

*Board of Selectmen's Meeting Minutes
7:00 p.m., January 28, 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 Laura Francis if she found any information about the status of excess dollars the district received from the state that came in after the budget referendum. Laura Francis said she did try to contact Ron Melnik but they kept missing each other and she would definitely have an answer for her at the next meeting.

Trish Dynia questioned the board about snow removal from sidewalks asking if residents remove snow from sidewalks and state snow plows come by pushing snow back onto the sidewalk, whose responsibility is it to shovel again. Tim Smith from the Public Works department was in the audience and explained that it is very difficult not to push the snow back into sidewalks and driveways and it is the resident's responsibility to clear the sidewalks.

Laura Francis responded to a question that D. Viola asked at a prior meeting about missing "slow school zone" signage at Strong School on Route 17. She stated that in prior years the town asked the state to remove all non-critical signs; this may have been one of them. D. Viola stated that she thought school zone signage was very critical and asked the board to reconsider which L. Francis agreed to do.

Richard Parmelee commented about the crosswalks on Main Street, specifically at Durham Market and United Church, stating that residents fear for themselves when trying to cross the street. Laura Francis said she received a letter from the State of CT, in response to a request that J. McLaughlin made, agreeing to remove the crosswalk at Durham Market/United Church having residents cross at the light; in the springtime they will come out and black the crosswalk out.

R. Parmelee also commented on the public works town garage saying he noticed they started to put up blocks to make better use and suggested that a professional should look at the building and establish a plan for the entire site. He also commented on District 13 teachers' contracts stating that contracts are never discussed with residents and requested the Board of Selectmen ask for a presentation. He feels the contract should be brought to the attention of the public and voted on. He went on to say that he attended a Planning & Zoning meeting last week and the Economic Development Chairman was not user friendly; saying they represent the town and should be cordial to residents and prospective business owners.

Approval for First Selectmen to enter into a contract with the Department of Environmental Protection to pursue a state grant for engineering study for extension of public water to the Town of Durham

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO GRANT APPROVAL TO THE FIRST SELECTMAN TO ENTER INTO CONTRACT WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO PURSUE A STATE GRANT FOR ENGINEERING STUDY FOR EXTENSION OF PUBLIC WATER TO THE TOWN OF DURHAM. 3 AYE

Approval for the First Selectmen to sign an Application Service Provider Agreement between the Town of Durham and Tyler Technologies for the term of January 1, 2008 to December 31, 2008

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO GRANT APPROVAL TO THE FIRST SELECTMAN TO SIGN AN APPLICATION SERVICE PROVIDER AGREEMENT BETWEEN THE TOWN OF DURHAM AND TYLER TECHNOLOGIES FOR THE TERM OF JANUARY 1, 2008 TO DECEMBER 31, 2008. 3 AYE

Water Commission resignation

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT THE RESIGNATION OF CATHERINE DENUNZIO REPRESENTATIVE OF TRINITY CORP FROM THE WATER COMMISSION WITH GRATITUDE. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT JOHN HOGARTH AS REPRESENTATIVE FROM TRINITY CORP TO THE WATER COMMISSION. 3 AYE

Town Engineer appointment

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO RE-CONFIRM APPOINTMENT OF BRIAN CURTIS OF NATHAN L. JACOBSON & ASSOCIATES, INC. AS TOWN ENGINEER. 3 AYE

Board of Assessment Appeals appointment

MOTION BY JOHN SZEWCZYK SECONDED BY LAURA FRANCIS TO APPOINT DAWN ADAMS AS A MEMBER OF THE BOARD OF ASSESSMENT APPEALS FOR A TWO YEAR TERM. 3 AYE

Building Code of Appeals appointment

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT RICHARD PARMELEE TO THE BUILDING CODE BOARD OF APPEALS FOR A FIVE YEAR TERM. 3 AYE

Public Safety Committee terms of office

L. Francis brought to the attention of the board that the Public Safety Committee has no terms of office and the charge had been altered throughout the years. She recommended creating a length of term; reconstituting with staggered terms, and determining a definitive number of members. J. Szewczyk stated he would like representative members to come from the ambulance corps, fire department, and public members. J. McLaughlin agreed and added emergency management, stating that if it is to be a viable committee public safety officials should be part of it. He also commented that action was taken on the committees charge during his term of office and requested that this be researched. L. Francis stated that research had been done and found nothing. J. McLaughlin said he would look through his notes. Francis Willet commented that Dan Murphy from Emergency Management attends these meetings and reports back; he also agreed that these departments should be represented. J. Szewczyk suggested getting input from the Chairman of the committee. L. Francis stated that a proposal would be put together and brought back at the next meeting.

Appoint members and approve charge for Clean Energy Task Force Committee

L. Francis suggested membership be up to nine adult members and six student members appointed by the Board of Selectmen with staggered terms of 3 years. She then read the following charge.

- 1.) Develop a Strategic Plan to meet the Town's goal to meet SmartPower 20% by 2010, a Connecticut not-for-profit initiative that seeks to have cities and towns obtain 20% of the electricity for municipal properties from clean, renewable energy sources by the year 2010.
- 2.) Explore ways to lower town energy costs.
- 3.) Promote, market and provide education on clean energy.
- 4.) Support, develop and organize any other such programs of innovations as recommended by the Board of Selectmen and/or the Clean Energy Taskforce to promote clean energy.

L. Francis acknowledged that students are actively supporting clean energy already through the ECO Club. Hannan Bober was in attendance and agreed that several students would like to be involved. L. Francis asked the board to consider stakeholders in the community and to reach out to businesses in town. Membership and resolution will be discussed at the next meeting.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO ACCEPT CHARGE. 3 AYE

Tax refunds

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE 12 TAX REFUNDS IN THE AMOUNT OF \$7,619.28. 3 AYE

Electronic sign request

The Durham-Middlefield Exchange Club requested the use of the electronic sign to display upcoming events. L. Francis commented she felt it not a good idea to allow any organization use of the electronic sign feeling it inappropriate to have an electronic sign up every week; also noting that the sign is not owned by the town but by the Durham Fair Association. J. McLaughlin commented that the sign should have limited use as it can be a distraction.

Discussion of Merriam Manufacturing proposal

Jan Exman, President of Pownal Development Corporation was in attendance to inform the Board of Selectmen about his interest in purchasing the delinquent tax liens related to the former Merriam Manufacturing site. His intent is to work with the EPA and CT DEP to promote and facilitate the remediation of the site so that a viable reuse can be possible. He stated dealing with this type of property is what his business does and as a responsible owner he would have site control. He found that the EPA states no clear ownership of the property and all 3 parcels are shown to be abandoned in Probate Court. J. McLaughlin commented that he admired J. Exman's courage to take on a superfund site and asked if he understood the risk involved. J. Exman stated yes. J. McLaughlin said the town does not want to foreclose on the property assuming liability of the superfund site and must avoid ownership. J. Exman stated his intent is to use these tax liens for the purpose of foreclosing on the property and thereby obtain title. Martin French stated that he was familiar with the concept but the town didn't have an abundance of abandon property and hadn't acted on this property because the town does not want to own it. He continued by asking the board to consider fairness by putting this out into the open for others to act upon and encouraged the board to think long term. J. Szewczyk asked J. Exman for examples of projects that he has completed. J. Exman stated that he has been in this business for over ten years and primary projects are within a day's drive of Durham, mostly New York State. He described several projects where hazardous materials were involved, working in conjunction with DEP and environmental companies cleaning up the sites, and selling them. He said that he has been driving by the Merriam site for years and felt this was the time to act. L. Francis asked the board for permission to consult with town counsel. J. McLaughlin agreed stating because of the superfund liability it is a very good idea.

RECESS TO SPECIAL TOWN MEETING AT 8:00 P.M.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO RECONVENE BOARD OF SELECTMEN'S MEETING AT 8:08 P.M. 3 AYE

Approval of January 7, January 14, January 19, January 22, and January 26th, 2008 meeting minutes

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE JANUARY 7, 2008 MEETING MINUTES. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE JANUARY 14, 2008 MEETING MINUTES. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE JANUARY 19, 2008 MEETING MINUTES. 3 AYE

January 22nd, and January 26th, 2008 minutes tabled until next meeting

Old/New business

Laura Francis brought the Selectmen up to date on the following old business:

- 1.) Contact has been made with a reporter from NBC 30 that she met at a Town Meeting that she attended on January 16th.
- 2.) She has been unable to contact the Ackerman's by telephone and will draft a letter requesting more information on the property.
- 3.) She asked the Board of Selectmen for permission to seek legal counsel/guidance on the determination of Mountain Road. The board agreed.
- 4.) STEAP Grant update: She is working with Brian Curtis, Kurt Bober, and RSD13 about the possibility of improving straightening the curve in road and creating a walkway over the brook culvert at Allyn Brook. J. McLaughlin thought this was a good idea stating there is a sight line issue and this would make it safer.
- 5.) The Emergency Operations Center is ready for use if the Public Works crew needs it. She received a quote of \$78.00 for cleaning.
- 6.) 345kV line update. She met with Pat Bandes; 60-75% complete, civil lawsuits pending, minor claims, non against the town.
- 7.) Nomination of the Golden Book of Deeds award was discussed.

The following new business was discussed:

- 1.) Operation Fuel Bank, a non profit group in the State of Connecticut who supply's fuel for those in need, will be operational the first full week in February. The Human Services department has agreed to administer the program.
- 2.) L. Francis attended the Joseph Courtney open house, Connecticut River Valley Council of Elected Officials and the Middlesex County Revitalization Commission meetings this month. She will talk to Richard Hanley, Economic Development Chair about getting more publicity on their revolving loan program. She also attended the Devil's Advocate website unveiling commenting the students were very appreciative of the proclamation.
- 3.) Kurt Bober is out on medical leave.
- 4.) The furnace at the Public Works Garage needs to be replaced. Four proposals for replacement have been received and Peterson Oil offered the best replacement option.
- 5.) Fire Marshall Robert Morpurgo asked approval from the Board of Selectmen to become the Deputy Fire Marshal effective March 1, 2008; requesting that Bill Witecki serve as the new Fire Marshall. L. Francis stated that she needed to research information to determine the proper procedures.

Selectmen's comments

None

Public comments

Richard Parmelee wished Jan Exman good luck on the project; he was not aware that Merriam property was in arrears. L. Francis commented that the family has officially abandoned the property. J. McLaughlin said that the original corporation does not exist therefore there is no existing owner and the property has been in mediation for about a year; admires Mr. Exmans fortitude.

J. Szewczyk questioned J. Exmans interest in a 3 million dollar project and stated he felt the board needed to look into it further. D. Viola agreed with J. Szewczyk saying she felt an attorney needed to be brought in on this subject.

D. Viola asked who maintains Pickett Lane saying that if you maintain something over a period of years it becomes yours; she believed that it does not belong to the school system but to the town. L. Francis responded that she knows the school plows it but would contact the superintendant.

T. Dynia commented that she felt Planning & Zoning should be contacted about the Merriam proposal; important that they are aware when they start to discuss adaptive reuse of Main Street Buildings. Francis Willet asked if the contract with the DEP to pursue a grant for the extension of public water included fire hydrants. J. McLaughlin stated that it was a \$200,000 grant for an engineering study for drinking water.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO GO INTO EXECUTIVE SESSION AT 8:50 P.M. 3 AYE

Executive Session - Personnel

Went into executive session at 8:50p.m. , adjourned at 9:38 p.m.

Executive Session - Property acquisition

Went into executive session at 9:38 p.m., adjourned at 10:15 p.m.

MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO MAKE AN OFFER ON PROPERTY ON CORNER OF MEETINGHOUSE HILL ROAD AND NEW HAVEN ROAD.

Adjourn

Meeting adjourned 10:15 p.m.

Respectfully submitted,

Beth Moncata