

Board of Selectmen's Meeting
7:00 p.m., Monday, July 11, 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 JOHN SZEWCZYK TO APPROVE AGENDA AS PRESENTED.
ALL AYE

3. Public comments

Betty Long stated that after traveling a lot she has come to appreciate Durham's historic Main Street and she does not want anything to affect it badly.

Chuck Stengel stated he felt that empty buildings threaten the historic district and asked the Selectmen to not pass a Plan that limits the opportunities that might come to Main Street while maintaining historic character. He asked the Board to accept the Plan as written.

Rick Parmelee stated that mixed use has been on Main Street since 1708 and felt there are businesses that would be very compatible in the residential zone.

James McLaughlin sited the following in the draft Plan.

Page 82, Section 6.2; The town's zoning regulations allow for residential, commercial, industrial, and design development district uses. He noted there was no mention of farms.

Page 84, Section 6.10; In conjunction with the Economic Development Commission, the Planning and Zoning Commission should evaluate the desirability of permitting mixed uses or adaptive reuse of structures (and/or a portion therein) throughout the town. He noted throughout the town.

Page 119, Section 10.3.11; The Planning and Zoning Commission, in an effort to prevent conflicts between nonresidential utilization of historically significant structures and their preservation, has chosen to "hold the line" on the commercially zoned land abutting the Historic District. He felt this to be ambiguous.

Page 88, Goal; The First Selectman and Economic Development Commission should meet at least quarterly to assure close communications on projects and policy changes. He felt that this should be changed to the Board of Selectmen.

In reference to Page 119, Section 10.3.10; L. Francis asked Frank DeFelice if mixed use is considered more or less intensive than commercial. F. DeFelice responded less intensive.

Diana McCain stated she felt that Main Street was special and deserves all the attention that it gets. She was disturbed that the statement in the current Plan regarding historic Main Street being primarily residential was not in the draft Plan.

F. DeFelice stated that adaptive reuse language has been in the Plan of Conservation and Development for over thirty years. He acknowledged and appreciated the number of attendees at the public hearing held by the Board of Selectmen and the many observations taken from the meeting. He felt the draft Plan before the Board was a balanced and thoughtful document and commented that he felt the Planning Commissioners listened to public feedback. He reiterated the Plan suggests things to be considered and agreed with the recommendations made, such as adding language for the expansion of farming to include wineries and technology. He asked the Board to unanimously endorse the draft Plan.

D. McCain stated she hoped the Board would not approve the Plan without a very specific statement about uses in the Historic District on Main Street.

Chip Williams asked if the Historic District Commission has the authority to vote against the Plan. L. Francis responded the Historic District Commission has authority over structures not land use. The Zoning Commission has authority over zoning/land use. She noted that current zoning regulations for Main Street residential are very specific. S. Levy felt the overarching fact is if a homeowner is going to have a business in their residence, they need to live in the home, and all life safety rules would have to be met. The use cannot be more intense than what is currently there. J. McLaughlin stated the draft Plan states "home business" and this should be replaced with "home occupation". F. DeFelice addressed C. Williams question stating that nothing has changed with the Historic District Commission; the HDC has authority over structures and parking. Zoning regulations limit what can be done. He noted it was important to understand that the Plan is different than zoning regulation and what protects the historic district is the special permit process.

4. Request from PALS to serve alcohol at their annual summer reunion on August 25, 2016 at the Durham Public Library
MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO PALS TO SERVE ALCOHOL AT THEIR ANNUAL SUMMER REUNION ON AUGUST 25, 2016 AT THE DURHAM PUBLIC LIBRARY PENDING INSURANCE REQUIREMENTS. ALL AYE
5. Approval for the First Selectman to enter into an agreement with Workforce Alliance for the 2016 State Summer Program
MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO THE FIRST SELECTMAN TO ENTER INTO AN AGREEMENT WITH WORKFORCE ALLIANCE FOR THE 2016 STATE SUMMER PROGRAM. ALL AYE
6. Approval for the First Selectman to enter into a contract with the State of Connecticut for an Historic Documents Preservation Grant fy16-17
MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO GRANT APPROVAL TO THE FIRST SELECTMAN TO ENTER INTO AN AGREEMENT WITH THE STATE OF CONNECTICUT FOR AN HISTORIC DOCUMENTS PRESERVATION GRANT FY16-17. ALL AYE
7. Approval for the First Selectman to sign Grant Application with Middlesex Hospital for Paramedic Services

L. Francis stated after legal review the agreement between the town and Middlesex Hospital was changed from a contract to a grant application because it is actually a funding agreement to make available licensed Paramedics for Services twenty-four hours per day, seven days per week. J. Szewczyk asked if they will continue to provide bundle billing. L. Francis made reference to Section 12 of the application that stated "this grant is independent of, and shall not supersede, their agreement with the Durham Volunteer Ambulance. All billing will be governed by and carried out in accordance with this agreement". J. Szewczyk asked if the language in this section was strong enough. S. Wimler stated the Durham Volunteer Ambulance Corp does have an agreement with Middlesex Hospital for bundle billing and has a 90-day notice to withdraw. Chuck Stengel, member of the Board of Finance, stated the grant application was approved for one year and if issues come up regarding billing during this period it will be a reason not to renew the application. J. Szewczyk asked if any other town voted the grant application down. L. Francis responded no, not to her knowledge. S. Levy stated that it was important to note that Middlesex Hospital is losing \$900,00 and felt this to be a valuable service.

MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO GRANT PERMISSION TO THE FIRST SELECTMAN TO SIGN GRANT APPLICATION WITH MIDDLESEX HOSPITAL FOR PARAMEDIC SERVICES. ALL AYE

8. Bid Awards:

a. Treated Road Salt

The town recently went out to bid for Treated Road Salt for the 2016-2017 fiscal year through the Capital Region Council of Governments Cooperative Bidding. Four companies bid in Region 5, of which Durham is a part. Each of the four companies supplies a different type of product. The towns preferred product is ClearLane enhanced deicer; Ice Be Gone has been used and over the months it is being stored the product separates, the ClearLane product retains the solution. Of the four bids, only Cargill Deicing Technology bid on this product.

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO AWARD THE BID FOR TREATED ROAD SALT TO CARGILL DEICING TECHNOLOGY AT A COST OF \$84.78 PER TON. ALL AYE

b. Guiderail

The town went out to bid for Three Cable Guiderail. Two bids were received and met the qualifications outlined in the bid documents. After review the recommendation of the Road Foreman is to award the bid to Durham Fence for fy16-17. John Jenkins explained this was a five-year project at approximately \$47,000 year. This bid award would be for one year and could be re-bid again next year. He has not worked with Durham Fence but did state they have expanded their business to include this type of work.

MOTION BY LAURA FRANCIS, SECONDED BY JOHN SZEWCZYK TO AWARD THE BID FOR THREE CABLE GUIDERAIL TO DURHAM FENCE COMPANY INC. AT A COST OF 150'-200'/17.00/FT, 201'-400'/17.00/FT, 401'+/14.00/FT, TERMINAL END 1,000. ALL AYE.

9. Tax refunds

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE A TOTAL OF TEN (10) TAX REFUNDS TOTALING \$1,858.27 AS PRESENTED BY THE TAX COLLECTOR. ALL AYE

10. Directive to Planning and Zoning Commission on amendments to the Plan of Conservation and Development

S. Levy stated he sent his comments to the Board of Selectmen on June 13th noting various sections of the draft Plan and asked that specific revisions be made by the Planning and Zoning Commission. After attending the Public Hearing held that same day what he heard was much different from prior meetings he attended. He then reviewed his original comments and repeated the process. Today he received a copy of a letter from Town Counsel that reviewed his original suggested revisions and found they are beyond the scope of the Boards review as they do not apply to the planning process but rather are zoning issues. He then asked to make a revision to Section 10.3.10 Mixed-Use Development as follows: Mixed-use development is permitted in all Commercial Zones provided that the uses are no more intensive than Commercial. Mixed use development is permitted in nonconforming parcels provided that the use is no more intensive than the previous use.

J. Szewczyk stated he does not want mixed-use in Durham especially on Main Street. He agreed with S. Levy's revision to Section 10.3.10 stating this is already what is allowed and is not singling out Main Street. He thanked Frank DeFelice noting this has been a confrontational topic and appreciated him allowing others to speak at the public hearing.

L. Francis agreed with the amendment. She suggested the Board find opportunities to meet some of the goals outlined in the draft Plan and meeting with town Boards and commissions during the year to see if goals are on track.

J. Szewczyk asked for clarification of the proposed map depicting zoning on Main Street. F. DeFelice clarified that the proposed revision would encompass mixed use in all commercial zones and nonconforming parcels throughout the town, including the Main Street residential zone.

MOTION BY STEVE LEVY, SECONDED BY LAURA FRANCIS TO RECOMMEND THE FOLLOWING AMENDMENT TO SECTION 10.3.10 AS FOLLOWS; MIXED-USE DEVELOPMENT IS PERMITTED IN ALL COMMERCIAL ZONES PROVIDED THAT THE USES ARE NO MORE INTENSIVE THAN COMMERCIAL. MIXED USE DEVELOPMENT IS PERMITTED IN NONCONFORMING PARCELS PROVIDED THAT THE USE IS NO MORE INTENSIVE THAN THE PREVIOUS USE. ALL AYE

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO RECOMMEND ENDORSEMENT OF AMENDMENTS TO THE DRAFT PLAN OF CONSERVATION AND DEVELOPMENT. ALL AYE

Approval of meeting minutes of June 27, 2016

MOTION BY LAURA FRANCIS, SECONDED BY STEVE LEVY TO APPROVE MEETING MINUTES OF JUNE 27, 2016 AS PRESENTED. ALL AYE

11. Selectmen's comments

None

12. Old/New business

- a. Thank you to all who participated in completing the Small Cities Grant Application. It was approved. Approximately \$700,000 for renovations to the Mauro Meadows housing complex.

- b. Thank you for everyone's patience in converting the town hall email and document transition to Office365. We continue to work through workflow issues.
- c. Jamie Finley was the chosen candidate for the Assistant Tax Collector/Accounting Clerk position effective July 1, 2016.
- d. Interviews were completed for the Public Works; Maintainer I position today.
- e. L. Francis will be setting up a meeting with members of the Environmental Protection Agency and AECOM with the Historic District Commission to discuss process relative to the archaeological test pits that are required to be dug along the proposed waterline extension.
- f. Update received from the Connecticut Conference of Municipalities regarding the Office of Chief Medical Examiner (OCME) issue of unclaimed decedents. OCME Dr. Gill has agreed to a compromise as is willing to continue to store the remains of unclaimed decedents at the OCME office with the town being responsible for the transportation arrangement and costs. On average this would cost approximately \$300 per transport.
- g. Community Support and Services cards provided by the Drug Free Communities Grant were handed out to First Responders. Will be updated when new information should be added.
- h. Animal Control Report July 2016; (5) barking dog complaints, (2) bite reports/quarantine orders, (2) cat calls, (6) lost/found, (2) nuisance, (3) roaming dog, (2) wildlife calls.

13. Public comments

F. DeFelice thanked the Board for their endorsement.

Ona McLaughlin thanked John Jenkins for removing the burning bush in front of the historical building and putting in a nice garden.

14. Adjourn

Meeting adjourned at 8:45 p.m.

Respectfully submitted, Beth Moncata