

Yes.

Section 4.3(d) requires the Town Administrator to help the First Selectman analyze the short-term and long-term financial and cash flow implications of Town programs.

Question: Should this specific function be in the Charter?

Yes.

Section 5.2. Section 5.2 provides that the newly elected Board of Selectmen takes office one week after being elected, but also provides that they have the immediate right, upon being elected, to make appointments and fill vacancies.

Question: Is this provision the most appropriate way for the new Board to take office?

After discussion, this question was tabled until the Commission's next meeting.

Section 5.3. Section 5.3 provides for a two-year term for the Selectmen.

Question: Should Selectmen be elected for a four-year term? Should their terms be staggered? Should the position of First Selectman be full-time or part-time? Should there be a separate election for the First Selectman and the other Selectmen?

No change to current Charter.

Section 5.3(c) provides that the position of tax collector is an elected position.

Question: Should the tax collector be an elected position?

After discussion, this question was tabled until the Commission's next meeting.

Section 5.4. Section 5.4 provides that the position of Town Clerk is an elected position.

Question: Should the Town Clerk be an elected position?

After discussion, this question was tabled until the Commission's next meeting.

Section 5.5 – 5.10. These Sections provide for the election of various Boards and Commissions. There are a variety of questions that can be raised generally with respect to these provisions.

Questions: Should any of these positions be a "safe seat," meaning a seat where all candidates nominated by the two parties in Town must be seated, or is it more desirable that all elections, where possible, be contested? (This of course ignores the possibility that an unaffiliated candidate might run for one of these positions.)

Contested elections are preferable, and the Board of Education election is a good candidate for reform.

If contested elections are preferable, how would they be implemented?

Add a provision to the Charter allowing more candidates to run for the Board of Education, pursuant to State Law.

Is the number of alternates established by the Charter appropriate? Should we add alternates to the Board of Finance, the Planning and Zoning Commission and/or Conservation Commission? Should we eliminate alternates from the Zoning Board of Appeals?

No change to current Charter.

Sometimes the staggering of terms is covered in Section 5, and sometimes not. Is it desirable to include the specific staggering provisions with respect to each elected Board or Commission?

No change to current Charter.

Section 5.6. Section 5.6 provides for an elected Board of Finance with each member serving a six-year term, but does not specifically provide for staggered terms (as noted above). We understand that currently three members are elected in one biennial election, four in the next such election, and none in the third election.

Question: Should we change the staggered election schedule to three in the first election, two in the second election and two in the third election?

Yes.

Section 5.10. Section 5.10 provides for a seven member Board of Police Commissioners.

Question: Should we reduce the number of members of the Police Commission? Should we provide for the First Selectman to be a voting member of the Commission?

No change to the current Charter.

Section 5.11. Section 5.11 provides for elected Justices of the Peace, but we understand that in fact the Town's Justices of the Peace do not appear on the ballot.

Question: Should Justice of the Peace be an elected position?

No, and this will be clarified.

Section 5.12. Section 5.12(a) (second and third sentences) provides that compensation to be paid to Selectmen (other than the First Selectman) and elected officers and members of elected boards will be determined in a certain manner.

Question: Since these are nonpaid positions, should the provisions relating to their compensation be eliminated from the Charter?

Leave this question open pending resolution of whether Town Clerk and Tax Collector are to be appointed positions.

Section 5.12(b) provides that necessary non-budgeted out-of-pocket expenses of an elected official must be reimbursed if approved by the Board of Selectmen.

Question: Is there an issue that a Board member (e.g.) could incur material non-budgeted expenses? Should there be a required pre-approval by the First Selectman or the Board of Selectmen of any non-budgeted expense in excess of a certain amount? Must the Board of Selectmen approve every such expense? Does this level of detail have to be in the Charter, or could it be handled administratively? (See also Section 7.14(b).)

Non-budgeted expenses should be subject to pre-approval by the First Selectman.

Section 5.12(c) provides that the rate of compensation of the First Selectman (and the other Selectmen) cannot be changed during their term.

Question: Is this provision appropriate? First, compensation is a very broad term, including pension, health care and other potentially compensatory items. Second, compare Section 7.14(c), which provides, in other circumstances, that compensation cannot be reduced during an elected (or appointed) board member's term. Lastly, there is complete Board of Finance review of the proposed level of compensation and a Town vote.

Deferred to next meeting of the Commission.

Article 5 (Generally).

Question: Is there any way to facilitate the ability of unaffiliated voters to hold public office?

Deferred to the next meeting of the Commission.

Having no further business, the meeting was adjourned at 10:11 PM.

Kenneth C. Edgar, Jr., Co-Chair