

## BOARD OF SELECTMEN'S MEETING

June 27, 2005

### Call to order

First Selectwoman Maryann P. Boord opened the meeting at 7:00 p.m. in the Durham Public Library. Board of Selectmen members present: Maryann P. Boord, Ernie A. Judson, and Renee J. Primus.

### Accept a **Proclamation honoring Leo V. Willett, Jr., M.D., retiring Health Director**

M. Boord presented a Proclamation to Leo V. Willett, Jr., M.D. to honor and recognize him as he retires as the town's Health Director. Dr. Willett then favored the assemblage with anecdotes and his vision of the future direction of health care for Durham and the country. Copy of the Proclamation is attached.

### Review of proposed road improvements to **Crooked Hill Road** in conjunction with Northern Heights Subdivision proposal

M. Boord explained that the Board of Selectmen, acting as the Town of Durham's (TOD) Traffic Control Authority, has been requested by Attorney Jeffrey Beatty to seek Durham's Planning and Zoning Commission (PZC) §8-24 review. Questions have also risen as to whether proper procedures were followed by the developer in this matter. Durham's Town Clerk was handed notice of the TOG meeting, but it was submitted for the Inland Wetlands and Watercourses Agency (IWWCA), which is not part of the plan. The certified letter was sent to Midstate Regional Planning Agency, which is not the proper procedure; the Town Clerk should have received the official notice.

At the head table: Maryann Boord (First Selectwoman/Durham); Ernie Judson (Selectman/Durham); Renee Primus (Selectwoman/Durham); Frank DeFelice (Chairman, Public Safety Committee/Durham); Gene Bishop (First Selectman/Guilford); Wayne Vetre (Assistant Chief/Guilford Fire Department); Leslie Kane (Assistant Town Planner/Guilford); James Portley (Town Engineer/Guilford); Steve Levy (Fire Chief/Durham), Brian Curtis (Engineer/Durham).

Attorney Jeffrey Beatty, representing the developer, presented the following issues:

1. coordination of emergency response through Crooked Hill Road; the Town of Guilford (TOG) will provide "first response" to the subdivision; there is a mutual aid agreement already in place. Durham would be the backup.
2. water retention devices; the two fire marshals would come to an agreement on this;
3. the means of access to the subdivision. Anderson Associates has researched other options than Crooked Hill Road; the way from RT 77 over the hill is not practical - the property owner does not own the land.

Jonathan Bodwell of Anderson Associates explained the rise, which is in excess of 8%, greatly above the allowable maximum grade. Crooked Hill Road also does not meet the grade standards. The "old farm road" would need serious cuts in it to make the passage usable. It was noted that the TOD engineer Brian Curtis had also posed questions about the use of the old farm road/cuts, etc. E. Judson noted that the subdivision vehicles would be using the road,

which doesn't meet the TOG's regulations. B. Curtis noted that Crooked Hill Road doesn't meet current TOD standards either--it was an old existing town "road" which was made to fit for the Banta Lane subdivision.

Attorney Beatty observed that the old farm road cuts would go through open space. He also questioned proposed improvements to Crooked Hill Road and noted he has worked with Brian Curtis to make the revisions and to satisfy our engineer. B. Curtis noted that the revised map has been received. M. Boord reported that the town planner said to have the Planning and Zoning Commission (PZC) review it before the Board of Selectmen makes any recommendations. The TOG PZC will meet July 6th and Brian Curtis will come back to the selectmen after that meeting and make recommendations.

Traffic counts have been done and the report was discussed. M Boord reported she met with the town planner about the traffic control study, which was averaged over a three-day period.

Frank DeFelice, Chairman of the Public Safety Committee, asked TOG representatives where they planned to put in a fire pond. The answer from the TOG Assistant Fire Chief was that there would be underground tanks, which are preferred in Guilford. The owner has agreed to work with the TOG on fire pond protection. It would have to be built to specific standards. He has talked to Chief Levy (who was at a fire call) and the TOG Chief about what would be done in an emergency; and was told the TOG responds to Crooked Hill Road but it is not an automatic aid method and feels they don't need automatic aid when the subdivision goes in. M. Boord said that the TOD emergency responders don't like dead end roads where emergency vehicles need to do K turns. Mr. Vetre said the TOG has many one way roads and the water supply is his main concern. Leslie Kane said it would be up to the TOG Fire Chief to respond to the TOD Fire Chief's input.

The North Guilford substation on Route 77, which is approximately three miles from the subdivision in question, is adequate for fire and ambulance needs, according to Mr. Vetre. The TOG would respond first at the Lake Quonnipaug Volunteer Company.

Mr. Beatty noted that the TOG wants title to the open space and they want it kept as farm land. The subdivision itself stops at the town line. R. Primus observed that the TOD fire company's concern is that there is only one way into the subdivision and they have not been involved in the planning or discussion of this subdivision. Mr. Vetre said he had talked to Chief Levy at length today and it was agreed that the TOD's response would be subliminal in nature -- the TOG would decide what would be set up and the TOD would work with them. Chief Levy had told him he was concerned as to how water would be hauled in; fire ponds eliminate that concern and there are many sites in the TOG that are like this one and it is not a concern...*water* is his concern.

Brian Curtis addressed open space issues: he thought a good strip of it was in the TOD but Jonathan Bodwell countered that there is no part of open space owned by the TOD -- the other open space will be retained by the Wimlers.

M. Boord reported that the original subdivision plans were not delivered by certified mail; Leslie Kane said it was sent to the Regional Planning Agency. M. Boord said Durham's Town Planner said he didn't feel that what he was sent was the official notification to the Town of Durham. L. Kane said it was intended to be. M. Boord questioned that because notification for the TOD must go to the Town Clerk, this question needs to be resolved.

F. DeFelice questioned what improvements are planned for Crooked Hill Road. Jonathan Bodwell said they are proposing improving Crooked Hill Road from Banta Lane over the town line as the Durham developer did, adding catchbasins, drainage, etc, as required by the TOG PZC. L. Kane said the subdivision will be on the TOG PZC agenda for July 6th but it may be tabled. R. Primus noted that the concern which brought townspeople to the meeting tonight is that there is only one way in and one way out. First Selectman/Guilford Gene Bishop said the TOG made the offer to purchase the property and protect it as open space but they were turned down.

Joy Wooley said her concern is with school buses traveling over the already treacherous road and its danger to the children.

Luke Backus submitted a letter from concerned residents, attached to the minutes.

James Portley, Town Engineer/Guilford: said it would not be an impediment to the subdivision to not widen the road; there is no other reasonable alternative to use as an access; a dedicated road fund could be established for later use as the TOD did not want improvements made at this time.

E. Judson asked B. Curtis about the old farm road, i.e., if there was any benefit to putting in a road there. B. Curtis said it would be good to look into it so we would know what we are looking for but the TOG gradient is more stringent than the TOD's.

Bob Booz: questioned the surface water runoff and its impact on the road and properties. He noted that Mica Hill Road is a circuitous alternative route. He feels the problems in this subdivision are so great that the TOD really needs to look at it's actions carefully. J. Portley noted there is a good run off and there are provisions for detention basins. E. Judson wondered if plans for the old farm road included meeting existing TOG specs. J. Portley said a waiver could be applied for; in Guilford, the Board of Selectmen can issue a waiver over the roads.

Att'y Beatty said Guilford representatives were here tonight to see if Durham wanted to keep their road the same width or improve it. Chief Levy, who had returned from the fire call, said he understands that the TOG is the first responder -- he had discussed this and the equipment needed with Guilford's Ass't Fire Chief. It frightens him there is only one way in and one way out -- there are choke places; some driveways are up to 1,200' long and he wants to be sure they can do their job; would like access for the emergency services; would also like easements to be discussed. Wayne Vetre said Guilford expects to use underground static water sources. He had hoped to decrease the owner's insurance ratings.

Mary Ryan: said she is confused by the map, which contains land in Durham that is not part of the subdivision. Jonathan Bodwell said they needed to put it on the map to show the drainage. He added that road waivers are up to the Board of Selectmen in most towns; access still deals with TOD roads. She asked why the old farm road couldn't be considered for a waiver in Durham. J. Portley said that the property owner has the right to develop his own land and he has the right to go off that road. M. Ryan said the road is not in compliance with Guilford's own regulations and there are serious problems with the way the legal issues were noticed.

M. Boord asked to allow the Skating Pond Committee, which was scheduled to be on the Agenda at 8:00 p.m. to be able to proceed with their report at this time.

Report from the Skating Pond Committee

Present from the Committee: David Monroe, Don Guenther, Simone Howe, Mark Andrews, and George Frick. Mr. Monroe, Chairman, said the committee had asked town residents for input and the people they talked to preferred the present site. He noted that the south end of the pond is compromised. Ms Goodfriend, a naturalist resource consultant, gave them input as well as did engineers about wildlife, the berm, the soils and it was concluded that it was a safe and feasible site for skating for the Town of Durham. They propose:

- a. to maintain the pond site;
- b. proposed repairs to the berm all around;
- c. to install a weir to raise the level of the water;
- d. to recommend such to the Inland Wetlands and Watercourses Agency.

Re the vegetation in the pond: Ms. Goodfriend told the committee to either burn it or clip it to root level. There is a barrier sheet at the bottom but it rises to the top of the pond. In September, the question of

cutting the grass can occur. The water level is from 6" to a couple of feet, which has resulted from the breach in the berm causing a new channel on the south end. The committee had discussed a portable gas driven pump outside the berm a couple hundred yards from the Coginchaug River to add to the surface water but they didn't get figures on that. D. Monroe said they didn't prepare firm figures and they don't know if they should continue in that direction as a committee. They had talked to the IWWCA on a preliminary basis. M. Boord suggested they prepare hard numbers for the Board's consideration. The town has a \$50,000 grant and engineering expenses are an allowable expense.

G. Frick said he wants the town to pursue other sites. M. Boord said she expected the committee to come to the Board of Selectmen after all the research was done and if the majority feels this is the site, then they should get the hard numbers to fix it. D. Monroe said that extending the parking would encroach on the wetlands. The town has been trying to do a maintenance process. R. Primus said she wants to look at the report and talk about it at a future meeting. She asked if there are additional liabilities with saying it is a formal skating rink. M. Boord assured her she would check on it -- the committee meets next Tuesday. Trish Dynia said the IWWCA is expecting them to bring a plan to its next meeting on July 11th.

The selectmen agreed to consider another charge for the Committee.

Return to Crooked Hill Road

Bruce Gueble: the other two parcels in that subdivision concern him as there could be 80 homes erected by going through the owner's driveway.

Nick Vamvakis: asked if "practicality" [relating to the old farm road access question] meant money to be spent by the developer. M. Boord asked B. Curtis if they were referring to the cost. B. Curtis said yes, they were talking about cost and the impact on open space.

Mike McAuliffe: is widening of Crooked Hill Road a requirement for approval? E. Judson said he feels it was part of the plan that they must widen Durham's road.

Steve Levy said there is nothing for us to gain and nothing to lose.

Charlie Doe: expressed his concerns about the use of Mica Hill Road, by buses and cars, as an alternative to Crooked Hill Road for the subdivision access.

M. Boord said Durham's Board of Selectmen needs to follow the proper procedures and has confirmed the process to follow. To R. Booz, she said that the local traffic authority is the Board of Selectmen and the Board is asking the PZC to review the proposal and make a recommendation to the Traffic Authority. But Mr. Booz countered that the PZC has all they need. E. Judson disagreed; he is looking for the one thread to give continuity to this--does the 17' road prevent that subdivision from going through? B. Curtis said it is Guilford's decision. M. Ryan asked whether Durham's denial would affect the outcome of the Guilford vote.

Steve Burch: the people who presented the letter [from the concerned neighbors] are asking the Board of Selectmen to prevent this subdivision due to safety issues.

B. Curtis said when the Board of Selectmen makes a recommendation on the town roads, you must get PZC §8-24 review -- it is required to get that report.

Steve Levy suggested the Board of Selectmen should make it as difficult as possible for approval of the subdivision.

Frank DeFelice: agrees it is a safety problem -- the Board of Selectmen should send a letter to the TOG that Crooked Hill Road is substandard and it is not feasible for increased traffic.

Mr. Gueble: is the land sale final? Answer: it is still Wimler's property.

Charles Doe: asked if the selectmen are required to send the request for improvements to PZC if they are not in favor of the improvements. M. Boord responded that she will check with Attorney Thomas Byrne.

Babby Nuhn: has the same concerns as expressed by other residents.

Tom Kalitade: can't see a single advantage to widening this road. M. Boord said that if it gets approved anyway, the necessary public safety issues must be provided for. She said the Board of Selectmen will send another letter to the PZC. R. Primus concluded that the Board can't ignore that widening the road could increase the harm to Durham residents.

#### Southern Connecticut Country Breeze Century Bicycle Ride

This event will take place Sunday, July 24, 2005, and will use Durham roads. The proceeds will help support the C.H.A.I.N. fund [cancer]. MOTION M. BOORD SECONDED BY E. JUDSON, TO APPROVE THE USE OF DURHAM ROADS FOR THIS EVENT, PENDING REVIEW BY THE RESIDENT STATE TROOPER; 3 AYES.

#### Wilson suit

M. Boord reported she, Ernie Judson, Renee Primus and the town received a Notice of Action from Attorney Ralph Wilson relative to the proposed bypass. She has been advised by counsel that the Board doesn't need to do anything individually. The matter has been forwarded to CIRMA, the town's liability carrier.

#### FOI Stipulated Agreement

M. Boord noted the complainant agreed to the settlement as it was drafted. Disagreement raised as to how the settlement was reached.

#### DECD Award

Durham's application for Small Cities funding has been approved for the Town Hall Removal of Architectural Barriers in the amount of \$520,000. M. Boord said she would sign the papers tomorrow; no construction contract can be signed until the documents have been properly executed.

#### Old/New Business and Update from the First Selectwoman

1. Letter from Kenneth Hughes praising the town's public works department.
2. Letter from Liberty Bank requesting a nomination for the bank's 5th annual Community Diversity Award.
3. Two bids have been received on the firehouse repair work:
  - a. Rosa Construction \$65,000
  - b. Pioneer Builders \$42,600

Quisenberry Arcari Architects is reviewing the bids and CIRMA has also received copies.

4. Letter from Rosa DeLauro about competition to name the 100 Best Communities for Young People. M. Boord has given the paperwork to Sherry Hill, Recreation Director.
5. The Exchange Club cleaned up Pisgah Mt, assisted by the Boy Scouts and the Conservation Commission members. At the Middletown River cleanup, Durham had the most volunteers.
6. A design for the water project has been submitted to the DPH by Weston & Sampson.

#### Selectmen's Concerns

R. Primus:

1. Expressed her disagreement with the way the settlement of the FOI complaint was reflected.
2. wants to obtain an accounting for town hall renovations on a bi-weekly basis.

E. Judson:

1. He is glad the FOI complaint was settled.

Adjourn

MOTION E. JUDSON, SECONDED BY M. BOORD, TO ADJOURN THE MEETING AT 10:30 P.M.; 3 AYES.

dda