

BOARD OF SELECTMEN S'MEETING
OCTOBER 24, 2005

Call to Order

First Selectwoman Maryann P. Boord called the meeting to order at 7:00 PM in the Durham Public Library. Board of Selectmen members present: Maryann P. Boord, Ernie A. Judson, and Renee J. Primus. Also present: Tom Forma (*Merrill Lynch*), Sue VanDerzee (*Town Times*), Daryl Edwards, Martin French, Laurie Stevens, John Szewczyk, George Merriam, LouAnn Andrulis, John Andrulis, Joseph Della Ventura, Lyn Della Ventura, and several others.

Third Quarter Financial Report from Merrill Lynch

Tom Forma from Merrill Lynch provided a detailed review of the third quarter financial report of the Town's MAP funds. Mr. Forma reviewed the status of investments, the history of the Town's asset allocations, a summary of the portfolio, and a comparison of the Town's portfolio to market indices over the past ten years. Mr. Forma reported that the Town's portfolio is doing extremely well and is currently ahead of market indices. Performance over the last year exceeded 88% of major account managers. E. Judson asked Mr. Forma if he had any ideas or suggestions that the Town might consider to improve performance even further. Mr. Forma suggested that the Town consider consolidating accounts with Regional School District 13 which would reduce account fees by approximately \$5,000 per year.

M. Boord advised Mr. Forma that the Town is currently looking at actuarial data in conjunction with its review of employee pension benefits. She noted that a proposal has been requested from Waddell & Reed, and it would be helpful if Merrill Lynch would also provide a proposal. Mr. Forma responded that he would be happy to provide a proposal. M. Boord will call Mr. Forma with more details about this request.

Economic Development Commission

M. Boord reported that Pamela Beaudoin, Chairperson of the Economic Development Commission (EDC), was unable to attend tonight's B/S meeting. M. Boord further reported that Pam tendered her resignation from the Commission today for personal reasons. In addition, Roger Conroy and Charlie Bogen have resigned from the EDC because they have moved out of Durham. M. Boord reported that the new EDC is moving forward with its charge from the B/S. An EDC meeting is scheduled for tomorrow evening (October 25th). She noted that George Merriam was in attendance here tonight and has expressed interest in possibly joining the EDC. She asked Rick Handley, a member of the EDC, to provide a report and update on behalf of the EDC. R. Handley provided the following report:

- The EDC conducted a survey of all businesses in town to determine areas of concern. The results have been compiled and Pam Beaudoin will deliver the report tomorrow in time for the EDC meeting.
- The EDC developed a pamphlet that outlines what Durham has to offer to businesses and residents. Final comments on the pamphlet will be discussed at tomorrow's EDC meeting. Approximately 2,000-2,500 copies will be printed.
- Members of the EDC have attended various events that concerned businesses in town.
- The EDC continues to look for potential new businesses.
- The EDC continues to look at ways to support businesses that are already in Durham.
- The EDC attempts to balance the need to maintain the Town's rural character while seeking opportunities to expand the number of businesses in town.

R. Primus requested a copy of the final draft of the pamphlet to review. M. Boord noted that Pam Beaudoin informed her there are plans to have a gathering of local businesses for brainstorming and sharing of ideas and concerns. There was agreement that strong representation from members of the EDC will be essential for this event to be successful.

Public Comments

R. Primus suggested moving to Public Comments to permit comments from two residents regarding safety concerns. Joseph and Lynn Della Ventura of 15 Pine Ledge Trail said that they were in attendance this evening to discuss two safety concerns with the B/S. One issue is a request for a Hidden Driveway Sign on Pine Ledge Trail to alert drivers who gather speed coming down the hill. M. Boord offered to refer all their concerns to Frank DeFelice, Chairman of the Public Safety Committee (PSC), for the Committee s'consideration. The PSC meets the second Wednesday of the month at 6:30 p.m. The second issue was a request for barrier structures for their property as well as for a nearby embankment to prevent drivers who misjudge the turn from Old Blue Hills Road to Pine Ledge Trail from driving off the road. Cars failing to negotiate the turn properly have driven onto the Della Ventura s'property more than once and have caused damage. Recently several trees on their property were damaged. Discussion of various types of protective barriers followed. M. Boord said she would speak with Kurt Bober, DPW Foreman, regarding this issue.

Approval of Minutes of Previous Meetings

MOTION E. JUDSON, SECONDED BY R. PRIMUS TO APPROVE THE MINUTES OF SEPTEMBER 12, 2005 AS PRESENTED; MOTION PASSED WITH 3 AYES.

MOTION R. PRIMUS, SECONDED BY E. JUDSON TO APPROVE THE MINUTES OF SEPTEMBER 26, 2005 AS PRESENTED; MOTION PASSED WITH 3 AYES.

TaxServ Capital Services Agreement

M. Boord asked Martin French if he would like to comment on the proposed agreement with TaxServ. M. French noted that the agreement was reviewed by Town Counsel and all of the changes they requested have been incorporated into the agreement. M. French noted that he is ready to begin working with TaxServ on the collection of delinquent motor vehicle taxes. He said he believes it is a solid contract that will work well for the Town and added that there is still a strong need to collect delinquent property taxes. He noted that all delinquent personal property taxes, not just motor vehicle taxes, would benefit from this type of agreement. M. Boord reviewed an e-mail from Ken Antin, Town Counsel, that outlined the differences between the original contract proposed by Rossi Law Offices and the TaxServ contract including the differences in attorney s'services, fees, costs, scope of services, term, and termination. Mr. Antin noted that he was favorably impressed by the professionalism and courtesy of Dan Kusic, TaxServ s'president, and John McEvily, the head of TaxServ s Connecticut office.

M. Boord suggested adding the Town Hall s Post Office box number to the mailing address section on page 10 of the agreement. M. Boord said she was ready to act now at M. French s'recommendation to sign the agreement and move forward with using TaxServ to assist in the collection of delinquent motor vehicle taxes. M. French said he would like to work with TaxServ to develop an agreement to collect delinquent taxes on other personal property in the future. E. Judson asked M. French if he could quantify the amount of unpaid taxes. M. French replied that there are approximately 1,080 bills (about 700 individuals) for a total of approximately \$240,000-\$250,000 in unpaid motor vehicle taxes plus interest going back to 1989. E. Judson asked what percentage of this amount is collectable. M. French said it is difficult to say, however he is hopeful that the Town will be able to recover 50%. M. Boord asked if attempts would be made to collect suspended motor vehicle taxes and M. French said yes. R. Primus asked M. French if he was comfortable with the contract as is so the B/S could act on it tonight and M. French said yes. He added that there are huge benefits for the Town and he is ready to get started.

E. Judson asked for the definition of "suspended" as it relates to tax collection. M. French responded that suspended taxes are those taxes that the Tax Collector deems should not be relied upon as receivables by the Board of Finance in developing the Town's operating budget. M. Boord explained that suspended taxes remain collectible but the Tax Collector has informed the B/F that they are not likely to be collected. She asked M. French how much of the total uncollectible motor vehicle taxes are suspended. M. French responded that he would estimate that about half are suspended and offered to confirm this estimate. E. Judson remarked that it would be interesting to track these amounts.

MOTION R. PRIMUS, SECONDED BY E. JUDSON TO AUTHORIZE MARYANN BOORD TO SIGN THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF DURHAM AND TAXSERV CAPITAL SERVICES DCT, LLC FOR THE COLLECTION OF DELINQUENT MOTOR VEHICLE TAXES; MOTION PASSED WITH 3 AYES.

R. Primus thanked M. French for his persistence in this matter.

Parking on Ozick Drive

M. Boord reviewed a recommendation from the Public Safety Committee that "No Parking This Side" signs be placed on the east side of Ozick Drive.

MOTION E. JUDSON, SECONDED BY R. PRIMUS TO PLACE "NO PARKING THIS SIDE" SIGNS ON THE EAST SIDE OF OZICK DRIVE AS RECOMMENDED BY THE DURHAM PUBLIC SAFETY COMMITTEE AT ITS MEETING ON OCTOBER 12, 2005; MOTION PASSED WITH 3 AYES.

Three-Way Stop Sign Proposal

M. Boord reviewed a suggestion by the Public Safety Committee that a 3-way stop sign be placed at the intersection of Johnson Road, Foot Hills Road, and Millbrook Road. M. Boord asked E. Judson and R. Primus to take a look at the intersection in preparation for further discussion of this issue at the next B/S meeting. M. Boord noted that she will inform residents that this matter will be addressed and will urge them to attend the meeting to ensure that their comments and concerns are heard.

Resignations/Appointments

M. Boord reported the following resignations:

- Charles Bogen moved to Guilford and resigned his position on the Economic Development Commission (EDC) in a letter dated September 27, 2005.
- Roger Conroy moved out of Durham and resigned from the EDC.
- Pamela Beaudoin, Chairman of the EDC, has resigned from the EDC for personal reasons.
- Alan Reed is moving to Wallingford on October 26th and resigned from the Durham Historic District Commission effective October 6th.

M. Boord accepted the resignations of these four individuals with gratitude for their years of service.

M. Boord reported that there has been a request to appoint Rhonda Saleski as Assistant Republican Registrar of Voters. In response to a question she reported that Rhonda is the daughter-in-law of Ed and Virginia Saleski.

MOTION E. JUDSON, SECONDED BY R. PRIMUS TO APPOINT RHONDA SALESKI AS ASSISTANT REPUBLICAN REGISTRAR OF VOTERS; MOTION PASSED WITH 3 AYES.

Tax Refunds

MOTION R. PRIMUS, SECONDED BY E. JUDSON TO APPROVE THE FOLLOWING TAX REFUNDS IN THE AMOUNT OF \$9,009.51; MOTION PASSED WITH 3 AYES.

1. Robert F. Chadd
172 Maple Avenue
Durham, CT 06422
Account #00476; List Year: 2003; Reason for refund: overpayment in the amount of \$302.90.
2. Charles Carlson
288 Johnson Lane
Durham, CT 06422
Account #50915; List Year: 2000; Reason for refund: vehicle sold 1995 Jetta; tax refund in the amount of \$28.51.
3. New Alliance Bank
195 Church Street
New Haven, CT 06510
Account #01465; List Year 2003; Reason for refund: double payment in the amount of \$5,242.08.
4. June B. Higgins
35 Bernadette Lane
Durham, CT 06422
Account #53135; List Year 2004; Reason for refund: plate return 2001 Subaru UGT; tax refund amount \$104.61.
5. Twin Maples Home, Inc.
P.O. Box 423
Durham, CT 06422
Account \$40261; List Year 2004; Reason for refund: overpayment in the amount of \$682.67.
6. Devin Direct Safety, Inc.
Box 88
Durham, CT 06422
Account #51835; List year 2004; Reason for refund: plate return-2001 Ford Econoline; tax refund amount \$100.09.
7. Mark G. Cominole
196 Haddam Quarter Road
Durham, CT 06422
Account #51382; List year 2004; Reason for refund: plate return-1998 BMW 3281; tax refund amount \$187.91.
8. Percy Glidden, III
Elizabeth A. Glidden
15 Tuttle Road
Durham, CT 06422
Account #52691; List year 2004; Reason for refund: plate return-1998 Ford F150; tax refund amount \$13.45.
9. Percy Glidden, III
Elizabeth A. Glidden

15 Tuttle Road
Durham, CT 06422
Account #52689; List year 2004; Reason for refund: plate return-1990 Harley FLHS; tax refund amount \$29.53

10. Robert Guillemette
20 Anthony Terrace
Durham, CT 06422
Account #52893; List year 2004; Reason for refund: donated-1997 Plymouth NSHL52; tax refund amount \$7.44.
11. Stephen or Deborah Paganetti
P.O. Box 145
Durham, CT 06422
Account #56512; List year 2004; Reason for refund: plate return-1992 Jeep Wrangler; tax refund amount \$8.66.
12. Stephen or Deborah Paganetti
P.O. Box 145
Durham, CT 06422
Account #55106; List year 2004; Reason for refund: plate return-1996 Dodge Neon; tax refund amount \$4.90.
13. Ernest or Patricia Judson
40 Mauro Drive
Durham, CT 06422
Account #53495; List year 2004; Reason for refund: totaled-1992 Volvo 240; tax refund amount \$9.12.
14. Kenneth Judson
142R Royal Oak Drive
Durham, CT 06422
Account #53496; List year 2004; Reason for refund: sold-1997 Nissan Pathfinder; tax refund amount \$114.38.
15. Robert M. Miller
328R Tri-Mountain Road
Durham, CT 06492
Account #54665; List year 2004; Reason for refund: plate return-1991 Ford F250PU; tax refund amount \$39.14.
16. Gary Johnson
151 Daisy Lane
Durham, CT 06492
Account #53438; List year 2004; Reason for refund: plate return-1996 Volvo 85Q; tax refund amount \$15.09
17. Jonathan R. Handley
195 Skeet club Road
Durham, CT 06422
Account #52984; List year 2004; Reason for refund: plate return-1998 Chevy C30; tax refund amount \$11.59

18. Jay Dalo
179 David Road
Durham, CT 06422
Account #51618; List year 2004; Reason for refund: plate return-1997 Nissan Altima; tax refund amount \$39.22
19. Timmy and Megan DeBaise
12 Dawns Trail
Durham, CT 06422
Account #704; List year 2004; Reason for refund: overpayment in the amount of \$1,832.15.
20. Christine Matherly
9112 Waltham Woods Road
Baltimore, MD 21234
Account #54373; List year 2004; Reason for refund: plate return-1996 Nissan Maxima; tax refund amount \$25.12.
21. Edmond Saleski
21 Mill Pond Lane, apt. B
Durham, CT 06422
Account #55965; List year 2004; Reason for refund: out of state-homemade; tax refund amount \$4.45
22. David or Janice Wenzel
95R Maple Avenue
Durham, CT 06422
Account #57164; List year 2004; Reason for refund: plate return-1991 Toyota Camry; tax refund amount \$11.86.
23. Kaylynn Sherman
687 New Haven Road
Durham, CT 06422
Account #56199; List year 2004; Reason for refund: plate return-1985 Buick Riviera; tax refund amount \$11.70.
24. Rowland Sleath
P.O. Box 8
Durham, CT 06422
Account #56282; List year 2004; Reason for refund: plate return-1994 Chevy Cavalier; tax refund amount \$21.70.
25. Grace Smith
2405 Strawberry Lane
Chesapeake, VA 23324
Account #56318; List year 2004; Reason for refund: out-of-state-2001 Chrys PT Cruiser; tax refund amount \$104.73.
26. Kenneth Lheureux
79 Clementel Drive
Durham, CT 06422

Account #54003; List year 2004; Reason for refund: plate return-1984 Kowasaki Zx750E; tax refund amount \$5.59.

27. Alma Devlin
176 Howd Road
Durham, CT 06422
Account #51844; List year 2004; Reason for refund: vehicle sold-2000 Acura Integra; tax refund amount \$30.02.

28. Bernadette Reed
408 Stagecoach Road
Durham, CT 06422
Account #55615; List year 2004; Reason for refund: plate return-1993 Geo Prism; tax refund amount \$4.56.

29. David or Debra Fisher
222 Bear Rock Road
Durham, CT 06422
Account #52270; List year 2004; Reason for refund: donated-1992 Chrysler LeBaron; tax refund amount \$9.77.

30. Joseph or Loretta Scata
517 Main Street
East Berlin, CT 06023
Account #56069; List year 2004; Reason for refund: plate return-1995 Buick Century; tax refund amount \$6.57.

TOTAL TAX REFUNDS \$9,009.51

Old/New Business and Update from the First Selectwoman

M. Boord provided the following report and update:

- John Phillip, Tax Assessor, will make a presentation on the revaluation process at the November 14th B/S meeting.
- There will be a public meeting on the revaluation process on November 22nd.
- M. Boord sent in a request to DEP for the \$50,000 grant for the skating pond project. Dave Munroe provided a budget, map, design, and explanation of the project.
- M. Boord has been contacted by the developers of the Rod and Gun Club property. They plan to make a presentation to Planning & Zoning in November. Their offer is still on the table to use the club house as a Senior Center.
- The walking tour of the historic district was a wonderful success. The brochure is excellent. Diana McCain provided an interesting and lively presentation during the tour.
- Two bids have been received for the Water Company project. Both bids are over budget. A meeting was held today with the low bidder and our grant consultant. We asked the company to review its estimate for the booster station. If the bid cannot be reduced we may have to go out to bid again. R. Primus asked how the request was received. M. Boord said the company was very cooperative. They were willing to maintain their current bid with the exception of the booster station in the event the Town is able to obtain a lower bid for the booster station. M. Boord noted that the Town will apply for a STEAP grant for the balance of the work needed for this project.
- M. Boord will attend a pre-trial settlement hearing this Thursday on the 345kv power lines issue. Three appeals will be addressed.
- The Health District is moving along.

- M. Boord suggested a special B/S meeting to discuss the Crooked Hill Road project on Tuesday, November 1st. The developer will present the proposed changes to Crooked Hill Road so the B/S can review the design. Data from the traffic study will be included. R. Primus asked if a vote will be taken at the meeting. M. Boord said no vote will be taken because the project has to go through the approval process first with Inland/Wetlands, Planning and Zoning, etc. E. Judson noted that the Guilford PZC meeting will be held on November 2nd and a decision on the project will be made at that time. M. Boord added that the Guilford PZC can make one of four decisions: 1) they can approve the project; 2) they can approve it with conditions, 3) they can deny it without prejudice, or 4) they can deny it. A decision will have to be made either way at the November 2nd meeting.
- Bonnie Penders wrote a letter to the First Selectwoman praising the DPW s' care and maintenance of Allyn Brook Park.
- M. Boord reviewed in detail a written legal opinion from Ken Antin (attached) that had been requested by the B/S on the issue of the Fire Marshal s' appointed term. In the opinion of Town Counsel the Town Charter prevails over the Connecticut General Statutes in this matter.

Public Comments

Rick Handley complimented the Town s' DPW on keeping the roads open and clear following the ten or more days of heavy rain recently. He suggested that Middlefield consider improving the bridge over the Coginchaug River on Route 147 to alleviate flooding in the future.

Selectmen s' Concerns

No concerns were expressed by the Selectmen.

Other

M. Boord thanked Ernie Judson for his four years of dedicated service to the Board of Selectmen. Although he will continue to serve out the remainder of his term, his successor will be known following the November 8th election. M. Boord said she wanted to publicly express her appreciation to Ernie for his openness, honesty, and support. E. Judson thanked M. Boord for her remarks and said serving on the Board of Selectmen has been a rewarding and educational experience.

Adjourn

MOTION M. BOORD, SECONDED BY E. JUDSON TO ADJOURN THE MEETING AT 8:15 PM;
MOTION PASSED WITH 3 AYES.

Respectfully submitted,
Alice Tucker
Alice Tucker