

Board of Selectmen's Meeting
7:00 p.m., Monday, June 13, 2016
3rd Floor Meeting Room, Town Hall

Meeting Minutes

1. Call to order and roll call

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

2. Approval of the agenda

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE AGENDA AS PRESENTED. ALL AYE

3. Public comments

Joe Pasquale asked if the Board would be accepting public comment during agenda item #12 and if they would be scheduling a public hearing. L. Francis stated that the Board had not yet discussed and will during Item #12.

J. Pasquale made reference to the review of the draft Plan of Conservation and Development and advisory report dated May 17th received from RiverCOG. He spoke specifically to the "comments related to the consistency of the draft Durham PoCD with the six Growth Management Principles of the State PoCD." He asked the board to review carefully the comments.

J. Pasquale noted that the Board of Selectmen's agenda is routinely posted at 4:30 p.m. on the Friday before a Monday night meeting and felt it not sufficient time for the public to prepare if need be and urged the Board to post by Wednesday. L. Francis thanked him and noted she would take this into consideration.

S. Levy stated he received the review letter from RiverCOG in tonight's meeting packet and asked to receive meeting information in a timely manner.

Norm Jason agreed with J. Pasquale on the announcement of meeting agenda's on Wednesdays.

George Eames III echoed J. Pasquale regarding the agenda and added that the town charter states the town clerk shall provide copies of all town boards and commissions to the Board of Selectmen. S. Levy agreed. Laura noted that board members have full access to all minutes on the website.

Duncan Milne stated he felt that the Plan of Conservation and Development had inherent ambiguity and flexibility to the Planning and Zoning Commission and the document should specifically state that mixed use not be in the historic district. He also felt the economic chapter should be clearer and that he did not trust the commission.

4. Proclamation; Durham Fair Association

**PROCLAMATION ON THE CENTENNIAL ANNIVERSARY
OF THE CREATION OF THE DURHAM FAIR**

BE IT KNOWN BY ALL THOSE PRESENT, that the Durham Grange #57 on this date June 16, 1916 voted to hold an agricultural fair in the Town of Durham, Connecticut; and

WHEREAS, nearly one hundred years later the Durham Fair is the largest agricultural fair in the State of Connecticut; and

WHEREAS, the Durham Fair was managed by a small number of volunteers and continues to be managed and staffed entirely by over sixteen-hundred unpaid volunteers; and

WHEREAS, the Durham Fair has grown from a one-day event to a four-day extravaganza; and

WHEREAS, the Durham Fair awards over \$94,000 in premiums to exhibitors annually; and

WHEREAS, the Durham Fair Association annually awards \$25,000 to qualifying students from Durham and Middlefield, Connecticut pursuing higher education; and

WHEREAS, the Durham Fair supports and endorses local non-profit groups by offering them the ability to generate ways and means for their continued operation; and

WHEREAS, the Durham Fair serves as a model for community spirit and volunteerism that has made the Fair the overwhelming success that it is.

NOW, THEREFORE, WE, the Board of Selectmen, of the Town of Durham, on behalf of the Residents of Durham, do hereby proclaim Thursday, June 16, 2016 on the one-hundredth anniversary of the founding of the Durham Fair, as:

“DURHAM FAIR CENTENNIAL CELEBRATION DAY”

in the Town of Durham, Connecticut and urge the community to support and encourage the Durham Fair to ensure its prominence as an agricultural leader in the State of Connecticut.

Laura L. Francis
First Selectman

John T. Szewczyk
Selectman

Steven A. Levy
Selectman

Signed this 13th day of June 2016.

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE PROCLAMATION AS PRESENTED. ALL AYE

5. Town Green Committee; Memorial renovation approval

Tina Gossner presented a plan for the monument area on the Town Green that represented the enlargement (4x2) of the area outside of the existing rectangles with 2x2 plain tiles, and the addition of backless benches. She spoke to the VFW and American Legion who both approved the plan. A quote was received from Torrison Stone and Garden in the amount of \$6,700 for materials only (labor will be donated) and was very happy to report that the Durham Garden Club made a donation for the entire project. She stated they would like to have the project completed before the Durham Fair. T. Gossner noted she would have to attend the next Historic District Commission to get a certificate of appropriateness.

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE RENOVATION PLAN AS PRESENTED. Discussion: Roger Kleeman asked if the procurement policy was utilized in obtaining the quote. L. Francis indicated that the Garden Club would be procuring the materials and they are not subject to the town's procurement policy. D. Milne noted he felt this would be approved by the Historic District Commission and not to hold up the project. Ona McLaughlin stated she felt it still needed to be approved by the Historic District Commission. L. Francis thanked the Durham Garden Club, Tina Gossner and the Town Green Committee and Public Works. VOTE: FRANCIS, SZEWCZYK, LEVY; AYE. MOTION CARRIED.

6. Deputy Fire Marshal appointment

Bill Witecki requested the appointment of Robert Doyle to fill a vacancy due to the resignation of Jon Hanley. He asked that the appointment be filled as soon as possible because the Durham Fair is coming up soon. L. Francis stated that she consulted with town counsel on the announcement of the resignation and was told that state statute prevails and would not be required. J. Szewczyk asked if anyone else expressed an interest in the position. B. Witecki stated that there is a shallow pool of certified candidates and noted that R. Doyle is also a resident of Durham.

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPOINT ROBERT DOYLE AS DEPUTY FIRE MARSHAL. ALL AYE

7. Ethics appointments

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO RE-APPOINT MARVIN IDE AS A REGULAR MEMBER FOR FIRST FULL TERM THAT WILL EXPIRE IN MAY 2019. ALL AYE

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPOINT JUDY BAHR AS A REGULAR MEMBER FOR SECOND FULL TERM THAT WILL EXPIRE IN MAY 2019. ALL AYE

8. Regional Mental Health Board, Catchment Area Council #10 representative appointment

L. Francis explained that an act was established over 42 years ago to establish five regional boards to oversee the transition of the mental health system from hospital to community based care. The act mandates that the first selectman appoint a non-provider representative to serve on the local mental health catchment area council who serves as an appointee of the chief elected official for a two year term. At the present time Durham does not have an appointed representative and is seeking someone to fill the vacancy. An announcement will be published in the Town Times.

9. Approval for First Selectman to enter in an agreement with Middletown Transit District for Dial-A-Ride Transportation fy16-17

L. Francis noted there were no changes to the annual agreement and payment of \$18,270 was budgeted for in the fy16-17 budget.

MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO THE FIRST SELECTMAN TO ENTER INTO AN AGREEMENT WITH MIDDLETOWN TRANSIT DISTRICT FOR DIAL-A-RIDE TRANSPORTATION FY16-17. ALL AYE

10. Request for permission from the ARC of Meriden-Wallingford to use town roads for motorcycle event on Sunday, August 14, 2016

L. Francis noted this was an annual event and is escorted by State Police. Notice was given to Chiefs of Service with no objections received.

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE REQUEST FROM ARC OF MERIDEN WALLINGFORD FOR ROAD USE ON SUNDAY, AUGUST 14, 2016 PENDING RECEIPT OF INSURANCE AND INDEMNIFICATION PAPERWORK. ALL AYE

11. Zoning/Ordinance Enforcement Activity

L. Francis asked the Selectmen if they reviewed privileged correspondence given at the last meeting in reference to zoning enforcement and noted there was correspondence in their packet received from a neighbor. She stated the Zoning Attorney thought enforcement would be difficult because Durham zoning regulations do not define what is "customary and incidental" and asked the Selectmen how they wanted to proceed. S. Levy felt that the process already started with prior meetings and public hearing on amendments to the town citation hearing process. He felt this to be aggressive and the Board should do whatever it takes to resolve the situation. J. Szewczyk felt the Board made a commitment to the residents and did not want to stop the process now. L. Francis explained that there were two options offered by counsel; zoning enforcement officer or action could be filed directly with Superior Court. It was agreed that the process would start with the town's Zoning Enforcement Officer.

12. Plan of Conservation and Development discussion

L. Francis made reference to State Statute Sec. 8-23 (2) "the legislative body or board of selectmen, as the case may be, may hold one or more public hearings on the plan and shall endorse or reject such entire plan or part thereof or amendment and may submit comments and recommended changes to the commission. The commission may render a decision on the plan without the report of such body or board." She stated that she spoke to Attorney Byrne and he opined that the Board take an up/down vote within the 65 day limit. She noted that Planning and Zoning will be holding a public hearing on July 13th. She then asked the Selectmen how they wanted to proceed. S. Levy made reference to his comments on his review of the draft PoCD and noted he was very clear where he stood with items he felt needed to be changed. He stated he attended Planning and Zoning meetings and charrette and after reviewing the draft felt that members of P&Z were not listening to the public. L. Francis stated that the Board's opinion would be advisory and reiterated that the Board could take a vote (or not take a vote at all) and submit vote with individual comments. She was not in favor of unified comments, citing the time limitation. If the Board felt it important to send a unified message, more meetings would probably have to be scheduled. S. Levy felt an overlap in the Boards comments would be stronger and liked the idea of putting pressure of a 2/3 vote on the commission (Sec. 8-23 (6) (2)). J. Szewczyk did not think the Board's opinion was at advisory level and recommended they hold a public hearing on June 27th and vote at the July 11th meeting. L. Francis stated the public hearing could be held but the Board would be going against normal practice of 30 days' notice. S. Levy did not think this would be an issue to interested individuals. J. Szewczyk asked for clarification of the statute on the "rejection of the entire plan or part thereof or amendments" and asked if the Board could vote on the amendments. L. Francis noted that yes, the Board may recommend amendments but reiterated that it would be advisory. The P&Z Commission can vote to accept the recommended amendments or not. S. Levy recommended getting a moderator for the meeting.

MOTION BY JOHN SZEWCZYK, SECONDED BY STEVE LEVY TO HOLD A PUBLIC HEARING ON JUNE 27, 2016, 8:00 P.M. AT A LOCATION TO BE DETERMINED TO PRESENT INFORMATION AND DISCUSS AMENDMENTS TO THE PLAN OF CONSERVATION AND DEVELOPMENT. ALL AYE

13. Fiscal analysis April 2016 and May 2016

The 2016 budget stands as follows:

	EXPENDITURES	REVENUE
Original Budget	30,347,812	30,347,812
General Appropriations	2,850	0
Grant Appropriations	385	0
Prior Year Carryovers	267,903	0
Reserve Appropriations	367,447	367,447
Revised Budget	30,986,397	30,715,259
YTD Encumbrances	2,075	0
YTD Expense/Revenue	27,876,487	30,710,495
Balance Unspent or Uncollected	3,107,835	4,764
Percent Spent or Collected	90.0	99.99%

Revenues

As of the end of May, 2016, revenues are less than \$5,000 away from being 100% collected. This does not mean that every line item has brought in its expected revenues, but it does mean the line items that have come in under budget will be covered by those that have brought in more than budgeted. The strength of our revenue collections indicates that our annual obligations will be met.

Past due tax collections have brought our tax revenue up over 100% collected, for a total of \$65,000 more than budgeted as of the end of May. This is also reflected in the overage in the tax interest line item. Motor vehicle supplemental revenue is over by \$74,000 as well. These line items help offset the loss of state revenue from the elimination of our state property PILOT funding and a reduction in ECS. We still anticipate an additional \$153,000 in state revenues to come in during June.

Expenditures

Expenditures at the end of May are at 90%; which is exactly where they should be at this point in the year. There are a few budget lines that are expected to be overdrawn by the end of the fiscal year, but there are other budgets which will end with a surplus that can be used to offset the overages. At this time, fund balance should not be needed to cover any of the overages at the end of the year.

Balance Sheet

The Town is still waiting for payment from the State for the Pent Road Grant. It represents most of the amount in the Due from Grants line item. The Money Market account continues to show a strong balance which will allow the Town to cover its obligations for the remainder of the fiscal year.

J. Szewczyk asked if changes made at the state level last week changed anything for fy16-17 budget. L. Francis stated that the town did not lose any funds; minor increase. She noted that the implementer

bill increased the motor vehicle cap to 37%; this allowed the Board of Finance to the mill rate for fy16-17 to 35.31 which is less than anticipated at the Annual Budget meeting

14. Tax refunds

None

15. Approval of meeting minutes of May 23, 2016

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE MEETING MINUTES OF MAY 23, 2016 AS PRESENTED. ALL AYE

16. Selectmen's comments

None

17. Old/New business

- a. Connecticut Siting Council letter of decision in packet. Many of the comments recommended by area residents were asked to be implemented in the Development and Management Plan. There will be an opportunity for the town and residents to comment once the Plan is completed.
- b. Thirty-nine curves were approved for the dangerous curve project. Construction is planned for 2017-2018.
- c. Forty applications have been received for the Assistant Tax Collector/Bookkeeper position; applications closed on Friday, June 10th. Finance Director Maryjane Malavasi, Tax Collector Martin French, and a Finance Director from out of town will be on the hiring panel. Finalists to be interviewed have not been chosen yet. J. Szewczyk asked what type of outreach was used to obtain a more diverse applicant pool. L. Francis stated that the announcement stated AA/EOE/ADA and it was posted on the tax collector and finance director list serves as well as the Town Times.
- d. The Maintainer I position was announced in the Middletown Press and on Monster.com with an application deadline of June 20th.
- e. The latest draft of the Middlesex Paramedic agreement was emailed to Selectmen today for review. The town of Westbrook had their town counsel review the agreement. J. Szewczyk asked if budget billing was part of the contract. L. Francis stated that it was discussed at the last RiverCOG meeting but did not review the latest draft in its entirety.
- f. Due to budget cuts and storage facility limitations, the Office of the Chief Medical Examiner (OCME) must make certain changes that will affect Durham (municipalities) effective July 1, 2016. Unclaimed decedents at scenes that are not OCME, will no longer be transported to the OCME. Under Connecticut General Statute § 19a-270, it is the responsibility of the town or city of death to handle these arrangements. L. Francis noted that CCM is working on developing a plan to help municipalities with this. J. Szewczyk suggested working with neighboring communities and noted this should be discussed during budget season.
- g. Resident State Trooper Report for May 2016; total of (7) criminal investigations, motor vehicle enforcement was conducted on Creamery Road/Cedar Street, Cherry Lane, Higganum Road, Maple Avenue, Main Street, and Routes 77, 79 and 68. Attended DARE, Chiefs Meeting, Middlesex County Detectives Meeting, Court, and Dog Sweep and CRHS. Attended #2 Taser training. Total calls for service; 149, accidents with report; 3, non-injury accidents; 3, DWI; 1, other case investigations; 2, non-reportable; 73, motorist assists; 4, citations; 68, warnings; 4, seatbelt citations; 20.

- h. Animal Control Report for May 2016; 2 barking dog complaints, 3 bite reports, 1 cruelty/neglect call, 8 lost/found animals, 2 roaming dog complaints, 5 wildlife calls.
- i. L. Francis met with Eversource personnel to discuss possible gas line expansion/reliability project through Durham; Route 68 to Main Street. In the very early stages. Agreed to work with them, provide statistics and contact information of major employers/businesses in town.
- j. Tuesday, June 14 is celebration day; DARE graduation, Lyman Orchards 275th Anniversary, and CRHS graduation. L. Francis thanked S. Levy for attending Jake Barton's Eagle Scout ceremony last Sunday.
- k. Town Hall will be closing Wednesday and Thursday, June 15th and 16th from 8:30 am to noon for cloud based 365 training.
- l. Public Works is presenting at Inland Wetland's tonight to request permission to move the brick walkway and for other maintenance projects at Allyn Brook Park.

18. Public comments

G. Eames III noted that a formal motion was not made on agenda item #12. He also suggested forgoing a moderator. The Board then voted unanimously to hold the public hearing on June 27 at 8:00 pm.

D. Milne asked the Board to ask for enforcement of straight pipes at the motorcycle event approved earlier in the meeting.

J. Pasquale gave kudo's to the Tax Collector in reference to agenda item #13. In reference to agenda item #5 he felt there should be an opportunity for the public to comment on what is being done on the Town Green. He also asked for an update on the Higganum Road project; L. Francis responded that borings were done last week and the project is on track to go out to bid for 2017 construction.

Jim McLaughlin stated that the Historic District Commission would have to hold a public hearing on agenda item #5 noting that he felt it would be approved.

Ona McLaughlin stated she worked on a project at the Wadsworth Mansion that was far less complicated than what is proposed for the Town Green noting the price received from Torrison was far less as they are not charging for labor. She explained that the Town Green Committee had attended many farmers markets last summer to explain what they proposed to do and collected \$30,000, not including the donation from the Durham Garden Club. She felt there was opportunity for the public to comment.

19. Adjourn

Meeting adjourned at 8:22 p.m.

Respectfully submitted, Beth Moncata