

SPECIAL BOARD OF SELECTMEN'S MEETING
MONDAY, MARCH 7, 2005
6:00 P.M.; DURHAM PUBLIC LIBRARY

The meeting was called to order by First Selectwoman, Maryann Boord at 6:00 p.m.

Present: Maryann Boord, First Selectwoman; Ernie Judson, Selectman;
Renee Primus, Selectwoman.

Others Present: Gene Chiappetta, President of the Durham Fair Association; John Corona, Attorney for the Durham Fair Association; Peter Downs, *Hartford Courant* reporter; Sue VanDerzee, *Town Times* reporter; Amy Zitka, *Middletown Press* reporter.

Discussion ensued regarding the Agreement between the Town of Durham and the Durham Fair Association (DFA) for the use of the Town Green during the annual Durham Fair and an Easement between the two parties regarding the Durham Fair wells on the Town-owned White's Farm open space property.

R. Primus asked for clarification of the responsibilities of the Conservation Commission for the White's Farm open space property. M. Boord relayed Town Attorney Ken Antin's opinion on the matter saying that the Conservation Commission will review the documents and give its approval for the First Selectman to execute/sign them. In this way, it will eliminate the concern about a title problem in the future. K. Antin referenced the Town Charter, Section 4-6, (1) and (2). He will issue a written opinion on the matter.

E. Judson questioned the 2-25-05 e-mail from K. Antin under Section 2 where K. Antin asks if the Town wants the easement to run with the land. J. Corona responded that the DFA is a non-profit organization and if they ever gave up the property, they would have to turn it over to another non-profit organization. They would like to keep their options open. No one thought of a reason to deny water to another non-profit organization. J. Corona added that the Department of Public Health would require hook up to the public (Town) water system if an expansion of use was proposed. G. Chiappetta recollects that the DFA Charter reads (something like) if the DFA ceases to exist, the property reverts to the Town.

The Board reviewed the documents in light of a recent e-mail from K. Antin. The Board agreed in the AGREEMENT REGARDING TOWN GREEN to add wording under 4. providing a two week time period for the DFA to respond to a written request by the Town.

MOTION MADE BY MARYANN BOORD, SECONDED BY RENEE PRIMUS TO APPROVE THE AGREEMENT REGARDING TOWN GREEN AS AMENDED. 3 AYES.

The Board agreed in the REVISED EASEMENT to add language suggested by K. Antin under 3. Indemnity. Regarding K. Antin's comments about the Town retaining the right to access water from the Fair wells, M. Boord explained that since the Town is seeking to locate its own wells on the White's Farm, it would not be necessary to have access to the Fair well. Additionally, the Town wishes not to even have the perception that such an arrangement might occur because it could result in the need to seek a Diversion Permit (if more than 50,000 gallons is pumped in any one day). This process is extremely expensive and time consuming.

MOTION MADE BY ERNIE JUDSON, SECONDED BY MARYANN BOORD TO APPROVE THE REVISED EASEMENT AS AMENDED. 3 AYES.

J. Corona will make the necessary edits to the documents. M. Boord will attend the Conservation Commission meeting tomorrow evening to update the Commissioners. (The meeting was subsequently cancelled due to snow.) M. Boord will attend a DFA meeting this Wednesday or in the near future to present the documents. (Subsequently, it was decided by G. Chiappetta, J. Corona, and M. Boord to wait to go to the DFA meeting until all documents are ready.) The Board is waiting for K. Antin to draft the easement identifying the DFA property proposed to be used for the Water Project storage tank and pump house.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Maryann P. Boord
First Selectwoman