

CHARTER COMMISSION

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Robert Russell  
*Chairman*

Michael Kaelin  
*Vice Chairman*

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897

**CHARTER COMMISSION MEETING**  
**June 9, 2009**  
**Wilton Town Hall, Room B**

**PRESENT:** Robert Russell, Mike Kaelin, Alice Ayers, Paul Burnham, Marilyn Gould, Louise Herot, Toni Lee, Doug Levene, Chris Weldon (via cell)

**GUESTS:** CFO Joe Dolan, Fred Herot

Chairman Russell called the meeting to order at 7:33 p.m.

**Acceptance of Minutes:** Upon motion by Mr. Burnham, the minutes of the 5/18/09 meeting were unanimously approved as presented. Upon motion by Mr. Levene, the minutes of the 5/31/09 meeting were approved with correction (substitute Weldon for Levene on page 2, para. 5) - Ms. Gould abstained as she was not present at that meeting.

**Timeline:** Ten days from now the report must be submitted. Another meeting is necessary next week. It was decided to meet on June 15, 7 pm at the Library.

**Comments from Public Hearing:** Ms. Lee would like to discuss an idea that was raised at the public hearing regarding parts of the BOE budget that don't relate directly to education and whether those line items could be under the authority of the BOF. She feels that would be an argument for retaining BOF line item authority. Mr. Weldon agreed and will research the statutes for the next meeting. Mr. Dolan stated that the BOE has final say over what any funds in a line item in the BOE budget are used for. It is not only the statutes, but years of court decisions that determine what is done by BOE budgets that are immune to line item authority. Only buildings and bonding are not under the BOE purview. Mr. Dolan pointed out that there is nothing in the existing language of the Charter that says the BOF cannot have line item authority in the BOE budget should the statutes change to allow it.

Mr. Kaelin stated that although there may be things bundled into the BOE budget that don't need to be there and may not come under the restriction that the BOF does not have authority over the line item, but this is not a Charter issue. The BOE and BOF could work that out. Ms. Lee feels that if we take away

line item authority from the BOF altogether, that becomes a moot point, which is just another argument for keeping line item authority.

**Linen Item Veto:** Several people offered variations on the “Hudspeth Compromise” on the line item veto issue, including Mr. Kaelin, Ms. Gould and Mr. Dolan. Mr. Kaelin believes the proposal is that if the BOF exercises line item authority, then the BOS can override the BOF decision by a super majority. The whole rationale for taking away line item authority is so that the BOF cannot micromanage and the BOS knows more about the line items. He believes that it should require a BOF super majority vote to make line item changes. Ms. Gould agrees on requiring a super majority of both boards. Mr. Dolan will draft wording to be considered at the next meeting. First Selectman Brennan is also working on this compromise, which will be then be known as the “Brennan, Dolan, Gould, Kaelin, Hudspeth Compromise”.

### **C51-A – Vacancies**

It was decided to simplify the wording for the different elected offices by saying:

Vacancies on the Board of Assessment Appeals, and the Zoning Board of Appeals and in elected offices, except that of the first selectman, shall be filled for the unexpired portions of the terms by appointments of the Board of Selectmen.

### **C52-C – Vacancy in office of First Selectman**

Mr. Russell moved that a vacancy in the office of first selectmen be “filled by the second selectman, or if the second selectman is unable to serve, then to be filled by another elector of the Town chosen by the remaining members of the Board of Selectmen”. Motion seconded and unanimously carried.

ADD a Section D: Vacancies on the Board of Selectmen shall be filled for the unexpired portion of the terms by appointments by the “remaining members of the Board”. This prevents a vacating member from voting for his/her own replacement.

Mr. Burnham moved to insert a phrase in C-52C to allow the appointment of any town elector if the Second Selectman cannot fill in until a special election, in the event of a vacancy in the office of the first selectman. Motion seconded and unanimously carried.

### **C62 – Resignations and removals**

Mr. Weldon feels strongly that if four year terms are approved for the First Selectman and Board of Selectmen members, there should be a recall provision. Future enabling legislation, if approved by the legislature, would allow recall provisions by ordinance. The town should have the right to make decisions and, when it becomes legal to do so by State Statute, should have the ability to adopt an ordinance allowing recall of any municipal elected official.

After a lengthy discussion, Mr. Weldon moved to leave the recall provision wording as modified in the draft. Motion carried: YES (Gould, Kaelin, Levene, Russell, Weldon) – NO (Ayers, Burnham, Herot, Lee)

### **Reconvened Town Meeting**

There was a lengthy discussion of the change to allow the Town Meeting to increase the reconsidered budget. There were many comments against this from those present at the public hearing.

Mr. Burnham moved to allow the Reconvened Town Meeting to “amend”, meaning increase or decrease, the reconsidered budget. Motion seconded and failed: 7 NO – (Ayers, Gould, Herot, Kaelin, Lee, Levene, Weldon ) – 2 YES (Burnham, Russell)

Mr. Burnham will update the draft Charter with the changes approved. Mr. Russell will review and then send to Mr. Savarese to be posted on the town website.

Mr. Burnham and Ms. Herot will check over the list of Selectmen recommendations sent to the Charter Commission on May 1, 2008 and will draft responses to be reviewed at the 6/15/09 meeting.

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

Jan Andras  
Recording Clerk  
(minutes taken from an audio recording)

