

*Board of Selectmen's Meeting Minutes  
7:00 p.m., Monday, September 22, 2008  
3<sup>rd</sup> Floor Meeting Room, Town Hall*

**Meeting Minutes-Approved**

**Call to order and roll call**

Laura Francis called the meeting to order and led with the pledge of allegiance. John Szewczyk and James McLaughlin present.

**Approval of the agenda**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO AMEND AGENDA TO ADD APPOINTMENT TO ITEM NUMBER 7 AND TO ADD TAX REFUNDS. ALL AYE

**Public comments**

Maryann Boord encouraged the Board of Selectmen to review the report and final recommendation from the last Regional Health Committee. She stated the report was based on the makeup of towns that also had the same concerns and population as Durham.

Kerry Strickland, Co-chair of the Democratic Nominating Committee, read a prepared statement from Clay Howe and Ralph Chase in support of Brian Ameche's nomination for Planning & Zoning alternate appointment. She also stated she was disappointed that B. Ameche was found to be unacceptable and questioned L. Francis if she was making the right decision.

John Szewczyk asked K. Strickland how the committee felt about Mr. Keating's qualifications. Amy Bloom responded that the committee felt Mr. Ameche was better qualified.

Michael Good commented he was puzzled by the process; stating for generations these nominations were rubber stamped and was conflicted with the current situation of appointing a position for fourteen months. L. Francis responded that she simply wants to do what is right based on advice, records, and past performance. She was not disagreeing for disagreement sake and noted there were plenty of breaks in long traditions. M. Boord agreed there was no rubber stamp and all members, even alternates, need to be fully informed.

Diana McCain commented she was disturbed by the opposition of Campbell Barrett's nomination based on his legal aspects with the Silver Eagle application. She talked about many applicants representing different professions who came before the commission; the willingness of private individuals to present relevant information and the remedy of a member of a board or commission being able to recuse themselves from a discussion or voting on a particular case and her concern over someone being denied a seat on a commission as a result.

J. Berardino stated he felt there was a conflict of interest with both nominations brought forward and everyone involved should do what's best for the town. He believes that no one person should hold more than one position on land use boards deeming a concentration of power and judgment. He recommended the Board of Selectmen charge the Ethics Commission for parameters for this type of circumstance where integrity can be maintained. Bob Fulton commented that the question of dual service was debated by the Charter Revision Commission and rejected. L. Francis responded that it was never brought forward for vote because the Board of Selectmen did not allow it.

Laurie Stevens thanked Campbell Barrett for his interest in serving on Planning & Zoning and hoped he would seek office in the future. She talked about her disappointment over Brian Ameche's nomination not being accepted and how each party not only has the right but the obligation to select their own candidates. She ended by calling attention to the town charter calling for minority representation to prevent either party being overwhelming dominant.

James McLaughlin asked L. Francis who gave her a copy of C. Barrett's brief on Silver Eagle. L. Francis responded that Attorney John Corona did. J. McLaughlin responded that his concern was that Mr. Corona was the attorney for Price Chopper, who is appealing the Planning & Zoning decision that is at the heart of the issue, and thought it was irregular to consult him about appointments to P&Z. To that L. Francis stated she would not disparage anyone character and was offended by J. McLaughlin's opinion that she would be persuaded by ulterior motives.

**Proclamations for Eagle Scouts**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO TABLE UNTIL NEXT MEETING. ALL AYE

**P & Z alternate appointment**

Laura Francis asked for a motion. J. McLaughlin nominated Brian Ameche and spoke about his background; L. Francis seconded the motion.

L. Francis nominated Stuart Keating and spoke about his background; John Szewczyk seconded the motion.

A vote was taken.

All in favor for Brian Ameche; J. McLaughlin aye.

All in favor for Stuart Keating; L. Francis and J. Szewczyk aye.

**Senior Citizens Board resignation**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO ACCEPT WITH GRATITUDE THE RESIGNATION OF MARY DIMELLA FROM THE SENIOR CITIZENS BOARD. ALL AYE

**Historic District Commission membership discussion and appointment**

Duncan Milne, Chair of the Historic Commission was present to state that after researching the membership of the commission, he recommended Diana McCain to the out of district regular membership vacancy.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT DIANA MCCAIN AS AN OUT OF DISTRICT REGULAR MEMBERSHIP TO FILL A 2008 VACANCY. ALL AYE

**Permission for the First Selectman to enter into an agreement between Turner Miller Group LLC and the Town of Durham for the term period September 23, 2008 - June 30, 2009**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO THE FIRST SELECTMAN TO ENTER INTO AN AGREEMENT BETWEEN TURNER MILLER GROUP LLC AND THE TOWN OF DURHAM FOR THE TERM PERIOD SEPTEMBER 23, 2008 - JUNE 30, 2009. ALL AYE

**Town Engineer request for Selectmen's approval of Brian Ferris, Crooked Hill Road partial bond release**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE PARTIAL BOND RELEASE IN THE AMOUNT OF \$156,788.11 PERTAINING TO WORK COMPLETED THROUGH SEPTEMBER 9, 2008 FOR THE CROOKED HILL ROAD RECONSTRUCTION PROJECT. ALL AYE

**Approval of requests for tax fixing**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE REQUEST FOR NOSAL ENTERPRISES TAX FIXING. 3 AYE

**Fiscal Analysis August 2008**

At two months into the new fiscal year, our expenses are at 17%, which is right on track. All departments did a good job of submitting invoices for the previous year in a timely manner, therefore allowing them to be paid in the proper fiscal year. In previous years, a large amount of invoices were paid in the beginning of the new fiscal year that should have been allocated to the previous one. This caused an immediate depletion of many budget lines. Proper fiscal year placement allows us to start the year off on better footing.

There is a lot of planning going on, especially in public works. This will allow our budgets to be better monitored and for us to recognize a problem before it exists instead of after it happens. The Board of Finance, at their August meeting, approved the plans for 5 road projects, and recommended that \$50,000 be transferred from reserve to cover the cost of those projects. The projects will be monitored to track budget versus actual.

At that same meeting in August, the Board of Finance sent final overages for fiscal year 2007-2008 and carryovers to the 2008-2009 budget to town meeting for approval. The overages amounted to \$179,795, which was a total of 26 budget line overages. Carryovers totaled \$402,793, which was primarily the balance of the new fire apparatus for the fire company.

The Town received a STEAP grant to add 15 tie-ins to the water system down Main Street. Due to cost escalations since the application was submitted, an additional \$12,000 was transferred from contingency to complete the project.

The Town signed new contracts for electricity and cell phone service, so we should see some cost savings in both of those areas. Other lines are being reviewed for potential savings as a means to help cover the overages already seen in heating oil and vehicle fuel.

As of August 31, 2008, the budget stands as follows:

	Original Appropriation	Additional Appropriations	Carryovers from 07-08	Revised Budget	Actual	Balance
Expenditures	25,714,652	23,800	402,793	26,141,245	4,599,425	21,541,820
Revenues	25,714,652	0	0	25,714,652	10,572,415	15,142,237
				<b>YTD Net</b>	<b>5,972,990</b>	

The year to day net income of close to \$6 million dollars will be used to supplement general fund expenditures between now and January when the next round of tax payments is due. This amount is part of the \$8 million in our money market account as listed below in the balance sheet. The funds are invested to generate additional interest income.

The Water Company is past due on its loan payments to the town. The commission is currently pursuing the possibility of charging a one-time service charge to each of its 106 customers in order to fulfill this obligation. Their 08-09 budgets are able to keep up with current costs, but cannot generate enough revenue to cover its prior year deficit. The town will continue to monitor and assist the Water Company through this process.

Careful consideration needs to be made for any additional appropriations that come to the Board of Finance this fiscal year. Since we do not anticipate any increase in the fund balance at the end of this fiscal year, our contingency will need to cover most if not all of the overages that may occur in order to protect the balance we currently have in fund balance. There are some lines, such as Tax Refunds, which generally are transferred from fund balance, but other requests will require more scrutiny before approval. The amount of fund balance listed in the balance sheet is an unaudited figure from the previous year.

**Approval of Call to Annual Town Meeting, October 6, 2008**

MOTION BY LAURA FRANCIS SECONDED JOHN SZEWCZYK TO APPROVE CALL TO ANNUAL TOWN MEETING, OCTOBER 6, 2008.

CALL TO THE ANNUAL TOWN MEETING  
TOWN OF DURHAM

The eligible voters of the Town of Durham are hereby warned that THE ANNUAL TOWN MEETING will be held in the Julian B. Thayer Auditorium, Coginchaug Regional High School, on Monday, October 6, 2008 at 8:00 p.m. for the following purposes:

1. Presentation of Eagle Scout Proclamations.

2. Acknowledgement of the 300<sup>th</sup> Anniversary of the Town's Incorporation.
3. To establish the date for the Annual Budget Meeting.
4. To elect 1 member to 2013 term on the Compensation Review/Personnel Policy Commission.
5. To elect 3 members to 2011 term on the Library Board of Directors.
6. To elect a town representative to the 2011 Term on the Board of Trustees of the Durham Volunteer Fire Company, Inc.
7. To approve a resolution granting tax abatement to Nosal Enterprises, LLC.

Laura L. Francis  
First Selectman

John T. Szewczyk  
Selectman

James W. McLaughlin  
Selectman

#### **Public Safety Renovations Committee member discussion**

L. Francis advised the Selectmen that ten residents have come forward to volunteer for the Public Safety Renovations Committee and spoke about their qualifications. Duncan Milne asked the Board to consider breaking the project down to two separate projects; town owned houses and the firehouse. J. McLaughlin agreed and asked L. Francis to forward the names and qualifications to the Selectmen for further review.

#### **Approval of Board of Selectmen meeting minutes September 8, 2008**

Tabled until next meeting

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

L. Francis discussed the following old business.

- 1.) She met with First Selectman Jon Brayshaw and Pamela Kilbey-Fox regarding the health district. Middlefield is very interest. She will be meeting with Jim Monopolie, Director of the East Shore Health District on October 16<sup>th</sup>.
- 2.) L. Francis brought the Selectmen up to date on the Blue Trail Range. Peter DiGioia reported that all bullet cases except for the Louisa strike will be closed. He anticipates his final report will be delivered by the end of the week; the conclusion will be the same as last time, the bullets were most likely coming from the Blue Trail Range but there was no match between a recovered bullet and a rifle known to be fired from the range. L. Francis was told by Major Arciero the report will be turned over to the Attorney General's Office.
- 3.) Letter's have been sent out to all owners of un-cashed checks found in the Building Department. One check has been recovered.
- 4.) L. Francis is working with Finance Director Maryjane Malavasi and Fran Korn, Chairman of the Board of Finance for a possible solution to the Water Company deficit.
- 5.) J.J. Brennan will start work on the extension of the water service to the Fire House and other Main Street properties after the Durham fair.

6.) The town cell phone policy was approved by the Compensation Review/Personnel Policy Board with a minor change relative to the loss of phones.

L. Francis discussed the following new business.

1.) Randi Frank of Randi Frank Consulting will be contracting with the town to update job descriptions for three union positions; the Road Foreman, Administrative Coordinator and Crew Leader.

2.) Per the Department of Health a cross connection survey of the Durham Fairgrounds was conducted by a certified operator of the Connecticut Water Company and no citations were issued.

3.) L. Francis reviewed the Durham Public Water System's Emergency Response Plan for the 2008 Durham Fair. She also spoke about increasing insurance coverage for unanticipated costs if the town had to caravan water, an on-site tanker, stand by trucks, etc.; stating the Water Company is covered by a LAP Policy. She contacted SIMA to see if they had pump parts for a worst case scenario.

Selectmen's comments

None

Public comments

Donia Viola asked Laura to reiterate on the cell phone policy. L. Francis stated the minor change was added that if the cell phone was lost or damaged the employee was only responsible due to negligence. D. Viola felt there should be some encumbrance on the employee's part.

D. Viola offered to share her notes on the Ackerman properties to the Public Safety Renovations Committee when formed.

D. Viola stated she felt all town meetings should be tape recorded.

Susan Good asked the Board what the best use of the Town Planner and Planning & Zoning was. Is there an umbrella/overview as to what is going on relative to comprehensive smart growth for the town? She mentioned big issues such as senior citizens, development and the Lake Grove property. L. Francis responded that some Boards and Commissions have independent statutory responsibilities but she wants to get a task force together after the fair. She spoke about other towns conducting Charettes; stating part of the reason why we haven't had the discussion is because properties are not being developed; segments of the town's population are struggling to stay here. Diana McCain stated the town does have a Plan of Conservation and Development with a good vision; she suggested a place to start is to have every board and commission read it. L. Francis stated more conversations needed to be continued on this subject and noted she felt the Plan of Development should be a living breathing document, constantly being looked at. J. McLaughlin said he felt the Plan needed to be brought up to date; we all want a better tax base but are restricted by an old Plan of Development. L. Francis said the Plan of Development is up to date and that the process to amend it is statutory. Jay Berardino thought smart growth was a good idea and suggested calling Geoff Colegrove to schedule a seminar with Jim Gibbons from the State of Connecticut. Joe Pasquale stated he believes the town does not have a good town planner and that the town is not being well served; the town needs a Planning & Zoning Commission that works with the Economic Development Commission and should be prepared for what's in the town's future. He suggested the Board consider hiring a town planner specifically for the Town of Durham. M. Good echoed J. Pasquale's comments.

Adjourn

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO ADJOURN MEETING AT 8:50 P.M. ALL AYE

Respectfully submitted:

Beth Moncata

Received October 7, 2008  
Kim Garvis, Town Clerk