

Town of Durham
CHARTER REVISION COMMISSION

Regular Meeting
Minutes
June 5, 2006

1. Call to Order

The Charter Revision Commission (CRC) met at the Temporary Town Hall located at 350 Main Street on Monday, June 5, 2006. Chairman McLaughlin called the meeting to order at 7:01 p.m.

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

Also Present: Doug Stender, Steve Levy, Francis Willett, James McLaughlin.

2. Public Comments.

Doug Stender was present at the beginning of the meeting. He introduced himself as an experienced member of the Board of Fire Trustees and fire department. (Steve Levy, Jim McLaughlin and Francis Willett arrived later in the meeting). Mr. Stender asked Chairman McLaughlin if this commission had contacted Valley Shore because they already have a program in place. A lot of the homework has been done through Valley Shore and the State of Connecticut and from his understanding a disaster response is already in place.

3. Review of minutes. Not available.

4. Report on Subcommittee Research.

5. Discuss/Decide Charter Revision Items

Section 6.17 Board of Library Directors

Discussion regarding comment to be attached to the CRC Report. Chairman McLaughlin distributed revised comment language. John stated the language he had previously crafted explained that the library enhancements were meant for use as a meeting place. The language from the library handbook does not adequately reflect that our library is a multiuse facility. Suggestion made that no comment is necessary since no changes were made in the charter relative to this board. Discussion continued with the following motion made:

Motion by John Corona, seconded by Carol Kleeman to accept comment regarding Section 6.17 Board of Library Directors, as follows:

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. Motion passed unanimously.

Department of Emergency Management

In response to Mr. Stender's question, Chairman McLaughlin reported Valley Shore had not been contacted. He did have a lengthy discussion with Steve Levy about Emergency Management. Steve explained to him that LEPC is charged specifically with dealing with hazardous material.

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Question asked why isn't CRC charterizing LEPC?

First Selectmen J. McLaughlin stated pressure is coming from LEPC itself to include Emergency Management in the charter. He added Durham has one of the best Emergency Operation Centers in the state.

Lengthy discussion continued around LEPC and Emergency Management with Steve Levy's input. LEPC is more of a planning group that is ongoing while Emergency Management is the operations group that kicks into gear in an emergency situation. Emergency Management should report directly to the Chief Executive Officer (in Durham's case this is the First Selectman). Steve has had extensive training in Emergency Response (30 years).

Chairman McLaughlin stated he met with Mary Rose Duberek, CT Department of Emergency Management and Homeland Security (DEMHS) Area 2 Coordinator, and Steve Levy at the EOC. They explained the importance of Emergency Management.

First Selectman J. McLaughlin stated that Emergency Management came about after 9-11 and seems to be replacing the old Civil Defense. Emergency Management is an operational group not a planning group as is LEPC. Emergency Management is important for the safety of the town in a disaster situation as evidenced by the competent handling of the 9-11 disaster by the local leaders of various cities and states, and the lack of competent handling by the local leaders during the New Orleans Katrina disaster.

It is necessary to organize a department of Emergency Management for state eligibility for certain programs, training and state and federal funding/grant money.

John stated Connecticut General Statutes, Chapter 517: Civil Preparedness, Department of Emergency Management and Homeland Security explains emergencies, civil preparedness, etc. in detail. A suggestion was made that perhaps Emergency Management should be sent through the ordinance process, as suggested for the Ethics Commission.

Motion by John Corona, seconded by Mark McLaughlin to renumber Section 6.23 to Section 6.24 and insert the following:

Section 6.23 Department of Emergency Management. There shall be a department of Emergency Management and a Director of Emergency Management appointed by the First Selectman and it shall function in accordance with Chapter 517 of the Connecticut General Statutes.

Motion passed unanimously.

Section 6.1 Regional Board of Education

Chairman McLaughlin explained that he had a lengthy discussion with George O'Brien and that First Selectman J. McLaughlin also spoke with Mr. O'Brien. The 1981 charter revision need not have included the method by which Durham Board of Education members were to be elected. However, since this language was included at that time, the only way to change it now is through charter revision. If CRC decides to remove the language from the charter then the authority for determining the method of election would revert to the Town Meeting. There are two ways this commission can change the method of voting for Board of Education members: 1) either stipulate the change in the charter, or, 2) silence the charter altogether, which would enable the Town Meeting to determine the method of election.

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Extensive discussion ensued. Betty reiterated changing the election to a general election would probably require a change in term length (from three years to two or four year terms). Betty gave an overview of other regional districts; District 10, District 17, and District 19, and the various make ups, terms, etc. Can Durham make a change, yes. Can it be done tonight or in the near future, no.

Martin made the suggestion to just remove the language from the charter. First Selectman J. McLaughlin stated a town meeting can reverse itself, but a town meeting cannot reverse the charter.

Motion by Martin French, seconded by Betty Long to remove Section 6.1 Regional Board of Education, from the town charter.

Discussion continued. Some members feel there is sufficient public support to change the method of election. This is not a new issue and has been ongoing for many years. Ron expressed his concern that if this issue is not addressed we risk the entire charter being voted down. The charter is approved or rejected as a whole. Alice agreed with Ron that it may appear that CRC has not addressed this issue if it is removed entirely from the charter, even though there has been intense and lengthy discussion on this subject for several meetings. She suggested leaving language in the charter but taking out the language that restricts Board of Ed member election to the town meeting.

Chairman McLaughlin suggested changing the language to remove the roadblock and make a comment to illuminate the rationale for this decision. John stated it is unwise to remove all language and to expect the town meeting to act on this. The town meeting cannot be directed what to do or when to do it. Carol commented language should remain in the charter and that term changes should be incorporated as well as when the terms would go into effect. Martin stated the CRC is the only entity that can change this.

Motion by John Corona to move the question.

Ayes: Martin French, Betty Long. Nays: John Corona, Laura Francis, Carol Kleeman, Mark McLaughlin, Ron Melnik, Pat Murawski, Alice Tucker. Motion defeated.

Discussion continued. Members expressed concern that specific language was not forthcoming from the town attorney. Of major concern to members is that the original enabling document is not available and would any change by this commission create legal problems?

Martin stated the CRC will never get through this particular issue if they keep going back to the beginning. Progress needs to be made. Chairman McLaughlin responded it is important to get this right with the proper language. He continued that George O'Brien suggested that Mike Dorney of Tyler Cooper be contacted because he has worked on a number of charter revisions involving regional school boards. First Selectman J. McLaughlin stated he would try to get the original enabling document from the state. Laura added that when she sends the election ballot to the Secretary of States Office she is required to provide the statutory authority that determines the term length, etc., therefore this language needs to be specific and detailed.

Section 4.4 Appointments

Add Emergency Management to appointment list. Review this section at next meeting.

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6. Other Items as Appropriate.

7. Prepare for Next Meeting.

Recording Secretary to prepare draft of charter with all changes and comments thus far for Saturday, June 10th meeting. Also, cancel auditorium for June 12th and schedule for June 19th.

8. Adjourn. Chairman McLaughlin adjourned the meeting at 10:00 p.m.

Respectfully submitted,

*Kimberly D. Garvis
Recording Secretary*

Items tabled: