RECD 8-1- 1992 AT 10:00 AM
TOWN CLERK

TOWN OF DURHAM

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Maryann P. Boord
First Selectman

BOARD OF SELECTMEN'S MEETING
July 30, 1992

The meeting was called to order at 5:18 p.m. by First Selectman Maryann P. Boord.
Board members present: Maryann P. Boord, First Selectman
Francis E. Korn, Selectman
Robert F. Hall, Selectman

Others present:

Judith Duncan, The Gazette	Peter Heyl
Richard Porter	Marilyn Keurajian
June Porter	Maria Alvarez, The Hartford Courant
Dave Montgomery	Becky Downs
Bernice Gulielmetti	Geoff Colegrove, Town Planner
Karen Fiske	Ellen Mauro
Alan Pease	Atty. Robert Poliner, Town Counsel
Simone Howe	Jim Libby
William Clay Howe	Bev Veronick
Angela Gulielmetti	

George Eames, IV, Board of Finance Chairman
Karen A. Gleason, The Middletown Press

Correspondence
(All correspondence was read in full by M. Boord.)
1. Letter of July 17, 1992 from William Clay Howe and Simone Howe stating the original cost estimate of $35,000 was reduced by federal funding to a cost of $5,300 for the lights and $10,000 for road improvements. A private contribution of $10,000 and additional checks (enclosed in this letter) in the amount of $301 further reduces the cost to $4,999. This money is to be used for the lights and road associated work. It is the Howe's understanding that the Board of Selectmen can on its own decide on the issue of the lights since the reduced cost is less than $5,000.

2. Letter of July 22, 1992 from Gary L. Foskett, David Road. He thought the cost factor was not the only reason for the failed referendum vote. He opposed the light because problems resulting from the light could cause traffic accidents. Also, he realizes the immediate drive for the light was an emotional one. With understanding and sympathy, he urges careful consideration of the overall impact to Durham before going against the recent vote.

3. Letter of July 28, 1992 from Terry Oakes Bourret favorably expressed the need for a traffic light and stated voters were not aware of costs prior to voting. Also, she has observed traffic does not stop for pedestrians in crosswalks.

4. Letter of July 30, 1992 from William Clay Howe enclosing a $50 donation from William and Lillian Thompson. He warned that current federal, state and private funds may not be available in the future. Private funding may even cover the total expense at this time. He urged the board to act now before another accident occurs.

5. Letter from Town Counsel, Atty. Robert S. Poliner. An explanation of unrestricted and restricted gifts was outlined. Atty. Poliner also stated legal rules relative to gifts and local governmental processes must be applied. He outlined the process to follow before donations may be accepted by the town:

a. Reconsideration by the Board of Selectmen whether to request the Board of Finance to approve an appropriation and the specific amount of the request.

b. If the Board of Selectmen has requested, reconsideration by the Board of Finance would then be in order.

c. If the Board of Finance votes an appropriation of $5,000 or more, then the Town Meeting must vote on the recommendation.

d. If approvals are obtained after all these steps have been taken, then the project is authorized and the gifts may be accepted.

Atty. Poliner disagrees with the Howe's contention that the Board of Selectmen may make a decision to spend $4,999 without all other processes being carried out.

Public Comments

M. Boord related the following comments she received prior to this meeting:

Ira Kirschner voted 'no' at the referendum because he believes there is no need for the light and the installation would cause many negative side effects. He does not believe it was a money issue.

RoseMarie Naples said it would be unethical for the town to accept donations for the project.

Dave Montgomery said it was not a money issue that resulted in the failed referendum vote.

Bill and Hope Lintz, although voted one 'yes' and one 'no', both agree majority rules now.

Peter Heyl didn't agree with the change of the speed limit to 30 mph and stated money was not the issue in the vote.

Alma Hinman stated Durham does not want a light; the 30 mph speed limit should be enforced.

Elwin Stannard stated money was not the issue; the town doesn't want a light.

The following comments were made by attendees of the meeting:

Marilyn Keurajian is in favor of the light and money was wasted on a referendum that didn't accurately reflect the cost details.

Peter Heyl stated money was not an issue since by his calculations it would cost the taxpayers $.11/year for the light.

Becky Downs asked the board to reconsider another referendum since accurate data was not made available to the public prior to the referendum. Maryann explained how she heard of the federal funding, the time frame involved, and verifying the facts with the DOT. She stated every effort was made to make the public aware of the facts.

Alan Pease, Creamery Road, is in favor of the light and was shocked the referendum failed. He stated the money issue caused confusion and would like another referendum with the public better informed of the projected expenses.

Dave Montgomery stated it would be a breach of trust to go ahead with the light. It is the responsibility of the citizenship to be aware of town issues prior to voting. Also, although the town has been respectful of the pain of several families, it is time to let this matter rest for a while.

Peter Heyl questioned if the Board of Selectmen can proceed to have a traffic light installed without a town meeting or referendum. Maryann replied the board will follow Town Counsel's recommendation and then outlined the proper procedures per the opinion letter.

Karen Fiske is in favor of the light and urged the board to follow Atty. Poliner's process.

Bernice Guglielmetti favors the light for safety reasons.

Angela Guglielmetti questioned the type of light and believes the townspeople misunderstood the type of light to be installed.

Marilyn Keurajian questioned why the referendum question wasn't worded differently to accurately describe the nature of the light. Atty. Poliner replied the question must ask if the town approves of an appropriation of funds, i.e. the transfer of funds to an operating account so the money can be spent. He stated the use of the funds was known and it is the responsibility of the people to learn what a vote is about. The Town Clerk determines how much more detail is to be given; as the installation of the light was identified, the specifics of the light is not appropriate.

Peter Heyl asked if the same wording must appear on the sample ballot, and if so, limited space is available on the sample.

George Eames IV questioned how federal funds would get passed to the project. Geoff Colegrove explained non-federal funds would go directly to the town and federal funds would go to the state (the DOT being the project coordinator).

Richard Porter opposes the light and asked what the costs are. Maryann answered the light costs $53,000 and the road improvements are estimated to be $10,000. Richard said the people have voted and the issue should be dropped.

Karen Fiske stated since the people pay tax dollars to have a post office, library and town hall, the access to such buildings should be safe.

Bernice Gulielmetti said the only safe time to cross Main Street is during the Durham Fair time.

Maryann stated four large signs warning motorists to stop for pedestrians in crosswalks will be installed at the beginning of next week. She also received an account of State Police activities in Durham for June, noting 11 visits for traffic control.

Marilyn Keurajian said the town government has the responsibility to protect its citizens and to clear up the confusion by taking the steps outlined by Atty. Poliner.

Becky Downs wants to see the process followed through.

Fran Korn stated on several occasions, and this one, he was disappointed with the vote of a referendum. He believes the light will be a reality some day, as traffic has increased and difficulties are present. Gains have been made, though, with the installation of bar crosswalks and the reduced speed limit. However, he is obligated to follow the result of the referendum. For now, the issue should be put to rest. Although he would support the light in another vote, he will not support asking the Board of Finance for an appropriation for the project.

Bob Hall is in favor of the light. He said it is difficult to cross the street at all times. He would support asking the Board of Finance for an appropriation and giving the public complete information prior to a vote.

Maryann Boord voted in favor of the light. She believes strongly it is her responsibility to provide public safety for the people of Durham. She followed proper procedures to make the public aware of the facts prior to the vote. In 1988, she asked for a pedestrian light but the DOT determined a light was not warranted because less than 100 people crossed the street during a specific

time frame. Maryann feels the voters were well informed; proper procedures were followed. She stated while it is difficult for her she will not request the Board of Finance to approve an appropriation; the people have spoken and she, therefore, cannot recommend the Board of Finance appropriate the money for the project.

MOTION BY FRAN KORN, SECONDED BY MARYANN BOORD, NOT TO RECONSIDER REQUESTING THE BOARD OF FINANCE TO APPROPRIATE MONEY FOR A TRAFFIC LIGHT AT RT. 17/FOWLER/MAPLE. 2 AYES, BOORD AND KORN; ONE OPPOSED, HALL.

MOTION BY BOB HALL, SECONDED BY FRAN KORN, TO ADJOURN AT 6:15 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Beverly Veronick
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