

*Special Board of Selectmen's Meeting  
7:00 p.m., Monday, April 13, 2009  
Julian B. Thayer Auditorium, Coginchaug Regional High School*

Meeting Minutes

**Call to order and roll call**

Laura Francis called the meeting to order at 7:10 and led with the pledge of allegiance. John Szewczyk present. James McLaughlin arrived at 7:30.

**Approval of the agenda**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO AMEND AGENDA TO ADD APPROVAL OF LETTER TO P&Z. 2 AYE

**Public comments**

None

**Proclamation, Silver Star Banner Day, May 1<sup>st</sup>, 2009**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE PROCLAMATION PROCLAIMING MAY 1<sup>ST</sup>, 2009 SILVER STAR BANNER DAY. 2 AYE

**PROCLAMATION**

WHEREAS, the Town of Durham has always honored the sacrifice of the men and women in the Armed Forces, and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag, and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this City and Country with Silver Star Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrificed for this City, State and Nation, and

WHEREAS, the people and Board of Selectmen wish that the sacrifice of so many in our Armed Forces never be forgotten.

**NOW, THEREFORE WE**, the Board of Selectmen, of the Town of Durham, by virtue of the authority vested, do hereby proclaim our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare May 1<sup>st</sup> "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Town of Durham.

Laura L. Francis  
McLaughlin  
First Selectman

John T. Szewczyk  
Selectman

James W.  
Selectman

Dated in Durham, Connecticut, this 13<sup>th</sup> day of April 2009

**Ethics Commission appointment**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPOINT LINDA MAFFEI AS AN ALTERNATE MEMBER TO THE ETHICS COMMISSION TO FILL A VACANCY TO EXPIRE MAY 2010. 2 AYE

**Municipal Director of the Greater New Haven CT appointment**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO RE-APPOINT LEONARD BAGINSKI AS DURHAM'S MUNICIPAL DIRECTOR OF GREATER NEW HAVEN CONVENTION & VISITORS BUREAU FOR TERM ENDING JUNE 30, 2012. 2 AYE

**Approval of traffic plan for Memorial Day festivities on May 25<sup>th</sup>, 2009 as prepared by Resident State Trooper**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE TRAFFIC PLAN FOR MEMORIAL DAY FESTIVITIES ON MAY 25<sup>TH</sup>, 2009 AS PREPARED BY RESIDENT STATE TROOPER. 2 AYE

**Approval of request from Exchange Club for Special Use Permission to sell snacks/hot dogs from 10:00 am to 1:00 pm on Monday, May 25<sup>th</sup>, 2009 at Allyn Brook Park**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE EXCHANGE CLUB REQUEST TO SELL SNACKS/HOT DOGS ON MONDAY, MAY 25<sup>TH</sup>, 2009 10:00-1:00 P.M. AT ALLYN BROOK PARK. 2 AYE

**Approval of request from Exchange Club for annual Washington Trail Road Races on Monday, May 25<sup>th</sup>, 2009 at 11:00 am starting at Coginchaug Regional High School**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE EXCHANGE CLUB REQUEST TO USE TOWN ROAD FOR ANNUAL WASHINGTON TRAIL ROAD RACES ON MONDAY, MAY 25<sup>TH</sup>, 2009 AT 11:00 AM STARTING AT CRHS. 2 AYE

**Approval of Memorandum of Understanding between Ct Innovations, Inc as administrator of The Ct Clean Energy Fund and the Town of Durham**

L. Francis stated the Town would be the recipient of a \$4,000 block grant that would be administered by the Clean Energy Task Force to support local clean energy initiatives. In order to be eligible for the grant two requirements need to be met; the signing of the MOU and two members of the Clean Energy Task Force must take training. L. Francis thanked Paul Grieser for taking the lead in this program.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN CT INNOVATIONS, INC., AS ADMINISTRATOR OF THE CT CLEAN ENERGY FUND, AND THE TOWN OF DURHAM. 2 AYE

**Authorization for the First Selectman to sign two year extension of TaxServ Contract**

In a letter to L. Francis, Tax Collector Martin French explained that the original contract was signed in October of 2005 for professional services related to the collection of delinquent motor vehicle taxes for three years that he feels has been largely positive and successful. He

recommended a two year extension to expire October 31, 2010. L. Francis commented that there is no cost to the town; fees are paid by the taxpayer.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE AUTHORIZATION FOR THE FIRST SELECTMAN TO SIGN TWO YEAR EXTENSION OF TAXSERV CONTRACT TO EXPIRE OCTOBER 31, 2010. 2 AYE

**Tax refunds**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE TWO (2) TAX REFUNDS TOTALING \$111.52 AS PRESENTED BY THE TAX COLLECTOR. 2 AYE

**Approval of letter to P&Z**

L. Francis discussed a letter she drafted to George Eames, Chairman of the Durham Planning & Zoning Commission in reference to the Hobson Motzer proposed addition to their existing building and Board of Selectmen’s conceptual support of various utility easements under Airline Drive.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE CONCEPT OF GRANTING A UTILITY EASEMENT UNDER AIRLINE DRIVE FOR THE 22,000 SQUARE FOOT ADDITION TO HOBSON MOTZER’S EXISTING BUILDING. 3 AYE

**Fiscal analysis**

As of March 31, 2009, the budget stands as follows:

	Original Appropriation	Additional Appropriations	Carryovers from 07-08	Revised Budget	Actual	Balance
Expenditures	25,714,652	365,295	402,793	26,482,740	21,125,857	5,356,883
Revenues	25,714,652	0	0	25,714,652	22,809,001	2,905,651
				YTD Net	1,683,144	

The following additional appropriations were recommended by the Board of Finance and approved at town meeting:

\$19,756 Consulting Services – Blue Ridge Trail from Undesignated Fund Balance  
 36,000 Scott Air Packs from Reserve funds

Close attention has been placed on estimating what the June 30, 2009 actual expenditures and revenues will be in each and every line of the budget. Estimates are based on 3<sup>rd</sup> quarter actual as well as any information we have on what will be spent and received by each department.

I estimate that we will spend 98.99% of our budget and receive 98.69% of our expected revenue. The difference equates to an approximate \$70,200 deficit. The major losses in revenue continue to be seen in Town Clerk Fees, Building Permit Fees, and especially in Interest Income. Interest income alone represents a loss of \$86,000. In addition to the general fund interest loss, the reserve fund is facing a \$57,000 interest loss, which will need to be made up between transfers from other line items and the use of next year’s anticipated interest.

Tax collection continues to be steady and on track for a collection rate that compares favorably to last year’s. Interest collected on past due accounts has already brought in \$43,000 more than budgeted. This line item is one that has helped to keep our deficit under the \$100,000 mark. Supplemental auto taxes were over budgeted this year and will therefore fall \$25,000 short of the budget.

State revenue has continued to come in at anticipated levels. I anticipate that the town will receive 97% of its budgeted state revenue plus an additional \$16,500 of unanticipated income from grants.

These figures do not include any use of fund balance. It is one of our goals to keep the fund balance intact as much as possible. Closer budgeting will not allow the Town to anticipate adding to its fund balance as it has in the past, and due to the recent economic crisis we should protect our fund balance as much as possible so that it continues to be there in emergencies.

The snow budget held steady until the last storm, which caused the bottom line to go over by close to \$21,000. The heating oil and diesel fuel accounts are over budget by close to \$40,000, which we have anticipated from the beginning of the fiscal year. New contracts at a much lower per gallon cost for the next year have allowed us to reduce our estimates for next year, but this year's difference is a major part of our deficit. Otherwise, department heads have worked hard to control spending and to abide by their deficit reduction plans that were submitted earlier this year. Because of this, there is very little room for further reductions in what is left to spend this year.

Overall, the Town of Durham's deficit has remained steady at about \$70,000 since before Christmas. Every day the figures bounce up and down, but the bottom line remains in that general area. Possible savings in some of the capital expenditure lines or unexpected revenue are the only ways in which I can see this number getting lower.

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The Boards of Selectmen and Finance have worked diligently over the last couple of months to bring forth a budget for 2009-2010 that is realistic and fiscally responsible. We will continue to monitor each line of that budget as we wait for the State to finalize its budget and as we gather any additional information regarding any of the other lines.

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The Town's auditing firm will begin its review of our 2008-2009 financial records in April. By performing a preliminary review of our accounts we will be able to streamline the auditing process after June 30.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO ACCEPT FISCAL ANALYSIS REPORT. 2 AYE

### **Crossing Guard discussion**

L. Francis stated she spoke with Tony Cieri at the Department of Transportation and was told that Durham's request to stop traffic on Route 17 would be put on their May 19<sup>th</sup> agenda. L. Francis contacted Sgt. Sal Calvo of Troop F who said he would work with the Town utilizing RST P. DiGioia and Trooper J. Mazzetta to move traffic in the morning and afternoon until the request was finalized. Sgt. Calvo requested that L. Francis notify Lt. J. Eckersley in writing if the crossing guard would be suspended temporarily. L. Francis suggested suspending the use of the crossing guard on Route 17 but continue using the crossing guard on Pickett Lane to control busses coming out of the Strong School parking lot. J. Szewczyk agreed.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO SUSPEND USING THE CROSSING GUARD ON ROUTE 17 UNTIL PERMISSION IS RECEIVED FROM THE STATE OF CONNECTICUT TO STOP TRAFFIC ON ROUTE 17. 2 AYE

### **Census 2010 Partnership; Complete Count Committee**

L. Francis met with Rickey Reed, a partner specialist for the 2010 Census and was asked if the town would participate in forming a Complete Count Committee which is a volunteer committee established by community leaders to increase awareness about the census and motivate residents in the community to respond. L. Francis commented that this would entail such things

as providing space for training, sponsor Town Hall meetings, promote the 2010 operation and also the need to form a committee to consist of 3-5 people. She asked the Selectmen if they would support her doing so. Both Selectmen agreed and asked her to bring information on the committee to the next meeting.

### **Sexual Harassment Policy**

L. Francis presented the Selectmen with a draft sexual harassment policy that was reviewed by prior town counsel and revised but never formally approved by the Board.

#### Sexual Harassment Policy

The Town of Durham seeks to maintain a work environment free from sexual harassment. The Town of Durham is dedicated to the free exchange of ideas and the professional development of all members of the staff. For this exchange and development to take place, the environment must promote the confidence to work, to innovate and to perform without fear of harassment.

Sexual harassment is specifically prohibited by the Town of Durham. Any employee found to have violated the Town of Durham's policy against sexual harassment will be subject to immediate and appropriate disciplinary action including but not limited to possible suspension or termination.

The Town of Durham adopts the basic definition of the Equal Employment Opportunity Commission (EEOC) regarding sexual harassment as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Under federal, state and city laws, employers have an affirmative duty to investigate claims of sexual harassment and develop appropriate sanctions for such behavior. These laws require that employers affirmatively address the issue of sexual harassment in the workplace and devise and adopt appropriate procedures for maintaining a working atmosphere free of sexual pressure or intimidation.

In support of its commitment to maintain an environment free of sexual harassment, the Town of Durham attempts to make reporting of such incidents and advising about sexual harassment as widely available as possible. The Town of Durham will treat all claims confidentially and will provide information about established guidelines and procedures for dealing with matters of sexual harassment. The Town of Durham will also help any individual pursue an effective course of action.

Any staff member who feels she/he is sexually harassed or knows of or suspects the occurrence of sexual harassment is strongly urged and encouraged to contact immediately, in person, the First Selectman who is the Town's designated EEO Officer. Because of the sensitivity of sexual harassment issues, the First Selectman will promptly and thoroughly review the case to determine whether sexual harassment appears to have occurred and will take the appropriate action. All reviews will be designed to consider the privacy of and minimize suspicion toward all parties concerned.

No person will be reprimanded or retaliated against in any way for initiating an inquiry or complaint in good faith. The Town of Durham also considers the rights of any person against whom a complaint is alleged. Staff members also are expected to do all that they can to prevent and discourage any sexual harassment from occurring.

MOTION B LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT SEXUAL HARASSMENT POLICY AS PRESENTED. 3 AYE

**Approval of Board of Selectmen meeting minutes March 23, 2009**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE MEETING MINUTES OF MARCH 23, 2009 AS PRESENTED. 3 AYE

**Old/New business**

L. Francis discussed the following old business.

1. An RFP for architectural and engineering evaluation for the ambulance building has gone out.
2. Durham will be the recipient of \$127,000 for collector road preservation; Higganum Road, Pent Road, Maiden Lane, and Parmelee are eligible.
3. On Saturday, April 11<sup>th</sup> a test message was sent from the Safer Durham system. A debriefing meeting with Francis Willett will be held and L. Francis will report back to Selectmen.
4. A draft of the RFP from the Public Safety Renovations Facility has been forwarded to the Town's Insurance carrier for review and will also be reviewed by Town Counsel.
5. Two CIRMA workshops were held at the Town Hall the week of April 11<sup>th</sup>. Flagger Safety and Workplace Violence. Public Works employees attended.
6. L. Francis received a revised consent order for DMIAAB from the DEP. She met with Geoff Colegrove, Dominic DelVecchio and Jon Brayshaw to discuss.

L. Francis discussed the following new business.

1. L. Francis received her first monthly report from Resident State Trooper, Peter DiGioia. There were (6) motor vehicle accidents with injuries, (9) motor vehicle accidents without injuries, (74) motor vehicle infractions, and (13) motor vehicle warnings. Motor vehicle enforcement was conducted on Haddam Quarter Road, Pent Road, Parmelee Hill Road, Howd Road, Maple Avenue, Route 68, Route 77, and Route 17.

**Selectmen's comments**

None

**Public comments**

None

**Adjourn**

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ADJOURN MEETING AT 6:50 P.M. 3 AYE

Respectfully submitted:

Beth Moncata