

## **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 the 3<sup>rd</sup> Floor Meeting Room, Town Hall, on Monday, April 17, 2017 at 8:00 p.m. for the following purpose:

1. To transfer up to \$8,000 from #8420305 Fire Apparatus to #9420305-57322 CIP Fire Apparatus for the cost of equipment mounting to Durham Engine #4 as recommended by the Board of Finance at their meeting of March 21, 2017.
2. To adopt amendments to the town's existing Open Space Regulations.

Laura L. Francis, First Selectman  
John T. Szewczyk, Selectman  
Steven A. Levy, First Selectman

### **RETURN OF THE CALL**

Return is hereby made, that the Undersigned, on the 4<sup>th</sup> day of April caused to be posted on the Public Signpost in the Town of Durham, a written warning by the Selectmen, and on the 7<sup>th</sup> day of April caused to be published in the Middletown Press, a newspaper having a circulation in the Town of Durham, a like warning of the SPECIAL TOWN MEETING to be held the 17<sup>th</sup> day of April 2017.

Laura L. Francis, First Selectman

### **SPECIAL TOWN MEETING**

Date: April 17, 2017  
Time: 8:00 pm  
Place: Town Hall, 3<sup>rd</sup> Floor Meeting Room  
Moderator: Norm Hicks  
Clerk: Kim Garvis, Town Clerk  
Call: The call was accepted as read by the clerk.

Motion made and seconded to nominate Norm Hicks as Moderator.  
Motion made, seconded and passed to closed nominations.  
Norm Hicks unanimously elected Moderator.

### **Synopsis of Action**

**Item 1: To transfer up to \$8,000 from #8420305 Fire Apparatus to #9420305-57322 CIP Fire Apparatus for the cost of equipment mounting to Durham Engine #4 as recommended by the Board of Finance at their meeting of March 21, 2017.**

Motion: Motion by Rob Chadd, seconded by Francis Willett

Discussion: Francis Willett explained new engine #4 is being built and to be delivered this week. Funds have been allocated each year toward vehicle replacement. The funds requested tonight are for special tool mounting and were previously approved by the Board of Finance.

Rick Parmelee expressed his endorsement of this expenditure and his appreciation of the services of the Fire Department members.

Action: On a voice vote, with none in opposition, the moderator declared the motion unanimously passed.

**Item 2: To adopt amendments to the town's existing Open Space Regulations.**

Motion: Motion by Rick Huntley as submitted, seconded by Bob Melvin.

Discussion: Rick Huntley explained the Open Space regulations are outdated and needed to be brought up to compliance with other town codes. The changes are not significant.

Laura Francis commented that Item 6, second sentence is unclear. Rick stated the town attorney did not bring this up as an issue. Rick added, the intent is to have people come to the commission for permission for these types of activities.

Joseph Pasquale commented that Item 2, part (c) parking, a town regulation shouldn't identify special non-profit organizations, i.e., the Fair. He prefers that part (c) is removed so the Fair isn't identified. Rick responded, the Durham Fair was recognized specifically in the 1996 regulations. The Fair is an unusual circumstance. It has a 99 year or longer lease with the town that ends approximately 2066.

Bob Melvin explained the lease was entered into in the 1960's and the Conservation Commission felt the town is obligated to follow it. Rick Huntley explained parking of a large amount of vehicles is not allowed on Open Space properties. The Fair merits specifying, in these regulations, permission to park at White's Farm.

Laura agrees with Rick that, absent the lease, the regulation warrants specifying parking for the Fair at White's Farm. Rick Parmelee supports the document as presented.

Rick Huntley added that he received an email about #4 and concerns about enforcement. The Conservation Commission's intention is for the public to have a respect for nature and wildlife. Lucy Meigs stated the public was concerned about prosecution. Laura added there were two instances at White's Farm where vehicles defaced the property and were prosecuted. Rick added, unfortunately, there have been many instances with vehicles causing much damage to White's, i.e., doing donuts, etc., that have not been caught.

Jeff McLaughlin asked how does the town enforce and Laura replied enforcement is made through the Board of Selectmen and State Trooper. However time is a factor and it is difficult.

Action: On a voice vote, with one in opposition, the moderator declared the motion passed.

TOWN OF DURHAM

USE OF TOWN OF DURHAM OPEN SPACE LAND

The following regulations are hereby established for use of open space land owned by the town of Durham:

1. All motorized vehicles except for maintenance and emergency vehicles, are prohibited, except in established parking areas and on maintained access roads, unless specifically approved by the Durham Conservation Commission and/or allowed by lease or other legal agreement.
2. All open-space areas are closed to public use from one hour after sunset to one hour before sunrise with the exception of:
  - a. Tent camping conducted by non-profit organizations that have received the approval of the Durham Conservation Commission;
  - b. Skating in the public skating area adjacent to Route 68 (Wallingford Road) that the public may use in season until midnight (12:00 a.m.);
  - c. Parking at the White Farm by the Durham Agricultural Fair Association in accordance with its lease; and
  - d. Other uses consistent with the functions and uses of the property approved by the Durham Conservation Commission and/or allowed by lease or other legal agreement.
3. Commercial activities are not allowed on open-space properties unless specifically approved by the Durham Conservation Commission and/or allowed by lease or other legal agreement.
4. No person shall do, or cause to be done, any of the following on open space property owned by the town of Durham:
  - a. Throw, discard or deposit garbage or other litter except in public receptacles;
  - b. Destroy, deface, disfigure, injure, displace or remove any buildings, bridges, tables, benches, railings, paving, public signs or notices, fences or boundary markers and public utilities including buried water lines;
  - c. Excavate and/or remove by other means soil, rock, stones, plants, wood or other materials;
  - d. Damage or mark any plant, pick flowers, dig or otherwise disturb grass areas, or in any other way injure the natural elements of the open-space areas;
  - e. Discharge or otherwise place into any water body (stream, pond, pool etc.) on or flowing into, an open-space property, any substance, matter or thing that will or may cause pollution or otherwise impair the quality of such waters.
  - f. Remove, molest, kill, trap or chase any wildlife nor remove eggs or nests of wildlife with the exception of licensed fishermen and hunters during State established fishing and hunting seasons. State Conservation and town Animal Control Officers and those licensed by the state as a "Nuisance Wildlife Control Operator" are exempted from this regulation.
  - g. Consume or possess alcoholic beverages without written approval of the Board of Selectmen and all insurance and indemnification requirements are met.
5. Discharge of firearms are prohibited, other than by licensed hunters who hunt during State approved hunting seasons and obey all State hunting regulations. Hunting of deer and turkey also require a permit issued through the Durham Conservation Commission's hunting lottery. Firearms used on open space land are restricted to shot guns.
6. Activities that create a hazard to human safety or threaten the destruction of property are prohibited. Igniting of fireworks or any other explosive is prohibited and no fires may be kindled, without approval of the Durham Conservation Commission.
7. Scheduled group activities by Durham organizations and out-of-town organizations will require a permit from the Durham Conservation Commission, insurance certificate and user's indemnification as determined by the towns Insurance Carrier. Use of any public-address system or amplifying equipment must be approved by the Durham Conservation Commission. Organizations conducting group activities may be further required to post a refundable deposit and/or pay a rental fee to ensure proper maintenance of the property.
8. Any person violating any section of these regulations shall be subject to the penalties in § 1-10 and § 1-12 of the Durham Code of Ordinances.
9. These regulations shall become effective when approved by Town Meeting and published according to law.

Adjourn: Motion made, seconded and passed to adjourn at 8:31 pm.

Attest: Kim Garvis  
Town Clerk