

*Board of Selectmen's Meeting
7:00 p.m., Monday, August 24, 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 JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE AGENDA AS PRESENTED.
ALL AYE

Public Comments

None

Proclamation designating the month of September 2009 as Leukemia & Lymphoma & Myeloma
Awareness Month

Resolution Recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month

WHEREAS, blood cancers currently afflict more than 894,543 Americans with an estimated 138,530 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 52,910 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, The Leukemia & Lymphoma Society maintains offices in Fairfield County and Meriden, Connecticut to support patients with these diseases and their family members in the Town of Durham, and

WHEREAS, the Town of Durham is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them, and

WHEREAS, the Town of Durham encourages private efforts to enhance research funding and education programs that address these diseases,

NOW THEREFORE BE IT RESOLVED, that the Town of Durham joins with The Leukemia & Lymphoma Society in designating the month of September 2009 as Leukemia, Lymphoma & Myeloma Awareness Month to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

Laura L. Francis
First Selectman

John T. Szewczyk
Selectman

James W. McLaughlin
Selectman

Dated this 24th day of August 2009

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO DESIGNATE SEPTEMBER 2009 AS LEUKEMIA, LYMPHOMA & MYELOMA AWARENESS MONTH. ALL AYE

Historic District Commission resignation

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT THE RESIGNATION OF CLAY HOWE WITH REGRET AND APPRECIATION FROM THE HISTORIC DISTRICT COMMISSION. ALL AYE

June fiscal analysis

L. Francis thanked everyone for paying attention to fiscal needs; she appreciates everyone’s efforts. J. Szewczyk thanked L. Francis for her foresight and complimented her on doing a great job with the budget. J. McLaughlin concurred and noted he felt she acted properly.

L. Francis clarified that the Town Clerks losses in revenue (noted below) were due to economy driven revenue and not because of any failing of the Town Clerks office.

PLEASE NOTE: All figures in this report are unaudited estimates as of June 30, 2009. As of June 30, 2009, the budget stands as follows:

	Original Appropriation	Additional Appropriations	Carryovers from 07-08	Revised Budget	Actual	Unpaid & Unreceived Balance
Expenditures	25,714,652	67,295	402,793	26,484,740	26,000,454	484,286
Revenues	25,714,652	0	0	25,714,652	25,271,426	443,226

These figures are carried over to the following spreadsheet which calculates the town’s fund balance at year end.

- The beginning total fund balance of \$3.2 million represents the balance that the Town of Durham had as of 6/30/08 in its Undesignated Fund Balance including the amount that was put aside to cover the carryovers from the prior year.
- The additional appropriations of \$367,295 are the total of all transfers made by the Board of Finance from fund balance during the fiscal year. A breakdown of that figure appears further in this report.
- The net results from budgetary operations figure is the net balance between how much money we brought in less the amount of money that was spent during the fiscal year. As you can see, we had a positive balance of just over \$41,000. This is due to the success of the town’s deficit reduction plan. At the end of the fiscal year, capital improvement budgets were not spent in order to achieve this goal. Some of those projects were approved as carryovers into the new year, and they are listed in the spreadsheet below.
- We end this year with a negative change in total fund balance of approximately \$326,000, which is comparable to the amount of additional appropriations made by the BoF during the fiscal year. Other years, when our budget was healthier, we were able to cover those additional appropriations with unanticipated revenue. That was not the case this year, and I would expect the same to be true for the coming year as well.
- When the carryovers are removed from fund balance, which is a GASB requirement, we are left with an Undesignated Fund Balance of \$2.5 million, or 9.73% of the 09-10 total budget.

Analysis of Fund Balance as of 6/30/09 - Before Audit

6/30/2008 Undesignated Fund Balance	\$ 2,841,241
6/30/2008 Reserved for Prior Year Carryovers	\$ 402,793

Beginning Total Fund Balance (reserved & unreserved) \$ 3,244,034

Additional appropriations from fund balance and changes in fund balance designations during the year (367,295)

	<u>**Budget</u>	<u>Actual</u>	<u>Comparison</u>
Revenues	<u>25,714,652</u>	<u>25,271,426</u>	-443,226
Expenditures	<u>26,484,740</u>	<u>26,000,454</u>	484,286

Net results from budgetary operations	<u>41,060</u>
Estimated total fund balance after budgetary operations	\$ 2,917,799
Estimated change in Total Fund Balance	<u>\$ (326,235)</u>

Selectmen's Consultants	(34,006)	
CETF Grant	(1,412)	
Library OPM Grant	(2,541)	
Ambulance Safety Equip.	(6,969)	
Shelter Management	(25,000)	
Town Wide Radios	(12,816)	
Ambulance Capital Equip	(7,100)	
		<u>(89,844)</u>
Estimated Ending Undesignated Fund Balance		<u>2,501,720</u>
Undesignated Fund Balance as a percentage of 2009-2010 Budget	25,721,441	9.73%

Below is the listing of the additional appropriations made by the Board of Finance during the 08-09 fiscal year. They are broken down by those that were funded in whole by our fund balance, those transferred in from the reserve fund, and those that were funded by grant revenue.

Appropriations from Fund Balance:

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

Appropriations from Fund Balance - Grants:

Library Grant Carryover	\$2,541
DEMS Grant - CNS	\$10,198
CETF Grant	\$2,000

Transfers from Reserve:

DPW Highway Projects	\$50,000
Cemetery Stone Repair	\$13,900
Kimtek Slide-In Unit	\$3,600
Town Green Repair	\$4,500
Shelter Upgrades	\$45,500
Fire Dept SCBA	\$36,000

Overall, the Town of Durham ended the year in good standing. It was a very tough year, with significant losses in revenue, especially in the Town Clerk's Office and in interest earned. In the end, the net budget was a positive number, which had not been expected but is always the goal. Significant budget reductions were necessary to meet this goal, and all departments share in this success.

I would also like to note that all overages at year end were covered by balances left in contingency and other line items. Fund balance was not used to cover any of them, including snow removal and tax refunds, which needed over \$50,000 between just those two lines.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ACCEPT JUNE FISCAL ANALYSIS AS PRESENTED. ALL AYE

Tax refunds

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO APPROVE AS PRESENTED (25) TAX REFUNDS TOTALING \$2,871.07. L. FRANCIS, J. MCLAUGHLIN AYE, J. SZEWCZYK OBSTAIN.

Approval of Authorizing Resolution for the First Selectman to enter into an agreement with the DEP - Forestry Division; America the Beautiful Grant

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO APPROVE AUTHORIZING RESOLUTION AUTHORIZING THE FIRST SELECTMAN TO ENTER INTO AN AGREEMENT WITH THE DEP-FORESTRY DIVISION. ALL AYE

Discussion of Conservation Commission Proposal of Maiden Lane

Casey Cordes, Conservation Commission Chairman was in attendance to discuss the preservation of Scott Farm on 142 Maiden Lane. Mr. Scott, owner of the property, has been working with Connecticut Farmland Trust on an easement that would permanently restrict residential and non-farm commercial development of the property and would permit all agricultural uses. Connecticut Farmland Trust is asking the Town of Durham to partner in the preservation by reimbursing Mr. Scott for his costs associated with the donation of the easement, specifically \$4,500 for an appraisal and \$7,500 for legal fees. C. Cordes stated he went before the Board of Finance to request the money from the Conservation Commission reserve account and the Board requested he ask Town Counsel if it was appropriate to use Town funds to close a private deal. L. Francis contacted Attorney Richard Roberts of Halloran & Sage who agreed that it is a permissible use of town moneys to reimburse the property owner for his direct expenses incurring in conjunction with the granting of an easement as long as there is evidence that the conservation easement involved is in furtherance of a stated goal of the Conservation Commission and the Town. L. Francis also asked the Attorney if it is possible to have the town mentioned in the easement with certain rights or consideration such as right of first refusal which she didn't have confirmation of at the time of this meeting. L. Francis stated she lends her support for this along with J. McLaughlin who also supports this stating he feels this would be very good for the town. J. Szewczyk asked C. Cordes if he found out how many homes could be put on the property and if the easement does go through would the classes at the high school continue to have use of the streams; could this be written into the deed. C. Codes replied 2 - 5 homes and indicated that Mr. Scott really wants the Ball Brook used for a stream study and did not think he would object to the schools continued use.

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO ENDORSE THE PRESERVATION OF SCOTT FARM AND RECOMMENDED TAKING THIS REQUEST TO TOWN MEETING. ALL AYE

Request for permission to use town roads from Linda Rapp, Hospital for Special Care/Manes & Motions benefit ride Sunday, September 13, 2009

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO GRANT PERMISSION TO USE TOWN ROADS FOR MANES & MOTIONS BENEFIT RIDE SUNDAY, SEPTEMBER 13, 2009. ALL AYE

Set Pubic Hearing date - Code of Ethics

Bob Fulton, Chairman of the Ethics Commission was in attendance to answer any questions the Selectmen may have of the draft Code of Ethics, to schedule a Public Hearing date, and to ask for a prospective effective date if approved by the town. J. McLaughlin posed two questions; the confidentiality of meetings, public or closed and if Justice of the Peace should be included in the list that can take depositions. W. Fulton took the questions into consideration. The Board recommended an effective date of January 1st and set a Public Hearing date of September 9, 2009.

TOWN OF DURHAM
PUBLIC HEARING
7:30 P.M., WEDNESDAY, SEPTEMBER 9, 2009
3RD FLOOR MEETING ROOM, TOWN HALL

The purpose of this public hearing is to present information and discuss proposed Code of Ethics and to provide an opportunity for public comment.

All are encouraged to attend. This hearing is accessible to the handicapped.

Any disabled persons requiring special assistance or non-English speaking persons should contact Laura L. Francis, First Selectman at 860-349-3625 at least five days prior to the hearing.

Laura L. Francis
First Selectman

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO SET PUBLIC HEARING DATE OF SEPTEMBER 9, 2009 TO PRESENT AND DISCUSS PROPOSED CODE OF ETHICS. ALL AYE

Discussion of Public Safety Facility Renovations Planning Committee Report

L. Francis stated that David Heer, Co-Chair of the PSFRPC had met with the Board of Finance to ask for a transfer of \$95,000 from their reserve account to fund a Phase I, Conceptual Study/Design Phase and Schematic Design/Development Phase of the proposed Public Safety Facility; the Board of Finance in turn requested a vote of endorsement from the Board of Selectmen. A discussion was held with L. Francis noting that no matter what happens with the project, the information from the Phase I study would be used in the years to come.

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO ENDORSE THE TRANSFER OF \$95,000 FROM EMERGENCY SERVICES FACILITY RESERVE ACCOUNT FOR A PHASE 1 STUDY. ALL AYE

Set and Approve Call for Special Town Meeting

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 3rd Floor Meeting Room, Town Hall, on Monday, August 31, 2009 at 8:00 p.m. for the following purpose:

1. To approve the transfer of \$95,000 from Reserve Account #9480 Emergency Services Facility to fund Phase I, Conceptual Study/Design Phase and Schematic Design/Development Phase of proposed Public Safety Facility as recommended by the Board of Finance at their meeting of August 18, 2009.
2. To approve the transfer of \$30,000 from #9200 Building Maintenance Reserve to 6700-492, 24 Town House Road Water Connection as recommended by the Board of Finance at their meeting of August 18, 2009.
3. To approve the following transfers totaling \$119,017 for fiscal year ended June 30, 2009 as recommended by the Board of Finance at their meeting of August 18, 2009:

To 3011 Snow Removal from 3014 Chip Sealing	\$20,758.00
To 1520 Building & Health from 1521 B&H Salaries	15,696.00
To 1520 Building & Health from 6020 Contingency	3,331.00
To 1555 Planning & Zoning from 6020 Contingency	24,938.00
To 3013 Vehicle Fuel from 6020 Contingency	22,992.00
To 6010 Tax Refunds from 6020 Contingency	31,302.00

4. To approve the following carryovers totaling \$89,844 into the 2009-2010 budget as recommended by the Board of Finance at their meeting of August 18, 2009:

1010-204 Consultants	\$34,006.00
2055-345 CETF Grant	1,412.00
4030-308 Ambulance Safety Equipment	6,969.00
5005-345 Library OPM Grant	2,541.00
6700-488 Shelter Management	25,000.00
6700-498 Radio/Communication	12,816.00
8999-793 Ambulance Equipment	7,100.00

5. To approve the following transfers to Reserve totaling \$34,548 for the 2009-2010 budget year as recommended by the Board of Finance at their meeting of August 18, 2009:

9760 Skating Pond Grant	\$25,818.00
9580 Fire Apparatus	8,730.00

Laura L. Francis
First Selectman

John T. Szewczyk
Selectman

James McLaughlin
Selectman

MOTION BY LAURA FRANCIS SECONDED BY JAMES MCLAUGHLIN TO SET DATE OF AUGUST 31, 2009, 8:00 P.M., 3RD FLOOR MEETING ROOM, TOWN HALL AND APPROVE CALL AS PRESENTED. ALL AYE

LTA - Service requests

- **Service request #27033 - Haddam Quarter Road - request for speed control and posted speed limit sign.**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE THE POSTING OF SPEED LIMIT SIGN, LOCATION TO BE DETERMINED BY KURT BOBER. ALL AYE

- **Service request #27403 - Stagecoach Road - request for horse traffic sign**

MOTION BY LAURA FRANCIS SECONDED BY JOHN SZEWCZYK TO APPROVE THE POSTING OF HORSE CROSSING SIGN, LOCATION TO BE DETERMINED BY KURT BOBER. ALL AYE

Approval of Board of Selectmen meeting minutes July 27, 2009

Tabled until next meeting

Old/New business

L. Francis discussed the following old business.

- 1) Website redesign; she asked for any comments or suggestions.
- 2) House numbering program; Lyle Signs is putting together pricing for a house numbering program similar to Marlborough.
- 3) Crossing guard update; L. Francis will be meeting Friday with State Legislators for statute language changes for use in the future and contacted RSD13 to see if the crossing guard would be needed elsewhere. Susan Viccaro met with DATTCO who has redesigned bus routes to alleviate some traffic issues.

L. Francis discussed the following new business.

- 1) July 2009 Monthly Status Report from RST Peter DiGioia; (19) Criminal Investigations, (8) Motor Vehicle Accidents, 2 with injuries, (4) Criminal Arrests, (162) Motor Vehicle Infractions, 26 for seatbelt violations, (34) Motor Vehicle Warnings, (2) on sight DWI. Motor Vehicle Enforcement was conducted on Pent Road, Tuttle Road, Maple Avenue, Higganum Road, Route 79, and Route 17 near Winsome, Little Lane and Royal Oak.
- 2) L. Francis attended an energy workshop with Paul Griese; Benchmarking Energy Use Tool, with this information a comprehensive energy plan can be put together for the Town Hall and Library.
- 3) L. Francis attended a meeting with Larry Wagner; the town will be applying for a DECD Grant for Housing Rehabilitation the first of the year for low income qualified residents.
- 4) Ken Johnson has been assigned the task of trash and recycling detail at the Town Hall. L. Francis noted that she appreciates his efforts.
- 5) L. Francis will be attending a Local Traffic Authority class on When and Where to use signs, signals and markings on Tuesday, August 25th.

Selectmen's comments

None

Public comments

None

8:00 Natural Hazard Mitigation Planning Workshop

Joel Severance, Emergency Management Consultant with Midstate Regional Planning Agency, presented a PowerPoint presentation on a Regional Mitigation Disaster Plan. The purpose of the plan is to identify and assess risks which the town would plan to mitigate or fix to minimize or prevent damage from a major storm. The benefits of the plan would be to draw local planner's attention to vulnerable areas in town, eligibility for grant funding, and priority funding for public assistance for repairs due to storms. A list of the Towns vulnerabilities was distributed to everyone in attendance and reviewed. Additional items added to the list were:

- The elevation of the Maple Avenue pump house that provides water to Main Street residents.
- A study of flooding vulnerability at White's Farm.
- Forest roads need to be cleared for Fire Vehicle access at Cockaponsete.
- Addition of a generator for Town Hall.
- Mill Pond Dam needs to be replaced.
- Culvert at Route 68.

Adjourn

MOTION BY JAMES MCLAUGHLIN SECONDED BY LAURA FRANCIS TO ADJOURN MEETING AT 8:35 P.M. ALL AYE

Respectfully submitted,

Beth Moncata