

Town of Durham  
CHARTER REVISION COMMISSION

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Regular Meeting

Minutes

July 31, 2006

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**Call to Order**

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, July 31, 2006. Chairman McLaughlin called the meeting to order at 6:33 p.m.

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

Members Absent: Ron Melnik

1. **Public Input** None.
2. **Review of minutes**. None. Chairman McLaughlin asked the recording secretary to send all unapproved minutes to board members again for review. (These include June 12, 2006, June 19, 2006 Public Hearing, June 19, 2006 Meeting, and July 8, 2006.)
3. **Review of Board of Selectmen's response to CRC proposed changes; discussion as to proceeding.**

Chairman McLaughlin reported that a letter has been sent to Atty. Ann Harland Littlefield of Shipman & Goodwin LLP, counsel to the Regional School District 13 and Board of Education relative to the proposed changes in election of Board of Education members.

The Board of Selectmen has met with town counsel regarding the charter. Betty asked if the town counsel has been given the entire charter for review? Chairman McLaughlin responded he doesn't know if town counsel has completed a review of the entire charter. The Board of Selectmen have completed their review and made their changes, which the CRC will be reviewing tonight.

Some commission members expressed concern that the legal review of the charter has not been completed yet. The question was asked, how can the CRC make their final recommendations if they don't know the document is legal? Before the next meeting, the CRC should have some feedback from legal counsel.

Alice is concerned that one item may have been omitted from review by the CRC. Is the Durham Volunteer Ambulance Corps supposed to be included in the charter?

Chairman McLaughlin responded that he spoke with members on two occasions and they have not followed through. John added that Sue Wimler was at one of the hearings so DVAC is well aware of what is going on. Chairman McLaughlin asked the recording secretary to review all past minutes regarding DVAC.

Chairman McLaughlin stated the Board of Selectmen recommendations will be reviewed tonight. CRC will confer with the BOS on Monday, August 7<sup>th</sup> and then continue their meeting after that to make final decisions.

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CRC review of Board of Selectmen

“Actions Taken on Charter Revision Proposal”

(\*\* SQ \*\* = a separate question on the ballot)

**Section 1.4 Hiring of Staff.** *All BOS agree*

**Section 2.1 General Town Elections**

Subsection 1: BOS want the term for BOS changed back to 2 years.

**\*\* SQ\*\*** → Subsection 1: All BOS agree to proposed change in length of term (4 years) for Town Clerk, Tax Collector, Town Treasurer and two (2) Registrars of Voters, however, they want this as a separate question.

Subsection 3: *All BOS agree*

Subsection 4: *All BOS agree*

Subsection 5: *All BOS agree*

Subsection 6: *See Section 6.1*

**Section 2.2 State Election.** *All BOS agree*

**Section 2.5 Eligibility** *All BOS agree basically to the changes in this section but want the areas where “resident” and “elector” occur to be replaced with “resident or elector.”*

**Section 2.6 Vacancies Other Than Expiration of Term.** *All BOS agree, however want the language altered to read “Annual Town Meeting/Annual Budget Meeting” instead of just Annual Budget Meeting.*

**Section 2.7 Vacancies: Expiration of Terms.** *The BOS want this section changed as follows:*

*“The Town Clerk shall maintain a list of appointed board and commission members including dates of expiration of their terms **“and their political party affiliation.”** The Town Clerk shall, at least two months prior to the expiration of any term, notify the Board of Selectmen. The appointing authority shall **“notify Board and Commission Chairpersons of impending term expirations and shall publicize impending vacancies. All appointments shall be made prior to the expiration of the term.”**”*

**Section 2.10 Minutes of Meetings.** *All BOS agree*

**Section 3.1.2 Annual and Special Meetings.** *All BOS agree*

**Section 3.3 Annual Budget.** *The CRC had proposed no change to this section. The BOS want the following language added for greater clarity to the reader:*

**“Three mechanisms are provided by Statute to bring the town budget vote to referendum: 1) the Board of Selectmen can bring budget to a referendum on its own accord, 2) the townspeople can petition for a referendum, or 3) the Town Meeting can adjourn to a referendum vote.”**

**Section 3.6 Sale or Purchase of Real Estate.** *All BOS agree*

**Section 3.7 Actions Requiring Referendum.** *All BOS agree*

**Section 4.1 Number of Selectmen.** *All BOS agree*

**Section 4.3.3 Joint Meeting.** *All BOS agree*

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**Section 4.3.5 Financial Planning.** *All BOS agree*

**Section 4.3.6 Town Acquisition Policy.** *All BOS agree but request a change in the name of this section to "Town Purchasing/Bidding Policy" or "Town Procurement Policy."*

**Section 4.4 Appointments.** *All BOS agree*

**Section 4.6.2 Additional Powers and Duties of Selectmen**

(2) To purchase, lease, sell, or **convey** (*change to "acquire" or "dispose of"*) real or personal property of or for the town; and also with the approval of the Planning and Zoning Commission under General Statutes, or any successor statute of similar import, the (add **Board of**) Selectmen may accept any of the following without town meeting approval: (delete the following )**interests in land offered to the town to expand existing town highways and rights of way**, new roads constructed to town standards, and interests in land reserved as open space or otherwise protected from development pursuant to a development plan approved by the Planning and Zoning Commission.

(5) To put out to public bid all contracts in accordance with the Town Acquisition Policy.

§ *BOS wants to remove the following sentence from the revision: "...interests in land offered to the town to expand existing town highways and right of way..."*

§ *BOS wants to change the word "convey" to "acquire or dispose of"*

§ *Add "Board of" in front of Selectmen*

§ *Change the name of "Town Acquisition Policy (as was done in Section 4.3.6)*

**Section 4.8 First Selectman.** *All BOS agree*

**Section 4.9 Duties of the First Selectman.** *All BOS agree*

**Section 5.1.5 Preparation of Budget.** *BOS want to change January 1 to January 15, and February 1 to March 1.*

**Section 5.1.8 Laying Taxes.** *All BOS agree*

**Section 5.1.9 Special Appropriation.** *All BOS agree*

**Section 5.2 Tax Assessor.** *All BOS agree*

**Section 5.3 Board of Tax Review.** *All BOS agree*

**Section 5.5 Town Treasurer.** *All BOS agree*

**\*\* SQ \*\* Section 6.1 Regional Board of Education.** *All BOS agree, however, they want this as a separate question on the ballot.*

**Section 6.2 Regional Planning Agency.** *All BOS agree*

**Section 6.3 DMIAAB** *All BOS agree*

**Section 6.4 Planning and Zoning Commission.** *All BOS agree*

**Section 6.5 Zoning Board of Appeals.** *All BOS agree*

**Section 6.6 Director of Health.** *BOS want to delete "...and shall serve for a period coterminous with the Board of Selectmen." All BOS agree that the term for the Director of Health should be 4 years, as stated in the Statutes.*

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**Section 6.8 Town Counsel.** *All BOS agree*

**Section 6.10 Fire Marshal.** *All BOS agree*

**Section 6.11 Animal Control Officer.** *All BOS agree*

**Section 6.12 Conservation Commission.** *All BOS agree*

**Section 6.14 Building Code Board of Appeals.** *All BOS agree*

**Section 6.16 EDC.** *All BOS agree*

**Section 6.17 Library Board of Directors.** *All BOS agree*

**Section 6.18 Compensation Review Commission (formerly Personnel Policy Board).** *All BOS agree, 1) change section heading to “Compensation Review/Personnel Policy Commission, and 2) add the following sentence before the last paragraph, “The Commission may also advise the Board of Selectmen on personnel matters.”*

**Section 6.21 Ethics Commission.** *All BOS agree*

**Section 6.22 Land-Use Boards and Commissions.** *First Selectman James McLaughlin abstained from action on this issue although he made his point clear that he feels the entire section should be removed from the revision. First Selectman JM was agreeable to the following change: “No member....may be a member simultaneously of more than **two** (instead of one as proposed by CRC) such boards or commissions.”*

**\*\*SQ\*\*** (Renee Primus Edwards and Maryann Boord agreed on this) Bring the issue of term limits, only, for these land-use boards/commissions as a separate question on the ballot for a decision by the electorate.

**Section 6.23 Department of Emergency Management.** *All BOS agree, however, they would like “First Selectmen” changed to “Board of Selectmen.”*

**Section 7.3 Amendment of this Charter.** *All BOS agree*

**Telecommunications:** *All BOS agree with recommendations.*

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CRC members agreed to keep an open mind in reviewing the BOS recommendations.

A general discussion by CRC members took place with the overall opinion that the voters should be allowed to vote on all proposed charter revisions. If there are contentious items, these should still be brought forward to the voter, but perhaps as separate questions.

CRC members do believe it is important to meet first with the Board of Selectmen to hear their reasons for the changes proposed. Chairman McLaughlin stated it wouldn't be prudent to vote on any item until discussion with the BOS has taken place on August 7<sup>th</sup>.

General comments made after review of the BOS recommendations as follows:

- Five separate questions seems too many
- The few people that showed up at various meetings and public hearings are not necessarily representative of the whole town view (there are approximately 5,000 voters).
- CRC revision in on track time wise, but there is not a lot of leeway left

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- 3.3 – it is inconsistent to add these guidelines, no other section of the charter has this direction. The moderator of a town meeting can remind the voters of these options at the beginning of the meeting. A charter is an enabling document and this detail is not necessary
- 3.7 – this should not be a separate question; either the BOS agrees or disagrees. Concern about the whole charter being voted down if this item is left in as revised by the CRC. Voters are very concerned about the taxes and this large dollar amount could be a potential problem. Better to leave the amounts in the current charter than to have this be a separate question. The CRC did their homework and these figures are actually lower than current accepted accounting levels; rather than keep the current proposed figure, how about a compromise of a number in between?
- 4.3.6 - This is a simple enough change to vote on now.

**Motion by John Corona, seconded by Alice Tucker regarding new section in charter Section 4.3.6 Town Acquisition Policy, to change the name of this section to the “Town Procurement Policy” as requested by the Board of Selectmen. Motion passed unanimously.**

- 4.6 - Public Hearings, again, are not necessarily representative of the townspeople as a whole. Is the town open to a lawsuit if a developer follows all the rules dictated by the Planning & Zoning Commission and the town meeting subsequently defeats the question at a town meeting? Dick Eriksen stated that Planning & Zoning reviews developments very carefully. How about strengthening the language by adding “upon approval and review by Planning & Zoning?” This item needs to be discussed with the BOS.
- 5.1.5 - Very surprised that the BOS wants to push the budget process off to later dates in the year. The dates proposed by the CRC should be easier to meet with a full time finance officer on board. Changing the dates to a later timeframe will cause the BOF and BOS to work simultaneously on the budgets, which has been a problem in the past, and not the way it is supposed to be done. The BOS is supposed to present a complete budget to the BOF for review. Various commissions/departments are still presenting their budgets for the first time at the BOF review meeting, which does not allow the BOS or the BOF any time for prior review. The dates proposed by the CRC were dates provided by the Chairman of the Board of Finance. Philosophically, the process needs to be started earlier. There is historical data available each year that can provide enough information to compile budget figures. Chairman McLaughlin added that the CRC added other language to the charter relative to the financial plan being kept up to date which should make the budget process easier. The quality of the budget process could be improved if it is initiated earlier.
- 6.1 - CRC agrees this should probably be a separate question.
- 6.18 - It seems inappropriate to depend upon outside advisors for personnel issues. The Compensation Review Commission should only be involved in personnel matters upon special request of the BOS. The main responsibility of the Compensation Review Commission is compensation (salaries).
- 6.22 - This item should go to the voters. A number of people are opposed to this change however there are many people who support this change as well. CRC was aware this might be a contentious topic. Alternating chairmanships wouldn't change

