

## **Minutes: Town Meeting September 6, 2005**

---

Disclaimer: While we have attempted to reproduce them accurately, the electronic documents you see here are not the official public documents. Official copies may be obtained on paper from the [Town Clerk](#).

---

SPECIAL TOWN MEETING  
TOWN OF WASHINGTON  
SEPTEMBER 6, 2005  
BRYAN MEMORIAL TOWN HALL

R. WILLIAM FAIRBAIRN, MODERATOR  
JANET M. WILDMAN, CLERK

Petition to establish formal policy regarding minutes of town meetings

The Special Town Meeting was called to order by First Selectman Richard Sears. The first order of business was election of a Moderator. William Fairbairn was nominated and seconded and elected.

MR. FAIRBAIRN: I'll ask the Clerk to read the Call.

MRS. WILDMAN: WARNING: Town of Washington, Town Meeting September 6, 2005.

The voters and electors of the Town of Washington are hereby warned that a Town Meeting will be held on Tuesday, September 6th, 2005 at 7:30 p.m. at Bryan Memorial Town Hall,

Washington, Connecticut, to consider and act upon the following:

A petition received by the Town Clerk and the Board of Selectmen to establish a formal policy regarding the availability and completeness of minutes of Town Meetings.

A copy of all information pertinent to this meeting is available in the Office of the Town Clerk.

Dated at Washington, Connecticut this 30th day of August 2005. Richard C. Sears, Nicholas N. Solley, Harry H. Wyant, Board of Selectmen.

MR. FAIRBAIRN: Will all people who wish to speak please use the microphone so that we can have a clear record. That's what it's all about. Do we have a motion? Rex, do you wish to speak to this?

REX SWAIN: My name is Rex Swain and I live on South Street.

Whereas Town Meetings are very important events in local government and whereas many citizens are unable to attend Town Meetings but nevertheless desire to know what transpired, we, the undersigned residents of the Town of Washington, under the terms of Sections 7-1 and 7-9 of the General Statutes of Connecticut, request that a Special Town Meeting be held to consider and act upon the following:

To establish a formal policy regarding the availability and completeness of minutes of Town Meetings:

An audio recording of every Town Meeting shall be made by the Secretary of the meeting. Within 10 days of each meeting, both the audio recording and a complete written transcript shall be filed with the Town Clerk, and the full text of the transcript shall be made available in electronic form for publication on the Town web site.

The full transcript aspect of this policy shall be retroactive to May 19, 2005 transcripts of all Town Meetings from then through and including the date of this meeting shall also be submitted to the Town Clerk and the town web site within 20 day of this meeting.

MR. FAIRBAIRN: All right. Is there a second to that motion?

VALERIE FRIEDMAN: Second.

MR. FAIRBAIRN: Valerie Friedman seconded the motion. In the interest of fairness we will have people in favor of this and those opposed. So we will start with those in favor of the motion. Mrs. Andersen.

VALERIE ANDERSEN: Valerie Andersen, Blackville Road. I would like to speak in favor of the motion . I think it is important to have a record of all meetings that are held. I think it is important to have a recording of all meetings within the town hall.

MR. FAIRBAIRN: Okay. Does someone want to speak against? Or does someone have a question, we don't want to exclude that. In the back, Peter?

PETER TAGLEY: What is the statutory requirement if there is any?

MR. FAIRBAIRN: Does someone want to speak to that? Sheila?

SHEILA ANSON: I would have to refer that to our town attorney.

REX SWAIN: I will tell you what I know. My understanding is that the legal requirement for the filing of minutes is that the motions and the votes of the motions be recorded. So that, for instance, if you go back to the May 19th budget meeting there was a motion made to approve the town budget and what you would see in the minutes was that the meeting voted to approve. That is all the legal requirement is. Of course, at that meeting there was a fair amount of discussion about the budget and without a transcript of the meeting, those of you who were not able to go to the meeting would not know what kind of discussion happened.

MR. FAIRBAIRN: I hope that answers your question. Mike?

MICHAEL JACKSON: I have two questions. The first one has to do with the fact that I'm not aware of any time within the last fifteen years when there wasn't a tape recording made of the town meeting. And where there wasn't a transcript prepared. I am also not aware of anyone – I am not aware of anyone who seeks out transcripts. I am not aware, personally, and perhaps you can help me on this, Sheila, where anyone sought out transcripts. So I don't know what this is all about. I am a little perplexed so perhaps someone can explain it to me.

MR. FAIRBAIRN: Rex, can you explain that. Help Michael with his perplexity.

MR. SWAIN: I guess it depends on your point of view. My feeling is that since it has been the practice for many years to record and transcribe the minutes that we are not asking for any additional effort or expense. For reasons that I am not sure, and I don't want to go into detail, but the minutes of that meeting were not transcribed. I have made repeated requests for it and told that I should tell people there is a tape in the selectmen's office and they could listen to it. I think we could do better. I don't know of any towns where there are eminent domain problems and yet the Town of Washington went ahead and to establish an ordinance. I think we can do better than what are legal requirements and go beyond what is required. This is a good example of it. I think it is probably true that not very many people go down to the Town Clerk's office to read transcripts of the meetings and I think that is why this is so valuable because it makes this information more accessible to more people. I think probably, for instance, that many people would read the zoning regulations of the Town of Washington up until a couple of years ago but now they are electronically available on the town website so I think if we want public participation in government

it really pays to make more information available and you get more people into the process.

MR. FAIRBAIRN: Addie Roberts?

MRS. ADDIE ROBERTS: I think that Janet Wildman does a wonderful job and that is why, in some ways, we haven't had a problem. She was not available for the May 19th meeting and so that created a problem. But what I want to say, I did check with Kent, Woodbury, Southbury and New Milford and Brookfield to find out what they did and I can tell you that four of them do not do this because it is very costly. New Milford has started doing this. They have a list of people for certain meetings and the cost is –and they could give us a list of people who do this – the cost is \$900 a meeting and \$200 a copy. I really don't think this town (Clerk's Note here: At this point I was overcome with a mix of astonishment and disbelief and laughter!) I think Janet is very underpaid. We are really all in this together and this requirement for all our secretaries to have to do all this recording. We would be better off, frankly, to have an improved recording and spend the money on that. It seems to me that it really hitting everything over the head and I am sorry for Rex. He puts in hours setting up this website and we have a lot to be thankful for but I think this is really a pretty silly expense. Thank you.

MR. FAIRBAIRN: Yes, Rex?

MR. SWAIN: I just want to be sure we are all talking about our town meetings and when Addie talks about all the secretaries and all the meetings, that isn't what this is about. It is only about town meeting which is the most important meeting in the town government. This is your legislative body and that is what this petition is about to have town meetings fully recorded. This is not asking for a transcript of Planning Committee and Zoning and everything else.

JANET WILDMAN: Janet Wildman. Old Litchfield Road. When I come in here I turn on the tape recorder and I take as much as I can with shorthand. I then transcribe everything verbatim – as best I can – so maybe it isn't really verbatim – then it is typed as it would be on a court transcript. It is not just motions made and passed. It is a complete transcript. And I do that with every single town meeting. The only one that has not been done is the May 19th meeting when I was sick and someone else did and because they didn't have time to type it verbatim like a court transcript they did it with motion made, seconded and passed. So I don't really know what the problem is. I make two copies: one is filed with the First Selectman's office, the other with the Town Clerk for recording. I charge \$40 for appearing and I used to charge \$2.50 per page and I just recently raised it to \$5.00 a page. So I may go back and look at that again.

On the recording part of it I've been in touch with a gentleman from Goshen who does the sound system for Goshen Fair, the sound system for the Bethlehem Fair, he used to do it for the Washington Horse Show and a few years ago when there was a debate here with the League of Women Voters, he did that sound system, also. He will come here, recommend what type of system we need, tell us where to buy it, show us how to set it up and says the cost will run, depending on how many microphones are purchased, probably \$1,000 or a little over. That would give us a good system where we can hear what is being said because this little machine is an absolute headache. I listen. I stop it. I rewind. Play it. Listen. Stop it. Rewind. It is so difficult to hear what people are saying. We need more sensitive equipment and microphones around the room. So I would say to have this typed we need a little more leeway than ten days. That's it.

MR. FAIRBAIRN: Yes. Dan?

DAN LEAB: Dan Leab Old Litchfield Road I just want comment on Michael Jackson's comment and this is not meant to be critical. When I went on the school board 5 or 6 years ago one of the ways of instructing myself was to go back and read about 15 years of the school board minutes. What I discovered was that nothing had changed. That the minutes could be used at any time and any place because the problems remained the same. Nevertheless, it was a very useful thing to have and I think apart from Rex's motion, which I don't know if I'm qualified to comment on, I do think it is very important to have a written record and also have a record. Democracy should not cost. It should not be done in terms of cost but in terms of effectiveness. And if we are unable to pay for our democracy then why bother having town meetings at all.

MR. FAIRBAIRN: Yes, Janet.

JANET HILL: My name is Janet Hill and I live on Shearer Road. I am against the proposed ordinance. I am all for taking the meetings and I am all for doing the minutes. But the problem with this ordinance is that when Janet Wildman, God Bless her, no longer wants to do the transcript. I don't know if any of you have every done a transcript. It is a very long and tedious process that takes hours. I have been stuck – and I mean stuck – doing my Inland Wetlands transcripts because you can't find anybody who wants to do them. We will end up like New Milford and have to hire a stenographer for an unreasonable price. And Addie is correct. They charge a minimum of a \$900 fee for the transcript. I understand that people can't always attend meetings and they want to know what is going on because they are out of town or whatever. Without costing the taxpayer any more money they can: A: call the selectmen's office to see what happened; B: read minutes or C: come in and listen to the tape which is available as every meeting is taped. Is it necessary to have this

ordinance and require that all town meetings have transcripts? I asked Sheila Anson how many people have come into the Town Clerk's office to read transcripts not counting transcripts from like 1852 and want to find about a town road being abandoned officially and Sheila said "zero" absolutely nobody has come in to read or listen to any transcripts. So, to me, this is another example of an unfunded mandate which, if passed, will be a great imposition and costly burden on the town and the town staff because when somebody is sick at the last minute or goes on vacation, you know who is going to get stuck doing these transcripts. I have had Inland Wetlands meetings several hours long that I have 20 or more hours into. This is not something that can be taken lightly. You can't do it at your desk in the office. It has to be taken home and done on weekends or evenings when it is absolutely quiet because you have to listen to what is being said. So I am absolutely against it. I don't see any need for it. And, in addition, that ten day limit in the State statutes, the State doesn't count holidays and weekends to the ten days. This does not take into account holidays and weekends. Thank you.

MR. FAIRBAIRN: Who would like to speak about this? Paul?

PAUL FRANK: Paul Frank, West Shore Road. I would really like to speak to a broader question and that is the use of the petition procedure to call a town meeting such as this. It seems to me the petition procedure is meant to deal with rare situations where the public feels that a town meeting is necessary to counter some manifest injustice, to take some immediate action that is necessary. It seems to me it dilutes the procedure for calling town meetings and dilutes the importance of town meetings when we call a town meeting under this procedure, whereas the problem could have been dealt with otherwise. It could have been dealt with by private conversation and if that was not successful, at a selectmen's meeting called for some other purpose. But where there is no immediacy and a danger to the concept of town meetings called by the public, I don't think a town meeting in this case, with all due respect to Rex and all he has done, I don't think it appropriate in this case.

MR. FAIRBAIRN: All right. Rex.

MR. SWAIN: I, too, have been critical of the number of special town meetings that we have had lately and so I am sort of chagrined to be going this route where a special town meeting is triggered. This is the only avenue open to me under the state statute. As I said before I have made repeated efforts to get this done and have been ignored and I thought this was the way to go. I want to also point out that this ordinance would basically affirm what is current policy and it would affirm in a way it is not just based on the informal agreement with the current selectmen but I am concerned about other selectmen that as we go forward and have other selectmen that they, too, should be bound by the current practice and that is why I want to finalize it.

MR. FAIRBAIRN: Yes. Anyone else who hasn't had a chance to speak. Lyle?

LYLE WHITTLESEY: Good evening. My name is Lyle Whittlesey. I live in New Preston. I would first like to compliment and thank Rex for all he has done with the website. He has done a fabulous job and I really appreciate all he has done on it. I do have a couple of questions and looking down the road and relating to what Janet has said. What is the penalty if they are not recorded or the tape recorder breaks, or whatever. I see no provision in here for any action if such a thing does happen and I am one of these people who sees the attorney happy culture these days and sees that for future action. I would be interested in what is the answer to that.

MR. SWAIN: Well, I really don't know the answer to that and I don't know what would happen if the current policy of just filing the motions wasn't done. I guess we count on everyone to make their best effort to do it. I forgot to touch on one of Janet's – both Janets points about how quickly this needs to be done. I would be perfectly happy to amend this to read fourteen (14) calendar days which would be two weeks if that would make everyone feel better.

MR. FAIRBAIRN: Is that a formal motion?

MR. SWAIN: I move that this be amended and where it now says ten days it should say to be within fourteen calendar days.

MR. FAIRBAIRN: All right, we have an amendment to the motion. Is there a second?

VALERIE ANDERSEN: Second

MR. FAIRBAIRN: Seconded by Mrs. Andersen. Is there any discussion on this amendment? If not, we will vote on the motion to amend to change the language to change the time from ten to fourteen calendar days. All in favor please say aye. All opposed? I will have to ask you to raise your hands. All in favor? All opposed. THE VOTE WAS 19 IN FAVOR AND 13 OPPOSED. THE MOTION PASSES SO THE MOTION IS AMENDED TO READ 14 CALENDAR DAYS. Kathy

MRS. KATHY LEAB: Kathy Leab I live on Old Litchfield Road with Janet and Dan. I would like to say one word about .....We're not voting on something that's going to be happening forever. Voice activated transmission of this sort of thing is moving on and becoming cheaper. I have someone in my office who has lost feeling in their hands who are doing this now. So what we are really talking about is a period of a few years. .(Inaudible)

MR. FAIRBAIRN: Who else would like to address the motion? Anyone else who hasn't had a chance to speak?

WAYNE HILEMAN: I am Wayne Hileman, River Road. First of all, I have to commend Mr. Swain for his work on the website. It is a valuable resource and one I use on a regular basis. In fact, I am so impressed by that resource I am a little puzzled why this meeting is even taking place. Without getting into too many details, it seems to me we are just trying to get our gold medal bronzed here. If we have something that is working, it seems we're trying to fix something that ain't broke. There have been suggestions made and one being to upgrade the sound system. I am an audio engineer and I do classical recordings and I can tell you that is probably cost effective and probably a wise idea. The other thing is, my mother is a retired secretary and I see somebody here who can actually take shorthand. I see this wonderful lady here and I can tell you that they are a dying breed and there will be fewer and fewer over the course of time. We should really think about how we are going to deal with that. Perhaps the audio route might be the most cost effective and foolproof way to go. It seems to me we are focused on the meeting where this woman happened to call in sick. What happens if she calls in sick again? Does she get sent to bad secretary's prison or to the bad selectmen's prison? There are many issues here that people may have but I am not so sure this ordinance is addressing those issues. Because of my background and my family's background, I would be against this proposal. I think it is an undue burden on the people who do this thankless task and if you go forward with having a complete transcript of meetings there certainly is a very simple technological way of taking care of this that don't require us to legislate it. Part of the many reasons why I enjoy living in this town is because it works so well. Things just seem to happen and get done without having to get written down – people just get together and do it. So in this case I just don't see the need, especially in this case, like corporate conduct. I would urge you to vote against this one.

MR. FAIRBAIRN: Who wants to speak? Yes, Polly.

POLLY ROBERTS: I'm Polly Roberts, South Street. I think I would just like to back up a minute and say that the transcription of the tape is something that is already happening. All we are asking is that the town – the townspeople - make a pledge that this will happen in a timely manner. Because, for instance, when that has not happened, and I don't think this is incurring any extra cost – I don't think it is putting any undue burden on – and I could be wrong – on what Janet already does. There have been some excellent suggestions for a better sound system and there are technologies coming down the road that will make this not so burdensome. This is simply making a policy that for the most part has been in place official.



MR. FAIRBAIRN: Anybody else? If not, I will go ahead and reread the motion so that we are clear on what we are voting on.

To establish a formal policy regarding the availability and completeness of minutes of Town Meetings: An audio recording of every Town Meeting shall be made by the Secretary of the Meeting. Within 14 calendar days of each meeting, both the audio recording and a complete written transcript shall be filed with the Town Clerk and the full text of the transcript shall be made available in electronic form for publication on the Town website.

The full transcript aspect of this policy shall be retroactive to May 19, 2005 – transcripts of all Town Meetings from then through and including the date of this meeting shall also be submitted to the town Clerk and the town website within 20 days of this meeting.

All in favor please raise your hands. 15 Opposed 22.

THE MOTION FAILS.

Mark Lyon moved to adjourn. Seconded

The meeting adjourned at 8:07 p.m.

I, JANET M. WILDMAN, do hereby certify that the foregoing pages are a true and accurate transcription of the Special Town Meeting of the Town of Washington held on September 6, 2005, to the best of my knowledge and belief.

DATED AT Washington, Connecticut this 11th day of September, 2005.