

**BOARD OF SELECTMEN'S MEETING**  
**December 12, 2005**

**Call to order**

First Selectman Jim McLaughlin called the meeting to order at 7:00 pm at the Durham Public Library.

**Pledge**

J. McLaughlin asked Ken Dale to lead the meeting in a Pledge of Alliance to the flag.

**Roll**

Board of Selectmen members present: James McLaughlin, Renee Primus and Maryann Boord.

**Approval of Agenda**

M. BOORD MOVED TO APPROVE THE AGENDA, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES.

**Public Comments**

J. McLaughlin stated that he had moved Public Comments from the end to the beginning of the agenda to allow the public the opportunity to comment before the Board discusses agenda items. He noted that public comments could also be made as agenda items were discussed.

Donia Viola had the following comments on the land gift offer from Pat DiNatale: she questioned why it was on the agenda before all facts are out to the public, feels the issue is being rushed, asked what would be the loss in tax revenue, what is the worth of the property, is it developable, and asked how long the Board has known about the offer.

J. McLaughlin responded that the Board was obliged to promptly bring the DiNatale offer to the attention of the public, that the land encompassed part of the Blue Trail, it is not buildable and that there were certain conditions attached to the gift. He read a letter from Town Council Ken Antin regarding those conditions, details below.

Mr. Smith asked if there was any update on Crooked Hill. J. McLaughlin reported that he attended the Guilford Planning and Zoning meeting on Wednesday, December 7 Northern Heights PRD/ Brain Ferris (Beatty & Beatty); request to extend time in which applicant has to accept conditions of approval of 11/2 an additional 45 days. The extension was granted. J. McLaughlin asked Guilford P&Z to advise him when the developer accepted or refused the conditions imposed by the commission.

**Organizational matters**

Fix the time and place of regular Board of Selectmen meetings for 2006: R. PRIMUS MOVED TO CONTINUE PAST PRACTICE OF HOLDING MEETINGS ON THE SECOND AND FOURTH MONDAYS OF THE MONTH AT THE DURHAM PUBLIC LIBRARY, M. BOORD SECONDED, MOTION PASSED WITH THREE AYES.

Provide a method for the calling of special meetings: M. BOORD MOVED TO CONTINUE PAST PRACTICE BY EMAIL OR PHONE CALLS, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES.

Designate who shall act in the absence or disability of the First Selectman: Jim asked the Board to designate Renee to act in his place. M. BOORD MOVED TO DESIGNATE RENEE PRIMUS TO ACT IN THE ABSENCE OR DISABILITY OF THE FIRST SELECTMAN, J. McLAUGHLIN SECONDED, MOTION PASSED WITH THREE AYES.

**Approval of the 2006 Board of Selectmen's Meeting Schedule**

M. BOORD MOVED TO APPROVE THE SCHEDULE, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES. The meeting schedule is as follows, 2<sup>nd</sup> and 4<sup>th</sup> Mondays unless noted otherwise (\*\*):

January 9	April 10	July 10	October 2**
January 23	April 24	July 24	October 23
February 6**	May 8	August 14	November 13
February 27	May 22	August 28	November 27
March 13	June 12	September 11	December 11
March 27	June 26	September 25	

**Discussion of land gift from P. DiNatale**

Pat DiNatale described the land offer as a gift, a property that included part of the Blue Trail, 13.02 acres that the Conservation Committee had targeted and requested. The 13-acre parcel is located within approximately 200 acres he owns and wants to keep private. Ken Antin's letter noted that he did not have a map of the property, however P&Z does. Mr. DiNatale has requested that he and his heirs retain hunting, mining and logging rights, the right to maintain access to his other property, no public access, no motorized vehicles and no hunting.

Dick Eriksen noted that P&Z typically asks developers for 10% of any sub-division for open space for the town, usually given as a conservation easement or purchase. He also noted that Mr. DiNatale is gifting the land, the Conservation Commission wants it, and P&Z doesn't see a downside to the gift.

**Set date, time and place for a Special Town Meeting on:**

Acceptance of land from DiNatale: M. Boord suggested that when bringing this to Special Town Meeting there be a comprehensive presentation with a map showing the property and Blue Trail and that the Board be prepared to answer any questions the public may have. J. McLaughlin suggested that a member of the Conservation Commission make the presentation.

Pat DiNatale noted that the reason he is requesting a 99-year lease is because he needs the lease to obtain a permit for raising elk and exotic deer on the rest of his property.

During a discussion on timing of the meeting Elmer Clark (Board of Finance) noted that final transfers and carryovers have to be finished by December 31, 2005 to meet the auditor's deadline.

There was a brief discussion on the transfers and carryovers. Transfers totaling \$369,000 have been recommended by the town auditor. The Board of Finance approved a total of \$230,000 in carryovers. J. McLaughlin will contact Fran Korn to have all details ready for the Special Town Meeting.

R. PRIMUS MOVED TO SET A CALL FOR A SPECIAL TOWN MEETING ON TUESDAY DECEMBER 20, 2005 AT 8:00 PM AT THE DURHAM PUBLIC LIBRARY, M. BOORD SECONDED, MOTION PASSED WITH THREE AYES. The call to the meeting is as follows:

**CALL TO A SPECIAL TOWN MEETING**

**TOWN OF DURHAM**

A SPECIAL TOWN MEETING of the Electors and Citizens qualified to vote at Town Meetings of the Town of Durham will be held in the Durham Public Library, on Tuesday, December 20, 2005, at 8 P.M. for the following purposes:

1. To accept a land gift of 13.02 acres adjacent to Tri-Mountain State Park from Pasquale DiNatale.
2. To approve Final Transfers to the 2004-2005 budget in the amount of \$369,590, as recommended by the Town Auditor to balance out over expenditures and as recommended by the Board of Finance at its meeting of December 7, 2005.
3. To approve Carryovers from FY 2004-2005 to FY 2005-2006 in the amount of \$230,804, as approved by the Board of Finance at its meeting of December 7, 2005.

4. To accept 4.72 acres of land on Higganum Road acquired by foreclosure.

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James McLaughlin  
First Selectman

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Renee J. Primus  
Selectwoman

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Maryann P. Boord  
Selectwoman

Dated in Durham, Connecticut, this 12th day of December 2005.

M. BOORD MOVED TO HOLD A SPECIAL BOARD OF SELECTMEN MEETING ON TUESDAY DECEMBER 20, 2005 AT 7:00 PM AT THE DURHAM PUBLIC LIBRARY TO DEAL WITH APPOINTMENTS, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES.

### **Tax Foreclosures**

Martin French presented a report on two properties in the final stages of foreclosure.

The first property consists of 4.72 acres on Higganum Road. No taxes payments have been made since 1990. On two occasions the owner has offered to give the property to the town, however it was not free and clear of lien holders so could not be accepted. Foreclosure is the only option. The owner felt the property was not developable because it was land-locked. The Town Attorney said there was no such thing and that he could have applied for access. The property is considered abandoned. There are no taxes lost by taking the property; the town has not been collecting any taxes for 15 years. M. French recommends accepting the land that will constitute a \$40,000+ tax write-off. It was further noted that the foreclosure process is now complete and ownership is in between the owner and the town, there could be liability issues.

The Board decided to add the acceptance of the above property to the call for Special Town Meeting on Tuesday December 20, 2005. Martin French will make himself available at the meeting.

R. PRIMUS MOVED TO ADD "TO ACCEPT LAND, 4.72 ACRES, ACQUIRED BY FORECLOSURE LOCATED ON HIGGANUM ROAD (MAP 60, LOT 12.1)" TO THE CALL FOR A SPECIAL TOWN MEETING ON TUESDAY DECEMBER 20, 2005 AT 8:00 PM AT THE DURHAM PUBLIC LIBRARY, M. BOORD SECONDED, MOTION PASSED WITH THREE AYES.

The foreclosure on the second property, .44 acres on Sidehill Drive, is not complete. Taxes on the property have not been paid for 14 years; other liens on the deed have now cleared. The only remedy now is for the owner to pay the taxes in full. The time limit for landowner to appeal has expired but the court has not ruled on it yet. Adjacent property owners were contacted in 2002 to see if they had any interest in purchasing the property, no serious interest was expressed. It was decided to put off any action until the court rules, at which time M. French will inform the Board of Selectmen. The tax write-off will be just under \$35,000.

### **Appointment of Town Council**

J. McLaughlin noted that Ken Antin is in the middle of a number of issues and that he would like Ken to continue working on them. After a number of interviews, J. McLaughlin selected George O'Brien at Tyler Cooper as the Town Attorney. Tyler Cooper is one of the larger law firms in Connecticut with offices in New Haven and Hartford. One of the factors in the decision is that the firm has a lot of depth with experience in municipalities, utilities, water companies and land use among others. The municipal hourly rate is \$175 an hour.

M. Boord asked if J. McLaughlin had looked at other firms with lower rates and were there any hidden costs. J. McLaughlin responded that their hourly rate was consistent with the caliber of the firm and that he would make sure he fit the costs within the budget for Town Counsel.

R. PRIMUS MOVED TO APPOINT GEORGE O'BRIEN AT TYLER COOPER AS TOWN COUNSEL, M. BOORD SECONDED, MOTION PASSED WITH THREE AYES.

**Approval of the Minutes of previous meeting(s)**

Minutes for the November 28, 2005 meeting need to be approved at the next Board of Selectman meeting.

R. PRIMUS MOVED TO APPROVE THE MINUTES OF THE SPECIAL BOARD OF SELECTMEN MEETING ON DECEMBER 7, 2005, JIM SECONDED, MOTION PASSED WITH TWO AYES. ONE ABSTENTION.

**Tax refunds**

J. McLaughlin needs to sign, date and return to Martin French tax refunds totaling \$3496.61.

M. BOORD MOVED TO APPROVE THE LIST OF TAX REFUNDS, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES. Details below:

**TAX REFUNDS - DECEMBER 12, 2005**

<u>Name and Address</u>	<u>Account #</u>	<u>List Year</u>	<u>Reason for overpayment</u>	<u>Amount</u>
Ford Motor Credit Co Attn: Tax Dept 260 Intrst N. Cir 12th Floor Atlanta, GA 30339	#52323	2004	Vehicle sold - 2002 Ford Winstar	\$34.28
Carrienne Diaz 35 James Rd E., Durham	#51775	2003	Board of Assessment Appeals	\$15.42
Phillip Faiella, Sr. 60 Ivy Way, Durham	#52170	2004	Totaled	\$38.34
Toyota Lease Trust LRS POB 105386 Atlanta, GA 30348	#56820	2004	Vehicle Sold - 2002 Toyt Rav4 252SWE	\$238.45
Charles Jr. & Mary Veranis 305 Tuttle Rd, Durham	#02756	2003	Double payment	\$2,708.67
Maria & Spencer Richardson 29 Cada Lane, Durham	#55745	2004	Vehicle sold - 2000 Honda Odyssey	\$452.20
Peter or Emily Robakiewicz 149 Foot Hills Rd, Durham	#55768	2004	Vehicle sold - 2002 Jeep Liberty	\$9.25

**Proclamations**

J. McLaughlin presented a proclamation to recognize January 21, 2006 as Walk for the Cure for Breast Cancer.

M. BOORD MOVED TO APPROVE THE PROCLAMATION, R. PRIMUS SECONDED, MOTION PASSED WITH THREE AYES.

**Old/ New Business**

M. Boord reported that she submitted an application for a STEAP grant on December 2<sup>nd</sup> for repairs and improvements for the Durham Center Water Company. This grant will supplement the project that came in over budget.

M. Boord reported that she signed a contract to investigate the formation of a Regional Health District. Grant funding in the amount of \$5,000 per municipality will be available from the Department of Public Health (DPH) to investigate the formation of the Regional Health District. If voters at a Town Meeting authorize joining the Health District, an additional \$5,000 plus a one-time per capita (\$7,134 for Durham) grant is available. Annual fees will be assessed to each town to fund the Health District.

M. Boord reported that 3 administrative appeals have been filed with the Superior Court regarding the CT Siting Council decision regarding the 345 kV power lines. The first CT Siting Council Hearing for the presentation of new evidence was held Wednesday, November 30, 2005. The CT Siting Council will address any addenda or modifications to their original decision on December 22. Once they file any addenda to their original decision, the town will have 30 days to respond.

No new business.

No Selectmen's concerns.

**At 8:30 the Board of Selectmen went into Executive Session closed to the public.**

MOTION TO AMEND AGENDA TO RATIFY UNION CONTRACT MADE BY R. PRIMUS AND SECONDED BY M. BOORD.  
ALL AYE.

MOTION TO RATIFY UNION CONTRACT MADE BY M. BOORD AND SECONDED BY R.  
PRIMUS. ALL AYE.

Executive Session ended at 9:25 pm.

MOVE TO ADJOURN AT 9:25 PM MADE BY J. McLAUGHLIN AND SECONDED BY M. BOORD.