

CHARTER COMMISSION
Robert Russell, Chairman
Michael Kaelin, Vice Chairman



Telephone (203) 563-0102
Fax (203) 563-0299

TOWN HALL
238 Danbury Road
Wilton, CT 06897

CHARTER COMMISSION
August 26, 2008
Meeting Room "B"
Wilton Town Hall

PRESENT: Robert Russell, Michael Kaelin, Paul Burnham, Marilyn Gould,
Louise Herot, Alice Ayers, Toni Lee, Douglas Levene, Chris Weldon

GUESTS: First Selectman William Brennan

OTHERS: Ned Greene and Brian Shea (The Bulletin)

Chairman Bob Russell called the meeting to order at 7:05 pm.

Approval of Minutes: Louise Herot stated that there are statements in the minutes of August 11, 2008 that are correct as they were said but are not technically correct. Some changes were made to the minutes. Upon motion by Mr. Levene, the minutes were approved as amended. Alice Ayers abstained since she was not present at that meeting.

First Selectman William Brennan of Wilton

Bill Brennan stated that he appreciated the opportunity to speak with the Commission and thanked them all for serving in this difficult task.

Organization and Responsibilities

He would like to talk about how the town is organized and what the job of First Selectman actually entails. Copies of the town organization had been distributed earlier. When he was elected, the organization was that 17 department heads reported to the First Selectman. He waited about six months and thought about how to get this down to something manageable. In July, he made organizational changes and reduced it down to seven "direct reports" and the town counsel. This has worked out very well because it is a more manageable group. Operating Committee meetings are held once per month with the seven direct reports. People started to then communicate as an organization because there a lot of responsibilities that overlap. The key thing

was that it gave everyone the chance to talk as a group and as a management team. We have pretty good morale and he has been pleased with how this works. There wasn't one complaint from people who are department heads that they now report to a "direct report". Each direct report is charged with going back to their department heads to meet with them and pass on information.

Regarding his position, he sees that the First Selectman takes care of the day to day operations of the Town. That covers a very wide spectrum of activity. He passed out handouts showing some of the First Selectman's responsibilities. The first handout is a position description so you have a better understanding about what the position is as he sees it. He asked the Commission members to look this over quickly to see the spectrum of things that are involved, which is typical of a CEO of any organization.

The areas that are critical are leadership and advocacy and management and legal responsibility, etc. To give a little color to these responsibilities, he also put another handout together, which he then went through.

Toni Lee joined the meeting at this time.

The First Selectman wanted to talk to some of the specific functions as to what they really entail when he says leadership of the town. The town must be managed on a cost-effective day-to-day basis. He must also be always anticipating and looking ahead. There have been a number of things that are involved from setting up management policies and controlling head count to setting up the Ethics Committee that then morphed into a Code of Ethics. These things came out of a vision, such as his vision of improving Wilton Center, improving infrastructure and a lot of deferred maintenance. The Conservation Commission was encouraged to form a tree committee which now includes the Garden Club. We are trying to coordinate this so that when it comes together, we get a harmonious outcome. If you don't know where you're going, you will never get there.

The legal responsibilities in this job are significant. Every day deals with some legal issues, from cell phone towers, renewal of leases, concerns over the Memorial Day Parade, the Mather Street cell tower which involved a lot of dealings with the Siting Council and several trips to Hartford. There is a range of things, such as the Marvin Tavern and various town properties. That is part of the day-to-day job.

Regarding the governance side, he has the philosophy that boards should work together. His job is to try to ensure that there is some continuity there. The members of the Board of Selectmen, once we make a decision, we speak as a board and that is the way boards should operate. A number of years ago, we had a Board of Education that was constantly fighting with each other and that is not what the Town needs. Boards should be expected to work together. If you look at the boards, none of them have total authority. The authority is spread out. Combined, we should work together and out of that should come a more harmonious government. The major issues for the Board of Selectmen are to focus on the cost-effective administration, major policy and certainly a continuing review of the fiscal, the administrative and the governmental needs of the town. We are trying to meet the community's needs in relation to services. We are constantly looking for ways to get money from anybody. Grants are good, provided they don't entail a tremendous amount of either compliance issues or other issues that would be onerous.

Administrative Management is a broad array of things. Obviously we want to keep all projects in the town moving forward but I have human resource responsibility because I have to set the long term succession plans for the direct reports. I have to focus on strategies for union negotiations. Sarah does the negotiating but we communicate all of the time. We exchange information and I tell her when to cave and when to keep going. That's how we got the defined benefit plan. We were negotiating for a year with that union, and it was a major success.

We have salary plans and performance reviews. Having to accomplish 7 performance reviews versus 17 works much better. Miscellaneous contract activity has to be overseen. I have been spending a lot of time working on a draft for our municipal solid waste disposal contract. We also negotiated with Norwalk Hospital, and executed a 5 year contract for the Paramedic.

At least 90% of the deferred maintenance has been taken care of over a period of three years, although there is still more to accomplish.

Drainage problems as a result of some high flooding in April caused a lot of work with maybe five residents who had problems. The difficult thing is to talk with residents when they have drainage problems. If it's the town's responsibility and we can help, we do. However, sometimes the drainage problem is completely the problem of the resident and it is sometimes difficult to explain that to them. It does consume a lot of time and I am the one that they call to complain. We have issues where people built and over the years the water levels came up and in some cases affected their septic systems, which means they want to connect to the sewer system which is not always possible.

I'm active in the Chamber of Commerce. We are looking at the Teen Center right now for a possible merger with the YMCA. These are the type of things that can get very involved. The last four or five items on the list I handed out are the things you expect people to complain about: aggressive coyotes, turkey problems, pandemic flu concerns. You get the usual things about mailboxes being knocked down, potholes and artificial turf issues which we are monitoring also. The fields belong to the Town, not the Board of Education. There is a lot of research being done on the safety of artificial turf and residents get very concerned about this.

Financial management is a key part of my role. We put the budget together which is a time-consuming but very valuable process. We hopefully have gotten to preparing cost-effective budgets. I really think that our departments do a terrific job and none of them are big-time spenders. These departments watch their money and usually turn money in at the end of the fiscal year. Recently, I went to them and told them that we have a very bad financial environment. At our last operating committee meeting I explained that I would like to set up stretch goals and asked each department to come up with 2% reductions in their discretionary items for this fiscal year. Every single department agreed and I have had input back from each of them. Joe Dolan is in the process of getting that into a program so we can total it all up.

Regarding a ten year operating and capital plan, we went through that right down to trying to project a mill rate out ten years. This was done with two Board of Finance members, Joe Dolan, myself and another individual. We came to the conclusion that ten years is too far out to be doing a mill rate analysis. We need to cut it off at five years. The school system felt that it was impossible to give us numbers for ten years. Five years out is what the rating agencies are looking at and we felt that was meaningful

We developed a capital process. One of the things that bothered me is that every capital process was done differently, depending on who was head of the building committee. Not that they did a bad job but everyone did it in a different way so there was no continuity and sequence. We got some very knowledgeable people in a five member committee who really understand the town and we came out of that with a good plan that gives you guidelines as to how a project should go by steps so now we have a common process. The first project that I inherited was the fields which was difficult because there had been cost overruns and our building committee did not have a lot of experience, no architects or construction managers. Malcolm Whyte took over and we got it done.

The lamppost project took research and fund-raising and we will finish that project and be under budget. The Comstock Community center is moving forward. The Wilton High School renovation project is coming to a Town Meeting on September 16 and the Miller-Driscoll problem is in a state of flux at the moment.

Regarding policy coordination, my role was to meet with other boards – first the P&Z and suggested that they redo the Plan of Conservation and Development. I was interested in how we control the town-centered development so that buildings are not out of sync with the harmony of the Town and the streetscape. We came up eventually with a village district plan, which also applies to Cannondale. The board meetings that I have attended more recently are the Conservation Commission and P&Z. I am Chairman of the WPCA and the Wilton Water Commission. Those are two additional responsibilities. I meet regularly with the Schools Superintendent and spend a lot of time with Karen Birck on contract negotiations, capital projects (not general run of the mill school items). All contracts come eventually to my desk for execution and I coordinate the review of the contracts with Ken Bernhard, who reviews them, and also gets involved with the architect's counsel. It is a team effort but I end up signing contracts so I read every one. By Statute, the CEO is the "owner" of town property. A lot of stuff comes across my desk that has to be reviewed, making it a very diverse job.

Public Safety is a key responsibility because, by Statute, I am responsible for the public safety of this community. We created an Emergency Preparedness Guide to have a list of things to be done, and by whom, in various emergencies. An emergency operating center was set up where we could get the Fire Department, Police Department and Department of Public Works all in one room to deal with a major emergency. We set up a computer connection and computer projection so we can see where roads are closed and lines are down. We have had a lot of emergency drills and work closely with the Westport and Weston Health Districts.

Communications and keeping the public informed is a big job. I try to do that with interviews, State of the Town reports and televised reports which take a lot of time. I also do Op-Ed pieces and Channel 12 interviews.

I have lunches with other Selectmen on a periodic basis to keep close contact with them so we have good personal relationships when we need help – mutual aid is critical. We all talk about how we can have more citizen participation. All towns have the same problem. It isn't that people aren't interested but that they are just too busy. I continue to think that sometimes when we have budget meetings and get a very low turnout like last year, it is because we put together a pretty good budget. Minus the revaluation, we actually only had approximately a 2.8% increase.

Some of the other towns had budget increases that had 5% budgets that were knocked down. When citizens are upset, they come out and when they feel something is reasonable, they don't come out. Every CEO of a town has to be an advocate of the town. We've had to battle the cell towers, and we've had to battle the Super 7 highway threat. We organized a bi-partisan effort of area first selectman and we went to the state with a block of testimony. We were told that the towns' testimony was powerful.

With the Danbury Norwalk branch line, we continue to try to make improvements, dealing with Metro North and DOT. We have made some improvements already on the train station. It is cleaned up and we are close to getting it painted and getting a business in there. There has been a lot of effort on the FAA Airspace Redesign, which could have really big effect on the town.

Regarding development, Bob Russell once wrote a job description and said the First Selectman should promote the development of the Town of Wilton, consistent with the POCD. When the developers were looking at developing these properties, I told them to think "colonial" design. I have a pretty good relationship with most of the big taxpayers in town and I think that's important. Davis Marcus properties is a powerhouse here. They will have close to a million sq. feet of prime office space in Wilton when they are finished. My job is to stay in touch with these major people and try to understand their needs.

You can read the detail when you have more time. So many people think they have an idea of what the first selectman does but it is surface.

Suggestions for the Charter

Regarding term and term limits, as far as the Board of Selectmen members, I really thought about this. I think two year terms make the most sense for the Board of Selectmen. It makes the most sense for the First Selectman also. My rationale is that when I ran for office the second time, I wasn't opposed but I campaigned for 8-10 weeks every weekend and I found that very important because it connects you with the people. Any member of the BOS should be connected. Two year terms make the most sense even though it forces campaigning every two years but Congressman of the United States have been able to manage it for 200 years and it seems to work. If you decide to go to four year terms, that would allow you to stagger terms, which is one positive. He thinks there should be an eight year term limit for BOS and First Selectman. It takes about 3-4 months for a First Selectman to get a feel for what he is doing, if you have experience as a manager and supervisor. Eight years would be enough – after that people need a rest and a pat on the back. If you go to four year terms, you should have a provision for removal because there is always the problem of getting someone who is incompetent or deteriorates in the job. He feels that the First Selectman position should be a separate election. We are kind of unique the way we do it.

The number of electors required to call a Special Town Meeting is very low in this town. Perhaps we should consider 3-5% of the town's electors for a petition. You want to avoid a frivolous issue narrowed to a group of people to be able to call a STM, which costs over \$2,000 to hold. Another thing he would recommend is that a salary determination by the BOS has to be done by Charter before the next term begins. The Board has to meet and vote a salary increase for the next year and the following year. There should be a review technically, like we do with everyone else and that should be done closer to the actual performance. He feels the BOS should get together and vote on an increase, and in the following year decide on an increase again.

There is a section in the Charter that deals with the Board of Selectmen and the First Selectman that talks about general powers - role and responsibilities. When you get to the Board of Finance, it just says general powers – it should also include role and responsibilities.

Regarding a town manager, the position has been discussed as an organizational alternative and it has been discussed in the previous two Charter Commission review sessions. He knows one or two town managers. Some people, he feels are naïve. It seems to imply that if we hire a town manager, all problems will go away. Depending on how you set it up, the town manager and First Selectman would have similar responsibilities. From the town manager's point of view, his first concern would be that he is an employee, not the Chief Elected Officer. One's basic primary instinct is to preserve your job. An elected official has been elected to get things done. That is an important distinction. In his opinion, the Chief Executive Officer must be the Chief Elected Officer. By Charter, this is also the chief administrative officer. CEO's run whatever organization they are involved with. Because we are in tough times right now, hiring a professional would be expensive. With the size of the town and the government, we can't afford an additional employee. Hiring a town manager would probably cost \$225,000 plus benefits, and that is if you can find a good one. Wilton is blessed with a lot of talented executives to run for the position of First Selectman.

Questions:

Louise Herot shares the feeling about a town manager but feels that so far we have been lucky in finding people with the right kind of experience. It would be very easy with someone without that to get elected and then where are we? Bob Russell feels that we count on town committees to do some of that screening. We have a highly educated community who don't vote for people unless they have the feeling that they are reasonably competent.

Chris Weldon arrived at this time.

First Selectman in comparison to school superintendent? The Superintendent is dealing in education and supervises the schools. The Board of Education basically handles the running, administrative, financial, planning and capital requirements. A doctorate in education is required for that position. Superintendents are not business managers, they are educators.

Do you have any views on what the authority of the Board of Finance should be? Would you be in favor of reducing the BOF's role in the budget to something similar to having the same responsibilities with respect to the Board of Selectmen budget as they do with respect to the Board of Education budget? Reducing their authority to look at the budget on a line-item level in the Selectmen's budget vs. just the bottom line. Bill Brennan answered that he was chairman of the BOF and his thoughts are that the BOF role is really to recommend a total budget and a mill rate. That's what the Charter says and they have to be conscious of both the BOE and the BOS budget, what the debt service is, non-tax revenues and they have to be watching our reserves. That's their fundamental responsibility. The BOF can ask any questions about any items in the budget and the BOS and BOE should respond to those questions. When it comes down to the time that the budget is too high, the BOF should request an amount for the BOE and the BOS to reduce their budgets, and basically that is what happens. We never went to the BOE and asked them to reduce a specific line item. This gives management authority to the people who are closest to the spending

to put it where it should be. Why should the BOF get into the minutia of 700-800 line items in the town budget. Another area that is important is that the chairmen of all boards must keep their boards on focus. The same with the BOF, if someone is starting to get into some areas of minutia, the chairman needs to control that.

Doug Levene – would it make any sense for the BOF to give guidance to the BOE and BOS early in the process about the maximum level of increase that the town should be willing to look at? Bill Brennan - I think that is very dangerous because the BOF putting out a number in advance could back to bite you with the state pulling back grants you were expecting or ECS grants for the school. The other issue is that you have to understand the contractual obligations that the town has that are fixed. Doug – was thinking more that the BOF is in the position of looking at what the town's financial resources are for the coming year. The BOS and BOE are the experts who figure out how to spend that money. Bill – Yes, the BOF should be looking at the big picture but they would have to have the rationale for any reductions they recommend. We have to provide services to the community. The Board of Finance doesn't know the day-to-day operations of the Police, Fire or DPW and their needs. Bill – over the last 9 years, when budgets have come out, I have never known the BOF to say you need to cut a certain line item. They left it to the BOS. They have the right to reduce the line but the BOS decides on the lines to be reduced. Louise Herot – but as Doug says, you can't count on that always.

Louise Herot- maybe it has to be tied in with the length of term on the BOS because if you give up the line item, then you almost have to keep a two year term so that you have that accountability if they make the wrong decision. Bob Russell – but that can be done at a Town Meeting, reducing a line item.

There was a lengthy discussion about reducing line items as opposed to a total amount from the budget by the Town Meeting. Bob Russell feels that it was helpful to have this back and forth discussion tonight and be able to get the First Selectman's opinion on each suggestion.

Doug Levene - Do you see operational advantages to consolidating the Water Pollution Control Authority, the Wilton Water Commission, the Conservation Commission, the Inlands-Wetlands, ZBA or any and all of the land use boards. Is that possible and would it be beneficial from an operations standpoint? Bill Brennan – The Water Commission is not very active. They have meetings scheduled once per month and probably only meet 2-3 times per year. That could probably be consolidated into the WPCA which meets almost every month. My feelings on the other boards and commissions is that they all have plenty to do and I do not see combining them. The land use boards are regulatory and the members have to know the regulations.

First Selectman Brennan was thanked for taking the time to share his ideas.

Bob Russell received letter from Rich McCarty, Chairman of the Fire Commission who requested that the Charter Commission not consider a public safety commission, but suggested a number of small changes in the Ordinance which Mr. Russell sent to the First Selectman. Ordinances are the Selectmen's responsibility.

The commission members continued discussions:

1. Regarding live broadcasts, Bob Russell talked to IT Director John Savarese who said there would be technical difficulties because Town Meetings are not held in the Town Hall. We would have to get the live connection to the network in order to make a live broadcast to the community. John says he's happy to meet with any of us who want to talk technology. Chris, Alice and Louise would like to meet with John. Bob will set up.
2. Four year terms – Everyone feels discussions should continue.
3. Separate election for First Selectman separate – continue discussions
4. Term limits for Selectmen – continue to discuss
5. Number of signatures for a Special Town Meeting – it was agreed there is a need to increase. Will need opinion of Town Counsel. Louise Herot went to OLR and found that it could be done.
6. Limit Board of Finance line item review – need more discussion
7. Board of Selectmen non-binding review of BOE budget – need more discussion
8. Public Safety Commission – no one interested in discussing further.
9. Cannot limit RTC and DTC on committees – No more discussion
10. Reserve for Capital Expenditures – Does not have to be in the Charter.
11. BOE election confusion – minority representation. Louise - Before the act was passed, there was another way to provide minority representation by not allowing a voter to vote for more than half of the people running for election. Then minority representation was passed. A different mechanism was formed but it was never changed for the BOE. The Charter was changed again that anyone can vote for the whole number if they wanted to. Therefore because the Charter says it was part of the General Statute and a specific provision was not made to allow people to vote for the full number, we can only vote for half. That needs to be changed.
12. Should we have more alternates, i.e. P&Z? General disagreement.
13. Should some elected boards be appointed. General disagreement
14. Did not specify appointment of hearing officers. Parking, alarm ordinance. The person is now appointed by the Board of Selectmen. Does not have to be in the Charter.
15. Continue discussion about Town Manager.

Having no further business, the meeting adjourned at 9:20 p.m.

Jan Andras
Recording Secretary
(not present – minutes taken from audio recording)