

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
May 22, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, May 22, 2006. Chairman McLaughlin called the meeting to order at 7:02 p.m.

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

Members Absent: Martin French, Ron Melnik

2. Public Comments. None.

3. Review of minutes.

Motion by John Corona, seconded by Laura Francis to approve minutes of May 19, 2006 as presented. Motion passed unanimously.

4. Report on Subcommittee Research. No additional information.

5. Discuss/Decide Charter Revision Items

Section 4.6 Additional Powers and Duties of Selectmen. Review of Geoff Colegrove's comments for this section. John commented these are suggestions based on Geoff's experience over the years with town procedures relative to new developments (subdivisions) and roads. In Geoff's opinion the selectmen should be able to accept: 1) roads, 2) open space, and 3) land to augment existing town rights-of-way to bring them to the appropriate width standard; on their own without going to town meeting because subdivisions are built within the specifications outlined by Planning and Zoning in the approval process.

Chairman McLaughlin commented this suggestion is quite detailed, more so than any other received by the commission thus far, could this be made more concise?

Betty stated if the developer has met all the requirements by Planning and Zoning then these items shouldn't have to go before a town meeting, the board of selectmen should be able to approve. John will draft more concise language.

Section 6.17 Board of Library Directors. Mark passed out comments from Jane Eriksen, Library Board of Trustees. He explained Jane would like the language in the charter strengthened to reflect what is actually happening now and what has happened over the past years. Several members expressed concern over the use of the word "control." The library does not currently control the grounds and parking lot. The parking lot lease is negotiated and signed by the board of selectmen. The town road crew does snow removal, etc.

Lengthy discussion took place. Town activities (i.e. commission meetings) should take precedent over library functions because there is no other place else to meet. This meeting space is not supplemental to the town; it is the only meeting space in town. The library board has not explained what they want the stronger language to enable them to do. Do they want stronger language so they can say "no" to commission meetings?

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The language currently in the charter was put in place before the library was used as a meeting place for boards and commissions. If anything, the language should be made less strong.

No one can dispute the fact that the library is prevented from increasing programs because the rooms are used so heavily by the various commissions. The library has managed requests by commissions thus far, but what happens in the future as members of the library board change who aren't as sympathetic to the town's needs. Strengthening the current language would enable the library board to turn down requests by commissions for meeting space. Any strengthening in the current wording will give the townspeople the idea that more power is being given to the library.

Until the dilemma with space needs in the town is solved there will continue to be a problem. Everyone is experiencing difficulty with space needs, i.e. the recreation program, senior programs, etc. There is not enough space in the schools to handle additional programming by the recreation committee.

CRC members acknowledge the library has been very cooperative with the use of the meeting rooms but they are very reluctant to strengthen the current language in the charter. The town may perceive that more power is being given to the library board if the wording is strengthened. Town owned buildings should be able to be used by town entities. Current language in the charter does not reflect that the library is a shared use facility. There is a problem with the fire trustees and use of the firehouse by groups other than fire personnel. This is a slightly different situation in that this is an emergency facility, however, it is a town owned building and should be able to be used by other town groups. Some members stated the library should be used primarily for library functions; after all it is a library. However, other members reiterated there is no other space in town for commissions, seniors, etc. to meet. Comment made that the great success of the library is almost born from the fact that so many different entities are using it. Having meetings at the library brings in people who might not otherwise come in, and increases the visibility of the library to a broader range of patrons.

Chairman McLaughlin asked if the library is a multiuse facility with a board of trustees and they are asked to provide meeting space then don't they really have control over the use? John replied that the existing charter language was written before the library became a multiuse facility. Additional comment that it is really the library personnel that handle the scheduling. The policy that is in place today is allowed by current wording in the charter. The two words that the library board want added do not clarify, they strengthen the power of the library board.

The situation should improve with the completion of renovations to the town hall, which include the addition of a meeting room on the third floor. There is ample room to hold most board and commission meetings so this should lighten the burden to the library. Decisions and changes in the charter by the charter revision commission should not be made as a courtesy to the boards that showed up for the joint public hearing.

Betty requests to go on record that comments be included in the final report that the current language is indeed clear and gives the library board broad powers.

Motion by John Corona, seconded by Betty Long to maintain wording in Section 6.17 Board of Library Directors as it presently exists in the charter. Ayes: John Corona, Laura Francis, Carol Kleeman, Alice Tucker, Betty Long. Nays: Mark McLaughlin, Pat Murawski. Motion passed.

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Section 6.1 Regional Board of Education. Town attorney opinion received. In his opinion Durham can make changes to the charter allowing for election of Board of Education members at a general election. Alice stated Betty did an excellent job in her research and the information she provided as background is very helpful. Betty commented that the town attorney opinion does not change her view that it will be difficult to come up with the wording for the charter that could make the election of board of education members at general elections work.

Suggestion made that a secondary committee be formed to work with the Middlefield Charter Revision Commission on this issue to bring forward at a future date. The Board of Education would be “floating” if Durham elects members in November and Middlefield elects in May. Laura stated her disappointment in the town attorney opinion and added she expected a clear outline on how to do this. She added Betty is right, it’s not that it can’t be done, the question is how to do it.

Betty indicated the process should start with all levels involved (including the state) even if the towns act unilaterally. Carol commented that people in Durham have spoken up that they want this election to take place in November. Durham should not be held back regardless of what Middlefield decides to do. Laura expressed the issue is not the manner of election, it is the term length that complicates matters. John adds it is a mistake to think this change is welcomed by everyone and if changed could very likely result in a lawsuit. Laura added Robert Poliner was on a previous charter revision commission whose specific charge was to look at changing this and at that time they didn’t believe it could be done.

This item is beyond the scope of this commission. There is enough will for further study and perhaps a committee should be formed to do just that. Current wording should probably remain as is.

Section 6.18 Compensation Review Commission (formerly Personnel Policy Board)

John stated it seems appropriate that members of the Compensation Review Commission be completely cut off from influence by public officials or anyone receiving compensation in any form from the town. Laura doesn’t believe public hearings by this commission are necessary. All meetings are public and requiring public hearings would have a monetary impact to the town. John stated the work for this commission should be ongoing annually and probably should concentrate around the budget cycle. Alice added it would be very helpful to the Board of Finance to have a written report from the Compensation Review Commission making salary recommendations in a timely fashion for the budget process.

Motion by Alice Tucker, seconded by John Corona to redesignate Section 6.18 Compensation Review Commission to read as follows:

“There shall be a Compensation Review Commission. This Commission shall provide continuing review of all compensation, including all monetary and non-monetary compensation and benefits, provided by the Town to all public officials and employees. At the request of the Board of Finance or Board of Selectmen, this Commission shall also provide review and/or continuing review of compensation provided by the Town to any other party, such as consultants, contractors, and service providers.

The Commission shall, at least annually, provide a written report of its doings to the Board of Finance and Board of Selectmen, and a copy of such report shall be filed with the Town Clerk at least sixty (60) days prior to any hearing on the annual Town Budget.

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No person whose compensation is subject to review by this Commission, and no person who is affiliated with any entity whose compensation is subject to review by this Commission, shall hold membership on this Commission.

This Commission shall have five (5) members, and members shall hold terms of five (5) years. The current membership of the Personnel Policy Board shall retain their seats, and shall serve their terms, as the same presently exist. Vacancies from whatever cause shall be filled by election at a Town Meeting, no contrary provision of this Charter withstanding.” Motion passed unanimously.

Section 2.5 Eligibility. Laura concerned about the definition of residence and will this be policed? She continued there are provisions that allow a person to remain an elector for a period of time after moving out of town. Discussion continued that this should apply to appointed and elected offices but not professional appointments such as sanitarian, building official, health director, assistants, etc. Laura will work on this section to delineate the elected and appointed offices a residency requirement would pertain to. Pat added that none of the professional appointments stated above are members of boards or commissions.

Motion by John Corona, seconded by Alice Tucker, to approve wording of Section 2.5 Eligibility as follows: “No person will be eligible for election to any town office or appointment to any board or commission who is not at the time of his/her election or appointment an elector of the town, and any person ceasing to be a resident of the town will thereupon cease to hold elective or appointive office in the town.” Motion passed unanimously.

Section 5.5 Treasurer.

Commission members agree it seems reasonable to expect that after the Finance Director is in place for a period of time the position of the Town Treasurer may change, but, for the time being the wording in the charter should remain the same.

Motion by Laura Francis, seconded by John Corona to maintain wording in Section 5.5 Treasurer as it presently exists and to include a comment in the Charter Revision report that this be reviewed at a future date. Motion passed unanimously.

Section 2.1 General Town Elections.

Members discussed four-year terms for top elected officials. Is holding the interest of the electorate a compelling reason to stagger terms of the top officials? It was agreed that the top of the ticket should not be staggered and four-year terms should take effect at the next election.

Motion by John Corona, seconded by Alice Tucker to approve wording of Section 2.1 General Town Elections (1) A Board of Selectmen consisting of a First Selectman and two (2) additional members; a Town Clerk; a Tax Collector; and a Town Treasurer, all for terms of four (4) years each, to take effect at the next election. Ayes: John Corona, Laura Francis, Carol Kleeman, Mark McLaughlin, Pat Murawski, Alice Tucker. Nays: Betty Long. Motion passed.

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Term Limits. Comments included the following:

- Would like to see term limit language for specific boards
- Sense that this should apply only to appointed boards
- Should apply to elected and appointed boards so the town committees don't put up the same candidates
- In some situations two terms is not enough
- Three terms with a break
- Philosophically against term limits
- The system should allow for turnover
- Chairman McLaughlin will draft proposal on term limits.

Charter Review. All agreed there should be a charter review time requirement and language should not preclude earlier review if necessary.

6. **Other Items as Appropriate.**

7. **Prepare for Next Meeting.**

Schedule of remaining meetings:

Tuesday, <u>May 30th</u>	Monday, <u>June 12th</u> – Public Hearing
Saturday, <u>June 3rd</u>	Tuesday, <u>June 13th</u> - Follow up meeting after hearing
Monday, <u>June 5th</u>	Friday, <u>June 16th</u> - Final report to town clerk
Saturday, <u>June 10th</u>	

John asked if the town attorney will have looked at the CRC report before the public hearing. Chairman McLaughlin replied, no. The Board of Selectmen will have town counsel review the final report that is submitted by the CRC. John advises including a comment with the report that these are Charter Revision Commission recommendations and that town counsel needs to review prior to acceptance.

8. **Adjourn.** Chairman McLaughlin adjourned the meeting at 9:45 p.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*

Items tabled: None