

**BOARD OF SELECTMEN'S MEETING
7: 00 P.M., MONDAY, AUGUST 27, 2007
TOWN HALL MEETING ROOM**

MEETING MINUTES

Call to order and roll call

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

Approval of the agenda

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

Public comments

Patricia Ponko of 49 Cherry Lane stated that she attended a meeting of the Emergency Services Facilities Committee (ESFC) and expressed concern over the possibility of emergency services using rear access off Cherry Lane. She also commented that Representative Raymond Kalinowski, also in attendance at this meeting, stated that this was beyond the scope of the committee. 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 no where in the report does it mention eminent domain. Renee Edwards stated that the draft to be presented at this meeting was an official handoff to the Board of Selectmen and it is the intention of the Board of Selectmen to decide where to go with this, that this is the beginning stage and that there would be an opportunity for all residents to voice their opinions.

Ronald Mysling of 55 Cherry Lane expressed a safety concern stating that houses on Cherry Lane are very close, there are children playing, and the road was not built for traffic.

Emergency Services Facilities Committee Presentation

Tom Palmeri presented the Final Report of the Emergency Services Facilities Committee dated August 27, 2007. T. Palmeri asked that the Board of Selectmen read and review the draft and suggest the next steps of the process. Steve Levy commented that the findings in the report were made after several meetings and expressed concern over the public comments made. James McLaughlin commended the committee on a job well done and suggested that a Public Hearing be held on September 10th as an informal presentation to the public. Renee Edwards requested that the Board of Finance and Cherry Lane residents be invited to attend. T. Palmeri stated for the record that the draft contained very rough cost estimates and if the Board of Selectmen accepts the report a Building Committee should be appointed. Maryann Boord requested that an invitation be sent to all emergency services members.

Approval of final draft of ordinance providing property tax relief for emergency services volunteers

James McLaughlin presented the final draft of the Code of Ordinances, Town of Durham Sec. 15-6 Property tax relief for emergency services volunteers, from Martin French Tax Collector.

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO APPROVE THE FINAL DRAFT OF ORDINANCE PROVIDING PROPERTY TAX RELIEF FOR EMERGENCY SERVICES VOLUNTEERS. ALL AYES

Act on Water Commission Rate Increase Request

James McLaughlin asked the Board of Selectmen to act on a motion by the Water Commission to an increase in Water Company user rates by 25%. Maryann Boord stated that she understands that a public hearing is not necessary and that a town meeting needs to be held. She asked if the Water Commission would have handouts at the town meeting to support the increase. J. McLaughlin stated that Connecticut Water Company has increased their rates 3% yearly but the Town has not passed these increased rates onto customers for at least four years. Thus, the town was now experiencing a deficit. Maryann Boord stated that when she was on the commission there was a cushion and asked what would

happen if the vote fails. Would the town be responsible for making up the deficit? J. McLaughlin said that the Town ordinance states that the town is obliged to cover the expenses. Renee Edwards commented that when users understand they have not had an increase in four years they will understand, if it fails the Board of Selectmen will have to go back to town meeting. Maryann Boord said in prior years that the Water Company Commission was careful about setting the rates and asked how the new position of treasurer would affect the town treasurer. Renee Edwards commented that rate adjustments for service have not taken place over the past several years. She also explained that the role of the Water Commission treasurer was to approve all bills, routine and non-routine, balance books, and make predictions of future expenses making sure that there is a cushion. Maryann Boord asked if the approval of bills and checks would stay the same. J. McLaughlin stated that all non-routine bills go to the commission for approval. J. McLaughlin further stated that basic service rates hadn't been increased since 1998. M. Boord asked if it was worth asking Town Counsel what would happen if it fails and reiterated that facts were needed to support the increase. Renee Edwards stated the Water Commission would like to hold a Special Town Meeting on September 4th beginning with a site walk of the new booster station on Maple Avenue at 7:00 p.m., Water Commission meeting at 7:30, and hold the Special Town Meeting at 8:00 p.m.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE WATER COMMISSIONS REQUEST FOR RATE INCREASE. ALL AYES

Set date and approve Call to Special Town Meeting

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO SET DATE OF SEPTEMBER 4, 2007 AND APPROVE THE CALL TO SPECIAL TOWN MEETING. ALL AYES

Proclamation designating September 2007 as Leukemia, Lymphoma & Myeloma Awareness Month

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO PROCLAIM DESIGNATING SEPTEMBER 2007 AS LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH. ALL AYES

Zoning Board of Appeals Resignation

James McLaughlin announced that Bob Francis was resigning as Chairman, effective immediately. Maryann Boord accepted the resignation with great gratitude.

Fire Company Trustee Resignation

James McLaughlin announced that Douglas Stender would not be seeking another term.

Review of Finance Officer reports

James McLaughlin presented fiscal analysis for YE June 30, 2007 and the month of July 2007 prepared by Finance Director Maryjane Malavasi. He explained that the revised Charter Section 4.9 (6) calls for monthly financial reports and analysis and asked the Board of Selectmen to review for form and content. Renee Edwards asked if it could be in the form of excel. Maryann Boord stated that Maryjane is continuing to do a great job.

Traffic Control Authority, Action relative to the 2007 Durham Fair: Letter of request to CT Bureau of Engineering & Highway Operations Re: Special Event Permit and Temporary Traffic Directional Sign (Encroachment) Permit

Renee Edwards asked Francis Willet how the broadcasting worked out last year. Francis stated that there was poor reception outside Durham and they decided to take this out from this years request and that emergency management would set something up in its place for this year.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE FIRST SELECTMAN TO SIGN LETTER OF REQUEST TO CT BUREAU OF ENGINEERING & HIGHWAY OPERATIONS RE: SPECIAL EVENT PERMIT AND TEMPORARY TRAFFIC DIRECTIONAL SIGN (ENCROACHMENT) PERMIT. ALL AYES

Approve First Selectman to execute an application and contract between the Town of Durham and the State Library for a \$7,000 Historic Documents Preservation Grant

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO APPROVE FIRST SELECTMAN TO EXECUTE AN APPLICATION AND CONTRACT BETWEEN THE TOWN OF DURHAM AND THE STATE LIBRARY FOR A \$7,000 HISTORIC DOCUMENTS PRESERVATION GRANT. ALL AYES

Approval of Otis Elevator Agreement for FY07-08

James McLaughlin stated that the warranty service on the elevator ended on 7/25/07 and asked for approval to sign a five year maintenance agreement and confirmed that it was included in this year's budget.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE A 5 YEAR AGREEMENT WITH OTIS ELEVATOR. ALL AYES

Disbanding of Regional Health Exploratory Committee

Tabled. Maryann Boord said the committee had originally wanted to invite the towns that participated in the study to receive the results but wasn't sure that the committee would now be available to do so if they were disbanded. She asked if a letter be drafted to each of the First Selectmen involved in the study to ask if they have an interest to do so.

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

A map of the property was presented. Richard Eriksen was available to explain that the Planning & Zoning Commission requested a construction easement of 5000 square feet next to the skating rink and answered the question of liability. He stated that the property owner received interest from someone, not known to him, to extend the parking lot. The property owner decided to give the property to the town through an application approved by the Planning & Zoning Commission stating this was the best way to handle, alleviating any complications for the town and the property owner.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO ACCEPT A 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. ALL AYES

Discussion of legal opinion on Woodland Manor

Legal correspondence from Chuck Andres, Town Counsel on Woodland Manor was reviewed. Renee Edwards asked that this item be tabled until the Health Department confirms that it is not a community sewer system.

Review of Procurement Policy

James McLaughlin presented a draft Procurement Policy drafted by Finance Director Maryjane Malavasi. He noted that town counsel had reviewed the policy and asked the Board of Selectmen to review all correspondence and asked that it be brought back on the next agenda for discussion.

Approval of Property Tax Refunds

After reviewing the refunds Maryann Boord asked what the status was of the proposed ordinance of tax refunds under \$5.00. Renee Edwards recalled asking for potential loss figures but remembers no response. She requested getting an update from the tax collector.

MOTION BY RENEE EDWARDS SECONDED BY MARYANN BOORD TO APPROVE 52 PROPERTY TAX REFUNDS IN THE AMOUNT OF \$4,563.92. ALL AYES

Crooked Hill Road/345kV Transmission Line updates

Nothing to report.

Approval of July 23, and August 20, 2007 meeting minutes

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO APPROVE JULY 23, 2007 MEETING MINUTES WITH CHANGES. ALL AYES

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO APPROVE AUGUST 20, 2007 MEETING MINUTES. ALL AYES

Old/New business

James McLaughlin asked the Board of Selectmen for permission to apply for a STEAP grant to finish up the tie-ins on Main Street to the new water system. Maryann Boord stated that she did not want to do anything to jeopardize the original grant and suggested that J. McLaughlin talk to Bruce Sheriden of the State of Connecticut, Department of Economic Development, to make sure. J. McLaughlin agreed and will put on the next agenda.

James McLaughlin asked the Board of Selectmen for permission to sign a letter to the Durham Fair Association granting them permission to act as the Town of Durham's agent for the purpose of contracting with a transportation company for the period of September 28th, 29th, and 30th, 2007.

MOTION BY MARYANN BOORD SECONDED BY RENEE EDWARDS TO GRANT PERMISSION TO THE DURHAM FAIR ASSOCIATION TO ACT AS THE TOWN OF DURHAM'S AGENT FOR THE PURPOSE OF CONTRACTING WITH A TRANSPORTATION COMPANY FOR THE PERIOD OF SEPTEMBER 28, 29, AND 30, 2007. ALL AYES

Selectmen's comments

Renee Edwards brought up Town Counsels response to her questions regarding four-year terms for members of the Regional School District 13 (RSD13) Board of Education. The process as she understands would be an amendment to the Regional Plan and a RSD13 referendum would need to be held. The Board of Education, on their own, can decide to bring to referendum or the Board of Selectmen can ask the legislative body (Special Town Meeting) to vote to have the Board of Education to bring this to referendum. She suggested that the Board of Selectmen speak with Susan Viccaro and the Board of Education to talk about this change and see if they are willing to bring this change or if they want the Board of Selectmen to bring about the change. She went on to clarify if the Board of Education were to take this to referendum they would have to first prepare a report, hold a district meeting, and then vote to bring to referendum. RSD13 would be responsible for holding the referendum. Maryann Boord asked about Middlefield. Renee Edwards stated that if an adopted amendment to the Regional Plan called for four-year terms, such provision would be binding on both Durham and Middlefield; however those terms for either town would not go into effect unless approved by a majority of the voters in Durham and a majority of the voters in Middlefield. Maryann Boord suggested holding a meeting with Susan Viccaro sometime in October. Renee Edwards also suggested meeting with the Board of Selectmen from Middlefield to discuss.

Public comments

Laura Francis expressed her concern about department heads not being consulted on the draft Procurement Policy presented. She stated that when the Charter Revision Commission added this item they believed that the policy should be a dynamic document, not canned. Different departments have different needs and she hoped that the department heads would be consulted. J. McLaughlin commented that her point was well taken and he realized that there are specialized needs in certain departments where there should be latitude in the policy. J. McLaughlin went on to say that all department heads would be involved.

Adjourn

Meeting adjourned at 8:37 p.m.

Respectfully submitted by: Beth Moncata