

**BOARD OF SELECTMEN'S MEETING MINUTES  
MONDAY, APRIL 11, 2005**

Call to order

First Selectwoman Maryann P. Boord called the meeting to order at 7:00 P. M. in the Durham Public Library. Board of Selectmen present: Maryann P. Boord, First Selectwoman, Ernie A. Judson, Selectman, and Renee J. Primus, Selectwoman.

Amend the agenda

**M. BOORD MOVED TO AMEND THE AGENDA WITH REQUESTS FROM THE DURHAM CO-OP NURSERY SCHOOL AND THE JOHN LYMAN ODYSSEY TEAM; SECONDED BY R. PRIMUS; 3 AYES.**

Public Comments

Several Old Mountain Road residents were present to discuss the conditions of the Fred Mellilo worksite. They had concerns regarding the dust, noise level, and what was being stored there. Also, they questioned the hours of operation and thought that the hours did not agree with the promised allotment. The need for a sensor light was questioned. M. Boord stated that it was necessary due to a theft at a company on Ozick Drive behind the Mellilo property.

Resident D. Cruise read from the contractor's application dated March 7, 2001, that the type of his business was landscaping and the hours of operation would be only 8 to 5. M. Boord stated that F. Mellilo owns and operates three businesses out of that same site. D. Cruise said he never mentioned three, only the landscaping.

Dick Eriksen, Planning and Zoning Commission (PZC) member, said there will be a Planning & Zoning Executive Session on April 20, 2005 at 6:00 p.m. to discuss this site and that is all he should comment on. M. Boord will be attending as an ex-officio member of the Planning & Zoning Commission.

After hearing more complaints, the residents were told by M. Boord that most of their concerns would have to be directed to the Planning & Zoning Commission and that the Board of Selectmen only regulate the noise level and traffic issues. They were then thanked by the Board for attending and left the meeting.

Discussion of an Agreement between the Town of Durham and the Durham Fair Association

G. Chiappetta (President) of the Durham Fair Association was present. M. Boord presented changes to the talking points: an "s" added to the word "well" in section 1 (of the agreement) since there are two wells, and in section 5, it was added "unless use becomes physically impossible due to flooding or other natural occurrences". It was made clear at an earlier meeting by John Corona, Attorney for the Fair Association, that these were just talking points. **E. JUDSON MOVED TO ACCEPT CHANGES. R. Primus wanted to make one more point: to work with the Fair Committee on a management plan to contain animal waste. M. Boord said that was already being done. R. PRIMUS SECONDED. NO FURTHER DISCUSSION. MOTION APPROVED WITH THREE AYES.**

A joint meeting regarding the Water Project will be held on April 18, 2005 with the Department of Public Health (DEPH), the Department of Environment Protection (DEP), the Department of Economic & Commercial Development (DECD), and the Office of Policy & Management (OPM), Weston & Sampson

(Engineers), Bill Milardo (Sanitarian & Assistant Health Director), Gene Chiappetta and M. Boord to discuss moving forward with the project.

Motion to adopt the policy on closing due to inclement weather

M. Boord read the policy on closing town buildings and canceling BOS meetings due to inclement weather. **MOTION TO ADOPT THE POLICY BY R. PRIMUS AND SECONDED BY E. JUDSON WITH A CORRECTION TO THE TITLE FROM “BOARD OF SELECTMEN’S” TO “OF TOWN AGENCY” MEETINGS; 3 AYES.**

**THE BOARD OF SELECTMEN'S POLICY  
RELATIVE TO CLOSING TOWN BUILDINGS AND  
CANCELING OF TOWN AGENCY MEETINGS  
(from the BoS Meeting Minutes of April 11, 2005)**

It was agreed by the Board of Selectmen that the First Selectwoman would decide by 4 p.m. whether or not to close town hall and the library and whether or not to cancel the Board of Selectmen's meeting (if scheduled) during inclement weather.

The Librarian would be notified of this and she would call the Chairmen of the town committees, commissions, or agencies meeting in the library that evening that the library would be closed.

The Town Clerk will post notice on the town's web site and the news stations will be notified by the First Selectwoman.

Request to use Allyn Brook Park by the Durham Co-op Nursery School

**A MOTION WAS MADE BY E. JUDSON, SECONDED BY R. PRIMUS, TO APPROVE A REQUEST FROM THE DURHAM CO-OP NURSERY SCHOOL TO HOLD AN ANNUAL ST. JUDES CHILDREN’S BIKE/TRIKE-A-THON AT ALLYN BROOK PARK ON APRIL 26 AND 27, 2005 WITH A RAIN DATE OF APRIL 28 AND 29, 2005; APPROVED WITH THREE AYES.**

Request to use the Town Green by the John Lyman Odyssey team

**A MOTION WAS MADE BY R. PRIMUS, SECONDED BY E. JUDSON, TO APPROVE A REQUEST TO USE THE TOWN GREEN ON MAY 7, 2005 BY THE JOHN LYMAN ODYSSEY TEAM FOR A FUNDRAISING TAG SALE; APPROVED WITH THREE AYES.**

Tax Refunds

**MOTION R. PRIMUS, SECONDED BY E. JUDSON WITH THREE AYES TO APPROVE TAX REFUNDS IN THE AMOUNT OF \$7,599.01, AS FOLLOWS:**

1. WELLS FARGO HOME MORTGAGE  
#1 Home Campus  
Des Moines, IA 50328  
Attn: MAC X2502-011  
Account #02348; List Year: 2002; Reason for overpayment: double payment; tax refund in the amount of \$3,122.37
2. FREDERICK JR. AND ROSANNE BORIS  
7 Fawn Way  
Durham, CT 06422  
Account #00272; List Year: 2002; Reason for overpayment: double payment; tax refund in the amount of \$2,335.62
3. STEPHEN C. JOHNSON  
600 Haddam Quarter Road  
Durham, CT 06422  
Account #01318; List Year: 2001; Reason for overpayment: overpayment; tax refund in the amount of \$3.00
4. JOHN T. HARRIS III  
P.O. Box 118  
Irasburg, VT 05845  
Account #53891; List Year: 2002; Reason for overpayment: vehicle repossession - Mack 2000; tax refund in the amount of \$513.55
5. DAN BEAUDOIN  
158 Paddock Ave #508

Meriden, CT 06450

Account #50419; List Year: 2003; Reason for overpayment: vehicle sold - 2000 Nissan AGS; tax refund in the amount of \$240.44

- 6. KENNETH AND VERA MILLER

64 Coe Road

Durham, CT 06422

Account #54468; List Year: 2002; Reason for overpayment: vehicle sold - 1998 Pontiac Grand Prix; tax refund in the amount of \$236.18

- 7. RONALD S. COMINSKY

49R Auger Lane

Durham, CT 06422

Account #51337; List Year: 2003; Reason for overpayment: plates returned - 1994 Ford Ranger; Tax refund in the amount of \$21.74

- 8. GMAC

P.O. Box 8138

Cockeysville, MD 21030

Account #52601; List: 2003; Reason for overpayment: vehicle sold -- 2000 Pontiac Gran Prix; Tax refund in the amount of \$305.64

- 9. GMAC

500 Enterprise Drive

Rocky Hill, CT 06067

Account #52610; List Year: 2003; Reason for overpayment: vehicle sold - 2001 Pontiac GAG; Tax Refund in the amount of \$260.98

- 10. GMAC

500 Enterprise Drive

Rocky Hill CT 06067

Account #52613; List Year: 2003; Reason for overpayment: vehicle sold - 2003 Chevy TRL; Tax Refund in the amount of \$412.18

- 11. GMAC

500 Enterprise Drive

Rocky Hill, CT Account #52614; List Year: 2003; Reason for overpayment: vehicle sold - 2001 Chevy Blazer; Tax refund in the amount of \$147.31

Approval of Minutes

**MOTION M. BOORD TO APPROVE THE MINUTES OF DECEMBER 14, 2004, DECEMBER 20, 2004, FEBRUARY 15, 2005, AND MARCH 14, 2005; SECONDED BY R. PRIMUS.** E. Judson asked what is the update on the billing for the false alarms? M. Boord said that she is waiting for a spreadsheet from S. Levy for her office to use. **MOTION APPROVED WITH THREE AYES.**

Proclamations

**MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO APPROVE, WITH THREE AYES, A MUNICIPAL CLERK’S WEEK PROCLAMATION:**

PROCLAMATION

MUNICIPAL CLERKS WEEK

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world and the oldest among public servants; and,

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and,

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and,

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community and continually strives to improve the administration of the affairs of the Office through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, We, The Board of Selectmen of the Town of Durham, do recognize the week of May 1 through May 7, 2005, as **Municipal Clerks Week**, and further extend appreciation to our Municipal Clerk Laura L. Francis and the Assistant Municipal Clerk Kimberly Garvis, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

### Tax Relief Request

M. Boord received a written request from R. Wilson of Aesthetic Structures, LLC for tax relief, per CT State Statute 12-65b, on constructing a commercial building at 45R Ozick Drive. The cost is expected to run between \$550,000 to \$650,000 and will add to Durham's tax base through real estate property taxes and personal taxes on equipment. The building will also house office space for other tenants.

M. Boord said she encourages supporting any new businesses that come into Durham. The cost of construction would put the R. Wilson of Aesthetic Structures business into the category of a two year fixing of assessment on property. E. Judson asked if he had filed a site plan, but M. Boord did not know. The company should make its request before any construction could take place. Motion M. Boord to take the matter to Town meeting for approval following completion of construction; seconded by E. Judson; approved with three ayes.

### Request from the Exchange Club for Memorial Day

Motion by M. Boord; seconded by R. Primus; to accept requests. Approved with three ayes to accept the requests:

**a. THE FIRST REQUEST IS TO HOLD TWO RACES SIMULTANEOUSLY OVER THE SAME COURSE. THE RACES WILL BE ON MEMORIAL DAY, MAY 30<sup>TH</sup> AT 11:00 AM AT CRHS.**

**B. THE SECOND REQUEST IS FOR A SPECIAL USE PERMIT TO SELL PRE-PACKAGED SNACKS AND HOT DOGS FOR 10:00 TO 1:00 ON MONDAY, MAY 30<sup>TH</sup> AT ALLYN BROOK PARK. THE CLUB APPRECIATES THE TOWN OF DURHAM ACTING AS HOST. M. BOORD SAID THAT ROBERT FRANCIS IS THE PARADE CHAIRMAN AND THE TOWN IS THE HOST TO THE FESTIVITIES. ALL APPROVED WITH THREE AYES.**

### Additional approvals for Memorial Day

**MOTION BY M. BOORD, SECONDED BY R. PRIMUS, THAT IN ITS CAPACITY AS THE TOWN'S TRAFFIC CONTROL AUTHORITY, THE BOARD OF SELECTMEN HEREBY APPROVES THE TRAFFIC PLAN FOR MEMORIAL DAY FESTIVITIES ON MONDAY, MAY 30, 2005, AS PREPARED BY THE RESIDENT STATE TROOPER; MOTION APPROVED WITH TWO AYES.**

**MOTION BY E. JUDSON; SECONDED BY R. PRIMUS, TO APPROVE THE REQUEST TO THE ADJUTANT GENERAL TO HAVE A FIRING SQUAD, COLOR GUARD AND FLYOVER; 3 AYES.**

**MOTION BY R. PRIMUS, SECONDED BY E. JUDSON, TO APPROVE ROAD CLOSINGS; 3 AYES.**

### Old/New Business and Update of the First Selectwoman

M. Boord talked about the final decision of the CT Siting Council. The decision by the Siting Council was similar to the original application. The Royal Oak subdivision will have the new 345kV lines by pass their neighborhood through undeveloped land. The existing 115kV line will remain in the existing right of way.

The argument that convinced at least two of the Siting Council members to vote in favor of the by pass was that the residents have a signed agreement with the power company to maintain the existing right of way themselves. The power company usually clear cuts under the lines and the neighbors preferred to maintain the natural habitat for animals and vegetation and allow the wooden poles to blend in with the environment.

The Town's other two residential areas did not get the relief the town had worked so hard for. M. Boord was very disappointed that the Siting Council did not take the advice of their own expert, Dr. Ginsberg from the Department of Public Health, who recommended a milligauss level of 3 to 6 mg as a standard for prudent avoidance. Nor did the Council adopt a standard for buffer zones other than the "existing right of way" which varies from town to town. M. Boord felt that if those two standards had been adopted, it would have provided a measure of protection for our other two residential areas.

The Siting Council will allow input from the Mayor or First Selectman of each municipality during the Development and Management (D&M) Phase of the project. Per Attorney Peter Boucher, historically abutting property owners have also been allowed input into the D&M Phase. M. Boord will request that past practice continue with Docket 272.

M. Boord stated as of December 2004, the cost in legal fees was \$47,443: \$13,496 to Synapse Energy, \$1,074 to Consultants, and a \$100 donation to the Woodlands Coalition totaling \$62,112. Citizens for Responsible Energy raised approximately \$20,000 and spent \$10,000 on Attorney fees. They contributed the remaining \$10,000 to the Halloran & Sage legal bills. The town shared this legal cost with Wallingford. Wallingford paid 75% and Durham 25% based on population and miles of power lines.

#### Selectmen's Comments

R. Primus stated she attended the display of the History of Durham's Farms and wanted to tell G. Chiapetta that Mabel Hamma did an excellent job in her presentation of preserving the past. G. Chiapetta stated that M. Hamma is a very valuable, talented resident and agreed that it is very important to preserve our agricultural roots.

E. Judson noticed activity at the Pent Road Barn. It was stated that cattle were being delivered sometime soon.

#### Public Comments

1. M. French said that it looks like it would not be worth the cost to appeal the 345kV decisions to the Siting Council. E. Judson said that the Town did better than most because of the involvement of M. Boord and the public.

#### Adjourn

**E. JUDSON MOTIONED TO ADJOURN AT 8:10 P.M.; SECONDED BY M. BOORD; 3 AYES.**

Submitted by,

E. Murphy