

TOWN OF DURHAM



Office of the First Selectman

P. O. Box H
Durham, Connecticut 06422

BOARD OF SELECTMEN'S MEETING
December 3, 1981

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The December 3, 1981, Board of Selectmen's meeting was called to order at 7:32 P.M. by First Selectman M. Foster Mather; Board members present: Maryann P. Boord, Gregory G. Curtis. Townspeople present: J. Clifford, J. Muraca, C. Mauro, F. Cavallaro, C. Cavallaro, E. Curtis, G. Joslyn, D. Joslyn, E. Sherneski, R. W. Moeller, B. Gulielmetti, A. Zimmer, V. Zimmer, K. Huse, N. Huse, E. Higgins, T. Woolfe, M. Clark, P. Reynolds, R. Reilly, M. Schmitt, D. O'Neal, A. Brechlin, W. Moore, S. Bates, D. DeMusis, R. Kleeman.

Moved by F. Mather, seconded by M. Boord as follows: "That the Agenda proceed in the order in which it was printed and posted; furthermore that the public session be a time during which any individual wishing to address the board will be given an opportunity."

As an explanation to item #1 of the Agenda, F. Mather stated the following: "It is the intent of the Board to hear public comments only during the public session period. The comments made during this session which are relevant to subsequent agenda items will be considered by us when we discuss those items. Comments made about issues not on the agenda will be considered by the Board of Selectmen at subsequent meetings." He added that it is important for the Board of Selectmen to have the time to conduct its normal business in an orderly fashion and that anyone arriving late for the Public Session was welcome to stay after the meeting for a few minutes if they wished to speak with the Board of Selectmen. Vote: 3 ayes.

P. Reynolds, who had presented a letter dated 12/3/81 to the Board of Selectmen, noted that her request to Selectwoman Boord to be on the Agenda of the next Selectmen's meeting apparently was disregarded. F. Mather explained that her subject will be addressed by the Board of Selectmen in item #10 of the Agenda and the public session offered her an opportunity to speak. P. Reynolds asked why the payloader was at the Miller property on November 4? "We want an answer to that question."

F. Mather explained that it was her turn now to speak, not the Board's. P. Reynolds asked why the payloader was sent to the Miller property. F. Mather responded that he will answer her in writing.

E. Higgins reported that James Rd. area residents had mentioned to him their concern about the lack of lights, especially at the James Road/Route 17 intersection.

-continued-

Board of Selectmen's Meeting
December 3, 1981

-2-

G. Joslyn asked why, as a town employee, he had been refused use of town equipment (payloader and hand rake) and yet town equipment was used on Miller's land.

E. Higgins asked if it is a tradition of the Board of Selectmen to use this method of conducting a meeting. M. Boord responded that it was a change in tradition. F. Mather explained that he recognizes the need for people to speak but also recognizes the need of the Board of Selectmen to conduct its business in an orderly fashion.

R. Reilly asked if the town had purchased a \$16,000 stone chipping box. He noted that the Charter requires purchases over \$5,000 go to bid. Hopes that any future purchases will be handled in such a way that opportunity would be opened to the free business enterprise and to allow people to bid on anything the town has to offer. He asked if the First Selectman would give answers to these questions; the First Selectman replied he would.

R. W. Moeller noted his name often appears in the minutes where he's pointed out spelling corrections or typographical errors in the minutes. He would like it noted, however, he feels the minutes are well written and by reading them, one can understand the proceedings.

J. Clifford: observed that the situation between the First Selectman and P. Reynolds is becoming of some interest to the "press." Said we are in a situation in the town where we see several reasons that people come to town and the articles he's read lately pull him apart. He noted his 6 years of active service to the town. It's getting to be a nit-picking situation. He noted how loosely the highway department used to be run and pointed out to P. Reynolds that those were his tax dollars, too. Advised that these matters must be handled in the day to day course of decisions. He concluded that if people love the Town of Durham the matter will be solved and taken care of.

K. Huse stated that the matter seems to be all blown out of proportion. It seems that a logical sensible solution . . . a simple every day rational decision is making headlines. Why such a furor? These types of decisions need to be made daily and should not need to be brought to a Board of Selectmen's meeting.

P. REynolds said she was not talking about dirt, she's talking about the machine being sent there - no dirt needed to be moved. She related how the road foreman had knocked on Mrs. Miller's door and asked Mrs. Miller what needed to be done. Mrs. Miller said she wasn't happy with Wimler's work - wanted it graded better . . . then the accident happened on Miller property that the town insurance is paying for. Why was it

-continued-

Board of Selectmen's Meeting
December 3, 1981

-3-

necessary, P. Reynolds again asked, to send the payloader to Miller's on November 4th when there was no dirt to be moved around? She said again she's talking about the excessive use of the payloader and 2 men on Miller's land.

K. Huse said he had talked to the Millers and Mr. Miller related to him how he had said to leave the dirt there but please leave it neat. K. Huse said he doesn't see this case as a "free-be" . . . he sees it as a job well done. Was curious if P. Reynolds was standing in the doorway with Mrs. Miller to hear the exchange between Mrs. Miller and the road foreman.

P. Reynolds stated that she was watching.

G. Joslyn noted that on or about November 4th, the trucks were hauling gravel from Troiano's to Haddam Quarter Extension. Was it not just as short a distance from Tuttle Rd. to Haddam Quarter Extension?

D. Joslyn asked why this payloader was on private property when employees are not allowed to use equipment - not even a hand rake.

The public session was closed by the First Selectman.

Motion by M. Boord to approve the minutes of the 11/19/81 Board of Selectmen's meeting; seconded by G. Curtis; vote: 2 ayes (Boord, Curtis) 1 abstain (Mather). No questions re weekly disbursements.

The First Selectman reminded the board members that Ken Hampton will be at the December 17th meeting to discuss membership in the Connecticut Valley Tide Water Council.

F. Mather noted that in response to M. Boord's letter to John Anderson of the Connecticut Agricultural Experiment Station, Mr. Anderson has confirmed that a gypsy moth egg mass survey will be conducted in Durham this winter.

F. Mather advised the board that Mr. Quinley of the State Department of Transportation, in response to a letter from the First Selectman re speed on Route 68 at Linmar Drive area, came to the office to explain that he could not get approval for reduced speed limits on Route 68. Mr. Quinley had said, however, that he will have a large oversized speed limit sign erected with a suggested speed of 30 miles per hour.

The First Selectman reported: in a followup to a recent training session in the event of a nuclear accident at the Haddam Neck facility, representatives from Northeast Utilities today went out with him to review the sites where sirens will be installed. The sirens have the capability of 3 types of alert signals plus voice message transmissions. The sirens

-continued-

Board of Selectmen's Meeting
December 3, 1981

-4-

will be installed on new poles across the street from existing power lines and will be activated from the town hall. The sirens should be able to penetrate every house in Durham. Locations: firehouse, on Rt. 79 at Rt. 79 Motors, Cedar Drive/Laurel Terrace, Blue Hills Rd. by Vynaleks, corner of Oak Terrace/Wilcox Drive, Higganum Road just south of Harvey Rd., Old Blue Hills Road (by first house on right), Haddam Quarter Road at southeast corner of Soobitsky's property. The First Selectman further explained that installation would be during the next 3-4 weeks. They will be tested once a year. Every three months a man will come out and do a "burp" test. Every two weeks someone from Northeast Utilities has to drive by to check the indicator light.

Re memo from the Town Engineer regarding street lighting at Royal Oaks subdivision: F. Mather commented that the town has previously put street lights at intersections. Suggested the matter of Royal Oaks be discussed and set a policy. PHS will then know the direction to proceed as far as putting in wires. G. Curtis: the town has to pay for it so they have been opposed. The installation of street lights on main roads is good. M. Boord concurred. The First Selectman said the Town Engineer will see if a new pole is needed on Route 17. F. Mather and G. Curtis discussed the cul de sac, which is temporary, and will eventually become a "T", with one road leading to Middletown -- a light should be installed there.

The First Selectman reported that R. Prendergast of the state tax department was unable to attend tonight's meeting but will be here January 7th to give an explanation and advice on tax relief for the elderly. G. Curtis suggested J. Gibbons for the committee and in response to his question of how many members can be appointed to the committee, D. White advised that the committee must be composed of at least 5 resident taxpayers. G. Curtis suggested contacting the Sixty-Plus Club for a representative from their group. Other names suggested: H. Coe, B. Ruggiero, J. Salva, C. Parmelee, F. Garigliano. G. Curtis would like one member to have a liason with the Sixty-Plus Club. F. Mather agreed.

Motion by F. Mather to appoint Thomas E. Worthley to fill a vacancy in the alternate position on the Zoning Board of Appeals/by the resignation of D. Umlauf; said term to expire the first Monday of December 1985; seconded by M. Boord. No other nominations. Vote: 3 ayes.

Re dumping of drainage ditch spoils: the First Selectman presented a summary entitled "Statement of Prior Practice Re Disposal of Drainage Ditch Spoils" listing 14 jobs (copy attached.) G. Curtis objected to item #14 as it was stated. He said fill was not deposited on Reynolds land but within 25' from the center of the road adjacent to Reynold's property, and he doesn't like the way it looks. The First Selectman agreed that he's not happy with the way it looks either; doesn't

-continued-

Board of Selectmen's Meeting
December 3, 1981

-5-

think the town should make lawns with the dirt but it must be left neatly.

Presentation of a Planning and Zoning Commission letter re elderly housing dated 12/2/81. F. Mather moved that the Board of Selectmen adopt the Resolution (attached). G. Curtis commented that today is the first time he's seen this letter. Feels it's inexcusable that a member of the board didn't receive a copy of prior Planning and Zoning correspondence addressed to the Board of Selectmen. The First Selectman responded that the only copy to be found of the September 16, 1981, letter from the PZC in the office is the draft copy, which is attached to the 12/2/81 letter. The First Selectman further noted that others in town had the September 16th letter before he did. G. Curtis stressed that when pertinent things come up, he wants to be notified by the next mail. He is interested in an overall committee to advise the Board of Selectmen and any other commission to study all of the needs of the elderly. F. Mather questioned if such a committee would be able to advise of the needs or how to resolve the needs of the elderly. He asked why the Board of Selectmen can't assess the needs and problems of the elderly - asked if the Board of Selectmen has neglected the needs, health, etc. of the elderly. M. Boord: when the matter comes up we should appoint people who have an expertise in the field. A broad committee would not be valuable. G. Curtis: the PZC is looking for help on this housing matter. Such a committee should study this matter. M. Boord: still feels that we should defer specific problems to those who have expertise in the field. If something comes up that experts aren't available for then we can form a committee. Doesn't feel another committee will be able to solve problems that need to be studied and settled. Motion by M. Boord to approve the Resolution as attached; seconded by F. Mather. Vote: 2 ayes (Boord, Mather), 1 no (Curtis). G. Curtis reiterated that this is just his point. Why can't a committee to study the tax relief for the elderly be given to the assessors. F. Mather: the committee to study tax relief for the elderly is mandated by statute.

G. Curtis spoke as President of the Durham Cemetery Co., giving a history of the Town of Durham's involvement with Bluff Head Cemetery. This involves an endowment from the Chadsey family, which provided funds to take care of 8 family graves at Bluff Head, Old Cemetery, and the cemetery behind Town Hall. The crux of the problem is that Bluff Head doesn't want \$3,000 for this maintenance, they are asking for \$5,000. The Cemetery Company feels that \$3,000 is a proper offer and they are considering writing to Caldwell (attorney for Bluff Head) offering \$3,000. The Board of Selectmen was asked if they feel it's a matter for the town counsel. F. Mather noted that he had wanted the issue settled a couple of years ago. G. Curtis explained that the Cemetery Co. is partly public and partly private, and because the Cemetery Co. is a quasi-town group, he thought the town counsel could be consulted. Doesn't want to be later accused of spending the town's money. G. Curtis

-continued-

Board of Selectmen's Meeting
December 3, 1981

-6-

is also concerned that Bluff Head could sue for the rest of the \$13,000 involved and wants advice on how to proceed. M. Boord said that the Town Counsel should look over the matter to see if it's legally defensible. The Board of Selectmen unanimously agreed.

M. Boord reported that a town walker has requested something be done about the Grippo Shell Station where cars are parked out to Main Street, also at the bakery and hair dressers - cars park so far out that walkers have to walk around them. G. Curtis offered to talk to Mr. Grippo. F. Mather said he's advise the Town Engineer of the situation.

When no further comments were expressed by the Board of Selectmen, F. Mather moved to adjourn.

G. Curtis noted a request for Dolores Catarano because of 3 robberies in the Parmelee Hill Road area. She has asked that the Board of Selectmen put into motion the steps to get a Resident State Trooper.

F. Mather moved to adjourn the meeting at 8:50 P.M.; seconded by G. Curtis. 3 ayes.

Respectfully submitted,

D.

Donna D. White
Secretary

STATEMENT OF PRIOR PRACTICE RE: DISPOSAL OF DRAINAGE PROJECT SPOILS

History

1. Parmelee Hill Project EDA - Fair Grounds - dumped only (large field).
2. Side Hill Drive Project - adjacent privately owned land and rough leveled.
3. Indian Lane Project - adjacent privately owned land and rough leveled.
4. Foot Hills Road Project 1973 - left on side of road - great piles behind curb - never could mow the roadsides and grew up to brush.
5. Arbutus Street and portion of Haddam Quarter Road near Abner Newton's - left in piles adjacent to work sites - town had to pay to have one hauled away; the other we had to pay a bulldozer to level it off for the owner.
6. Tuttle Road Project 1978-79 - deposited on adjacent privately owned land, one property owner was assured we would finish grade and cover with top soil. Town had to pay for leveling initially, then grader, then haul our own top soil to cover, then for bulldozer to grade again - then sent men out to hand level and pick up stones.
7. Pisgah Road Project 1981 - deposited on adjacent private property near road and rough leveled.
8. Cherry Lane Project 1981 - deposited on private land only (large field).
9. Cherry Lane Project 1981 - did work on private land to relocate private spring to eliminate spring in gutter line of road.
10. Meeting House Hill Road 1980 - deposited on private property adjacent to road to eliminate ravine and rough graded.
11. Coe Road Project 1980 - deposited in ravine adjacent to road on private property graded - also took to open field private property and dumped only.
12. Haddam Quarter Road 1980 - deposited on 3 property owners' land adjacent to project and pushed off into respective ravines (2 of the 3 allowed us free use of their yards for storing vehicles and materials).
13. Maiden Lane Project 1980 - dumped adjacent to road perhaps on town property to widen shoulder and lessen embankment.

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Statement of Prior Practice Re:
Disposal of Drainage Project Spoils

-2-

14. Tuttle Road Project 1981 - deposited on 3 adjacent property owners' land and rough graded or pushed off on 2 of the 3. Those properties were Millers, Leigus, and Reynolds (Miller and Reynolds were pushed off.)

It seems apparent that 1) although the method of disposal of spoils may reflect the current administration's particular ideas on how this should be handled: 2) generally it is handled on an individual basis; a decision that is made at the time, taking into consideration all the possibilities and choosing the most economical and most feasible solution.

December 2, 1981
MFM:dmw