

*Board of Selectmen's Meeting
7:00 p.m., Monday, July 13, 2009
3rd Floor Meeting Room, Town Hall*

Meeting Minutes

Call to order and roll call

Laura Francis called the meeting to order at 7:00 p.m. and led the pledge of allegiance. John Szewczyk and James McLaughlin present.

Approval of the agenda

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE AGENDA AS PRESENTED.
ALL AYE

Public comments

Joe Pasquale was in attendance to render his resignation from the Ethics Commission due to the fact that he has changed his political party affiliation and no longer fits the criteria of membership on the commission. He thanked the Selectmen and stated he would be happy to serve again in the future.

Luke Backus, a resident of Ivy Way, expressed his concern over the Crooked Hill Road/Northern Heights project; in having a conversation with the Builder, who he feels is disgruntled and has no intention of completing the project, he strongly recommended to the Board that they not release any further bond monies until the project is completed. L. Francis stated the Board would not release bond money without the recommendation of Town Engineer Brian Curtis and noted that he is aware that the project is coming to its end and that the balance of the bond money will be held until the job is completed.

Luke Backus also commented on the Safer Durham Emergency Notification System; he received notification of road closures in his neighborhood, saying it worked well. He also thanked the Board of Selectmen for all their support with Troop 27 Eagle Scouts.

Francis Willett responded about the notification system saying he learned that if a resident opts to have several contact numbers and they do not respond by pressing #1 on the first call, the system will automatically go to the next number on the list.

Donia Viola talked about Educational Cost Sharing (ECS) money received by the Town over the last 5 years. She is concerned that the Town received more money that was actually budgeted, claiming through a conversation with the Town's Finance Director, approximately \$110,000 has accrued and put into the Town's General Fund. She feels as a taxpayer this money should go back to the school budget. L. Francis said she would discuss this with the Finance Director.

D. Viola questioned the purchase of a new laptop purchased by the Emergency Management Department and asked what the status was of the old laptop that was used by EM Director Steve Levy. L. Francis said that the laptop purchased for Steve Levy was handed down to the Fire Marshal and now herself for use. She noted that the new laptop was bought with grant money.

Bill Smith stated the Public Safety Committee was charged with house numbering two years ago and was currently working on a letter that would be published in the Town Times to remind residents about the Town's local ordinance on house numbering along with some suggestions. He also talked about determining a period of time that residents would need to comply before a fine is enforced.

Scott Wright noted that many homes in town are not numbered and the frustration that emergency personnel feel when they cannot locate a home. He noted there are many homes on interior lots; and some house numbers on mailboxes are not reflective or noticeable.

Fred Mastele commented that other towns have a uniform numbering system. S. Wright stated that east of the river the firehouse purchases numbers requested by residents. L. Francis noted she would look into this type of numbering.

Joan Zito questioned L. Francis on her statement in the Town Times asking residents to support the budget on the 3rd vote asking if her intentions were similar to prior First Selectman James McLaughlin's. Ms. Zito stated she found her statement offensive and that the First Selectman shouldn't tell people to vote, that she should sit back and wait. L. Francis stated she appreciated her opinion but she thought that people were getting caught up with things other than the budget dollars and her letter simply offered another point of view.

D. Viola talked about the rough economy and the revaluation proposed for the upcoming year; the State put off the revaluation for 1 year with no penalty and she feels holding off for another year the town may not get an equal and fair assessment.

Senior Citizen Board vacancy and appointment

No vacancy announcement.

MOTION BY LAURA FRANCIS TO NOMINATE BEVERLY PEDERSEN AS A REGULAR MEMBER TO FILL A VACANCY ON THE SENIOR CITIZEN BOARD WHOSE TERM WILL EXPIRE DECEMBER 2009, SECONDED BY JOHN SZEWCZYK. NO OTHER NOMINATIONS. ALL AYE

Zoning Board of Appeals appointment

MOTION BY MIKE GEREMIA TO NOMINATE MOVING BILL LAFLAMME FROM AN ALTERNATE MEMBER TO A REGULAR MEMBER TO FILL A VACANCY ON ZONING BOARD OF APPEALS WHOSE TERM WILL EXPIRE NOVEMBER 2009, SECONDED BY JOHN SZEWCZYK. NO OTHER NOMINATIONS. ALL AYE

Board of Assessment Appeals appointment

MOTION BY MIKE GEREMIA TO NOMINATE ERIC BERENS AS A REGULAR MEMBER TO FILL A VACANCY ON BOARD OF ASSESSMENT APPEALS WHOSE TERM WILL EXPIRE NOVEMBER 2009, SECONDED BY JOHN SZEWCZYK. NO OTHER NOMINATIONS. ALL AYE

Trail Stewardship Council Representative

Frederick Mastele, a Durham resident, was in attendance to talk to the Board of Selectmen about the New England Scenic Trail which runs from southern CT into Massachusetts; the Connecticut Forest & Parks Association and the Appalachian Mountain Club are preparing to organize a Trail Stewardship Council and each municipality will be allowed to have one representative on the council. F. Mastele requested to be Durham's representative; the council meets twice a year and he would report back to the Board. The Board appreciated him coming forward and L. Francis asked to work together to put a presence on the towns website.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPOINT FRED MASTELE AS DURHAM'S REPRESENTATIVE ON THE NEW ENGLAND SCENIC TRAIL STEWARDSHIP COUNCIL. ALL AYE

Herzig Farm Proclamation

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO ACCEPT HERZIG FARM PROCLAMATION. ALL AYE

Herzig Farm - 100 Year Anniversary

WHEREAS, sometime in the late 19th century Water Herzig's grandmother Rosa made her way from Bern Switzerland through Elis Island to Patterson, NJ. She brought one son, Otto Herzig and left her other son Walter H. Herzig in an orphanage in Switzerland. In 1905, at the age of 21, Walter H. Herzig joined his family in America and worked as a baker in New York; and

WHEREAS, due to health conditions that Walter H. Herzig developed resulting from rheumatic fever in 1906, Rosa bought a farm and moved her family to South End Avenue in Durham CT; and

WHEREAS, in 1906 Herzig farming was born. Within three years the dairy operation outgrew the 30 acre farm on South End Avenue and they purchased 100 acres on Maiden Lane. Farming continued and the Herzig name gained notoriety as Walter H. delivered milk by horse and wagon around the Middletown area, especially to the homes near Wesleyan University; and

WHEREAS, in 1924 a windmill was installed and became a landmark for the farm. It pumped water from the brook and pond uphill 800 feet to a cement holding tank, gravity then pulled the water downhill to the barns and house. The Herzig's were the first family on Maiden Lane to have running water; and

WHEREAS, Walter H. married Julia at the age of forty-two who gave birth to Walter Otto Herzig. Young Walt married Lois Brechlin in the 1940's and converted a former tractor shed into their home which still stands; and

WHEREAS, in 1950 Young Walt purchased the farm from his Dad, but because the family could no longer sustain itself on mere farming Walter started a full time job at Pratt & Whitney. In addition he continued to farm, construct homes on Maiden Land and loan himself out for local construction jobs; and

WHEREAS, in the 1950's milking cows were sold and replaced with white-faced Herefords and the Herzig's began to use tractors for farming; the original John Deere affectionately called the "Old Popper" still resides in the barn; and

WHEREAS, Walter proudly put all his children through college and supplied an honor system roadside stand with vegetables from his garden; and

WHEREAS, in 2004 due to Walter's illness the cows had to be sold and a red wooden heart was anonymously placed on the fence. Today Walter's children, Warren and Joyce, have assumed responsibility of the farm. Work continues to be plentiful between vegetables, corn and hay bailing. In the late 1970's Warren started a Christmas tree farm in the hope of making good use of the land.

NOW, THEREFORE, WE, the Board of Selectmen, of the Town of Durham, honor the Herzig Farm as an integral part of the Durham Community. Dated in Durham, Connecticut, this 13th day of July 2009.

Laura L. Francis
First Selectman

John T. Szewczyk
Selectman

James W. McLaughlin
Selectman

Request for permission to use metal detector on Town Green

Jay Daly of Wallingford was in attendance to ask the Board of Selectmen for permission to use his metal detector on the Town Green. He stated that any items that are found, with the exception of old coins that he would like to keep for his collection, would be donated to the town's historical society. He noted that the Green was just redone and that he would not damage it in any way. Pam Lucashu felt that if a search brought in an historical coin it should stay in Durham. J. Daly agreed to this. James McLaughlin suggested that L. Francis consult with John Mitchell who just installed electrical conduit and reseeded the Green before making a decision. L. Francis asked J. Daly if he would agree to waiting until after the Durham Fair in September. J. Daly agreed. L. Francis took all under advisement and stated she would act upon the request at the next meeting and invited him back at that time.

Request from the Red Knights of CT for permission to use town roads on August 2, 2009 for 7th annual charity motorcycle ride

Raymond Kline from the Red Knights of CT Shoreline Chapter IV asked for permission to turn right from Route 22 onto Route 17 continuing north on Route 17 into Durham then turning right (south) onto Route 77 from Durham into North Guilford on August 2, 2009 at tentative time of 12:00 p.m. Resident State Trooper, Peter DiGioia approved the request prior to the Board of Selectmen. All Durham public safety departments will be notified of event.

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO THE RED KNIGHTS OF CT TO USE TOWN ROADS ON AUGUST 2, 2009 FOR CHARITY MOTORCYCLE RIDE. ALL AYE

Approval of Authorizing Resolution for First Selectman to enter into a grant agreement with the State of CT, Office of Policy and Management; JAG Grant

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE AUTHORIZING RESOLUTION FOR THE FIRST SELECTMAN TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF CT, OFFICE OF POLICY AND MANAGEMENT, JAG GRANT. ALL AYE

Approval for the First Selectman to sign MOA between the Town of Durham and DEMHS; FY2008 Homeland Security Grant Program

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO GRANT PERMISSION TO THE FIRST SELECTMAN TO SIGN MOA BETWEEN THE TOWN OF DURHAM AND DEMHS FOR THE FY2008 HOMELAND SECURITY GRANT PROGRAM. ALL AYE

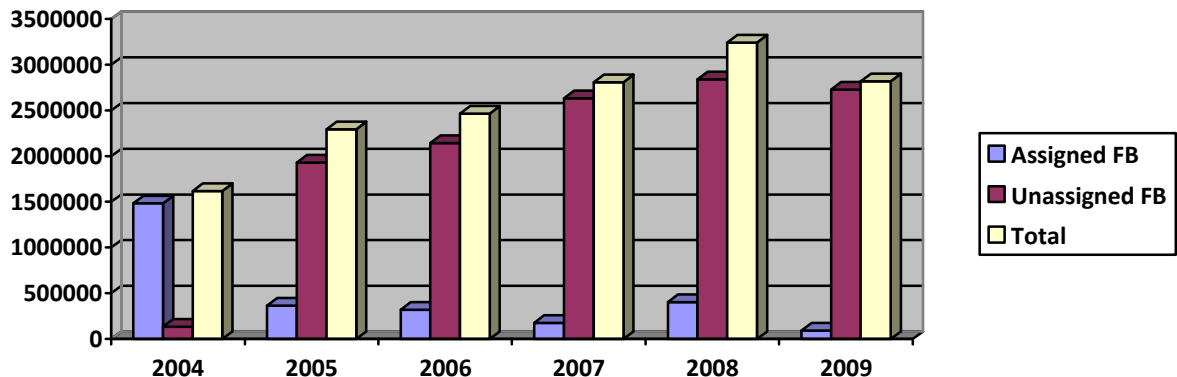
Fiscal analysis - May 2009

As of May 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	25,587,401	895,339
Revenues	25,714,652	0	0	25,714,652	25,188,375	526,277

Durham's estimated budget deficit for the 2008-2009 fiscal year continues to fluctuate between \$50,000 and \$70,000 mainly due to revenue losses in a number of key areas. This month I would like to discuss how those losses will affect our fund balance at year end.

Fund Balance History



The graph above illustrates the Town's Fund Balance history. There are two parts to Durham's fund balance: Assigned and Unassigned (previously Designated and Undesignated). Durham's Assigned Funds are those that we commonly refer to as our carryovers. Our audit separates those funds to illustrate that they have been returned to our fund balance in one year, but set aside for use in the subsequent year. Durham's Unassigned Fund is what we refer to as our savings account and is not designated for any specific purpose. These Unassigned Funds are those that are generated by budgetary activity throughout the year.

The graph indicates that our Unassigned Fund Balance has been steadily growing over the last few years. The reason I include this graph is to show the effect that our loss in revenue has made on our fund balance this fiscal year. Unanticipated expenditures and revenue losses translate to less funding

available to cover additional transfers during the year. Transfers from Fund Balance have historically been compensated by unanticipated revenue generated during the year. As our revenue declined this year, so has our fund balance.

The following is a list of additional transfers made this fiscal year from the Unassigned Fund Balance that did not have offsetting revenues to cover their expense:

Well Water Monitoring	\$23,800
Mower	\$99,000
Crooked Hill Road	\$20,000
Tree Removal	\$36,500
Sel. Consultants - Blue Ridge Trail	\$19,756

This list represents almost \$200,000 worth of expenditures that will need to be totally funded by our “savings account”. In addition to these transfers, the year-end deficit will be covered in the same way.

Please keep in mind that the end of year figures for the 2008-2009 fiscal year are still estimates and continue to change daily. There is only one month left in the fiscal year, however, so the numbers are starting to come together.

The Unassigned Fund Balance is more important this year than most. Since our tax bills will be delayed due to the fact that our 2009-2010 mill rate has not been set, tax revenue will not be generated in the month of July. Our obligations, however, are still there. Last July, our first payment to RSD13 was \$1.76 million. Without tax revenue, this obligation, and all others during the month of July, will need to be funded by our Unassigned Fund Balance, or “savings account.” Since our year end balance is estimated to be \$2.7 million that does not leave us much of a cushion. This is probably the best example and reason why we need to protect the amount in this fund. Moving forward, as we anticipate another tough budget for 2010-2011, transfers from our fund balance need to be made with care.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE MAY 2009 FISCAL ANALYSIS AS PRESENTED. ALL AYE

Crossing Guard update

L. Francis made reference to correspondence of July 9, 2009 from David Sawicki, Acting Executive Director of the State Traffic Commission that stated the STC has determined that with very limited exception, the operator of a motor vehicle is only legally obligated to obey the signal of any officer in uniform or prominently displaying the badge of his office with relation to the operation of his motor vehicle (Section 14-223 of CT General Statutes). Consequently, the requested traffic control at the intersection of Route 17 at Pickett Lane must be performed by such an officer (refer to Section 14-1 of the CGS) and the State Traffic Commission has no authority to allow otherwise. L. Francis stated she would discuss this with Sue Viccaro and Jon Brayshaw. J. Szewczyk questioned the wording of “any officer in uniform” stating that the crossing guard would be a trained and equipped with a proper uniform and asked what Section 14-1 said specifically. L. Francis said that she would look further into the statute for clarification.

LTA, Action relative to the 2009 Durham Fair: Letter of request to CT Bureau of Engineering & Highway Operations; Special Event Permit and Temporary Traffic Directional Sign (Encroachment) Permit

Tabled until next meeting

LTA - Service requests

Service Request #27080 - Main Street and Haddam Quarter Road

Board members discussed the current traffic light configuration at the intersection and it was determined that L. Francis would request an explanation of the traffic light timing from the State Traffic Commission.

Service Request #27257 - Parmelee Hill Road and Williams Drive

Request for a children playing sign and speed limit sign at the stop sign at Parmelee Hill Road and Williams Drive was discussed. L. Francis stated that Section 2B-04 of the Manual on Uniform Traffic Control Devices states that no other signs can be put directly on a stop sign. Donia Viola suggested putting the Resident State Trooper on site. J. Szewczyk commented that he would like to go out to the site before making a decision. L. Francis agreed.

Crosswalk Markings on Main Street

Scott Wright was in attendance to talk about evasive action that the Volunteer Ambulance Corp has had to take during emergency situations due to a crosswalk marker placed in the crosswalk area across from Strong School. Some motorists are pulling their cars to the right of the marker, leaving no room for the emergency vehicle to maneuver around it. He asked the Board to consider the use of highly visible reflective roadside signs. These signs would be permanent and would eliminate the problems of the current signs being stolen or causing traffic problems. L. Francis asked him to supply the Board with pictures of the signs.

Traffic Issues at Pickett Lane, Maiden Lane, and Main Street

L. Francis presented the Selectmen with correspondence she received from John Corona requesting the LTA to become involved in the process of evaluating the existing and anticipated issues at Pickett Lane, Maiden Lane, and Main Street. He talked about present serious issues with parking and backing into oncoming traffic along Pickett Lane, parallel parking along both sides of Pickett Lane, and traffic entering and exiting Pickett Lane onto Main Street without traffic control devices. He is also concerned with the plans for new facilities adding only a few new parking places and the potential for thousands to be on site simultaneously; the multi-purpose venue at the High School is now underway and he feels the Board has a responsibility to participate and the opportunity to make significant improvements. L. Francis will invite a representative from the RSD13 Building Committee to a Board of Selectmen's meeting to discuss.

Approval of Board of Selectmen meeting minutes of June 8th, 15th and June 25th, 2009

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE MEETING MINUTES OF JUNE 8TH, 2009 AS PRESENTED. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE MEETING MINUTES OF JUNE 15TH, 2009 AS PRESENTED. ALL AYE

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE MEETING MINUTES OF JUNE 25TH, 2009 AS PRESENTED. ALL AYE

Old/ New Business

L. Francis discussed the following old business.

- 1.) An extension to the lease for the town owned barn was drawn up along with a payment plan to bring the lesser up-to-date.
- 2.) The Town and RST P. DiGioia are applying for a Justice Assistance Grant (JAG) from the State of CT in the amount of \$9,100 to purchase a laser gun, surveillance camera and a small SMART machine that can be posted on a street sign.
- 3.) L. Francis received a draft report of the architectural study on the Ambulance Building noting the contractor needs another week to include cost estimates. When she receives the final report she will invite the contractor to a joint Board of Selectmen, Board of Finance meeting to present findings.
- 4.) L. Francis received correspondence from the State DOT in reference to her request for streetlights at the intersections of Rte 17 at Royal Oak Drive and Rte 68 at Rte 157 which stated that their findings did not warrant the installation of lighting. She noted she contacted residents who requested the lighting and asked them to attend this meeting. It was agreed not to install lighting at this time.

- 5.) Starting Monday July 13th access from Mica Hill Road to the old Crooked Hill Road will be blocked due to construction related to the connection of Mica Hill Road and the new Crooked Hill Road. Detours will be Mica Hill Road, Surrey Drive, and Banta Lane to Crooked Hill Road. Construction will take several weeks and the contractor will be responsible for signage. Access to 257 Mica Hill Road will be from the southbound lane of Mica Hill only; the contractor will be communicating with this property owner directly as the project progresses.

L. Francis discussed the following new business.

- 1.) Resident State Trooper June status report: Motor vehicle enforcement was conducted on Haddam Quarter Road, Pent Road, Maple Avenue, Higganum Road, Rte 77, 79, Rte 17 near Winsome Road, Rte 17 and Little Lane, Rte 17 and Royal Oak Drive. There were 63 MV infractions (11 infractions for seatbelt violations), 23 MV warnings, 9 MV accidents (3 with injuries) and 3 criminal arrests.
- 2.) L. Francis addressed a memo from Wendy Manemeit, Chairperson of the Town of Durham Tercentennial to the Board of Selectmen requesting to close out the Town Tercentennial account that has remained opened to pay for the final small bills associated with the quilt committee. The 1999 agreement stipulated that any remaining funds are returned to the Town for the "next town celebration" and she along with Committee Treasurer Pat Curley were requesting to close the account and place \$4,087.40 in a reserve account for this purpose. J. Szewczyk commented that he would like to speak to W. Manemeit because he was concerned that the money may include taxpayer contributions. L. Francis said she would invite W. Manemeit to the next meeting to discuss.
- 3.) White's Farm Community Forum is scheduled for Tuesday, July 14th, at 7:30 p.m. at the Durham Library. Representatives from several state agencies will be available to listen to the towns concerns.
- 4.) L. Francis has been holding weekly management meetings with Maryjane Malavasi, Kim Garvis, Martin French, Bill Milardo, Dick McManus, Kurt Bober and Beth Moncata. She chose all non-union management with the exception of K. Bober because she felt public works needed to be represented.
- 5.) L. Francis will be working with Attorney Rich Roberts of Halloran and Sage on the process and timeline to get a referendum and plan design in order to enact the Town's charter change in reference to the election of Board of Education members.
- 6.) A portable public address system has been purchased for the 3rd floor conference room; also purchased were (2) routers to connect to the internet.
- 7.) L. Francis will be using \$3,800 from the First Selectman's consulting line to redesign the town's website which will start this week.
- 8.) In an effort to positively impact the town's premium rates for workman's compensation and LAP insurance, L. Francis is working with CIRMA to implement three programs; Fleet Management and Safety Program, Back to Work Program, and Hazardous Materials Communication Program.
- 9.) Kim Garvis and L. Francis will be attending an Athenian Leadership Dialogue this weekend at Plymouth State University as part of the NE Municipal Clerks Institute and Academy.
- 10.) Flu Clinic will be held at the Emergency Operations Center on October 16, 2009. Personnel will also be participating in an MDA 36 drill on October 26, 2009.

Selectmen's comments

None

Public comments

S. Wright thanked everyone involved on the street closure notifications.

F. Willett stated the first set of grant money was received; he will be purchasing LED lighting and a barricade system for the fire department use at accident scenes.

Adjourn

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ADJOURN MEETING AT 8:40 P.M. ALL AYE

Respectfully submitted:
Beth Moncata