

BOARD OF SELECTMEN'S MEETING MINUTES
JULY 11, 2005

Call to Order

First Selectwoman Maryann P. Boord called the meeting to order at 7:00 PM in the Durham Public Library. Board of Selectmen members present: Maryann P. Boord, Ernie A. Judson, and Renee J. Primus. Also present: David Montgomery, John Philip, Roger Kleeman, Tim Larkin, Marc Andrews, Steve Levy, Ona McLaughlin, Martin French, Mary Ryan, Daryl Edwards, Peter Downes (*Hartford Courant*), Sue VanDerzee (*Town Times*), and approximately 5 other townspeople.

Recommendation from the Town Assessor to Set Policy to Provide Assessor's Data upon Request

M. Boord requested John Philip, Assessor, to review a fee proposal that he prepared for the Board's consideration and action at tonight's meeting. Mr. Philip explained that the Assessor's Office receives requests several times a year for assessment data for all land parcels in Durham. Preparing the information can be time consuming, and it would be appropriate to establish a reasonable fee for this service. Mr. Philip explained that the proposal he is recommending is based on the per-record fee of \$0.03 charged by the town of Groton for providing similar data. Since Durham has approximately 3,300 parcels, the total charge would be \$99 at the \$0.03 per record rate. He recommended that a flat fee of \$100 be charged for comma-delimited or flat file standard extracts from Assessor's files in Unifers (the appraisal system) or MUNIS (the assessment administration system). File layouts for the standard Unifers extract are available. The fee will include the data and available media. An additional technical service fee of \$15 per half hour will be charged for custom reports. The fee will go into effect July 11, 2005.

MOTION BY E. JUDSON, SECONDED BY R. PRIMUS TO ACCEPT THE FEE PROPOSAL IN ITS ENTIRETY. MOTION PASSED WITH 3 AYES.

New Charge to the Skating Pond Committee

M. Boord welcomed Tim Larkin and Marc Andrews, two members of the Skating Pond Committee. She reviewed a new charge to the Skating Pond Committee. The Committee, originally organized by the Board of selectmen on January 10, 2005, made its initial report to the Board of Selectmen on June 27, 2005, and is now hereby charged with the following:

- Contact the Conservation Commission (CC) and Public Works Department (DPW) to discuss proposed repairs and solicit input regarding the proposed upgrades.
- Make application to the Inland Wetlands and Watercourses Agency (IWWCA) for proposed repairs and improvements.
- Generate firm monetary figures for berm repairs, water outlet/level control structure, lighting, and water pumping system.
- Meet with risk control representative from Connecticut Interlocal Risk Management Agency (CIRMA) for recommendations regarding risk control measures.

- Recommend to the Board of Selectmen the best use of the \$50,000 Bond Commission Allocation.

MOTION R. PRIMUS, SECOND E. JUDSON TO ACCEPT THE CHARGE TO THE SKATING POND COMMITTEE AS PRESENTED. MOTION PASSED WITH 3 AYES.

E. Judson thanked Tim Larkin and Marc Andrews for volunteering to work on the Skating Pond Committee and asked them to pass along the Board of Selectmen's appreciation to the other members of the committee. Mr. Larkin and Mr. Andrews left the meeting at this time.

Proclamation Honoring the Department of Public Works

M. Boord explained that the Board of Selectmen would like to recognize the Department of Public Works of the Town of Durham for its valuable assistance and hard work in preparing the temporary Town Hall at Adams Commons for occupancy for the Town's municipal offices and town hall staff employees. She read the Proclamation in its entirety, which is attached to these minutes.

MOTION E. JUDSON, SECOND R. PRIMUS TO ACCEPT THE PROCLAMATION HONORING THE DURHAM DEPARTMENT OF PUBLIC WORKS. MOTION PASSED WITH 3 AYES.

Approval of Minutes of Previous Meetings

MOTION R. PRIMUS, SECOND E. JUDSON TO APPROVE THE MINUTES OF JULY 13, 2005 AS PRESENTED. MOTION PASSED WITH 3 AYES.

MOTION E. JUDSON, SECOND R. PRIMUS TO APPROVE THE MINUTES OF JULY 27, 2005 AS PRESENTED. MOTION PASSED WITH 3 AYES.

MOTION E. JUDSON, SECOND R. PRIMUS TO APPROVE THE MINUTES OF JULY 30, 2005 AS PRESENTED. MOTION PASSED WITH 3 AYES.

Old/New Business and Update from the First Selectwoman

1. The architect recommended to the Town Hall Building Committee the selection of ACMAT as the contractor for renovations to the Town Hall. A meeting is scheduled for July 18th with ACMAT, the Building Committee, and Kurt Bober representing the DPW. Consideration will be given to having DPW employees participate in the renovation work in an effort to reduce the overall costs of the project. Following the meeting on the 18th the Building Committee will make a recommendation to the Board of Selectmen, and the B/S will take action on the Committee's recommendation.
2. National Incident Management Training sponsored by the Middlefield Fire Chief will be held on July 18th from 10:00 to noon. Durham's emergency response personnel and town officials are invited to participate.
3. Tax bills have been prepared and are now at the post office ready for delivery tomorrow. The systems conversion has been completed, and both the Assessor's Office and the Tax Collector's Office will be on the MUNIS system effective tomorrow. The successful conversion reflects a real team effort, and the Project Connect Committee was very helpful.

4. Gene Bishop, First Selectman of Guilford, informed M. Boord that the Land Acquisition Committee remains interested in pursuing the acquisition of the Isabel and Ray Wimler property. Guilford has tried to purchase this property in the past. The proposed subdivision off Crooked Hill Road was taken off the Guilford PZC agenda for July 6, 2005. It is likely that it will be taken off the PZC agenda for July 20, 2005 and that a new application will be filed in the fall.
5. Recent communication from the CT Yankee Nuclear Power Plant indicated that demolition is approximately 40% complete. Demolition should be completed by the end of 2006.
6. The Department of Environmental Protection (EPA) is holding a Public Informational Meeting regarding the Superfund Site tomorrow, July 12th at 7:00 PM at CRHS in the Julian Thayer auditorium. Representatives from the CT DEP and EPA will present their plan for remediation of the hazardous waste conditions of the Superfund Site on Main Street. There will be an opportunity for the public to make comments and ask questions. On July 28th there will be a Public Hearing at 7:00 PM in the Library to receive formal comments on the proposed plan.
7. CPR training will be offered on July 20th at Lake Grove School for Town employees. Special thanks to Bill Smith and the Public Safety Committee for coordinating this training program.
8. M. Boord reported that she received a call from Donna Noonan (daughter of Alan Adams) on June 30, 2005 informing her that Mr. Adams' Will has gifted the former Merriam property on Main Street to the Town of Durham to be used exclusively for elderly housing. She said she would wait for something in writing. On July 8th, Attorney Winnick, who is representing the Estate of Alan Adams, informed her that the Town has nine months from the date of death to make a decision to accept or disclaim the gift. The deadline for making this decision is July 19th. There is no administrator for the will; however Town Counsel has indicated that the Town has the option of filing its intention with the Judge of Probate. A Probate Court date is scheduled for July 21st. In response to a question from E. Judson, M. Boord reported that the will is dated September 5, 2004.

Ms. Boord remarked that many issues need to be carefully considered in making this decision. The attorney for Mr. Adams' estate suggested the Town seek counsel from an environmental attorney. The Town would need to know if the EPA would hold the Town harmless if the Town accepts the gift. Town Counsel has cautioned that the Town needs to make certain that the EPA has the authority to indemnify the Town. In addition, there is a lien on the property, so it may not be free to be gifted. A conference call will be held on Wednesday, July 13th with Town Counsel Ken Antin, Annie Loughlin of the EPA, Attorney John Kilborn of the EPA, and an environmental attorney selected by the Town of Durham, probably from the law firm of Halloran and Sage. Attorney Antin feels that the Town needs to make a decision by the end of the week. He will try to determine if the deadline can be extended.

The remediation plan to clean up the Superfund Site estimates clean-up costs at \$12.8 million. Some of the money would be available from the EPA, and parties responsible for the problem would be asked to contribute to the clean-up costs. M. Boord noted that Durham Manufacturing has been very responsive to EPA's requirements to participate in providing filters for the affected homes and participating in the associated studies. They have contributed more than \$4 million to help resolve this problem. The issue is a difficult one. The location of the site would be ideal for

elderly housing and a senior center. It is too important a decision to dismiss summarily without careful consideration. It is worth the time to explore our options with the assistance and advice of experts.

Discussion followed. Steve Levy commented that a hazardous waste site with a price tag of \$12.8 for cleanup should not be considered a gift. M. Boord asked Board members E. Judson and R. Primus if a Special Board of Selectmen's Meeting could be held Friday, July 15th to discuss this issue further. E. Judson indicated he was available. R. Primus indicated she would call M. Boord tomorrow morning regarding her availability.

Public Comments

1. Sue Vanderzee asked if the Town has been named in a lawsuit by the Jewish Community Center in Woodbridge related to the Northeast Utilities power lines issue. M. Boord explained that the Town is not named as a defendant in a suit, however because the Town filed an appearance in a suit by Ezra Academy and the Jewish Community Center in Woodbridge in order to obtain information, the Town is involved in an indirect way. M. Boord asked S. Vanderzee to call her in the morning for details on the Town's status in the suit.
2. David Montgomery expressed concern about the Town's cash flow as a result of the delay in issuing tax bills. He noted that it will be difficult for the Town to pay its bills due to the delay in receipt of tax revenue. M. Boord explained that she has met with the Finance Officer, Town Treasurer, and Chairman of the Board of Finance to discuss this issue. Options have been discussed, including borrowing money on a short term basis. She reported that our first payment to Regional School District 13 in the amount of \$1.5 million has been paid, and the Town is being diligent in watching the cash flow situation. A payment to DMIAAB in the approximate amount of \$90,000 is temporarily being held, although the check has been cut. M. Boord noted that when escrow bills are paid, many large payments are received very quickly.
3. Roger Kleeman asked if a contract has been signed for renovations to the Town Hall or if there will be a Town Meeting to vote on it. He suggested that no contract for the renovation work be signed before getting money approved at Town Meeting. M. Boord responded that a Town Meeting will be held to authorize the transfer of reserve funds to pay for the renovations. She noted that additional funds will be provided through an ADA grant. A contract will not be signed until all financing arrangements are in place. D. Montgomery clarified that the vote at Town Meeting will be to authorize money to be transferred from reserves for the project; the vote will not be to authorize the project itself. R. Kleeman expressed concern that the cost of the project will exceed the amount of money available. M. Boord explained that project costs will be reviewed at the Town Meeting. S. Levy asked if voters ever approved the Town Hall renovation project. M. Boord explained that the renovation plans have been shared at many public meetings and hearings. S. Levy asked if the electorate ever voted on it. E. Judson responded that the project has been approved twice in the annual budget process, and noted that meetings of the Town Hall Building Committee are open to the public. R. Primus asked if the Town Charter requires a referendum for transfers of amounts over \$100,000 rather than a Town Meeting. M. Boord explained that the Town Charter requires a referendum for special appropriations and borrowed amounts over \$100,000, but not for transfers over \$100,000.

4. Ona McLaughlin commented that the \$12 million clean-up costs at the Merriam property include \$7 million to bring water to Main Street from Middletown. As a result, the investment will benefit not only one parcel of land, but all of the properties on Main Street. M. Boord agreed. R. Kleeman asked why water cannot be brought to the northern part of Main Street from the southern part, rather than pay the cost of bringing water in from Middletown. E. Judson explained that the terms of the Water Company grant require that the money be used only for repairs to the Durham Center Water System. R. Primus added that there has been consideration for future expansion from the southern part of Main Street to the northern portion. The pump design, for example, allows for that possibility. M. Boord agreed that pipe size, pump design, etc. allow for this in the future.

Selectmen's Concerns

R. Primus requested M. Boord to contact Town Counsel to confirm that a Special Town Meeting is adequate for a vote on the transfer of \$1,200,000 from reserves for Town Hall renovations, or if a referendum is required. M. Boord responded that Town Counsel has been involved with this issue from the beginning; however she would be happy to contact them tomorrow to discuss it again.

Adjourn

MOTION E. JUDSON, SECOND R. PRIMUS TO ADJOURN THE MEETING AT 8:04 PM;
MOTION PASSED WITH 3 AYES.

Respectfully submitted,

Alice Tucker
Alice Tucker

Attachment

PROCLAMATION

WHEREAS, the Department of Public Works of the Town of Durham, in its multifunctional capacity as overseers of town buildings and property maintenance, has risen above the regular call of their duties to prepare the temporary Town Hall at Adams Commons for occupancy for the Town of Durham municipal offices and town hall staff employees; and,

WHEREAS, by using their many talents and gifts, they have created an environment in which the town hall staff can very comfortably work and serve the public; and,

WHEREAS, their cooperative and patient attitude calmed the potentially tense and chaotic atmosphere; and,

WHEREAS, their attention to the smallest details of the staff's needs and desires were met with willingness and enthusiasm.

NOW THEREFORE, WE THE BOARD OF SELECTMEN, dedicate this space in the temporary Town Hall in commemoration of the hard work and care with which the employees of the Department of Public Works took to assure a pleasant and comfortable work environment.

Maryann P. Boord
First Selectwoman

Ernie J. Judson
Selectman

Renee J. Primus
Selectwoman

Dated in Durham, Connecticut, this 11th day of July 2005.