

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
April 3, 2006

1. Call to Order.

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, April 3, 2006. Chairman McLaughlin called the meeting to order at 6:35 p.m.

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

Late Arrivals: John Corona, Ron Melnik.

Also Present: Trish Dynia

2. Public Comments.

Trish Dynia expressed her two concerns.

- 1) Possible term limits regarding land use boards and the board of finance. Trish covered many of the commission meetings in Middlefield as a reporter for the Town Times and she is/was also a member of the Historic District and Inland Wetlands commissions in Durham. Her first hand experience with both towns leads her to believe that both good and bad can be had from instituting term limits. The benefit from having term limits is that members who have been on a commission too long who have lost their effectiveness can be replaced with new members with more energy and new ideas. However, the negative side is you can lose senior members with experience, leaving a less experienced board to handle the business of the town.
- 2) She is also concerned with overlapping of commissions, particularly the commissions that review and approve applications such as the Planning & Zoning, Conservation and Inland/Wetlands commissions. The positive aspect of having a person serve on more than one of these boards is the ability to communicate one commission's view to another regarding applications. However, the negative side is the ability of one commission to influence the decision of another commission.

Joseph R Della Ventura wrote a letter to the CRC regarding his concerns:

- 1) Board of Education members being elected during the regular election process.
- 2) Prohibit the resubmission of a budget that is essentially a copy of the one that was previously voted down.
- 3) Concerned that both Middlefield and Durham have struggled to keep the budgets at zero increase over the past four years when the Board of Education budget continues to rise each year at a rate of 5-7%. What results is a disproportionate share of tax revenue focusing on only one service – education.

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4) Joint charter with Durham and Middlefield relative to the Board of Education.

3. Approval of Minutes

Motion by Carol Kleeman seconded by Alice Tucker to approve minutes of March 27, 2006 as presented. Ayes: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Alice Tucker, Betty Wakeman Long. Motion passed.

Motion by Alice Tucker, seconded by Carol Kleeman to approve March 30, 2006 Public Hearing minutes with the following corrections:

- Page 3 Martin French interjected that the farm on Pent Road is a new “*town-owned*” working farm.
- Page 4 after Diane Levy’s comments, add, “*Martin French states there is nothing in the charter that prohibits the rescheduling of the annual town meeting to another Monday in October that doesn’t conflict with a religious or other holiday.*”

Ayes: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Alice Tucker, Betty Wakeman Long. Motion passed.

4. Review of Public Input

Mark thanked Trish for her input. He expressed concern that term limits could be harmful in that we might lose valuable people who possess a rich history of the town.

Laura mentioned there had not been any input from the public yet via the suggestion boxes or town website. Mark shared Joseph Della Ventura’s letter and stated Mr. Della Ventura had obviously given the matter much careful thought.

Mark stated at some point all public comments and suggestions would be collectively reviewed.

5. Review of Tracking Document

Laura explained briefly how Microsoft word can track changes in a document. She will bring the laptop computer and type the changes to the charter. She will save each night’s changes as a separate document leaving the original document pure until final decisions are made. Laura will email changes to members.

6. First review of Mark’s draft of “low-hanging fruit” charter items for revision.

Martin expressed his concern that this revision process will be slowed down with constant public requests for information. Laura stated that until the final draft is submitted this is a working document and not open for public review. However, she further explained that any motions made and approved relative to changes are a public record and are available for public review.

Pat asked if CRC comments would be included in the final report to the Board of Selectmen. Mark and Laura both replied that comments would be included.

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Betty stated she is not familiar with the “home rule” that David Montgomery referred to at the Public Hearing.

Laura explained that state statutes enable towns to enact a set of laws specific to the town. This law or “charter” takes precedent over some state statutes.

John clarified that the town only has as much power as the state allows it to have. The town cannot contravene state laws. Additionally, the absence of a state statute regarding a specific issue doesn’t necessarily mean that the town can make a provision in its charter for such an issue.

Laura gave an example of a town making a law that contradicted what the state allowed. The town of Southington decided to change the term of the town clerk to a six-year term. The state provided for a maximum term of 4 years. The state representative for Southington had to draw up a bill allowing a 6-year term because this was not allowed by state statute.

Martin offered that the Connecticut Conference of Municipalities handout “Basic Steps For Municipal Charter Revision” references Chapter 99 Section 7-191 which addresses home rule.

Ron stated he thought it would be best if the commission worked on the changes chapter by chapter and in order. Laura agreed that once the easy changes were made the commission should proceed from the beginning and work its way through the charter.

Ron expressed concern that there are only seven weeks remaining until the final report of this commission is due. This means the CRC will need to complete a section (chapter) a week to meet the deadline. He appreciates the work Mark has already completed on the easier changes.

Alice concurred that Mark has made a good start with the revisions.

Section 2.1 General Town Elections

Motion by Mark McLaughlin, seconded by Laura Francis regarding Charter Chapter 2.1 Item (3) to replace the words “Board of Tax Review” with “Board of Assessment Appeals”. Motion passed unanimously.

Section 2.2 State Election

Considerable discussion relative to wording. Laura explained that the town passed an ordinance to allow the two major parties to nominate 18 instead of 12 justices of the peace to include unaffiliated. Once the nomination process is complete and primary time passes the justices of the peace are automatically elected per state statute. Nonaffiliated justices of the peace however are appointed.

Laura added that chapter numbers change, so it would be best to reference Chapter 146 in the comment section only. Commission members agreed.

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Motion by Mark McLaughlin, seconded by John Corona regarding Charter Chapter 2.2 to read as follows:

“Nomination and election of state and federal officers and other elective officers of the Town of Durham, including two (2) registrars of voters shall be conducted in the manner prescribed in the Constitution of the United States and the State of Connecticut General Statutes. The nomination or appointment of 18 justices of the peace shall also be conducted in this manner. The registrars of voters shall prepare lists of electors qualified to vote in accordance with said laws.” Motion passed unanimously.

A couple of members cautioned on making the Charter too restrictive.

Section 2.6.1 Notification regarding Vacancies.

This section would be a substantial addition to the charter. There was much discussion. State statutes reference the vacancy issue. Why does this issue need to be in the charter? Once a change is made in the charter, that change will stand until the next charter revision. Ordinances cannot override a charter.

Mark wrote up this addition based closely on the draft of a proposed stipulated agreement from the State of Connecticut Freedom of Information Commission between Renee Primus and First Selectman, Town of Durham. John is concerned with making a charter revision based on stipulated agreements. Does this mean every time there is a stipulated agreement we should necessarily enact a town law?

Members expressed concern that the charter should not become a procedures manual. As there was much debate on the appropriateness of this section a motion was made to table this section.

Motion by John Corona seconded by Mark McLaughlin to table revisions Chapter 2.6.1 Notification regarding Vacancies. Motion passed unanimously.

Section 2.10 Minutes of Meetings

Laura stated that although the charter directs the town clerk to provide a copy of minutes to the first selectman, she defers to the first selectman's preference. The first selectman should have the option of choosing whether or not he wants a paper copy. Now that the town has a comprehensive website there is really no need to provide paper copies, although if requested the town clerk's office complies.

Motion by Ron seconded by Martin regarding Charter Chapter 2.10 Minutes of Meetings to change wording “the First Selectman” to “Board of Selectmen” at which point Mark makes a friendly amendment, seconded by John to also change the word “given” to “transmitted.” Motion passed unanimously.

The commission next reviewed adding the following:

“All Town boards and commissions may conduct meetings (including voting on issues before the board) via teleconferencing.”

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Carol expressed concern that the public would not be able to take part in a teleconference and that public comment would be limited or prevented. Ron added there are FOI concerns and guidelines as to how to run a teleconference, i.e., a speakerphones must be used, etc. Pat stated the town does not have the proper facility to handle a teleconference set up. Betty agrees with Carol and doesn't believe this is a proper way to hold a meeting. At some point, however, there should be a back up system, such as a teleconference, to conduct town business in an emergency situation. Members expressed concern that this could become a regular way of holding meetings. Debate regarding appropriateness of teleconferencing continued.

Motion made by Betty W. Long seconded by John Corona to table the addition to Chapter 2.10 allowing boards and commissions to conduct business via teleconferencing. Motion passed unanimously.

7. Prepare for next meeting

Mark suggested the CRC meet twice a week. After minimal discussion, commission members agreed to meet on Saturday mornings from 8:00 a.m. to 10:00 a.m. Mark stated that members might want to do some research in the meantime and that the town website is an excellent resource as it links to the Connecticut State statutes, etc. Mark will email agendas to the secretary for meetings scheduled for April 8th and April 10th.

8. Adjourn for Budget Hearing

Chairman McLaughlin adjourned the meeting at 7:55 p.m. so that members could proceed to the Annual Budget Hearing.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*