

*BOARD OF SELECTMEN'S MEETING
7: 00 p.m., MONDAY, JUNE 11, 2007
TOWN HALL MEETING ROOM*

REVISED

MEETING MINUTES

Call to order and roll call

James McLaughlin called the meeting to order at 7:00 p.m. and led the pledge of allegiance. Renee Edwards and Maryann Boord present.

Approval of the agenda

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO AMEND THE AGENDA TO MOVE ITEM #7 TO ITEM #4, MOVE ITEM #11 TO ITEM #5, MOVE ITEM #8 TO ITEM #6. ALL AYES.

Public Comments

None

Discussion of Board of Selectmen's review of the Durham Fire Departments Length of Service Awards Program Agreement

Allen Fritts from the Durham Volunteer Fire Department was in attendance to speak about the program. He stated that one half of the department volunteers are over the age of 50 and he was seeking out a program that would include these volunteers as well as to retain current personnel. He has worked with Representative Raymond Kalinowski and Selectwoman Maryann Boord in the past on tax abatements and investigated retirement programs from surrounding towns. He continued stating that in past years the department has been doing fundraisers to obtain money to start the program and they are now asking the town to budget \$20,000.00 a year for 5 years to build up the account. He feels that this is an investment in recruiting new members and an incentive to keep current members. He also stated that the committee is still drafting the plan and when it is complete he would bring it back to the Board of Selectmen for review. Renee Edwards confirmed that \$20,000.00 has been placed in the reserve fund for FY07-08.

Discussion of legal services expense associated with the Municipal Water Project

Gene Chiappetta, President of the Durham Fair Association, explained that the billing represented the Fair's cost for professional services rendered on their behalf for the Water Project that covered multiple years, and the he was there to answer any questions the Board of Selectmen may have.

Maryann Boord stated that she spoke with Attorney John Corona and asked him for an itemized billing, that previously the town was billed month to month and she did not want to delay payment to him. He stated that this was a project billing to the Durham Fair Association, but was amenable to sending another billing. Gene Chiappetta stated that he would draft a billing from the Durham Fair Association to the Town of Durham. Maryann Boord reiterated that she would like to see a breakdown of charges.

Contract and Authorizing Resolution between the State of Ct, Department of Public Safety and the Town of Durham for the services of Resident State Trooper July 1, 2007 to June 30, 2009

James McLaughlin reviewed changes in the contract from the prior period and confirmed that the requirement to provide network access to the State Police RMS was selected and budgeted for in the FY07-08 budget. He also stated that the Risk of Loss and Indemnification was satisfied per Janet Muraca.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE THE CONTRACT AND AUTHORIZING RESOLUTION BETWEEN THE STATE OF CT, DEPARTMENT OF PUBLIC SAFETY AND THE TOWN OF DURHAM FOR THE SERVICES OF ONE RESIDENT STATE TROOPER JULY 1, 2007 TO JUNE 30, 2009. ALL AYES.

Discussion of fixing assessments

James McLaughlin stated the names of potential candidates for fixed assessments. Maryann Boord questioned if three other property owners qualified (Time Out Tavern, Durham Auto Center, and Grippos). J. McLaughlin stated that he spoke with Attorney Charles Andres, Town Counsel, and he stated that there was a broad interpretation of retail and that it was up to the town to decide either way. Maryann Boord stated that she wanted to make sure that the Board of Selectmen were satisfying the provisions. Renee Edwards felt that they could make an argument for each one. She asked Maryjane Malavasi, Finance Director, what the potential loss of revenue would be. She responded that it would be under \$40,000.00.

Set date for Special Town Meeting

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO SET MONDAY, JUNE 25, 2007 SPECIAL TOWN MEETING DATE. ALL AYES.

Approval of the Call to Special Town Meeting

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE THE CALL TO SPECIAL TOWN MEETING. ALL AYES.

CALL TO A SPECIAL TOWN MEETING
TOWN OF DURHAM

A SPECIAL TOWN MEETING of the Electors and Citizens qualified to vote at Town Meetings of the Town of Durham will be held in the Durham Town Hall Meeting Room, on Monday, June 25, 2007 at 8:00 p.m. for the following purpose:

1. To approve a Resolution granting a tax abatement to Warren Battista, LLC.
2. To approve a Resolution granting a tax abatement to Aesthetic Structures, LLC.
3. To approve a Resolution granting a tax abatement to Durham 6 Main Street LLC.
4. To approve a Resolution granting a tax abatement to Time Out Realty, LLC.
5. To approve a Resolution granting a tax abatement to M&M Ventures, LLC.
6. To approve a Resolution granting a tax abatement to Peter A. Grippo.
7. To accept the transfer of ownership of the parcel of land described as lot #44 on map entitled "Plat of Tract #3 Durham Heights, Inc." revised 10-28-55, now known as lot 92 on the current map, from the Town of Durham to Jeff and Elain Siena of 29 Edwards Road and that a legal easement be maintained for potential access for drainage and that all legal fees for such easement be paid by Jeff and Elain Siena.

James W. McLaughlin
First Selectman

Renee P. Edwards
Selectwoman

Maryann P. Boord
Selectwoman

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO AMEND THE AGENDA TO MOVE ITEM #10 AND ITEM #14 TO ITEMS #10 AND #11. ALL AYES.

Crooked Hill Road

Attorney Jeff Beatty and Brian Ferris were present to request an extension to July 13, 2007 and the corresponding extension of the completion date. B. Ferris stated that he was meeting with Attorney Rebecca E. Adams to complete all details of the project. James McLaughlin read from a letter drafted by Attorney Adams in response to the request by Ferris to vary the terms of the agreement to substitute an irrevocable letter of credit in place of performance and a labor and materials bonds. She requested that Attorney Beatty provide the Town with confirmation from a bonding entity that his client can secure the type of bonds specified in the agreement in an amount sufficient to cover the cost of improvement and a draft of the actual letter of credit covering the Crooked Hill improvements, including the amounts that Andersen Associates and Brian Curtis have agreed is reasonable. J. McLaughlin asked B. Ferris if there was an issue with a letter of credit. He responded no, and made reference to the samples that were provided stating he was in the position to provide whatever the town requested. Attorney Beatty stated that B. Curtis has firmed up the figures and has given them to B. Ferris. Maryann Boord asked about the email dated June 11, 2007 from Debora Burns, Attorney for Ferris, regarding additional parcels other than those for the road that need to be deeded. Renee Edwards explained that Debora Burns was suggesting that parcels to be gifted to homeowners be deeded to the town at the same time as the land for the Crooked Hill Rd improvements will be deeded to the town. B. Ferris stated that he would speak with Attorney Adams about the land transfers.

MOTION BY JAMES MCLAUGHLIN SECONDED BY RENEE EDWARDS TO MOVE ON ATTORNEY REBECCA ADAMS ADVICE AND GRANT THE EXTENSION TO JULY 13, 2007 WITH A CORRESPONDING EXTENSION OF THE COMPLETION DATE TO THAT DATE 15 MONTHS FOLLOWING THE COMMENCEMENT OF THE WORK. ALL AYES.

Discussion of Senior Citizen tax abatement ordinance

Members from the Senior Citizen Committee were in attendance to present two ordinances. Martin French stated that the committee recommends both ordinances, but that the town could chose one or both of the plans noting they serve very different people. They based eligibility on wanting to give the most relief in a reasonable, affordable way.

The committee estimated that the “freeze” program would cost the average taxpayer no more than \$25.00 per year, with a proposed cap on benefits that was one half percent of the budget. The committee does not see participation getting to the cap within several years. Under the “deferral” program, the town is paid taxes and the collection percentage for that year is lowered. They also suggested an annual review be done by the Board of Finance.

Renee Edwards stated that the ordinances would be sent to Town Counsel for review. Martin French asked if Town Counsel could clarify the language that would need to be stated to make the first year retroactive to October 1st. J. McLaughlin commended the committee for a job well done.

Discussion of Marc Proto request for permission to use town roads for Extrememan Triathlon, Sunday, September 23, 2007, 8:00 am to 10:45 am.

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO GRANT PERMISSION TO USE TOWN ROADS FOR EXTREMAMAN TRIATHLON, SUNDAY, SEPTEMBER 23, 2007, 8:00 AM TO 10:45 AM. CONTINGENT UPON ALL SAFETY REQUIREMENTS BY THE TOWN ARE MET. ALL AYES.

Resignation of Cable TV Advisory Council Representative

The Board of Selectmen accepted the resignation of Christopher Soulias as the Chairman of the CATV Council effective July 1, 2007 with gratitude for his 20 years of service.

Senior Citizen Board appointments

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO REAPPOINT ALTHEA PARMELEE, MARY DIMELLA, AND ELAINE MELVIN TO THE SENIOR CITIZENS BOARD FOR A 3-YEAR TERM TO EXPIRE JUNE 2010. ALL AYES.

345kV Transmission Line updates

James McLaughlin spoke about the overwhelming responses that he has received from residents about the 185-foot towers and bases that have been installed. He indicated that he has responded to all of their letters and emails and sent a letter to Daniel Caruso, Chairman of the Connecticut Siting Council, on their behalf inviting him and the members of his council to visit Durham. He stated that no one would have expected this, that the residents are physically sick over it. Maryann Boord commented that Derek Phelps, Executive Director of the Siting Council, has been to Durham.

Laurie Stevens who is a present resident of Skeet Club Road stated that she is appalled at the towers and anything that could be done to minimize them would be an improvement. Renee Edwards restated that J. McLaughlin is continuing to contact CL&P and the Siting Council regarding the poles.

Approval of May 21, 2007 meeting minutes

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE THE MAY 21, 2007 MEETING MINUTES. ALL AYES.

Old/New business

J. McLaughlin presented the Board of Selectmen with a contract from Tyler Technologies for the continuation of Unvers software and support. The Board of Selectmen asked for time to review it and will address at the next meeting.

Maryann Boord asked about the status of Community Developments Services request regarding taxes due. Beth Moncata commented that she located the application for classification as open space but was unable to get confirmation of the 501c3 status. M. Boord stated that the town should make a reasonable response on forgiving a portion of the tax due. Martin French commented that the Board of Selectmen had the authority to abate taxes, but they did not have to abate at 100% and that it should be a reasonable amount but they should be reminded that this would be precedent setting. He also commented on the inability of CDS to confirm their non-profit status. Renee Edwards asked M. French if he would call other tax collectors in the area about their approach to the same scenario.

James McLaughlin presented correspondence from the Compensation Review /Personnel Policy Commission on their findings of Randi Frank's Classification and Compensation Plan. The Board of Selectmen asked for time to review and will discuss at the next meeting.

Maryann Boord made reference to a letter that was handed out by Public Safety Chair, Frank DeFelice, and asked if he had any comments. F. DeFelice stated that this was a letter from him addressed to Lieutenant Stephen Castagliuolo of Troop F in response to a letter from the Lieutenant of May 2, 2007. The Board of Selectmen asked for time to review and a discussion will be held at the next meeting. F. DeFelice asked if the Board of Selectmen had discussed the letter from May 2nd at their last meeting. Maryann Boord explained that the Board of Selectmen requested a joint meeting with the Lt. and the Public Safety Committee to discuss each ones findings on the recommendation of an additional state trooper. F. DeFelice stated at the last Public Safety meeting the committee voted not to initiate and host such a meeting. M. Boord responded saying that everyone involved needed to cooperate and understands that everyone has a different point of view. F. DeFelice commented that RST Peter DiGioia and his Sargent were present at their last meeting and acknowledged that they need to interact more and Public Safety understands their side. R. Edwards commented that the discussion for an additional Resident State Trooper should be addressed prior to budget season.

Maryann Boord asked when the Board of Finance would be setting the mill rate. J. McLaughlin stated that they were scheduled to meet on June 19th. M. Boord asked how the mill rate would be impacted if the Town does not receive the actual anticipated education funding dollars from the State by June 19th. J. McLaughlin stated that the town budget approval was for expenses, not for revenue. Renee Edwards stated per her conversation with Loraine Coe from the Board of Finance, the Fund Balance cannot be used to fund RSD13.

Selectmen's comments

Renee Edwards asked if J. McLaughlin would contact Town Counsel regarding the procedure to move forward for a regional district on the question of changing terms of office for Board of Education members. The newly revised Town of Durham Charter dictates that the change in method of election is contingent on approval of changing the term of office from 3 years to 4 years. Since we are a regional school district, we need to understand if our efforts need to be coordinated with Middlefield. J. McLaughlin stated he would contact Town Counsel.

Public comments

None

Executive Session

Error in agenda. Executive Session not held.

Adjourn

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO ADJOURN MEETING AT 9:15. ALL AYES.

Respectfully submitted by:

Beth Moncata