

CHARTER COMMISSION

Robert Russell, Chairman
Michael Kaelin, Vice Chairman



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TOWN HALL
238 Danbury Road
Wilton, CT 06897

CHARTER COMMISSION
December 16, 2008
Wilton Town Hall, Room A

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

Chairman Russell called the meeting to order at 7:05 p.m.

Approval of Minutes: Minutes of 12/9/08 meeting will be approved at next meeting.

Items for Discussion and Action:

The December 9, 2008 meeting included public input. It was a good opportunity for members of the public to submit their ideas about the Charter. Nothing was heard that has not been discussed already by this Commission. No one from the public has indicated a strong feeling regarding two or four year terms for the Board of Selectmen, and this Commission does not see any reason to treat the Board of Selectmen different than the Board of Finance, Board of Education or Planning & Zoning. Alice Ayers, who has served as a Selectman, as well as on the Board of Finance, stated that campaigning for election every two years is difficult. Mr. Russell pointed out that it would be easier if there was a change in the way the First Selectman is elected so that the loser in that race is not automatically in contention with those running for the Board.

Mr. Burnham would be in favor of a two-year term for First Selectman and four-year terms for the Board members. As stated, the workload for Board members is not that onerous and if the terms are staggered, we would not be in a position with no incumbents on the Board. He likes the idea of the First Selectman having to present him/herself to the voters every two years. Some of the Charter members feel that a four year term might be more appealing to someone who is looking to do this as a profession, rather than something for after retirement. You can't underestimate the burden of having to run every two years on any board. Basically, the nomination process starts in the beginning of the year. Elections will probably become more

competitive in town with candidates having to raise money, campaign and then after the election, you are in office one year and have to start all over again.

Ms. Gould supports four terms for both First Selectman and Board of Selectmen. She does not want a first selectman who wants to serve for only two years and feels it is foolish to think that anyone can learn the job in one year. Ms. Herot feels that the same people would run with either structure but does not agree with how long it takes to learn the job. It is very rare that someone is elected, serves two years and then leaves office. Ms. Lee feels that one way to encourage involvement is to force whoever is serving to come back after two years and indicate what has been achieved – 151 out of 169 towns have two year terms. 151 out of 169 towns are 2 year terms.

Commission members decided to wait for Mr. Weldon to arrive before making final decisions.

Restricting BOF line item control over BOS budget: Mr. Dolan had recommended this change. Ms. Gould and Ms. Ayers agree with the change. BOF Chairman Bob Kelso had stated that the board doesn't use it but always has the "threat" of using it. Mr. Kaelin does not feel the public would support this change. It was agreed not to pursue.

Number of signatures required on a petition to call a Special Town Meeting- The issue in the Charter is what has to be done in response to a petition. In the case of a Special Town Meeting, the Board of Selectman is required to call the STM. The Charter specifies the number of signatures required.

(Mr. Weldon arrived at 7:50 p.m.)

Presently, the Charter requires 50 verified signatures on a petition for a special town meeting. Requiring signatures of at least 2% of the electorate (presently 220) would allow the number to increase as the town grows. Mr. Levene moved to change the number of signatures required on a petition for a Special Town Meeting to 2% of the electorate. Motion seconded and unanimously carried.

Mr. Levene moved to retain the requirement that an issue brought to a Special Town Meeting by petition requires at least 5% of the electorate in order to pass. Motion seconded and carried: 8 YES – 1 NO (Herot). Ms. Herot feels that since this is the requirement to overrule the Board of Selectmen, it should be consistent with the percentage required to overrule the Board of Finance.

Four Year Term for First Selectman

Mr. Weldon is concerned about not being able to remove that person from an elected position, while the Board of Selectmen can do so, for malfeasance. He has looked into the January 2002 OLR Research Report regarding Recall of Municipal Officials, which says that when Home Rule took effect, it abolished municipality's ability to have a recall provision in their town charter. With more research, he found that you can have a referendum provision calling for a vote to recall. He would need to do further research on that referendum process, but this would put whoever is in place on notice that the electorate was taking a personal interest in the issue of their administration. It has never been in the Charter before, although with only two years, it is

not warranted. By extending the term, he is concerned that we could get into a position where everyone on the Board likes each other but the Town citizens have a problem with the administration. He does not want to take so much power away from the citizenry for such a long term. It is easier to be comfortable with a four year term if there is the potential to shorten that term in any possible extreme case. It is rarely used and would require a large portion of the electorate to petition. There should be the requirement that it has to be a majority of the electorate for this to be utilized. The towns of Bristol, Milford, New Haven, Stratford and Westport have a recall provision that was in place before Home Rule. It cannot be done by any other municipality at this point. He would like to look into the referendum issue before voting on a four year term. It was pointed out that all votes taken by this commission are subject to change.

Mr. Kaelin moved that the First Selectman be elected for a four-year term. Motion seconded and carried: 6 YES (Russell, Herot, Gould, Ayers, Kaelin, Levene) – 2 NO (Burnham, Lee) – 1 ABS. (Weldon – not present during most of discussion)

Mr. Burnham moved that Board of Selectmen members (all others) be elected for a four-year term. Motion seconded and carried: 7 YES (Russell, Herot, Gould, Ayers, Kaelin, Levene, Burnham) – 1 NO (Lee) – 1 ABS. (Weldon – not present during most of discussion)

Mr. Burnham moved that the Board of Selectmen terms be staggered so that two members are elected every two years. Motion seconded and unanimously carried.

Ms. Ayers moved that Board of Selectmen members (excluding First Selectman) may not be elected for more than two successive four-year terms (as applicable to members of other elected boards). Motion seconded and carried: 7 YES – 2 NO (Levene, Gould) Ms. Gould feels that the voters should decide how long an elected official serves. Mr. Levene feels this term limit is too short when you have to rely on volunteers.

Mr. Burnham moved that the First Selectman may not be elected for more than two successive four-year terms. Motion seconded and failed: 6 NO – 3 YES (Gould, Lee, Burnham)

Having no further business, the meeting was adjourned at 9:00 p.m.

Jan Andras
Recording Secretary
(minutes taken from audio recording)

