

BOARD OF SELECTMEN'S MEETING  
May 22, 2006

**Call to Order and Roll Call**

Renee Primus Edwards called the meeting to order at 7:04 pm at the Durham Public Library. First Selectman James McLaughlin was away this evening at a convention.

**Selectmen Members Present:** Renee Primus Edwards & Maryann Boord.

**Pledge**

R. Primus Edwards asked Thomas C. Curtis to lead the meeting in a Pledge of Allegiance to the flag.

**Approval of the Agenda**

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED WITH 2 AYES.

**Public Comments:** No Public Comments.

**Proclamation, Thomas C. Curtis, Eagle Scout**

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO APPROVE THE THOMAS C. CURTIS PROCLAMATION. MOTION PASSED WITH 2 AYES.



OFFICE OF THE FIRST SELECTMAN

JAMES W. McLAUGHLIN  
First Selectman

PROCLAMATION

WHEREAS, *Thomas C. Curtis*, has created a life of service to his town, his schoolmates, and within the scouting heritage; and

WHEREAS, he conceived, organized, and carried out major improvements to White's Farm Skating Area; and

WHEREAS, he made improvements that included three sets of steps fabricated from oak timbers; four benches with backs, spread 28 cubic yards of wood chips over the pond access area; and made repairs to a split rail fence, and

WHEREAS, he organized and supervised 34 volunteers over six work days for a total of 141 man hours; and

WHEREAS, he secured all of the lumber, rebar, and other materials through donations and fundraising, so that there was no cost to the Town of Durham; and

WHEREAS, he overcame difficult weather conditions, including heavy rain and major flooding to guide the project through to its successful completion; and

NOW THEREFORE: We, the Board of Selectmen of the Town of Durham, congratulate *Thomas* on the completion of this remarkable project, where the Durham residents can enjoy skating and ice hockey in a much safer and accommodating environment.

IN RECOGNITION THEREOF, on behalf of the residents of Durham, we extend our sincere appreciation for this Project and hereby present this proclamation to *Thomas C. Curtis* in recognition of attaining the rank of:

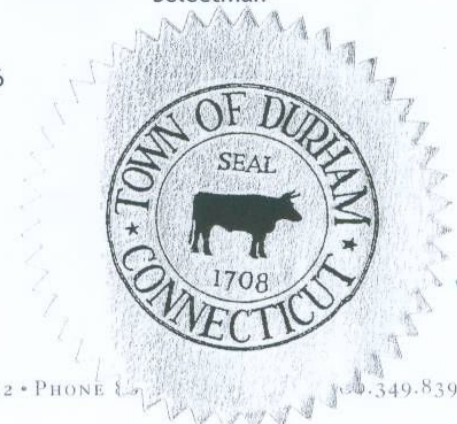
*Eagle Scout*

James W. McLaughlin  
First Selectman

Renee Primus Edwards  
Selectman

Maryann P. Boord  
Selectman

Dated in Durham, Connecticut, this 22nd day of May, 2006



**Emergency Management Director Resignation; Christopher Soulias**

R. Edwards read for the record the letter dated May 15, 2006 addressed to James McLaughlin, First Selectman, from Christopher M. Soulias, stating his resignation as Emergency Management Director and his recommendation to appoint Mr. Steven Levy to this position. In addition, Mr. Soulias requested to be appointed to the Deputy Director position that would be vacated by Mr. Levy's elevation to Director.

R. Edwards thanked C. Soulias for his work as Director of Emergency Management and presented him with a Certificate of Appreciation on behalf of the Town of Durham.

M. Boord stated that C. Soulias worked with her many years and stepped up to the plate when needed. M. Boord continued with commending his very powerful leadership abilities and thanked him for his many years of service to the town.

**Emergency Management Director and Deputy Director Appointments**

MOTION BY RENEE PRIMUS EDWARDS, SECONDED BY MARYANN BOORD TO APPOINT STEVEN LEVY AS EMERGENCY MANAGEMENT DIRECTOR. MOTION PASSED WITH 2 AYES

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO APPOINT CHRISTOPHER SOULIAS AS DEPUTY DIRECTOR. MOTION PASSED WITH 2 AYES

R. Edwards also expressed a sincere gratitude to Frances Willett and Dan Murphy for their additional support and dedication to Emergency Management.

Steve Levy thanked the Board members for this opportunity and for the support from fellow Emergency Management deputies adding that he is looking forward to working together as a team.

**EMS Study Committee**

R. Edwards read a request from the Durham Volunteer Ambulance Corp. and the Durham Volunteer Fire Company to the Board of Selectmen to reconstitute the EMS Study Committee. Their request was to comprise the committee of members from both DVAC and DVFC as well as representatives of the Board of Selectmen, Health Director, and, if possible, the Board of Finance. The previous committee initially appointed at a Board of Selectmen meeting dated October 29, 2003 was as follows: **SCOTT WRIGHT, CRAIG MANSFIELD, AND MARSHALL BRAGG** (representing the EMS's), **LEO WILLETT** (Director of Health), **MARYANN BOORD** (First Selectwoman), **PETER DIGIOIA** (Resident State Trooper), **FRANK DEFELICE** (Public Safety Committee Chairman), **MARY JANE PARSONS** (Chairman, Board of Finance).

It was agreed that this is an item that will be placed on the agenda for the next Board of Selectman meeting. The prospective committee members will be contacted and advised.

**Crooked Hill Road**

R. Edwards presented the following update on Crooked Hill:

1. Brian Ferris, developer of the proposed Northern Heights PRD, filed a zoning appeal against the Town of Guilford on December 29<sup>th</sup> and the matter was claimed to the trial list January 3<sup>rd</sup>. A status conference is scheduled for May 22, at 10:00AM.

This appeal is in its infancy, and the meeting on Monday is for the court to become informed about the case. While our presence is not required at this meeting, the Town of Durham will eventually need to intervene in the appeal to have our safety issues and position represented.

2. A new PRD subdivision application for the Wimler land was filed with the Durham Town Clerk on May 17. The matter was on the agenda at Guilford PZC on May 17. First Selectman Jim McLaughlin attended; however, no explanation was given by Ferris or his attorney or engineer and the PZC just voted to accept the application. Until Durham's engineer and Attorney Adams review the drawings, we won't know how or if they differ from the plan already approved with conditions.

M. Boord asked if the town engineer has seen the new application. R. Edwards stated not as of Wednesday.

Mary Ryan, 257 Mica Hill Road, asked if this new application can be sent to Brian Curtis for his review and comments.

Laura Delerso, 254 Mica Hill Road, asked what is going to happen as she has hired a landscaping architect and she has already stated to incur expenses on her property.

R. Edwards reported the projected timeline:

Timeline (subject to change based on new developments)

March 13: Following a Public Hearing and a comprehensive review of the developer's construction plans and erosion and sedimentation controls, Durham Inland Wetlands Commission approved the plans with conditions.

April 18: Meeting scheduled for April 19<sup>th</sup> between First Selectman, town engineer, town planner, and the developer's team to review and potentially sign an Agreement drafted by Adams and Associates was postponed by the new counsel for the developer. This town-required agreement is intended to spell out the developer's responsibilities in order to minimize the risk of misunderstanding and disputes that could cause delays in construction. The developer has indicated he is ready to reschedule.

Once this agreement is signed, the following events need to occur:

- 1) Traffic Authority (Board of Selectmen) need to approve the Crooked Hill Rd relocation plan
- 2) Following approval, the Board refers the plan for P&Z Commission 8-24 review
- 3) Following P&Z recommendation on project, a Special Town Meeting will be called to accept the land acquisitions
- 4) Following town approval, the project can proceed upon the developer's delivery of items identified in the agreement

Mary Ryan stated she understands the process; however, she is concerned with the appeal from Ferris.

R. Edwards reported that to date Adams and Associates have been compensated \$11,295.00 for their work on the Crooked Hill Rd project.

M. Boord stated there was an agreement at a previous Board of Selectmen meeting not to exceed \$5,000.00 without coming back to meeting for further discussion.

R. Edwards acknowledged the discussion with the Board of Selectmen and stated there was no intention to dishonor the agreement. J. McLaughlin was advised by Adams and Associates that legal bills were approaching \$5,000.00, and he asked for a bill to present to the selectmen. A delay in billing brought us over the \$5,000.00 limit. Adams & Associates have agreed to move forward with monthly billing so this error does not occur again.

**345kV Transmission Line Update**

R. Edwards reported the residents in Middletown along the approved By-Pass have petitioned the Connecticut Siting Council (CSC) regarding NU's Development and Management Phase placement of the transmission lines. This group is not advocating for re-locating these lines back to the original right-of-way. In fact, neither the CSC nor NU are advocating for use of the original right-of-way. The original right-of-way is not even on the table for discussion. However, there is a CSC on June 7, and Jim & Peter Boucher (our attorney for the transmissions line) have decided to send a letter to the CSC stating the Town of Durham's continued support for the Royal Oak By-Pass. Jim will attend the June 7<sup>th</sup> meeting, and Peter Boucher has offered to go as well.

M. Boord commented on the fact that Acorn Drive was not previously a part of the first plan and due to the bypass being in the woods there seemed to be no reason for concern; however, after a meeting with the Wilson family and NU the line moved the access line closer behind Acorn Drive. Adding that although the June 7<sup>th</sup> meeting is not a Public Meeting, it is very important the public attend as we want to protect what we have accomplished and in order to do that we need to continue to monitor what is going on.

Resident Maureen Dooley of 88 Black Walnut Drive stated when your building a home you do not stop mid-construction. We need to request for representation and have the appropriate people there to represent us and our town for support.

R. Edwards explained that it was a misrepresentation to state that the Town's coverage of this issue had stopped. She stated that J. McLaughlin had been advised step-by-step by Peter Boucher over the past several months and we have acted precisely as instructed. J. Edwards stated that J. McLaughlin will be attending the June 7<sup>th</sup> CSC meeting and that Peter Boucher stated he would attend as well. All in attendance agreed that it seemed important for Mr. Boucher to attend.

**Call to Special Town Meeting, re: Crooked Hill legal services and 345kV Transmission Line legal services**

R. Edwards updated the Board on the legal line item used for both the Crooked Hill Road and the 345kV Transmission Line legal services, and although funds had been exhausted from this line item, there is a balance in the litigation fund that can be used to further assist these projects.

Nicholas Vamvakis, 25 Banta Lane, stated that we are a small town and we need to fight for the town because if we don't, we will lose to the next guy to come in.

R. Edwards agreed and stated she is in agreement that Crooked Hill Rd and Royal Oak Bypass need to be monitored. To date, the Royal Oak Bypass has cost the Town ~\$90,000.00 and that Crooked Hill legal services could cost another \$10,000.00-\$20,000.00 potentially bringing that total to ~\$30,000.00.

M. Boord suggested that these 2 issues be added to the Board of Selectmen agenda for updates on both projects.

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO PLACE CROOKED HILL RD AND 345KV TRANSMISSION ON EACH BOARD OF SELECTMEN REGULAR MEETING AGENDA. MOTION PASSED WITH 2 AYES.

Since the members present agreed to use the litigation funds, there was no reason to move to go to Town Meeting at this time.

**Salary Survey References**

The result of references for proposed salary survey was distributed.

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO ACCEPT AND HIRE RANDI FRANK AS FUTURE CONSULTING FOR THE TOWN OF DURHAM. MOTION PASSED WITH 2 AYES.

**Reschedule date for Joint Board and Commission Meeting on the 31<sup>st</sup> due to referendum**

The board members present agreed to combine the Board of Selectmen June 26<sup>th</sup> meeting with the Commission Meeting. Time was set for 7:30 pm.

**Permission for Parents of Performers, CRHS to sell coffee, water & bagels on the Durham Green on Memorial Day**

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO ALLOW THE PARENTS OF PERFORMERS, CRHS TO SELL COFFEE, WATER, & BAGELS ON THE DURHAM GREEN ON MEMORIAL DAY. MOTION PASSED WITH 2 AYES.

**Quick Stop Planning & Zoning Application, Passing Zone, Route 17**

J. McLaughlin spoke with the Chairman of Planning & Zoning for some background information on the passing zone of mention. George Eames stated there were no concerns or problems with the request. After J. McLaughlin viewed the site, he agreed it would be a good change.

M. Boord asked if there were DOT recommendations. R. Edwards stated it was unknown at the time of the meeting where DOT stands as this is the first request for the change. M. Boord suggested further contact be made with DOT for there suggestions.

**Approval of the May 8, 2006 Board of Selectmen Meeting minutes**

MOTION BY MARYANN BOORD, SECONDED BY RENEE PRIMUS EDWARDS TO APPROVE THE MAY 8, 2006 BOARD OF SELECTMEN MEETING MINUTES. MOTION PASSED WITH 2 AYES

**Old/New Business**

R. Edwards reported the issue of the Public Safety Committee Re: Deposit of Snow, Ice, Leaves or Other Debris on Public Roadways is being reviewed by the Town Council and a decision in the very near future should be available.

M. Boord received the requested contact information for the ECS Funding Task Force: Robert Genuario of the Office of Policy Management. R. Edwards stated she will contact him in order to communicate Durham's hardships regarding education funding. R. Edwards also suggested creating a link on the town web page for residents to have access to a letter template so they could easily contact state legislators regarding education funding reform.

M. Boord discussed adding an agenda item for the WPCA for further action stating when we reach that point the item is going to need to be addressed.

Trish Bradley thanked the Board for their continued support on the 345kV Transmission Line.

Steven Levy again thanked the Board for the chance to continue to serve the Town and commented on the team effort process that it has been and will continue to be.

M. Boord closed with the Board's thanks and appreciation.

**Selectmen's Comments**

None

**Public Comments**

None

**Adjourn**

Meeting adjourned at 8:30 pm.

Respectfully Submitted,

Kamey Ahrens