

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
April 22, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Saturday, April 22, 2006. Chairman McLaughlin called the meeting to order at 8:05 a.m.

Members Present: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, John Corona, Betty Long, Ron Melnik (arrived later).

Absent: Alice Tucker.

2. Public Comments

No public present.

Chairman McLaughlin will gather responses and provide a list of consistent themes or key ideas for consideration by the commission.

Printed comments received from Geoff Colegrove and suggestion boxes (below).

Geoff Colegrove was unable to attend the April 17th meeting. His written suggestions as follows:

1. Subdivision Road Acceptance. During the many years I have served as Town Planner for Durham this action has been brought to a Town Meeting. Almost in every case the question was raised, how could we not accept the road if it met all of our requirements. To my knowledge no subdivision road has been rejected since the mid 1970's. *I would recommend that the Board of Selectmen be authorized to accept subdivision roads providing the approved plans have been complied with and all of the necessary engineering certifications and commission approvals have been issued.*
2. *Another area where the selectmen should be able to accept land related to the subdivision or zoning approval process is in instance where an applicant is dedicating land to bring an existing town right-of-way up to the 50-foot minimum.*
3. Acceptance of Open Space Required by the Planning and Zoning Commission. Currently, the First Selectman can accept conservation easements or other less than fee documents restricting the activities on an open space parcel. *It would seem logical that the Board of Selectmen be authorized to accept open space parcels in fee that are required by the Planning & Zoning Commission as part of its Zoning or Subdivision Regulations and is recommended by the Conservation Commission.*

Suggestion Box suggestions:

- § Establish some sort of Ethics process, either with a board or a regional liaison officer.
 - § Longer terms for some offices, especially town clerk and tax collector.
 - § Term limits for boards/commissions NOT jobs (ex. Not town clerk, tax collector), perhaps 3 terms and then a forced year off; first selectmen could go either way – job or board.
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- § Expanded BOS – to 5 to take out the horribly visible partisanship of that board with its unmistakable 2-1 splits.
- § Limits on how many boards a resident can serve on – no more than 2 standing. Ridiculous to have the same people on 3 as is the case now.
- § Do a good job and don't worry about timeline.
- § 15% of residents will vote on pretty near anything in Durham!
- § 4 year terms
- § 7 selectmen
- § no term limits
- § minimum 4 year terms
- § no term limits
- § elect all positions in November
- § vote town budget at town meeting
- § board of selectmen – 5 members
- § the town needs more senior housing

Website suggestions:

- § Minimum 4-year terms for all elected offices. Term limits/break – after serving 3 terms (4 year positions), and 2 terms (6 year positions) there should be a break in term or maybe this should be the maximum term. More selectmen on the board, at least 5 maybe 7. Annual budget should be voted on at town meeting. The school budget is already voted on at referendum and as this is the majority of the annual budget anyway the remaining town budget should be voted on at town meeting. No one person shall serve on more than one commission at a time that has anything to do with land use, i.e. P&Z, ZBA, Conservation Commission, Inland/Wetlands.
- § No term limits for First Selectman, Town Clerk, Tax Collector, Treasurer. Term limits for Planning & Zoning. One person shall not serve on more than one land use board. Minimum 4 year terms for all elected positions. Board of Education should be voted in during the November election. Town Budget should be voted on at Town Meeting. If this is combined with the vote for the school budget, there should be two questions on the ballot. One to approve the school budget, one to approve the town budget. The committee should be very careful not to make additions to the charter that are policy making in nature. It is not the job of the charter committee to tell any board or commission how to do their job. Board of Selectmen should be minimum of five members. Section 3.7 should stay at \$100,000. Section 5.1.9 should be increased to \$50,000.
- § Dear Members of the Charter Revision Commission, Thank you for all your good work for our town. The fruits of your labor will benefit us all for years to come. I have not yet read the minutes so this may be a redundant comment. The section of the charter that was most abused in my time in Durham had to do with Section 4.6 #5. Whatever monetary threshold is appropriate in 2006 must be the trigger for an automatic open discussion at a Board of Selectmen meeting, well publicized with ample time and preparation for public comment. Additionally the artificial breaking up of component work so as to evade the public discussion that should be triggered by the purchase of goods or services exceeding the monetary threshold in the revised charter needs to be clearly prohibited by the charter. I doubt that I am alone in feeling that we've bought and paid for the same items, without notice, repeatedly. We purchased services that townspeople would have liked to know more about before the purchase or perhaps not purchase at all but were cut out of the discussion

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of what to do with our money. The other area of concern is Section 6-10. Can you please consult with the State Fire Marshall's office and the Connecticut Statutes that cover this area of Public Safety and bring our terms for response...Fire Marshal and deputy Fire Marshal(s) into agreement with state statute and the State Fire Marshal's office. This area of disagreement cause great confusion and concern and can easily be avoided in the future if we make our charter follow the other rules and laws governing these positions. Having read the statutes and speaking with the State Fire Marshal's office extensively last year I found nothing included in the rules and laws at the state level that would compromise the safety of the Town of Durham or the efficient functioning of the Durham Fire Marshal. I do not have wording to offer on these two matters of concern. Happily for me, that is left to the Commission. If you have any questions or feel you need to know more specifics about my concerns please feel free to call or email me for more info. Meanwhile I will try to catch up with your work. My school schedule makes attending the meetings impossible until near the end of your scheduled meetings. Thanks again for all you do, Molly Nolan (phone number omitted for these minutes).

3. Review of minutes

Motion by John Corona to accept April 17, 2006 minutes as presented, seconded by Betty Long. Ayes: John Corona, Laura Francis, Carol Kleeman, Mark McLaughlin, Pat Murawski, Betty Long. Abstention: Martin French. Motion passed.

Motion by John Corona to approve April 10, 2006 minutes as presented, seconded by Betty Long. Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Betty Long. (Ron Melnik not present for this vote). Motion passed.

4. Review of Input from Boards/Commissions Meeting 4-17-06

General discussion about April 17, 2006 meeting with boards and commissions. Commission members disappointed at the low turnout. Appears to be a lot of support for staggered terms, although Betty commented that in the corporate world the opposite seems to be true. John responded that there is a much bigger pool of candidates to draw from a corporation than there is in small towns such as Durham.

Discussion regarding the large pool of unaffiliated people in town, an untapped resource for candidates. Do the democrat and republican town committees ever look to this group of people as candidates for vacancies? The town committees choose the candidates, therefore, the options are limited for the electorate. Discussion regarding advertising vacancies in the newspapers. The town is expanding and this would allow the newer citizens of the town, both affiliated and unaffiliated, the opportunity to come forth and express their interest as candidates for vacancies. This might also bring forth concerned citizens who have lived in town for some time, who are unaware of upcoming vacancies.

Discussion about term limits and if this should be applied across the board or just to appointed boards. Concern by several board members that if term limits are instituted this might dissuade people from running for office.

Laura commented that CRC needs to be very careful about making changes to the charter to solve "problems of the day." Changes should be made based on valid reasons.

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Ron commented that if you have term limits for appointed boards and not for elected boards, there may be criticism because two members of the CRC are elected officials.

John will look at all boards and commissions and present a proposal for term limits. He also commented that state statutes change, so the CRC should not make revisions to the charter using paraphrased language from state statutes.

Pat will develop an excel file for appointment list and will send to everyone.

5. Report on Subcommittee Research

Board of Education. Betty gave a limited report on this topic. In reviewing state statutes there is a very specific reference to Board of Education members being elected in May. She spoke with Marianne Corona, from Middlefield. Middlefield is also interested in changing the election of Board of Education members to the November election, however, they are committed to using the full sixteen months to make charter revisions so there is really nothing Durham can do at this time except to provide for the ability to amend our charter once Middlefield has completed its revision process. Suggestion made that Betty speak with Etzie Heyl and Howard Kelley. They were both very involved and might have some insight as to why the election of board of ed members was changed to May.

John states there really isn't much that can be done to change the way things are handled with regional school districts. They are given much power by state statutes. The only way to really make a change is to contact our representatives to propose legislation that can allow the towns to have some say in what happens with the regional school district.

Financial Issues. Pat reported she and Laura met with Rett Mancinelli, Finance Officer. She stated it is not the CRC's responsibility to determine policy and that it is the finance department/board of selectmen's responsibility to develop a bidding policy. Chairman McLaughlin added he contacted CCM and they will be sending him a CD regarding bidding. Laura commented there are some things that lend themselves to competitive bidding and some that don't. John added it is best to empower the Board of Selectmen to establish a town bidding policy that can be updated from time to time that reflects the needs of the town.

Section 4.6.5. (Regarding bidding for any purchase over \$5,000). Discussion regarding wording that is more expansive to cover contracts, acquisitions, services, etc. The subcommittee will redraft wording to also discuss changing the word "bidding" to "acquisition."

Section 3.7 Actions Requiring Referendum. The intent in this section is to revise the dollar amount to net present value. The figure of \$100,000 was set back in 1977. Laura asked Rett to revise this number to present day worth. The figure actually came in much higher than \$300,000 but Laura and Pat thought \$300,000 seemed adequate. Ron stated the \$300,000 figure seemed low by today's standards. Some commission members thought this number too high. Laura stated Maryann recommended \$500,000.

Question asked what are the town's monthly expenses including the payment to Regional District 13. Laura and Pat asked Rett the average monthly expenses of the town. Rett stated around \$300,000 so Laura and Pat decided \$500,000 was a fair number. There should be some provision in the charter so the town won't be hamstrung.

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Question asked what is the minimum time needed to plan a referendum. Laura answered minimum of 30 days. A town meeting action would require a minimum of 7 days. A town meeting can adjourn to a referendum held the next day. Number (3) was added to section 3.7 so that in an emergency situation the town could borrow money short term, i.e., for instance as when the tax bills went out late last year.

Motion by John Corona to approve "Section 3.7 Actions Requiring Referendum" of the Durham Charter as currently drafted by the subcommittee to read as follows: Any action of the Town requiring (1) a special appropriation of \$300,000 or more, or (2) the acquisition or taking of any property through Eminent Domain proceedings or (3) the borrowing of \$500,000 or more shall be the subject of a referendum conducted according to the General Statutes. Ayes: John Corona, Laura Francis, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski, Betty Long. Opposed: Martin French. Motion passed.

Section 4.9 (6): Pat and Laura felt this section of the charter is not being practiced. John agreed that historically this hasn't been done. Laura states that if the budget is approved, then a finance director should certainly make it easier to provide timely financial reports. John and other members suggested elevating this a bit by requiring the reports to be filed with the town clerk's office.

Motion by John Corona to approve language modified under Section 4.9 Duties of the First Selectman, Section (6) to read as follows: 4.9 (6) **Providing** monthly **written** financial reports **and analysis** to the Board of Selectmen and the Board of Finance; **such report shall be filed with the Town Clerk by the end of the following month.** Motion seconded by Ron Melnik. Motion passed unanimously.

Section 5.1.5 Preparation of Budget. There was some discussion of timeline for budget preparation. Historically the Board of Selectmen and the Board of Finance are working on the budgets simultaneously. A complete budget should be presented to the Board of Finance to work on, not in the piecemeal fashion that has been happening for years. This also requires that the various town departments, boards and commissions submit their budgets on time to the Board of Selectmen for review, which has not been happening. The current situation does not lend itself to a good deliberative process. Both the Board of Selectmen and Board of Finance are rushing through the budget process because deadline for submissions are not being met.

John comments it is discourteous to the Board of Finance not having the budget prepared on time. Pat and Laura have not spoken to the Board of Finance about the proposed deadline of December 1st each year for submission of budgets by all departments and boards to the Board of Selectmen. Some commission members felt the deadline of December 1st was a little early. Question asked is there anything the charter commission can do to help the Board of finance get budgets earlier? A finance director would be of great help in this area. Chairman McLaughlin states the Board of Finance should be contacted about deadline dates before the commission votes to change anything. He suggests tabling this item.

Motion by Mark McLaughlin to table proposed changes to "Section 5.1.5 Preparation of the Budget" until the subcommittee (Laura Francis) has a chance to discuss the proposed changes with the Board of Finance. Seconded by Martin French. Motion passed unanimously.

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6. Discuss/Decide Charter Revision Items

No report.

7. Other Items as Appropriate

No report.

8. Prepare for Next Meeting

9. Adjourn: Meeting adjourned at 10:00 a.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*