TOWN OF DURHAM

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Maryann P. Boord
First Selectman

BOARD OF SELECTMEN'S MEETING
August 6, 1992

Called to Order: 5:35 p.m. by First Selectman Maryann P. Boord
Present: Maryann P. Boord, First Selectman
Francis E. Korn, Selectman
Robert F. Hall, Selectman
Others: Thomas Fenton, Town Engineer
Henry Philip, Assessor
Joanne Salva, Tax Collector
others as named on the signup sheet

Harvey Road and Cream Pot Road

M. Boord, First Selectman, gave a brief overview of what has been done in the past regarding the status/maintenance of these two roads. She noted that the Board of Selectmen is trying to clarify the status of a number of town roads.

Some main points of an opinion of Town Counsel: he doesn't feel the Board of Selectmen need a formal survey and dedication of the roads. An owner's intent and the public's acceptance/use (of a road) can be implied by conduct. The town may exercise control over it, i.e., lighting, sidewalks, etc. The town, in fact, HAS done plowing and grading, but the acceptance of the highway would end where the "use" ends when the dedication and acceptance are implied.

Public Comments On The Above

Dion Arrigoni revealed his concerns that the town is "opening the door" in acknowledging the change of status of the whole road; it was clarified that only .57 miles of unimproved road status of Cream Pot Road is in question at this time. The town already assumes maintenance on .20 miles of the improved section of Cream Pot Road.

Mr. Arrigoni reminded the Board of the lawsuit to have Cream Pot Road declared a road, but Mrs. Boord explained that the lawsuit never came to completion, and the status has remained unclear.

The question of changing the status of the roadway beyond Arpaia's property (where the additional .57 miles ends) was raised by Mr. Arrigoni and Muriel and Sam Garigliano. The Garigliano's own the next parcel beyond Arpaia's and they want to build a house there but are concerned they will not be allowed access by the utility

companies, etc., as has occurred in the past. Mr. Fenton assured them they could return to the Board when their house was built and the question would be addressed at that time; the new attitude of the Planning and Zoning Commission and Board of Selectmen, however, indicate that the road would be "acknowledged" for them and beyond that point, if more building was done and that section of road is improved.

Vote on the Item

MOTION M. BOORD, THAT THE BOARD OF SELECTMEN PLACE .37 UNIMPROVED ADDITIONAL MILES OF HARVEY ROAD AND .57 UNIMPROVED ADDITIONAL MILES OF CREAM POT ROAD ON THE TR-37 LIST (of Town maintained improved and unimproved roads) THAT ALLOWS THE TOWN TO ACCEPT MAINTENANCE MONEY FROM THE STATE; SECOND R. HALL; 3 AYES. The issue now goes to town meeting which was set in the minutes farther on.

Stop Sign Indian Lane/Boulder View Court

There has been a request from George Meeker, 73 Indian Lane, for erection of stop sign on Indian Lane at the intersection with Boulder View Court. Mr. Fenton acknowledged that the site line is poor, but he has had the highway department clear the site line and it will be maintained. Mr. Fenton noted that the conditions do not meet the traffic volume warrants for a stop sign. Mrs. Boord asked Mr. Fenton to create a response to Mr. Meeker.

Metro Mobile Tower

Mrs. Boord reported that the Board has received a proposal to put up a tower to eliminate "dead spots" in radio transmission in Durham. She reminded the Board of the previous attempt of Metro Mobile to install a tower behind the firehouse, but the request was denied, mainly because the area is within the historic district.

Mrs. Boord explained that the state siting council overrides ALL local zoning regulations. A joint hearing will be held by the Planning and Zoning Commission and Board of Selectmen on September 2, 1992, 7:00 p.m. to discuss the issue.

Public Comments on the Above Issue

Frank LaBella: has lived at 192 Cherry Lane for many years; hears a sand pit out his back door and now will be looking at a commercial tower out his front door; he thinks the best location for the tower is at the firehouse.

Steve Comen: has lived at 230 Cherry Lane for 7 years. He is absolutely against the tower; noted that a fairly large building will be erected near the tower for equipment; he challenges Metro Mobile's contention that the need is to serve its customers. He added that Mattabasset Trail crosses it. Wants the Planning and 8-

Zoning Commission and Board of Selectmen to do whatever they can to have the plan be designated for only a non-residential zone. He cautioned the Board that the health ramifications from microwave towers is yet unknown.

Eleanor Tietze: Her property abuts the proposed area; begs the town not allow this (putting up the tower) to happen.

Harris Conrad: has lived at 271 Cherry Lane for 3 years and also abuts the property. Does NOT want the tower there.

Karin Thody: 55 Guilford Road (abuts the alternative site); tower would be only 150' from her back door. Does NOT want the tower for many reasons: thinks it should be in a non-residential zone.

Harvey Waller: 179 Cherry Lane. Asked the Board to vehemently protect the Cherry Lane residential zone. The state has a mandate to use the existing site; ecologically best is the firehouse site -- he reads from the report that it is also the cheapest site for Metro Mobile to develop. Feels the Fire Co. has need of a tower to upgrade themselves and Valley Shore Emergency Communications can assuredly use the tower. He feels the tower should be on town land - not private land. M. Boord asked him to explain why on town land. He answered that because the offer is there for the town to use it to benefit the town, i.e., upgrading our OWN existing systems and to receive the monthly fee to be paid by Metro Mobile. The side line set back would also be out of compliance because the tower line would fall on its own land, he explained.

Additional remarks from Steve Comen: noted that if the tower were on town land there would be some regulation as to how high it went and what additional equipment would be added to it.

Fran Korn: he was originally not in favor of putting the tower behind the firehouse. His recommendation is to go back to Metro Mobile asking what the height would be - the firehouse has the need and we can assist.

Robert Hall: in favor of the firehouse site because the fire company could add to the building that goes with the tower and use it for storage and equipment.

M. Boord read a letter from Valley Shore Emergency Communications, who contend that the Cherry Lane site is a prime location and it would be extremely beneficial to them.

F. Korn cautioned that the firehouse is not only in the historic district, but is also in a residential zone.

Mr. Comen wondered if the Commerce Circle commercial area would wish the tower in their area.

M. Boord assured those present that she will have the Town Engineer, Town Planner, and the Planning and Zoning Commission review the proposal for the September 2nd hearing. She thought that the Commerce Circle commercial area is in too deep a gully to be a workable solution.

Petition

A petition requesting an ordinance relative to lawn mowing was presented by a group of residents from the Wheeler Hill area, led by Bruce Bensen. There is one particular property that is the cause of the neighbors' concerns and they are seeking to have maintenance performed on the parcel. It has been a problem for many years and the (former) Zoning Enforcement Officer and Sanitarian have attempted to address the issue. Mr. Hall noted there are other places in town with this same problem. An ordinance in effect in West Hartford will be studied to determine if it can be used in Durham.

Executive Session

MOTION M. BOORD AT 6:50 P.M., SECOND R. HALL, TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION: GALEA; 3 AYES. Present: Board of Selectmen and Thomas Fenton.

MOTION M. BOORD AT 7:05 P.M., SECOND R. HALL, TO GO OUT OF EXECUTIVE SESSION RE PENDING LITIGATION: GALEA; 3 AYES.

Executive Session

MOTION M. BOORD AT 7:06 P.M., SECOND F. KORN, TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION: ZAMORE; 3 AYES. Present, besides the Board of Selectmen: Joanne Salva, Tax Collector and Henry Philip, Assessor.

MOTION M.BOORD AT 7:23 P.M., SECOND F. KORN, TO GO OUT OF EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION: ZAMORE; 3 AYES.

Vote on Galea Property

MOTION M. BOORD, THAT ON RECOMMENDATION OF TOWN COUNSEL, WE RESTORE THE AREA OF THE CUL-DE-SAC BACK TO "LAWN" ON THE GALEA PROPERTY (JAMES ROAD); SECOND R. HALL; 3 AYES.

Special Town Meeting

MOTION M. BOORD, SECOND R. HALL, TO HAVE A SPECIAL TOWN MEETING ON AUGUST 17, 1992, 7:30 P.M. IN THE TOWN HALL TO VOTE ON FINAL TRANSFERS FOR F.Y. ENDING JUNE 30, 1992, AND THE ADDITION OF HARVEY ROAD AND CREAM POT ROAD TO THE TR-37 UNIMPROVED ROAD LIST; 3 AYES.

Sewer Connection

M. Boord reported that this issue deals with connecting the new bathroom facilities in the Historic Building (north of Town Hall) into the Town Hall septic system. The Historical Society meets regularly in the building...the bathroom in the Historical Society building will not be open to the public. In February of 1992, the Sanitarian applied to the DHS for special exception status to do this. Even though the town owns both parcels of land, the connection would "cross over" the boundary lines, necessitating the special exception permit. Mr. Milardo, Sanitarian, feels the town hall leaching fields on the Green are adequate and there is the ability to increase them as needed.

MOTION M. BOORD, SECOND R. HALL, TO MOVE FORWARD ON THIS ISSUE AND HAVE TOWN COUNSEL DRAW UP THE EASEMENTS; 2 AYES (Boord, Hall); 1 ABSTAIN (Korn [he is also president of the Historical Society]) Vote passed.

Road Closings for the Fair

Annual letter received for the road closings during the Fair. The Board unanimously approved their request, but the Board wondered if they also wanted Fowler Avenue to be one-way; the Selectmen's office will clarify this matter with fair officials.

Minutes

1. MOTION M. BOORD, SECOND R. HALL, TO APPROVE THE MINUTES OF 7/16/92; 3 AYES.

2. MOTION M. BOORD, SECOND R. HALL, TO APPROVE THE MINUTES OF 7/30/92; 3 AYES.

Correspondence

1. Notice of annual CCM Conference on October 22nd.

2. Notice from CT Valley Tourism Commission that applications are due October 1 for Challenge Match grants. F. Korn suggested notifying the Durham Fair Association and/or the Raney's, who will be organizing the Washington Trail Road race in 1993.

3. Recommendation from the Department of Public Service that for towns like Durham, appointments of "Community Service Officers" could be made, instead of constables, as done previously. Even the Dog Warden could have this designation. They would carry no firearms, wear no clothing like a police officer, but could direct traffic. M. Boord said she wants to reactivate the Public Safety Committee and would like to investigate a regional police force with Middlefield. Mr. Korn said he doesn't think that a regional force will be approved by the voters. Mr. Hall stressed that 8-6-

SOMETHING has to be done. M. Korn acknowledged that reactivating the Committee is a good start. The issue will be discussed by the Board at a September meeting.

4. Letter from W.D. Glasko, complaining about the tax increase.

5. Notification of new BC/BS representative Steven A. Ribiero.

6. Request from CCM for input from municipalities for subjects to be considered for the 1993 Legislative Session. F. Korn wants them to consider term limitations for elected officials.

7. Paul Roberts, Civil Preparedness Director, has been appointed Deputy Sheriff by the High Sheriff, George Zeeb.

8. Letter from D. Lavine, State Representative, about new legislation dealing with littering and illegal dumping. R. Hall urged Mrs. Boord to put it into the newspapers. F. Korn suggested referring the item to the Public Safety Committee.

9. Request from Attorney R.J. Smith, representing the Iannotti's, requesting abandonment of a portion of Old Washington Trail. Mrs. Boord will ask the Town Planner about it.

10. Notice of receipt of a letter from W. Clay Howe rebutting a letter by Gary Foskett.

Appointment

MOTION M. BOORD, SECOND F. KORN, TO APPOINT KENT BROWN TO A 1994 TERM ON THE BOARD OF LIBRARY DIRECTORS (Thomasson vacancy); 3 ayes.

Public Comments

none

Selectmen's Concerns

F. Korn: has been asked by a resident of the "street" in front of the old cemetery, to have it paved and plowed. M. Boord said she would like to see its condition improved. F. Korn explained the town has graded it. He added that the residents think it is the Old Main Street, but he disagrees. It was agreed to add it to our list of questionable roads.

R. Hall: very concerned about the dump site (Oslander property behind the grange; there are three unregistered vehicles) and another Main Street property which is unkept. He is also concerned about material on Pickett Lane that the town highway crew didn't remove after they cleaned up Allyn Brook Park. M. Boord assured him she will proceed to have the matters looked into again.

Update From the First Selectman

1. She advised the Board that Peter Pach, who does editorials for The Hartford Courant, had said the town should put the traffic light issue on the November ballot, but Mrs. Hatch, Town Clerk, checked the legality of that and there is no statutory authority for the light question to go on the election ballot. Re the question of whether we need to have a town vote in order to put the reapportionment question on the November ballot. M. Hatch reports the statutes provide for the reapportionment committee to have that authority.

2. Ray Morretini (speaking for himself and his brother Ed) stopped into her office to let her know that they think Bob White does an excellent job as Sexton of the Cemetery Co.

3. Notice from CCM, offering 2 workshops. M. Boord will attend the one on sexual harassment training, a new state requirement.

4. We have received, from Fleet Bank representatives, the painting of Durham executed by Mr. Falcone, which used to be in the Fleet Bank, Durham Branch. M. Boord will arrange for a formal acceptance of the painting.

5. M. Boord advised that the YIELD TO PEDESTRIANS IN CROSSWALK signs are up.

Adjourn

MOTION M. BOORD, SECOND R. HALL, TO ADJOURN THE MEETING AT 7:55 P.M.; 3 AYES.