

Westbrook Board of Selectmen
Special Joint Meeting with Charter Commission
Thursday, November 17, 2011
Mulvey Municipal Center, 866 Boston Post Road, Westbrook

CALL TO ORDER

First Selectman Noel Bishop called the meeting to order at 7:00p.m. Mr. Bishop asked the Selectmen and Charter Commission if these minutes will suffice for both the Board of Selectmen Meeting and the Charter Commission meeting. All parties agreed.

Chairman John Ferrara reconvened the Charter Commission meeting at 7:01pm.

Mr. Bishop reviewed the protocol for the meeting. He asked the Charter Commission to make any comments to the Board of Selectmen.

Mr. Ferrara noted that the purpose of this meeting is to clarify and discuss any questions that the Board of Selectmen may have about the process or the proposal. The only comment he would like to make is to refer to the statutory responsibilities and the dates which have been determined. He again reviewed the dates as indicated by statutory requirement. If there are no recommendations, the report becomes final on December 23, 2011. It would then proceed to a vote by the town on or before 15 months but not later than the next general election which is November 2012. If rejected on December 23, 2011, it could be brought up for consideration by petition within 45 days which would be February 6, 2012. After the final vote occurs to accept or reject, the Charter Commission is then discharged.

Mr. Bishop asked if any other member of the Commission would like to report to the Board of Selectmen. Mr. Bishop noted that the public hearing will be Dec 8th at 7:30 and will have press to inform the public. All Commission members declined.

Mr. Hall asked if the Town Attorney has reviewed the document?

Mr. Bishop has not had the attorney review the document. Mr. Bishop will request that the Attorney review the document and his comments should be available by the December 8, 2011 public hearing.

Mr. Labbadia asked for clarification of the Statute 7-191(c) and (d) by the Town Attorney. Mr. Bishop will follow up.

Mr. Hall noted that in the text under Board of Selectmen that the Selectmen will not receive compensation. He noted that there are still many duties for the First Selectmen. He asked who will we get, if we do not offer any pay?

Dr. Schreck said that some favored no stipend and some thought there should be a small stipend for each of the selectmen. All members felt that Selectmen should be reimbursed for their expenses. Dr. Schreck noted that in looking at other boards the Commission tried to keep things as volunteer and that this appealed to the majority of the Charter members. Mr. Labbadia said that other boards are not compensated. One of the other issues was that some of the people in town were concerned paying for a Town Manager and this would be a way to find funds to make that additional burden less. Mr. Ferrara noted that one of our conclusions was that there would not be equal administrative responsibilities to what there are now. You would pay twice for two executives when one had greatly diminished responsibilities.

Mr. Ehlert asked if procedurally comments can be incorporated into the document prior to the December 8th public hearing? He noted that on Page 7 the quorum of 5 needs to be edited. Mr. Ferrara noted that this document is the submission until it is changed by the Commission after the submission of recommendations by the Selectmen. Mr. Keryc suggested that changes be noted.

Mr. Ehlert asked on Page 4 Section 3-4 asked where the other Selectmen come from? Mr. Ferrara said that this is to allow for overlapping terms of office and the transition. It should have read "... in a given year." Mr. Ehlert noted that there needs to be some rewording. Mr. Ferrara agreed.

Mr. Ehlert asked for clarification on Page 7 -5-4? Are we going to a Town Meeting for budget approval? Mr. Labbadia noted that the Board of Selectmen has agreed to forgo this step to avoid the delays. This is the same process as it is today- the Town Meeting forwards the budget to a referendum.

Mr. Ehlert asked for further clarification on Page 13 Section 7-4? Mr. Ferrara said that this allows for an appointment for another Town Manager to act in the Town Manager's absence. The original language was to install a member from the Board of Selectmen.

Mr. Ehlert asked for clarification on Page 12, 7-2 B.? Mr. Ehlert asked if we do not have an assistant Town Treasurer. Mr. Ferrara said that this does not preclude it and we could.

Mr. Hall asked for clarification of Page 11, 7-1 A. How long is recommended to appoint a Town Manager? Mr. Ferrara stated there is no timeframe included in the Charter proposal.

Mr. Bishop asked about the ethics component in the Charter? What was the rationale of how this got into the document and how it would strengthen our town government? Mr. Ferrara said that some of the legislation and some of the trends within the state legislature have made town officials more accountable. This will deal with a number of issues that arise regarding breaches of a code of conduct of ethics or conflicts of interest. The thought was to provide structure for the Selectmen to create a set of ethical procedures and a mechanism that an ethics commission could act outside of the political realm to hear and address ethics complaints. He noted that there is a similar structure in the Rent Control Board that acts to address issues and grievances. There are situations that may arise in town government that need to be addressed. This gives a formal way to address it. It is not to circumvent labor relations.

Public Comment

Mr. Trout asked if it would be helpful, by the next meeting, to have the total cost of the current government versus the proposed government under the Charter. This should be considered and brought forward so people who are looking at this would rest assured that there is not going to be a monumental increase in the cost of government. Mr. Bishop feels this is a legitimate question. He will have the Financial Director work on this to make a good faith attempt to lay out the cost estimation.

Mr. Connelly questioned the Board of Finance budget process? There is not much information on Page 17 regarding the Board of Finance. Mr. Ferrara noted that one of the things incorporated in this proposal was to follow the statutory form and the section of Chapter 7 lays out the procedure which the budget is considered once it is presented to the Selectmen by the Town Manager. The procedure being that the Town Manager with input from the Finance Director will draft the budget for the Board of Selectmen's consideration and the procedure from that point on is the same.

Mr. Connelly asked for clarification of Section 9-5? Mr. Ferrara said that in the Commission's deliberations there was a strong preference to not preclude procedures or authorizations or assume within the Charter responsibility for processes already working in the town government. If the Commission were to delve into specific procedures or the process of making payments, it would be adding too much detail in the Charter. The Commission also did not want to mess with what is already working in the town. The Board of Finance already is governed by State Statute.

Mr. Connelly asked if this has the Board of Education going before the Board of Finance with their budget? Mr. Ferrara said yes. Those responsibilities are incorporated by state statutes and not subject to change by a Charter. The Charter has no power to remove the responsibilities for Board of Finance functions. Those functions could be assigned to other parties within the government but would still need to be carried out under state law.

Mr. Trout asked if we should consider include in the Charter the possibility that we may need to have a substitute for the Town Manager who has fallen grievously ill? This has not been defined. Mr. Trout suggested that there be clausing in the Charter for emergency considerations to replace whoever it may be and to pay the full costs to maintain the Town Manager and the replacement and anyone else that may be considered critical to the town given the demands placed upon them. Mr. Ferrara said we have taken that into consideration in the duties and responsibilities of the Town Manager, by a procedure established in the charter proposal gives power to appoint an interim or replacement Town Manager to the Selectmen.

Mr. Trout is referring to text that would provide for the contingency to have more than one leading light. We need to have a contingency clause for replacement. The Commission has given the authorization to the Board of Selectmen to act in the policy making role or budgetary roll along with the Board of Finance those responsibilities that are already under state statutes. The Charter Commission did not need to detail procedures that would take away the responsibility or authority of any board or commission. This would not be the proper function of the charter.

Mr. Connelly asked if the questions and answers asked this evening could be provided to those attending the hearing on December 8th? You can not change the document, but you could have some explanation of the concerns as documented by the Recording Secretary. Mr. Bishop did say the questions asked tonight will be repeated at the public hearing and the explanations given. The document can not be changed.

Mr. Ehlert asked what the format would be for the December 8th meeting. Mr. Connelly said that the Selectmen could take any format. The whole presentation may not be necessary but a synopsis done by the Commission may be adequate. Mr. Bishop commented that a lot of work has been done by the Charter Commission and this could be condensed before the meeting to have it a very short 10-12 minute presentation of the highlights to frame the discussion and focus the debate. Mr. Hall agrees with this and would invite the Charter Commission to present a brief summary and then move into the public hearing. Mr. Ehlert agrees to try to incorporate questions of the two public hearing. He noted that people need to understand how we got here. Dr. Schreck feels we did provide a summary which was circulated to the public. The initial presentation should be as brief as can be. Mr. Keryc suggested that the meeting focus on questions the public might have. Mrs. Labbadia would like a short presentation and to address more questions. Mr. Connelly asked that the Board of Selectmen understand the procedeures. The Town Attorney needs to look at this document and make his thoughts known at the public hearing. Mr. Bishop noted that he hopes that the legal counsel will review the document and his comments will be available at the Dec 8th meeting. The Board of Selectmen needs to be ready to respond after this meeting and respond to the Commission.

Mr. Merringa asked if the public should be informed of other Charter Committee's works in order to understand how we came to this point? Mr. Ferrara said that there were 3 ad hoc committees prior to the Charter Commission and their missions were different. The first Commission voted against adopting a Charter at that time. The second Commission voted to recommend the Board of Selectmen move forward to empanel a charter commission. A third ad hoc committee was tasked with researching and reporting on the advantages and disadvantages of adopting a charter. This Commission's task was to come up with a Charter for the Board of Selectmen to accept or reject and then forward to the people for referendum.

Mr. Trout said that staying on message is important. We have reached a point where the matter of governing is so complex that it requires professional management in key areas. There is not enough of the right kind of people willing to serve, and now there is a need for a charter. The points of need to be addressed. He suggests avoiding going into past Commissions which would detract from staying on a complete message. You need to highlight transparency and stay on that message and leave it up to the public to deal with.

Mr. Bishop asked who would be putting together the presentation? He would like to meet with them and then circulate the information to the other two Selectmen. Mr. Ferrara and Mr. Labbadia agreed to help compose the presentation and will meet with Mr. Bishop on Monday, November 21, 2011 at 12:30pm in Mr. Bishop's office.

Mr. Connelly stated that Mr. Bishop should first verify if they can meet legally or if this process was wise. Mr. Bishop will follow up.

Mr. Ferrara asked that the Selectmen to make copies of the proposed Charter and information regarding the questions and answers asked at this meeting available to the attendees of the public hearing.

Mr. Keryc stated that we have heard the negatives in the previous public meeting. The Board of Selectmen needs to hear the questions asked by the public, and then make a decision. At a referendum everyone will be able to vote.

ADJORNMENT

After a motion made by Selectman Chris Ehlert and seconded by Selectman John Hall, the Board of Selectmen voted unanimously to adjourn at 8:17pm

Upon a motion made by Mr. Labbadia and seconded by Dr. Schreck, the Charter Commission unanimously voted to adjourn at 8:18pm.

Respectfully submitted,

Attest:

Kelley Frazier

Noel Bishop
First Selectman