

SPECIAL BOARD OF SELECTMEN'S MEETING
Tuesday, February 15, 2005

Call to order

First Selectwoman Maryann P. Boord called the meeting to order at 6 p.m. Board of Selectmen present: Maryann P. Boord, Ernie A. Judson, Renee J. Primus.

Minutes

E. Judson requested tabling the approval of the minutes presented, which were for 1-10-05, 1-24-05, 1-29-05, 2-3-05, and 2-7-03. The Board agreed to do so. M. Boord said that she has told the town clerk about not putting the minutes on the web until they are approved, but Mrs. Francis would like them on the web, with a disclaimer that they have not been approved. R. Primus said the unapproved minutes should go on the web.

Discussion of agreement between the Town of Durham and the Durham Fair Association re: use of Fair property for a storage tank and pump house for the Water Project

Present for the Fair Association: Gene Chiapetta (President) and Attorney John Corona.

M. Boord explained that she originally thought the storage tank and pump house would be behind the town nursery but specialists said to put the storage tank and pump house in on the hill, east of the nursery. The roadway there is the separation line between Fair property and the Town of Durham property; it is not near a horse ring or where people sled, etc. The storage tank and pump house will be underground. It won't be seen from Maple Avenue. The easement for the Durham Fair Association wells on the White's Farm Open Space property was set up with the Conservation Commission when Greg Curtis was its Chairman. She further explained that she and Fair officials thought about how both parties would benefit.

Gene Chiapetta questioned the wording in the easement for the fair wells (Vol. 86 Page 137), which refers to ..."Cancellation of this easement..."he wants something done with the "cancellation" sentence in the easement He noted that every year the Fair uses the Green and has a long-term plan of using the green. The Fair Association is looking for a long-term agreement about the green. He feels that when that happens, he can get the Fair to be in favor of the wells.

R. Primus questioned the location of the pump house during the Fair. G. Chiapetta said it would be right behind the sign used for the Fair on the steep hill. M. Boord noted that the only impact for the proposed well location would be where the animal trailers and campers are parked. The distance between the two wells is at least 150'; it would be fenced such as the one at the Durham Fair well. R. Primus said she has no problem with the Fair having the authority to use the Green during the Fair, however, the Water Commission talked about what if some tragedy happened, ie., an accident on the green, and it was decided the green should no longer be used. The language should protect the town; the Fair can use the green but the town would have the right to readdress the property and the usage. M. Boord said that would only happen if it were a public safety issue. E. Judson said he can't imagine the town taking away the use of the green. John Corona said the Fair wants the same right.

E. Judson said his concern is about it being too tightly drawn up; his concern is that an unforeseen problem arises. There is no control over a forever agreement. He also noted he does not see a link between the use of Green during the Fair and the use of Fair property for the storage tank and pump

house, although the Fair Association representatives say it is one issue per J. Corona and G. Chiapetta.

G. Chiapetta said he would rather bring the issue back to the Association -- if the language can be build around it being a public safety issue. Attorney Corona said he thinks it can be done.

M. Boord noted that the present easement is the Fair wells is between the Fair and the Conservation Commission but Attorney Corona countered that only the Board of Selectmen can modify or make agreements and easements for town properties.

E. Judson asked about the Fair's 5-10 year plan, which could be looked as needed in five years: 1) would carry you through multiple administrations; 2) if we lost 40' of the green, it would give time for the selectmen to make other arrangements. Attorney Corona questioned the time frame; E. Judson said because nothing is forever and it should be open. He stressed again that he is uncomfortable linking the two issues. J. Corona said the Fair is only looking for an agreement to continue to do as they have been doing.

R. Primus noted that E. Judson's concern is understandable in that it speaks for future administrations. Attorney Corona noted the Fair has been on the green since the first one in 1916. The Board of Selectmen agreed to remove the "cancellation" statement. R. Primus noted the first sentence restricts it. There is no need for a renewal period; the Board agreed the full paragraph should be reworked. M. Boord asked for a compromise. Attorney Corona said he wants to talk among themselves to keep this moving. E. Judson and G. Chiapetta agreed on a "escape clause."

M. Boord asked about the Fair using the green for extra time for cleanup. G. Chiapetta noted they have some times had a problem getting back into the Fairgrounds/green to get it cleaned up. The issue will be on the meeting agenda of 2-28-05.

Tax Refunds

MOTION R. PRIMUS, SECONDED BY E. JUDSON TO APPROVE, WITH THREE AYES, THE FOLLOWING TAX REFUNDS TOTALING \$1,924.90:

1. LOUIS A ANNECCHINO
728 New Haven Road
Durham CT 06422
Account #50168; List Year: 2003; Reason for overpayment: vehicle sold -- 1999 Honda Odyssey;
Tax Refund in the amount of \$173.50.
2. RICHARD W. O'NEIL, JR.
66 Canterbury Drive
Durham, CT 06422
Account #80846; List Year: 2003; Reason for overpayment: vehicle sold -- 1998 Winn 32WQ; Tax
Refund in the amount of \$558.83.
3. THEODORE & KAREN DYNDIUK
58 Edwards Road
Durham, CT 06422
Account #00822; List Year: 2002; Reason for overpayment: double payment; tax refund in the
amount of \$295.50.
4. GMAC
500 Enterprise Drive
Rocky Hill, CT 06067

Account #522570; List Year: 2002; Reason for overpayment: vehicle sold -- 2001 Olds Alero; tax refund in the amount of \$260.35.

5. GMAC

500 Enterprise Drive
Rocky Hill, CT 06067

Account #52544; List Year: 2002; Reason for overpayment: vehicle sold -- 2000 Dodge Intrigue; tax refund in the amount of \$250.50.

6. HAROLD A. JOHNSON

P.O. Box 419
Durham, CT 06422-0419

Account #53372; List Year: 2003; Reason for overpayment: vehicle sold -- 1984 Chevy Chevette; tax refund in the amount of \$2.46.

7. GMAC

500 Enterprise Drive
Rocky Hill, Ct 06067

Account #52538; List Year: 2002; Reason for overpayment: vehicle sold -- 2001 Olds Bravada; tax refund in the amount of \$383.76.

Resignations/appointments

M. Boord reported that Susan Gillespie has resigned from the 1-1-08 regular term on the Historic District Commission.

MOTION M. BOORD, SECONDED BY R. PRIMUS, WITH THREE AYES, TO APPOINT KATE MCLAUGHLIN TO FILL A VACANCY ON THE RECREATION COMMITTEE; SAID TERM TO EXPIRE 12-31-05.

Nomination for the Book of Golden Deeds

IT WAS A UNANIMOUS AGREEMENT TO NOMINATE NICK NAPLES FOR THE EXCHANGE CLUB'S BOOK OF GOLDEN DEEDS.

Douglass, Scott G. v Town of Durham

M. Boord explained that Town Counsel's opinion is to approve the Agreement; it is also acceptable to the Assessor. MOTION M. BOORD, SECONDED BY E. JUDSON, TO APPROVE WITH THREE AYES THE STIPULATED AGREEMENT IN DOUGLASS V TOWN OF DURHAM LITIGATION.

Public Comments

Elmer Clark and Dick Olsen expressed their opinions on the Douglass suit.

Ona McLaughlin noted that it was right to move slowing (re the Fair proposal) and create the wording carefully. Andrea Steele agreed.

Old/New Business and Update from the First Selectwoman

1. Connie Kozak, DPH, sent a letter re the ADA application for the town hall renovation; there is conditional approval pending the balance of the town funding being in place, the water system going out to bid for construction and the state historic preservation approval for the town hall renovation.
2. M. Boord read her response to the Historic District Commission, responding to James McLaughlin's concerns about town-owned houses, Main Street safety, speeding and noise issues.
3. She noted a letter received from Martin French relative to the tax collection issue, which will be on the agenda of 2-28-05.

Selectmen's Concerns

none

Budgets

THE FOLLOWING VOTES WERE TAKEN ON BUDGETS:

1030 Town Clerk MOTION M. BOORD TO APPROVE, \$113,850, WHICH REFLECTS AN ADJUSTMENT IN SALARIES; SECONDED BY E. JUDSON; 3 AYES. The budget makers are using the present salary numbers in budget preparation until the union contract negotiations are settled..

1040 Town Treasurer MOTION R. PRIMUS TO APPROVE \$7,613, WHICH ALSO REFLECTS AN ADJUSTMENT IN SALARY; SECONDED BY E. JUDSON; 3 AYES.

1500 Assessor MOTION E. JUDSON, SECONDED BY R. PRIMUS TO APPROVE \$83,601, USING LAST YEAR'S SALARIES, SETTING ASSESSOR'S ASSISTANT OVERTIME HOURS AT 104 PER YEAR AND INCREASING THE OTHER ASSISTANT'S WAGES PER STEP GRADES; APPROVED WITH THREE AYES.

Direct Billing LLC

Present for Direct Billing LLC: Tony Patrizz, Mark Vesco, Janice Patrizz. Mr. Patrizz explained that the program overview said that each time a fire department responds to an auto accident, vehicle fire or a vehicle related hazardous material incident, they would be entitled to bill the insurance company for the time and equipment usage. FD Direct Billing provides this service, acting as the Fire Company's agent. They use specially designed software (which would be free to the town); they bill the insurance company. Basic billing rates, which are subjected to acceptance by the automobile insurance carriers are as follows:

<u>Type of Call</u>	<u>1st Hour Charge</u>	<u>Each Additional Hour</u>
vehicle fires	\$355	\$200
light rescue	\$355	\$200
medium rescue	\$580	\$240
heavy rescue	\$750	\$545
hazmat	\$1,050	\$845

they do not bill for house fires

false alarms can be billed for if a program for that is desired

The theory behind FD Direct Billing is that a part of every auto insurance premium covers the cost of emergency apparatus responding to auto accidents and vehicle fires. This is enormously profitable for the insurance companies because fire departments seldom if ever bill for their services. FD Billing has developed a program where fire departments can charge the insurance company directly for their time and equipment usage at emergency scenes; there is no out-of-pocket cost to the fire department; the insurance company pays the total cost.

The bill goes to the insurance company, not to the owner; if they have no insurance, FD Billing Direct would bill the party involved in the accident/car fire. They are able to bill any way the Fire Company would want. Mr. Patrizz explained that it is a level of service billing program and also factored into the rates is the manpower. They blend it in with the hourly rate. The Fire Company could use as many trucks as they wanted but there is only a bill for the *service* provided. The Fire Company could bill to replace damaged gear. LifeStar is an additional billing. This is entirely separate from an Ambulance Corps billing.

Fire Chief Steve Levy noted that the insurance company's free ride is coming to an end because of programs like this. He asked who would sign the contract. Mr. Patrizz said that each town is different - some fire companies raise their own money to run; it would be whatever would fit into the town's format. Jim and Susan Libby raised some questions about the program. Mr. Libby feels the issue should have been discussed with the fire company before coming to the selectmen and Mrs. Libby is employed by an insurance company and had questions from that angle. S. Levy noted that it was Representative Simmon's office who noticed that this service is available to towns. R. Primus said she doesn't want any tax money used to pursue this at this time.

S. Levy said that this is the first meeting on the subject and that the fire company will discuss it further. Fred Raley observed that it would cost the town over \$3,600 to do our own billing; we need firm numbers. S. Levy said he feels \$18,000 is an accurate assessment of proposed revenue.

S. Levy said he will take this back to the fire company and let the Board of Selectmen know if they want to go forward. The Board of Selectmen will take it to a special town meeting if it is in the affirmative.

M. Boord noted that at the Capital Planning Meeting, the emergency medical responders said they have a hard time staying in town due to the cost of living here. They noted that other towns provide access to housing for them. M. Boord said she had a contractor look at 51 Main Street (Habitat for Humanity has removed their interest from the house). M. Boord said she has decided it is wise to set up a committee to study moving all emergency medical services to the firehouse site sometime in the future. This committee would make recommendations on the use of the firehouse site. S. Levy said that summed it up perfectly but more fact finding should be done...the billings should not be disposed of. R. Primus said J. McLaughlin had said not to dispose of property. M. Boord said he had also recommended money in the reserve fund for renovations.

S. Levy said he believes HFH is a worthy cause and so is keeping EMS personnel in the town; there are in kind services in town who can help with this and R. Primus noted there may also be grant support. Expressions of concern were expressed by several as to keeping the parcels together, not demolishing any of the buildings, and fixing 51 Main Street. Ona McLaughlin noted the area was essentially a residential zone and she did not want the buildings taken down; that neither house (37 and 51 Main Street) is essentially historic but are part of the whole; favors housing for the firemen. Mary Jane Parsons said she remembers there was opposition to having the town be a landlord. Martin French countered that we are already a landlord. The selectmen agreed to do nothing more until a committee deals with it. It will be on the agenda after the budget season is over.

Re Parking for the Fair: M. Boord said she would like to hold off due to the uncertainty over the next few months. Also use of the Explorers and anyone who is not an adult parking cars was discussed as was the insurance question relating to the boy scouts.

Elmer Clark said he can't see the Board of Selectmen micromanaging the town property but M. Boord countered that town property is up to the selectmen to manage.

MOTION R. PRIMUS TO GRANT AUTHORITY TO THE FIRE COMPANY TO PARK CARS DURING THE DURHAM 2005 FAIR USING ADULTS AND MEMBERS OF THE DURHAM FIRE EXPLORERS. E. Judson said he has no issues with the action but thinks the selectmen should collect their thoughts on the subject. E. JUDSON SAID HE WOULD SECOND THE MOTION ON THE CONDITION IT BE TABLED FOR A MONTH.

M. Boord reported she talked to David Heer, Kurt Bober and a structural engineer about damage to the firehouse.

Back to Budgets

1520 BHE \$228,050

M. BOORD MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$228,050; SECONDED BY E. JUDSON; 3 AYES.

M. Boord explained that the \$10,000 increase in office equipment is the second half of microfilming.

2505 Social Security \$105,866

M. BOORD MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$105,866; SECONDED BY R. PRIMUS; 3 AYES.

2515 Employee Retirement Plan \$119,271

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$119,271; SECONDED BY E. JUDSON; 3 AYES.

2520 Insurance \$101,911

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED \$101,911; SECONDED BY R. PRIMUS; 3 AYES.

2525 Ins Payroll Related \$366,440

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$366,440; SECONDED BY E. JUDSON; 3 AYES.

2530 Employee Payroll Deduction \$ 1

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$1; SECONDED BY M. BOORD; 3 AYES.

2545 Employee Assistance Program \$ 506

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$506; SECONDED BY E. JUDSON; 3 AYES.

2550 Drug & Alcohol Testing \$ 2,900

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$2,900; SECONDED BY R. PRIMUS; 3 AYES.

2561 Parmelee Hill Barn \$ 1

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$1; SECONDED BY E. JUDSON; 3 AYES.

3005 Capital Equipment \$ 69,000

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$69,000; SECONDED BY E. JUDSON; 3 AYES.

3500 DPW Local Projects \$ 32,490

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$32,490; SECONDED BY E. JUDSON; 3 AYES.

3505 Federal & State Projects (Maple Ave. Bridge) \$ 1

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$1; SECONDED BY R. PRIMUS; 3 AYES.

4035 Fire Marshal \$ 17,735

More information is necessary prior to acting on this budget. A new position with a stipend has been requested. The Board would like this request justified and would like to see a 5-year plan for this department.

The Board would also like more information on the request for software.

The salaries were reduced back to current fiscal year rate until union contract negotiations are complete.

4040 Valley Shore \$ 47,649

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$47,649; SECONDED BY E. JUDSON; 3 AYES.

4045 Fire Pond \$ 6,000

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$6,000; SECONDED BY M. BOORD; 3 AYES.

4500 Human Services \$ 39,521

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$39,521; SECONDED BY R. PRIMUS; 3 AYES.

4570 Durham/Middlefield Youth and Family Services \$ 25,000

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$25,000; SECONDED BY E. JUDSON; 3 AYES.

E. Judson commented on the positive feedback he is getting on the program and the educational articles in the Town Times. He credits the new Director Deborah Reade.

4575 Eddy Center \$ 5,103

E. JUDSON MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$5,103; SECONDED BY R. PRIMUS; 3 AYES.

M. Boord provided an explanation of the significant increase from the prior fiscal year. There was a huge increase in the number of nights local residents were housed at the Center. The Town is actually assessed for the prior year's usage.

6005	Cemetery	\$ 4,000
-------------	----------	----------

R. PRIMUS MOVED TO APPROVE THE BUDGET AS REQUESTED AT \$4,000; SECONDED BY E. JUDSON; 3 AYES.

(The Board did not act on the request to put \$5,000 of matching funds into the Reserve Fund for future restoration of gravestones. The Board will make that decision after looking at the bottom line of the budget since they are under the understanding that there is no specific plan on which stones to restore next and they are trying to hold the line on spending wherever possible in an effort to fund the balance of the Town Hall Renovation Project.)

(M. Boord informed the Board that Town Clerk Laura Francis and David Montgomery would be meeting this week to go over a draft of training for moderators.)

Adjourn

MOTION M. BOORD, SECONDED BY E. JUDSON, TO ADJOURN THE MEETING AT 9:30 P.M.; 3 AYES.