

*Board of Selectmen's Meeting Minutes*  
7:00 p.m., Monday, January 12, 2009  
3<sup>rd</sup> Floor Meeting Room, Town Hall

**Meeting Minutes**

**Call to order and roll call**

Laura Francis called the meeting to order and led with the pledge of allegiance. John Szewczyk and James McLaughlin present.

**Approval of the agenda**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE THE AGENDA AS PRESENTED. ALL AYE

**Public comments**

NONE

**Discussion of Public Safety recommendation of independent study**

Frank DeFelice was in attendance to discuss the Public Safety Committee request for an independent study to determine the origin of bullets striking properties in the Tri Mountain Road and Etzel Drive areas of Durham who will provide the following services: 1.) determine the origin of bullets striking the properties located in the vicinity of Tri Mountain Road, Etzel Road and Tri Mountain Ridge, 2.) perform a safety assessment of the operation of Blue Trail Range, 3.) determine the potential impact to properties located in the same locations previously mentioned, and 4.) develop a plan of action to mitigate, reduce and/or eliminate any adverse impacts to those properties. Additionally the committee recommended that a separate addendum be developed and included as part of the towns request for proposal requiring that potential candidates and their agencies declare in writing that they do not maintain either a personal or profession relationship with the Blue Trail Range.

Laura Francis stated the Board needed to wait until the final report was submitted by the State Police for their investigation which has been done. She received a telephone call from Attorney General Blumenthal who stated he was ready to move on this as well and is in agreement with her thoughts. After reviewing three different consulting vendors, she presented the Board with a Statement of Work for an Independent Safety Evaluation of the Blue Trail Range from Charles R. Golden of Golden, Weise and Associates, LLC out of Green Cove Springs, Florida in the amount of \$21,000. She stated she does not think any independent study would prove where the bullets came from. What is missing from the Connecticut State Police report are recommendations of measures that the range could take to make sure the residents are safe. Attorney Blumenthal is willing assist the Town of Durham to compel the Blue Trail Range owners to comply and also to help seek funding for the study.

James McLaughlin stated he had the utmost concern and would favor anything that would help protect the lives and property in Durham but felt the Public Safety Committee's number one priority is to determine the origin of the bullets and the consultants statement of work cannot determine this. He talked about the lack of range regulations and agrees with the First Selectman on a safety study, but does not believe the Board should ask the Town of Durham to bear the cost if there are safety violations; the Blue Trail Range is endangering the residents and should be made to bear the cost.

L. Francis said she agreed with J. McLaughlin stating the State of Connecticut has an interest in this; she also has a commitment from Attorney Blumenthal to mediate with the Department of Environmental Protection.

John Szewczyk asked the Board how long they were going to wait to do something. He does not think the cost of \$21,000 was a large amount of money stating he felt the study would have a different focus than that of the State Police.

L. Francis that the cost would be worth expending to ensure the safety of our residents but also pledged to exhaust all efforts to share the cost with the State of Connecticut.

J. Szewczyk made a motion to go forward and recommend to the Board of Finance allocation of the \$21,000 for the study; L. Francis seconded the motion for discussion.

J. McLaughlin reiterated he felt they should not fund this expense until they find out what the State of Connecticut can do for the town and thinks the Blue Trail Range should be compelled first to pay for the study or have the State of Connecticut mediate.

J. Szewczyk commented he felt the Boards position was to determine if the money would be well spent stating this was a public safety issue. L. Francis stated the Attorney General had agreed to meet in executive session to brief the Board on legal actions. Frank DeFelice stated the Public Safety Committee looked into this nine years ago and nothing has changed. He feels the Town of Durham has an obligation to pay the cost of the survey. J. McLaughlin responded it was not a question of money but of protocol. L. Francis suggested arranging a conference call with the Attorney General and the Board of Selectmen. J. McLaughlin agreed.

Wendy Manemeit urged the Board to pass this study stating she is afraid if they don't do anything, something is bound to happen. L. Francis reiterated that this study would not determine that the bullets are coming from the range but would make safety recommendations and assessments.

MOTION BY JOHN SZEWCZYK TO MOVE FORWARD AND RECOMMEND TO THE BOARD OF FINANCE THE ALLOCATION OF \$21,000 FOR AN INDEPENDENT SAFETY EVALUATION OF THE BLUE TRAILS RANGE BY GOLDEN, WEISE AND ASSOCIATES, LLC. L. FRANCIS SECOND. 2 AYE, JAMES MCLAUGHLIN ABSTAIN

#### **Senior Citizen Board discussion**

L. Francis asked the Board to bring the Senior Citizen Board expiration term date from June 30<sup>th</sup> to the end of calendar year to bring into alignment with other boards.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO CHANGE SENIOR CITIZEN BOARD TERM EXPIRATION DATE FROM JUNE 30<sup>TH</sup> TO END OF CALENDAR YEAR. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO RE-APPOINT JOHN HOGARTH TO A THREE YEAR TERM TO EXPIRE DECEMBER 2011. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO RE-APPOINT HENRY COE TO A THREE YEAR TERM TO EXPIRE DECEMBER 2011. ALL AYE

J. McLaughlin will bring forward a recommendation from the Democratic Town Committee for remaining vacancy.

#### **Assistant Treasurer Resignation**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO ACCEPT WITH GRATITUDE THE RESIGNATION OF CAROL KLEEMAN AS ASSISTANT TREASURER. ALL AYE

#### **Re-adopt Town of Durham Grievance Procedure per American's with Disabilities Act**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO RE-ADOPT TOWN OF DURHAM GRIEVANCE PROCEDURE PER AMERICANS WITH DISABILITIES ACT. ALL AYE

#### **Approval of Authorizing Resolution granting permission to the First Selectman to execute an agreement regarding the release of unclaimed property being held by the State of CT, Treasury Department**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN GRANTING APPROVAL TO THE FIRST SELECTMAN TO EXECUTE AN AGREEMENT REGARDING THE RELEASE OF UNCLAIMED PROPERTY BEING HELD BY THE STATE OF CT, TREASURY DEPARTMENT. ALL AYE

**Approval for First Selectman to sign Amendment to Application Service Provider Agreement between Tyler Technologies and the Town of Durham for the term commencing on January 1, 2009 - June 30, 2009**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN GRANTING APPROVAL TO THE FIRST SELECTMAN TO SIGN AMENDMENT TO APPLICATION SERVICE PROVIDER AGREEMENT BETWEEN TYLER TECHNOLOGIES AND THE TOWN OF DURHAM FOR THE TERM COMMENCING ON JANUARY 1, 2009 - JUNE 30, 2009. ALL AYE

**Approval of request by P.A.L.S. to serve alcohol at upcoming fundraiser, A Taste of Durham, on Saturday, February 7<sup>th</sup>, 2009**

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO GRANT APPROVAL TO P.A.L.S. TO SERVE ALCOHOL AT THEIR UPCOMING FUNDRAISER, A TASTE OF DURHAM ON SATURDAY, FEBRUARY 7, 2009. ALL AYE

**Town Engineer request for Selectmen's approval of Brian Ferris, Crooked Hill Road partial bond release #3 in the amount of \$152,603.**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE TOWN ENGINEERS REQUEST FOR CROOKED HILL ROAD PARTIAL BOND RELEASE #3 IN THE AMOUNT OF \$152,603. PERTAINING TO ROAD, DRAINAGE, GUIDE RAIL, PAVING AND CURBING WORK COMPLETED THROUGH DECEMBER 9, 2008. ALL AYE

**Tax refunds**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE (5) FIVE REFUNDS TOTALING \$648.14. ALL AYE

**Set date and approval of call to special town meeting**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO SET DATE OF JANUARY 26, 2009 AND APPROVE CALL TO SPECIAL TOWN MEETING. ALL AYE

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 3<sup>rd</sup> Floor Meeting Room, Town Hall, on Monday, January 26, 2009 at 8:00 p.m. for the following purpose:

1. To approve the transfer of \$36,500 from Undesignated Fund Balance to #6700-481 CIP-Tree Warden for tree removal and trimming as recommended by the Board of Finance at their December 16, 2008 meeting.

Laura L. Francis  
First Selectman

John T. Szewczyk  
Selectman

James W. McLaughlin  
Selectman

**Discussion of Building and Health Department fees**

L. Francis stated the Building and Health Departments are behind in their fee schedules and presented the Board with a handout showing surrounding towns building permit fees, Durham being the lowest. After reviewing the fees the Board decided to increase building permits from \$10.00 to \$15.00 and will set a public hearing date at the next board meeting.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO INCREASE THE PRICE OF BUILDING PERMITS FROM \$10.00 TO \$15.00 PER 1000. ALL AYE.

The Board then discussed the current and proposed fees for the Health department.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT RECOMMENDATIONS FROM THE HEALTH DEPARTMENT ON PROPOSED FEES. ALL AYE

#### Discussion Local Traffic Authority requests

L. Francis stated she would send requests to the Selectmen to review and discuss at the next meeting.

#### Approval of Board of Selectmen meeting minutes December 8<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup> and December 18<sup>th</sup>, 2008

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE DECEMBER 8, 2008 MEETING MINUTES. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE DECEMBER 11, 2008 MEETING MINUTES. 2 AYE, JAMES MCLAUGHLIN ABSTAIN

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE DECEMBER 17, 2008 MEETING MINUTES. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE DECEMBER 18, 2008 MEETING MINUTES. 2 AYE, JAMES MCLAUGHLIN ABSTAIN

#### Old/New business

L. Francis brought the Selectmen up to date on the following old business

- 1.) She attended the South Central Water Utility Coordinating Committee meeting and has been meeting with representatives from the Connecticut Water Company on a proposal to turn over the operation of the Durham Water Company. A draft of that proposal has been sent to Attorney Peter Boucher for review.
- 2.) On December 15<sup>th</sup> there was a bid opening for snowplowing; one bid received at \$95.00 per hour which is more that we are currently paying for temporary help.
- 3.) On December 10<sup>th</sup> there was a bid opening to rebuild a headwall that has collapsed on Haddam Quarter Road. Bids were received in the amounts from \$19,000 to \$94,000. Kurt Bober is interviewing the lowest three bidders and feels confident we can go with the low bid and will be bringing this to the Board of Finance at their next meeting.
- 4.) L. Francis met with Andy Merola from Connecticut Conference of Municipalities and Superintendent of Schools, Susan Viccaro about their energy audit program. We will be sending in data to see if it is a program that would help the Town Hall and Library to be more energy efficient.
- 5.) On December 18<sup>th</sup>, L. Francis hosted a Planning for Agriculture workshop presented by the Connecticut Conference of Municipalities and the American Farmland Trust. A follow up meeting was held on January 6<sup>th</sup> with additional Durham members of the agricultural community to discuss the application for technical assistance. A follow up meeting will be scheduled with stakeholders to assist in the writing of the application for 25 hours of technical assistance from American Farmland Trust to help form an agricultural commission and address other concerns.
- 6.) Francis Willett is work well with 3N Global to input data and set up tests and templates for the community notification system. The system should be ready to operate within a month or so.
- 7.) Habitat for Humanity is still looking for a property in Durham. They have \$50,000 that has been earmarked for a Durham specific project that will go cease in June.
- 8.) L. Francis stated she will formally request Planning & Zoning to reconsider their decision not to support the application for a technical assistance grant from the Office of Policy and Management to study the HomeConnecticut program.

L. Francis discussed the following new business

- 1.) The June 30, 2008 audit has been completed and work has already been started on addressing deficiencies in contents of personnel files and specific accounts are being established on the Munis System for grant awards.
- 2.) The Pickett Lane culvert replacement grant that was denied last year was resubmitted to STEAP this year.
- 3.) The ConnDOT has requested transportation related projects for inclusion in an economic stimulus package. Durham has submitted (5) projects.
- 4.) The Ambulance Corp building is experiencing many problems; chimney, roof leaking, bay floor drainage, bathrooms, basement flooding, no sleeping quarters. Town Engineer, Brian Curtis has suggested getting an architectural/engineering report to prioritize what should be done to make the building habitable now and what would need to be done for move in condition when the Ambulance Corps vacate the building.
- 5.) A conference call with the Governor is scheduled for Tuesday the 13<sup>th</sup> for all Mayors and First Selectman to discuss extreme cold preparation.
- 6.) L. Francis will be meeting with Mike Doyle, Camp Farnum Board Members, State Representative Matthew Lesser, Representative Joe Courtney and Senator Edward Meyer at Camp Farnum to discuss funding for improvements.

#### **Selectmen's comments**

J. Szewczyk brought to the Boards attention that Monday, October 12<sup>th</sup> was Columbus Day and the Board of Selectmen's meeting for that day needs to be rescheduled. He also asked to change the time of the January 22<sup>nd</sup> meeting from 5:00 - 3:00. All agreed.

#### **Public comments**

Maryann Boord stated she supports the First Selectman on her decision to ask Planning & Zoning to reconsider their decision not to support the application for a technical assistance grant from the Office of Policy and Management to study the HomeConnecticut program. She stated she felt P&Z was under the impression that they have to build.

M. Boord asked if the proposal to turn over the Durham Water Company would be for just the operation. L. Francis responded yes, that the Town would retain ownership of the assets until they were fully depreciated, stating at that time the assets would need to be turned over as well.

#### **MOTION BY LAURA FRANCIS TO GO INTO EXECUTIVE SESSION AT 8:25 P.M.**

#### **Executive Session - Union Contract**

#### **Union Ratification Vote**

MOTION TO RATIFY UNION CONTRACT MADE BY LAURA FRANCIS AND SECONDED BY JAMES MCLAUGHLIN.  
ALL AYE

#### **Adjourn**

Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Beth Moncata