

*Board of Selectmen's Meeting Minutes*  
*7:00 p.m., April 28, 2008*  
*3<sup>rd</sup> Floor Meeting Room, Town Hall*

Meeting Minutes - Revised

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 present. James McLaughlin absent.

Approval of the Agenda

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO AMEND AGENDA TO ADD EXECUTIVE SESSION, PURCHASE OF PROPERTY. 2 AYE

Public comments

Donia Viola asked if the executive session was for the purchase of the Cuomo property. L. Francis responded yes. D. Viola commented she was disappointed that the Board was pursuing this property.

D. Viola expressed her disappointment over the Board of Finance budget approval including elected officials salaries sighting that no one has left their positions to look for employment elsewhere; and the town can only compensate what it can afford. She hopes the Board of Selectmen will consider this at the May 12<sup>th</sup> budget hearing.

Farmers Market discussion

Melynda Naples was present to bring the Board of Selectmen up to date on the status of the Farmers Market. She presented the Board with a packet that included the committee's mission, rules & guidelines, vendor application, and committee's contact information. She reiterated that this would be a town sponsored event to be held on Thursdays, 3-6 p.m., in the summer months with a maximum of 15 vendors, located on the south side of the green. Local produce and baked goods all Connecticut grown, producer only would be accepted. The market would also be WIC certified and senior vouchers would be available for Durham residents. She informed the Board that she attended the last Planning & Zoning meeting and they had approved the market.

James McLaughlin arrived at 7:09 p.m.

Bill Snedeker asked about parking and why the market was not being held on the weekend. M. Naples said that Durham would be competing with vendors that are already in successful markets. She stated that she has made arrangements with Gene Chiappetta from the Durham Fair Association for parking on Broadway and the upper lot if overflow is needed. She also stated the Durham Volunteer Fire Department has agreed to direct traffic. Dave Zemelsky commented the committee wanted to take advantage of the heavy traffic hours between the hours of 3-6 p.m. making for good business.

L. Francis asked the committee if they would consider changing the hours to 4:00-7:00 p.m. stating she thought there would be less disruption with the Town Hall and impact to the neighbors on the south side of the green. M. Naples said they would like to stick to 3:00-6:00 p.m.

George Eames stated he wanted to make clear that the Planning & Zoning Commission did not approve the Farmers Market but recommended the Board of Selectmen grant approval of the use of the town green; at the May 7<sup>th</sup> Planning & Zoning meeting there will be further discussion of signage. M. Naples commented that her understanding was that P & Z did approve the market; she also stated she spoke with Ellen Mauro and was told there were no issues with town sponsored event signage. L. Francis stated that although this is a town sponsored event the signage coming from the Department of Agriculture would need to be discussed through the Planning & Zoning Commission.

G. Eames continued by saying he is in favor of the market but has concerns about it being held on the town green, particularly between commuter traffic hours. He feels that 4:00-7:00 p.m. would be a little less congested stating 3:00-6:00 would be an accident waiting to happen. He also would much prefer to see it on the north end of green. He suggested Strong School as an alternate site i.e., excellent exposure and parking. He wished Melynda well but is concerned about safety issues. D. Zemelsky commented that Madison's market is held on Route 1, 3:00-6:00 p.m. on Friday's and there is very dense traffic.

Patricia Dynia thanked Anne Cassidy for notifying neighbors surrounding the green. She stated she was present at the last Planning & Zoning meeting and was surprised that G. Eames did not recuse himself from the meeting. She also commented that P & Z did vote in favor of the farmers market.

Simone Howe stated she was very much in favor of the market, that this was wonderful for Durham and their local farmers. She feels that Strong School would not be a good location for the market; vendors need to setup prior to the 3:00 start time. She likes the hours of 3:00-6:00 and suggested holding the market in the middle of green.

Sue Vanderzee commented she felt Strong School would be a dismal place to sell produce and dairy items in the hot summer months.

John Corona asked if the town hall alarms could be programmed for bathroom access. L. Francis stated yes.

Clay Howe stated he thought this to be a splendid plan but cautioned about suggesting a different location such as Strong School; events are continually being held at the school which may interfere with the market.

L. Francis commented she was present at the Board of Selectmen's meeting that Melynda Naples originally attended with the idea of a farmers market and commended Melynda on answering a lot of questions, following procedures, and preparing rules and guidelines; thanking her for a job well done.

D. Zemelsky commented he feels the Board of Selectmen has a unique opportunity to bring people together who are selling and buying produce. He stated the committee is very flexible but feels that the hours of 4:00-7:00 are not economically viable or a good business idea and the town will gain back an historical past by having it on the town green.

Anne Cassidy was concerned with the timeframe the committee had with sending out vendor applications. She also commented that local farmers rise early and closing the market at 7:00 was to late; suggesting if problems arise from the 3:00-6:00 time frame they could be revisited.

L. Francis noted that no vehicles could drive up onto the green that tables would need to be set up. M. Naples agreed and referred to the guidelines.

J. McLaughlin stated he felt this was a good plan and was happy the committee found the energy to get this done.

#### **Discussion of Woodland Manor (WPCA)**

Attorney John Corona was present representing Gullitti Builders. He stated when the Woodland Manor project was first approved it required a fund for a community sewer and septic system; an initial \$8,000 was deposited into the account by Gullitti Builders. Since that time the association has not made any deposits into the fund and when newer units were constructed, two new septic systems were built (but not connected) to provide all units with the same level of reserve status; the two older units are still connected to their original systems. At the April 2<sup>nd</sup> Planning & Zoning meeting they amended the previously approved special permit and deleted the condition requiring the town to maintain a reserve fund. J. Corona stated although there was no one at the meeting tonight representing

Woodland Manor the last step is to return the money in the account which has been promised to Gullitti Builders who will in turn pay the debt to Nancy Burnett. He asked the Board of Selectmen to grant the request pending approval from the Woodland Manor Homeowners Association.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE THE RELEASE OF FUNDS TO GULLITTI BUILDERS CONTINGENT UPON WOODLAND MANOR HOMEOWNERS ASSOCIATION APPROVAL. 3 AYE

**Ethics Commission appointment discussion**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT ETHIC COMMISSION APPOINTMENTS AS FOLLOWS: ROBERT FULTON AND ELLEN PITROWSKI, REGULAR MEMBERS, 3 YEAR TERM; DAVE ADAMS AND JOE PASQUALE, REGULAR MEMBERS, 2 YEAR TERM; KATHY MCTIGUE, REGULAR MEMBER, 1 YEAR TERM; PAT KUPCHO, ALTERNATE MEMBER, 3 YEAR TERM; SUE BEHLING, ALTERNATE MEMBER, 2 YEAR TERM; BRUCE CHAPLIN, ALTERNATE MEMBER, 1 YEAR TERM. 3 AYE

**Economic Development Commission appointment**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT HUGH CURLEY TO THE ECONOMIC DEVELOPMENT COMMISSION TO FILL THE VACANCY OF J. LIPCHUS. 3 AYE

**Approval of request by Melynda Naples to use the Town Green, Town House Road, for a weekly Farmer's Market as recommended by the Planning & Zoning Commission at it's April 16, 2008 meeting**

MOTION BY JOHN SZEWCZYK SECONDED BY JAMES MCLAUGHLIN TO GRANT APPROVAL FOR USE OF THE TOWN GREEN FOR A WEEKLY FARMER'S MARKET FROM 3:00 P.M. TO 6:00 P.M. TO BE HELD ON NORTH SIDE OF THE GREEN. 3 AYE

**Approval of request by Lainy Melvin for permission of the use of Allyn Brook Park for a St. Jude Children's Research Hospital Trike-A-Thon, April 30<sup>th</sup> and May 1<sup>st</sup>, 2008 from 8:45 a.m. - 12:15 p.m. Rain date May 5<sup>th</sup> and May 6<sup>th</sup>, 2008**

Lainy Melvin was present to state this was an annual event for the last 17 years and has been very successful in raising money for St. Jude Children's Hospital. She also stated she needed no services from the town, that parents were very active in this event.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO GRANT APPROVAL FOR USE OF ALLYN BROOK PARK FOR ST. JUDE CHILDREN'S RESEARCH HOSPITAL TRIKE-A-THON, APRIL 30<sup>TH</sup> AND MAY 1<sup>ST</sup>, 2007 FROM 8:45 - 12:15, RAIN DATE MAY 5<sup>TH</sup> AND MAY 6<sup>TH</sup> 2008. 3 AYE

**Authorize the First Selectman to sign agreement between the Metropolitan District and the Town of Durham**

MOTION BY JAMES MCLAUGHLIN SECONDED BY JOHN SZEWCZYK TO AUTHORIZE THE FIRST SELECTMAN TO SIGN AGREEMENT BETWEEN THE METROPOLITAN DISTRICT AND THE TOWN OF DURHAM. 3 AYE

**Approval of tax refunds**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE ELEVEN TAX REFUNDS IN THE AMOUNT OF \$5,204.48. 3 AYE

**Set date and approve call for Annual Budget Meeting**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SET DATE OF MAY 12, 2008, 8:00 P.M., CRHS, AUDITORIUM AND APPROVE CALL FOR ANNUAL BUDGET MEETING. 3 AYE

TOWN OF DURHAM  
CALL TO THE ANNUAL BUDGET MEETING

The eligible voters of the Town of Durham are hereby warned that the ANNUAL BUDGET MEETING will be held in the Julian B. Thayer Auditorium, Coginchaug Regional High School, at 8:00 p.m. on Monday, May 12, 2008, to consider the following items:

1. To adopt a Resolution making Gabriela Cerda Latapi of Mexico an Honorary Citizen of Durham.
2. To adopt a Proclamation honoring Dr. Steve Levy.
3. To elect three members to a three-year term on the Regional School District #13 Board of Education, said terms to expire June 30, 2011.
4. To appoint two members to a two-year term on the Durham-Middlefield Interlocal Agreement Advisory Board, said term to expire June 30, 2010.
5. To transfer \$20,735 from Undesignated Fund Balance to #6700-493 Ambulance Gear CIP for the replacement of AED's, Stair Chair and Stretcher as recommended by the Board of Finance at their March 25, 2008 meeting.
6. To transfer \$18,500 from Undesignated Fund Balance to #6700-498 Town Wide Radio Communications CIP for the replacement of Belt-Worn Pagers and Portable Radios as recommended by the Board of Finance at their March 25, 2008 meeting.
7. To transfer \$25,000 from Undesignated Fund Balance to #6700-497 Library CIP for the Internet Safety and Space Utilization Renovation Project as recommended by the Board of Finance at their March 25, 2008 meeting.
8. To transfer \$36,000 from Undesignated Fund Balance to #7532 Durham Center Water Improvement Project as recommended by the Board of Finance at their April 15, 2008 meeting.
9. To authorize the Board of Selectmen to accept any and all Town Aid highway funds (Transportation Infrastructure) which may be due and available to the Town of Durham for the Fiscal Year ending June 30, 2008.
10. To adopt a total town budget for Fiscal Year 2008-2009 in the amount of \$5,336,939, less state and local estimated revenue of \$1,676,979, for a net town budget of \$3,659,960 as recommended by the Board of Finance at its meeting of April 15, 2008.
11. To adopt a five-year Local Capital Improvement Plan.

Laura L. Francis  
First Selectman

Dated in Durham, Connecticut, this 28<sup>th</sup> Day of April.

#### **Discussion of Capital Improvement Plan**

Tabled

#### **Approval of Board of Selectmen meeting minutes April 14<sup>th</sup>, and April 23<sup>rd</sup>, 2008**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE APRIL 14<sup>TH</sup> MEETING MINUTES AS AMENDED. 3 AYE

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE APRIL 23, 2008 MEETING MINUTES. 3 AYE

#### **Old/New business**

L. Francis brought the Board of Selectmen up to date on the following old business.

- She received Conn-OSHA report for the Public Works facility and is addressing the issues found and will respond with a letter.
- The Michael L. Green Award for distinguished service was awarded to Steve Levy but because he will be out of town and unable to attend the ceremony it has to be awarded to another candidate. L. Francis asked the Selectmen to let her know if they knew of anyone else.
- She met with DEP, DPH, and EPA officials regarding the grant application for the feasibility study for a water main connection to Middletown and it is ready for her signature.

- She met with the Fire Department Board of Trustees and the Brian Curtis, Town Engineer regarding issues with the firehouse driveway installation. A meeting is being planned with environmental consultants.
- She also met with Guilford Town Planner, George Kral and Attorney Rebecca Adams. The Crooked Hill Road enhancement project will begin once a few more measures are in place to protect the neighbors and the Town of Durham. She noted she is waiting for legal documents and measures that Brian Ferris needs to do. She also commented that B. Ferris may get a certificate of occupancy for the first home built stating she needs to get legal counsel.
- She met with the new Lieutenant at Troop F, Lt. C. Leon Pierce Jr.
- The town will be going out to bid soon with RSD13 for a pension study. Ron Melnik and Maryjane Malavasi have been working together on an RFP.
- The Tri-Mountain Road drainage project is almost complete and the Maple Avenue culvert installation project should begin next week. She will contact Maple Avenue residents when she gets confirmation the project is going forward.
- The Economic Development Strategic Plan has been finalized for the Board of Selectmen's approval. She asked the Selectmen to review the plan for discussion at the next meeting.

L. Francis brought the Board of Selectmen up to date on the following new business.

- There has been a request by the owners of the Time Out Tavern to lease or purchase town owned land across the street from the restaurant for employee parking. She is currently researching what approvals are needed and is proceeding very cautiously. J. McLaughlin commented that the property is zoned commercial but it is almost all swamp. D. Viola stated she felt there would be a safety issue with people crossing the road.
- A meeting has been scheduled with neighbors having issues with bullets allegedly coming from the Blue Trails Range, 7:00 p.m., Thursday, May 1<sup>st</sup> in the Town Hall meeting room. She commented that Troop F has responded extremely well to the situation and commented representatives from Troop F will be attending the meeting. She also stated the range is currently under no regulations and State Representative Kalinowski who is on the Public Safety Commission is willing to help.
- L. Francis presented the Selectmen with a draft proclamation that she would like to present at the annual budget meeting. She asked them to review the proclamation and any comments ready for approval at the next meeting.
- L. Francis commented that Tom Forma our financial consultant from Merrill Lynch has been named on the State's Top 50 Financial Advisers.

#### Selectmen's comments

None

#### Public comments

Patricia Dynia asked if a complaint would be the catalyst for an Ethics Commission meeting. L. Francis responded yes, and stated the code of ethics would cover this.

D. Viola made reference to prior issues with Cuomo Construction on Stagecoach Road, stating the town does not want to get in this type of situation again. L. Francis responded that she is unaware of any problem that Cuomo Construction has had with any subdivision. She also asked if RSD13 would be paying part of the expense for the pension bid. L. Francis responded yes.

Adjourned to executive session 8:18 p.m.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO BEGIN PROCESS OF ACQUIRING PROPERTY ON MEETING HILL HOUSE ROAD. 3 AYE

#### Adjourn

ADJOURNED MEETING AT 8:30 P.M.

Respectfully submitted, Beth Moncata