

Town of Durham  
CHARTER REVISION COMMISSION

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Regular Meeting

Minutes

June 12, 2006

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**1. Call to Order**

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, June 12, 2006. Chairman McLaughlin called the meeting to order at 7:01 p.m.

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

Members Absent: Ron Melnik

Also Present: Chet Raczka, Board of Education (Durham Member).

**2. Public Comments.**

Chet Raczka presented his views on the possible change in the method of electing Board of Education members. His comments included:

- why do we want to change it when there is nothing wrong with it
- District 13 is the envy of a lot of towns around us
- people are more sophisticated today and do their homework about school systems, they know about the taxes
- what would be gained by moving the election to November or a general election except to politicize it; right now it is not politicized
- look at the communities that do have Board of Education members elected in November
- he, for one, will not go out campaigning door to door; this is the time of year when a great deal of time is spent in negotiating contracts with the various unions, he spends three nights a week during this process
- this crisis is not about the Board of Education it's about funding
- he suggested a representative from the town attend the negotiating meetings
- stability, continuity of thought and programs makes this a strong school district
- it takes time to initiate brand new board members into the process
- electing board members via a general election may create turnover which isn't healthy

Betty responded to Mr. Raczka's comments that fundamentally she supports the May election of board members, however, she agreed to support this change because this committee as a group seems to be going in that direction because new people coming into town understand the November election process and not the town meeting process. Mr. Raczka countered then make sure the town meeting is advertised. People walking into a voting booth are not going to know who they are voting for.

Betty asked about the timing of negotiations. Mr. Racka responded this is prescribed by the state; the administrators in September; mediation in October, arbitration in November.

John agrees that Board of Education members put a lot of time and effort into the process.

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Carol added public comments from one citizen who stated 1) would not ever support changing any terms to four years, and 2) imminent domain – strongly suggests that not be removed from the charter.

**3. Review of minutes.**

Motion by John Corona, seconded by Laura Francis to approve **June 3, 2006 minutes** with the following changes: page 4, fourth paragraph, second sentence to read, “ Some commission members agreed the Board of Selectmen need to know that CRC needs definitive answers immediately.” Motion passed unanimously.

Motion by John Corona, seconded by Laura Francis to approve **June 5, 2006 minutes** with the following changes: page 3, eighth paragraph, second and third sentences to read as follows, “Some members expressed concern that specific language was not forthcoming from the town attorney. Of major concern to some members is that the original enabling document is not available and would any change by this commission create legal problems?” Motion passed unanimously.

Motion by John Corona, seconded by Laura Francis to approve **June 10, 2006 minutes** with the following changes: page two, third paragraph, first sentence to read, “Discussion continued amongst some members with the dissatisfaction of timely and complete response of the attorneys.” Page two, fifth paragraph, second sentence to read, “Some CRC members have a pretty good idea of how they would vote on the issue to change the election of board of ed members, however, their decisions may change once the specific language is received relative to timing, transition, term length, minority representation, etc. Page Three, after the motion for Section 7.5, add a sentence at the end of the next paragraph. “Martin and Alice agreed that the word resident would be more appropriate than the word elector in the first sentence of Section 2.5 Eligibility.” Motion passed unanimously.

**4. Report on Subcommittee Research.** None.

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

Chairman McLaughlin stated he believes the Charter Revision Commission has presented a strong argument for all changes made in the charter.

**Section 2.1 General Town Elections:** Motion by John Corona, seconded by Alice Tucker to change paragraph (1) to read as follows: “A Board of Selectmen consisting of a First Selectman and two (2) additional members; a Town Clerk; a Tax Collector, a Town Treasurer, and **two** Registrars of Voters, all for terms of four (4) years each.” Motion passed unanimously.

Chairman McLaughlin stated it would be helpful to add language to the comment regarding the Ethics Commission as to why this commission was being added by town ordinance.

**Section 6.21 Ethics Commission.** (Add this additional sentence to the end of the comment in this section): “Requires a level of detail that would not be appropriate to the charter.”

Discussion of Section 7.1. John commented that state statutes are the supreme law. Members found this section needed no revisions.

**Section 7.1 Existing Laws and Ordinances:** Add Comment: “The CRC finds the language adequate.”

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**Section 1.4 Hiring of Staff.** Some discussion about whether or not board/commission members should serve as staff members. What about spouses of board members providing secretarial services to the boards? Chairman McLaughlin commented that in general CRC members agree it is probably not a good idea that board members also serve as staff members. A current Planning & Zoning member also serves as the recording secretary. Laura stated that Planning & Zoning obtained legal advice that the member serving as a recording secretary was legal. She was a recording secretary initially and then became a member of the board. John stated that while it is not illegal, it may not be ethical. Laura asked how far should this extend? For example, if her child applies for the job of summer counselor and she is on the Recreation Board does this mean her child shouldn't be hired? Or, if she is on the Recreation Board does this mean she shouldn't sell hamburgers and hot dogs at the next town picnic? Alice responded both the Ethics Commission and Town Acquisition Policy should address issues such as these. Alice asked, other than Planning & Zoning, is there any other commission this is going to affect? Comment made that because the charter is silent on this subject, it is allowed. Question asked what is at risk here if we don't add this language? Comment made a person has to make a choice either to stay on the board or step off if they want a paying job. What about Tilcon giving the town \$10,000 to celebrate the tercentennial?

The word "indirectly" is problematic to Betty and Laura. John stated that perhaps there is a better word than "indirect" that won't wipe out innocent people. Some members want this word out, some want this word in. John stated he doesn't think "indirect" means spouse, rather he thinks it means a member can't form an LLC and perform a job for profit for a commission using an LLC. Martin added an Ethics Commission can further define "indirect." Laura doesn't agree with "indirect" language and feels this is an issue that should be flushed out by the debate of an Ethics Commission.

Betty suggested these and other ethical issues should be organized and passed along. Chairman McLaughlin responded there is no plan to compile an Ethics packet. Allow the revised document with comments to speak for itself. John stated there is no guarantee there will ever be an Ethics Commission. Laura responded the CRC has made a fairly strong directive to the Board of Selectmen and if they don't move along with the formation of an Ethics Commission they will be held accountable.

**Section 1.4 Hiring of Staff:** Motion by Martin French, seconded by Carol Kleeman to add at the end of this section, "Except as specifically provided herein no officer, board, agency or commission member shall receive compensation directly or indirectly for goods or services furnished to that officer, board, agency or commission."  
Ayes: John Corona, Martin French, Carol Kleeman, Mark McLaughlin, Alice Tucker.  
Nays: Laura Francis, Pat Murawski, Betty Long. Motion passed.

**Comment:** CRC believes elected and appointed officials should not be allowed to receive pay from boards or commissions.

Members discussed Section 7.3.2 Salary and Compensation and Pat suggested issues that arise should probably be handled by the Ethics Commission.

Alice asked, in addition to what the CRC was charged with shouldn't other sections be reviewed? Alice stated she reviewed the charter again and suggested clarifications and changes as follows:

**Section 3.5.2 Action on Ordinance,** first sentence to read, "When the Board of Selectmen submits a proposed ordinance in accordance with Section 4.5 of this Charter, by vote **of** etc."

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**Section 4.4 Appointments:** Motion by John Corona, seconded by Alice Tucker to **delete “Sanitarian”** and **insert “Town Sanitarian”** to make the language consistent with Section 6.6.1. Town Sanitarian. Motion passed unanimously.

**Section 4.9 Duties of the First Selectman,** after paragraph (2) add the following:  
Comment: The CRC believes language is sufficient.

**Section 5.4 Tax Collector** should read as follows: “There shall be a Tax Collector who shall **“collect”** the taxes in accordance with the General Statutes and whose term **“of office”** shall be **“as”** set forth in Section 2.1 of this Charter.

**Section 6.9.2 Fire Trustees:** Motion by Alice Tucker, seconded by Martin French to **delete “Board of”** in the second sentence (sentence to read “These Trustees are to work with the three (3) Trustees elected by the Durham Volunteer Fire Company, Inc., in formulating rules governing the use of and maintenance of the Fire Department buildings.”). Motion passed unanimously. Comment: To clarify language.

**Section 2.6 Vacancies Other Than Expiration of Term:** Motion by Alice Tucker, seconded by Martin French to change third paragraph, last sentence to read as follows: “The Board of Selectmen shall make such appointment no sooner than five (5) days nor later than thirty (30) days after the Board of Selectmen’s meeting at which the vacancy is announced.” Motion passed unanimously.

**6. Other Items as Appropriate.**

**7. Prepare for Next Meeting.**

Discussion regarding whether CRC should meet on Saturday, June 17<sup>th</sup>? John asked is there any further information from the attorney? Chairman McLaughlin reported the placeholder language was sent to the attorney with the added request of when an answer would be forthcoming, but he has not heard back from him. John asked, can the CRC be more emphatic about this request? This is an attorney who should have a great deal of experience on this subject. Betty stated this is a complex case because of the term length, etc.

Alice asked where the CRC stands with proofing of the charter revision document. Chairman McLaughlin responded that he and Pat will be working on the proof Tuesday.

Regarding the Public Hearing on Monday, June 19, 2006, Chairman McLaughlin stated he will make a statement, give an overview and then hear comments from the public. The CRC will hold a meeting immediately after the hearing.

**8. Adjourn.** Chairman McLaughlin adjourned the meeting at 9:17 p.m.

*Respectfully submitted,*

*Kimberly D. Garvis  
Recording Secretary*