

Town of Durham  
CHARTER REVISION COMMISSION

---

Regular Meeting  
Minutes  
May 1, 2006

---

**1. Call to Order**

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, May 1, 2006. Chairman McLaughlin called the meeting to order at 7:05 p.m.

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

---

**2. Public Comments.**

No public present. No comments via the website or suggestion boxes. Carol reported comments from two people who would like to see the school board members elected in November.

**3. Review of minutes**

*Motion by Betty Long, seconded by Laura Francis to approve minutes of April 29, 2006 meeting with one clarification on page 4 "Laura called the question. **She explained this ends discussion on the motion to accept new Section 7 as presented, calling the question needs no second, is not debatable and the vote requires a two-thirds majority to pass.**" Motion passed unanimously.*

**4. Report on Subcommittee Research.**

Board of Education: election of members; control of spending via limits on referenda; control of budget via mandate on percentage increase. Betty reported she did not look into financial aspects. In speaking with school board members, ex-school board members and other people involved in the school system most are not in favor of moving the election from May to November. Part of this has to do with having a full Board of Education prior to the beginning of the new school year. Joyce Kellish's memory of the situation is they wanted to keep this as nonpolitical as possible. The Board of Education is a hard job to fill anyway and expecting candidates to campaign for an election might turn possible interested candidates away.

Betty has not been able to find the documentation as to the reason the election was changed from November to May. The 1981 revision of the charter mentions election at town meetings. Rosemary at the Board of Education is doing some research on this and will forward the information to Betty. Betty has tried to reach Ron Harris, Hank Robinson and Howard Kelley but her calls have not yet been returned. Laura stated that Ron Harris is a wealth of information.

Betty stated it would be extremely difficult for Durham to do anything without Middlefield. Carol asked why does Middlefield have anything to do with what Durham decides to do.

Chairman McLaughlin asked commission members if there is a widespread opinion that the Board of Education election should be held in November. Laura responded this isn't a new issue but she also adds that during the previous charter revision they came to the

Town of Durham  
CHARTER REVISION COMMISSION

---

conclusion that a change couldn't be done without Middlefield's concurrence. Carol adds this idea has been going around for some time.

John asked who else is elected at town meeting? Laura answered the Library Board, DMIAAB, Personnel Policy Board and Fire Trustees. Carol asked prior to regionalization were Board of Education members elected in November. The belief is that they were.

Laura pointed out that with the tax levy being 80-85% for the school system it makes sense to have members of Board of Education elected at a general election when a couple thousand people come out to vote versus the fifty or so people that show up for the Annual Budget Meeting. She also mentioned that Bob Poliner was chairman of the last Charter Revision Commission and he might have some information regarding this matter.

Ron asked, can the school budget be restricted to a certain percentage of increase? Laura remarked she does not like talking percentages. Towns that have spending caps often vote to bypass the spending caps.

Chairman McLaughlin inquired, was this enough of an issue to pursue? Members posed the question, can this be changed, if not, then it is not worth pursuing. Laura suggested this is an issue town counsel should review and she proposed the commission start keeping a list of other items that might need town attorney research.

Chairman McLaughlin will draft a letter to the first selectman to contact town counsel.

Annual Budget: adoption via town meeting or general election. Laura explained there are three ways a vote for town budget can be brought to referendum: 1) the Board of Selectmen can bring this to a referendum on their own accord, 2) the townspeople can petition for this to be voted on at a referendum, or 3) the town meeting can adjourn to a referendum vote. Laura agrees with Ona McLaughlin's comments at the joint meeting; that the voter would be giving up some power by moving this to a referendum. At a town meeting items can be voted out of the town budget. In addition, voters have a good idea of why the budget was voted down. With a referendum you don't have the option of knowing why the budget was voted down. Alice concurs, you'd be trading power, communication and knowledge if this goes to a referendum vote instead of a town meeting vote.

Chairman McLaughlin observed the discussion seemed fairly strong in keeping the town budget approval at town meeting. Carol suggested the CRC comments section include the three options for voting on the town budget at a referendum. Chairman McLaughlin will work up comment on this for review/vote on Saturday.

Terms: expansion or status of term of office; term limits. Ron reported on his research including state statutes, contact with secretary of state's office, CCM and visits to town websites (Wallingford, Meriden, Haddam, Portland, Farmington, North Branford and South Windsor). He concluded it really comes down to what the commission feels is right for elected and appointed officials. The state statutes do not define term limits except to say they shall be between 2 and 6 years, with the one exception being the board of finance, which shall be a 6-year term. There is no recall provision for elected officials; that power was taken away by the state in 1985. Ron suggested putting together a chart that addresses term lengths for various officials.

Betty remarked the Board of Selectmen wanted this commission to look at term lengths not necessarily make changes. Laura felt each board could be looked at separately for term length determination.

Town of Durham  
CHARTER REVISION COMMISSION

---

Alice inquired if any boards remarked that terms were too short? The Board of Selectmen is split on this. Renee was in favor of four-year terms because with a two-year term much of the second year is consumed with campaigning not to mention the learning curve for a first term selectman. Maryann was in favor of two-year terms. John commented it takes more than two years to be acclimated and educated as to what the position entails. The potential of that job turning over every two years would not be good for the town.

Alice suggested we contact boards and commissions. Laura is reluctant to contact various boards again. The CRC has solicited input and the boards have not come forward either to meetings or via emails or the town website. Chairman McLaughlin proposed that if the boards didn't feel strongly enough to come forth then maybe they felt it was the CRC's responsibility to make this decision.

Laura mentioned history has shown most people have served more than one term. John stated it would be easier to attract a person to a four-year term than a two-year term. Chairman McLaughlin added that with a two-year term the town is almost guaranteed of attracting a retired person that can accept the risk. There is a major difference in the risk for 2 year versus 4-year term. The pool of qualified candidates would most likely increase if terms were changed to four years. Two years is not a long enough time to establish a record of competence. An expanded timeframe gives the public time to assess if someone is doing his or her job (i.e. actions, pattern of behavior, accomplishments) and to weigh these against a challenger.

Laura expressed one argument against changing the term length; that in the off year there wouldn't be much interest in the election. At the same time an argument can be made for four-year terms as a town committee member. Local elections are getting very expensive. A lot of money needs to be raised every two years, so spreading this out over four years would lessen the monetary burden on the town committees.

Carol expressed concern of increasing the number of selectmen from three to five; would the town even be able to find enough candidates? Laura added there would also be a budget impact. CCM research has shown that most towns have three selectmen. Betty is concerned with increasing manpower to share the workload of the board of selectmen. Ron sees advantages to having five members. Chairman McLaughlin is comfortable with leaving Board of Selectmen at three members and will draft language for the next meeting. Laura will call towns that added selectmen to find out their reasoning for the change.

Chairman McLaughlin asked are we constrained by state statutes. Ron replied only that the terms be between 2 and 6 years.

Discussion continued regarding limiting multiple memberships to boards. Most of the members felt this was pertinent to land use boards. State statutes already dictate that you can't be a member of Planning & Zoning and Zoning Board of Appeals. John stated applicants are uncomfortable when they appear before two commissions and members are on both boards. As a procedural question Chairman McLaughlin asked what would we do with current members if this membership limit is written into the charter. The consensus was that the terms of current members would be allowed to expire. Laura mentioned we're really only talking about appointed boards. Martin mentioned the Historic District Commission. John stated this commission has more impact than some of the others. Laura added state statutes require that a certain number of the members of the Historic District Commission live within the district. Chairman McLaughlin will craft some language on this for the next meeting.

Town of Durham  
CHARTER REVISION COMMISSION

---

Teleconferencing

Alice reviewed her research regarding teleconferencing. Basically teleconferencing seemed to be acceptable as long as all parties could hear and be heard by each other. Questions that arose from her research were: 1) what constitutes a meeting, 2) would more than one board member be allowed to teleconference in; 3) would teleconferences be required to be part of the meeting notice; 4) would public be allowed to teleconference in. Laura commented we have the ability now to web cast audio live. The software has been offered to us but we have technical issues that need to be worked out before we can begin utilizing this technology. Discussion continued on the ability of the public to participate via teleconferencing, members of boards participating via teleconference that can't make a meeting in person, and is inconvenience a legitimate reason for a member not to participate in person, etc. The consensus of commission members was that the town did not yet have the technology to handle this type of meeting. Laura commented as long as the charter doesn't prohibit teleconferencing then the town could make use of this technology when it does become available. Laura explained that in terms of FOI the definition of an open meeting is one in which all members can hear and be heard. John adds the goal of FOI is to prevent secret communication. Chairman McLaughlin asked Alice to put together a comment for Saturday's meeting on why the CRC will not include teleconferencing in the charter.

Review of Geoff Colegrove's suggestions for Board of Selectmen additional powers: 1) accept subdivision roads, 2) accept land to bring existing town right-of-way to 50' minimum, and 3) accept Open Space parcels in fee as required by Planning and Zoning. John advised these are basically housekeeping items. If the developer complies with all town requirements (as set forth by Planning and Zoning) then it should just be a matter of course that the road be accepted. In reply to some of the commission members concerns John stated the Board of Selectmen is the traffic authority and at some point you have to trust that they are doing their job and know what is required to accept a road. There is a process and Planning and Zoning requirements are very specific. Chairman McLaughlin asked John to craft language regarding these three items for Section 4.6.2 to be reviewed on Saturday.

Chairman McLaughlin verbalized the revisions are coming along and the deadline set forth by the Board of Selectmen is looking more achievable.

**5. Discuss/Decide Charter Revision Items**

Section 2.8 General Powers, Duties and Remuneration. Laura and Chairman McLaughlin both stated there was no need to change anything in this section. Laura noted the budget that is provided at the Annual Budget Meeting is a summary document, however, the town functions with separate line items for everything including salaries, so if anyone wants to find out this information all they need do is call the town hall.

*Motion by John Corona, seconded by Ron Melnik to maintain wording of Section 2.8 General Powers, Duties and Remuneration, as it presently exists in the charter. Motion passed unanimously.*

Section 2.9 General. Confusion among the commission members as to how this section differs from Section 2.6 Vacancies. Laura suggested the first sentence be stricken from Section 2.9. John remarked this section is about noticing. Question asked, why would you not want to hold the chairman of the various boards responsible and Laura replied because they are not the appointing authority. John added the member of the board should be responsible for notifying appropriate people of their resignation. Alice commented, at the

Town of Durham  
CHARTER REVISION COMMISSION

---

very least, the chairman should know if a member resigns. Discussion about combining Sections 2.9 and 2.6. Chairman McLaughlin will craft language for review on Saturday.

Section 4.3.3 Joint Meeting With Other Town Agencies.

*Motion by Laura Francis, seconded by Martin French to maintain wording of Section 4.3.3 Joint Meeting with Other Town Agencies, as it presently exists in the charter. Motion passed unanimously.*

Section 4.3.5. Financial Planning. Commission members concurred that the selectmen should certainly review the fiscal needs of the town and project for the future. The clarification was made that this is separate and in addition to planning for capital expenditures. Members couldn't understand why this hasn't been done. Laura commented perhaps this hasn't been done because it's not clear how the town should plan for the future. We have a LOCIP plan. Alice stated that the Long Range Capital Improvement Plan (LOCIP) is just a part of planning for the future. Pat added this is more than a financial plan it is also a strategic plan. John stated if nothing else the selectmen should make a list of issues we may be facing in the next ten years. To not do anything is to do what we are doing now, going from year to year without a plan. Laura asked how does one go about crafting this type of document? Ron replied there are many variables you have to look at: budget, indebtedness, sources of revenue, current bond rating, listing the number of knowns (i.e. cost of chip sealing, snow removal, etc.), listing the possible variables (i.e., possible membership in a health district, possibility of paid fire and ambulance, etc.), and you could also incorporate parts of LOCIP, etc.

*Motion by John Corona, seconded by Ron Melnik to revise Section 4.3.5 Financial Planning as follows: The Board of Selectmen shall be responsible for reviewing the current and projected administrative and fiscal needs of the Town and shall develop, **maintain and update annually a long-range comprehensive financial plan. Said plan shall be filed with the town clerk.** Motion passed unanimously.*

Section 4.9 Duties of the First Selectmen. Commission members not clear what Section 4.9.2 means.

*Motion by Ron Melnik, seconded by Carol Kleeman to maintain wording of Section 4.9 Duties of the First Selectman as it presently exists in the charter. Motion passed unanimously.*

Section 5.4 Tax Collector. Martin explained the Connecticut General Statutes are very specific and well defined in regard to the duties of tax collectors.

*Motion by Laura Francis, seconded by Carol Kleeman to maintain wording of Section 5.4 Tax Collector, as it presently exists in the charter. Motion passed unanimously.*

Section 6.6.1 Town Sanitarian.

*Motion by Ron Melnik, seconded by John Corona to maintain wording of Section 6.6.1 Town Sanitarian as it presently exists in the charter. Motion passed unanimously.*

Section 6.7 Town Clerk.

*Motion by Alice Tucker, seconded by Betty Long to maintain wording of Section 6.7 Town Clerk as it presently exists in the charter. Motion passed unanimously.*

Town of Durham  
CHARTER REVISION COMMISSION

---

Section 6.11 ~~Dog Warden~~ **Animal Control Officer**.

Motion by Alice Tucker, seconded by John Corona to change wording of Section 6.11 **Animal Control Officer** as follows: The Board of Selectmen shall appoint, for a term of two (2) years, **an animal control officer** who shall have powers and duties in accordance with the General Statutes. Motion passed unanimously.

The commission will review Section 6.10 Fire Marshall and Section 6.18 Personnel Policy Board at a later time.

Chairman McLaughlin suggested putting aside review on Section 5.5 Treasurer but discussion began on the topic. If the town financial director position is approved at the Annual Budget Meeting will the town still need a treasurer? Commission members unclear as to the duties of the treasurer and whether there is overlap or separate responsibilities relative to a finance director. Question asked does the CRC have the authority to eliminate the treasurer position from the charter? Ron replied the CRC has the authority to add whatever language it deems necessary and also delete language. The "town treasurer" has status in the state statutes. Most townspeople don't know what the town treasurer does but it is incumbent upon the CRC to know what the treasurer does if it is going to change the language. Pat asked if there are any state statutes regarding finance directors.

Betty commented the town treasurer has always been a very trusted position in the town and there is tradition for the election of a town treasurer. Laura stated there is no requirement that the candidate for town treasurer be experienced in accounting and she added the auditor has made the comment that the town is putting great financial requirements on a part time financial layperson. Betty asked if the two positions can be pulled together as a checks and balance. Martin agreed with Betty that the townspeople would be uncomfortable with removing this position. Isn't the treasurer the one only who can move funds? Checks and balances are definitely important.

Ron commented there is adequate oversight of the town finances with a CPA audit at the end of the year; Board of Selectmen monthly review; Treasurer has specific duties and controls over accounts and; potential finance manager.

Alice commented the reaction at the budget hearing was so positive about adding a finance director. Times are changing. Laura added people are ready for fiscal analysis. Commission members agreed more research was necessary on this item before making any decisions. Laura will ask CCM for some input on this. Ron will also research.

6. **Other Items as Appropriate.** Ron observed there should be an index for the town charter and Chairman McLaughlin concurred. Chairman McLaughlin noted indexing would require a professional.
7. **Prepare for Next Meeting.** Members will continue to research and prepare wording for various sections.
8. **Adjourn.** Chairman McLaughlin adjourned the meeting at 9:45 p.m.

*Respectfully submitted,*

*Kimberly D. Garvis  
Recording Secretary*