

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
April 8, 2006

1. Call to Order

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

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

Absent: Ron Melnik.

2. Public Comments

No public present, however, Laura shared comments sent to the town website.

3. Continue Review of Charter Items for Revision

Motion by John Corona, seconded by Carol Kleeman, to bring forward all tabled items from the last meeting. Motion passed unanimously.

Tabled Items:

1. Chapter 2.6.1 Notification Regarding Vacancies.
2. Chapter 2.10 Allowing Board and Commissions to Conduct Business via Teleconferencing.

Prior to the review of the tabled items Laura cautioned the commission about turning the charter into a policies and procedures manual. The charter is an enabling document not a limiting one. The kind of detail in the stipulated agreement is more in the nature of policies and procedures. Following the tenets of FOI really should be enough. The stipulated agreement was a way for the two parties involved to resolve the issue without going through a full FOI investigation. Laura also advised it is not the job of the town charter to interpret, clarify or explain state statutes.

Chapter 2.6.1. Notification Regarding Vacancies. Mark stated that after much reflection on this section and in response to commission member concerns he would strike the majority of the language in the stipulated agreement as it was too prescriptive and directive. However, there was one area he felt was important to clarify as it related to rights, accountability and communication and that was the issue of all board of selectmen members being informed when vacancies occur.

There was much discussion as to who is responsible for reporting a vacancy, the commission chairman, the individual vacating, town committees, etc. Laura felt it was the responsibility of the resigning member to submit a letter of resignation to the town clerk, which she added does not always happen. Upon receipt of the resignation letter she then informs the first selectman's office.

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Shouldn't the Board of Selectmen be in touch enough with their commissions to be aware of any pending vacancies?

Mark stated that Section 2.9 of the charter already deals with vacancies in boards and commissions; "the chairman of the board or commission shall notify the town clerk and the appointing authority in writing..." Mark's concern was that all board of selectmen members be informed of pending vacancies. After further discussion the following motion was made:

Motion by Alice Tucker, seconded by Martin French to add the following to Section 2.6 of the Durham Charter: "Any reported or impending vacancy shall be brought before the first available Board of Selectmen's meeting." Ayes: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Alice Tucker, Betty Wakeman Long. Naves: John Corona. Motion passed.

Chapter 2.10 Allowing Board and Commissions to Conduct Business via Teleconferencing. Mark reported that he had contacted CCM about teleconferencing but had not yet heard back from them so he wished to keep this item on the table for the time being.

Laura stated she had attended an FOI conference in the past week and there were definitely issues surrounding teleconferencing. In practice, teleconferencing is allowed as long as the public can be a participant in the conversation/meeting. As long as the teleconference is set up so that all members present can hear anyone participating by phone via speaker and vice versa then it is probably acceptable. She added that a meeting is a deliberative process. Calling an absent member to obtain a vote is not appropriate; neither is taking phone votes of all members and confirming at a subsequent meeting.

John stated there is no state statute regarding teleconferences. He expressed concern that in the absence of a clear legislative authority to hold teleconferences it might be a dangerous precedent to set.

Laura stated the new meeting room at the renovated town hall is being outfitted to allow for teleconferencing, not that this will necessarily become the common practice of holding meetings. There is the concern of providing a plan that allows government the ability to continue functioning in the event of large absences such as in a pandemic situation.

Mark believed this to be too large an issue for this commission and felt it needed to be driven by the state statutes. He also felt it was an issue that should be addressed with boards and commissions.

Section 3.1.2regarding petition or a special town meeting or referendum. Laura explained that a petition is required to be filed with the town clerk's office. It is the practice of her office to provide the petitioner a sample of the proper format, copy of town charter section and state statute section relative to petitions. (She shared with commission members samples of the packets provided to petitioners). Laura also runs the question by town counsel to determine if the question is in a proper format and if it is an action item the town meeting has purview over. This is a service the town clerk's office provides to the public so they will not become frustrated with the process.

Commission members acknowledged that this was good practice but might not be followed by other town clerks in the future. After much discussion the following motion was made:

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Motion by John Corona, seconded by Betty Wakeman Long to add to Section 3.1.2. the following sentence: *"In order to expedite petition process and ensure due representation, the Town Clerk shall provide the petitioner with guidelines."* Motion passed unanimously.

Section 4.2 Procedures. Adding to this section the ability of the Board of Selectmen to hold meetings via teleconferencing. As this issue was tabled in Section 2.10 the commission voted to table this item.

Motion by Mark McLaughlin, seconded by John Corona to table this item. Motion passed unanimously.

Section 4.4 Appointments. It was thought this would be an easy section to clarify, however as discussion continued it became apparent that there were many questions to answer. Should the language be very general and not include specific commission names? Include in this section only those boards and commissions which had bedrock status in the town? If a board or commission was named elsewhere in the charter did it need to be specified here? Should there be an appendix in the back of the charter listing specific appointments? There was also discussion as to if there is follow-up by the Board of Selectmen to monitor whether or not the appointees are doing their job. Should there be provision for this in the charter, i.e. annual review of all commissions ad hoc and otherwise to determine effectiveness. Further discussion as to whether this should be the responsibility of the selectmen and not part of the charter.

Motion by Mark McLaughlin, seconded by Laura Francis to table this item and form a subcommittee to explore the list of boards and commissions for inclusion in this section. Motion passed unanimously.

John Corona addressed the issue of the timeline for the charter revision. It appears obvious from the little headway made with revisions thus far that this commission is not going to be able to meet the timeframe put forth by the board of selectmen.

Motion: Motion made by John Corona, seconded by Alice Tucker to restructure the charter revision timeline to allow for the full timeframe permitted under the Connecticut General Statutes.

Discussion: Many members expressed concern about the timeframe. All members agreed about the importance of the quality of the finished product versus the speed to finish the project. Chairman McLaughlin expressed his concern about being in violation of the board of selectmen's directive. As discussion continued it was felt that it was a bit too early in the process to really determine that the deadline could not be met. This is the third meeting but really only the first working on the changes.

Pat stated that what is really needed is a task list and target dates to mechanize the process. She added the commission also needs to explore the option of subcommittees working on specific items.

Betty added this is an intelligent group and only just getting familiar with what needs to be accomplished. Perhaps the process will move along more quickly once the commission settles into the process.

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Lengthy discussion continued about timeframe, concern for a quality document, the need to present this for a vote this November since there is greater voter turnout in a state election, etc.

Pat stated she would create both short and long-term timelines.

Action: John withdrew his motion.

Laura reported she sent out many letters inviting boards and commissions to the April 17th meeting. She did not send out to previous members and asked for suggestions as to how to do this without inadvertently leaving someone out. In an effort to reach as many former board and commission members as possible the commission made the decision to put a legal notice in the Town Times and Middletown Press inviting former members to the April 17th meeting.

Chairman McLaughlin instructed the recording secretary to put in the following legal notice:

Legal Notice
Town of Durham
Charter Revision Commission

All past and present members of any Town of Durham board, commission, public agency or official are invited to attend the Charter Revision Commission meeting on April 17, 2006 at the Durham Public Library at 7:00 p.m. to share your expertise on adding, enhancing or deleting information from the Town of Durham Charter.

Submitted by
Mark McLaughlin
Chairman, Charter Revision Commission
April 8, 2006

4. Prepare for next meeting

Members instructed to look over the charter and determine where subcommittees can be assigned. Pat will work on timelines.

5. Adjourn - Chairman McLaughlin adjourned meeting at 10:05 a.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*