

Board of Selectmen's Meeting Minutes
7:00 p.m., January 14, 2008
Town Hall, 3rd Floor Meeting Room

Meeting Minutes

Call to Order and Roll Call

Laura Francis called the meeting to order at 7:00 p.m. and led the pledge of allegiance. John Szewczyk and James McLaughlin present.

Approval of the Agenda

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE AGENDA. 3 AYE

Public Comments

Donia Viola asked what transpired at the first meeting of the Board of Selectmen and Board of Education. Laura Francis stated that she and John Szewczyk attended the meeting and discussed budget issues and that teacher negotiations were likely to go to arbitration. They also discussed the opportunity to partner with the Town of Middlefield and the Board of Education for VOIP (Voice Over IP), a new form of communication over the internet.

Donia Viola asked about the status of the excess dollars that the district received from the state that came in after the budget referendum. Laura Francis commented that she was not quite sure what she was referring to but would talk to the district business manager.

Michael Good was present to ask the Board of Selectmen their thoughts on the proposed Silver Eagle issue specifically who has authority over traffic, was it under the Board of Selectmen's jurisdiction? He also commented that the Planning & Zoning Commission did ask for an independent survey on the proposed development and found that Route 17 & 68 was unacceptable. He said that if the project goes through Route 17 at Middlefield Road during p.m. peak hours would be unacceptable; traffic spilling into neighborhoods. He again asked what the Board of Selectmen could do as the Local Traffic Authority for the town to protect residents from already unacceptable traffic.

Laura Francis confirmed that the Board of Selectmen was the Local Traffic Authority for local roads not state roads. She stated that she met with the State Traffic Commission to discuss the initial proposal and expressed her concerns asking them to consider and support improvements to state roads to alleviate increased traffic on local roads that are not built for such traffic; at that point this was an advisory meeting and did not know what the permit will ultimately entail.

John Szewczyk stated that he has attended all Planning & Zoning meetings with the exception of one and did not like the proposal from the beginning; he feels there are many issues with public safety, lighting, and traffic; he also is concerned that the traffic study was conducted during the month of August. He said he spoke with the CT Department of Transportation about a possible application to extend the scenic road designation of Route 17 referencing CT State Ordinance 7149A. He continued by saying the town needs to come together.

James McLaughlin questioned if the proposal was calling for the widening of Route 68 stating two homes at the intersection are in the historic district. He said that he has a lot of faith in the Planning & Zoning Commission feeling that they will take a hard look at the proposal and intensity of the use of side streets. He spoke of the towns Plan of Development and the permit process.

Sue Good questioned a statement that was made by Attorney John Corona that she read from the Board of Selectmen meeting minutes dated October 22, 2007; "Attorney Corona stated that a traffic study was done as part of the project and that traffic will increase in the next three years. Ever increasing traffic will cause this intersection to fail."

J. McLaughlin commented that engineers like to move from point A to B with the least possible effort; every intersection fails according to them.

Joe Pasquale questioned the light queuing situation and the significant traffic that would result on local roads and asked if the Board of Selectmen had made a statement to the Planning & Zoning Commission.

L. Francis said that she had prepared a memo stating concerns that was to be reviewed by the selectmen later in the meeting. Her personal view was that she is committed to the process of the Planning & Zoning Commission who is the decision maker. She also stated that she felt uncomfortable stating a position as it might be received as one elected commission "bully's" another.

Joe Pasquale asked the application is approved and the town finds excessive traffic a burden, would the residents have to incur the cost for roads to be redone?

Set date for Public Hearing

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SET DATE OF JANUARY 23, 2008 FOR PUBLIC HEARING ON SENIOR TAX RELIEF ORDINANCES. 3 AYE

Set date to reschedule Thursday, January 17th budget meeting

MEETING CANCELLED.

Approval for First Selectman to sign certified resolution on behalf of the Durham Public Library and the State of CT Office of Policy and Management in reference to grant application

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO GRANT APPROVAL FOR THE FIRST SELECTMAN TO SIGN CERTIFIED RESOLUTION ON BEHALF OF THE DURHAM PUBLIC LIBRARY AND THE STATE OF CT OFFICE OF POLICY AND MANAGEMENT IN REFERENCE TO GRANT APPLICATION. 3 AYE

Approval for Selectmen to sign Certification of Signatory on Merrill Lynch Money Accumulation Plan

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO GRANT APPROVAL FOR SELECTMEN TO SIGN CERTIFICATION OF SIGNATORY ON MERRILL LYNCH MONEY ACCUMULATION PLAN. 3 AYE

Board of Assessment Appeals resignation

Laura Francis accepted the resignation of John Szewczyk with gratitude from the Durham Board of Assessment Appeals.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT THE RESIGNATION OF JOHN SZEWCZYK FROM THE DURHAM BOARD OF ASSESSMENT APPEALS. 3 AYE

End of year appointments

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPOINT KAREN CHEYNEY AS AN ALTERNATE MEMBER TO THE INLAND WETLANDS & WATERCOURSES AGENCY FOR A THREE YEAR STAGGERED TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT CHRISTOPHER MANEMEIT TO THE RECREATION COMMITTEE FOR A TWO YEAR TERM TO EXPIRE DECEMBER 2009. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT WENDY MANEMEIT TO THE PUBLIC SAFETY COMMITTEE FOR A TERM TO BE DETERMINED. 3 AYE

Town Counsel Appointment

L. Francis proposed hiring the Attorney Myron Poliner of Poliner, Poliner, Antin & Cienava Rocco as executive counsel stating that the firm has a long standing affiliation with the town but is limited in nature. In addition she wants to hire the law firm of Halloran & Sage as special counsel stating the

firm is very versatile with a wide variety of specialists. J. McLaughlin questioned why the town would need two firms. L. Francis stated that in the past when working with Attorney Ken Antin whenever there were issues outside his expertise he would recommend another attorney who specialized in that specific area; she would like to keep that decision making to the board of selectmen. J. McLaughlin questioned why Halloran & Sage could not act as lead attorney. L. Francis answered that the sole intention of executive counsel is to help with matters of procedure, statutory requirements, strategy and such. Attorney Poliner's office contains a wealth of history that can be recalled. She feels that the law firm of Poliner, Poliner, Antin & Cienava Rocco are trustworthy, know the town, and she is very comfortable with them. J. Szewczyk said that he likes the idea of having a larger firm with different areas of law and thinks that this is a good idea to have both.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT POLINER, POLINER, ANTIN & CIENAVA ROCCO, P.C. AS EXECUTIVE COUNSEL AND TO APPOINT HALLORAN & SAGE, LLP AS SPECIAL COUNSEL. 2 AYE J. MCLAUGHLIN OBSTAIN

Tax refunds

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE A TOTAL OF TWENTY FIVE TAX REFUNDS IN THE AMOUNT OF \$1,634.62. 3 AYE

Fiscal Analysis, November & December 2007

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO ACCEPT FISCAL ANALYSIS FOR NOVEMBER AND DECEMBER 2007 AS PRESENTED. 3 AYE

Discussion of petition and legal opinion

L. Francis brought to the attention of the selectmen a legal opinion that she received from the firm of Tyler Cooper in reference to a petition for special town meeting that she received from Dr. Michael Good December 27, 2007. Due to computer problems J. McLaughlin stated they he had not had the opportunity to review the opinion all the way through and asked to do so. J. Szewczyk commented that the opinion addresses whether the Board of Selectmen were obligated to hold a special town meeting but he felt the board still could. L. Francis said that an advisory opinion would be equal to any comments made at a Planning & Zoning public hearing.

Sue Good said she understood that a special town meeting would not supersede Planning & Zoning but was another method to give advisement; it would be advisory and Planning & Zoning would have to take it into consideration. Michael Good commented that Planning & Zoning heard comments at public hearings but there should be some form of government to vote, to get a real feeling of town residents.

L. Francis asked how a call to a special town meeting would differ from Planning & Zoning Public Hearings that have been held since October. M. Good said that until recently there had been no public awareness on the meetings and little by little people heard about the project. Now that citizens are aware that something of this magnitude is happening in their town they should have a say about their destiny.

J. McLaughlin stated that the Planning & Zoning Commission was holding a Public Hearing on Wednesday night and this would be the forum for the residents to be heard.

Discussion of Ethic Committee Report

Bob Fulton was in attendance to submit the draft ordinance establishing the Town of Durham Ethic Commission; approved by the Durham Ethics Committee, September 24, 2007; as clarified by the Durham Ethics Committee, December 11, 2007.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT REPORT AND SET PUBLIC HEARING DATE, THURSDAY, FEBRUARY 7, 2008. 3 AYE

Discussion of Clean Energy Task Force

L. Francis met with Robert Wall and Beth Bryron from the Connecticut Clean Energy Fund to discuss the formation of a Clean Energy Task Force Committee. She explained the purpose is to assist communities and their residents in the purchase and support of clean energy. In order to move forward a committee of up to nine members would need to be formed; also the need to solicit willing participants, noting this would be a great way to partner with schools and youth. She asked the selectmen to think about possible members and charge for the committee to be discussed at the next meeting.

Discussion of proposed Knox Box and Snow, Ice, Leaves ordinances

L. Francis stated that her conclusion of the Public Hearing on the Knox box ordinance was that of security of the box and keys. She felt that the town would get more compliance if this wasn't an ordinance adding that there needed to be more public education. J. McLaughlin stated that he felt it was a terrific idea but the decision should be up to the business owner. He commended emergency services for coming up with the idea.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK NOT TO BRING THE KNOX BOX ORDINANCE TO SPECIAL TOWN MEETING. 3 AYE

The next ordinance discussed was Deposit of Snow, Ice, Leaves or other debris on public roadways or sidewalks. J. McLaughlin said that just this November a resident blew leaves onto the side of the road ending up in the road. Because this became such a safety hazard the town crew was sent to clean up at the tax payer's expense. J. Szewczyk stated that when this was first brought to the Public Safety Committee there was nothing on the books at the time and emphasized the wording "other debris", suggesting illegal dumping. L. Francis questioned the language of the ordinance and stated that it needed further debate. J. Szewczyk asked if it could be sent back to the Public Safety Committee for improved wording.

MOTION BY JOHN SZEWCZYK SECONDED BY JAMES MCLAUGHLIN TO SEND PROPOSED ORDINANCE BACK TO THE PUBLIC SAFETY COMMITTEE TO IMPROVE UPON WORDING TO MAKE IT MORE OF AN ILLEGAL DUMPING ORDINANCE AND TO INCLUDE OTHER TOWN PROPERTY AS WELL. 3 AYE

Set date and approve Call to Special Town Meeting

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK SET DATE OF JANUARY 28, 2008 AND APPROVE CALL TO SPECIAL TOWN MEETING. 3 AYE

Exchange Club Book of Golden Deeds award candidate nomination

The Durham/Middlefield Exchange Club is seeking nominations of individuals or groups for their annual Book of Golden Deeds Award. L. Francis asked the Board of Selectmen to come back to the next meeting with any potential candidates that they think meets the criteria for the award.

Approval of December 10th, December 17th, and January 7th 2008 meeting minutes

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE DECEMBER 10, 2007 MEETING MINUTES WITH CHANGES. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE DECEMBER 17, 2007 MEETING MINUTES. 3 AYE

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO APPROVE JANUARY 7, 2008 6:00 P.M. SPECIAL BOARD OF SELECTMEN'S MEETING. 3 AYE

January 7, 2008 Joint Board & Committee meeting minutes to be reviewed by selectmen and approved at the next regular meeting.

Old/New business

Old Business

L. Francis brought the selectmen up to date on old items:

- 1.) School bus sign has been installed on Pent Road.
- 2.) Skating pond lights are being installed. The berm has been fixed, the town crew built a shelter and installed fire pits, benches have been placed around the pond, and a notice has been sent out about the usage and rules.
- 3.) A successful joint meeting of Boards and Chairs was held. She was disappointed that DMIAAB and Public Works were not in attendance.
- 4.) Trees on Crooked Hill Road were removed and she will be contacting Attorney Rebecca Adams to see if the trees were part of the contract. Going forward she feels this type of information should be shared at the time of application.
- 5.) She asked the selectmen to be available to meet and review the status of Mountain Road.
- 6.) A site walk of property on Meetinghouse Hill Road was scheduled for Thursday the 17th at 3:00 p.m.

New Business

L. Francis brought the selectmen up to date on new business:

- 1.) The Ackerman's have offered property on Main Street consisting of a store and land to the town for purchase. She asked the selectmen if she should pursue. J. McLaughlin said that it would be a good idea for her to look in to.
- 2.) Deadline for STEAP grants in February 29th. She is seeking input for projects.
- 3.) She has received permission from the Durham Fair Association to allow the Public Works department to use the Emergency Operations Center for the crew to rest during snow/ice storms. She is working with Emergency Management Departments to provide cots, blankets, etc. A meeting will be held with Francis Willet and Kurt Bober to work out the details. She is also getting quotes to clean the building afterward.
- 4.) She drafted a memo to the Planning & Zoning Commission in reference to the Silver Eagle Proposed Development Project asking them to consider issues that were under their discretion when issuing a special permit and asked the selectmen if they thought it was a good idea. J. McLaughlin stated that he felt the memo assumes that the board would suggest if approved and should be considered before approval; he would rather attend the meeting as a resident. J. Szewczyk said that he does not particularly like his name associated with the project. L. Francis restated her position that it is not a Board of Selectmen decision, but wanted to give the board an opportunity if they chose to comment. J. McLaughlin said that he does not think the Board should comment feeling it to be inconsistent with not allowing residents to have a special town meeting.
- 5.) L. Francis and J. Szewczyk met with the Board of Education at their monthly meeting and discussed budget issues, teacher contract negotiations and VOIP (Voice Over IP) technology.
- 6.) A list of Durham's WWII veterans is being compiled for a service award for the Secretary of the States office. L. Francis asked the board to send in names.
- 7.) A meeting was held with Frank Dworak from Hobson Motzer who is considering a 24,000 foot addition.
- 8.) She will be attending a "Town Hall Meeting" on Wednesday night in the Middletown City Council Chambers hosted by NBC 30 to discuss how the station can better serve municipalities.
- 9.) A resident contacted the Office of the First Selectman about snow sledding on Maple Avenue hill and the parking issue that it presented and suggested posting a no parking sign in that area. The board decided that a seasonal sign should be posted.
- 10.) A meeting has been scheduled with QScend Technologies for refresher training on the Citizen Request Program and review of a work order system that interacts with the software. She will report back at the next meeting.
- 11.) A proclamation wishing the staff of the Devil's Advocate continued success particularly with the new web design was presented to the selectmen for approval.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SIGN A PROCLAMATION WISHING THE STAFF OF THE DEVIL'S ADVOCATE CONTINUED SUCCESS. 3 AYE

Selectmen's comments

John Szewczyk stated that he thought the board should bring to the Planning & Zoning Commissions attention the drafting of a scenic road ordinance. J. McLaughlin agreed stating that this would be a way to protect stone walls and such.

Public comments

None

Adjourn

Meeting adjourned 9:10 p.m.

Respectfully submitted,

Beth Moncata