TOWN OF DURHAM

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REC'D August 9, 1990 AT 3:30 P.M.
TOWN CLERK

Maryann P. Boord.
First Selectman

BOARD OF SELECTMEN'S MEETING
Thursday, August 2, 1990

The meeting was called to order at 7:07 p.m. by First Selectman Maryann P. Boord; Board members present: Francis E. Korn, Selectman; Gladys B. Lavine, Selectman.

Executive Session

MOTION M. BOORD, SECOND F. KORN, TO GO INTO EXECUTIVE SESSION AT 7:07 P.M. TO DISCUSS PENDING LITIGATION CREAM POT ROAD WITH ASSEMBLED MEMBERS OF THE PLANNING AND ZONING COMMISSION, TOWN PLANNER, TOWN ENGINEER, AND TOWN COUNSEL; 3 AYES.

Present: Maryann Boord (First Selectman), Francis Korn (Selectman), Gladys Lavine (Selectman), Geoffrey Colegrove (Town Planner), Kenneth Antin (Town Counsel), Thomas Fenton (Town Engineer), and Planning and Zoning members: R. Schoonmaker, R. Ericksen, G. Paganetti, V. Marino.

MOTION M. BOORD, SECOND F. KORN, TO GO OUT OF EXECUTIVE SESSION AT 8:04 P.M.; 3 AYES.

Resumption of Board of Selectmen's Meeting

Discussion with Town Counsel, Town Planner, Town Engineer, and some members of the Planning and Zoning Commission about the possible discontinuance of the following (having no residences):

1. Old Blue Hills Rd (2 sections);
2. Old Washington Trail (3 segments);
3. Spruce Hollow (to Tilcon);
4. Shady Lane;
5. Harvey Road (as it goes to Haddam);
6. Shuler Road (old road to Haddam);
7. Lime Kiln Road aka White Hollow Rd.

Discussion of the possible discontinuance of (having residences):

1. Shunpike Road;
2. Chalker Road;
3. Mountain Road;
4. Seward Road.

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Geoffrey Colegrove, Town Planner, suggests the Board of Selectmen select a prototype of 1 or 2 roads; he will arrange for photos, notification of abutting owners for their support. Kenneth Antin, Town Counsel, said one benefit to the town if it is discontinued, the town keeps the right-of-way.

M. Boord crystallized the road discontinuance benefits concept:
a. to the owner: would continue to have a legal right-of-way to their property;
b. to the town: would not have to bear the cost to improve or maintain the road.
c. to both: the road would no longer be of questionable status.

If town meeting action does not discontinue the road and it becomes necessary to improve it, the cost will be borne by taxes or by assessing the abutting property owners.

G. Lavine questioned the past practice of building in areas that are not accepted as town roads. G. Colegrove explained that he had initially mentioned this subject to former first selectman Foster Mather that there is a state provision allowing towns to issue an ordinance prohibiting building on unaccepted roads, but Mr. Mather was not willing to have the ordinance prepared. Building lots, therefore, on unrecognized town roads, can and do receive building permits. K. Antin, Counsel, said a general policy could be set up that puts the questionable roads on the TR37 and the town will assess the owners for improvements. Therefore, he believes it will benefit the owners to have the roads discontinued. We should to secure their support. The question should be decided one way or the other, he urged.

G. Lavine questioned emergency vehicle access; K. Antin said it's a risk for the people who built on these questionable roads.

Vincent Marino, member of the Planning and Zoning Commission, recommended taking to town meeting the discontinuance of 2 or 3 noncontroversial "roads." He added that it will be extremely beneficial to work with the newspaper people on this. He also suggested preparing a simple handout to explain the purpose of the discontinuance. G. Colegrove suggested using "simple graphics" (overhead projector, abutting owners' map, area map) as an aid in the presentation at a town meeting. K. Antin said it must be stressed at the meeting that the roads will NOT be left in limbo...a "NO" vote means the abutting owners may be charged for improvements/maintenance.

Appointments

MOTION M. BOORD, SECOND F. KORN, TO APPOINT MARYANN P. BOORD AS THE

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BOARD OF SELECTMEN'S REPRESENTATIVE TO THE MIDDLESEX COUNTY REVITALIZATION COMMITTEE; 3 AYES.

Employee Concerns

MOTION M. BOORD, SECOND F. KORN, TO REQUEST THE BOARD OF FINANCE FUND **A DEFINED BENEFIT PLAN** PER THE UNION CONTRACT SETTLEMENT; 3 AYES.

MOTION M. BOORD, SECOND F. KORN, TO APPROVE **MAP FOR ELECTED OFFICIALS**; 3 AYES.

Tax Refund

MOTION M. BOORD, SECOND F. KORN, TO REFUND $70.84 TO FLOYD C. FERGUSON; 3 AYES.

Minutes

MOTION M. BOORD TO AMEND AND APPROVE THE MINUTES OF JULY 19, 1990, SO THAT PAGE 1, LAST PARAGRAPH, READS AS FOLLOWS:

"M. Boord noted that the Republican Town Committee has coverage of $300,000. The Democratic Town Committee also has coverage, although the limits are unknown."

MOTION TO APPROVE AMENDED MINUTES SECONDED BY F. KORN; 3 AYES.

Special Town Meeting

MOTION M. BOORD, SECOND F. KORN, TO HOLD A SPECIAL TOWN MEETING ON AUGUST 20, 1990, 8:00 P.M., COGINCHAUG REGIONAL HIGH SCHOOL, JULIAN B. THAYER AUDITORIUM, FOR THE FOLLOWING ITEMS:

1. SETTING UP A RESERVE FUND FOR DRAINAGE MONEY;
2. SETTING UP A RESERVE FUND FOR LEXINGTON PLACE;
3. ACCEPTANCE OF PLEASANT TERRACE, ETZEL DRIVE AND AUGUR LANE;
4. ACCEPTANCE OF THE "CODE OF ORDINANCES;"
5. REAPPROPRIATION OF UNEXPENDED FUNDS;
6. APPROVAL OF FINAL TRANSFERS;
7. FUNDING THE PENSION PLAN;
8. APPROVAL OF AGREEMENT BETWEEN THE TOWN OF DURHAM AND TRINITY CORPS;
9. FUNDING HEPATITIS B VACCINE.

NO DISCUSSION; MOTION APPROVED WITH 3 AYES.

Clerk's Position

M. Boord reported that she wishes to utilize Linda Berntsen, who

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presently works 18 hrs/wk in the Assessor's Office, as the Selectman's Office clerk, expanding her hours between both offices to 28 hrs/wk, including an insurance package, but keeping the position a non-union one because she would be involved in management's paperwork and research relating to union matters. The Board of Finance has already budgeted 480 hrs. of clerk time for the Selectman's Office, but this would increase the clerk time to 520 hours.

G. Lavine questioned why the position was not put out to bid. Discussion.

MOTION F. KORN, SECOND G. LAVINE, TO TABLE ACTION PENDING BOARD OF FINANCE ACTION; 3 AYES.

Correspondence

1. Lawsuit Arrigoni vs. PZC re amendment to PZC regulations.

2. CCM request for suggestions for the 1990-1991 legislative session. M. Boord said she will ask them to focus on the binding arbitration issue.

Public Comments

Kurt Bober:
a. feels there is a definite need for a clerk in the Selectman's office;
b. offered his recommendation that Tom Fenton, Public Works Director/Town Engineer be hired on a permanent basis; noting how diligently Mr. Fenton has been assisting the highway department.

Selectmen's Concerns

none

Update From the First Selectman

1. Kurt Bober, John Jenkins, and David Quick have graduated from Fire Marshal school.

2. The OSHA meeting (on a complaint about the fire company) went very well. Doug Stender, Irv Leining Jr., Janet Muraca, and M. Boord attended the meeting. OSHA people were very agreeable and helpful; as was Karen Avitabile, newspaper reporter. Mr. Stender has assured the First Selectman that the fire company will meet all their deadlines.

3. Trinity Corps has filed for another grant, which AEG has written for them; it is for $300,000 Tax Credit Program (not the

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same as the Neighborhood Assistance Act).

M. Boord reported that the Trinity Corps feels they must get their own attorney; Robert Poliner prepared their incorporation papers; however, but they want their own attorney for other matters. The Corps will also be applying for an additional $500,000 grant.

On the next Selectmen's Agenda: making Trinity Corps an entity specific to that above-mentioned grant. Mrs. Boord further reported that Trinity Corps has had the Affirmative Action audit on the site acquisition and the planning grant, which went well.

Meade Architects has begun work on the designs.

Adjourn

MOTION M. BOORD, SECOND F. KORN, AT ADJOURN THE MEETING AT 9:15 P.M.; 3 AYES.