

MINUTES

CHARTER REVISION COMMISSION

November 2, 2011
Town Hall Meeting Room

A meeting of the Charter Revision Commission was held on November 2, 2011 in the Weston Town Hall Meeting Room. Present were Woody Bliss, Richard A. Bochinski, Nina Daniel, Arne de Keijzer, Kenneth C. Edgar, Susan Moch and Dennis H. Tracey, III.

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

After discussion, a motion was made by Mr. Bochinski to approve the minutes of the October 5 meeting. The motion was seconded by Ms. Moch and passed unanimously.

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 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?

No change.

Section 5.3. 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 extensive discussion, the sense of the majority of the members was that the position should be made an appointed position, but no final decision was made. The Commission agreed to have further discussion on this issue in executive session. Ms. Daniel and Mr. de Keijzer agreed to obtain information from comparator towns.

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 extensive discussion, the sense of the majority of the members was that the position should be made an appointed position, but no final decision was made. The Commission agreed to have further discussion on this issue in executive session. Ms. Daniel and Mr. de Keijzer agreed to obtain information from comparator towns.

Section 6.1. The beginning of Section 6.1 makes reference to the election of federal officers.

Question: Is this reference appropriate for the Charter?

No change.

Sections 6.2 and 6.3. Sections 6.2 and 6.3 set forth technical rules regarding Voting Districts and Voter Registration in Town.

Question: Do these rules reflect current practice and are they in compliance with applicable State Law?

Tabled until after testimony by Town Registrars.

Section 6.5. Section 6.5 contains provisions for breaking a tie vote in an election or referendum. It mandates that an “adjourned” election be held on the seventh day after the results of the election or referendum have been published.

Question: First, does this provision comply with current State Law, and second, what if such seventh day is a weekend or holiday?

The Commission discussed the possibility of recommending that the time period in this section be amended to provide for an adjourned election in 7 – 14 days, but the question was tabled until after testimony by Town Registrars.

Section 6.6. Section 6.6 deals with vacancies in any elected office, and provides unexpired terms to be filled until the earlier of the expiration date of the term or the next biennial election. If the person vacating the office is from a political party, the vacancy must be filled by a member of the same party. Section 6.6 does not explicitly deal with a vacancy in the Office of First Selectman. Vacancies in the Office of the First Selectman are mentioned in Section 4.2(b), which provides that the Second Selectman assumes the post, but the Town does not have a Second Selectman.

Question: Is the requirement that a vacancy in elected office be filled from the same party appropriate?

Yes.

What if the person occupying the office was not affiliated with any party? Should there be a requirement that that person’s successor be similarly unaffiliated?

There should be no restriction.

Question: Should we wait until the next biennial election to fill vacancies or can we conduct a special election in an even-numbered year to fill the vacancy?

No change.

Question: What should the process be for filling a vacancy in the Office of First Selectman?

The Commission discussed the following procedure:

- **The Board of Selectmen should select a Second Selectman to serve during the term of such Second Selectman.**
- **In the event a vacancy in the First Selectman position should occur less than 6 months prior to the next municipal election, the Second Selectman would fill the vacancy for the remainder of the term. No special election would take place.**
- **In the event a vacancy in the First Selectman position should occur 6 months or more prior to the next municipal election, the Second Selectman would fill the vacancy as acting First Selectman, but a special election would be held within 30 days for a new First Selectman.**

Section 6.7. Section 6.7 provides that removal of any elected official from office “shall be in accordance with the general law.”

Question: Is it clear what this means? Should the Charter be more specific on this topic for the sake of clarity? What are the circumstances that should lead to removal of an elected official?

The sense of the members was that a removal process modeled on the process in the Wilton Charter should be adopted.

Section 7.1. Section 7.1 lists appointed positions and their terms. The positions need to be updated to reflect today’s offices and nomenclature.

Question: The beginning of Section 7.1 requires that appointments must be made by the Board of Selectmen within 30 days after the Tuesday that follows their election. Is that a sufficient time period for all appointments to be made?

No change.

Question: Which offices, boards and commissions need to be added to the list and which should be subtracted from the list?

Delete:

- **Assistant Treasurer**
- **Constable**
- **Jury Commissioners**

Change:

- **Civil Preparedness Director and Advisory Council to Emergency Management Director**

- **Dog Warden to Animal Control Officer**

Add:

- **Board of Ethics (5 members; 2 year terms)**
- **Commission on Aging (7 members; 2 year terms)**
- **Commission for Children and Youth (9 members including 2 students; 3 year terms)**
- **Commission for the Arts (7 members; 2 year terms)**

It was further agreed that the Commission would invite to provide testimony the Chairs of:

- **Building Board of Appeals**
- **Conservation Commission**
- **Historic District Commission**
- **Library Committee**

Question: Should the Charter clarify that the Chief of Police is appointed by the Police Commission?

Yes.

The last sentence of Section 7.1 provides that appointees don't begin to serve until they are qualified.

Question: How does this provision work, in practical terms?

Tabled for after executive session.

One of the appointed Boards is the Conservation Commission.

Question: Why is the Conservation Commission appointed and not elected?

Tabled.

Section 7.3. Section 7.3 provides for filling vacancies in appointed agencies, and mandates that if the person vacating the office was recommended by a political party the vacancy can only be filled by a person from the same party.

Question: Is the requirement that a vacancy in appointed office be filled from the same party appropriate?

The sense of the Commission was to eliminate this requirement.

Section 7.5 Section 7.5 provides that the Town Attorney must, upon written request, furnish any Town officer or agency a legal opinion on any question involving their powers and duties.

Question: Should there be some standard governing such requests, such as a pre-approval from the First Selectman or Board of Selectmen?

The sense of the Commission was that opinions may be requested by Town officers and agencies upon prior written approval of the First Selectman.

Section 7.5 (fourth paragraph) provides that the Town Attorney can settle an action with approval of the Board of Selectmen but cannot, however, appeal a decision unless the Board of Selectmen and the relevant Town agency agree?

Question: What is the reason for this distinction and is it appropriate?

The sense of the Commission was that the Charter should be revised to state that the Board of Selectmen may select any appropriate attorney to represent the Town in any matter, and that any attorney representing the Town shall act at the direction of the Board of Selectmen.

Sections 7.6 and 7.7. Sections 7.6 and 7.7 require that the Town Building Inspector and Assessor pass a State of Connecticut examination.

Question: Since the Town Administrator has testified that this is a requirement of State Law, do these provisions need to be in the Charter?

The sense of the Commission was that these provisions are duplicative.

Section 7.10. Section 7.10 provides that the Conservation Commission implements “The Inland Wetlands and Water Courses Act.”

Question: Should jurisdiction for Wetlands be separated from the Conservation Commission?

No change.

Section 7.13. Section 7.13(a) provides that unaffiliated voters must be invited to submit their names for consideration to be part of the panel of moderators.

Question: Are unaffiliated voters actually solicited to become moderators?

The sense of the Commission was to delete the second sentence of 7.13(a).

Section 7.13(b) provides that, not less than 10 days prior to any Town Meeting, the Board of Selectmen must nominate a moderator for the Town Meeting.

Question: In some Sections, particularly Section 2.7, there is no set requirement for the Board of Selectmen to fix the time of the Town Meeting in advance, yet Section 7.13(b) requires that at least 10 days in advance of any Town Meeting the Board of Selectmen must nominate a Moderator. Can this cause an inadvertent violation of the Charter?

The sense of the Commission was that the 10 day period should be eliminated.

Section 7.14. Section 7.14(b) provides that necessary non-budgeted expenses of Town officers or Board members must be reimbursed.

Question: Should our treatment of this Section mirror our treatment of Section 5.12(b), to which we have previously added a requirement that there must be a form of pre-approval from the First Selectman in order for a non-budgeted item to be reimbursed?

Conform to 5.12(b).

Section 7.14(c) provides that the rate of compensation of a holder of an appointed officer cannot be reduced during that person's term of office.

Question: If the Board of Selectmen has the power to remove an appointed officer (see Section 7.3) then is it logical that the Board of Selectmen cannot reduce that person's rate of compensation? Also, compensation is a very broad term. Would a negative change to the health care program violate the Charter?

The sense of the Commission was that this provision should be eliminated.

Article 7 (Generally)

Question: Should the role of a "Commission" vs. a "Committee" be clarified?

The Commission will review the relevant statutes and clarify.

Question: Should we add the Board of Ethics to Article 7?

The sense of the Commission was that the Board of Ethics should be added.

Question: Should the Board of Selectmen appoint a Town "Ombudsman" to mediate disputes?

No.

Question: Should Article 7 be expanded to include references to "Select Committees?"

No.

Question: Should we try to standardize the effective date and termination date of appointments? (E.g. December 1?)

Tabled.

Having no further business, the meeting was adjourned at 10:30 PM.

Dennis H. Tracey, III, Co-Chair