



TOWN OF MADISON
CONNECTICUT
06443-2563

MEETING DATE:

Friday, January 9, 2015

MEETING PLACE:

Town Campus - Room A

SUBJECT TO APPROVAL

**Charter Review Committee
Minutes**

Members Present: Joan Walker (Chair), Jim Deephouse, Bill Gladstone, Diane Stadterman, Dotty Bavin (Vice Chair) and Deb Heinrich.

Not Present: Scott Scherban

Others Present: Alma Carroll, Director of Town Services

The subcommittee convened at approximately 7:34 a.m.

1. Public Comment.

None.

2. Review and take action on prior meeting minutes.

MOVED: by Bill Gladstone and seconded by Deb Heinrich to accept the minutes of December 17, 2014.

VOTE: This motion was approved with 4 yes votes and two abstentions.

3. Discuss and take action on the Board of Finance role in the Charter.

Ms. Walker confirmed with the committee that communication had not been received from the BOF regarding wording changes.

The committee then reviewed Sec. 6.4. The committee agreed to keep the language regarding terms, as well as the language regarding the setting of meetings.

The committee then discussed Sec. 6.4A and noted that the BoF does not prepare the budget, but rather presents the budget to the public. Ms. Bavin clarified that the authority meaning in this sentence refers to the knowledge of the budget, not control of the budget. The committee discussed several ways to change this item and Mr. Gladstone suggested that the BoF reviews the budget prepared by the BoS and then recommends and presents the budget.

Ms. Stadterman asked if the language was even needed or if the item could just state “Act as the budget authority of the Town”.

Mr. Deephouse stated that there was history behind the current language. The original finance department for the town was not as structured as it is today, and the BoF at that time did a lot of the preparation of the budget.

Ms. Walker then asked for the committee to determine language which represented what the BoF is responsible for under today’s make-up.

Mr. Deephouse also questioned what authority the BoF had over the BoE budget and Ms. Walker clarified the difference in the authority between the two budgets.

Mr. Gladstone also clarified the Special Appropriation request procedures and the difference between the Annual Budget (whole) versus the two sections of the whole budget. Mr. Gladstone suggested that the committee determine what the BoF role is, and then change the language. He stated that the BoF needs to make sure that the budgets are sound and these members have longer terms because they need to take a deeper look at the Town’s finances.

Ms. Stadterman stated that the section in general doesn’t state the role of the BoF. And Ms. Walker agreed.

Ms. Bavin suggested adding language to the introductory paragraph that stated “duties and responsibilities as described in State statutes”.

Ms. Stadterman stated that the Capital Improvement Program is being discussed for use going forward and the BoF seems to think that they are responsible for creating this group and the Charter seems to agree with this idea. However, the Charter isn’t clear as to what the BoF is supposed to be doing. She then asked Mr. Deephouse for his opinion as he was a member of the BoF for many years.

Mr. Deephouse stated that he was a member when the rules were clearer.

Ms. Bavin then also commented that Sec. 6.4C is included in the BoF regulations and might not be needed in the Charter.

Ms. Walker clarified that the BoF pass their own regulations and these regulations are not in the Ordinances.

Ms. Carroll stated that the BoS has separate regulations as well.

Ms. Bavin read aloud the section of the BoF regulations that dictate setting the compensation for the First Selectman, as approved in 2006. Prior to this, the First Selectman requested what salary they felt was appropriate.

Ms. Stadterman also stated that around this time, the stipend was taken away from the other Selectmen and she clarified with Ms. Bavin that if the stipend was wanted again, the only way to do so would be to go through the BoF.

Mr. Deephouse stated that this matter might not be best addressed through the Charter discussions.

Ms. Walker asked if the BoS and BoF procedures followed Ordinance, and Ms. Carroll read aloud from a section of the BoS regulations for the committee to review.

Mr. Gladstone asked then to add another item for discussion, whether the BoF regulations need to be approved by the BoS.

Ms. Bavin stated that these regulations have been in place since 1998 and have been revised many times.

Ms. Heinrich asked if there were procedures as to how each board oversees their regulations and how the regulations are reviewed and changed.

Ms. Bavin stated that each board discusses their regulations at one of their board meetings and then the changes are voted on.

Mr. Gladstone also stated that the regulation which dictates First Selectman salary is necessary to keep in the Charter as it is a broader policy rather than a procedure.

Ms. Bavin stated that there was language in the Charter which references the BoF regulations and if the regulations change then the procedure would change.

Mr. Gladstone stated that the authority for making the determination should be in the charter although the procedures can be in the regulations.

Ms. Carroll also referenced Sec. 4.5 as to the compensation of other Selectmen.

Ms. Walker then asked the committee if they wanted to input language in the Charter which dictates the regulation review procedures.

Ms. Stadterman then noted the Ordinance which referenced the review procedures and Ms. Bavin noted that the BoF regulations dictate a review at least once in a 5-year term.

Ms. Walker asked if the review needs to be in a public meeting setting. She asked the committee if the BoF should notify the public of their intent to review the regulations in a formal town meeting.

Mr. Gladstone stated that the current structure works effectively, where the BoF notes this review on their agenda and in their meeting minutes.

Ms. Walker stated that the committee should not circumvent ordinances in regulations and asked if a check and balance was needed in the Charter for the BoS and BoF regulations.

Ms. Stadterman asked whether or not this should be a subsection of the Annual Town Meeting. She stated that the Charter should be the overall governing document of the town government and that somewhere in the Charter there should be language which dictates that the Charter supersedes Ordinances, that Ordinances supersede the Regulations and that both Ordinance and Regulations need to be reviewed / revised every 5 years.

Mr. Gladstone stated that there was knowledge that the Charter supersedes Ordinance's, that Ordinance's supersede regulations and that State's General Statutes supersede all Town level documents.

Ms. Bavin asked if the BoS and BoF procedures should be reviewed every 5 years.

Ms. Stadterman agreed and stated that they should be reviewed in a public manner every 5 years.

Mr. Deephouse stated that the review is a continuous process and that it took two years to write the regulations for the BoF.

Ms. Stadterman stated that making the regulations should take longer than review since the review of existing regulations should not be as intense.

Ms. Heinrich asked if the "review in a public manner" indicated a vote was needed.

Ms. Walker stated that she thought a Town Meeting was needed to notify the public of the changes.

Ms. Heinrich asked if there was a check and balance with this procedure or just a notice.

Mr. Gladstone stated that each board elects their own chair and it is within the group's purview to establish rules for how they will exercise their authority. He stated that he was comfortable with each committee being responsible for their own procedures / regulations.

Ms. Bavin noted that the procedures for the BoF were published on the website.

Ms. Carroll stated that the BoS updated all of their regulations in 2011. She also read aloud the language from the BoS regulations which dictate review.

Ms. Stadterman asked if this language was specific to the BoS policy or to all town policies.

Mr. Deephouse stated that each commission elects its own chairmen and questioned if, in the interest of better government, it would be appropriate for a BoS to elect the chairmen of each committee?

Mr. Gladstone stated that he did not think this was a good idea. He stated that there was respect for the Chair and the members should elect their own leader, not have it dictated from the top.

Mr. Deephouse stated that the BoS would have more overall authority if they had this appointment authority.

Mr. Gladstone agreed but stated that the leaders of a committee cannot be appointed by the BoS to avoid the leader pushing through the BoS agenda. He also stated that the BoS and BoF regulations are too granular to hold the interest of the public and to bring the public into this type of question would not be effective. He was comfortable with the members of each board conducting their business and creating their own regulations.

Ms. Walker noted that there was a break in communication between what is happening with these reviews versus what the public thinks is being done.

Ms. Bavin also stated that in her tenure with the Town, when new board members came on to the BoF, she would meet with them to go over the regulations and to provide them a copy as well.

Ms. Stadterman stated that this was not the case for every board or commission. She suggested that the chairmen of each committee should be educated by the staff liaison and then be responsible for educating the other members. She stated that these guidelines should be in ordinance.

Ms. Walker moved the conversation back to the regulations of the BoS and BoF and asked if it was necessary to include a review at public meeting.

Mr. Gladstone and Ms. Bavin stated that they didn't think it was necessary.

Ms. Walker noted her concern that the public isn't aware of the procedures and that there needs to be transparency of the information.

Ms. Carroll stated that the BoS follows all of the regulations and that these regulations dictate how the government works. These are also policies and procedures that each department head has to follow. It is not necessarily only the procedures that the BoS has to follow but also that the Town employees need to follow.

Ms. Bavin stated that they should be on the website and published for the public. She stated that when the procedures are reviewed they are brought to public meeting and are posted in an agenda, and in the minutes of the particular board or commission.

Ms. Walker reminded the committee of their first public hearing where residents voiced concern that they were not receiving enough information.

Ms. Stadterman agreed but stated that the rules for the review of the regulations weren't necessary to include in the Charter.

Mr. Gladstone also noted the lack of participation from the public at the subsequent Charter meetings although many members of the public attending the first public hearing.

Ms. Heinrich then stated that she wasn't sure if it made sense to include language in the Charter to make ordinances and procedures available to the public. Her concern was that there was a check and balance in place to creating the procedures and it seems like there is, based on the committee's conversation. If language was included in the Charter then it might make sense to include something broad to ensure that procedures and regulations are regularly reviewed and available to the public.

Ms. Walker questioned if this language could be in the preamble.

Ms. Stadterman stated that Sec. 6.1 should be changed to say something like, "All elective boards having regulations and / or ordinances in place must make the same publicly available and must review such regulations each year at public meeting".

Ms. Walker stated that she felt that having the regulations on the website was Step 1 to achieving transparency of government. She suggested adding language to specify that regulations should be published on the town website.

Mr. Gladstone stated that the language should state the regulations should be “readily available” not necessarily stating how.

Ms. Stadterman suggested adding language stating “in a manner consistent with all other documents”.

Mr. Gladstone stated that the language should be the same as with ordinances.

Ms. Heinrich stated that the committee should tweak the wording and include it in Sec. 6. She suggested that the language should read, “Each elected Board and Commission is required to review its regulations on an annual basis and make them available to the public”. The committee agreed.

Ms. Walker then moved the conversation back to Sec. 6.4. The committee reviewed removing the language for “preparation of town budget” in Sec. 6.4A. The committee agreed to change this item and to keep the other items as-is.

The committee then reviewed Sec. 10.3 and Ms. Walker noted the changes already agreed to in prior meetings.

Ms. Walker reviewed Sec. 10.5A and the committee agreed to remove duplicate language from the first paragraph.

Ms. Heinrich questioned Sec. 10.5B and stated that the section should specify who the recommendation of the budget is being made “to”. The committee agreed to include language of “to the public”. However, after further review the committee agreed that Sec. 3.2 already addressed this procedure.

Ms. Walker then stated that throughout the Charter, the whole budget will be referenced as the “Annual Budget”.

Ms. Heinrich then stated that Sec. 10.5D should be reviewed for considerations of cuts to the budget, not just additions.

Mr. Gladstone agreed and stated that the two committees should confer under both circumstances.

Ms. Stadterman then questioned the last sentence of this section which states that the decision of the BoF will be final.

Ms. Heinrich also noted that the chairman of the BoF had discussed this authority when he was present at a prior meeting. She questioned if there was criteria in place in the BoF regulations which would dictate this authority.

She noted that the chairman of the BoF stated that the same presentations go to both boards and that there was confusion as to what authority the BoS had versus the BoF had in approving expenditures. She stated that the BoS should be the directional and policy board and the BoF would then be responsible to determine how the policy fits in fiscally with the year, but not have the authority to turn down policy.

Mr. Gladstone agreed that it would be beneficial to define that the BoF authority was purely fiscal and that they cannot set policy through the purse. The way the Charter is structured is not consistent with this idea and it gives the BoF overreaching powers.

Ms. Bavin stated that the BoF should have to react to the Town budget the way it does to the Education budget. They should make recommendations to the BoS for the town budget but not have final authority on policy.

Ms. Carroll stated that there is a difference in how the BoF looks at the two different budgets.

Mr. Gladstone then asked if the BoS should have final authority before the budget goes to the public to vote on.

Ms. Bavin stated that the BoF should be able to make recommendations and tell the BoS what amount needs to be removed from the budget but not necessarily where any cuts need to be come from.

Ms. Heinrich then asked if the Charter should dictate the BoF is the “fiscal” authority not the “budget authority”. She stated that this should clarify the authority to veto a line item, which the committee doesn’t want the BoF to have.

Mr. Deephouse questioned what authority the BoF should have and cautioned not to take away too much from the BoF. He stated that the town budget procedures have been working smoothly in recent years.

Ms. Stadterman agreed but questioned what authority the BoF should have to cut a specific line item.

Mr. Deephouse stated that the BoF should have two roles, one to act like a board of directors, overseeing the operations of the selectman to determine what is and what is not working. He stated his concern that the BoS is too busy and doesn’t have the time to look into the fiscal revenues of the town.

Ms. Walker stated that the BoF does not oversee the BoS in the Charter.

Mr. Deephouse stated that there are some specific things where there is more support of a particular expenditure at the BoF level, not at the BoS.

Ms. Heinrich stated that where policy is needed, that is the responsibility of the BoS, not the BoF.

Mr. Gladstone agreed and stated that the responsibility of the BoF is fiscal. He further stated that if the BoS acts in error, which they may do from time-to-time, it is still not the responsibly of the BoF to set policy.

Mr. Deephouse stated that the BoF should review the effectiveness of the policies.

Ms. Stadterman stated that that the BoF is becoming much more specific in certain instances outside of fiscal matters. She stated that there have been instances in the recent past where the BoF made decisions on policy, i.e. a tech issue where the technology department head for the town came to the BoF and suggested a fix for the Police Department server issue. The BoF made a decision based on the brand of server that the tech project was going to use, not based on the expense. We hire town employees for their knowledge and experience and should trust their recommendations. It is not the role of the BoF to dictate what type of equipment is used by the town staff. Instead of looking at the fiscal impact to the town, the BoF looked at the nitty-gritty detail of the proposal. They are not hired to do more than to determine if the project is fiscally feasible.

Mr. Deephouse stated that there might be a deeper problem then, and the committee agreed.

Mr. Gladstone agreed to Ms. Stadterman's comments and stated that setting accurate policy is not the purview of the BoF. The members of the BoF can make comment to policy as members of the public, not in their authority as BoF members. He also noted that there were many knowledgeable residents who the town can also call on to lend opinion.

Ms. Heinrich then suggested changing section 4.1.4 to include the same language as in sec. 6.4 and to change the references to the Board of Finance to refer to the Board of Selectmen.

Ms. Walker then brought the conversation back to sec. 10.5D. The committee discussed different changes which would allow the BoF to make recommendations to the final dollar amount of the requested budget, versus authority over an individual line item. Ms. Stadterman asked what the regulations dictate for the BoE budget in the state statutes. The committee agreed to re-visit the last sentence of the item 10.5D.

The committee then reviewed prior changes to Sec. 10.6 and Sec. 10.7. The committee agreed to remove language from 10.7A which they had previously added regarding court cases as the concept is included in Sec. 10.7D. Sec.

10.7D was then discussed to determine changes appropriate for health-related claims and changes were made to the Charter to reference the exclusion of going to Town Meeting for health-related claims, legal settlements or judgments.

The committee also reviewed 10.7B and discussed if the language should be moved around for clarity. Mr. Gladstone volunteered to provide the committee with draft language which would clarify this item.

Ms. Stadterman voiced concern regarding the fiscal versus policy authority given to the BoF. The committee discussed procedures for the BoS to call a Town Meeting after the BoF decided against a policy at a fiscal level. Ms. Stadterman was concerned that the language be worded to ensure that the BoS has the authority to call the meeting and reach quorum. She stated that the committee should discuss the fiscal versus policy authority in more detail and define the call of the Town Meeting so that there isn't bias towards either the BoS or the BoF. She also stated that the language should include a caveat regarding if the quorum is not reached. Ms. Heinrich stated that the language should indicate that the Town Meeting is being called to override the fiscal decision of the BoF. The committee also agreed that the language should include a unanimous vote by the BoS to call the Town Meeting. Ms. Stadterman indicated that the language should be included in Sec. 10.7 as a new item.

Ms. Stadterman and Ms. Walker agreed to discuss this language change and to present the draft to the rest of the committee via email.

Ms. Walker left the meeting and appointed Ms. Bavin with the authority to continue and adjourn the meeting.

4. Update / Discussion on progress of Short-Term Items list.

The committee agreed to table this item until the January 21st meeting.

5. Discuss and draft language for Extended Town Meeting.

Mr. Deephouse then noted concerns he has heard from the public regarding the Extended Town Meeting (i.e. absentee ballot procedures and voting on weekends). Ms. Heinrich then provided the committee with draft language which had been reviewed by legal counsel.

Ms. Heinrich informed the committee that they should discuss if all Town Meetings called going forward will be considered Extended Town Meetings. She stated that she felt all Town Meetings would be called as Extended Town Meetings. The committee agreed that this should be the case. Ms. Heinrich also stated that in a case of an emergency there would be an option.

Ms. Heinrich also discussed the number of days which the Extended Town Meeting would be open. The suggestion from legal counsel was to open the meeting for no less than two and no more than four days. She suggested the meeting be open for no less than three days and then the BoS could determine the maximum number of days on an individual basis.

The committee voiced concern that this power could be abused and Ms. Heinrich agreed and stated then that the threshold should be greater and suggested that the Extended Town Meeting be open for no less than four business days, starting the next business day after the Town Meeting.

The committee also discussed extending the Town Clerk's hours for one day of these four days to allow residents to cast their vote after normal business hours.

Ms. Carroll voiced concern over the logistics of the ballot box transfer from the meeting place, to the Town Offices and then the storage in the Town Offices.

Mr. Gladstone questioned if there was a way to have the Town Clerk count the ballots cast at the Town Meeting and record the vote and keep it confidential. That way, there wouldn't be a need for transportation of the ballot box. He also discussed the procedure for the extended business day for the Town Clerk and the logistics for the storage of the ballot box. He stated that the burden could be shared between the Town Clerk, Registrar, etc.

Ms. Carroll stated that the current procedures gives this responsibility to the Moderator, however, the Moderator is not usually needed after the one-time Town Meeting.

Ms. Heinrich stated that a moderator who could devote four days to the vote could be elected. The committee agreed that these specifics would need to be discussed further.

Ms. Heinrich summarized the discussion by the committee and stated that she would revise the language and send the revision via email to the other members. The committee agreed to meet prior to the January 14th Public Hearing to discuss this language.

6. Discuss and draft language for CEO Position.

The committee agreed to table this item until after the January 14th Public Hearing.

7. Public Comment.

None.

8. Adjourn

There being no objections, Vice Chairwoman Dotty Bavin adjourned the meeting at 10:01 a.m.

Respectfully submitted,

Lauren Rhines
Recording Secretary