Board of Selectmen
Municipal Office Complex
Meeting Rooms 1 & 2
January 14, 2025
Special Meeting Minutes

Selectmen Present: I. Haines; T. Bourgoin; E. Dill
Also Present: L. Zemienieski and other members of the public

1. Call to Order and Pledge of Allegiance: First Selectman Haines called the Board of Selectmen's meeting to order at 5:02 p.m. and the attendees said the Pledge of Allegiance.

2. Discussion of Private Roads Maintenance

   Ms. Haines provided opening comments and stated that this meeting is the first of two scheduled to discuss and help determine what the Town's responsibility is for the maintenance of private roads. She noted that the only written guidance the Town has regarding this issue is a statute that was approved in 2014 stating the municipality's responsibility for same. She asked the public to provide any information they have about their understanding of what may have been agreed to in the past between the Town and their communities.

   Ms. Haines acknowledged that the Town was at fault for its lack of communication about discontinuing snowplowing and sanding the roads in the affected communities.

   In response to a request from Ms. Bourgoin, Public Works Director Velez advised that the decision to discontinue plowing the private roads that have historically been plowed by the Town was based on several factors: she did not feel that Public Works could continue to plow some, but not all, of the private communities' roads, the Town needs to concentrate on the Town-owned roads for which they are responsible, and plowing contractors have complained about the challenges of plowing in private communities and the resulting damage to their vehicles. Ms. Velez responded to several questions from the public.

   Ms. Haines asked for a respectful discussion and opened the floor for public comments.

   The following comments were raised:

   - Marlene Tyson – expressed her frustration with the current administration of the Public Works Department. She stated that the frustration, along with other issues, has resulted in her consideration of moving out of East Haddam. She discussed her concern about safety issues if the roads in the Moodus Estates are not plowed and sanded and stated that it is not true that the plow trucks cannot get through her community's roads.
   - Susan Hollander – advised that she was an insurance claims investigator and read a prepared statement. She requested the Town reinstate its snow removal services to the

private roads immediately. She noted that this service to the private communities in question had been a practice for over 46 years because the Town felt morally obligated to do so to allow emergency vehicles to get through when needed. She stated that she has an article from the March 11, 1978 edition of the Middletown Press confirming that statement. She reviewed the impact of the Town's action on the affected communities and stated she feels the Town is placing an unfair burden of proof on the residents of the private communities. She stated she would prefer the residents of those communities not have to pursue legal action.

- Steven Hollander – stated that he believes the private roads under discussion are listed in the Town's contract with the Teamsters Union. He encouraged the Town to get a legal opinion on what their responsibilities are regarding the maintenance of private roads.

- Ira McCollum – advised that he had asked Land Use Administrator Ventres last year if Moodus Estates has an association and stated that the community does not get full participation in its collections for road maintenance.

- Patrick Lacy – provided the Board members with copies of the documents referenced by Mr. Hollander.

- Alexis Devlin – stated that she is a real estate agent and confirmed that many of the private community associations are now defunct. She also advised that the Assessor had told her that her taxes are high because she has a "water view". She stated that she feels that is discrimination.
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- Alicia D'Argenio – stated that when her parents brought their house in one of East Haddam's private communities, the seller had to provide the mortgage company with a letter stating the Town will plow the community's roads for emergency vehicles. She expressed concern about what the mortgage company might do if the Town stops plowing the roads and whether or not she will be able to get property insurance. Ms. Haines confirmed that the Town is required by statute to clear the roads for emergency vehicles and the Towns is in compliance with that requirement.

Several citizens questioned the effectiveness of the Town's statutory policy to get emergency vehicles to their properties.

- Michael Masci – advised that he had been laid off from the Town's Public Works Department. He stated that if there is an emergency a day or two after a storm, the response time to get someone out to clear the roads for an emergency vehicle would not be immediate. He disputed Director Velez's statement that there is a coordinated response between emergency services and Public Works and noted that discontinuing plowing and sanding private roads was discussed in the Department prior to his lay off on July 25, 2024.

- Ward Hunt – questioned the process of dispatching the public works department in an emergency to a private road residence.

- Ruth Masci – stated that she had brought up the potential impact of the lay-offs at Public Works at the August Board of Selectmen's meeting and also at a subsequent Board of Finance meeting. She stated that she feels the taxpayer's dollars are not being well managed by the Public Works Director.

- Dale Duby – discussed the coordination, post-storms, between Public Works and the Town's emergency services and, in response to her query, Ms. Haines agreed that she does not believe that the current system provides a consistently safe transition for emergency vehicles to access residents on private roads.

- Donna Marie – stated that she is a senior citizen and noted that a significant proportion of the Association residents are also senior citizens. She expressed her concern about the ability of emergency vehicles to make it into her community if the Town does not clear the roads.

- Faith McMann – stated that a not insignificant portion of the ambulances that respond to serious health emergencies are dispatched from out-of-town and expressed her concern that, in those cases, Public Works would not be notified to come to clear the roads for them.

- Liz Robida – stated that she is an Animal Control officer in East Haddam and works an overnight shift. She noted that many people in her private community have to get to work and are impeded in doing so if the roads are not plowed and sanded. She asked how many private roads the Town had previously been clearing.

- Martha Cohen – stated that all Town residents have a right to have emergency services provided and stated that she feels the Town stopped taking care of a safety issue. She asked if any exercises have been done to come up with a viable solution to this issue and stated that the Town's emergency response employees should not have to be at personal risk to do their jobs.

- Shawn Toper – noted that the risk has been minimal with the recent mild winters; however, it will be increased substantially if/when a large storm comes through.

- Steven Cohen – noted the steep entrance to the Sipple Hill community and stated that the Town is putting its residents at risk during icing events.

- Carol McCollum – expressed concern about their personal safety in an emergency situation and stated that residents of private communities are already paying for the plowing services through their taxes and she hopes those services will continue.

- Al Consiglio – in response to Mr. Consiglio's inquiry, Ms. Haines took responsibility for the decision to discontinue plowing and sanding the private roads. She reiterated that the purpose of this meeting is to hear from residents about what they have been accustomed to, which roads had been plowed and which had not, and any "gentlemen's agreement" or grandfathered clauses of which the private community residents are aware. She confirmed that she has not yet made any decision about whether or not to resume the regular clearing of the private roads.

- Martha Cohen – stated that she believes there are a small number of miles, compared to the rest of the Town, in the private communities affected. Director Velez stated that there are 72 private roads in East Haddam and she feels it would be unfair to selectively choose which the Town should maintain. She reiterated that contractors have complained to her about damages to their vehicles from plowing the private roads and confirmed that she has gone out and inspected the private roads being discussed.

There was a general discussion of the citizens' overall frustration with the situation and their concerns about safety.

- Michael Sewell – advised that the Lakeshore Association roads have been plowed by the Town for 60+ years and stated that he had been told that they were grandfathered in for the service. He stated that he is confused about why this has now become a problem.

- Laurie D'Aquila – stated that she is representing the East Haddam Ambulance Association and also speaking on behalf of the residents of the affected private communities. She stated that EHAA's average response time is 12 minutes and expressed her gratitude for the Public Works employees that come out to plow and sand the roads ahead of the ambulances; however, she noted the difficulty the EHAA has in responding to emergency calls when that coordination does not happen smoothly.

- Alicia D'Argenio – stated that the town is asking for documents residents might have regarding this issue. She asked where they should send those documents. Ms. Haines noted that they can be dropped off at the Selectman's Office.

- Paul Dapkus – expressed his concern that an icing event this winter had made it very difficult for the children in the community to get to the school bus stop. He stated that the Moodus Lake community maintains its own roads and he takes exception to the comment that they are not passable. He suggested that the next meeting on this issue be held in a larger venue because of the significant interest in the topic.

- Marybeth Mordecai – noted her perception of several discrepancies in the First Selectman's previous comments. She stated that there is a good deal of documentation regarding the Town's history of clearing the private communities' roads in newspaper articles and association minutes if the Town wants to research it. She quoted a former First Selectmen's comment that he felt "morally responsible" to continue to plow those roads.

- Patrick Lacy – in response to a question from Mr. Lacy, Ms. Haines described how the Town's annual snowplowing budget is determined and what happens to any balance in that account at the end of the fiscal year. Mr. Lacy suggested transferring the taxes paid by residents with no children in the Town's school system from the BOE budget to the snowplowing budget and Ms. Haines explained why that is not a feasible proposition. She confirmed that, in general, the Town needs more funds to maintain its roads.

- Ira McCollum – reiterated that they cannot collect dues and there is no active association nor method to enforce collections.

- Stanley Kaczmarczyk – noted that the roads are damaging their cars. Some residents can fix the roads in front of their houses, but others cannot afford it.

- Sabrina Summit – advised that there is no legal document that will compel an owner of property in Moodus Estates to pay any fees.

- Steven Cohen – noted there is no enforcement mechanism to force association residents to pay dues. He stated that they are all residents of East Haddam and pay taxes and at the very least should be able to have their roads plowed and sanded.

- Ed Gubbins – noted that they are not asking the town to fix the roads but at the very least clear them so that emergency vehicles and get to the residents in an emergency.

- Marybeth Mordecai – noted that there may be a storm this weekend and she asked if the town was able to call a contractor in to take care of their roads. Ms. Velez noted that they have contractors on standby.

- Paul Dapkus – noted that there were and additional 30 people viewing the meeting on-line.

Ms. Haines noted that this is a Board of Selectmen's meeting and she wanted to give the other Selectmen an opportunity to speak about this issue.

Ms. Bourgoin reiterated that this meeting was meant to be a fact-gathering effort. She stated that she had not been aware that Public Works had stopped plowing and sanding the roads of the affected private communities until she had received emails about the situation in late December. She encouraged the residents of those communities to share their knowledge of the road maintenance services that the Town has provided them with in the past.

Mr. Dill thanked the participants for coming out to speak with the Board about this issue. He stated that he is not involved in the day-to-day operations of the Town so, he too, was unaware until very recently that the Town had stopped clearing the private roads but noted that it may be within his and Ms. Bourgoin's purview to participate in the decision about what will happen going forward. He recommended that the Town return to the previous

policy for the duration of the 2024-2025 winter and revisit this conversation in the milder months. Ms. Bourgoin agreed with his recommendation.

There was a general discussion about the Town's previous participation in the upkeep of private roads. One of the citizens requested the First Selectmen provide a 3-year history of the expense for contractors to plow and sand the private roads. Ms. Velez stated that she can provide a 2-year history; however, the budgetary records prior to her assuming the position as the Town's Public Works Director, are incomplete. There was also a request that the First Selectman provide an average cost per mile for the Town's overall road maintenance.

Ms. Haines encouraged the participants to attend the Town's upcoming 2024-2025 budget workshops.

9. Adjournment: There being no additional business to discuss, a motion was made by Ms. Bourgoin, seconded by Mr. Dill, to adjourn the meeting at 6:45 p.m.

Recorded

Respectfully submitted,
Erik Dill, Secretary