

*Board of Selectmen's Meeting Minutes*  
*7:00 p.m., December 10, 2007*  
*Town Hall, 3<sup>rd</sup> 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 JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO APPROVE THE AGENDA. 3 AYE

Public Comments

Donia Viola stated that town meetings were a forum for democratic action by the towns people and at past meetings during the last three years at the end of the meeting rather than have the minutes read back it has become acceptable to make a motion to accept the minutes and adjourn. She would like the minutes to be read aloud stating that this would confirm mistakes. She spoke with Town Clerk, Kim Garvis and stated that K. Garvis finds this acceptable. She asked the board if they chose not to honor her request that the minutes be read she would like the meetings to be taped.

Set date for Special Board of Selectmen meeting in December

Laura Francis stated that an Special Board of Selectmen's meeting was needed to make additional appointments that couldn't be made at this meeting.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SET THE DATE OF DECEMBER 17, 2007 FOR SPECIAL BOARD OF SELECTMEN'S MEETING. 3 AYE

Approval of Board of Selectmen 2008 meeting schedule

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO APPROVE THE BOARD OF SELECTMEN'S 2008 MEETING SCHEDULE. 3 AYE

Designation of who shall act in the place of the First Selectman in the event of her absence or disability

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO DESIGNATE JOHN SZEWCZYK TO ACT IN THE PLACE OF THE FIRST SELECTMAN IN THE EVENT OF HER ABSENCE OR DISABILITY. 3 AYE

Set date for joint meeting with town agencies

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SET JANUARY 7, 2008 AND JUNE 16, 2008 FOR JOINT MEETING DATES WITH TOWN AGENCIES. 3 AYE

Set date for Special Town Meeting and approval of Call to STM

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE AGENDA AND SET DECEMBER 17, 2007 FOR SPECIAL TOWN MEETING. 3 AYE

Approval of Resolution, Maintenance of Effort Certification, and Grant Assignment Certification for FY 2008 Dial-a-Ride transportation grant

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO APPROVE RESOLUTION, MAINTENANCE OF EFFORT CERTIFICATION, AND GRANT ASSIGNMENT CERTIFICATION FOR FY 2008 DIAL-A-RIDE TRANSPORTATION GRANT. 3 AYE

Request to serve alcohol at PAL's fundraiser, Saturday, February 2, 2008 at the Durham Library

Roger Kleeman asked who would be responsible for persons who become intoxicated. Laurie Stevens stated that they make every effort to prevent this. No one under the age of 21 is served, drink tickets are limited to 3 per person, and state police are on watch outside the building. Laura Francis asked L. Stevens to check to make sure that the insurance certificate was in order.

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO SERVE ALCOHOL AT PAL'S FUNDRAISER, SATURDAY, FEBRUARY 2, 2008 AT THE DURHAM LIBRARY. 3 AYE

**Recreation Committee resignation**

Laura Francis accepted with gratitude the resignation of Karen Kean from the Recreation Committee for her many years of dedication. John Szewczyk also thanked Karen for her service.

**Public Safety resignation**

Laura Francis accepted with gratitude the resignation of John Szewczyk from the Public Safety Committee. She asked Frank DeFelice to forward a copy of his resignation to her office.

**Appointment of temporary Assistant Town Clerk**

L. Francis stated that Town Clerk, Kim Garvis needed some time to set up a board for the hiring of a new assistant town clerk and asked that Beth Moncata be appointed as Assistant Town Clerk for the interim to help out when need be. Selectmen agreed.

**End of year appointments**

2007 Year End Term Expirations Appointments

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT BRUCE RAU AS ANIMAL CONTROL OFFICER FOR A 2 YEAR TERM TO EXPIRE DECEMBER 2009. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT MARTHA RAU AS ASSISTANT ANIMAL CONTROL OFFICER FOR A 2 YEAR TERM TO EXPIRE DECEMBER 2009. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT APRIL LEILER TO ASSISTANT ANIMAL CONTROL OFFICER FOR A 2 YEAR TERM TO EXPIRE DECEMBER 2009. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT ROBERT MELVIN TO THE CONSERVATION COMMISSION FOR A 3 YEAR TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT WILLIAM LAFLAMME TO THE CONSERVATION COMMISSION FOR A 3 YEAR TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT JOSEPH DATTILO TO THE CONSERVATION COMMISSION FOR A 3 YEAR TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT CHRIS MEISENKOTHEN TO THE INLAND WETLANDS & WATERCOURSES AGENCY FOR A 3 YEAR STAGGERED TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT RICHARD ERIKSEN TO THE INLAND WETLANDS & WATERCOURSES AGENCY FOR A 3 YEAR STAGGERED TERM TO EXPIRE DECEMBER 2010. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT MICHAEL DOYLE TO THE RECREATION COMMITTEE FOR A 2 YEAR TERM TO EXPIRE DECEMBER 2009. 3 AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT KAREN KEAN AS AN ALTERNATE TO THE RECREATION COMMITTEE FOR A 2 YEAR TERM. 3 AYE

MOTION BY JOHN SZEWCZYK SECONDED BY LAURA FRANCIS TO APPOINT JAMES MCLAUGHLIN AS EX-OFFICIO ALTERNATE TO THE WATER COMMISSION FOR A 3 YEAR TERM TO EXPIRE DECEMBER 2010. 2 AYE

MOTION BY JOHN SZEWCZYK SECONDED BY JAMES MCLAUGHLIN TO APPOINT LAURA FRANCIS AS EX-OFFICIO TO THE WATER COMMISSION FOR A 3 YEAR TERM TO EXPIRE ON DECEMBER 2010. 2 AYE

**Discussion of Senior Citizen Board request for pursuing land purchase**

Elaine Melvin was present to discuss the results of the appraisal of property consisting of 2 lots on Meetinghouse Hill Road. J. McLaughlin asked E. Melvin if the Senior Board had priced any other land and if any other parcels in town were available. E. Melvin responded that the board had looked at another property but the owners decided not to sell. J. McLaughlin stated that this property was purchased 8 months ago at a price of \$240,000 and asked E. Melvin how it could have appreciated \$160,000 during this time. He further stated that he felt they did not need two building lots and asked why they didn't look for other parcels with 6 acres. E. Melvin stated that the owner purchased the land as raw land then subdivided it into building lots that made the land more valuable. She went on to state that there were no other parcels available in town. J. McLaughlin asked if the property was for sale in April by the owner as raw land why the board didn't approach the seller at that time. E. Melvin stated that they did approach the owners but they had offers pending. J. McLaughlin stated that he felt it is wrong to purchase the lots at a premium price.

Henry Coe stated that the Senior Board has been working with an architect, pro-bono, who stated that one lot would not be large enough for center with setback and space for a parking lot and septic system. L. Francis asked what the size of the building was that was being proposed. L. Melvin stated 10,700 square feet. H. Coe stated that this was a prototype to start with. Once the Senior Board acquires a piece of land they would then establish a formal building committee and make a decision on the size of the building. L. Francis stated that \$280,000 was in reserve but noted that purchasing the property does not mean that building is imminent.

John Szewczyk asked E. Melvin how she felt about the location of the proposed property. E. Melvin responded that it was two miles from town hall, is accessible from Routes 77 & 68 and Route 17 and also has a lower speed limit. H. Coe stated that the board originally wanted the senior center on Main Street but they have changed their minds over the years feeling that the traffic has become a safety issue.

J. Szewczyk asked if the board spoke with Town Sanitarian Bill Milardo about the wetlands on the property. E. Melvin answered that they did speak with B. Milardo and Town Engineer Brian Curtis and there were no issues. L. Francis asked about the results of the survey. E. Melvin said that over 120 seniors responded and that they would bring the results up to date and forward to the Board of Selectmen.

Donia Viola commented that as a senior she takes issue accessing a senior center or any building at a speed limit of 45 mph. She stated that she felt the property size of the lots proposed were excessive in cost and commented that the community center in Middlefield was not on a large piece of property. She would like to have input from the public before anything takes place.

Roger Kleeman asked if the property fit into the zoning regulations. L. Francis stated that it is currently farm/residential zoned and believes municipal zoning overrides farm zoning. R. Kleeman asked if the board looked at the property across the street from the proposed lots. E. Melvin stated that it was not for sale.

L. Francis stated that the Board would look into the process and discuss at another Board of Selectmen's meeting in an executive session.

**Discussion of Senior Tax Relief**

L. Francis read motions from the Board of Finance meeting of November 20, 2007 relating to the Senior Tax Relief Ordinances. She suggested that a public hearing was in order. J. McLaughlin agreed saying that the Senior Tax Relief Committee worked hard to do two plans and needs time to reconsider the Deferral Program. He asked to impose on the committee to come up with a review, stating it would be well served. Martin French asked the board for advice on addressing income levels. L. Francis said that she understood the committee used an index to factual figure and suggested that they might want

to look at another measure and that Midstate Regional may be able to help. J. McLaughlin suggested that they may want to base on the poverty level. L. Francis said that she would send a formal request to the Senior Tax Relief Committee to hold a public hearing after the holiday.

#### **Discussion of Knox Box Ordinance**

L. Francis stated that a motion was made at the last Board of Selectmen's meeting to bring the ordinance to a special town meeting as amended. Since that meeting several people have contacted her office with concerns and she has not had the opportunity to discuss with either the Fire Marshal or the Fire Chief. She recommended bringing this to public hearing.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO BRING PROPOSED KNOX BOX ORDINANCE TO A PUBLIC HEARING ON JANUARY 9, 2008. 3 AYE

#### **Discussion of proposed ordinance for leaves on sidewalks or roadways**

Frank DeFelice stated that in February of 2006 the Public Safety Committee asked that the Board of Selectmen incorporate language into the existing ordinance, Removal of Snow from Sidewalks, to prohibit the deposit of leaves onto sidewalks or roads. J. McLaughlin stated that Town Counsel reviewed both documents and found that the proposed language was proper and within the authority of the town to adopt but stated that since the existing ordinance requires the property owner to remove snow, while the proposed prohibits a property owner from depositing snow/leaves/ice on streets and sidewalks that they should be separate ordinances. Town Counsel also noted a discrepancy in the fines would also suggest that they be separate ordinances. L. Francis stated that she would like to add this to the public hearing on January 9, 2008.

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO BRING PROPOSED ORDINANCE FOR LEAVES ON SIDEWALKS OR ROADWAYS TO PUBLIC HEARING ON JANUARY 9, 2008. 3 AYE

#### **Crooked Hill Road/345kV Transmission Line updates**

L. Francis stated that she had nothing to report on either issue and asked J. McLaughlin if it was necessary to keep as a standing agenda item. J. McLaughlin said that he felt it was not necessary. Sue Vanderzee asked if houses were going up on Crooked Hill. L. Francis said she believes some building has begun and that Attorney Rebecca Adams assured the town that all provisions in Durham's contract are being honored. J. McLaughlin stated that no certificates of occupancy will be issued until road improvements are complete, the bonding and insurance took a long time and the towns engineer and R. Adams are on top of things.

#### **Approval of Meeting Minutes of November 20, 2007**

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE THE MEETING MINUTES OF NOVEMBER 20, 2007. 2 AYE J. SZEWCZYK ABSTAIN

#### **Old Business**

L. Francis brought the board up to date on following old business items:

Environmental Proposal - J. McLaughlin met with Town Engineer Brian Curtis and Finance Director Maryjane Malavasi to review the Advanced Environmental Proposal. A meeting is set for Friday, December 14th with B. Curtis to discuss final bid specifications.

Valley Shore Emergency Communications - Scheduling conflicts with all parties have prevented a joint meeting with Scott Wright and Harry Hall to discuss issues. She will continue to pursue dates. J. McLaughlin stated that he was surprised that they continued to have issues.

Public Safety Recommendations approved at the last Board of Selectmen's meeting for Pent, Saw Mill, Parmelee Hill, Tuttle Road, and Carriage Drive has been communicated to K. Bober. There was a question as to where the "school bus stop ahead" sign was to be placed on Pent Road. Frank DeFelice suggested that K. Bober pick an appropriate place at the end of the street where the houses are.

Skating Pond Status - L. Francis spoke with Contractor, T.J. Russel. He has halted work because of safety issues. Discussed the ground water feed. L. Francis is arranging a meeting with Chairman, Dave Monroe to discuss and will ask him to do a public service announcement.

Little League Signage - At the last Board of Selectmen meeting Maryann Boord requested that missing signage at the Little League field be replaced. Rick Quirk, President of Little League was contacted and he stated that it is his responsibility to replace the signs and that he would.

### **New Business**

Laura Francis brought the board up to date on the following new business. During her first week in office she scheduled meetings with all Boards & Commission Chair's along with Town Hall Department Heads and has attended seventeen meetings stating that everyone has been very cooperative and informative. She attended COST and CCM Leadership training seminars. She also attended QScend training - major upgrade to the town website and will be issuing a press release soon. A staff Christmas party has been scheduled for December 21<sup>st</sup>, closing at 2:00.

She also met with the State Traffic Commissioner; Robin Cabelus, Geoff Colegrove, Brian Curtis, and the applicant's staff representing Silver Eagle related to the possible approval of application.

She stated that she received a permit from the State of CT, Department of Public Health to abandon Durham Center Water System's Fowler Brook Wells #1 & #3 and Cozy Corner Well #2. This correspondence was forwarded to Dan Lesnieski at Connecticut Water. He is to schedule J.J. Brennen to do so. This being the final phase to the Water Project.

A state mandated audit was held today in the 3<sup>rd</sup> floor meeting room. It is a random audit and the Town of Durham was chosen. She has not received results yet.

### **Selectmen's Comments**

#### **Public Comments**

Donia Viola asked L. Francis to read the Call to Special Town Meeting and questioned item #2 asking if this transfer would be discussed at the meeting. L. Francis stated yes, that this was a start up amount and going forward it would be self funded.

Donia Viola asked J. McLaughlin about the status of missing speed limit and school zone signage across from Strong School stating that the state needs to be contacted for the safety of the children.

D. Viola commented that the Board of Finance appointed Rob DeSimone to attend the Board of Education teacher negotiations and he has only attended one meeting and felt that this was unfortunate. She further stated that if he cannot commit he should be replaced. J. McLaughlin said that he asked if the finance director could sit in on these meetings and was told no, it had to be someone from the Board of Finance. He agreed that it is unfortunate that R. DeSimone hasn't attended, this being the biggest contract the town signs.

### **Adjourn**

ADJOURNED MEETING AT 8:16 p.m.

Respectfully submitted,

Beth Moncata