

**BOLTON BOARD OF SELECTMEN
FACILITIES & PUBLIC SAFETY SUBCOMMITTEE
Special Meeting
6:30 p.m. TUESDAY, July 16, 2024
BOLTON TOWN HALL, 222 BOLTON CENTER ROAD
In-Person and Virtual (Hybrid Format)**

MINUTES

Facilities & Safety Subcommittee Members Present In-Person: First Selectman Rodney Fournier, Selectmen Gwen Marrion, Tim Sadler and Pamela Sawyer

Staff Present In-Person: Town Administrator James Rupert, Buildings and Grounds Supervisor John Butrymovich (left meeting at 6:58 p.m.)

Staff Present Via Zoom: Recording Secretary Linda H. McDonald

Others Present In-Person: Selectman Mather Clarke, Deputy First Selectman Robert Morra

Others Present Via Zoom: James Loersch

1. **Call to Order:** R. Fournier called the meeting to order at 6:30 p.m.

2. **Approval of July 1, 2024 Meeting Minutes:** T. Sadler MOVED to approve the July 1, 2024 Special meeting minutes as presented. G. Marrion SECONDED. MOTION CARRIED 3:0:1 with P. Sawyer abstaining.

3. **Heritage Farm Trail Update:** G. Marrion said she, Town Engineer Joe Dillon, J. Rupert and Arlene Fiano (Heritage Farm Commission) met this morning. From prior discussion the group felt that the portion of the trail path that goes from the Heritage Farm driveway down the hill toward Brandy Street should be lifted to the top of the slope. It was learned today from J. Dillon that once a path is moved that is on municipal property out of the right-of-way of a street, ADA requirements kick in and regulations that require a 5% maximum grade and changing the slope to meet the 5% would require a lot of re-design. The plan is to keep the path down next to the shoulder. The group talked about drainage. Another topic of the group's discussion this morning was the route between the corner of the parking lot behind Town Hall over to Heritage Farm and the group agreed to move the path north to hug the tree line once it gets beyond the wetland area rather than meander through the field as shown on the Heritage Farm master plan. G. Marrion said there is no design at this time for the section from the end of Brandy Street over to the high school.

J. Rupert noted that the route that was chosen immediately behind Town Hall also has the lowest wetlands impact. Part of that route will extend into the wood line, so some of the wood line will be cut away.

G. Marrion said the recommendation from the town engineer is to get the section from the Town Hall and the bottom of the hill built first. She said the next step is for the town engineer to have a meeting with CRCOG.

4. **Discussion on Cubles Drive:**

J. Rupert said the goal as the subcommittee is going to be to make a recommendation to the full board about what the town does regarding the conversations had regarding Cubles Drive. He said he thinks, looking at the consensus based on the discussion that has happened around the board at the meetings, they feel that Cubles Drive deserves some attention that is different from the rest of the private roads in town because it is such a major thoroughfare for emergency vehicles, school buses, and delivery drivers communicating neighborhoods in Vernon and Bolton. He said the road was paved when the sewer project went in and the Town of Vernon does maintain it for every snowstorm, plowing the Bolton section as well. He noted the original idea when that subdivision was created was to have an association to actually take care their private roads. The association has failed to fulfill their obligations to file reports with the Secretary of State so there is no money, no association and no ability to care for the road. J. Rupert said, it is his recommendation if the board decides to take care of the 150-foot section of the road that the board does not take ownership of the road. He believes these are two separate and distinct things and the board can make that decision and put their reasons for the decision on the public record so that it does not set a precedence when it comes to other private town roads.

P. Sawyer said she would like to see the town take distinct and clear ownership of that section of the road so that it is separated from the other private roads and would give the town verbal rights and legal rights.

T. Sadler asked, if the town took over maintenance of the road would there still have to be an association formed and would there have to be a maintenance agreement signed between the owner and the town. He also asked if there is liability insurance associated with taking over the maintenance of the road.

G. Marrion commented the people living on Cubles Drive are motivated to have the town own the road. She said they should pay to revive the homeowners association in order to create a deed to transfer the property to the Town of Bolton. She commented on reasons why she would prefer the town take ownership over just taking over maintenance of the road.

P. Sawyer said her take of the situation to create a revitalization of the homeowners association would take a lot of effort and the landowners, some elderly, may not have the finances to do so. She said the town could take the road by eminent domain. Discussion followed on the expense to the town associated with this suggestion and the difficulties associated with reviving the homeowners association.

J. Rupert asked the question could the town take the road for non-payment of taxes.

T. Sadler asked if the Town of Vernon encountered this exact same scenario when they took over their portion of Cubles Drive. R. Morra volunteered to reach out to the Mayor of Vernon for an answer for the possibility that they might already have a solution to the issue for Bolton.

R. Fournier summed up the action items:

- Talk to the Town Attorney to find out what it would take to take the road by eminent domain.
- Find out if there is a liability for taking on the maintenance if the town owns the road versus not owning the road.

- R. Morra will find out what was done in Vernon when the town took over their portion of Cubles Drive.

J. Rupert summarized his action items as:

- Talk to the Town Attorney to find out what it would take to take the road by eminent domain.
- Find out if the homeowners association needs to be revived in order to make a property transfer to sell the portion of the road to the town for a nominal fee.
- Can the road be taken for non-payment of taxes? Discussion followed on how taxes are collected on other private roads.

J. Rupert said he will contact the Town Attorney in the morning.

5. **Adjournment:** P. Sawyer MOVED to adjourn the meeting at 7:12 p.m. T. Sadler SECONDED. MOTION CARRIED 4:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.