

BOARD OF SELECTMEN'S MEETING

October 27, 1977

REC'D October 31, 1977 AT 2:20 P.M.
ATT: [initials] TOWN CLERK

The meeting was called to order at 8:05 P.M. by First Selectman, Carl N. Otte. Joel N. Davis was present.

Mr. Otte reported that during a recent road survey it was noted that 35 stop signs are missing.

The minutes of the previous meeting were accepted as written. 2-0

The bills were paid for the week. 2-0

On a motion by Carl Otte, Mrs. Noel K. Higgins was appointed to the Library Board of Directors to fill a vacancy created by the recent resignation of Barbara Carangelo. 2-0

The Board voted to sustain the appointment of the Dog Warden, effective December 1, 1977. 2-0

Selectwoman Wakeman joined the meeting at 8:15 P.M.

Town Counsel's legal opinion re Selectmen's terms of office in the event of passage of the revised Charter was reviewed.

Mr. Otte brought several items of interest to the Board's attention: a hearing relative to a SNET co request for increased rates will be held November 7; project FREE was briefly discussed. He reported that Bud Leining's corner lot on Rts. 17/Saw Mill Rd. may be available to rent until Memorial Day for salt/sand storage. Our expenses would also include a spot light which the power co. would install and likely a layer of gravel. Other suggestions for land use: Ted White's land, Pent Rd., or the formerly-used state pit on Rt. 79. The cost of salt, bagged, is \$56.+ per ton compared to \$23.+ in bulk.

The treasurer reported that the first \$100,000 that was placed in a CD account is now back in the General Fund. He further reported he hasn't talked to the auditors about the proposed changeover.

On a motion by Betty Wakeman the Board voted to send a resolution to the family of Kenneth Brinkley, recently killed in a helicopter crash while serving in the Marine Corps in the Philipines, extending their sympathy. 3-0

The Board of Selectmen voted to sign the contract with the Middlesex Community Health Services, Inc. 3-0 The Board requested public record be made of those Durham representatives on the health services board. 3-0

A bid from Gashouse for heating the town garage was received. Mr. Otte will seek other bids.

The Board of Selectmen voted to raise Alan Lehet's pay to \$3.64 per hour and his position to truck driver.

The Board of Selectmen voted at 9:10 P.M. to go into Executive Session to discuss with town counsel the old town roads issue. Tom White was present.

Joel Davis made a motion that we adopt the attached policy guidelines in dealing with unimproved roads presently not recognized or listed as town roads. Motion passed. Mr. Davis: yes; Mr. Otte: yes; Mrs. Wakeman: no. It is understood that the notes on the bottom of Mr. Davis's original draft on page three are not part of the policy guide-

lines.)

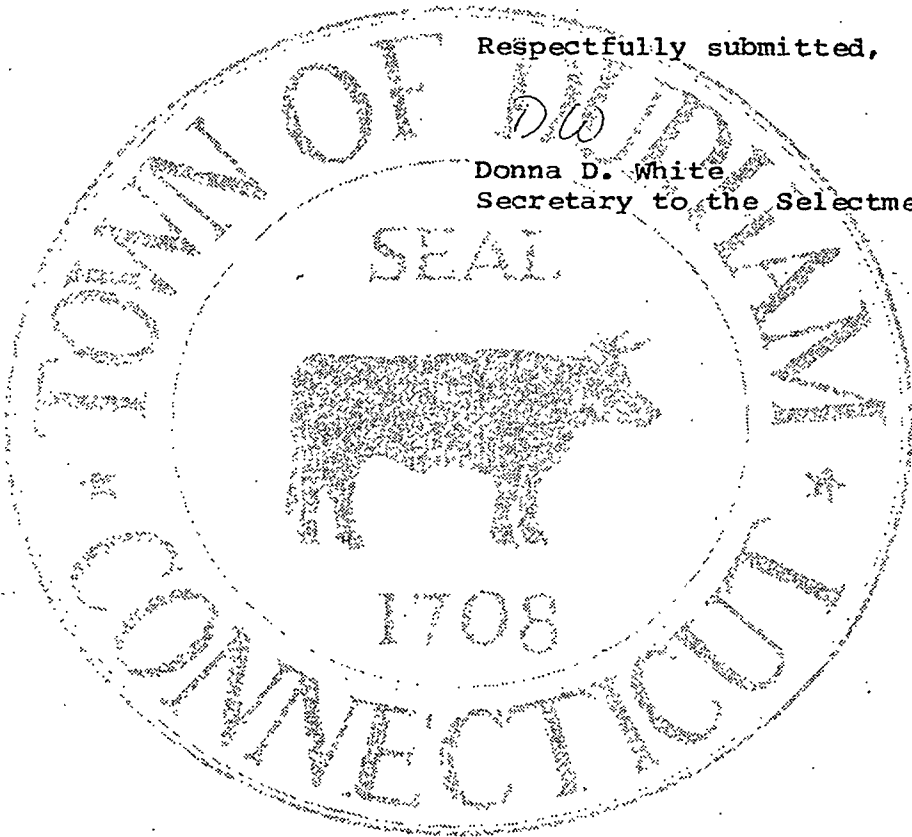
The Board further voted to mail the policy guidelines to Charles, Kelly, Carey Lowe, Jr. and abutting owners on Shunpike and Chalker Roads as represented by Attorney Hunt with a letter indicating that their roads fall in category #7. The Board voted to go out of Executive Session at 11:05 P.M. 3-0

The First Selectman was directed to get additional information re the status of the road foreman's change from salary to hourly rate.

The meeting adjourned at 11:15 P.M.

Respectfully submitted,

DD
Donna D. White
Secretary to the Selectmen



Classification of roads in Durham by degree of
legal existence

J. Davis

September 1976

Revised September 1977

I. Roads or portions of roads which are drawn and described on maps certified by a licensed engineer, located by concrete monuments shown on said maps, transferred to the town by deed or by owner-dedication and Town Meeting vote of acceptance.

The town has, by specific action, accepted full responsibility for the upkeep, repair and maintenance of these roads and, under state statutes, has authority over their use and the access to them from abutting properties.

II. Roads or portions of roads which were laid out by the early settlers of the town during the original or early assignment of house lots, have been used by the public throughout the history of the town, have been repaired, maintained and improved by the town using public funds, are now, and have been, listed as "Improved Roads in Durham" on the road inventory of the Connecticut State Highway Department, are located and defined by surveys, maps and concrete monuments.

The town has full responsibility for the upkeep, repair and maintenance of these roads and, under state statutes, has authority over their use and the access to them from abutting properties.

III. Roads or portions of roads as described in II above, except that they have not been surveyed or mapped and there are no concrete monuments defining their location.

The town has full responsibility for the upkeep, repair and maintenance of these roads, and under state statutes, has authority over their use and the access to them from abutting properties.

IV. Roads or portions of roads whose origin cannot be directly traced to the original settlement and development of the town but which have been, and are now, used by the public without let or hindrance from abutting property owners, have been repaired, maintained and improved by the town using public funds, are now, and have been, listed as "Improved Roads in Durham" on the road inventory of the Connecticut State Highway Department.

The town has, by generalized action of expending budgeted public funds over a period of years for the repair, maintenance and improvement of these roads, and through the unimpeded public use of them, accepted full responsibility for their upkeep, repair, and maintenance and has acquired authority, under state statutes, over their use and access to them from abutting properties.

V. Roads or portions of roads whose origin cannot be directly or fully traced, but which have been used by the public without let or hindrance from abutting property owners, have been repaired and maintained by the town using public funds but not hard surfaced or significantly improved, are now, and have been, listed as "Unimproved Roads in Durham" on the road inventory of the Connecticut State Highway Department.

The town has, by generalized action of expending budgeted public funds over a period of years for the repair and maintenance of these roads and through the unimpeded though limited public use of them, accepted responsibility for maintaining passability over them and acquired authority, under state statutes, over their use and access to them from abutting properties. It has implicitly agreed to improve such roads according to the standards described in the Selectmen's Road Specifications for the Town of Durham, when an increase in usage and a public need requires it and state and/or local funds are made available.

VI. Portions of roads, whether traceable to the original settlement and development of the Town or not, which were for an extended period of years used by the public and were repaired and maintained by the town using public funds, which were bypassed in straightening the over-all road and were not improved and hard surfaced because they were no longer serving a general public purpose, which served and continue to serve one or more houses on property abutting the bypassed portion of road, and which have been maintained, but not improved by the town, to the present day.

The town has responsibility to maintain passability on these portions of roads and has authority over their use and access to them from abutting properties. Improvement of such portions of roads, when and if desirable due to private development and increased usage would be at the expense of the developers and/or abutting property owners.

(3)

VII. Roads or portions of roads whose origin cannot be directly or fully traced, which may at one time have been generally used by the public, may have been partially or wholly repaired and maintained by the town using public funds, which are referred to in the description of land boundaries in recorded deeds but which have not been repaired or maintained by the town during the last 30 years or more, are not in general public use and are not listed on either the "Improved Roads in Durham" or the "Unimproved Roads in Durham" inventory of the Connecticut State Highway Department.

Such roads have been effectively discontinued through decreased or extinguished public use and through the continued absence of any public effort to maintain passability.

Such roads continue to be the route of access for owners of abutting private properties but since they no longer serve a public purpose, the town has no responsibility for their passability, repair, maintenance or improvement and has only such residual authority as the joint use of them by the several owners of the abutting properties as access to those properties makes necessary. Improvement of such roads, when and if desirable due to private development and resultant increased usage, would be at the expense of the developers and/or abutting property owners.

The Selectmen shall have authority to add such roads or portions of roads to the "Improved Roads in Durham" inventory of the Connecticut State Highway Department when such road or roads shall have been improved according to the standards described in the Selectmen's Road Specifications for the Town of Durham.

VIII. Roads or portions of roads which have been formally abandoned by specific Town Meeting action or by the Selectment pursuant to Town Meeting action and where, as a result of such action, the land previously constituting the road has reverted equally to the owners of the abutting properties, the land previously constituting such roads is now private and the town has no interest, responsibility or authority in regard to it distinct from other private properties in the town.