

**CHARTER REVIEW BOARD
SEPTEMBER 10, 2007**

1. ROLL CALL

The meeting was called to order at 7:06 p.m. Present at the meeting were Chair John Stevens, Vice Chair Judy Paul, Ray Adkins, Julie Aitken, Tom Green (arrived at 7:08 p.m.), Scott McLaughlin, Douglas Notman, Howard Rechtman, Scott Spages and Harry Venis (departed 8:27 p.m.). Also present were Town Clerk Muniz, Town Attorney Rayson, and Secretary Lorraine Robinson recording the meeting.

2. OLD BUSINESS

2.1 Section 1. Creation and Powers

There were no comments and/or suggestions made.

2.2 Section 2. Corporate Limits

There were no comments and/or suggestions made.

2.3 Section 3. Powers and Limitations

There were no comments and/or suggestions made.

2.4 Section 4. Charter Review Board

There were no comments and/or suggestions made.

2.5 Section 5. Form of Government

There were no comments and/or suggestions made.

2.6 Section 6. Administrative Department

There were no comments and/or suggestions made.

2.7 Section 7. The Council, Mayor and Legislation

Earlier in the meeting, the item was discussed. Vice Chair Paul made a motion, seconded by Ms. Aitken, to remove the last two lines from Section 7(A), Councilmembers, Mayor, Number, Term, and Selection.

Chair Stevens was concerned that a geographical area that was relatively small but had a dense population could dictate Town policy. Mr. Spages said that going back to the old system would allow special interests and big-money groups to have a greater influence. Mr. McLaughlin preferred direct representation for a particular area.

Vice Chair Paul said that when she was on Council, she had spent significant time dealing with issues in districts other than her own. Ms. Aitken said districting or at-large voting was for the benefit of the residents to get the most representation, not the candidates. She stated that this motion was to rid Town elections of party politics and divisiveness. Ms. Aitken felt the Council meetings had become very divisive. She favored returning to at-large elections.

In a roll call vote, the vote was as follows: Chair Stevens – no; Vice Chair Paul – yes; Mr. Adkins – yes; Ms. Aitkin – yes; Mr. Green – no; Mr. McLaughlin – no; Mr. Notman – no; Mr. Rechtman – no; Mr. Spages – no; Mr. Venis - no. (Motion failed 3 – 7)

Vice Chair Paul asked if staff had the information on November elections and how other cities accomplished changes to term lengths. Mr. Muniz distributed information regarding how other cities had changed to November elections, and stated that this could be accomplished with one ballot question. He

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informed Mr. Green that the Town's next election was scheduled for March 2009. Mr. Muniz hoped to prepare the referendum questions for the January 2008 presidential primary ballot.

Mr. Muniz informed Ms. Aitken that it was more economical to combine elections. Mr. Spages said it would save approximately \$70,000. Ms. Aitken felt there would be better turnout at a November election.

Vice Chair Paul made a motion to move the elections to November, to use one of the formats presented by Mr. Muniz to adjust the term lengths and election dates, and to create this with one ballot question.

Chair Stevens suggested they table the motion and request additional research from staff regarding the specifics. The Board discussed how to adjust the existing terms. Vice Chair Paul proposed moving elections to November, moving District 1 and Mayoral elections to November 2008, and having the next election for Districts 2, 3 and 4 in November 2010 for four-year terms.

Mr. Rechtman asked Mr. Rayson about legal ramifications of shortening a term to which a Councilmember had already been elected. Mr. Rayson said this was legal, but problematic when other terms were being extended.

Mr. Venis noted that the City of Weston had reduced commissioners' terms and suggested they get more information from them.

Vice Chair Paul withdrew her motion, and suggested that this item be discussed under Old Business at the next meeting.

2.8 Section 8. Finance

There were no comments and/or suggestions made.

2.9 Section 9. Town Planning and Development

Earlier in the meeting, the item was discussed. Chair Stevens had concerns about a proposed ordinance that took away a resident's right to propose any text amendment to the land development code. After numerous meetings, he said staff was receptive to making changes to allow a resident to propose text amendments to the Local Planning Agency or the Planning and Zoning Board that could then be referred to Council. Chair Stevens wondered if the right to propose a text amendment should be included in the Charter.

Chair Stevens explained to Mr. McLaughlin that the fact that the proposed ordinance was silent on this had been construed to give a resident the right to propose a text amendment, and the Town had later proposed clarification to the ordinance to ensure that a resident could not propose text amendments. He said the proposed amendment was approved by the Planning and Zoning Board, but had not yet been presented to Council.

Mr. Green said there were other ways to address this proposal other than with a Charter change. Ms. Aitken suggested that the Board make a recommendation to Council to adopt this proposal. Chair Stevens was in agreement.

2.10 Section 12. Franchises

There were no comments and/or suggestions made.

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3. NEW BUSINESS

3.1 Section 10. Police Department

Mr. Rechtman read the language he had drafted regarding the Town Administrator's authority with regard to hiring and termination of key positions.

Mr. Rechtman made a motion, seconded by Mr. Spages, to adopt the language he had created to add to the Charter in Section 10, Police Department. Following a brief discussion, Mr. Rechtman withdrew his motion. There was no objection to withdrawing the second.

Mr. Rayson confirmed for Ms. Aitken that this would affect the Town's form of government, but it was not illegal. Vice Chair Paul remembered that they had requested backup regarding municipalities where this had been enacted.

Chair Stevens said he would like to see Council, as well as the Town Administrator, involved in the Police Chief and Fire Chief hiring and firing process, and perhaps members of the Police and Fire Departments involved in the hiring search as well.

Mr. Green was opposed to interfering with the operations of the Town Administrator as much as possible, but said he was more concerned about employees who lacked the protection of a contract or union. He did not object to a search committee for the Police and Fire Chief positions, but did object to requiring the Town Administrator to seek Council approval prior to firing staff in these positions.

Chair Stevens felt requiring additional approval would ensure better stability for the residents.

Gerry Starkey stated that the International Association of Chiefs of Police was forwarding a packet to the Town as they supported Mr. Rechtman's proposal. He explained that most cities utilized a selection committee, and every municipality he had contacted agreed that Council did the hiring and firing while the contract negotiations were handled by their administrators.

Mr. Spages said he was tired of the out-of-control police and fire union contracts and their impact on taxes. Since police and fire were approximately two thirds of the budget, he felt Council should have some say over the Police and Fire Chief positions. Mr. Spages noted that ex-Fire Chief Don DiPetrillo was "one of the most well-respected and knowledgeable and forthright government officials we could ever have." Mr. Spages said it scared him that Chief DiPetrillo had been fired so summarily without Council's oversight, input or accountability.

Ms. Aitken wanted to know specifically how other municipalities were handling this prior to making a decision.

Mr. Spages made a motion, seconded by Mr. Venis, to table. In a voice vote, all voted in favor. (Motion passed 10 – 0)

Police Chief John George stated that as department directors, the Police and Fire Chiefs had no due process regarding termination. He described the sometimes adversarial relationships between the chiefs, union members, Council and administration. Chief George said the city manager form of government prevented political interference with the Police and Fire Departments, but the Charter could prevent this as well.

Mr. Spages clarified that his concern was prevention of a rash or foolish decision by the Town Administrator or the Administrator's being unduly influenced.

Ms. Aitken said that if Council had the ultimate authority to hire and fire the Police and Fire Chiefs, this was the same as if Council appointed those positions.

Mr. McLaughlin agreed with providing some form of closed-door hearing that senior employees could have with Council and the Town Administrator. Mr. Spages reminded him that closed-door meetings were not permitted.

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Fire Chief Joe Montopoli agreed with Chief George that their positions could be precarious. He admitted it would be desirable to have some form of protection, and urged the Board to put a lot of thought into this issue.

Chair Stevens recommended setting up a process for hiring, including a selection committee, and the process for release, whereby the Town Administrator could fire someone for cause, but if the administrator wanted to fire someone without cause, this could be overturned by Council.

Mr. Notman stated that if the Town Administrator wanted to install his own people in positions because he doubted the loyalty of people currently in those positions, he would then think twice about this if he did not have total say over who was hired.

Mr. Muniz asked what information the Board would like. Chair Stevens said the Board would like to know the hiring practices for Police and Fire Chiefs in nearby municipalities. He suggested that the Town create a board comprised of citizens and possibly members of the Police and Fire Departments to make recommendations for hiring Police and Fire Chiefs. He also suggested that if the Town Administrator wished to terminate the Police or Fire Chief without cause, this must be approved by Council.

Ms. Aitken stated that firing for no cause avoided liability, and that firing for cause would make Council liable.

Mr. Rayson said if the Town Administrator were permitted to fire for cause, it may create a cause of action from the person fired.

3.2 Section 11. Fire Department

This item was discussed earlier in the meeting.

3.3 Section 14. Fees of Offices; Nuisances; Sanitation

There were no comments and/or suggestions made.

6. PUBLIC COMMENTS AND/OR SUGGESTIONS

Regarding the Town Administrator's ability to hire and fire at will, Karen Stenzel-Nowicki suggested that a process be created for these employees to go through a civil procedure, which she thought might be part of Human Resources policy instead of a change in the Charter.

4. MEETING SCHEDULE

4.1 Scheduling For Next Meeting

The Board discussed their meeting schedule and the need for additional meetings. They decided that the next meeting would take place on September 24th.

4.2 Scheduling of Joint Workshop with Council

Mr. Muniz indicated that the Board would need additional meetings prior to the joint workshop with Council. Board members agreed they needed additional information on the items they must still vote upon prior to reaching a decision. Mr. Muniz wanted a few optional dates to present to the Council for the joint workshop. The Board agreed to suggest October 9th and 11th as dates for the joint workshop.

5. AGENDA ITEMS FOR NEXT MEETING

The Board discussed placing the following item on the September 24th agenda:

- Review of Charter

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7. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:59 p.m.

Date Approved: _____

Chair/Board Member