

TOWN OF DURHAM

Connecticut 06422



BOARD OF SELECTMEN'S MEETING February 15, 1979

The meeting was called to order at 7:10 P.M. A joint meeting was held with Stagecoach Village residents about survey problems. Present: (see list) and Board of Selectmen, David Bascom, Robert Bascom.

Mr. Curtis spoke briefly about Mr. Maloney's reaction in December at which time he promised to take action. He spoke also to Mr. Johnson.

Mr. Bascom was invited to speak to the group as an invited citizen - not in an official capacity. Bente Pederson inquired as to the town's own border line.

Mr. Bascom outlined some of the history.

Q: Have any other roads besides Wagon Wheel had trouble in resale?

A: Mr. Bascom outlined the usual process - Old Farms has few points, missing monuments, verifiable evidence - town and county lines in this part of the state are not accurate enough for a starting point.

Q: What do the different monuments and markers indicate?

A: Vary alot: newer ones are cement - piles of stones etc. are usually homemade positions.

Q: Are you familiar with the Wagon Wheel setup - i.e. my house boundary is said to go to Mr. Szymaszek's garage. Where was the mistake? How can a newcomer change the markers?

A: I'll try to explain - - - Assumption is that it can be traced from original marks.

Q: What is the legal procedure when two surveyors disagree?

A: Neither one can point the finger at the other unless they are able to back it up.

Q: Conflict between old fence and Mrs. Pederson's field. The "new" surveyor put a stake beyond the fence.

Q: We want to build addition and want to be sure of land and boundary lines - what do I do?

A: suggestion: we suspect combination of errors

- a) geometry on maps may be in error;
- b) years back - survey crew started from an inaccurate position;
- c) progress from origin magnifies errors;
- d) closing may be ^{not} have met;
- e) we have found cases of double dimensioning;
- f) any surveyor doing one lot cannot help but run into the built-in errors;
- g) there are errors in the map itself; error could be found.

REC'D 2-20 1979 AT 1:18 A.M.
ATT: D.D. Mello assb. TOWN CLERK P.M.

First step: Reconstruction on the ground - for a whole survey - Would have to have 100% cooperation of all members of the total subdivision.

Q: Could the town have the work done?

A: Complex in law: town vs private property.

Q: Mr. Keating related his personal experience with Mr. Maloney - and found him uncooperative - can the town take on the suit?

A: Mr. White says that the degree of financial impact is important.

Q: Can the town require the surveyor through the court to appear?

A: Difficult legal question - the town can perhaps join in a suit -

Q: What are the alternatives? Can the town force the total job to be corrected?

Q: What might be the approximate cost?

A: Less than a normal subdivision but extra because of correction. Average \$400-\$500/lot. Court problem - sometimes 5-7 year delay.

Q: Would a new survey be accepted or would there still be land dispute problems?

Q: I believe there were never stakes in the ground - (Mrs. Pederson said she never saw any either at any point.)

Q: Do surveys vary?

A: Yes, - it's a business and you usually get what you pay for - A reputable surveyor will put in stakes and monuments which will last unless they are deliberately moved -

A: Survey was probably done in accordance with requirements of the day.

Q: How can a new surveyor say that the lines are different?

A: Probably assumes original map was correct.

A: Outside surveyors don't know history and have certified.

Q: Since this has to be resolved in a legal matter - could we ask town counsel for recommended course?

Q: Can we propose a cooperative compromise in meeting the cost?

Q: Can the town make a note of record that there are errors in the original and put this note on file in the Town Clerk's office?

A: There is nothing on the maps in the town hall that says anything is wrong.

Q: What would happen if taxpayers refused to pay taxes until problems were solved?

Q: How is assessment figured - doesn't it matter that we have indefinite lots?

Q: Could we ask our town attorney if we can hold Maloney or Johnson responsible for at least part of the costs?

A: The interests of the town are involved -

A: Mr. White suggests that the group become represented by attorney-

Q: Would you also ask the attorney whether they should think in terms of one citizen or group action?

Q: Would new survey take precedent?

A: Even if Maloney made the corrections, the deeds may have to be corrected.

A: Land and Map should then coincide -

Q: Could Maloney certify another's work - ?

A: Probably not even legal to do that?

Q: Should they go ahead with the survey and then have to pay again for work we have already paid for -

Q: I would like to see the town put more pressure on Maloney and Johnson.

Q: Mr. Maloney and Mr. Johnson should be made to face their responsibility and appear before us -

General discussion on Johnson development and his contract.

Q: What is Maloney's liability?

A: His certification is for his lifetime.

Q: Can we attach Maloney's and Johnson's personal business?

Another meeting date was set for Thursday, March 1st at 7:00 P.M. Mr. Szymaszek will serve as contact representative for the group.

The minutes of the Feb. 15th meeting approved. 3-0

Financial report approved. 3-0

Mr. Hinman left the meeting due to feeling ill.

A motion was made to accept the Board of Selectmen's budget and Town Hall Maintenance budget subject to final decision on Selectman's salary. He will check with the Personnel Policy Board before entering a budgeted amount. 2-0

The Bunnell & Seeton properties were accepted according to the following resolutions:

RESOLVE that the Board of Selectmen convey to Doris C. Bunnell a portion of an abandoned highway being located as follows: on the northerly side of Parmelee Hill Road consisting of about 0.1 acres for a distance of 210 feet running from Ernest Drive to the property of Dorothy J. Spatuzzi, as shown on a map entitled "Map of Survey Showing Doris C. Bunnell Property, Parmelee Hill Road and West Side of Ernest Drive, Durham, Conn, Scale 1"=30', 4 October 1978, David A. Bascom, Land Surveyor, Durham, Connecticut.

RESOLVE that the Board of Selectmen convey to Leland W. Seeton and Eleanor R. W. Seeton a portion of an abandoned highway described as being located as follows: on the northerly side of Talcott Lane and the easterly side of Maple Avenue and consisting of approximately 0.1 acres for a distance along Talcott Lane and Maple Avenue of about 322 feet, as shown on a map entitled "Preliminary Survey of Leland W. Seeton & Eleanor R. W. Seeton Property, Talcott Lane at Maple Avenue, Durham, Conn, Scale 1"=60', 7 Sept 1968, D.A. Bascom, L.S., Durham, Conn." 2-0

Correspondence: A letter from the Durham Volunteer Fire Co., Inc. Ladies Auxiliary concerning the development of a town calendar was read. No action was taken.

It was noted that Beverly Ruggiero of the Assessor's Office has satisfactorily completed the Certified Connecticut Municipal Assessors Course.

Robert S. Reilly made a presentation for the highway department that covered two matters -- the purchase of highway equipment and the filling of the manpower gap after the CETA help leaves.

Highway Equipment: Reilly stressed that the schedule of purchasing capital equipment should be changed so that the 1980-81 purchase of a truck, dump, diesel be made in 1979-80 and the scheduled purchase

of a truck, 1 ton pickup and backhoe - loader be deferred to 1980-81.

The reason for the change is to permit the establishment of four zones for winter work. This would permit a three hour round rather than the present 4½ hours.

Additionally, the International is down 50% of the time and maintenance costs are high. It is on its third engine and second transmission.

The new truck would replace the Ford and the International would be used for light town duty.

It is estimated that the dump truck will cost \$41,000 whereas the cost of the other two items would be \$38,000.

It was voted to change the scheduled purchase of equipment. 3-0 (Mr. Hinman was contacted by telephone the following day.)

Manpower problem: Reilly felt that the town will be especially vulnerable due to the ending of CETA. The primary things to do this spring are -- to fill potholes; to do the drainage on Side Hill Drive and to do the paving of Indian Lane.

It is just not possible to do the above with three men. He asks that four men be added to the highway department when the CETA men leave.

No action taken on this request.

Respectfully submitted,

Betty C. Wakeman

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Selectwoman

BCW:ddw

Gage Adams Wagon Wheel Rd
Charles Szymaszek Wagon Wheel Rd
Marion Pedersen Stage Coach Rd
Bertha Pedersen Stage Coach Rd.
Richard Balisciano Wagon Wheel Rd.
James Gies Wagon Wheel Rd.
William Bodge Wagon Wheel Rd.
Stuart W Keating 2 Old Farms Rd
Ginger & Ed Saliski Wagon Wheel Rd
Lorraine A. Cirtelli Wagon Wheel Rd.
Frederick L. McDonald - Wagon Wheel Rd.



Certified Connecticut Municipal Assessors Committee

THIS IS TO CERTIFY THAT

BEVERLY RUGGIERO

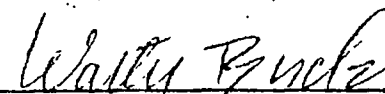
HAS SATISFACTORILY COMPLETED AND PASSED

CCMA COURSE I

CONDUCTED AT:

MIDDLEFIELD, CT. 1978-79

AS PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
DESIGNATION AS A CERTIFIED CONNECTICUT MUNICIPAL ASSESSOR



CHAIRMAN, C.C.M.A. COMMITTEE



PRESIDENT, CONNECTICUT ASSOCIATION
OF ASSESSING OFFICERS, INC.