

**BOARD OF SELECTMEN'S MEETING  
7: 00 P.M., MONDAY, JULY 23, 2007  
TOWN HALL MEETING ROOM**

**MEETING MINUTES (revised)**

**Call to order and roll call**

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

**Approval of the agenda**

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE AGENDA. ALL AYES.

**Public comments**

Patricia Dynia asked the board about the status of the lights at the town hall stating that she felt the lights being on all night was obtrusive. J. McLaughlin explained that some of the lights have been overridden with switches but the stairways and hallways are wired into the emergency lights and have to remain on. He stated that he would speak with Richard McManus. Donia Viola commented that the lights could be a safety factor.

**Proclamation, Sean McKernan Eagle Scout**

J. McLaughlin introduced Sean McKernan and presented him with a Proclamation from the town in honor of his graduation to Eagle Scout.

***Proclamation***

**WHEREAS, Sean McKernan,** has created a life of service to his town, his schoolmates, and within the scouting heritage, and

**WHEREAS,** at fifteen years of age, Sean is the youngest Troop 27 scout to attain Scouting's highest honor in the past decade, and

**WHEREAS,** Sean planned and organized a project that made several major enhancements to the John Lyman Nature Trail, and

**WHEREAS,** he recruited over 30 volunteers for a combined total of 124 hours worked, and

**WHEREAS,** invasive plants were cleared and a map kiosk was built and placed at the entrance to the trail, and

**WHEREAS,** he built three information boards for the outdoor classroom and built benches for the trails, and

**NOW, THEREFORE,** the Board of Selectmen, of the Town of Durham, on behalf of the residents of Durham, congratulate Sean and extend our sincere appreciation for this Project, and hereby present this proclamation to **Sean McKernan** in recognition of attaining the rank of:

**EAGLE SCOUT**

James W. McLaughlin  
First Selectman

Renee P. Edwards  
Selectwoman

Maryann P. Boord  
Selectwoman

Dated in Durham, Connecticut, this 23rd Day of July 2007

#### Ethics Committee welcome and discussion

James McLaughlin welcomed the Ethics Committee members and restated their charge, “to prepare an Ethics Commission Ordinance for the Town of Durham as required by our recently revised charter”, and asked them to introduce themselves.

In attendance were David Montgomery, Lisa Stafford, Patricia Kupcho, Robert Horn and Walter Fulton. Lisa Stafford asked how ethic issues had been handled up until now, who has the board addressed. J. McLaughlin responded that he has known of no issues but he felt that the State Ethics Commission would be available. Walter Fulton stated that it was his understanding that the State Ethics Commission had no jurisdiction. David Montgomery asked about the interface with members of RSD13 and asked the First Selectman to put something in writing. J. McLaughlin commented that the town attorney is available to meet with the commission and suggested that the group hold a meeting to set a schedule, name a chairman, vice chairman, and secretary and he would arrange a meeting with the town attorney to attend.

#### Crooked Hill Road update

J. McLaughlin read correspondence from Attorney, Rebecca E. Adams to Attorney, Al Ippolitto dated July 14, 2007. Attorney Adams stated in the letter that the Board of Selectmen on July 3, 2007, voted to amend the Road Construction Agreement as follows: Section 3 subsection A is amended to allow Brian Ferris Construction to provide either an irrevocable letter of credit, in the amount of \$701,731.00, with terms to ensure payment to the Town of Durham in the event that B. Ferris Construction files for bankruptcy, or performance and labor and materials bonds as required in the original agreement. Section 3 subsection A is further amended to add language stating that the amount posted in bonds or covered by the irrevocable letter of credit does not include the cost of any utility relocation work and that the Town of Durham shall not be held liable or required to cover the costs of any utility relocation work. The deadline for the commencement of the improvements to Crooked Hill Road is extended to August 15, 2007. Attorney Adams also stated that she was uncomfortable recommending any further extensions or amendments without first revising and re-executing the agreement to reflect the changes made thus far and any further extension of the commencement date must be accompanied by a text amendment assuring completion of the improvements to Crooked Hill Road prior to the commencement of work on any homes in the Northern Heights subdivision.

Luke Backus asked the board if there was a stop gap since winter was approaching. J. McLaughlin stated that the time period remained the same.

#### P.A.L.S. request for permission to serve wine at annual reunion reception at the Durham Public Library August 17, 2007

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO GRANT PERMISSION TO P.A.L.S. TO SERVE WINE AT ANNUAL REUNION RECEPTION AT THE DURHAM PUBLIC LIBRARY AUGUST 17, 2007. ALL AYES.

#### Approval of Durham Agricultural Fair Association billing for legal services

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO APPROVE DURHAM AGRICULTURAL FAIR ASSOCIATION BILLING FOR LEGAL SERVICES. ALL AYES.

#### Approval of Agreement of July 2007 between Middlesex County Chapter of American National Red Cross, the Town of Durham and the Middletown Transit District

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE AGREEMENT OF JULY 2007 BETWEEN MIDDLESEX COUNTY CHAPTER OF AMERICAN NATIONAL RED CROSS, THE TOWN OF DURHAM AND THE MIDDLETOWN TRANSIT DISTRICT. ALL AYES.

Approval of annual Tax Abatement for Trinity Corporation per STM dated 3/1/93, Ordinance Providing for Abatement of Real Property Taxes on Certain Housing for Low or Moderate Income Persons or Families

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE ANNUAL TAX ABATEMENT FOR TRINITY CORPORATION. ALL AYES.

Acceptance of 5,000 square feet conveyance from the Mesick property to the town (immediately east of the parking lot for the skating pond on Maple Avenue), in lieu of open space/conservation easement  
Maryann Boord questioned the location of the 5,000 square feet conveyance and requested a map of the property. She also wanted clarification of the statements 'in lieu of open space/conservation easement' and any potential liability. Tabled until the next Board of Selectmen's meeting.

Authorization for First Selectman to pursue acquisition of 10 Mountain Road

James McLaughlin stated that a 4.87-acre site on 10 Mountain Road with a 9,600 sq. foot industrial building is for sale and he feels motivated to explore all possibilities such as a relocated public works facility and a senior center. J. McLaughlin asked permission from the Board of Selectmen to get the property appraised and draft a letter of intent to the real estate agent to pursue the acquisition. Maryann Boord stated that she was not opposed to right of first refusal. She went on to state that study committees were previously used for acquisitions and she also felt that an opinion should be obtained from the health department in reference to water and sewer. She feels there are needs to be addressed first, not saying that we shouldn't pursue, but there was no current plan for the future. She further stated that recently an attorney attended a Board of Selectmen's meeting about the status of the road in question and would like the town attorney to address this. J. McLaughlin stated that the letter of intent would not obligate the town. J. McLaughlin said he had spoken with William Milardo, Town Sanitarian and Kurt Bober of Public Works and the 10 Mountain Road facility had good water and sewer. He also spoke with the Town Planner to confirm that a public works facility fit within the zoning regulations. Renee Edwards asked if he spoke with Public Works and the Senior Citizens Committee. He responded that both are very excited at the possibility. Maryann Boord asked if the seniors have discussed this yet as she just found out about it in the Town Times on Friday. J. McLaughlin stated that he moved fast wanting to see if the public works and seniors would even be interested, reiterating his intent to pursue time to investigate. R. Edwards asked J. McLaughlin to draft a letter of intent and have the other selectmen approve it before mailing it. J. McLaughlin stated that he would have town counsel draft a letter of intent and also request the names of three appraisers. R. Edwards commented that a study committee was used to explore the Magner building and thought that if that information was available it may be useful to look at.

Donia Viola stated she was concerned with the salt shed and infrastructure of the current public works facility and the Mountain Road resident's dealing with traffic 6 days a week opposed to the current 5 days a week. She is opposed to bailing out the current owner.

Darcy Searle, a nearby neighbor of Mountain Road, stated that the current owner Mr. Melillo operates all hours of the night and the Mountain Road residents feel they have been ignored and forgotten, that they have been put upon and are tired.

J. McLaughlin pointed out that the current public works operating hours are 7:00 am - 3:30 pm, with additional hours for snowstorms. He indicated that there was no difference in the zoning regulations between restrictions on Ozick Drive or Mountain Road. David Dingwall stated that Planning & Zoning and Inland/Wetlands had restricted the current owner of Mountain Road from working on cars and could not contain chemicals. J. McLaughlin stated that he spoke with Geoff Colegrove from P&Z and there are different regulations and use tables for municipalities.

Cindy Tyrseck a Mountain Road resident stated that the heavy truck use affected her most and asked why the town wasn't interested in purchasing all of the property that was for sale. J. McLaughlin stated that the town only needed 5 acres for the public works facility and the other parcels may have

been offered to the regional school for parking of school buses. C. Tyrseck asked about the possibility of the public works facility expanding in the future. J. McLaughlin stated it was a possibility.

Darcy Searle talked about her frustration with the truck drivers coming and going from the Mountain Road site, stating that they are spiteful and bad neighbors.

J. McLaughlin made reference to D. Viola's statement of bailing out the current property owner saying that he was not trying to bail him out but felt that this is a nice piece of property. D. Viola asked if there were other buildings in the industrial park available that the town should look in to. J. McLaughlin stated that he was not aware of any.

Joe Dellaventura stated that although he is sympathetic with the Mountain Road residents the current public works facility has to be moved. It is busting at the seams with no room for expansion and that it is in an inappropriate location. He thinks that it would be a great place for a senior center. J. McLaughlin said that Mountain Road was designed as a development zone and agreed that public works should be in a more suitable location. The Mountain Road building has (6) bays, 18 feet high, radiant heat, and all equipment would fit inside.

Mrs. Cruise asked why the town was not interested in purchasing the full package and thought that the First Selectman should be asking the selectmen for the full package. She stated that if the town didn't purchase the entire package the current owner would continue to be on site. She asked if the First Selectmen had been to Mountain Road recently to see the mounds of dirt that has been hauled in over the last week, day and night. She invited the First Selectman to her home to see the site from her site line and the size of the trucks that are hauling the dirt. D. Viola asked what the acreage is of the current public works site. J. McLaughlin responded 3 acres.

Rick Parmelee stated that he was not in favor of the Mountain Road site and thought that the town could make better use of the current site; acquiring additional land, inventorying the materials outside and storing them and that the town should take a good look at what they have first. The Arrigoni building on the property has been there a long time and the neighborhood has grown around that property. J. McLaughlin stated that the current site is confining on 3 acres but stressed that his priority should not be misunderstood. His motivation is to explore a senior center. R. Parmelee commented that this casts a little more light on the situation.

Mrs. Cruise commented that she spoke with her attorney and as of 4: 00 today he stated Town Counsel Attorney Charles Andres claims to not have received the research requested on a prior issue. J. McLaughlin stated that his office has researched this matter and all of the paperwork was sent to town counsel. He stated that he would follow up on this matter.

#### Disbanding of Town Hall Building Committee

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO DISBAND WITH GRATITUDE THE TOWN HALL BUILDING COMMITTEE. ALL AYES.

#### Update on Woodland Manor

James McLaughlin met with Geoff Colegrove, Attorney John Corona, and Attorney Charles Andres to discuss John Corona's request for \$8,000.00 for repairs done to the community water system at Woodland Manor and the agreement between Woodland Manor Association and the Town of Durham. J. McLaughlin stated that town counsel's advice was to dissolve the agreement. Maryann Boord stated that the purpose of the agreement was to protect the environment. M. Boord suggested this be put into writing. A letter was drafted to Attorney Corona acknowledging his request and that it was being reviewed by town counsel and that a response would be made after investigating the matter further.

345kV Transmission Line updates

Nothing to report.

Approval of July 3, 2007 meeting minutes

MOTION BY JAMES MCLAUGHLIN SECONDED BY MARYANN BOORD TO APPROVE JULY 3, 2007 MEETING MINUTES. ALL AYES.

Old/New business

James McLaughlin asked the Board of Selectmen for permission to go to the Board of Finance to report the financial impact that the Senior Tax Relief legislation would have on the town. He stated a worst-case scenario of 10 participants with the deferment equaling around \$50,000.00. R. Edwards asked for confirmation that town counsel approved the ordinances. J. McLaughlin responded yes.

Selectmen's comments

Renee Edwards asked if town counsel had responded to her request for clarification on changing the terms of office for members of the regional Board of Education. J. McLaughlin responded that he has not heard back but would follow up on this issue.

The Board of Selectmen agreed to cancel their meeting scheduled August 13, 2007.

Public comments

Rick Parmelee thanked the Board of Selectmen for their open meetings allowing the public to comment at the beginning and the end of the meeting stating that he felt the board was always receptive. He went on to state that he noticed a picture of a town employee in a local publication wearing shorts and felt that this was unacceptable; an OSHA, insurance, and workers compensation issue. He asked for this type of activity to cease and desist. J. McLaughlin responded that he would address the issue with the employee.

Donia Viola attended the Board of Education and BASREP meeting. She stated that BASREP intends to pay the \$19,000.00 in August and they are working out a new contract.

Luke Backus asked the Board of Selectmen if there could be a town speed limit. J. McLaughlin stated that the State Traffic Commission sets the speed limits.

Executive Session - Personnel Issue

Not held

Adjourn

Meeting adjourned at 8:45 p.m.

Respectfully submitted by:

Beth Moncata