

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
May 13, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Saturday, May 13, 2006. Chairman McLaughlin called the meeting to order at 8:15 a.m.

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

2. Public Comments. No public present. Comments from the website and suggestion boxes included: 1) Board of Education member elections; 2) legalization of marijuana; 3) code of ethical standards; 4) dividing the planning and zoning commission into two commissions, the planning commission and the zoning commission; 5) combining the conservation commission and the inland/wetlands commission; 6) economic development commission serving as a subcommittee of the new planning commission; 7) individuals should not be allowed to serve on more than one board; 8) abolishing the treasurer position; 9) adopting a quorum requirement for referendum votes on the school budget.

3. Review of minutes. Minutes from May 1st re-reviewed. Alice was absent from the meeting approving the May 1st minutes and she was unclear as to the statement in these minutes, "Commission members not clear what Section 4.9.2 means." Motion made as follows to clarify the meaning of this statement:

Motion by Alice Tucker, seconded by Martin French to clarify the statement in the May 1st minutes regarding Section 4.9 as follows: "Section 4.9 Commission members unsure what the CRC's charge is [from the Board of Selectmen] regarding 4.9.2 since the current wording of the charter appears to be very clear." Motion passed unanimously.

May 6th minutes, Alice asked what was meant by the second paragraph on page 5, third sentence, "The determination needs to be made in what direction the Board of Finance (should be Selectmen) plans to go as far as financing." Chairman McLaughlin responded "financing" was meant in a broad sense during the general discussion of treasurer and finance director and their respective duties, etc. Page 2 "# 7 Move Account (Town Hall Renovation Account): John and Mary Jane approve all expenditures." John stated he and Mary Jane do not approve all expenditures, but that was in fact what was stated during the meeting as the minutes reflected. Page 7, third paragraph, first sentence, though Pat did make the statement, "this is the one board..." she wanted to change this to "this is one of the few boards..." since other boards did come to the joint meeting. Motion made as follows:

*Motion made by Laura Francis, seconded by Martin French to make the following corrections to the May 6th minutes: page 5, second paragraph, third sentence, "The determination needs to be made in what direction the Board of **Selectmen** plans to go as far as financing." Page five, last paragraph, second sentence, "An elected official should not have the responsibility to balance the **water company** checkbooks and write grants." Page 7, third paragraph, first sentence, "Pat commented this is **one of the few boards** that did show up at the joint meeting to express their concerns." Motion passed unanimously.*

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Motion made by Laura Francis, seconded by Martin French to make the following correction to the May 8th minutes, first page, number 5, second paragraph, ‘Motion by Martin French, seconded by.....’: Ayes: Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Ron Melnik, John Corona. Abstain: Betty Long, Alice Tucker. Motion passed.

4. Report on Subcommittee Research.

Betty mentioned she does have some information about the Board of Education. She has some research about what happened in 1973 and the complication about the three year term and why working with Middlefield is so important. She will prepare a report for review by the CRC.

5. Discuss/Decide Charter Revision Items

Chairman McLaughlin reviewed sections still needing decisions: 1) Board of Education members elected at general election; 2) Treasurer; 3) Library Board; 4) Personnel Policy Board; 5) Emergency Management; 6) Term of Office; 7) Term Limits; 8) Vacancies and filling of same; 9) Midstate Regional Planning Agency; 10) Teleconferencing; 11) Public Safety; 12) Charter Revision period.

Members asked when the CRC will be receiving an answer from town counsel relative to the Board of Education and Treasurer. Chairman McLaughlin replied he did not know when an answer would be forthcoming.

Chairman McLaughlin made the suggestion that Jane Eriksen, Library Board of Trustees, be invited to address the commission. In the interest of time, members suggested that Jane provide any suggestion and/or comments in writing to the commission.

Agreement among commission members not to include teleconferencing in the charter at this time but to include reference to teleconferencing in the comments section of the final report.

Motion by Martin French, seconded by Alice Tucker to include comment in the report to the board of selectmen as presented by Alice Tucker relative to **Telecommunications** as follows:

The CRC is recommending that no language be added to the Charter to address meetings and/or voting by teleconference. Such meetings and voting are legal and proper according to FOI regulations when appropriate state of the art telecommunications equipment is used to allow all meeting participants to hear and speak clearly with all other participants. The Town, however, is not yet equipped with the technology to conduct public meetings by teleconferencing.

At such time that meetings by teleconference are technically possible, there may be no need to change or add language to the Charter since there is no language that precludes such meetings now. When meetings by teleconference are technically possible, however, the CRC suggests that it may be advisable for the Town to adopt rules to govern the scope of the use of teleconferencing to address issues such as:

- Under what circumstances may members participate via teleconferencing (medical reasons, vacation, weather, inconvenience)?
- How many elected members of a Board or Commission may participate by teleconference for the same meeting?

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- Is it preferable to have an alternate member attend a meeting in person than to have a regular member participate via teleconference?
- May two or more members assemble together at a private location to participate via teleconferencing in a meeting held in a public place?
- Should a member's intention to participate in a meeting by teleconferencing be part of the public notice for the meeting?
- May the absent member vote on a motion if overheads, handouts, maps, financial reports or other exhibits integral to the issue at hand are presented at the meeting that the absent member is unable to view?
- Should the public be allowed to participate in meetings by teleconferencing?

Motion passed unanimously.

Section 6.18 Personnel Policy Board. Chairman McLaughlin made the suggestion to abolish this board. Laura stated the CRC already voted to change part of this section. She has no proof the Board of Selectmen want to abolish this board; they may not be sure how to use this board. Over the years the Personnel Policy Board has been used effectively. More recently the Board of Selectmen has not used this board well. The membership is a little stale but that is a policy issue not a charter revision issue.

Martin added the Personnel Policy Board is supposed to be doing something even if the Board of Selectmen is not directing them. The charter states, "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 classifications, 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 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 (60) days prior to preparation of the annual budget requests." Martin states it is difficult for elected officials to stand up for their own issues. Membership of the Personnel Policy Board should be reviewed yearly. Martin thinks this is one of the better mechanisms although underutilized.

Laura stated that over the years the Personnel Policy Board has been involved in town union issues although they were not involved with the most recent negotiations. Martin added the Personnel Policy Board doesn't need to be removed, it needs to be used. Laura agrees with everything Martin said. She added that one year the Annual Meeting did not even put up a candidate for this board.

Chairman McLaughlin withdrew his suggestion to abolish this board. Discussion continued and questions asked about why the Personnel Policy Board has been dormant. The charge of the Personnel Policy Board is clear, but the Board of Selectmen and Board of Finance are not paying attention to the charge of this board. Further discussion on strengthening the language in this section, but members stated that might not make a difference in this board fulfilling its obligations.

Rewording of Section 6.18 suggested including requiring an annual written report. John will work on draft of wording for this section and bring to future meeting.

Laura wanted a straw poll on such items as term limits and term lengths to get an idea of where commission members stand. There seemed to be more consensus on term lengths rather than term limits. In general more members were not in favor of term limits, however,

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for land use boards more members seemed to be in favor of term limits. Some members were on the fence about term limits. Comments made include the following: 1) As far as land use boards are concerned if there was that much concern in the public about the longevity of some members' terms then pressure would be brought to bear on the part of the town committees and the candidates that are put up for election; 2) It is difficult for town committee chairmen to stand up and say to a long standing board member that it is time to retire; 3) The town will never get new blood as long as dynasties are allowed to be formed. There must be a way to decentralize and deconcentrate commissions that have board members on for many years; 4) It is sometimes the strategy of the town committees to use minority representation to elect members; 5) Would rather have the electorate force the issue of nominees with the town committees - retort to this comment was that this will never happen.

John stated term limits are more important with land use boards, specifically Planning and Zoning, in that this commission is given extraordinary power by state statutes. Planning and Zoning has the power to make sweeping changes with an enormous impact to citizens without the citizens having any rights or ability to prevent these changes.

6. Other Items as Appropriate.

Pat mentioned another area that needs to be worked on for the Charter Revision final report is the comments section. Pat and Chairman McLaughlin will work together to update the working document with revisions and comments approved thus far.

Chairman McLaughlin stated one more public hearing is required before presenting the final report to the Board of Selectmen. Five-day notice of the public hearing is required. Chairman McLaughlin spoke with Renee Primus again about the deadline and she assured him there is some extra time. Discussion continued about the possible date of the public hearing. End of May, beginning of June discussed. There is much going on in the next few weeks including the expected referendum for Regional School District 13, Joint Boards and Commissions Meeting, etc. Chairman McLaughlin would like to aim for a public hearing date of June 5th, with deliberation time afterward for any possible changes to the charter as a result of input from the public hearing and a final report to the town clerk by June 9th.

Discussion continued on adding/changing meetings. Members disagreed about holding a meeting on the Saturday of Memorial Day Weekend. Some members stated this is a holiday weekend and you limit public access when you have meetings on holidays/holiday weekends. Some members stated that a commitment was made to hold meetings on Mondays and Saturdays and it shouldn't matter that this is a holiday weekend. Comment made that the commission made the commitment to meet every Monday night and that was soon changed to include every Saturday morning. Concern was expressed again by some members that the quickness to finish revisions to the charter seemed to be taking priority over the quality of the finished product. Discussion about changing upcoming meetings to different nights. Laura wanted to go on record stating this dilutes the deliberation process by crunching time like this. Chairman McLaughlin stated he is committed to having majority participation of commission members. He added the commission should have a sense by May 22nd if it is possible to meet the deadline. This commission will commit to meeting on May 15th, May 19th and May 22nd.

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Comments made: 1) term limits need to be reviewed board by board; 2) this whole process should be slowed down so that more members can participate in the decisions; 3) In the event a decision is made regarding term length, the suggestion made that this change not take effect until January 2008.

7. Prepare for Next Meeting.

Discussion regarding next two CRC meetings and rescheduling of same. Chairman McLaughlin will be unavailable for the May 15th meeting and some members unavailable for May 20th meeting. It was decided that since more members were available on Monday, May 15th, the meeting would go ahead as scheduled with Vice-Chairman Alice Tucker in charge of the meeting. Meeting rescheduled from Saturday May 20th to Friday, May 19th at 7:00 p.m.

8. Adjourn. Chairman McLaughlin adjourned the meeting at 10:45 a.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*

Items tabled thus far:

- 1) Section 5.5 Treasurer. May 6, 2006 meeting.
- 2) Section 6.2 Midstate Regional Planning Agency. April 10, 2006 meeting.
- 3) Section 4.2 Procedures (adding teleconferencing). April 8, 2006 meeting.
- 4) Section 4.4 Appointments. April 8, 2006 meeting.