

Town of Durham  
CHARTER REVISION COMMISSION

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Regular Meeting  
Minutes  
June 3, 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 Saturday, June 3, 2006. Chairman McLaughlin called the meeting to order at 8:15 a.m.

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

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- 2. Public Comments.** Additional comments on the website include Joseph DellaVentura's (Durham resident) concern of securing voter eligibility at a town meeting. He attended a recent town meeting in which a Board of Education member was being elected. He said there was nothing preventing someone from Middlefield or anywhere else from walking in and casting a vote. There are methods in place for November elections that would prevent this from happening.

Eliminate minority representation. Too often the lowest vote getters are put in office because of minority representation. Allow voters the right to elect whomever they want.

**3. Review of minutes.**

*Motion by Ron Melnik, seconded by Pat Murawski to approve minutes of May 30, 2006 meeting with the following correction to page 1, second paragraph, last line: "Renee took Betty Long's report to the Board of Selectmen to do further research." Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Betty Long, Mark McLaughlin, Ron Melnik, Pat Murawski. Abstention: Alice Tucker. Motion passed.*

**4. Report on Subcommittee Research.**

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

Chairman McLaughlin discussed the timeline and scheduling the Public Hearing for June 12, 2006 to begin at 7:30 p.m. at the request of the Board of Selectmen. The Board of Selectmen has a meeting that night beginning at 7:00 and they are willing to interrupt their meeting to attend the public hearing. The public hearing will be at the CRHS Auditorium as the library is unavailable.

Chairman McLaughlin stated the remaining items left are: 1) term limits, 2) Emergency Management, 3) Board of Education, and 4) List of appointments. Ron asked if there were any other housekeeping issues and Chairman McLaughlin answered that he has gone through the list of suggestions from the Board of Selectmen and it appears all issues have been reviewed by the CRC.

Laura stated the Registrar of Voters term should also be changed to four years and the following motion was made:

*Motion by John Corona, seconded by Laura Francis regarding Section 2.1(1) General Town Elections to also change the term of the Registrar of Voters to four (4) years. Motion passed Unanimously.*

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**Term Limits**

John presented term limit language from the Town of Stonington pertaining to the Inland/Wetland and Planning & Zoning boards. Laura asked if these boards were created by ordinance and if term limits applied to other boards and commissions. John answered he did not research those particular items but stated that term limits seem to have particular significance to land use boards. In John's opinion term limits should apply to all land use boards regardless of whether they are elected or appointed.

Chairman McLaughlin asked board members, in general, if they were in favor of term limits. The response was mixed with the following comments:

- If there were problems with the longevity of members wouldn't this have changed by now?
- There are problems with these boards
- Have seen on other towns where one person has been very forceful in pressing issues that were not in the best interest of the town
- Concern that you might lose as many good people as bad
- These boards have a unique set of powers given to them by the state and it is fair for the CRC to consider term limits for these boards
- Struggling with the issue. Have seen these commissions grow stagnant and seen undue influence from longstanding members. Wishes there was more public outcry but there hasn't been. Not enough movement or fluidity of philosophy. Cannot bring new ideas to the Conservation Commission. No innovation from any of these boards. The appointing authority and political parties are not doing their job in finding new candidates, however, not sure a charter revision is the way to make a change.
- Could entertain term limits for appointive offices but not elected
- Concern that the appearance may be that CRC is targeting boards that have had the same members on for a long time.

John suggested it would be appropriate to phase in term limits since it is such a significant change. Members agree that term limits would be instituted at the end of the current terms. In other words, current members could be re-elected or re-appointed to serve for three more terms after term limits are instituted. Suggestion made that the comments section include an explanation that one of the intentions of the CRC is to make seats available to new people, and the manner in which the CRC has approached this particular issue is consistent with the way it has approached all other sections in the revision process, that being one of thorough and thoughtful deliberation. The CRC's intention is to make positive changes not punitive ones.

*Motion by John Corona, seconded by Alice Tucker to revise Section 6.22 Land Use Boards to include term limits, wording as follows:*

*Section 6.22 Land Use Boards: No member of the land-use boards and commissions, Planning & Zoning Commission, Zoning Board of Appeals, Conservation Commission, Historic District Commission and Inland Wetlands Commission, may be a member simultaneously of more than one such board or commission. Commencing at the conclusion of current terms no individual on these boards and commissions shall serve more than three (3) consecutive terms in the same capacity. Ayes: John Corona, Laura Francis, Martin French, Carol Kleeman, Betty Long, Alice Tucker. Nays: Mark McLaughlin, Ron Melnik, Pat Murawski. Motion passed.*

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*(Clarification: Current members may be elected or appointed again at the conclusion of their current terms, but only for a maximum of three more consecutive terms. This does not preclude the members from then being elected or appointed to a different board or commission.)*

**Board of Education (BOE)**

Laura would like to see BOE members elected at the general election in November but she wants to see a definitive prescription on how this is to be accomplished. She added she does not want the charter revision process to end until this issue is addressed. Chairman McLaughlin responded that much research has been done by the CRC and given the complexity and contentiousness of the matter this should be handled at a town meeting.

Laura countered she wants to be able to go to the public hearing and tell the people “complete” research has been done. Chairman McLaughlin continued that state statute allows the town meeting to decide the manner in which BOE members are elected. Martin added this is a significant enough item to stand on its own. Betty suggested adding language that BOE members should be elected at a general election by 2010.

Carol expressed her concern at the lack of responsiveness on the part of the town attorney to give the CRC a definitive answer as to the step-by-step method in which this change in electing BOE members can be accomplished. Chairman McLaughlin stated it has been reported in the Town Times that this issue has been set aside. Carol responded the Town Times is premature in reporting this, as the CRC has not completed its discussion or made a determination on this issue.

Alice stated she believes the original charge given to the CRC has been fulfilled. The BOS asked the CRC to determine if a change can be made and the town attorney has answered that question – yes, BOE members can be elected in a general election. She added that the people who have come forward to express their desire for a change do not necessarily represent the majority view.

Ron stated there was money put in the CRC budget for legal expenses and Renee has made it a point to get information from the town attorney. Both towns have major concerns right now regarding education. Ron does not want to go into the public hearing without definite answers to the questions the public may ask. The CRC has done its utmost to accomplish its charge and he does not want to see the whole charter voted down because the commission did not adequately address this one issue.

Chairman McLaughlin responded that so much of this issue has been directed by the public being upset with the high percentage of their taxes going to the school system and the public’s assumption that if we change the way the BOE is elected that this will change the impact of taxes. The Connecticut General Statutes 10-46(a) allow for members of the Regional BOE to be elected in their respective towns by the legislative body of each town, which is the town meeting.

Intense and extensive debate continued about the change in method of election of BOE members, the legalities of making such a change, and the ability to make such change. Concern expressed that a decision cannot be made until the enabling language and definitive process is available to make the transition. Laura stated that when Planning and Zoning was changed there was specificity in the charter on how to do this. Pat added it is obvious this is a very complex process and it needs to be done right. Is the charter the most appropriate way to make this change? Laura stated she does not want to put this in

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the charter unless she has a clear belief that it is legal. The method of voting is the key issue not necessarily the time of year. There is no doubt, however, there would be more participation and choice if BOE members were chosen via a general election. There is confusion on how to implement this change and all the facts are needed before making a decision. Laura explained that under the law the town clerk is required to create the ballot for general elections, therefore, the transition language is necessary. Is the process the same if done by charter or town meeting? Answers to this question and others will determine how the CRC will move forward.

Betty indicated changing the election method is greatly affected by the three-year term. She added Howard Kelley believes it is probably time to make a change. Betty stands by her position that the method of change does not have to be in the charter. She stated making a change is an extensive step-by-step process. Ron Harris was not willing to give a prescription for the process because he said many levels needed to be involved including the town attorney.

Chairman McLaughlin expressed his concern to CRC members that the town counsel has indeed given his opinion that this change can take place and yet CRC members are not accepting this answer. Laura responded the attorney's answer is inadequate because the "how to" is not included and this is what caused a problem in 1998. Also, the difference now is that Middlefield also wants to make a change, they didn't in 1998. Alice stated we have the language we need and even if we had the steps before us we would not add those steps to the charter. The only question we need to answer is, "Do we want Board of Education members elected at a general election?"

Martin added given the technical complexity of this issue, and the merits of a change, perhaps this should be handled outside of the charter revision process. Commission members agreed the Board of Selectmen need to know that CRC needs definitive answers immediately. Right now the CRC is in limbo land. In addition, the public hearing should give additional insight as to where the public stands on this issue.

What are the questions that need to be answered? Alice states the more detailed the questions, the more answers CRC will get. Laura responded the attorney needs to do the research, his answers cannot be limited to the ones being asked by the CRC.

Ron stated he is honored to be serving with this group of dedicated people. Betty responded we could do no harm by getting more information.

*Motion by Betty Long, seconded by Alice Tucker regarding Section 6.1 Regional Board of Education to add the following sentence at the end: "Nothing in this paragraph shall prohibit the town from bringing election changes to a District referendum." With friendly amendment to add reference to Connecticut General Statute Section 10-46(a). Ayes: Martin French, Betty Long, Alice Tucker. Nays: Laura Francis, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski. Motion defeated.*

### **Section 6.9 Department of Emergency Management**

Confusion amongst the members as to whether Local Emergency Planning Committee (LEPC) functions are the same as Emergency Management (EM). Laura stated this is a new entity that has been created without a lot of open discussion. She suggested that EM be created the same way the Ethics Commission is being created, by ordinance. Martin stated a lot has changed in EM over the last five years and feels it should be included in the charter. Members of EM have made presentations to the Board of Selectmen and to the CRC in public and in writing. Discussion to continue at next meeting.

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6. **Other Items as Appropriate.**

Timeline reviewed. A decision to hold a Public Hearing on June 12<sup>th</sup> will be made at the next meeting.

7. **Prepare for Next Meeting.**

8. **Adjourn.** Chairman McLaughlin adjourned the meeting at 10:59 a.m.

*Respectfully submitted,*

*Kimberly D. Garvis  
Recording Secretary*

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Items tabled: