

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting

Minutes – Public Hearing

June 19, 2006

1. Call to Order

The Charter Revision Commission (CRC) held a public hearing at Coginchaug Regional High School in the Julian B. Thayer Auditorium on Monday, June 19, 2006. Chairman McLaughlin called the hearing to order at 7:07 p.m.

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

Members Absent: Ron Melnik

Also Present: Approximately 15 people.

Chairman McLaughlin opened the second public hearing of the Charter Revision Commission with the Pledge of Allegiance. He introduced CRC members and explained the process by which the commission had completed the initial charter draft keeping in mind the guiding principles including: 1) the charter being an enabling document; 2) clarification of the processes of town governance, and 3) and promotion of civic participation. Changes to the charter were completed using the charge by the Board of Selectmen, public input via email, town website, conversations and CRC member ideas. The revision process was conducted with a great deal of research, especially for difficult issues, and consultations with legal counsel.

This second hearing was intended to solicit public input regarding the current proposed changes to the town charter. A CRC meeting will follow immediately after the hearing to discuss possible changes to the charter revisions based on public comments. The final draft will be submitted to the town clerk and Board of Selectmen probably by the end of the week.

Handouts to the public included: the original charter, revised charter and placeholder language for Section 6.1 Regional Board of Education.

Comments from the public included:

- Town meeting form of government doesn't work anymore
- There should be a referendum for amounts of \$50,000 or more
- Mandate a quorum of registered voters in order for a vote to pass
- Larry Macala believes term lengths should remain at two years to maintain civic participation; the public will let candidates know if they are doing their job by re-electing them
- Renee Primus agrees with the change in term to 4 years in part due to the learning curve necessary to learn the job;
- Richard Parmelee thanked the CRC; he likes the idea of the Town Clerk providing guidance on petitions; he is in favor of 4 year terms for selectmen as they spend considerable time and resources to get to the election; the CRC has gone beyond the curve to make themselves available to the public; he was not happy with the recent

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appointment process by his own party and does not ever want to see that happen again, he cannot accept that kind of conduct; selectmen do not have to reappoint the same person however, that person should be informed that he or she will not be reappointed as a matter of courtesy.

- First Selectman James McLaughlin expressed his appreciation for the efforts of the CRC and their dedication to completing this task
- Dave Montgomery: he is in agreement with change to 4 year terms, responsibilities have increased and therefore more time is required for the learning curve; regarding teleconferencing what about the advent of other electronic technology; regarding Section 3.7(1) the word “borrowing” should be removed (CRC members agreed); regarding Section 4.1 Dave feels strongly that expanded Board of Selectmen gives broader and better spectrum of opinion; Section 5.1.9 (5.1.7) Board of Finance and Board of Selectmen have the dual responsibility to keep track of expenditures; is Homeland Security addressed; minority representation (change in the ratio)
- Bob Fulton presented a list of concerns, which included: Section 2.5 Eligibility, he does not believe residency should be an absolute requirement in all cases. CRC should consider granting the Board of Selectmen authority to waive this requirement on a case by case basis; Section 2.10 Minutes of Meetings regarding telecommunications question, the public should be allowed to participate in all meetings regardless of how those meetings are conducted; Section 3.3 Annual Budget just a correction to the comments section Board Selectmen should read Board OF Selectmen; Section 3.7 Actions Requiring Referendum and Section 5.1.9 Special Appropriations regarding specific dollar limitations, the CRC should consider referencing an index of some sort such as the Consumer Price Index to automatically adjust these ceilings (although the Section 7.3 requirement of a five year Charter review may mitigate the need for this); Section 4.3.6 Town Acquisition Policy he is unclear as to what is meant by “Acquisition Policy” is this land acquisition?; Section 4.6(2) Additional Powers and Duties of Selectmen regarding authority of the Board of Selectmen to accept land under certain circumstances without town meeting approval, if this provision is very narrow and limited then he supports it; Section 4.8(3) The First Selectman regarding clarifying responsibilities and powers over Resident State Trooper, is there any conflict here with either state statute or with the contract with the State of Connecticut?; Section 4.9(6) Duties of the First Selectman regarding providing monthly written financial reports to the Town Clerk by the end of the following month, Bob suggests a definitive time frame, i.e. 10 days; Section 6.1 Regional Board of Education regarding electing Regional School Board 13 members, what is the expected timing on receiving counsel’s opinion?; Section 6.21 Ethics Commission regarding establishing this commission by Town Ordinance, why can’t the Town Charter establish this Commission?; Section 6.22 Land Use Boards and Commissions regarding simultaneous service and term limits, Bob strongly objects to any arbitrary limitation on the electors’ voting powers. The electors should have full authority to determine, directly or indirectly, who represents them on the Boards of Selectmen, Finance etc. and through their elected officials, who serves on various boards and commissions of the Town. In his opinion, denying service on a board or commission to an otherwise qualified person simply because they are either serving on another board or commission or have served on the board or commission previously is not in the best interest of the Town of Durham; Section 7.2 Amendment of this Charter regarding 5 year Charter review, he strongly supports this position; Final Comment, the CRC should be commended on the fine job they have done in reviewing the town charter.
- Brian Ameche, Chairman of Conservation Commission, expressed his concern regarding proposed changes in land use boards (term limits and no cross

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representation). He supports cross representation for development of effective liaisons between land use boards for the purpose of information sharing, accurate reporting and informed decision making. He stated every land use board and commission is committed to fair hearing of applicants.

- David Montgomery states that Planning & Zoning determines land use policy and that policy impacts the Economic Development in town. P& Z has tremendous power in their own right. Why did the Economic Development Commission resign en masse three years ago? Because P&Z has stifled anything the Economic Development Commission has tried to do. He supports the change in land use boards.
- First Selectman James McLaughlin disagrees entirely with terms limits and limitation of cross membership among land use boards. He sees no conflict of interest of one person being a member of more than one land use board. As a member of Historic District Commission (HDC) he would have welcomed representation by a member of Planning & Zoning on this commission to answer questions HDC members had regarding applications.
- Renee Primus stated she believes this language (land use boards) will threaten the passage of the charter. This is not an issue that has come up since she has been serving as selectman.
- Brian Ameche asked for examples where cross membership has caused a problem
- Laurie Stevens stated the only change she doesn't agree with is the term limits for land use boards and the termination of cross membership among land use boards.
- Donia Viola agrees with the change in land use boards. She believes there is undue influence from one land use board to another. There needs to be a checks and balance to accommodate applicants. In addition, one person can't give 100% if they are serving on multiple boards. Regarding Board of Finance, she suggested a change in the number of members from six to five or seven so there wouldn't be a tie vote.
- Steve Levy agreed with Renee and Brian and believes the proposed change in land use boards is restrictive and demoralizing. The ultimate recourse, if people aren't happy, is the next election. The ultimate power lies with the electorate. Instituting these limitations puts a strangle hold on volunteerism. If you have people with expertise they should be allowed to serve on as many boards as they want.
- Dave Montgomery stated that particularly regarding Planning & Zoning there is a perception of cronyism. Regarding term limits, there have been some people in positions for so long they have lost the future. Having same people makes boards stagnant.
- Joe DellaVentura expressed his support for moving forward with the change in the way Board of Education members are elected. This is a very important issue and with 80% of the budget allocated to the school system the board of education members should be held to the same standard as other elected officials. The public is not informed about the candidates for Board of Education as it is currently handled. As a part of the November election process, information would be disseminated about the candidates and the public would be informed as to who the candidates are.
- Richard Parmelee agreed with changing the election for Board of Education members, informing the public as to who is running and changing the term from three years to two or four year terms.
- Question asked by an audience member has CRC considered "Chairman" term limits instead of member term limits? (CRC has not discussed this).
- First Selectman James McLaughlin thanked the CRC for a job well done.

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Laura Francis responded to Larry Macala's comments regarding term change by stating that the commission did consider the impact on civic participation. CRC discussed transition to four year terms and that the emphasis would turn to other important boards on the off years, i.e. Board of Finance, Planning & Zoning, etc.

Chairman McLaughlin responded to the teleconferencing issue by explaining the town does not yet have the infrastructure and/or capability to provide other means of carrying on open meetings. The comment by the CRC just raises the question for when the technology arrives in Durham.

Chairman McLaughlin and Laura Francis responded that Section 4.9.6 requires that the First Selectman submit a monthly written financial report and analysis to the Board of Selectmen and Board of Finance, and, that a written report be filed with the town clerk by the end of the following month.

Chairman McLaughlin addressed the Homeland Security issue by explaining this is covered under the new section 6.23 Department of Emergency Management.

Some discussion regarding minority representation. Laura Francis stated minority representation is really majority limitation and the numbers outlined in the current charter are not constrained by the Connecticut General Statutes.

In reference to Renee Primus' concerns regarding the passage of the charter, Laura responded that the question can be crafted so that issues are separated out. The Town of Southington currently has six questions crafted regarding their charter revision. Chairman McLaughlin added that the current structure among land use boards has worked well but there is no certainty that this will continue in the future. In addition, by restricting cross membership more positions will be open for other people to serve. He also stated this was an item of great concern to those present at the first public hearing. There is too much concentration of power and the perception that applicants would not be treated fairly; this change would prevent such concentration of power. John Corona added Planning & Zoning has great power in making changes to the regulations. The people get no vote in any of these changes. The power is concentrated in the hands of a few. P&Z makes the rules and applies them. There is no appeal process. For example, when zoning was changed from 1-acre minimum to 2 acres many people didn't know about this change.

Chairman McLaughlin stated the CRC has struggled over the issue of changing the Board of Education election process. It is going to be a long and complicated process if moved to general election and will incur costs, perhaps significant costs. Chairman McLaughlin asked audience members who supported this change and an overwhelming majority supported this change. CRC felt this was a very important issue and that it was healthy to move to a general election. This would allow candidates for the Board of Education to meet the public and inform the public of the school budget process, etc. Betty Long added she personally supports the current way Board of Education members are elected, however, she understands this is an issue whose time has come and supports the CRC in their decision to change it.

Chairman McLaughlin gave a brief summary of the remaining charter revision process:

- 1) CRC will make final "housecleaning" changes to the charter
- 2) CRC will submit charter to the Town Clerk, then to Board of Selectmen for review
- 3) Board of Selectmen are required to hold at least one public hearing

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- 4) Board of Selectmen make recommended changes to CRC
- 5) CRC votes on recommended changes and sends back to the Board of Selectmen
- 6) Board of Selectmen publishes charter in the newspaper
- 7) Board of Selectmen determines how the charter is voted on
- 8) Town Clerk submits question(s) to the Secretary of the State's office by September 22, 2006

Chairman McLaughlin thanked the public for attending the hearing.

3. Adjourn. Chairman McLaughlin adjourned the hearing at 9:10 p.m.

*Respectfully submitted,
Kimberly D. Garvis, Recording Secretary*