

*Board of Selectmen's Meeting  
September 10, 2007*

Meeting Minutes-Revised

Meeting called to order at 7:03 pm.

MOTION TO APPROVE AGENDA MADE BY M. BOORD AND SECONDED BY R. EDWARDS. ALL AYE.

Public Comment

Pat Ponko asked that her comments printed in the meeting minutes of 27-Aug-2007 be revised to accurately reflect what was said. The following revisions were requested:

- 1) Replace the sentences "She was also concerned that the ESFC meeting wasn't publicized, that residents were not made aware of such meetings, and the word eminent domain was used. James McLaughlin offered that all town meetings are open to the public, are posted, and nowhere does it mention eminent domain." with "*As a neighboring property owner to the firehouse, I try to be aware and had read the articles in the papers and was not aware of a secondary access until the meeting Sunday night. I feel out of the loop and need to know how to be educated in order to know things that are not published in the paper. J. McLaughlin stated that all meetings are public and posted, and that minutes to all meetings can be found on the website. J. McLaughlin commented no, that secondary access was discussed for years*".
- 2) Add "*P. Ponko further stated that when you come home on Sunday afternoon and concerned neighbors are using the term eminent domain, you wake up and pay attention, especially after the ugly fiasco in New London.*"

The Board agreed to make these changes and would hold off on approving the meeting minutes until the Board could review the revisions.

Donia Viola asked if the town was planning to conduct the proposed Phase II study of the salt shed site on Rt. 77. D. Viola explained that the Phase II study was the proposed follow-up to the Phase I study, which had shown evidence of diesel/fuel oil contamination in the soils. D. Viola expressed her concern about the nearby residents and the Public Works site. M. Boord responded that a Phase II study would not be done and that the Board of Selectmen informed the state that we were not interested in the land/shed. J. McLaughlin stated that it is the state's responsibility to conduct a study of the site and that the town should not be responsible for paying for a study on state-owned land. He further stated that the contaminated area was a considerable distance from the Public Works Department. M. Boord suggested that we revisit the file to see what was said to the state regarding the site.

Local Traffic Authority, Shunpike Road

J. McLaughlin explained that concerned residents from Shunpike Rd and Chalker Rd requested that the Board of Education allow buses to travel down these roads. Because of width restrictions for bus traffic safety, RSD13 Business Manager Ron Melnik proposed that Shunpike Rd be posted as a one-way roadway between the hours of 7:00 - 9:00 am and 2:30 - 4:30 pm Monday through Friday. Residents in attendance confirmed that they supported this proposal. One-way traffic should flow north.

MOTION TO POST SHUNPIKE ROAD AS A ONE-WAY ROADWAY BETWEEN THE HOURS OF 7:00 - 9:00 AM AND 2:30 - 4:30 PM MONDAY THROUGH FRIDAY BY R. EDWARDS AND SECONDED BY M. BOORD. ALL AYE

**Set Date for Public Hearing re: Senior Citizen Tax Relief Ordinances**

The Board of Selectmen agreed to set the public hearing for the senior citizen tax relief ordinances on Monday, September 24 at 7:00 pm. The Board of Selectmen meeting will be held directly following the hearing at 8:00 pm.

**Discussion of Legal Opinion re: Woodland Manor**

J. McLaughlin provided documentation stating that Geoff Colegrove (Town Planner), William Milardo (Town Sanitarian), and Warren Herzig (DEP) all agreed that the septic system at Woodland Manor was not a community septic system.

Per advice from Geoff Colegrove, the following motion was made by the Water Pollution Control Authority:

MOTION TO REQUEST THAT PLANNING AND ZONING AMEND THE SPECIAL PERMIT THAT REQUIRES THE TOWN AND THE WOODLAND MANOR ASSOCIATION OF DURHAM TO ENTER INTO AN AGREEMENT TO ENSURE ADEQUATE RESERVE FUNDS FOR CAPITAL REPLACEMENT OF THE SEWER AND WATER SYSTEMS AT THE DEVELOPMENT BY M. BOORD AND SECONDED BY R. EDWARDS. ALL AYE.

**Permission for First Selectman to apply for STEAP grant**

J. McLaughlin commented that he spoke with Bruce Sheriden of the State DECD in reference to M. Boord's concern about there being an impact on the Small Cities grant stating that B. Sheriden did not believe that a STEAP grant to finish up the upgrades to the Durham Center Water System would have any impact on the Small Cities grant.

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO GRANT PERMISSION TO THE FIRST SELECTMAN TO APPLY FOR STEAP GRANT. ALL AYE.

**Emergency Services Facilities Committee Resignation**

The Board of Selectmen accepted the resignation of Allen Fritts from the Emergency Services Facilities Committee with gratitude.

**Crooked Hill Road/345kV Transmission Line updates**

Nothing to report on Crooked Hill Road except that Brian Ferris is working on the road.

Nothing to report on 345kV transmission line.

**Approval of August 27, 2007 meeting minutes**

Tabled until next meeting.

**Old/New Business**

James McLaughlin brought the Selectmen up to date with a water system problem when it went on line September 5<sup>th</sup>. The rehabilitated water system and booster station was to provide water to the Durham Fair Association; in turn the Town has use of the Durham Fair wells. The 2" pipe installed does not deliver the promised quantity of water to the fair. J. McLaughlin is currently looking into cost

prices to correct. He also stated that he needs to meet the grant deadline requirements. He went on to state that he does not feel that it is the Town of Durham's responsibility to pay the cost to correct the issue reiterating that the mistake lies in the specifications of the engineering firm and Connecticut Water. Renee Edwards stated that she spoke with the Durham Fair Association President, Gene Chiappetta, and he also originally questioned the a 3" diameter pipe and has notations that he would allow the town to use if needed. John Mitchell from the Durham Fair Association also disputed the 2" pipe. James McLaughlin stated that he directed the engineer to prove his calculations at a pre-construction meeting and his calculation did not prove out in practice. J. McLaughlin also stated that J.J. Brennan put a camera through every inch of the pipes for breaks or kinks and found nothing.

#### **Selectmen's comments**

James McLaughlin brought to the attention of the Selectmen that when excavating the new driveway at the firehouse, sludge was discovered. The sludge discovered there contained, TCLP lead, classified by EPA standards as "hazardous waste". This material was put into a plastic-lined dumpster Friday, August 24<sup>th</sup> to await test results. EPA regulations require that this material, be repackaged and transported to an appropriate hazardous waste site. The estimated cost of doing this is \$6,000 to 8,000.

The mass of lead on the site is not considered to be a significant environmental hazard and is below levels that require notification of the state DEP.

Certain piles of dirt produced from the excavation of the driveway to a suitable site such as Phoenix in Waterbury. This is estimated to cost about \$10,000. It was noted that the tests on the firehouse well show that it was not affected.

Attorney Kevin Ferrigino, a specialist in environmental issues at Tyler Cooper was called and has set a meeting with AIE. He has advised the town to start making arrangements to dispose of the excavated piles to a certified landfill, cordon off the area and continue with testing.

Maryann Boord asked if CIRMA was contacted. J. McLaughlin stated that Maryjane Malavasi was in contact with the towns' representative but had not heard back yet.

On another matter, J. McLaughlin stated for the record that a letter was dropped off by Frank DeFelice to the Board of Selectmen at this meeting.

#### **Public Comments**

Donia Viola asked the board if any hazardous materials have been deposited into the town dump, that she was not comfortable seeing these materials dumped there. J. McLaughlin replied that he knows of none to date.

#### **Adjourn**

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO ADJOURN MEETING AT 7:55 P.M. ALL AYES.

Respectfully submitted,

Beth Moncata