

Town of Durham
Public Hearing
Durham Public Library
July 17, 2006, 7:30 P.M.

Call to order and Roll Call

First Selectman James McLaughlin called The Public Hearing to order at 7:35 P.M.

Selectmen Members Present

James McLaughlin, Renee Primus Edwards, Maryann Boord

J. McLaughlin started the meeting by thanking the Charter Revision Committee (CRC) for their commitment and doing a great job; John Corona, Carol Kleeman, Martin French, Laura Francis, Betty Long, Mark McLaughlin, Ron Melnik, Pat Murawski, and Alice Tucker were each acknowledged.

Charter Revision Comments

R. Edwards led the discussion by reviewing each change by section number. See attached for Summary of Changes Document.

Section 1.4. Hiring of Staff

Laura Francis stated this section is somewhat vague. She encouraged the Board of Selectmen (BoS) to define "direct" and "indirectly" with regard to compensation for services. The CRC, she claimed, didn't have a clear vision on these definitions.

Section 2.1 General Town Elections

Kenneth Boy stated that he thought the revised text was confusing. We don't want to insulate our elected officials.

Robert Melvin asked the terms for officials from other towns in Connecticut (CT).

Mark McLaughlin explained the data that was used to compile the information.

Ernie Judson asked how many of the 169 towns in CT have 4-year terms. Going from a 2-year to a 4-year term does not serve the citizens of the town. Also, how would it attract a new pool of potential candidates? He does not agree with this concept.

Mark McLaughlin (Chairman of the CRC) explained that the CRC believed 4-year terms would encourage a greater pool of candidates than does with 2-year terms because 4 years provides for longer period in which to learn and perform the job. The 2-year term may turn some potential qualified candidates away because of the short period in office.

M. Boord explained that the BoS does not want to jeopardize the passage of the revised Charter in the November General Election and will consider breaking out specific section on the ballot. She also stated that while it takes a huge amount of commitment and energy to run every 2 years, it keeps you talking to the citizens. She would not support 4-year terms for any of the offices in question.

Maria Nilson asked about limits to the number of terms? Mark McLaughlin said the committee discussed it. They did not agree with having a limit to the number of terms these officials can hold office and that the voter should make that decision by going to the polls.

Frank DeFelice stated he does not support 4-year terms. What happens if you have a Selectman who is not serving correctly? He supports maintaining 2 years; no value in 4 years.

R. Edwards commented on significant certifications within the first 2 years of service in order to learn the job and operate effectively. Two-year terms just give officials enough time to get started and then they have to dedicate time to running for office again. Officials can better serve the citizens of the town with a 4-year term.

Dave Foley said it decreases the accountability of officials. The potential to increase pool of candidates is flawed and 4 years is too long a commitment.

Larry Levine asked if this would apply to the next election. R. Edwards commented that it would be the next election.

Richard Hanley asked if there is a recall provision for 4 years. He is opposed to 4-year terms. Two-year cycle provides accountability and citizens can meet candidates of all offices.

Larry McCala agrees with everyone who has spoken. Agrees with M. Boord that it would jeopardize the rest of the Charter if this section isn't broken out on the ballot. Agrees with R. Edwards on the learning curve.

Rosemarie Naples stated that it takes at least a year to learn, a year to make plans, and a year to implement plans. She is very much in favor of a 4-year term. She can't see it being done in 2 years.

Dave Montgomery tends to support the analysis. Government has changed and is more complex. Complexity takes more time pulling things together. The time will come when our BoS form of government will change.

Bill Lintz stated the Town Clerk, Tax Collector, and Treasurer need training to perform best for town. Can they be separated from the others? Continuity throughout the years gives them more expertise.

J. McLaughlin stated that we could break it out into 2 separate questions. The BoS versus the Town Clerk, Tax Collector, and Treasurer.

Richard Parmelee stated that there are 169 towns in CT. He is glad that these issues will be separated out. We have a Town Clerk with great distinction. He never felt the BoS was inaccessible to him throughout the years, and the job of First Selectman takes a lot of time and expertise. As far as other officials for the State of CT, a 2-year term is a different issue and is acceptable because these individuals aren't as accessible as town official. He is not against a 4-year term.

Dick Erickson spoke and is in favor of a Town Manager. Under present system, an official is practically out of office before starting the job.

R. Edwards asked why there was no language for a Recall in the revision? L. Francis commented that the potential liability was taken away from municipalities and is not under current state law, but suggested that Town Counsel review this. R. Edwards requested that the BoS take this question to Town Counsel.

Section 2.2 State Elections

No comments.

Section 2.5 Eligibility

Bob Melvin posed the question, if you are a resident of Durham, but not registered to vote, can you be appointed to office?

Regarding the criteria of residency, Ernie Judson stated the language needs to be clarified. What if you moved out of town, could one remain in office? What constitutes residency? Dick Ericksen is a Durham resident but owns home in FL. However, since his car is registered in Durham, can he serve? M. Boord requested clarification of "residency".

R. Edwards stated the biggest change in this section is that appointed individuals must be electors. Currently, there are people appointed to offices that aren't registered to vote.

Dave Montgomery asked if Registrar of Voters were at the meeting to answer residency question. This was not a new issue.

Laura Francis stated this document is being proposed and has not been reviewed with Town Counsel. R. Edwards stated that all revisions in the Charter would be reviewed by Town Counsel.

Section 2.6 Vacancies other than Expiration of Term

Elmer Clark asked about the Library Board elections at the Annual Town Meeting. The CRC stated that this was an oversight and that the language should be altered to read "Annual Town or Budget Meeting", not just "Annual Budget Meeting".

Section 2.7 Vacancies: Expiration of Terms

Richard Hanley commented that the Chairman of Commissions or Boards should be notified 2 months prior to expiration of term.

Section 2.10 Minutes of Meetings

No comments.

Section 3.1.2 Annual and Special Meetings

No comments. All support.

Section 3.3 Annual Budget

Dave Montgomery said he opposed bringing Annual Town Budget to referendum. Town Meeting is the purest form of democracy. The minute we lose these things, we will never regain them.

Donia Viola is disappointed that the Charter was not revised to bring the annual budget to referendum. There should be more input from citizens and evenings are detrimental to voting, especially for senior citizens.

Richard Hanley stated that he is also in favor of bringing the annual budget to referendum. The RSD13 budget is voted at referendum, so the town budget should be under the same scrutiny.

Richard Parmelee stated Mr. Hanley's statement is a very poor comparison. The Board of Education (BoE) and RSD13 provide no scrutiny before bringing the budget to the public. He endorses more scrutiny of the school budget.

Etzie Heyl commented that the Hearings for BoE and the Town are only one week apart, and both budget questions could easily be voted at the same referendum. In contrast, to hold 2 separate referenda is expensive.

Josh Stockdale supports bringing town budget to referendum. He commented that he doesn't understand how bringing the budget to referendum goes against democracy.

Pat DeSimone asked why we couldn't take budget to both town meeting and referendum?

Laura Francis said there is nothing in the law that requires the BoE has to go to referendum.

Betty Wakeman Long stated that she would hate to see the town give up rights to a Town Meeting review of the budget. We should keep it when you can.

Brian Ameche questioned if Town Meeting can adjourn to a referendum vote. What is that process? L. Francis responded that any item that can be dealt with at Town Meeting can be brought to referendum by voting at the Town Meeting.

Roger Kleeman stated that rules should be stated at the Annual Budget Meeting. A Moderator should have the rules at the Town Meeting and can state them for voter information.

Frank DeFelice stated it seems we are moving closer to a Town Tanager. Town Managers are inaccessible and run as a business. This is not the direction the town should go in.

Section 3.6 Sale or Purchase of Real Estate

Richard Parmelee asked for clarification on the definition of Abandonment and Discontinuance.

John Corona offered the following definitions: Abandonment is neglect that happens over time. Discontinuance is the formal action of the town to do away with something.

Section 3.7 Actions Requiring Referendum

Ralph Chase stated that he was opposed to new dollar limits. He would like to be able to voice his opinion on amounts over \$100,000.00.

Richard Parmelee agrees with R. Chase. He asked for clarification on how would the town get an appropriation of \$100,000 without town meeting.

Laura Francis stated the intent was to raise the levels to reflect today's economy. The Charter would still require a Town Meeting vote to spend any amount not budgeted for in the annual budget. No one would have authority to spend without a Town Meeting. Board of Finance would also have to recommend going to Town Meeting before the dollars were spent.

Marge Dahlmeyer stated that if it's not broke, why fix it?

Brian Ameche stated that \$300,000 was too high. Referendum is the most decisive decision that the town can make and is the highest form of democracy. Anytime we choose not to have a Town Meeting, we are losing our democracy.

Betty Wakeman Long stated the increases are just a reflection of today's economy.

Martin French wanted to remind the BoS when considering the borrowing of \$500,000 or more: \$500,000 is less than half of the town's monthly expenses. \$500,000 is a very reasonable amount for borrowing when considering the cost of a referendum.

Section 4.1 Number of Selectmen

No comments

Section 4.3.3 Joint Meeting

No comments

Section 4.3.5 Financial Planning

Brian Ameche asked what is meant by long-range? Elmer Clark responded perhaps 5 years. R. Edwards stated that at this time, we don't even have a 1-year plan, so long-range is better than what we have now.

Section 4.3.6 Town Acquisition Policy

Confusion was expressed by many over the meaning of 'Acquisition' Policy? J. McLaughlin stated that it means bidding and/or purchase policy.

Frank DeFelice suggested replacing the word Acquisition with Procurement. John Corona stated the wording is generic to make it as general/broad as possible.

Dave Montgomery asked if it implies various departments can have caps on spending levels.

Richard Parmelee supports this policy.

Section 4.4 Appointments

No comments

Section 4.6 Additional Powers and Duties of Selectmen

R. Edwards asked people to refer to Section 3.6 because Section 4.6 is referred to in that section.

Donia Viola stated that we have used the Town Meeting in the past for the public to participate in the acceptance or rejection of land, roads, etc. She does not agree with input only determined by P&Z and BoS.

R. Edwards stated that the number of items regarding land and roadways that would be approved by Planning and Zoning and the BoS are few and very specific, which is why the CRC felt Town Meeting was not needed.

M. Boord stated that she is opposed to language and that these items should still go to Town Meeting.

Richard Parmelee said as a resident, he would like Town Meeting to accept or reject.

Marge Dahlmeyer is against putting in "without Town Meeting" clause.

Dick Eriksen stated the Planning and Zoning Policy requires 10% of open space in any development as a conservation easement. It would be very cumbersome to ask for this at each Town Meeting.

M. Boord asked that if land was not developable and was offered to the Town as a gift, would this item be included under this new language. She also questioned open space property (not a development) and would this be affected by new language? John Corona replied 'no', the revision states: "and interests in land reserved as open space or otherwise protected from development pursuant to a development plan approved by the Planning and Zoning Commission". He also stated that this revision was brought to the committee's attention through public input and the town planner.

Frank DeFelice commented that the revision needed to read 'Board' of Selectmen (Board was missing). Also, in the first line, 'convey' should be "acquisition or disposal".

Section 4.8 First Selectman

No comments

Section 4.9 Duties of the First Selectman

Donia Viola commented on wording that she thought the CRC changed. R. Edwards apologized for the omission error in the summary. The wording change was 'voted' to 'approved'.

Section 5.1.5 Preparation of Budget

R. Edwards questioned the tight time limits in budget prepared (Jan 1 to Feb 1) by the BoS proposed in this revised section. J. McLaughlin stated the very first month in office is difficult to prepare a budget for any new official.

Frank DeFelice stated putting a budget together in December is difficult. He proposed November 1st to get budgets to BoS.

R. Edwards questioned the Commission as to why these dates? Laura Francis stated that there are no strict guidelines in the Charter for a new official to follow. The timing is meant to guide officials.

Elmer Clark said timing should not be hard-wired into the charter. Should be policy or procedural with flexible dates.

Section 5.1.8 Laying Taxes

No comments

Section 5.1.9 Special Appropriation

Dave Montgomery asked if the revision affects only the Board of Finance. Martin French stated yes. He read full text from Charter Commission's final draft:

'The Board of Finance, on request by town agencies or officials, may make special appropriations from surplus revenue or from an approved contingency fund. Such a special appropriation in excess of \$20,000 shall require approval by a vote of town meeting. Not more than one special appropriation for any town agency, official, or any department may be made by the Board of Finance in each fiscal year, without approval of town meeting.'

Section 5.2 Tax Assessor

No comments

Section 5.3 Board of Tax Review

No comments

Section 5.5 Town Treasurer

No changes

Section 6.1 Regional Board of Education

Laura Francis commented that this topic generated the most comment on the website or in general. Many residents do not go to Town Meetings and there are no absentee ballots for a Town Meeting. Often, people aren't informed beforehand of who is running for the BoE until they are nominated at the Town Meeting. People feel they should have prior knowledge of who is running.

Etzie Heyl commented that she had real problems with bringing BoE elections to the General Election. She stated that the BoE is not a political board, but bringing these elections to General Election has the potential to turn things political. In addition, anyone can be nominated from the floor at a Town Meeting. Once you become part of the BoE, you are not affiliated with a party in your mode of operation, and she thinks that the current election process for the BoE works fine.

Helen Pearce stated that the revision in the Charter would be restore what was done in the past. The Town used to vote at General Election and multiple candidates can primary for election.

Chet Raczka stated that we Boards of Education in other towns can be very political. The real problem as he stated is that members should be attending meetings for contract negotiation instead of campaigning door to door. Contract negotiations start in September, mediation in October, and arbitration in November. He asked whether people would prefer to see him do his job or spend time campaigning. He further stated that he rarely sees candidates campaigning at his door. If potential BoE members campaigned door to door, what would they tell you? They wouldn't even know the regulations if they haven't served. C. Raczka invited residents to come to a BoE meetings to gain information on what you want to know.

J. McLaughlin commented that he has served on several committees and he cannot remember any committee that he served on that became political. He does not believe that the BoE is the only board that is not political.

Richard Parmelee commented that he has been a resident for many years. Before one is voted to a Board, he wants you to take positions and know where you are coming from. If you have no time to meet with your constituents, why are you interested in the office? The BoE does not meet with the elderly to see how they feel about the BoE spending and other issues. There is no accountability in the current BoE election process. Political handshakes are made before the Annual Budget Meeting. Political, how does the BoE define this? Why should the BoE be any different than any other board or commission?

George Eames stated that BoE has been excellent over the years, but Durham is growing. 80% of tax dollars are expended through the BoE. The BoE should be on the ballot in November.

Carol Kleeman commented that there was a lot of input and that it was not an easy decision to come to this consensus. She believes is should be on ballot for a 4-year term. She has been seated on many committees/boards/commissions and they are not political. The BoE has been very good now and in the past. Door to door campaigning isn't a must - information about a candidate can come out in a flier.

Pat DeSimone stated that this is a passionate issue. The BoE deals with a lot of money and they need to find a better way to communicate. Residents need to participate. The November election will not make a difference in communication. May budget elections should be publicized better. Neighbor to neighbor connection is insufficient and better communication to the public is needed.

Frank DeFelice stated he is in favor of the election process, but not in favor of the 4-year term. The election of officials is important. He is concerned about who is balancing the funds, and who is performing responsibly. The election process will make the candidates accountable.

Ernie Judson stated that we have a system that works and it shouldn't be changed.

Etzie Hyle stated that the BoE needs visibility. She stated that if the BoE goes to General Election, she strongly favors 4-year terms because of the amount of learning that is needed to serve effectively on this board.

Chet Raczka stated that the Business Manager reports to the Board of Finance and that State Statute requires the BoE to balance the books. Any excess goes into the RSD13 General Fund – back to the taxpayer at the time of school budget preparation.

Donya Viola supports the General Election for BoE members. However, she would not support a 4-year term.

Richard Parmelee stated that you can't compare the Regional School District with the Board of Finance. He has not seen any credit of budget monies returned to the municipality. He holds the BoE responsible for 100% of the budget.

Dave Montgomery served on the BoE for one term and stated that Board left everything up to the Administration, which micromanaged the BoE. Thus, the BoE is not effective as a Board of Finance and have lost control. The BoE needs to be educated. The Town Board of Finance was created to eliminate chaos. He is in favor of a 4-year term.

Betty Wakeman Long stated she spent several weeks doing research for the CRC. Her research showed a variety of different terms, dates, and towns. What makes it work is the town. She is opposed to giving up the Town Meeting; however, she sees this as a different issue and supports BoE elections going to General Election.

Richard Hanley stated that people do not want to go to Town Meetings, which is the reason why there is push to bring these elections to November. He likes the exchange of information at Town Meeting from candidates. Agrees with the present process, believes it is working, good communication, and he endorses leaving it as is.

M. Boord stated she has no final decision on this issue as yet, wishing to hear the public input first. She agrees with J. McLaughlin that many boards and commission are not political. She also agrees with Carol that you should not have to go door-to-door. She would like to see qualified people coming forward and would like to offer this opportunity to more Towns' people. She agrees that this was the most important topic the CRC had to address.

R. Edwards supports going to General Election for BoE membership. Never before in Durham has she witnessed the kind of debate as was held for the 2 candidates last December. This was a unique event, not the norm. Usually, political handshakes are made before the Annual Budget Meeting, which isn't fair to the voters. In the end, knocking on doors is the best way to talk to the public and inform them about yourself.

Josh Stockdale suggested separating this item out when voting for the CRC revision this November.

Donia Viola asked the BoS for consideration of the term to be 2 years.

Section 6.2 Regional Planning Agency

No comments

Section 6.3 DMIAAB

No comments

Section 6.4 Planning and Zoning Commission

No comments

Section 6.5 Zoning Board of Appeals

No comments

Section 6.6 Director of Health

Elmer Clark stated the term should start January 1st.

Section 6.8 Town Counsel

No comments

Section 6.10 Fire Marshal

No comments

Section 6.11 Animal Control Officer

No comments

Section 6.12 Conservation Commission

No comments

Section 6.14 Building Code Board of Appeals

No comments

Section 6.16 EDC

No comments

Section 6.17 Library Board of Directors

No comments

Section 6.18 Compensation Review Commission (Formerly Personnel Policy Board)

M. Boord commented on her experience during her first administration with the Personnel Policy Board. They had met monthly and discussed several personnel issues. The members had expertise in the field of business. Would not like to totally eliminate advisory board for personnel issues. Mark McLaughlin said that this new commission would do this function.

Section 6.21 (New) Ethics Commission

No comments

Section 6.22 (New) Land-use Board and Commissions

Ralph Chase stated he was adamantly against the proposed text in this new section. Dual membership serves a purpose and enhances the expertise on a board and communication across boards. Term limits should not be imposed because it takes a long time to learn regulations. It would be criminal, a slap in the face, to prevent dual membership.

Steve Levy agrees with everything R. Chase said. This would limit the people who want to volunteer. Questions what is special about these boards that they should have limit terms.

Mark McLaughlin commented the only term limit was after 3 consecutive terms, a total of 12 years. Theoretical concern is that dual membership may have more power than they should.

Lynn Lawson stated he is on P & Z and Wetlands and feels no special power. Other people may want to be on the board and she does not think this is a problem.

George Eames stated he serves on P & Z and that three other members of the P&Z serve on other land-use boards. These members are helpful in what they can bring to the board. The voters of this town can vote to remove people if they would like to. He is opposed to the limitation of terms. If the person is capable, why not let them continue to serve?

Bob Fulton suggested a thorough survey. Termed limits: fundamental issue, he does not believe that we should arbitrarily put limits. It takes a long time to do appropriate job. Commissions behave under laws and regulations. What power does the CRC want to limit?

John Corona said the Planning and Zoning Commission creates their policy, reviewable by no one and through no Town Meeting. Authority comes directly from Statute and their discretion cannot be challenged. Flows from State to Commission, no checks and balances by the public.

Frank DeFelice said he serves on several committees. History shows longevity on these boards. People on these boards are invaluable: for example, engineering expertise. Do not break out separately, do not even present this proposed text as part of the revision brought to the voter.

Josh Stockwell has concerns with prior people, but term limits will lose people.

Jane Erickson questioned why land-use has term limits and other board commissions do not. The people formed PDD when they were upset with P&Z siding with developers. They raised money, advertised, campaigned, and got rid of board members. There are other ways for democracy besides term limits. She thinks it would be a big mistake putting limits on terms. It takes time and dedicated people to effectively operate as a member of a board.

Dave Montgomery asked if there is a possibility only 2 members could be co-members of committees? There is a learning curve, they need to be very confident and very careful, and you will not get that with people who are not familiar with regulations. It would be a disservice to the Town of Durham to limit terms. Not in the best interest of the town.

Dick Erickson serves on the P&Z. He understands regulations between the P&Z and Inlands/Wetlands board. Nothing is done without a public hearing. He would hate to lose the synergy of multiple commission participants. When has the commission acted irresponsibly?

Laura Francis stated that term limits were a split vote for the CRC and she personally was against it and wanted further debate. She asked that we eliminate the perception of power between dual members of boards. She also asked why information can't be shared without being a voting member?

Richard Parmelee believes our electors can take care of the term limits. He has a problem with multiple commission participants on land-use boards. He is very concerned with John Corona's statement.

J. McLaughlin stated that a sample State Ordinance for towns required to adopt a member of P&Z to serve on Inland/Wetlands. There should be no term limits and no one can have excess power by serving on more than one board.

Dave Montgomery feels cross-pollination of boards bothers him. P&Z decisions about land use effects us all. Several things are going on in this town forcing out the middle class.

R. Edwards asked to consider Chairman term limits. If there is a concern of influence and power, would this be a way to satisfy people? Frank DeFelice stated the P&Z have ethical practices for Chairmanship.

Donia Viola stated the turnover rate on commissions is low. Removing dual membership would be an opportunity for new volunteers. What is in the heart of the citizens? She feels under influence with dual membership. She supports term limits across the board.

Teresa Opalacz firmly believes a town of 7000 people needs to tread lightly since volunteerism is decreasing.

Section 7.3 Amendment of this Charter

No comment

Meeting was adjourned at 11:15 P.M.