

Minutes of the Charter Revision Commission Meeting- February 27, 2008

Present: Chairman Ernie Petkovich, Dr. Douglas Viets, Rodney Dillman, Bobbie Kling, Elaine O'Brien, Thomas J. Sheridan, Jr., and John P. Murphy. Absent: Eric Remington.

Mr. Petkovich called the meeting to order at 7:00 p.m. in the Town Hall Conference Room. A quorum was present.

Citizen's Comments: No public present. The Chairman read a letter from Warren Packard dated February 13th. Mr. Petkovich contacted Mr. Packard to discuss the contents of his letter. Mrs. Kling said the issues brought up in the letter were not specific to the Charge given to the Commission. Mr. Petkovich said if the Commission wants to address this letter, he will place it under new business for discussion later this evening.

Minutes: Dr. Viets made a motion to approve the minutes of January 17, 2008, seconded by Mrs. Kling. The motion was approved by unanimous vote.

Old Business:

Establish rules for quorum and voting on issues:

Mr. Dillman made a motion, seconded by Mrs. Kling, to require five members of the Commission to be present for a quorum and five affirmative votes to pass any issue. The motion was approved by unanimous vote.

Establishment of Rules for Conducting Meetings:

Mr. Dillman made a motion, seconded by Dr. Viets, to recommend the adoption of Robert's Rules of Order Revised, for Commission meetings. The motion was approved by unanimous vote.

Action Items:

Mr. Petkovich distributed the list of Action Items. The Commission has completed some of the Action Items for determining a site for future CRC meetings which will be at the Town Hall, and identified Christine Koren as the Commission's recording secretary, and determined that the Senior Center will be available for the Commission's first public hearing on March 11th (snow date of March 12th). Rules for establishing a quorum and the number of affirmative votes needed to approve issues were completed tonight.

The legal notice for the Commission's first public hearing will be published in the J.I. Legal notices on March 3rd and March 8th. The Suffield Observer has notice of the hearing, and the Southwick/Suffield News also has the information. The Hartford Courant will publish a hearing notice as well.

At the last meeting the issue of a potential conflict of interest regarding Elaine O'Brien who said she would recuse herself from any discussion or voting regarding the issue of

the Town Clerk which issue was reviewed by the Ethics Commission. The Ethics Commission met and rendered the unanimous opinion that the Charter Revision Commission should be able to have the benefit of any information that Elaine O'Brien can provide; and accordingly, they should be able to direct questions to her. She in turn would be able to provide valuable information that CRC may seek, but she should not go beyond that and not participate in any decision-making deliberations regarding the Town Clerk's position. Their opinion also recognized that Ms. O'Brien stated that she will recuse herself from voting on matters pertaining to the position of Town Clerk. Therefore, Mr. Petkovich said this action item can now be closed.

Mr. Dillman said if we are going to refer an issue to the Ethics Commission, it should be a Board referral. The members agreed.

Goals & Approach for the Public Hearing:

The purpose of the Public Hearing is to get input and suggestions from the public for possible Charter changes. Chairman Petkovich felt the commission should not be making any presentation at that time, nor be debating issues with residents. He intends to introduce the Commission members, present the Charge that was given by the Selectmen, and give steps of the Charter Revision formal process. This will be the handout material.

The Commission reviewed how they will handle the public comment. The Commission wants to have a sign in sheet and limit the meeting to 9:30 p.m. Each person should be given about 5 minutes to address the Commission, but can speak more than once during the meeting.

The Commission will request the attendance of Town Counsel at the public hearing.

New Business:

Discussion of the Commission's approach to the Revision process. Mr. Petkovich did a brain-storming exercise with the members asking them what are things they can do as a Commission to be sure the process runs smoothly and efficiently.

Rod Dillman: Members must believe that comments made by members of the Commission are done in the best interest of the Town. Create a level of trust giving each other the benefit of the doubt. Also not to take too long to finish the process.

Doug Viets: A member should not come in with a "fixed idea" and not listen to discussion or debate on an issue. We should listen to the public wants.

Bobbi Kling: As members, we need to respect each other's opinions, and have a right to a different opinion. However, we should be civil and polite during the process.

Elaine O'Brien: Members should look at their work as a learning experience and act as a study group, with the opportunity to go back and forth with ideas. The best thing is to have open discussion.

John Murphy: The Commission shouldn't over analyze an issue by going too deep into discussion. But, we should be able to ask the right questions to get clarification on issues.

Tom Sheridan: If a member has an opinion on an issue, they should voice it and not be swayed by other member's opinions. Make sure you ask questions that are on your mind.

Ernie Petkovich: Try not to recommend too many changes to the Charter. Don't do too much at one time, and don't start work without planning first. For example, deciding on issues before we hold the first public hearing.

Reviewing Project Documentation:

Chairman Petkovich made a Tracking Log to keep track of each Charge given by the Selectmen, and items addressed at public hearings as well as items added by Commission members. He identified classifications to the Log, such as the Charter, any Ordinance change, Recommendations (i.e. hold yearly superboard meetings) and Technical changes (i.e. housekeeping changes).

Mr. Dillman distributed a 4-page document with possible changes. Mr. Petkovich said he will take the list submitted by Mr. Dillman and plug these into the Tracking Log.

Mr. Dillman was concerned if we want the Town Attorney to sign off on language changes or do we want separate Counsel signing off on the language, or both? Some changes can perhaps involve the Town Attorney so there can be a conflict there. Part of the budget which the Selectmen have requested the Commission provide, could include retaining outside counsel. Mr. Dillman said he can review a lot of the language himself, but the Commission would want someone to check his work. He felt he could do the technical part of it, but thought it would be good to have someone the entire Commission trusts and is not bias, to check the language. The Town Attorney could do this, but felt his primary forte is litigation and not the drafting of documents. His opinion is based upon his past experience with the Town Attorney. Mr. Dillman said the Charter Revision Commission would want someone who is familiar with Municipal Charters to do the final check on the language, and recommended someone other than the Town Attorney. Mr. Petkovich asked if he envisioned needing to do that before the Commission sends a draft to the Selectmen?

Mr. Dillman said the exact language needs to be checked before the Commission votes on it and sends it off to the Selectmen. Any time you make a change, it could have an impact some place else in the Charter, so you want someone to do a check for that also. Ms. O'Brien agreed that having another Attorney review the language is a good idea because when someone, like the Town Attorney, is too familiar with a document you could think things are obvious when they are not. Mr. Dillman said he could come up with several names of attorneys to recommend as well as what the cost would be. Mr. Murphy asked what kind of a budget does the Commission have for this type of thing? Mr. Dillman said the Commission has to recommend a budget. Mr. Petkovich said the First Selectman asked to have a budget recommendation as soon as possible, but feels he is about 3 months away from coming up with a budget. Once the Commission can determine how many big items we have, we would have a better position to make an estimate on attorney fees. Mr. Murphy said if Mr. Dillman is going to do most of the language work, then would Attorney McAnaney double check Mr. Dillman's work, or have someone else do it and not include Attorney McAnaney at all in that process? Other Commission members felt that Attorney McAnaney should look at it. Mr. Dillman said he should be the last review though, after the Commission reviews it, and the outside counsel reviews it. Mrs. Kling said they should give the Selectmen a "heads up" that they will want to have outside counsel available.

Mr. Petkovich asked Mr. Dillman to keep the Log, which will be mostly complete when Mr. Dillman items are put in. Mr. Petkovich said he will cut and paste Mr. Dillman's suggestions and then Mr. Dillman could keep it updated.

A working document of the proposed changes to the Charter will also be needed. Mr. Dillman said he has the software Compare Right to do that, which is a better software package than Word's Track Changes. If he can get the existing Charter in Microsoft Word, then any changes that are made, he can save a new version and compare it back to the original Charter which would then print out all the Changes. Mr. Dillman agreed to do that, and Mr. Petkovich agreed to continue updating the Tracking Log. Ms. O'Brien said she will e-mail the Charter in a Word document format to Mr. Dillman.

Action Items: Mr. Petkovich asked if the Commission should send an invitation to Town Boards and Commission to submit input. Mr. Dillman said that if a change may impact a certain Board or Commission we will want them to know that. Mrs. Kling wants to invite Boards and Commission in before a proposed change is being considered.

Mr. Petkovich then continued to review the Action Items with the membership. Discussion regarding holding a special referendum to the Charter Changes rather than doing it in conjunction with an Election. Ms. Koren reminded the Commission if less than 15% of the electors do not vote at referendum, the changes will fail because not

enough people came out to vote. Mrs. Kling asked if the Selectmen could vote not to have a special referendum. Mr. Dillman said the Selectmen will have the final say.

Establish a Communications Plan:

We will need to identify:

- The “Stakeholders” anyone who is on this project and anyone else the Commission will need to communicate with. Who are the stakeholders? Residents, Boards & Commissions, Appointed individuals such as the Town Counsel.

-Identify types of communication: Monthly Minutes; Newspaper Articles, Postings on the Town’s Website.

Mr. Dillman felt with the Town Web Site, people can get the information. Mrs. Kling said there are a lot of people who want information but don’t know how to obtain it, even though it is available. To some extent, the newspapers will have to be used.

Mr. Petkovich stated that whatever the Commission is doing, we need to communicate with people because when we get to the end of the project, the better the communication was throughout the process, the smoother the process will go and will help the Town’s voters to make an ultimate decision on the Changes.

Other Business:

Mr. Petkovich said Attorney McAnaney would like to come in to talk to the Commission about suggestions he has for Charter Changes and how he, as Town Counsel, can help us. Mr. Petkovich tentatively scheduled him for the April 9th meeting. Ms. O’Brien made the Commission aware that its May meeting will be in conflict with the Annual Town Budget Meeting and the Commission may have to reschedule that meeting.

Adjournment:

Mr. Dillman made a motion to adjourn, the motion was seconded by Dr. Viets. The motion was approved by unanimous vote.

Respectfully submitted,
Christine Koren, Recording Secretary

Next Meeting: March 12th @ 7 p.m. Town Hall, Conference Room