

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting

Minutes

June 19, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at Coginchaug Regional High School in the Julian B. Thayer Auditorium on Monday, June 19, 2006 following the Public Hearing. Chairman McLaughlin called the meeting to order at 9:15 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: Brian Ameche, Sue VanDerzee.

2. Public Comments. No further comments

3. Review of minutes. No review

4. Report on Subcommittee Research. None.

5. Discuss/Decide Charter Revision Items

CRC reviewed page by page the final draft of the charter for any typos and content changes based on input from the public hearing. They spent time discussing the areas of concern expressed at the public hearing preceding this meeting.

Either the recording secretary or Chairman will review the entire document one more time for minor style errors such as bold, italics, etc.

CRC discussed concerns of the public and decided as follows:

Term length: Section 2.1 (1) to keep the change to four-year terms

Minority Representation: Section 2.3 to keep the maximum from one party as it currently appears in the charter

Motion by John Corona, seconded by Betty Long to approve the following changes/corrections:

Page 3 Section 1.4 Hiring of Staff: Comment: CRC believes elected and appointed officials should not be allowed to receive pay from **the** boards or commissions **on which they serve.**

Page 5 Section 2.2 State Election:Constitution of the United States and the General Statutes.....

Page 7 Section 2.5 Eligibility:and any person ceasing to be a resident of the town will thereupon cease to hold elective **office or appointive board or commission membership** in the town.

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Page 8 Section 2.6 Vacancies, Subsection (1) Selectman.....the procedure prescribed in the **General Statutes shall be followed.**

Page 9 Section 2.7 **Vacancies:** Expiration of Terms: and Section 2.9 General Powers, Duties and Remuneration: Delete comment.

Page 12 Section 3.1.2 Annual and Special Meetings: In order to expedite **the** petition process and ensure due representation, the Town Clerk shall provide the petitioner with guidelines.

Page 14 Section 3.3 Annual Budget: Comment section.....The town meeting also provides the Board of Finance and Board **of** Selectmen.....

Page 16 Section 3.7 Actions Requiring Referendum: (1) a special appropriation of \$300,000 or more, or (2)

[Note: Pat reviewed the reason for this change: Rett Mancinelli, Finance Officer, stated in the event there was a need to borrow money for one month due to a short term cash flow problem the town would need approximately \$500,000 to cover payment to the school system and town responsibilities.]

Page 20 Section 4.4 Appointments: 911 Coordinator, Animal Control Officer, Building Code Board of Appeals, Building Official, Burning Officials, Conservation Commission, Constables, Director of Emergency Management, Director of Health, Economic Development Commission, Fire Marshal and Deputy Fire Marshal, Fire Wardens, Historic District Commission, Inland Wetlands and Watercourses Agency, Municipal Agent for Elderly, Public Safety Committee, Recreation Committee, Regional Planning Agency, Senior Citizen Board, Street Naming Committee, Tax Assessor, Town Counsel, Town Engineer, Town Sanitarian, Tree Warden, Water Commission.

Page 23 Section 4.8 The First Selectman: (comment section) Revision for gender neutral language and (3) to clarify by specifying responsibilities and powers over Resident State Trooper and Public Safety Officers. **The CRC recommends town counsel to review this item.**

[CRC questioned whether the first selectman has supervisory authority over the Resident State Trooper.]

Section 4.9 Duties of the First Selectman: (1) Executing and carrying out all ordinances, resolutions, policies and other action **approved** by the Board of Selectmen or a town meeting.

Page 27 Section 5.1.5 Preparation of the Budget: Comment: **Revision** to ensure.....

Motion passed unanimously.

Discussion: Page 32 Section 6.1 Regional Board of Education: There is strong support to move in the direction of electing members at a general election in November. Chairman McLaughlin received a follow up fax from Michael Dorney earlier in the day suggesting slightly different placeholder language. Continued concern amongst some members that no one seems to be able to locate the enabling document: not the state's attorney's office, State Department of Education, nor District 13, etc. Chairman McLaughlin stated if there is no enabling document then there is nothing to stand on in challenging the proposed change

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in the way board of education members are elected. Extensive discussion continued including the following points:

- If this charter passes people are going to expect to see board of education candidates on the November ballot
- How is CRC going to articulate the multitude of roadblocks in the transition process to the people?
- This is a long complex process that will incur financial costs, however the CRC strongly recommends the BOS initiate this process forthwith
- Disagreement amongst members as to the specificity needed in the charter language detailing the transition to a general election
- Chairman McLaughlin will draft a revision to this placeholder language

Motion by Martin French, seconded by Pat Murawski to approve revised wording to Section 6.1 Regional Board of Education placeholder language with friendly amendments made to further revise the wording as follows:

“Section 6.1 Regional Board of Education”

The CRC recommends that the Durham members of the Regional District 13 Board of Education be nominated and elected in the same manner as town officers at biennial general elections. It is our understanding that this option is afforded to municipalities participating in regional school districts by Section 10-46 (c) of the General Statutes. Both substantive and transition language to accomplish this result can be patterned after that found in Chapter 6, Section, Section 6-1 of the Durham Charter, Revision of 1977.

Counsel has advised that coordination is required with, among other entities, the State Board of Education, the State Elections Division, the Regional Board of Education, and the appropriate public officials in Middlefield. Therefore we recommend that the Board of Selectmen and Durham Town Counsel begin that collaborative process in order to effect the change of the election procedure.”

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

Discussion: Page 46 6.22 Land-Use Boards and Commissions. Chairman McLaughlin reviewed the comment made by Renee Primus Edwards during the public hearing that the change in this section threatens the passage of the entire revised charter

Pat stated CRC can't address in the charter the disappointment with the town committees in their choice of candidates. The CRC does not want stagnation amongst the boards. Betty added the CRC had one other hearing, many meetings and lengthy discussions regarding this section and voted to make a change. Laura commented the CRC knew this was going to be a controversial issue. If the BOS is concerned about contentious items that might jeopardize the whole charter revision then they have the option of submitting more than one question as Southington is doing right now. Martin stated he was persuaded by the input from the hearing about the merits of cross knowledge and cross experience and felt the arguments heard at the hearing were well worth considering. John stated making this change could make for greater volunteerism by allowing new people to serve. Laura added there is no chance for new people to become involved because the town committees keep putting up the same candidates. Alice added that oftentimes a member from one commission expresses an opinion to another commission; and that one opinion, while only the opinion of one member, is misrepresented as the opinion of the entire commission. Carol commented all of these issues were discussed at prior CRC meetings and the CRC

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believes it is important to allow the opportunity for other people to come forward to serve. Pat stated the CRC has had considerable discussion and debate and she believes the decision made was a good one. She added the BOS has the right to continue debate on this issue. Betty prefers to leave language as is. Chairman McLaughlin is still in favor of keeping this section as previously voted on by the CRC. Alice added this charter will be revisited every five years. If this change becomes problematic it can be changed in a relatively short time. She believes the CRC has been enormously fair in starting the clock on this change so that current members won't be affected for many years.

Motion by Alice Tucker, seconded by John Corona to approve further changes made as follows:

Page 37 Section 6.6 Director of Health: Comment: Revisions for gender-neutral language. Addition of term duration reflects practice. **The CRC recommends Town Counsel review this item.**

Page 46 Section 6.22 Land-Use Boards and Commission: Comment: The CRC believes that such stipulation (building as it does from existing language in Charter Section 6.5) appropriately limits the power and diversifies perspective of the membership of commissions and boards **and encourages civic participation.**

Page 46 Section 6.23 Department of Emergency Management: Comment: We are creating a department of emergency management to fulfill statutory mandate. **The CRC requests town counsel review this against the General Statutes.**

Motion passed unanimously.

6. Adjourn. Chairman McLaughlin adjourned the meeting at 11:20 p.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*