

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
May 19, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Friday, May 19, 2006. Chairman McLaughlin called the meeting to order at 7:12 p.m.

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

2. Public Comments.

Chairman McLaughlin received email from Jane Eriksen. Betty received verbal input from Hank Robinson in general to raise the caps on some of the monetary amounts in the charter and he felt that minority representation rules did not apply to appointed boards. Laura clarified that minority representation rules do not apply to regional boards such as DMIAAB, etc., but does apply to all other boards. Betty asked Hank to put his thoughts in writing and submit to the town website.

3. Review of minutes.

*Motion made by John Corona, seconded by Betty Long to approve the minutes of May 15, 2006 with the following corrections: page 1, 3rd paragraph, "Alice read emails from Ron Melnik and Renee Primus..."; page 1, last paragraph, "Maryann stated she was town treasurer in the past and feels it is very important to the town and should **not be eliminated as an elected position even if there is a full-time financial director.**"; page 2, Item 4 Report on Subcommittee Research, add last line as follows, "John also handed out suggested wording for Section 6.18 Compensation Review Commission formerly known as Personnel Policy Board. Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Pat Murawski, Alice Tucker, Betty Long. Abstentions: Mark McLaughlin, Ron Melnik. Motion passed.*

4. Report on Subcommittee Research.

Alice stated she tried to include everyone's comments and suggestions and endeavored to keep as much of the current language in the charter for Sections 2.6 and 2.7 (formerly 2.9) as possible. She added not all positions are appointed by the Board of Selectmen, i.e. Deputy Fire Marshal (which is appointed by the Fire Marshal).

5. Discuss/Decide Charter Revision Items

Motion by Martin French, seconded by Alice Tucker to remove the following items from the table: Section 5.5 Treasurer, Section 6.2 Midstate Regional Planning Agency, Section 4.2 Procedures - adding teleconferencing, Section 2.6 Vacancies, Section 2.9 General. Motion passed unanimously.

Section 2.6 and Section 2.7

Alice reviewed the changes she made to Sections 2.6 and 2.7. She had a question regarding number three (3) under 2.6, are offices filled by election at the Annual Town

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Meeting or the Annual Budget Meeting. Laura explained the town is required to have a minimum of two town meetings per year, the Annual Budget Meeting (ABM) and the Annual Town Meeting (ATM). All other town meetings that take place during the year are considered Special Town Meetings (STM). The ABM has standing in the charter (Section 3.3.1) and this is the town meeting at which elections are held. However, vacancies that arise in positions elected at the ABM may be filled at the first available STM. Laura continued, terms are determined time wise to correspond with the ABM. If this is changed by the CRC there would have to be a transition phase created as well.

Motion by Martin French, seconded by Ron Melnik to accept Sections 2.6 and 2.7 as presented by Alice Tucker with adjustment of Annual "Budget" Meeting instead of Annual "Town" Meeting in item number 3). All in opposition, motion failed.

Much discussion took place relative to:

- appointing authority (most of the time this is the board of selectmen, but not always),
- notification of vacancy (who is responsible for reporting the vacancy – the member, the chairman or the appointing authority),
- to whom should the vacancy be reported (the board of selectmen, the town clerk, etc.),
- should the vacancy be reported in writing,
- should the vacancy be publicized,
- when should the vacancy be filled,
- concern that timeframe to fill a vacancy might not be able to be met if the board of selectmen cannot find a replacement.

There is much concern about the large number of unaffiliated voters not being informed and the difficulty they have being involved in the process since they aren't affiliated with one of the major parties. Comments made that this is a different world, the unaffiliated voters are dominant and the CRC would like to see more opportunities for them to participate.

Motion by John Corona, seconded by Laura Francis to accept new Section 2.7 as follows:

Section 2.7 Expiration of Terms

The town clerk shall maintain a list of appointed board and commission members including dates of expiration of their terms. The town clerk shall, at least two months prior to the expiration of any term notify the Board of Selectmen. The appointing authority shall publicize impending vacancies. All appointments shall be made prior to the expiration of the term. Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski, Betty Long. Abstention: Alice Tucker. Motion passed.

[Note: With above motion made current section 2.7 and 2.8 are renumbered as follows: Section 2.8 Officers of Boards, and Section 2.9 General Powers, Duties and Remuneration.]

Motion by John Corona, seconded by Carol Kleeman to accept the following:

Section 2.6 Vacancies Other Than Expiration of Term:

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Unless otherwise specified in this Charter or the Connecticut General Statutes, any vacancy from whatever cause arising other than expiration of term, in any elective or appointive Town office, shall be filled by appointment by the Board of Selectmen for the unexpired portion of the term or until the next scheduled election for that office, whichever shall be sooner.

Vacancies created by the demise or resignation of a board member shall be reported by the chairman or resigning board member, in writing, to the Town Clerk and to the Board of Selectmen as soon as such information becomes available and before the first meeting of the Board of Selectmen following the reporting of said vacancy.

Such impending or actual vacancies shall be publicized. The Board of Selectmen shall make such appointment no sooner than five (5) days nor later than thirty (30) days from said Board of Selectmen meeting.

Such vacancies shall be filled as follows:

- 1) Selectman: Such vacancy shall be filled by appointment by the remaining Selectmen, and such appointee shall be a member of the same political party as the person vacating the office. Should the remaining Selectmen be unable to agree on the appointment within thirty (30) days after the office is vacated, the procedure prescribed in the Connecticut General Statutes of this date shall be followed.
- 2) Office filled by General town Election or Appointment: When a person vacating the office shall have been elected or appointed as a member of a political party, such vacancy shall be filled by appointment of a member of the same political party.
- 3) Office filled by election at Annual Budget Meeting: Such vacancy shall be filled by appointment not in conflict with Section 2-3 (Minority Representation) of this Charter and the Connecticut General Statutes.
- 4) The First Selectmen or his/her appointed representative shall provide each person appointed to a board, commission or other position, a copy of the ordinance, Connecticut General Statute or other source clearly defining the appointee's duties.

Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski, Betty Long. Nays: Alice Tucker. Motion passed.

Section 6.2 Midstate Regional Planning Agency

Much discussion about regional planning agencies. Why change the wording if Midstate is the only regional planning agency Durham can be a member of. Some members were concerned that if the state changes this and other agencies become available Durham wouldn't have the ability to choose because "Midstate" is specifically referenced in the charter.

Motion by John Corona, seconded by Laura Francis to accept Section 6.2 Midstate Regional Planning Agency deleting reference to "Chapter 127" of the General Statutes and "as

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adopted by the town meeting of March 4, 1963. Ayes: John Corona, Laura Francis, Betty Long. Nays: Martin French, Carol Kleeman, Pat Murawski, Alice Tucker. Abstention: Mark McLaughlin. Motion failed.

After continued discussion the following motion was made:

Motion by Alice Tucker, seconded by Martin French to accept Section 6.2 as follows:

Section 6.2 Regional Planning Agency

The Town shall have representation on a Regional Planning Agency in accordance with the provisions of the Connecticut General Statutes.

Ayes: Martin French, Carol Kleeman, Mark McLaughlin, Pat Murawski, Alice Tucker, Betty Long. Nays: John Corona, Laura Francis. (Ron Melnik had left meeting). Motion passed.

Motion by John Corona, seconded by Laura Francis to adjourn at 9:16 p.m.

6. **Other Items as Appropriate.** None.
7. **Prepare for Next Meeting.**
8. **Adjourn.** Chairman McLaughlin adjourned the meeting at 9:16 p.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*

Items tabled: None