

**Charter Revision Commission**  
**Joint Meeting with Durham Boards and Commissions**

**April 17, 2006**

**Call to Order:** Meeting called to order by Chairman McLaughlin at 7:05 pm

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

**Absent:** Martin French

**Others Present:** Steve Levy, Diane Levy, Gene Chiappetta, Ralph Chase, Renee Primus Edwards, Daryl Edwards, Maryann Boord, Scott Wright, Robert Chadd, Jim McLaughlin, Mary Ryan, Valerie Kilmartin, Doc Willett

**Boards Represented:** Tree Warden, Ambulance Company, Fire Department, Library, Board of Selectman, Durham Fair Association

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Chairman McLaughlin explained the purpose of tonight's meeting: to gather information, advice, and wisdom from members of various boards and commissions to assist the Charter Revision Commission in the revision process.

Before beginning the meeting Chairman McLaughlin asked for a few moments of silence to honor the father of board member Martin French, and a long time fixture of Durham civic activities, Earl French, who passed away Saturday.

Chairman McLaughlin began the meeting by opening the floor to questions, comments and advice stating that the goal of this commission is to make changes to the charter so it encourages greater civic participation. Chairman McLaughlin asked the participants to first identify themselves and indicate the board they represent.

Ralph Chase, Tree Warden, stated the tree wardens are just mentioned under the appointments section. He thinks it would be appropriate to provide more information as to what tree wardens do to make the transition easier for future tree wardens. Ralph read the following statement as a guideline of what to add to the charter:

As outlined in Connecticut General Statutes, Chapter 451, Section 23-58, 23-59 and 23-60, the town tree warden shall have the care and control of all trees and shrubs within the limits of any public road or grounds, except those along state highways under the control of the Commissioner of Transportation. The town will appropriate annually a suitable sum to be expended by the town tree warden.

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Whenever, in the opinion of the tree warden, the public safety demands the removal or pruning of any tree or shrub under the tree warden's control, the tree warden may cause such tree or shrub to be removed or pruned at the expense of the town, the cost to be approved in writing by the tree warden. Unless the condition of the tree constitutes an immediate public hazard, the tree warden shall, at least ten days before such removal or pruning, post thereon a suitable notice stating the tree warden's intention to remove the tree.

Chairman McLaughlin questioned the level of specificity that should be in the charter. Is there a form that could be passed from one tree warden to the next to assist them in their tasks? Ralph stated there is a reference guide for arborists put together by the forest service and UCONN Cooperative Extension Center, etc. that is a rather comprehensive guideline as to the duties of people involved in conservation commissions and tree wardens. Most communities have certified tree wardens that are members of the association. There are numerous meetings and training sessions for members. Ralph is taking part in some of this training, and to his knowledge this is the first time Durham has been involved in such training.

Chairman McLaughlin remarked the statement in the charter regarding the town clerk is very simple with reference to CGS, as is DMIAAB. The charter is meant to be an enabling document and tends to be silent as to how, in particular, a job is to be carried out. In other town charters the outline of duties is kept short and simple because it wants to give to the appointed board member the power to do the job as they see fit.

Ralph Chase stated there are many references in the charter to Connecticut General Statutes however most people don't have access to these. He thought more detail and a brief job description should be included in the town charter.

Laura asked Ralph about the training program. Are there fees associated with the training program and who paid for this training? Ralph stated he paid the fees himself (\$30).

Mary Ryan commented that if the charter cites a statute, the text of that statute should be included in the charter because most of the general public does not have access to these. Chairman McLaughlin replied that the statutes are available through the town's website as are other documents.

Mary Ryan spoke on behalf of the Library Board of Directors. She stated there were problems with the first selectman a few years back and requests more clear language in the charter about the powers of the library board of trustees.

Section 6-17 Board of Library Directors:

The Board of Library Directors shall consist of nine (9) members elected at the Annual Town Meeting for terms of three (3) years staggered from the time of election, *every year three of the members are up for reelection*. The Board shall govern the library including but not limited to setting policy,

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providing library services and personnel, for setting hours of operation and for controlling the operation and use of the buildings and grounds.

The Board shall have the responsibility of acting as trustees of and administering the endowment funds established for the library.

The library board governs the library by setting policy, personnel, hours of operation and use of the building and grounds and administering endowment funds. There should be language in the charter that clearly states that the board of trustees is the governing body of the library.

Dave Turley, Library Board stated the Library Board has the ultimate authority to hire and fire employees. There was discussion between the charter commission and library board members about specific language, specifically the use of the word "govern" versus "responsibility." Chairman McLaughlin requested that copies of relevant language be provided to the commission. Valerie Kilmartin states she can supply information regarding this to the CRC.

Alice and Betty asked what the problem was the library board had in the past. In reply, there was a move afoot to dictate to the library when it should be open and closed, and, how decisions were made to close it. The town crew would be sent in to do work without communication to the library board or library director. Also, with all the meetings that take place in the library it is important to remember that preference should be given to the Library programs.

Steve Levy, representing the Fire Department and Emergency Management, presented a flow chart (attached) and language clarifying 1) Durham Department of Emergency Management (DDEM), 2) Local Emergency Planning Commission (LEPC), and 3) Emergency Operations Center (EOC).

**Department of Emergency Management**  
**Town of Durham Connecticut**

The Durham Department of Emergency Management (DDEM) is responsible for compliance with State and Federal mandates for emergency planning, town wide emergency planning through the Local Emergency Planning Commission (LEPC), and will serve as a facilitator of coordinated emergency response in the Town of Durham (TOD) via activation and operation of the Emergency Operations Center (EOC) in the event of a major, multi-agency emergency. A Director of Emergency Management and three (3) Deputy Directors will comprise the Department of Emergency Management. The Board of Selectmen (BOS) will appoint the Director and Deputy Directors for 4-year terms. The DDEM reports to the BOS.

The LEPC will be comprised of the Chief's of Durham's emergency services and TOD government as follows: Fire Chief, EMS Chief of

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service, Emergency Management Director, First Selectman, Resident Trooper. The LEPC will meet to maintain an ongoing review of required emergency planning and documents and to plan for major events requiring multi-agency activity and as necessary when warnings are posted for weather related events such as blizzards, hurricanes or ice storms.

The EOC will be managed by DDEM, which is responsible for maintaining the EOC Operations Plan and the EOC Facility. DDEM Director and Deputy Directors will fill EOC core positions and fill other positions through recruitment and training of volunteers to serve on subcommittees and working groups within the DDEM. In the event of an EOC activation, EOC positions not filled by the DDEM will be filled by representatives of the emergency services, municipal government, outside agencies responding to the activation, and all others involved in managing and mitigating the emergency. The EOC will operate in a fashion consistent with the National Incident Management System goal of providing a central point of coordination to assist the on scene Incident Commander.

The Department of Emergency Management has a director and three deputy directors. The LEPC has an executive board that has worked out well over the past ten years. The EOC is the place where emergency service personnel meet to share information and coordinate activities. The EOC is located on the fairgrounds.

Steve thinks the Charter should include the Department of Emergency Management. He suggested four (4) year terms reportable to the Board of Selectmen. The EOC will provide shelter and food for the emergency responders in the event of a major weather event or other disaster.

Carol Kleeman questioned Steve about the appointment terms and whether they should be staggered. Steve thinks staggering terms is a good idea but that this determination is up to the Charter Review Commission. He expects that unless there is cause, people would be reappointed. Continuity is important especially for coordination in an emergency.

Chairman McLaughlin commented again that the charter commission would limit the language included in the charter to allow it to be an enabling document. It would probably be a good idea for all boards and commissions to have bylaws though this won't necessarily be a charter mandate.

Jim McLaughlin, First Selectman, commented state statutes concerning historic districts refers to rules of operation. He suggests Rules of Operation ought to be adopted by all boards and commissions and this should be referenced in the charter. He believes the charter should be written so that it will not become obsolete. There are state statutes that govern almost every entity in town.

Renee Primus states what emergency management has done in this town is tailored to our particular needs as well as being compliant with home land security. She believes more language than less is needed in the charter in this particular case.

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Maryann Boord comments that Steve Levy and Francis Willett are working on a procedure to open the EOC. She thinks it would be helpful for them to have an operations procedure. We have drafts of those from the state, but agrees with Chairman McLaughlin that in the charter less language is better. She recommends that the charter make reference to state statutes and organizational charts. But actual procedures change from time to time and she would not recommend including these in the charter.

Ron Melnik added so much has changed over the past thirty years; the CRC is struggling to find the right balance of language to allow boards and commissions to do their job.

Ralph Chase adds, this begs the question, what is the purpose of the charter?

Gene Chiapetta, Durham Fair Association, thinks there should be balance that applies to all.

Laura Francis explained that as the State of Connecticut is a child of the federal government, Durham is a child of the State of Connecticut. Home rule law allows Durham via our charter to craft our government within the parameters the state allows. Some state laws are unbending, others are more flexible. The town charter references state statutes so it will be a self-updating document. The charter won't become out of date as quickly if we make it a prescriptive document.

Laura asked how public safety came up with the number of three (3) deputies. Steve Levy answered because that's what they have now. He spoke briefly about the scenario of pandemic or other catastrophe and questioned if the charter should address chain of command or line of authority.

Steve added that in real world experience there will always be emergencies that are too big to handle. You just do the best that you can at the time. Prior to 9/11 there was no history of a high-rise fire ever causing a building to collapse. You just plan as best you can for a disaster. By and large people can take care of themselves for a short term. The longer term is a problem.

Renee Primus states that all emergency services should be referenced in the town charter as distinct entities. Scott Wright, Ambulance Company unsure if they want to be added to the charter. Need to weigh all of the benefits and non-benefits. He sees a lot of change coming in a short time. It is not easy to recruit people to do this job. There were eleven ambulance calls within the past few days. Relying on volunteers is not working. We need to be careful so as not to hamstring emergency services.

What would inclusion in the charter mean to the ambulance company? One of the concerns is funding. The Ambulance Company works closely with the Fire Company and they try to support each other but they all facing pretty much the same constraints.

Scott Wright stated some members of the ambulance company spend 40 hours a week on this volunteer job. This volunteer position is an enormous undertaking between training, reading, attending meetings and answering calls; most townspeople are

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unaware of the amount of time the volunteers spend; it is unfathomable. The day will soon be here when having volunteers performing emergency service out of the goodness of their own hearts will not be possible

Mary Ryan is concerned that if the ambulance corps can't make a decision about whether it wants to be included in the charter by the deadline that there be a mechanism in the charter to allow them to be included at a later date.

Steve Levy comments that Emergency Management people want to be a part of the charter. It ought to be a department of the town.

Question asked who makes the decision regarding length of term. This decision is in the province of the Charter Revision Commission.

Betty Long commented in response to the idea of enabling; that outside of the charter the town can fall back on ordinances. If the ambulance is not in the charter could it be done by ordinance? By action of referendum or special town meeting perhaps the ambulance corps could become a department of the town. She doesn't know if statutorily this is something that is acceptable. Some research should be done to see if this could happen by ordinance.

Ralph Chase suggests there be something in the charter that allows for additions/changes to the charter between major revisions.

Chairman McLaughlin brought up the subject of teleconferencing. He stated the state statutes are silent on this topic however there would be freedom of information issues.

Several people commented on this topic. First the town would have to have the capability to do this. Renee Primus responded steps have been taken with the renovation of town hall to allow for teleconferencing in the future. Although she believes this would be an efficient and effective way to run meetings she would not be a proponent of voting via teleconferencing.

Rob Chadd works in the teleconferencing field. He states there is technology now that allows meetings to occur in many ways. He adds there are operators out there who can do voice to text, etc., and email this information to you the next day.

Laura Francis adds this could only work if the participant on the other end of the phone can be heard by everyone in the meeting room and vice versa. There must be equal participation of all parties.

Steve Levy proved the technology is here now. In the past two weeks he has taught three seminars from coast to coast and including Canada with many participants. Telecommunication must be considered because it's the future; it's the way business is going to be conducted in the future.

Dr. Willett stated he knows more about what's going on in other towns through Comcast public access. The technology exists but the question is, do the funds exist. At some

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point in time the public is going to have to answer the question, how much am I willing to spend to make this more feasible.

Scott Wright understands the concerns that many people may have with the teleconferencing issue, however, Laura has done a great job with the town website. There is much information for the townspeople to view and he sees the time coming when various boards will be required to submit applications via online so they can be a part of the town website and therefore available to everyone.

Rob says the technology is here but it is expensive; \$4,000 just for the telephone. Web cast talk requires high-speed lines.

Steve Levy states it is very important that the charter not handcuff technology.

In regard to term limits, Scott Wright commented some of this is self-limiting. In today's society there are only so many boards you have time for. Regarding elected boards, the people will tell you if you are doing your job by reelecting you.

Several agreed that staggered terms are a good idea to provide continuity from year to year. Also, how do you resolve the issue of the ability of town boards to attract interested people? Most boards should have the same term length and perhaps more members on a board to make staggering terms easier.

Maryann Boord favors two-year terms. It is a lot of work but she thinks it keeps the first selectman on his/her toes. Unless you have experience on the board it is very difficult to understand how much work is involved. If you get into a commitment like that and realize shortly into the term that this is not for you, then four year is a long time. Favors the same number of terms for all key positions so they can run together and support each other. If terms were expanded then she would favor term limits. However, if someone is doing a very good job, she doesn't see anything wrong with that person serving for lets say ten years.

Some comments in favor of term limits. People might be doing a good job but not doing the best job or different job that might be better for the town. New people bring a different approach and fresh perspective.

Renee Primus offered that two-year terms take a lot of time away from the job for campaigning. Two-year terms are not efficient and are limiting. By having longer terms you might attract more people to run for office. And if you look at technical positions, for example, the town clerk and tax collector; these positions require training and expertise; you wouldn't want these positions turning over all the time.

Laura Francis adds it's important to look at specific boards and the nature of the work being done. She doesn't know of one town that has term limits for town clerk or tax collector. She does know of towns, however, that have term limits for land use boards. Some towns are having trouble with term limits. If we have a stable board, why would we want to put a term limit on that?

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Doc Willett states it is important to realize that one board is not necessarily like another board in terms of time commitment. The amount of time involved in some boards is significant, i.e. Inland/wetlands requires site walks etc. Some boards require you to take courses. If someone is doing a good job he doesn't see why the Board of Selectmen should go through the agony of selecting a new person.

Scott Wright offered the illustration of LEPC. One of the reasons, from a public safety standpoint, the Durham fair has been successful is because it has been comprised of a very stable group of members who coordinate the safety aspects of the fair. Each member knows what to expect from the other and can anticipate what is needed at any given time. They have developed a phenomenal working relationship.

Chairman McLaughlin commented about the annual meeting of chairs of boards and commissions. The charter states the Board of Selectmen must meet at least twice a year with representatives of all boards and commission but have only been meeting once a year. Maryann Boord replied it is difficult to get representation from the boards for one meeting let alone two. Jim McLaughlin states meetings between the board of selectmen and chairs should meet twice a year at a minimum. Ralph Chase agrees.

Chairman McLaughlin thanks everyone present for their input. He is disappointed there weren't more chairmen and/or members of more boards present tonight. Betty commented that people might not be here because they don't have a problem with the charter. Jim adds there are a lot of sections in the charter that probably don't need changing.

Chairman McLaughlin states the CRC will be meeting this Saturday at the temporary town hall. The CRC is committed to meeting the deadline set by the Board of Selectmen. However, if it looks like the deadline can't be met, the CRC will inform the Board of Selectmen.

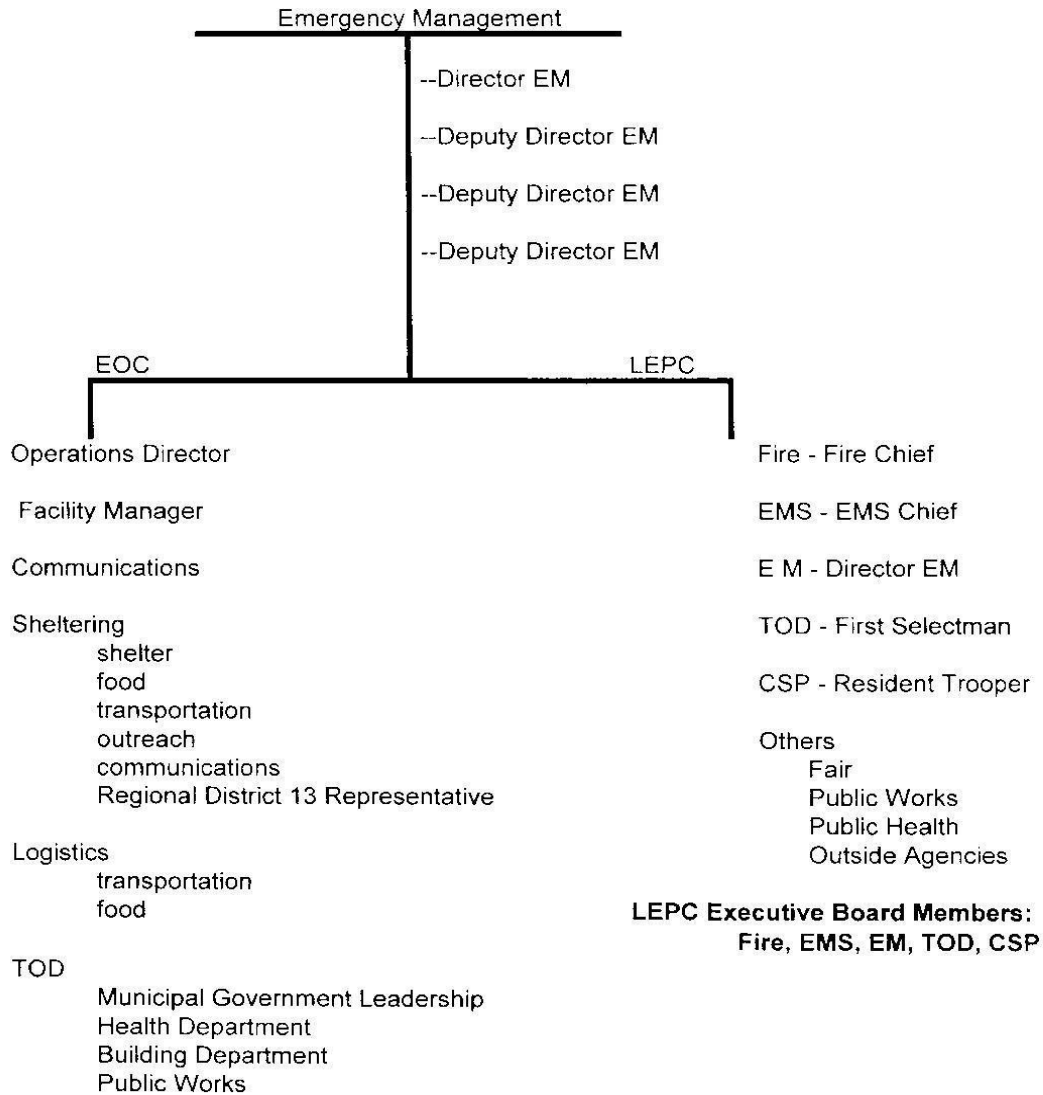
Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Kimberly D. Garvis  
Recording Secretary

Attachment

**Emergency Management Organizational Chart- TOD**



**Emergency Management Agenda Items:**

Grants, NIMS training, Budget, Shelter project. EOC-----meet monthly, working groups meet more frequently as needed.

**LEPC Agenda Items:**

Events (Fair, gun show, large events). -----meet quarterly and when warnings are issued.  
Warnings (blizzards, hurricanes, ice storms,)