TOWN OF DURHAM

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Maryann P. Boord
First Selectman

TOWN OF DURHAM SEAL 1708 CONNECTICUT
REC'D 7-12-1990 AT A.M. P.M. TOWN CLERK

Board of Selectmen's Meeting
July 5, 1990
Durham Town Hall
Immediately following Public Hearing

Public Hearing re the Neighborhood Assistance Act

Present: Maryann Boord, Francis Korn, Gladys Lavine, Marjorie Hatch, Mark Spatuzzi, Hugh Curley, Bonnie Penders, Linda Loranger, Karen Avitabile.

At 7:02 p.m. Maryann Boord called the Public Hearing to order. Hugh Curley made the presentation regarding the Neighborhood Assistance Act, which could provide a 50% tax credit offsetting state corporate income taxes to companies who make donations to approved projects. It also allows for no penalty if the company finds itself unable to make the donation; the company simply wouldn't receive the tax credit. It is necessary for the Board of Selectmen to hold a public hearing and seek approval of the Act and the project so that it can be presented at Town Meeting.

The public hearing was adjourned at 7:07 p.m. on a motion by Maryann Boord, Francis Korn second, 3 ayes; motion carried.

Special Town Meeting

The Town Meeting was called to order at 7:07 p.m. Maryann Boord was elected Moderator and Marjorie Hatch, Town Clerk, was clerk of the meeting. Town Meeting voted to approve the Act, a full copy of which is available from the Town Clerk, who does the "official minutes" of Special Town Meetings.

Board of Selectmen's Meeting

The Board of Selectman called their regular business meeting to order at 7:15 p.m.

Old Blue Hills Road

Maryann Boord made a motion that the Board of Selectmen move to dissolve a portion of Old Blue Hills Road, (copy of Resolution to be adopted attached), Francis Korn second, 3 ayes. Gladys Lavine

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was concerned that sending a certified letter to Mr. Thomas Smith informing him of the motion and the action it would bring at Town Meeting, Monday July 9, would be cutting it close on time. M. Boord stated that the letter had not been sent yet because the Board of Selectmen had not yet voted on the Resolution. M. Boord also explained the circumstances and the State's opinion on the matter. The state is willing to quit claim their interest on the proposed subdivision portion of Old Blue Hills Road if the Town of Durham requests discontinuation of this portion of Old Blue Hills Road.

Executive Session

M. Boord explained that the scheduled Executive Session had to be cancelled due to the illness of Mike Callahan who was to participate in that session.

Appointment

M. Boord made a motion to re-appoint Carl and Sheila Heck for a two-year term as Municipal Agents for the Elderly; F. Korn second, 3 ayes.

Minutes

M. Boord made a motion to approve the minutes of June 21, 1990. G. Lavine responded that under the correspondence section her quote should read "if the Board of Selectmen wishes to discuss binding arbitration, it should be a separate agenda item." G. Lavine noted spelling errors in item number five, it should read plane fares not fairs. M. Boord move to accept the minutes as amended, F. Korn second, 3 ayes.

Correspondence

M. Boord read from a letter from Barbara Pasqualoni regarding the removal of a large maple tree at the corner of Stagecoach Road and Coe Road. The tree in question had been condemned last year by Tree Warden, Frank Behrens, Sr. but was removed with money from this year's budget. Mrs. Pasqualoni suggested that in the future, condemned trees be posted so that the public will have a chance to voice an opinion on the issue. The Board has discussed the idea with the Tree Warden, whos suggested signs to be posted should be painted up.

M. Boord read a letter from Attorney Robert Poliner indicating that his legal opinion is that whether the Board of Selectmen and the Board of Finance have the **authority to lend money** to the Trinity Corporation. Attorney Poliner included State Statutes that he believes gaves the authority to the Boards. See attached.

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Public Comments

Karen Avitabile, The Middletown Press reporter, spoke of her experience at the Durham Volunteer Fire Department meeting she attended July 3, 1990. Ms. Avitabile said she was at the meeting because Doug Stender, Fire Chief, had told her OSHA complaints would be discussed. She said members of the company were abusive and rude to her in an attempt to have her leave the meeting. M. Boord stated that she had heard about the incident when she arrived at the office today. She called Connie Chambers of the Freedom of Information Commission to determine whether or not the Fire Department's meetings have to be open to the public. M. Boord had also been in contact with Fire Chief Doug Stender and Fire Marshall Bob Morpurgo. M. Boord explained that in her conversation with Doug Stender, he believed the Fire Department did not have to have open meetings because of a clause in the company by-laws. M. Boord relayed to Mr. Stender the information from Connie Chambers on what meetings had to be open and which could remain closed. M. Boord told Mr. Stender that the next meeting would be posted in Town Hall but at that meeting, someone would have to be appointed to take on the responsibility for posting meetings and filing minutes on a regular basis. M. Boord expressed appreciation to Ms. Avitabile for not allowing the incidents to "cloud" the story that appeared in the paper about the meeting and all members of the board expressed their sorrow that the incident had occurred.

G. Lavine feels the Board of Selectmen should apologize on behalf of the Fire Department, and let the Fire Department know they had done such. However, both M. Boord and F. Korn felt that the firemen should be allowed to handle the situation for themselves.

F. Korn questioned whether it would be possible to have another workshop meeting regarding FOI for the DVFD and the Ambulance Corps as well as any other Town Organizations that wished to participate. M. Boord will look into scheduling a meeting for September or October.

Selectmen's Concerns

G. Lavine brought up a question on the town's insurance policy and how it affects the Town Committees, as mentioned at a previous meeting. G. Lavine stated that the Democratic Town Committee holds an optional insurance policy, but that since the State requires that certain meetings be held, they would meet whether the insurance coverage existed or not. The question was raised after the Democratic Town Committee had scheduled the firehouse to use for a July 18, 1990, meeting. M. Boord asked G. Lavine if she had checked the policy, to see if the coverage was there, and again G. Lavine answered that the policy was optional and the meeting was required so they would meet with or without insurance and that the

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policy had not been checked.

G. Lavine expressed concerns over the "major happenings at the dump". She stated that there was a considerable amount of construction without bids or specifications. G. Lavine feels that there may be liabilities incurred from these actions that would be both personal and individual because the Board knows of the actions but is not stopping them. A major concern was that some work at the site was being done by a company that has submitted a bid to DMIAAB for future work and that the other bidders may have a problem with this action and could possibly take legal measures against the landfill and ultimately the Towns. G. Lavine expressed the opinion that the Board of Selectmen should issue a stop-work order because the work is aimless and in a "patchwork" fashion. M. Boord does not agree with this opinion and does not agree with the stop-work question. G. Lavine said that if action was not taken the "open money spicket, draining into the dump" will continue. The Board of Selectmen decided to post the next DMIAAB meeting as a Selectmen's meeting and attend to address the concerns. G. Lavine still would like to have David Evensen, Zoning Enforcement Officer, look into the situation. M. Boord feels that Tom Gilligan needs to be respected as Administrator, until there is proof otherwise.

Update From the First Selectman

M. Boord asked that the meeting on July 19, 1990, be held at 4:00 p.m., rather than 7:00 p.m. so she would be able to attend a family function. All Board members agreed.

M. Boord updated the Board that she had attended a hearing in Hartford regarding the liquor license for the Road House Cafe. All testimony led to not wanting to renew Mary Broderick's license and all agreed that the new manager, Samantha Beasley, had made improvements to the building. Lt. Sealy stated that Ms. Beasley had neither requested nor received offers of support from the State Police that she had implied she had.

M. Boord also relayed a complaint to Lt. Sealy regarding speeding on Pent Road; he will have someone look into it.

F. Korn said he feels it was inappropriate for the Circus that will be in Town to post signs on all the telephone poles up and down Main Street. It is also illegal.

M. Boord reported that the The Code of Ordinances has to be brought to Special Town Meeting for approval because of minor changes town counsel made.

Adjourn

Motion F. Korn, second M. Boord, to adjourn at 8:20 p.m.; 3 ayes.