

**CHARTER COMMISSION**  
Robert Russell, Chairman  
Michael Kaelin, Vice Chairman



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TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

**CHARTER COMMISSION**  
**November 11, 2008**  
**Wilton Town Hall Annex, Room A**

**PRESENT:** Robert Russell, Michael Kaelin, Alice Ayers, Marilyn Gould,  
Louise Herot, Toni Lee, Douglas Levene, Paul Burnham,  
Chris Weldon (8:00)

**GUESTS:** Joseph Dolan, CFO

**ALSO PRESENT:** Justin Reynolds (Bulletin)

Chairman Russell called the meeting to order at 7:10 p.m.

**Approval of Minutes:** The minutes of the October 20, 2008 were accepted as amended. (Ms. Ayers abstained as she was not present at that meeting.)

**Discussion with CFO Joseph Dolan**

**Bonding Procedure:** The Charter does not say that you must have a referendum with all bonding proposals. Do we want to? At the Annual Town Meeting, we have a referendum on bonding proposals. At a Special Town Meeting, the Charter does not require a referendum. Fifty people can show up and approve bonding. Although it is not required, there has traditionally been a referendum to approve all bonding. It was suggested to change section 32(a) to say "Resolution of Annual or Special Town Meeting". Mr. Dolan agreed. Changing the wording would remove the uncertainty and makes it more consistent.

**Public Hearings on Bonding Proposals:** Should we hold a separate public hearing on bonding proposals, even those that will come to the Annual Town Meeting? Mr. Dolan - the items that would go the Annual Town Meeting could be covered in one or both of the budget hearings. Is it

necessary to hold a hearing on something that will be going to a town meeting because the town meeting itself is a form of hearing.

Ms. Ayers - If it's going to be bundled into an Annual Town Meeting, we would have a budget hearing ahead of time. If it is a single issue, there could be a hearing and a town meeting on the same date.

Mr. Dolan - You could cover the bonding items that are proposed for the annual town meeting at the budget public hearings. Sometimes the bonding doesn't really coalesce until after those hearings but you could still have a public hearing on whatever the items are that are proposed for bonding without guarantee that the items will turn up on the final agenda. You could require a public hearing in addition to the town meeting but they could both occur the same night. You would have a legal notice for the hearing and a separate one for the town meeting.

Mr. Russell – That wouldn't allow time for revisions based on comments at the public hearing.  
Mr. Dolan – Then if you are going to leave it up to the discretion of the Selectmen, at least put in a minimum time period that has to occur between the hearing and the time you can vote. Ms. Lee suggested having the hearing held at the beginning of a regular Board of Selectmen meeting.

**Board of Finance Role in Bonding Proposals:** Mr. Dolan - The Board of Finance responsibility right now is to consider bonding proposals and if they object, to report the reasons for the objection to the town meeting. The Board of Finance does not have approval or disapproval rights over bonding authorizations. The appropriate body to hold that hearing would be the Selectmen.

Mr. Kaelin - Under the current Charter, there is an obligation to submit all bonding proposals to the Board of Finance in advance of the town meeting for review. As a practical matter, if they have to have a meeting to review, wouldn't that be the time and place to get comments from the public. Mr. Dolan - often, their review occurs so close to the town meeting, there would not be time to actually have the Board of Finance hold a public hearing. Then under the Charter, they can't do anything to that bonding proposal as a result of what they hear. They have to send that back to the Board of Selectmen to start the whole thing over. The best one to have the hearing would be the ones who originate the bonding proposal, which is the Board of Selectmen. Ms. Herot – The Board of Finance does not even have to meet, they didn't on the last one because they did not have a quorum.

Ms. Herot – with bonding, you are getting approval for a number that came from a bid. There is not much give. Ms. Gould - There has to be an opportunity for the public to discuss the project as a whole.

Ms. Herot - There is a sense of surprise (by the public) when these bond issues come and each one has to be presented and explained. Mr. Russell – As Mr. Dolan suggested, proposals that will be brought to the annual town meeting could be included in the budget hearing. So if there are four bonding projects (2 from Selectmen, 2 from Board of Education), they would each include public discussion at their respective budget hearings. Mr. Dolan - You need to add a sentence to the section that talks about the budget hearing [C-31B(1) and (2)]. The way the Charter is worded, the Chairman of the BOF could rule discussion out of order if the bond items are not on the agenda.

Mr. Dolan - the Charter says the budget shall be submitted to the Board of Finance for review, etc. That language would still apply to something that comes up off the budget cycle. The Board of Finance still has to be given the opportunity to comment.

**Bonding Discussion continued:** Mr. Kaelin – Are the bonding procedures set forth in the Charter anywhere other than Section C-32. It doesn't even require all bonding proposals to go to the Board of Selectmen. The citizens can call a special town meeting by getting 50 signatures on a petition and the Board of Selectmen have to call the town meeting. You could by-pass the Board of Selectmen and Board of Finance to get a bonding proposal. Mr. Burnham - A private citizen can bring a bonding proposal to the town meeting, whereas the Board of Education has to go to the Board of Selectmen first, as does Conservation Commission or anyone else. It looks like whatever conditions that come before approving bonding, should be in C-32.

Mr. Dolan - the authorization for bonding rests with the taxpayers, which is why the Board of Finance cannot cut the bonding proposal off and in effect prevent it from going to the taxpayers. That's why the Charter reads the way it does. It is actually a very well thought out provision.

Mr. Russell – on the point about a referendum on bonding proposals, we have all agreed to add a sentence to that and regarding the public hearing, we could add a sentence to the section that says there are two public hearings on the budget (one for Selectmen and one for Board of Education) and that those hearings would include discussion of proposed bonding.

(8:00 pm) Chris Weldon arrived at meeting.

Mr. Dolan suggests simplifying the language in the Charter regarding the return of surplus bond proceeds to the general fund. He originally wrote the language and has language to substitute, which he read and explained.

Mr. Russell moved to support the Mr. Dolan's recommendation for simplified language in Section C32(C) of the Charter; and to support adding a requirement for referendum on all bonding issues; and, adding a sentence to the section on public budget hearings to include a description of proposed bond issues. Motion seconded and unanimously carried.

It was pointed out that no votes taken during these discussions are final but will be made final at such time as wording for amendments are approved.

**Annual Budget Procedure:** Should any changes be made to the annual budget procedure? Mr. Russell – the Charter takes six pages to discuss the procedure. One suggestion that has been discussed, with no final consensus, is sending the Board of Education budget to the Board of Selectmen's review before going to the Board of Finance. There were some people who did not like that idea.

Should the Board of Finance be restricted from making line item cuts to the Board of Selectmen budget? This may be an issue to bring to a public hearing.

Should we retain that provision that the budget is automatically approved unless rejected by at least 15% of the electorate? Ms. Herot wants to check with town counsel to be sure that this is legal.

Do we want to retain the automatic approval of the reconsidered budget? Mr. Dolan believes it should be retained. The rating agency likes this because it guarantees that there will be a budget by June 30.

Do we need to define the term “appropriation”? Mr. Dolan believes it should be defined because it clears up the convoluted language now in the Charter. At the town meeting, only an “appropriation” could be amended and not single line items in the Selectmen’s budget. This would require a new section to the Charter. You could also say that what constitutes an appropriation is the total Board of Selectmen operating and capital. Then, at the town meeting, someone can move to cut \$12 million out of the Selectmen’s budget and let the Selectmen decide where it comes from.

In Section C-29, Mr. Dolan suggests that the Board of Finance not have line item approval in the Selectmen’s budget. This suggested change would force the Board of Finance to focus on the heavy issues that they have to deal with and not be diverted into minutiae. Issues such as how much fund balance to retain; what should be the policy on funding unfunded liability in the pension plan; what should be the total budget for Board of Education and the Board of Selectmen; and, what is an acceptable mill rate. For 2/3 of the budget, that is the purview of the Board of Finance and for 1/3 of the budget it is not. This revision would not prevent the Board of Finance from discussing items in the budget. There was a lengthy discussion of this proposed revision, with no consensus.

Ms. Gould left meeting at this time.

**Other Suggestions:** In Section C-33(B)(1) Mr. Dolan proposes adding the word “only” before “upon the submission” in order to clarify the intent.

In Section C-6(A)(7) Mr. Dolan proposes allowing the Board of Selectmen to create, alter or dissolve a permanent board, created by ordinance, instead of reserving for the town meeting. This would still be subject to an ordinance so it would require a public hearing. There was no consensus.

In Section C-15 (A)(7) The Board of Finance requested removing “subject to the approval of the Board of Finance”. If there is a long-term financial impact from a grant, or if it imposes some conditions, the Board of Selectmen can always refer to the Board of Finance for an opinion and advice. Grant applications are being submitted regularly and the Board of Finance does not want to deal with each one.

Regarding a suggestion that the first selectman should be a voting member of those boards of which he is an ex-officio member, discussion was postponed due to lateness of the hour.

In Section C-39(B) - Mr. Dolan, stated that there is a provision under required officers for the Treasurer, which says that the treasurer shall not hold any other office or membership on any board of the town. He suggests removing this as at some point, the Board of Selectmen might want to combine the Treasurer and the CFO to one position. There is no statutory requirement that they be two positions but the Charter prevents it. You could still require a Treasurer but it could be someone who provides a dual role. Delete “any other office”. This would prevent a

member of the Board of Selectmen or Board of Finance from becoming Treasurer, which could cause conflicts.

Having no further business, the meeting was adjourned at 9:50 p.m.

Jan Andras  
Recording Secretary  
(Minutes taken from audio recording)