

BOARD OF SELECTMEN'S MEETING
August 22, 2005

Call to order

The meeting was called to order at 7:04 p.m. by First Selectwoman Maryann P. Boord; Board members present: Maryann P. Boord, Ernie A. Judson, Renee J. Primus.

Amend the Agenda

MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO INCLUDE A REQUEST FROM THE DURHAM HISTORICAL SOCIETY ON THE AGENDA; APPROVED WITH THREE AYES.

Joint meeting with the Board of Finance to hear the Town Hall Building Committee's report on the budget for the Town Hall Renovations Project

The Board of Finance at their meeting, held prior to this one, did not have a quorum in order to vote to have the selectmen call a Special Town Meeting to appropriate the funds for renovating the town hall. The two Boards, however, met together to listen to a presentation by Mary Jane Parsons and John Corona. Present for the Board of Finance: Fran Korn (Chairman), Fred Raley, and Paul Keurajian. A handout was given out, entitled *Durham Town Hall Renovation Project Budget*, which was discussed at length.

R. Primus asked John Corona for background information on selecting the general contractor. Attorney Corona explained the process and said he had met with ACMAT to whittle the amounts and they are still interested in working with the town. He said that one thing to remember is that this is NOT new construction; there is \$60,000 in contingencies but would like to have it used it for furnishings. R. Primus asked about additional costs but J. Corona explained that prices have increased since the first numbers were generated. Work was expected to start in the summer. E. Judson noted that the project has been worked on for over two years. Tom Arcari of Quisenberry Arcari said that just a feasibility study was done two years ago. He added that the cost figure was generated by a professional cost estimator. Considering the additions to the scope of work, \$32,000 growth in cost changes would be considered reasonable -- all add-ons are options to exercise at any time.

E. Judson noted a 1.4% increase and congratulated the committee for doing such a great job and on behalf of the Board of Selectmen, he extended a thank you. Fran Korn, also a member of the Town Hall Building Committee, noted that the committee did extensive yeoman work and worked diligently. He researched the use of the building, which started in 1918, and his grandfather recommended it be refurbished in the 1940's.

R. Primus questioned the \$171,522; F. Korn responded that as of 2-6-04, \$71,520 was in appropriated funds, money was added to reach the \$171,522; money has been put away for many years in the Reserve Fund, which are held in a Short Term Investment Fund (STIF). A spread sheet breaks out the various accounts.

Ona McLaughlin asked if when they found the space for the two bathrooms, did it change the footprint of the building. Tom Arcari said the original plan included two bathrooms, unisex in nature, within the footprint. When it was realized that it was necessary to accommodate certain codes and requirements, they reconfigured the stair tower, increased the footprint of the tower and the area grew by a small amount, creating more usable space, which is treated as an add alternate at 140 sq. ft, a total of 8,000 sq ft.

Roger Kleeman asked about the original estimate for moving the location of town hall. F. Korn answered that the budget also includes money for relocating and for returning to the town hall. Tom Arcari said \$32,000 is provided

for cost overruns within the relocation -- we had to construct a temporary vault and fit it out; an additional \$70,000 over the original amount has been absorbed.

Dave Montgomery asked about the ADA grant and M. Boord explained that it is a "draw down" type of grant, i.e., we need an invoice to give to the state to receive the money. Tom Arcari stressed that it is not a reimbursable grant.

It was agreed between the Boards of Selectmen and Finance that another joint meeting will be held at 8 p.m. on August 29th and a Special Town Meeting can then be called for September 8th at 8 p.m. in the Library.

Paul Keurajian's question was when could the work begin on the town hall -- after the funding has been approved? John Corona answered that it could then begin immediately.

M. Boord complimented the committee, saying they did an awesome job.

Minutes

MOTION R. PRIMUS, SECONDED BY M. BOORD, TO APPROVE THE MINUTES OF JULY 25, 2005; VOTE ON THE MOTION: AYES 2 (PRIMUS, BOORD); ABSTAIN (JUDSON did not attend that meeting). MOTION PASSED.

Durham Historical Society request

The Durham Historical Society (DHS) has requested permission of the Board of Selectmen to tie into the septic system at the Town Hall, in light of the renovation of the town hall. The DHS has been restoring the Centre School for close to 20 years and as part of their renovations, they wish to install a small kitchen and bathroom. They have also offered the use of the Sabbath Day House to be used as a contractor's office during the renovations. M. Boord said this letter was not to be acted upon yet because she wants to talk to the Sanitarian Bill Milardo and other professionals on this request. It will be on the next agenda.

Road Name approvals

MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO APPROVE THE ROAD NAME OF ABERDEEN WAY (which is located between Stagecoach Road and 608 New Haven Road); MOTION APPROVED WITH THREE AYES.

MOTION R. PRIMUS, SECONDED BY E. JUDSON, TO APPROVE THE ROAD NAME OF TURKEY HILL ROAD (which names a new road on the south end of Powder Hill Road); MOTION APPROVED WITH THREE AYES.

Appointments

MOTION R. PRIMUS, SECONDED BY E. JUDSON, TO REAPPOINT GEORGE ZEEB, JOHN HOGARTH, AND HENRY COE TO THREE YEAR TERMS ON THE SENIOR CITIZEN BOARD; SAID TERMS TO EXPIRE JUNE 30, 2008; MOTION APPROVED WITH THREE AYES.

MOTION R. PRIMUS, SECONDED BY E. JUDSON, TO APPOINT FRANCIS WILLETT AS DEPUTY EMERGENCY MANAGEMENT DIRECTOR; MOTION APPROVED WITH THREE AYES.

The position of the Fire Marshal was discussed by the Board, with M. Boord supplying history of the present status of the appointments within that department. She said that Bob Morpurgo, our present Fire Marshal, has moved to Meriden and wants to retire in the Spring; he has offered to take a six-month appointment. There is a problem with collating the deputy's credits within the state's accounting system. Additionally, William Witecki has been taking fire marshal classes and is an Inspector; expects to be certified as a fire marshal in October.

The Fire Chief Steve Levy said that it is important, but not required by law, that the Fire Marshal lives in town because there are times when he is needed at a fire.

MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO APPOINT ROBERT MORPURGO TO AN INTERIM PERIOD TO EXPIRE JANUARY 31, 2006, AS DURHAM'S FIRE MARSHAL. Discussion. R. Morpurgo said State Statutes, which provide for a term different than that provided for by Town Charter (4 year terms beginning in January). He said he told Mrs. Boord he is only retiring from Meriden. M. Boord countered that strongly saying that is definitely NOT what he said. R. Primus said she feels he should be able to continue in his position. S. Levy said if the charter calls for a four-year appointment it should override what the state statute is. Mr. Morpurgo retracted his refusal of a six-month appointment. **VOTE ON THE MOTION: 2 AYES (JUDSON, BOORD); 1 NAY (PRIMUS)** R. Primus explained her no vote saving she favored a four-year appointment; E. Judson said it makes sense to align this appointment with other January appointments and there are a number of issues which need clarification.

Old/New Business and Update from the First Selectwoman

1. The town has received the \$520,000 ADA grant funds.
2. She updated various town projects:
 - a. town hall project is awaiting Board of Finance approval for the Town Hall Renovation to go forward with the town meeting; they will meet jointly again on 8-29-05;
 - b. Durham Center Water Company: there was a meeting on August 15th at the DECD with representatives from several groups to determine outstanding needs; also discussed standing ground water under the influence testing; the Best Management Practices is being reviewed by the Fair – Durham may not need the Flood Management Certification.
3. The powerline meeting went well – some residents wanted more visuals of their areas and so the home photos will be superimposed with the poles onto the home lots. M. Boord said she is requesting all residents' comments to her office by August 29th, then she will forward all requests to NU and the CT Siting Council.
4. A letter has been received from the state DOT asking the town for a final decision whether it is interested in purchasing the parcel, which was formerly the state's salt/sand shed area on the Guilford Road. She will discuss this with the Sanitarian and it will be on the next Agenda. E. Judson noted that the town responded before and M. Boord said that the town was going to check for soil contamination.
5. A letter was received from Bob Melvin, Conservation Commission, saying that Paul Woodworth of the CT River Coastal Conservation district contacted him about a stream survey they are planning to conduct in September and early October. They requested a letter of invitation to town residents to participate in the stream survey project. M. Boord will send a letter from her office on the town's letterhead.
6. Notification has been received from the Buck Eye Pipeline Company that they plan to perform a hydrostatic pressure test of the pipeline system between September 12, 2005, and September 19, 2005. There will be no petroleum products in the pipeline during the test. This is a pipeline strength test designed to locate weakness in the pipeline system. They will be using heavy equipment on their property. They cautioned the town officials that it may disturb residents; L. Francis, Town Clerk, has added the information onto the town's website.

Crooked Hill Road

M. Boord advised the Board that she had received a packet of information from the Guilford Planning and Zoning Commission (GPZC) relative to new proposals for the "Northern Heights PRD", which affects Durham's Crooked Hill Road. She mentioned that E. Judson and R. Primus had attended a Council of Governments (COG) meeting.

E. Judson explained that Durham is in the Midstate Region and Guilford is in the South Central Region; the COG received plans on the Northern Heights PRD that is also a Durham issue. Durham has previously issued its opinion on this subdivision to the GPZC. Mr. Colegrove, our Town Planner, had assembled a stack of paperwork that concerned the Durham Board of Selectmen's interest, which stated that an alternative access was essential; he feels that Guilford is looking to use the old farm road.

E. Judson noted that from Durham's perspective, it is a less feasible plan. M. Boord thanked the selectmen for attending that meeting in her stead. The next GPZC meeting is September 7th. Chris Flannigan said it would be better handled by the Town Planner. M. Boord explained that the COG meets and responds on projects but rarely meets together unless there is an item of special interest. R. Primus thanked Mary Ryan for alerting them to the meeting.

Rebecca Adams, representing the residents, noted it is great to be on the "same page." She suggests lighting a fire under Geoffrey Colegrove to attend the GPZC meetings. She understands Mr. Colegrove was also invited especially to give his comments but did not attend. E. Judson said that Mr. Colegrove met with Judy Gott that morning to give his input. M. Boord said many will attend the GPZC meeting and she will attend. R. Adams asked that everyone work together.

M. Boord stressed that Durham's position is that the developers find another access to their development and George Kral, Town Planner/Guilford, has said the developer will talk to Durham but this has not yet occurred. E. Judson said there is no magic bullet to solving this question. Said he liked Mary Ryan's comments about Crooked Hill's single lane status. People have a right to develop their land.

A resident of Banta Lane asked why can't we meet with the Town Attorney and why doesn't he fight for this? M. Boord said that Attorney Thomas Byrne represents PZC issues, not the town attorney. The Town Planner was invited to this meeting; she will speak to him and to Richard Eriksen, Chairman of Midstate Regional Planning Agency (MRPA). Alan Fritts added that he wants Mr. Colegrove to be more visible in this. M. Boord noted that he is both our Town Planner and the Executive Director of MRPA.

Charles Doe wanted to know what the maximum comparable funds are for open space. Discussion followed on funds set aside for such purchases.

Jim Finley, Banta Lane, noted that the Board of Selectmen is able to talk to the other town boards, i.e., Conservation, IWWCA, etc, for the residents. M. Boord said she was unaware that the neighbors had contacted those commissions. M. Ryan noted there was no response from them. M. Boord will send a memo to them.

Diana McCain raised more concerns about the Town Planner: he should go to the meetings he is told to attend. She asked why the selectmen voted to engage Halloran & Sage, who have been hired to monitor appeals by Wilson & Ezra Academy. M. Boord said that \$10,000 has been budgeted to monitor this issue. She further explained that the Board needed to take another vote (B/S meeting July 15th) to engage H & S because in the other contract we shared the arrangements with Wallingford. M. Boord said the Wilsons are hoping to get rid of the Royal Oak bypass; H & S receives the paperwork, reviews it, and lets her know what is happening. The Wilson notice of action has been referred to CIRMA (town's insurance agent) who will represent us; H & S will not be involved in the Wilson suit. D. McCain asked how much H & S has incurred to monitor this? M. Boord responded: \$1,500.

S. Levy interjected with comments about the Buckeye Pipeline: he explained it is highly pressurized jet fuel – they should call Valley Shore to alert them to be aware of it and M. Boord assured him she will also call Valley Shore. He also stated he would like a search committee for the appointment of the fire marshal. M. Boord told him she certainly intends to seek his opinion. She asked for a copy of the fire marshal's attendance at fire calls. S. Levy provided a copy of attendance at fire calls, however, there was no record of the fire marshal's attendance. R. Primus asked for all attendance-at-meeting records.

S. Levy then spoke about the access being off the old farm road: he thinks it is a bad idea – that access should be off Route 77. He prefers access through another way than through Crooked Hill.

Luke Backus said he thought our position was just to say no! R. Primus said we can't tell them they can't use it but we asked for an alternate access. She said George Kral is very closed to giving in and that he said G. Colegrove told

him Durham was very close to approving the access and painted a picture that M. Boord and G. Colegrove favored the subdivision. M. Boord questioned how George Kral could have that opinion in light of the letters she has sent.

Jim Finley thanked the Board of Selectmen for taking an active roll in protecting the residents. He thinks G. Colegrove should come to the September 7th meeting and wondered how the Board of Selectmen can get MRPA to give Durham a favorable position. M. Boord read her letter to George Kral [do you want that included? If yes, I don't think I have a copy, do I?]

M. Boord said that on September 6th, MRPA will render their opinion on the revised plan. R. Primus felt a statement should come from MRPA *for* Durham.

M. Ryan presented photos showing two vehicles, which were unable to pass on the 14' roadway...she asked the town to take measurements to verify this; requested signage stating one lane road. M. Boord will talk to the Public Safety Committee for their opinion of whether or not to erect signage.

Mr. Doe asked if anyone has discussed with Mr. Colegrove the MRPA policy. M. Boord replied she has spoken to and will speak again to Mr. Colegrove and Mr. Eriksen. Mr. Doe said he wants the residents told what his response is. When that received, M. Boord will contact R. Adams. Bob Glidden said the town needs to stick to its guns.

William Witecki, in a public comments concern, asked about which hat Kurt Bober wears when he responds to a fire. M. Boord said he is there as a representative of the fire company and fire marshal's office. S. Levy questioned his fire company representation as he is not an officer.

Review of False Alarm Ordinances

M. Boord reviewed the history of the Fire Alarm ordinance and explained that a recent meeting was held with representatives of Lake Grove School to go fire call by fire call to identify those calls which would qualify for a fine.

S. Levy said that enforcing the ordinance is not to punish people but to make the direction change to provide safety and save costs for all concerned. He noted that Mr. Witecki, who has been accumulating the data relating to these calls, can track the steps in providing the breakdown of the calls.

M. Boord asked the Board of Selectmen to vote to assign fees in order for Eileen Murphy in the Selectwoman's Office to draft letters for billable offenses. S. Levy said the bills should not be a surprise to any offenders. R. Primus asked if Lake Grove has given any indication they are willing to fix their alarm problems. M. Boord said yes, they have made many improvements but their students are special needs individuals. Michael Suchopar of Lake Grove has put serious restrictions in place. Alan Fritts said the fire company has been very involved and been proactive with helping Lake Grove deal with their students. M. Boord advised that she has not had personal conversations with Regional District #13 on their false alarm calls, but they have received the violation letters. **MOTION R. PRIMUS, SECONDED BY E. JUDSON, TO BILL FOR FALSE ALARMS AS RECOMMENDED WITHIN THE FALSE ALARM ORDINANCE; MOTION APPROVED WITH THREE AYES.** R. Morpurgo said he has met with the new owners of the Mill Pond complex and they have put money forward to solving their false alarm problems. M. Boord said she would copy S. Levy on all the billings/letters. It will be a town receivable through the Board of Selectmen's receipts. S. Levy reiterated that the fire company doesn't want to be punitive against anyone – it's just to make the town safer. R. Kleeman said he wants the money to go to a fund for the fire company or public safety.

Traffic Control Authority action relative to the Durham Fair parking plan

M. Boord advised the selectmen that Attorney McManus, representing the Durham Fair Association, has recommended the traffic plan go to the State Traffic Commission under our letterhead. We need to acknowledge that the Fair has generated the plan, we ok it and forward it on to the State. Attorney Antin has ok'd the town's

letter and the plan. It is essentially the same plan as used before. Using the town's letterhead is thought to reduce the Fair's liability. The Fair is not the local traffic authority. Att'y Antin would prefer the plan on the Fair letterhead and do the town's letter separately. However, he will accept using town letterhead as long as the plan is identified as being produced by the Fair. D. Abdella explained that the application to the state for road issues was always issued by the selectman's office and Francis Willett, in charge of Public Safety for the Fair, concurred. **MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO ENDORSE THE PLAN, WHICH HAS BEEN GENERATED BY THE FAIR'S PUBLIC SAFETY COMMITTEE; APPROVED WITH THREE AYES.** M. Boord explained that LEPC meets with the Fair and the troopers to discuss the fair public safety plan for the troopers; the state police will not make their operations plan public, however.

One more public comment

M. Ryan asked if the salt/sand shed was under the jurisdiction of the State's Department of Transportation. M. Boord acknowledged that it was. Discussion followed as to the DEP jurisdiction and input into its demolition of the buildings.

Adjourn

MOTION E. JUDSON, SECONDED BY R. PRIMUS, TO ADJOURN THE MEETING AT 9:55 P.M.; 3 AYES.

DDA