

Town of Durham  
CHARTER REVISION COMMISSION

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Regular Meeting  
Minutes  
April 10, 2006

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**1. Call to Order**

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, April 10, 2006. Chairman McLaughlin called the meeting to order at 7:00 p.m.

Members Present: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski, Alice Tucker, Betty Wakeman Long.

Absent: John Corona.

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**2. Public Comments**

No public present. No suggestions from website or suggestion boxes.

**3. Reading of Minutes from meeting on April 8, 2006**

Minutes of the April 8<sup>th</sup> meeting were reviewed.

**Motion made by Carol Kleeman, seconded by Alice Tucker to approve the minutes of April 8, 2006 as presented. Motion passed unanimously.**

**Motion made by Carol Kleeman, seconded by Ron Melnik to approve the minutes of April 3, 2006 as presented. Motion passed unanimously.**

**4. Continue Review of Charter Items for Revision**

Discussion as to whether “constables” should be stricken from this section. Betty stated constables have had a long tradition in Durham. Disagreement among the members as to whether the Resident State Trooper is a replacement of constables. Laura states there has been no formal action by the town to dissolve the status of constables.

**Section 4.8. The First Selectman.**

*Motion by Alice Tucker, seconded by Betty Long to make changes to Section 4.8 of the Durham Charter as follows:*

~~He~~**The First Selectman** shall be:

- (1) The chief executive and administrative officer of the Town, and shall have the powers and duties of First Selectman conferred upon that office by the General Statutes and by this Charter;
- (2) An ex-officio member, without vote, of all Town boards, commissions, and committees. ~~He~~**The First Selectman** may attend all sessions, both public and executive, of said boards, commissions, and committees. In the event the First Selectman is unable to attend said sessions, he or she may, in writing, appoint a selectman to be his or her representative at any of said sessions, also without vote. The First Selectman shall be given reasonable notice of all meetings of all boards, commissions, and committees;

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- (3) Chief of Police of the Town, supervising the duties and responsibilities of the resident state trooper, constables, and other police or public safety officers.

*Motion passed unanimously.*

**Section 4.9.1. Delegation of Duties.**

*Motion by Alice Tucker, seconded by Pat Murawski to make changes to Section 4.9.1 of the Durham Charter as follows:*

He The First Selectman may from time to time assign and delegate his duties and powers to another Selectman.

*Motion passed unanimously.*

**Section 5-2. Tax Assessor.**

*Motion by Martin French, seconded by Ron Melnik to make changes to Section 5.2 and Section 5.3 of the Durham Charter as follows:*

There shall be an Assessor with the powers and duties prescribed for assessors by the General Statutes. The Assessor shall be appointed by the Board of Selectmen on the basis of competitive state examinations. ~~Vacancies which occur on the current Board of Assessors shall not be filled. The duties of the present Board of Assessors will be absorbed by the appointed assessor.~~

**Section 5-3. Board of Tax Review Assessment Appeals.**

The Board of ~~Tax Review Assessment Appeals~~ shall function in accordance with the General Statutes and this Charter.

*Motion passed unanimously.*

**Section 6-2. Midstate Regional Planning Agency**

*Motion to table changes to Section 6.2. of the Durham Charter in order to obtain clarification from the Board of Selectmen made by Carol, seconded by Betty. Motion passed unanimously.*

**Section 6-3. Durham-Middlefield Interlocal Agreement Advisory Board**

*Motion by Alice Tucker, seconded by Betty Long to make changes to Section 6.3 of Durham Charter as follows:*

The Durham-Middlefield Interlocal Agreement Advisory Board shall operate and be constituted as provided in the by-laws of said board. ~~as adopted by the town meeting of October 18, 1971.~~

*Motion passed unanimously.*

**Section 6-4. Planning and Zoning Commission**

*Motion by Martin French, seconded by Carol Kleeman to make changes to Section 6.4 of the Durham Charter (and follow-up with change to Section 2.1.5);*

*and*

*Motion made by Alice Tucker later in the meeting, seconded by Ron Melnik to make changes in Section 6.4 of the Durham Charter regarding ZEO and Assistant ZEO as follows:*

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There shall be a Planning and Zoning Commission consisting of nine (9) regular members and three (3) alternates. Each regular member shall have a vote.

Members shall be elected in accordance with sections 2-1 and 2-3 of this Charter at General Town Elections, and shall serve for a term of four (4) years, beginning on the first Monday in December after said election. At the first regular meeting of the Commission occurring after said first Monday in December, the Commission shall elect a chairman, and vice-chairman and a secretary. The chairman must receive a majority of the votes cast.

The planning and zoning commission shall fill within thirty (30) days, any vacancy which occurs among the regular members by appointing one of the three alternate members of the Commission. Said appointee shall serve until the next General Town Election when an election to fill the unexpired portion of the vacating member's term shall be held.

The membership of the Commission and the alternates shall be considered separately for the purposes of section 2-3 of this Charter.

~~The transition and terms of office for the Planning and Zoning Commission shall be accomplished as follows: Three (3) regular members and one (1) alternate member, whose terms expire in October 1978, shall have their terms extended until the General Town Election in November 1979. At that time, three (3) regular members and one (1) alternate shall be elected for four (4) years. One (1) regular member and one (1) alternate member, whose terms expire in October 1979, shall have their terms extended until the General Town Election of November 1979. At that time, one (1) regular member and one (1) alternate shall be elected for four-year terms. Two (2) regular members, whose terms expire in October 1979, shall have their terms extended until the General Town Election of 1981. At that time, two (2) regular members shall be elected for four-year terms. In October 1979, when the terms of three (3) members expire, the determination of the length of extension for each member shall be made by lot. Three (3) regular members and one (1) alternate member, whose terms expire in October 1980, shall have their terms extended until the General Town Election in November 1981. At that time, three (3) regular members and one (1) alternate member shall be elected for terms of four years. Thereafter, at each General Town Election, a sufficient number of regular members, (four (4) or five (5)) and alternate members (one (1) or two (2)) shall be elected to fill the positions created by expiring terms.~~

The Board of Selectmen shall fill, within thirty (30) days, any vacancy which occurs among the alternate positions. Said appointee shall serve until the next General Town Election when an election to fill out the unexpired portion of said vacating member's term will be held.

The Planning and Zoning Commission shall possess all of the powers and duties, not inconsistent with this Charter, in accordance with the General Statutes.

The Commission shall appoint a Zoning Enforcement Officer who will not be a member of said Commission, and who will enforce the zoning regulations of the Town. The Commission may also appoint an Assistant Zoning Enforcement Officer if necessary. The commission will define the scope of the duties of the Office and regulate the activities of said Officer(s), and will have the authority to discharge said Officer(s) for due cause.

The Commission shall appoint one representative who is a resident of the Town to the Midstate Regional Planning Agency, in accordance with provisions of section 8-31 A of the General Statutes. (11-3-81).

*Both motions passed unanimously.*

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**Section 2.1.5**

*Motion by Carol Kleeman, seconded by Martin French to make changes to Section 2.1.5. of the Durham Charter as follows:*

Four (4) or Five (5) regular members and one (1) or two (2) alternate members of the nine member Planning and Zoning commission, for terms of four (4) years.

*Motion passed unanimously.*

**Section 6-5. Zoning Board of Appeals.**

*Motion made by Ron Melnik, seconded by Alice Tucker to make changes to Section 6.5 and Section 2.1.4 of the Durham Charter as follows:*

There shall be a Zoning Board of Appeals consisting of five (5) regular members and three (3) alternate members. Each regular member shall have one (1) vote.

Regular members and alternates shall be elected in accordance with Sections 2-1 and 2-3 of this Charter at the General Town Election, and shall serve for a term of four (4) years, beginning on the first Monday of December following the election. The membership of the Board and the alternates shall be considered separately for the purposes of Section 2-3 of this Charter.

~~The terms of the two (2) regular members elected at the General Town Election in November, 1979, shall expire the first Monday in December, 1983. The terms of the two (2) alternate members elected at the General Town Election in November 1979, shall expire the first Monday of December, 1983. There shall be elected at the General Town Election of 1983 three (3) regular members, including the regular member whose term expires in 1983, and two (2) alternate members.~~

~~The terms of the two (2) regular members elected at the General Town Election in November, 1981, shall expire the first Monday of December, 1985. The term of the one (1) alternate elected at the General Town Election in November, 1981, shall expire the first Monday of December, 1985. There shall be elected at the General Town Election of 1985 two (2) regular members and one (1) alternate member.~~

The Board of Selectmen shall fill within thirty (30) days any vacancy which occurs among the regular members from among the alternate members. Said appointee shall serve until the next General Town Election.

No regular or alternate member of this Board may be a member of the Planning and Zoning Commission.

The Zoning Board of Appeals shall possess all of the powers and duties in accordance with the General Statutes that are not inconsistent with this Charter. (11-3-81).

**Section 2.1.4**

Two (2) or three (3) regular members and one (1) or to (2) alternate members of the five member Zoning Board of Appeals for terms of four (4) years.

*Motion passed unanimously.*

**Section 6-6. Director of Health.**

*Motion by Carol Kleeman, seconded by Betty Long to make changes to Section 6.6 of the Durham Charter as follows:*

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A Director of Health shall be appointed by the Board of Selectmen, with the approval of the State Public Health Council. ~~He~~ The Director shall have all of the powers and duties in accordance with the General Statutes, ~~and shall serve for a period coterminous with the Board of Selectmen.~~

*Motion passed unanimously.*

Discussion regarding the position of town sanitarian and whether or not this appointment should be for a specified term. State statutes should be reviewed before any changes are made. Laura commented that the sanitarian and building inspector are professional jobs. It is not that easy to find qualified candidates. Since these two positions are appointed the employees could be removed for just cause. Should the commission ask the Board of Selectmen or town counsel if the charter needs to specify expiration of term for these appointments?

**Section 6-6.1. Town Sanitarian.**

*Motion by Carol Kleeman, seconded by Betty Long to make changes to Section 6.6.1 of the Durham Charter as follows:*

There shall be a Town Sanitarian appointed by the Board of Selectmen, advised by the Director of Health ~~and having He shall have~~ all of the powers and duties in accordance with the General Statutes.

*Motion passed unanimously.*

**Section 6-18. Personnel Policy Board.**

*Motion by Martin French, seconded by Alice Tucker to make changes to Section 6.18 of the Durham Charter as follows:*

There shall be a Personnel Policy Board consisting of five (5) members. One member shall be elected at every Annual Town Meeting and shall serve for a term of five (5) years, beginning the date of said election. No salaried employee of the Town nor any paid Town official may be a member of this Board. The Board shall act in an advisory capacity to the Board of Selectmen and the Board of Finance. ~~At the first Annual Town Meeting or at a Special Town Meeting called especially for that purpose within sixty (60) days of the adoption of this Charter, members shall be elected for five (5), four (4), three (3), two (2), and one (1) year terms respectively. Thereafter, members shall be elected as provided above.~~

This Board will advise and suggest for the benefit of both the Boards of Selectmen and Finance, on a continuing basis, proper pay rates for the various job classification timing and amount of merit or other pay increases and fringe benefits.

~~The Board will also have the responsibility for the study of the various elective offices to determine current fair salaries and fringe benefits.~~

The Board will also have the responsibility for the study of the various elective offices to determine current fair salaries and fringe benefits based on time, effort, and responsibility required to fulfill the requirements of the office.

The Board shall update its recommendations at least once a year so that its suggestions are available sixty (60) days prior to preparation of the annual budget requests.

*Motion passed unanimously.*

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**Section 6.7 Town Clerk**

Members discussed if town clerk duties should be specified. Should the duties of tax collector also be specified? Laura commented that the duties and responsibilities of the town clerk changes almost every time the legislature meets. She added the Connecticut General Statutes are very prescriptive for town clerks and tax collectors.

Regarding assistants in the town clerk's office and tax collector's office: Laura stated that the state statutes were changed to allow the town clerk to appoint the assistant. In order to change this the town would need to pass an ordinance. However, there is no state statute allowing the tax collector to appoint his/her assistant so an addition to the charter in this area could be helpful to the tax collector.

**Section 6-8. Town Counsel.**

*Motion by Ron Melnik, seconded by Alice Tucker to make changes to Section 6.8 of the Durham Charter as follows:*

The Board of Selectmen shall, by resolution at a meeting to be held not later than one (1) month after taking office, appoint a town counsel to serve for a term coterminous with the Board of Selectmen of two (2) years, or until his a successor has been appointed. qualified. ~~The term shall commence immediately upon appointment.~~

The Town Counsel shall be an attorney at law, admitted to practice law in Connecticut. Unless otherwise provided for by this Charter, he or she shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its officers, boards, commissions, or committees. He or she shall be a legal advisor to all town officers, boards, commissions, or committees, in all matters affecting the Town, and will, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties, said written requests and replies to be forwarded through the Board of Selectmen. Upon written request, he the Town Counsel will prepare or approve forms of contracts or other instruments to which the town is a party or in which it has an interest. He or she shall have the power, with approval of the Selectmen, to compromise or settle any claims by or against the Town. In the event of a conflict of interest, he the Town Counsel will report said conflict to the Board of Selectmen and disqualify him or herself.

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The Board of Selectmen shall have the authority to retain other counsel. when necessary.

*Motion passed unanimously.*

A general correction throughout the Charter: correct all references to state statutes or general statutes to read "Connecticut General Statutes"

Question asked, if this charter revision goes to a vote this November and passes, when would it become effective. Laura answered the revised charter would become effective immediately.

**5. Discuss Creation of Subcommittees**

Chairman McLaughlin thanked Pat for preparing the timeline. This will be very helpful in gauging the committee's progress. Chairman McLaughlin discussed the topics for subcommittees. After some discussion, it was decided that individuals would work on the topics rather than subcommittees:

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- 1) Appointments – Pat and Laura
- 2) Financial Issues – Pat and Laura
- 3) Terms of Office – Ron
- 4) Ethics – Carol and Martin
- 5) Teleconferencing – Alice
- 6) Public Safety – Mark
- 7) Revise Charter - John
- 8) Board of Ed - Betty and John

**Deadline for these individual reports  
is April 24<sup>th</sup>**

**6. Other items of importance**

Chairman McLaughlin gave the secretary an invoice from the Middletown Press for the March 30<sup>th</sup> hearing classified ad to forward to the First Selectman for approval and payment.

**7. Prepare for next meeting**

Discussion regarding the meeting on Monday, April 17, 2006 with current and past board and commission members. Laura cautioned the members from making statements at next Monday's meeting that leads any of the participants to believe the commission will make explicit changes to the charter based on their requests. Chairman McLaughlin agreed that CRC members need to be careful when responding to public comments.

Martin stated that the views of each representative might not necessarily represent the majority view of that particular board.

Chairman McLaughlin added the Monday night meeting will be an information gathering opportunity and views it as an extension of the public hearing held on March 30<sup>th</sup>. The commission will take the information obtained under consideration, and not as a directive.

Ron commented the commission should give all suggestions serious consideration. A list should be created and then this commission needs to determine the importance of the suggestions and assess whether each one is worth pursuing.

**8. Adjourn** - Chairman McLaughlin adjourned meeting at 10:05 p.m.

*Respectfully submitted,*

*Kimberly D. Garvis  
Recording Secretary*