

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
June 10, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Saturday, June 10, 2006. Chairman McLaughlin called the meeting to order at 8:08 a.m.

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

Also Present: Tom Hennick, Reg. District 13 Board of Education Durham Member.

2. Public Comments.

Tom Hennick, Regional District 13 Board of Education member, stated he attended this meeting to assist in answering questions CRC members may have. He has covered many Board of Education elections as a reporter and when members are elected via a general election it can become a very politicized process. He expressed his surprise when moving to Durham at the non-political nature of the election of Board of Ed members. He expressed concern that a change in the election method of Board of Education members will politicize this issue. In his four years experience on the Board of Ed all members have checked their political affiliations at the door and have worked very well together.

Laura replied that politics does go on with the Board of Education members it's just not as obvious. The reasons she is leaning toward electing members at a general election is the change in society. People do not come to town meetings anymore. The town meeting form of government itself is in jeopardy in years to come because of lack of participation.

Chairman McLaughlin stated he believes partisanship falls aside when really important issues come forward in town, i.e. members of the CRC. Tom stated it seems as if this "ship has already sailed." Ron responded that discussion is still continuing and CRC is trying to get the information in order to make a decision.

3. Review of minutes. Not available.

4. Report on Subcommittee Research. None.

5. Discuss/Decide Charter Revision Items

Section 6.1 Regional Board of Education

John asked if the town attorney information was available. Chairman McLaughlin replied there was no further information from town counsel and that he had spoken with Atty. Mike Dorney of Tyler Cooper at length about Board of Education issues. Atty. Dorney indicated he could help but that the short time frame was problematic for him to complete his research. Atty. Dorney recommended that CRC develop placeholder language to give him time to present information to the Board of Selectmen. In this way the charter revision process could move along.

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John asked when Atty. Dorney expects to have the language? He is frustrated that the CRC has been asking for this information for a month. People are entitled to have details of the process before making a decision. Betty stated she prefers to have the actual language, however, if it is legal to have placeholder language so that the process can move forward she would be amenable. Alice would accept placeholder language as long as there is a comment explaining that the language will be forthcoming.

Laura stated the attorney needs to know that the specific language is a priority. Chairman McLaughlin added this will cease to be a working draft once the Board of Selectmen has the document. Laura asked if CRC has the support of the Board of Selectmen to handle the issue in this way and she agreed with John that she has concerns regarding the track record of attorneys getting information to the CRC in a timely fashion.

Discussion continued with the dissatisfaction of timely and complete response of the attorneys. John stated it is not wise to entertain debate on this issue without a mechanism as to how it is going to work. The first selectman should be forceful with the attorney about getting answers quickly to the CRC. Ron asked, if placeholder language is used, would the CRC need to hold another public hearing? Once the CRC submits the final report to the BOS, the BOS makes changes and resubmits the report to the CRC for approval. Pat stated CRC should probably move forward with placeholder language as that is the best choice right now, however, what will CRC do if the language that comes back is unacceptable?

Chairman McLaughlin stated the public hearing may provide information from the citizens that may change the CRC's decision on this and other items in the charter. CRC can state at the public hearing that CRC is offering their best thinking at this time and are waiting actual language from the attorney. Ron feels if we are not going to do it right then we shouldn't do it at all and perhaps the whole charter revision should be taken off the November ballot.

Discussion continued regarding the wording of placeholder language. 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.

Motion by John Corona, seconded by Ron Melnik regarding Section 6.1 Regional Board of Education: The Charter Revision Commission is considering providing for the election of Regional District 13 Board of Education Durham Members at general election instead of at the town meeting. The Charter Revision Commission is currently awaiting an opinion, recommended language and procedures from counsel. Ayes: John Corona, Laura Francis, Carol Kleeman, Betty Long, Mark McLaughlin, Ron Melnik, Pat Murawski, Alice Tucker. Nays: Martin French. Motion passed.

Section 4.4 Appointments

Pat reviewed deletions and additions to this section. Chairman McLaughlin stated in reviewing land use commissions he found that Inland Wetlands is required to have cross membership but that Section 7.1 takes care of this. The charter trumps ordinance and effectively modifies the ordinance.

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Motion by Ron Melnik, seconded by John Corona to accept Section 4.4 Appointments as follows:

Section 4.4 Appointments

Unless otherwise specified in this Charter or in the General Statutes as amended, the Board of Selectmen shall make all appointments to the following Town offices: **911 Coordinator, Animal Control Officer, Assessor, Assistant Treasurer, Building Code Board of Appeals, Building Commission and Building Official, Burning Officials, Conservation Commission, Constables, Director of Civil Defense, Director of Health, Dog Warden, Economic Development Commission, Emergency Management, Engineer, Fire Marshal and Deputy Fire Marshal, Fire Wardens, Historic District Commission, Inland Wetlands and Watercourses Agency, Jury Committee, Metropolitan Study Committee, Midstate Regional Planning Agency, Municipal Agent for Elderly, Public Safety Committee, Recreation Committee, Sanitarian, Senior Citizen Board, Sexton of Cemetery, Special Acts and Ordinances Committee, Special Constables, Street Naming Committee, Tax Assessor, Town Counsel, Town Engineer, Tree Warden, Water Commission.**

Motion passed unanimously.

Comment: This section has been updated to remove appointments no longer required, add new ones and revise names.

Section 7.5 Effective Date

Motion by John Corona, seconded by Ron Melnik regarding Section 7.5 Effective Date, to delete November 8, 1977. Motion passed unanimously.

General discussion and review of the residence, elector issue. Laura explained there are ways one can remain an elector of the town while not residing in Durham, i.e. nursing home situation, college students, military (if home of record is Durham). Landowners are not electors unless they reside in town. Landowners can only vote their property rights for issues other than election of members/candidates.

6. Other Items as Appropriate.

Comments reviewed for inclusion in the report as followed:

Section 2.1 General Town Elections

Comment: The CRC proposes the expansion of terms of office (subsection 1) in the belief that such will improve town governance by giving elected officials more focused time to address the needs of the town and we also believe that the expanded terms will increase the pool of potential candidates for office.

(Reminder: May also need to revise Section 2.1 and comment to address possible addition of change to Board of Education terms.)

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Section 2.5 Eligibility

Comment: Revision to include appointed members of boards and commissions. The CRC believes it to be good practice conducive to civic morale to limit membership of agencies concerned with Durham to Durham residents.

Sections 2.6 and 2.7 Vacancies/Expirations of Terms

Comment: The CRC believes the revisions make more public the process of town governance and thereby can promote civic participation by providing greater awareness of opportunities to serve the Town.

Section 3.1.2. Annual and Special Meetings

Comment: In our efforts to “institute workability,” the CRC recommends the procedural change made by this revision will forestall the difficulties petitioners have reportedly faced in developing a properly formed petition.

Section 3.6 Sale or Purchase of Real Estate

Comment: Revision (“discontinuance” for “abandoned”) to reflect preferred usage (roads are discontinued, not abandoned). Added phrase re: Section 4.6 needed to account for revisions to the Selectmen’s Additional Powers in accepting interests in land and new roads.

Section 3.7 Actions Requiring Referendum

Comment: Revision reflects current economic realities.

Section 4.3.5 Financial Planning

Comment: CRC believes the process enabled by this revision will keep the long-range financial plan a vital and responsive document.

Section 4.6 Additional Powers and Duties of Selectmen

Comment: Revision to subsection 2 to expedite process which has sufficient steps for approval built in. Revision to subsection 5 reflects addition of Town Acquisition Policy in Section 4.3.6.

Section 4.9 Duties of the First Selectman

Comment: Revision of subsection to promote “transparency” of Town’s financial status.

Section 4.9.1 Delegation of Duties

Comment: Revision for gender neutral language.

Section 5.1.5 Preparation of the Budget

Comment: To ensure the budget process stated earlier and to maximize the time available to review the budget.

Section 5.1.8 Laying Taxes

Comment: Revision to reflect current nomenclature.

Section 5.1.9 Special Appropriations

Comment: Revision to reflect current economic realities.

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Section 6.2 Regional Planning Agency

Comment: Deletion of "Midstate" to make reference generic. Further revision [deletion of chapter reference and CT] to streamline reference to General Statutes per practice specified in Section 1.1

Section 6.10 Fire Marshal

Comment: Revision to conform to General Statutes.

Section 6.11 Animal Control Officer

Comment: Revision to conform to current nomenclature.

Section 6.12 Durham Conservation Commission

Comment: Delete reference to Section 7-131 per practice.

Section 6.14 Building Code Board of Appeals

Comment: Delete reference to Section 19-402 and Section 127 per practice.

Section 6.16 Economic Development Commission

Comment: Delete reference to Section 7-136 per practice.

Section 6.17 Board of Library Directors

Comment: At the first public hearing the Library Board requested a revision of this section. The Charter Revision Commission decided the current language is sufficiently clear and empowering. Thus the Charter Revision Commission recommends that the current text remain unchanged.

Section 6.18 Compensation Review Commission

Comment: The CRC believes the revision of the Personnel Policy Board as the Compensation Review Commission, with the amended activities prescribed, will make for a more effective and better-focused entity to review compensation and advise the Board of Selectmen and Board of Finance.

Section 6.20 Historic District Commission

Comment: Streamline reference to General statutes.

Section 6.21 Ethics Commission

Comment: The CRC believes that an ethics commission and the creation of a set of standards of ethical behavior will encourage high standards of practice for town officials and promote citizens' confidence in Town governance ? add language as to why)

Section 6.23 Department of Emergency Management

Comment: We are creating a department of emergency management to fulfill statutory mandate.

Section 7.3 Amendment of this Charter

Comment: CRC believes that five (5) years is a reasonable timeframe in which to review the Charter with an eye to revising it in response to changing practice, new technologies, and other such changes as may make revision of the charter advisable.

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7. Prepare for Next Meeting.

On Monday, June 12th, CRC needs to talk about the format of the public hearing. What is the best method to proofread the changes? Chairman McLaughlin suggested everyone read the revisions and if they find any errors to email changes/corrections to him. He and Pat will consolidate the corrections. The next version should contain all comments. Question asked should the stricken language be shown in the final document? The consensus among the members was that the stricken language should be shown.

The decision will be made on Monday, June 12th as to whether the CRC will hold a meeting on Saturday, June 17th.

Discussion regarding overall timeline. If the Board of Selectmen makes no changes then the draft becomes final and the CRC is dissolved.

Recording secretary will:

- 1) Have minutes of June 3rd, June 5th and June 10th ready for review on or before Monday's (June 12th) meeting,
- 2) Prepare an updated working draft of the charter with all changes and comments to date,
- 3) Prepare and submit Legal Notice (of Public Hearing to be held on Monday, June 19, 2006 at 7:00 p.m. in the CRHS Auditorium) to the Middletown Press and the Town Times,
- 4) Submit "Application of Use" form to the superintendent's office for June 19th Public Hearing, and
- 5) Post CRC Agenda of meeting to immediately follow the public hearing on June 19th.

Laura will put the draft on the website after it is finalized on Monday, June 12th. Paper copies will also be available by Thursday, June 15th.

8. Adjourn. Chairman McLaughlin adjourned the meeting at 10:17 a.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*

Items tabled: