

Recd 4-11-77

TOWN OF DURHAM

Office of the Selectmen • Connecticut 06422

Carl N. Otte
First Selectman

Betty Wakeman
Selectwoman

Joel N. Davis
Selectman

BOARD OF SELECTMEN'S MEETING

April 7, 1977

The meeting was called to order at 8:10 P.M. with the following members of the Board present: Carl N. Otte, Joel N. Davis, and Betty C. Wakeman.

The Board met with Robert Reilly, Road Foreman, and the following members of the highway department: Phil Woods, Robert Hartnett, Roy Miller, Terry Parmelee, and Herman and Angelo Rodriquez to air grievances and suggestions by the highway department provoked by the 5% cost-of-living raise rejection by the Board of Finance. Mr. Reilly stressed the need to bolster the number of the regular town crew from 4 to 8, at least, as the town is facing CETA termination. New trainees would mean additional expense to the town in terms of breakdowns and if only 4 employees are on the crew next winter the situation will be even more expensive and difficult. Further problems raised: no established personnel policy, most towns in region will be 10% above our average on July 1, fringe benefits are inequitable (Blue Cross, CMS)-limited to single persons, also no life insurance is provided. Four area towns furnish pension plans which Durham does not. Working conditions are very poor-a horse barn serves as the town garage. A renewed request for uniforms was made, citing the cost of clothing. The cheapness of rain gear was also mentioned. The town is falling behind in highway maintenance and there is no sense of catching up or showing progress which could provide a sense of satisfaction to the men. Mr. Reilly requested the start of a Highway Garage Study Committee to include site acquisition.

The Board approved the minutes of the previous meeting. Vote 3-0

The Board voted to pay the weekly bills. Vote 3-0

The following requests for use of the town green were approved:
April 17: Ambulance Corps, May 7: Weeders Garden Club, May 14: Durham Garden Club, May 21: Kuhn Training Center for the Handicapped (May 28, raindate), June 11: Coginchau Ancient's Tag Sale. Vote 3-0

The feeling was that out-of-town groups should only be allowed to use the green when Durham residents are directly involved and affected.

Town Hall Remodeling: a \$1,000 figure for insulation has been estimated but Ron Bastura can get the same insulation at a 30% reduction.

-con't-

The Board of Selectmen await a more definitive report.

Pisgah Road: The Board voted to write a letter to Mrs. DeCrosta advising her that the Selectmen's Office has spent a great deal of time researching the property and that the maps and property descriptions do not give an indication as to what the property lines are. The Board will also offer their services further. Alternatives may be to take the issue to a town meeting or to court and let the courts decide. When the letter to Mrs. DeCrosta has been prepared, it will be held until approval by the joint Board of Selectmen. Vote 3-0

Budget Hearing on April 11: Mr. Otte will request restoration of the originally proposed highway budget. He will also take issue with the method of setting separate line items for the Federal Revenue Sharing road projects.

Town Counsel Correspondence: Correspondence reviewed relating to the Coe option dated 1959. The piece of land in question is ⁱⁿ the Stagecoach Village.

Report on Parmelee Hill: \$9,300 has been spent on the project; drainage is in; the next step is to pave it.

Dog Warden: Negotiations continue. Mr. Rau has requested a flat salary of \$3,000 and would like to have the road plowed. The Board voted to offer Mr. Rau \$3,000 in salary, he would pay all expenses except maintenance of van and heat. The town would get the fees. Vote 3-0

The Library Building Study Committee was voted to be appointed at the April 14 meeting. Vote 3-0

Mr. Geoffrey Colegrove was reappointed to C.A.G.M. Vote 3-0

An appointment to the Recreation Committee was tabled. Vote 3-0

The First Selectman reported there are 3 CETA vacancies. Prospective CETA employees must be referred from the Unemployment Office.

A Midstate Regional Planning Agency report by Stephen J. Holmes was read regarding the "Gallagher case" in Haddam, as attached.

A tentative date for a town meeting was set: April 25.

It was also noted that the Selectmen's Office is responsible for the legal notice for the Budget Meeting. Details will be worked out at the next Board of Selectmen's meeting.

The meeting adjourned at 11:30 P.M.

MIDSTATE REGIONAL PLANNING AGENCY

CROMWELL DURHAM EAST HADDAM EAST HAMPTON HADDAM MIDDLEFIELD MIDDLETOWN PORTLAND

P.O. BOX 139 MIDDLETOWN, CONNECTICUT 06457 203 347-7214

April 4, 1977

Mr. Carl Otte
First Selectman
Town Hall
Durham, Connecticut

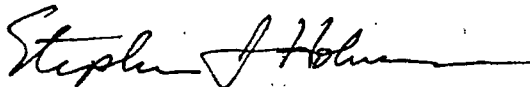
Dear Carl:

Enclosed please find the judgment rendered in the "Gallagher case" in Haddam. The formula for determining each party's share in the cost of improving the road is as follows:

- A. 10.0% paid by Town of Haddam
- B. Remaining 90.0% divided in half
- C. One half is then divided into seven equal parts among the landowners.
- D. The other half is paid according to the amount of linear feet of road frontage accruing to each of the seven landowners as a percentage of the total road frontage.

I would be glad to answer any questions you may have regarding this matter.

Sincerely,

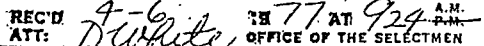


Stephen J. Holmes
Assistant Director

SJH:sj

Enclosure

GEOFFREY L. COLEGROVE, DIRECTOR



RECEIVED

APR 1 1977

**MIDSTATE REGIONAL
PLANNING AGENCY**

STATE OF CONNECTICUT

No. 7485

NEIL F. GALLAGHER, ET AL.

COURT OF COMMON PLEAS

vs.

MIDDLESEX COUNTY

TOWN OF HADDAM, ET AL.

FEBRUARY

1977

Present, Hon. Alfred V. Covello, Judge

JUDGMENT

This action, by Writ, Verified Complaint, Motion for Temporary Order of Mandamus, and Order to Show Cause, claiming that an order in the nature of mandamus be issued directing the municipal Defendants to acknowledge that Old Stage Coach Road in the Town of Haddam is a town road, and such other relief as the nature of the cause may require or as the Court deems just and necessary, came to the Superior Court for Middlesex County on the Fourth Tuesday of November, 1976; and thence to November 17, 1976, when the municipal Defendants appeared specially; and thence to December 6, 1976, when the cause was transferred to this Court by agreement of the parties; and thence to January 3, 1977, when Defendants Ressler and Edmiston were cited to appear as parties before the Court; and thence to January 4, 1977, when Plaintiff Upham intervened in the cause as Plaintiff, and when the municipal Defendants answered the original Complaint; and thence to January 5, 1977, when the parties appeared before the Court, and by mutual agreement stipulated to the entry of a Judgment as follows:

1. On the basis of the testimony presented, the Court finds and declares Old Stage Coach Road in the Town of Haddam to be a public highway fifty (50) feet in width from the point where it intersects Clark Road to a point twenty-five (25) feet west of the westerly boundary of land now or formerly of Neil F. Gallagher, and any portion of said roadway to the west of said point is found and declared not to be a public highway.

2. The parties to this action shall execute the necessary documents to effect the location of said fifty-foot right-of-way surrounding the center line of said public highway.

3. Within said right-of-way there will be constructed a gravel, travelled way twenty-eight (28) feet in width.

4. Ten percent (10%) of the cost of the construction of said travelled way will be borne by the Town of Haddam.

5. The remaining ninety percent (90%) of the cost of the construction of said travelled way will be borne by the individual property owners abutting said way and their heirs, successors and assigns, in principal amounts no greater than the following:

a. Robert E. Cushing and Carol A. Cushing	\$3,080.00
b. Ronald J. Freer and Judith N. Freer	\$3,380.00
c. Neil F. Gallagher	\$3,380.00
d. David A. Lundgren, Sr.	\$3,995.00
e. Charles Upham	\$4,000.00
f. Edward H. Ressler and Inez Ressler	\$2,680.00
g. Julia Edmiston	\$1,380.00

~~4-13-1977~~

6. The entire cost of construction of said travelled way will be borne in the first instance by the Town of Haddam. Any reimbursement to the Town for such construction costs by any individual, agency or entity, other than the abutting landowners recited above, will be applied to reduce the sums that are to be paid by said landowners and by the Town, in proportion to their respective shares. In all events, the cost of the construction of said road to the Town of Haddam is to be ten percent (10%) of the total cost.

7. Reimbursement to the Town by the abutting landowners of their respective shares of the cost will be treated in the manner of a municipal assessment, payable in ten equal annual installments, with interest, if any, in an amount equal to that which the Town of Haddam might have to pay if it must borrow funds to finance the initial cost of said construction.

8. The construction of the roadway is to be performed or carried out by a contractor to be designated by the Selectmen of the Town of Haddam, in compliance with town highway specifications.

9. Construction of said roadway is to begin no later than June 30, 1977, and is to be completed no later than October 30, 1977.

10. The location of the right-of-way and the travelled roadway itself between the Cushing property and the Ressler and Edmiston properties will be as depicted in red on a map entitled "Proposed Street Line for Julia Edmiston and Edward and Inez Ressler," prepared by William W. Harris, dated February, 1976. Surveyors William W. Harris and Paul Kaye will stake out the roadway location between these parties'

properties as soon as conveniently possible.

SO ORDERED.

Judge

I hereby certify that the foregoing judgment file conforms to the judgment entered by the Court.

Daniel J. Ryan, Attorney for
Plaintiffs Neil F. Gallagher,
Robert E. Cushing and Carol A.
Cushing, Ronald J. Freer and
Judith N. Freer and David A.
Lundgren, Sr.

John F. Shaw, Jr., for
Shaw and Howard, Attorneys for
Defendants Town of Haddam,
Lawrence Conti, Richard J.
Hickish, Henry G. Mannetho and
David Mylchreest

Charles W. Snow, Attorney for
Plaintiff Charles Upham

Vincent N. Marino, for
Halloran, Sage, Phelan and
Haggarty, Attorneys for
Defendants Edward W. and
Inez Ressler and
Julia Edmiston

TOWN OF DURHAM

Office of the Selectmen : Connecticut 06422

Carl N. Otte
First Selectman

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Selectwoman

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BILLS PAID APRIL 1, AND 7, 1977

1427	Postmaster, Durham	102	118.65
1428	Regional School District # 13	1000	138000.00
1429	Void		
1430	Payroll Account	101	105.30
		103	131.75
		106	103.40
		404	66.24
		602A	788.45
1431	F. E. Behrens	602E	10.32
1432	Randall Eick	602E	24.07
1433	Robert Hartnett	602E	22.92
1434	Michael Del Greco	602E	5.52
1435	Postmaster, Durham	101	13.00
1436	Colonial Press	103	11.90
1437	Adkins	107	19.15
1438	Cheryl Mallinson	204	32.00
1439	Colonial Press	208	42.50
1440	Walter P. Staszewski, Judge	502	322.58
1441	Color Mart	406	2.00
1442	Durham Center Water Co.	407	18.00
1443	HELCO	407	232.83
		603	3.55
1444	Peterson Oil Co.	407	126.74
1445	Albert D'Acri	502	10.73
1446	Mal Pearce	502	10.73
1447	Harry Tiedemann	502	13.20
1448	VOID		
1449	Elijah Vance	502	31.49
		602D	70.00
1450	H. Bixon & Sons	602B	47.00
1451	Conn. Fire & Safety (CETA 26.15)	602B	8.50
1452	The Dreher Smith Co.	602B	17.06
1453	Atlantic Richfield Co.	602D	683.87
1454	Hedge & Matthews Co.	602D	34.63
1455	Page & Warner	602D	121.29
1456	Rossi Const. Supplies	602D	1078.89
1457	Texas Refinery Corp.	602D	102.00
1458	Walsco Inc.	602D	160.35
1459	Lawrence Wimler	502	7.56
1460	Morse & Otte Market	709	114.91
1461	VOID		
1462	Champion Products Inc.	803	18.90
1463	Suburban Cleaners	709	15.60
1464	Cheryl Mallinson	210	60.00
1465	Conn State Police Auxillary Ammo Fund	502	32.00

Total

142,837.58