

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
May 15, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, May 15, 2006. Vice-Chairman Tucker called the meeting to order at 7:10 p.m.

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

Others Present: Donia Viola. Maryann Boord arrived later in the meeting.

2. Public Comments.

Donia Viola stated she appreciates the public comment allowed at every other CRC meeting. She continued it is appropriate to bring the town charter up to date with the growth that has occurred in the town over the past thirty years. While we do treasure the past we have to let some tradition go to make progress for the future. It is important that we consider the possibility of having referendums for major amounts of money being spent. We need to do the same with the town budget and the acquisition of property. She read the minutes of one CRC meeting that mentioned \$300,000. She feels the people should have a say in spending this amount of money. Donia would like to see a minimum of at least 20% of registered voters required to cast their vote in order to approve big money items instead of the small numbers that show up for town meetings.

Laura responded to Donia's comment that early on in CRC deliberations the commission decided to allow public comment at all CRC meetings.

No additional comments in the suggestion boxes or website. Alice read emails from Ron and Renee both pertaining to Emergency Management. Ron referred to minority rule and the BOS appointing members. He thinks five members should be appointed with a chair or director elected by the members. In Renee's opinion the Director of Emergency Management needs to be qualified not only in Emergency Management but also in his/her ability to work effectively with town/state government and town agencies/departments. She believes the selection of Director and Deputy Director should remain with the Board of Selectmen.

Laura reported she spoke with Jim (first selectman) about abolishing the treasurer's position. Laura gave Jim her personal opinion that it is premature to eliminate the treasurer and Jim agreed. Martin stated he also spoke with Jim about the treasurer position. Carol received call on same issue and stated the commission was waiting for feedback from town counsel.

Martin's view is that the finance director is subordinate to the treasurer. Laura doesn't agree. It is very clear that the town charter and state statutes give great power to the treasurer. She would like to see how the finance director position evolves before any decision is made to remove the treasurer.

Maryann Boord stepped into the meeting and Vice-Chairman Tucker asked her opinion about the Treasurer position. Maryann stated she was town treasurer in the past and feels it is very important to the town and should be an elected position.

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There is a written job description for the new finance director. The finance director works under the first selectman and shall assist the treasurer. John asked if CRC could review the job description for the finance director. Martin stated the commission should be able to get the job description from Beth, the first selectman's assistant. Martin reported that Jim indicated to him that the town counsel opinion would be received today.

3. Review of minutes.

Motion by Laura Francis, seconded by John Corona to approve minutes of the May 13, 2006 meeting as presented. Motion passed unanimously.

4. Report on Subcommittee Research.

Betty handed out her report on the Board of Education that included relevant statutes, summaries of interviews conducted, information from the original Regional School Study Committee (12-1-67) and a report from the Term of Office Study group conducted in March 1978. According to Mr. Ronald Harris, Legal Department, State Board of Education, the process would need to involve Durham and Middlefield Town Counsels, Regional District 13 Board of Education attorney, legal department at the State Board of Education and possibly the State Election's attorney. Betty's recommendation is that no major change be made at this time.

5. Discuss/Decide Charter Revision Items

Section 6.2 Midstate Regional Planning Agency. Members of CRC were not clear on the reason for deleting the word "Midstate." There are chartered planning agencies that exist around the state. Durham probably has no other option than to hire its own planner. There is a lack of full understanding as to how Durham joined Midstate. If the language in the charter is changed to "Regional Planning Agency" then Durham wouldn't necessarily be tied to Midstate; Durham could join another planning agency. If there are no other options should the wording be changed at all? Removing "Midstate" would allow for future changes in the state statutes. If there comes a time when Durham has a choice as to which planning agency to join how would that decision be made? Representation on the Midstate Regional Planning Agency was established in accordance with the provisions of Chapter 127 of the General Statutes as adopted by Town Meeting action of March 4, 1963. The statutes and the town meeting should be reviewed to determine if "Midstate" is specified. .

Section 2.6 Vacancies and Section 2.9 General.

Discussion among members as to the difference between Section 2.6 and Section 2.9 and who is responsible for notifying the town clerk in writing of a resignation. Should it be the resigning member or the chairman? John was concerned with the "either" "or" scenario. There should be definitive language stating who is responsible for reporting a resignation/vacancy. Also discussed is the need for a delay in appointing to fill a vacancy. The position shouldn't be filled at the same selectmen meeting in which the vacancy is reported. Also discussed were "minutes" being a version of "duly publicized." A "vacancy" does not necessarily mean an "expiration of term." Section 2.6 speaks to vacancies prior to the end of a term and the appointments to fill those vacancies, whereas Section 2.9 is more related to expiration of terms. Members agreed these two sections should not be combined but that rewording is necessary. Discussion about changing the titles for these two sections and having them be concurrent in the charter: Section 2.6 Vacancies other than Expiration of Term, and Section 2.7 Vacancy by Expiration of Term.

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Laura explained that the town clerk has responsibility by state statute to report all vacancies in elective offices to the Secretary of State's Office. Members discussed whether vacancies and expiration of terms should be submitted in writing to the town clerk.

Motion by John Corona, seconded by Martin French to table Section 2.6 Vacancies and Section 2.9 General until the next meeting § draft prepared by Alice Tucker. Motion passed unanimously.

Section 4.4 Appointments

Motion by Martin French, seconded by Carol Kleeman to remove Section 4.4 Appointments from the table. Motion passed unanimously.

Pat stated this is one area that has not been reviewed by the commission. Pat and Laura compiled all the positions they could find, appointed and elected. Unless prevented by state statute the Board of Selectmen, for necessary reasons, can disband or create commissions or boards. Vice-Chairman Tucker stated this is contrary to language added for the Ethics Commission. Laura responded, clearly the Ethics Commission needs to be elevated in status. The board of selectmen need to have the ability to create special committees and special boards, and the selectmen should also be able to determine if a board is not effective anymore and thereby disband it. The town shouldn't have to go through a charter revision to make changes to boards and commissions. Comment also made that committees/boards shouldn't be added in this section that will have a natural end such as a building committee, skating pond committee, etc.

Suggestion made that wording "included but not limited to" be added. John is concerned with giving the Board of Selectmen the power to remove an entity in the charter. This section is for those boards and commissions that should exist and the Board of Selectmen should not be able to discontinue any of these; only a Charter Revision Commission should have this power. Any board or commission that is important and sustained enough to be included in the charter should not be able to be disbanded by the Board of Selectmen.

Pat and Laura reviewed the listing of boards and commissions in this section with commission members and changes were made.

Term Length. Laura asked for a straw poll regarding term length. All but one member agreed in general that the key elected officials (First Selectman, Board of Selectmen, Town Clerk, Tax Collector and Treasurer) should be four (4) year terms. Comments included:

- State statutes allow for 4 year terms for all of these positions
- 4 year terms might increase the pool of candidates
- learning curve on all positions would lend themselves to 4 year term
- 4 year term better amount of time to establish a track record for voters to make a decision
- the thought that a 2 year term encourages continued responsiveness has merit

Question asked, if four (4) year terms were implemented would they affect the current elected officials. Members agreed this should go into effect with the next local election. Discussion continued in response to some members' concerns relative to complacency between elections, and, the electorate losing interest if the top office terms are expanded to four years. One solution is to have staggered elections, i.e. have the board of selectmen and the treasurer elected at one election and the town clerk and tax collector elected at a subsequent election; this way there is always interest among the electorate.

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6. Other Items as Appropriate. None.

7. Prepare for Next Meeting.

Vice-Chairman Tucker stated we should have opinions from town counsel and clarification from the library board by the next meeting.

- Vice-Chairman Tucker will work on the rewording of Sections 2.6 and 2.9.
- Pat will revise the listing of Section 4.4.
- Laura will sketch out scenario of 4-year terms for top elected officials. Martin will walk through the list for co-terminous recommendations.
- Next meeting is Friday, May 19th instead of Saturday May 20th.

8. Adjourn. Vice-Chairman Tucker adjourned the meeting at 9:25 p.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 2.6 Vacancies (May 15, 2006 meeting).
- 5) Section 2.9 General (May 15, 2006 meeting).