



Town of Clayton
Street Committee Meeting Minutes
Wednesday, March 6, 2024
Town Hall, 414 Main Street, Clayton

Attendance:	Chairperson:	Mr. Carrow
	Committee Members:	Mr. Paisley Mr. Pedigo
	Councilors:	Mayor Smith
	Staff:	Robert Cote, Town Manager David M. Ross, Director of Public Works Melissa Knight, Recording Secretary
	Guest:	
	Absent:	Ms. Spencer

1. Call to Order

Mr. Carrow called the meeting to order at 5:30 p.m.

2. Old Business

3. New Business

- a. **Obtain funding to extend the walking path along N. Bassett Street from the Railroad Crossing on the curve by Delaware Auction to Industrial Blvd.**

Mr. Carrow turned this portion of the meeting over to Mr. Paisley.

Mr. Paisley – I received a message from Senator Hoffner; she expressed some interest in helping the Town with any issues that were popping up transportation wise that would qualify for CT Funding. The first thing I thought of was the sidewalk. I have some pamphlets to illustrate the area in question. The sidewalk begins on the East side of the Middle School, snakes behind the High School, comes out and goes all the way up to Schwan's before it will connect to the downtown sidewalk network. That area I know has been a point of interest for a long time because of the lack of sidewalk forcing pedestrians out into the roadway, as everybody here knows this is a very busy section of road and a safety hazard. The Senator, after I met with her,

discussed this at Legislative Hall sent in a request to DeIDOT for CT Funding and before they can begin the initiation process they would like the Town to issue a quote. They requested that we solicit the quote for the section of sidewalk to be submitted to her and DeIDOT. That is kinda where we stand. I told her an issue like this would go through the Street Committee to make a recommendation to the Mayor and Council before being approved by Council. That is why it is being presented tonight.

Mr. Carrow – Is everyone aware of the sidewalk/walking path that we are talking about. The sidewalk/walking path on the curve of N. Bassett Street that crosses the Railroad tracks and ends prior to Schwan's, basically tying the walking path to the sidewalk on the South side of Industrial Blvd to make one continuous sidewalk/walking path, that will give the citizen's the ability to go from Main Street to the High School. What would be our job in this project? Would we have to get bids? Would the Town need to reach out to the businesses in this area that are going to be affected or DeIDOT?

Mr. Paisley – To be completely frank, I do not know. I know the next process is to obtain a quote for the project before DeIDOT can do anything we have to get that quote. Certainly, at some point there would have to be a conversation that we could work out between the Senator as to whether DeIDOT would reach out to those businesses or if need to reach out to those businesses to say we are initiating those plans. I certainly think they would welcome it. The issue that would have to be determine through this whole process what else is involved besides just the sidewalk. Because as the Director of Public Works knows there is drainage in that area. Do the pipes need to be moved or not be moved and that kinda all has to be determined through this quote and she could send that in to DeIDOT for further evaluation. To be perfectly honest as to who will initiate that conversation I do not know. We would just have to coordinate with her office and DeIDOT, I believe.

Mr. Pedigo – What about the other underground utilities?

Mr. Carrow – I believe the electric and gas is on the other side of the road.

Mr. Ross – I would be more concerned about the right-away or easement that the Town will have to forfeit to them for the sidewalk/walking path.

Mr. Pedigo – We would definitely need to have an easement temporary and permanent.

Mr. Ross – I believe this project was shut down originally by Brother's and Schwan's to go across the property.

Mr. Paisley – We do have an ordinance that will override that very quickly. We can require a business to install a sidewalk, but no one wants to pull that card.

Mr. Pedigo – Per construction wise you would need to have a temporary easement and permanent easement for the sidewalk itself.

Mr. Paisley – Would that be the state or?

Mr. Pedigo – It would need to be in agreement, I believe, signed by the Town and the business, but we would have to take in consideration that they would have to clean their sidewalk also. This would be a good question for the Town Solicitor, what we compel them to do and what we require them to do.

Mr. Paisley – What do we do now, Mr. Ross? Do we do anything for them or do anything along that path?

Mr. Carrow – We do not do any kind of maintenance on the path. If the path needs to be repaired, I believe it would fall under our Sidewalk Ordinance.

Mr. Pedigo – What would our proposal be an ADA accessible or multi-use path?

Mr. Carrow – I think it would be an extension of the multi-use path, blacktop.

Mr. Pedigo – That would make it legal for bikes to use, by law bikes are illegal on sidewalks.

Mr. Ross – It is whatever you want to pay for.

Mr. Paisley – There is no benefit of one or the other.

Mr. Smith – If you read into the ordinance if it is a multi-use path it doesn't fall into the stipulation the snow has to be removed it's just the sidewalks that are required. That would relieve the business owners from clearing the path.

Mr. Pedigo – The multi-use paths from my experience have mostly always been hot mix. Hot mix can last. It doesn't crack or break as easily and doesn't fracture like sidewalks do.

Mr. Carrow – I would think it would be the cheaper way to do it.

Mr. Pedigo – The base is pretty much the same, paving it you just lay it down with concrete you're dealing with forms and breaking the forms down is more labor intensive.

Mr. Paisley – Excuse a foolish question. So a multi-use path is not a form of a subdivision sidewalk. Is it a completely different thing?

Mr. Pedigo – Yes, it is a completely different form of transportation for multi-use walking, riding bikes, etc... Sidewalks by legal standpoint are only to be used by pedestrians.

Mr. Paisley – Mr. Cote, do you know if we have anything in the Zoning Ordinance for multi-use paths?

Mr. Cote – I would have to look, I'm not readily available.

Mr. Pedigo – I don't think we have that many in Town, if we have many it's not very much.

Mr. Paisley – The only thing I worry about is we have an ordinance for sidewalks and making sure they are clear, not sure how that would relate to multi-use paths.

Mr. Pedigo – It is a form of pedestrian transportation and the spirit of clearing sidewalks is to insure most pedestrian movement, so one could argue it's a form of pedestrian movement that should be cleared. But, I don't know if our Code Enforcement Investigator - I'm not saying he wouldn't cite anyone for it but legally if someone fought it I don't know if we could stand behind it. But if we make something ADA accessible, that is what a multi-use path is an ADA accessibility does allow you to get into the legal field of ADA accessible so if you don't clear it and someone falls under ADA accessibility rules wouldn't be able move in that area.

Mr. Paisley – Is there ADA sidewalk specification?

Mr. Pedigo – Yes, there are specifications; there is a certain slope and cross slope has to be in a certain degree of slope and cross slope has to be so many feet wide, I believe 5' they will allow 4' but you have to give an explanation of why it cannot be any wider. You have to have the raised red domes as you come down to an intersection for vision impaired so they have to come to the end of the sidewalk. It has to taper out flat to the street, that sort of thing.

Mr. Carrow – I'm not sure if the sidewalk at Bassett Street is ADA. The last house on that street there is a pretty good step off.

Mr. Pedigo – If there is a design reason for why it can't be built they will allow something to go or won't touch it.

Mr. Carrow – So basically what they want is a number or cost to do this. Before we even look into the who, where and stuff like that. So what we need to do as a committee is to decide to go forward attempting to get prices that we can go back to the Representative to see if funding is available and then go from there. So we are looking for some type of action to move forward with. The next step will be a cost estimate for the multi-use path cheapest way and continue the method of what is already there. Not only do we want to get pedestrians off the street but also bicycles off the street.

Mr. Paisley – I agree with you my only reservation here is we have established ordinance to compel the installation of a sidewalk. Unless, I may be mistaken, I've never seen an ordinance that gives us the permission to compel the installation of a multi-use path. So if push comes to shove we would have to have, if I'm not mistaken, permission of each business to install that. It's easier if you have a sidewalk ordinance that says that push comes to shove we can compel to have this.

The reason to bring this up is I would hate to get further down the road and we have come to road block.

Mr. Carrow – So does the committee want to inquire for a quote for both the multi-use path and sidewalk? If we have both quotes then we are able to get in touch with the businesses in the area present and them with the proposal for the multi-use path, if they are not in agreement then the Town will be able to fall back on its Sidewalk Ordinance.

Mr. Paisley – How much is the form for a sidewalk?

Mr. Ross – It is per square foot.

Mr. Paisley – It is roughly 100 ft. long.

Mr. Ross – It's 100 yards, estimate of \$10,000 to \$15,000, no cost to get a quote.

Mr. Paisley – Let's get both.

Mr. Carrow – Are we in agreement to get a quote for both a sidewalk and multi-use path? First option would be the multi-use path and if not we would have the sidewalk that we could do.

Mr. Paisley made a motion to recommend that Council solicit two quotes one for multi-use path in exhibit denoted here this evening and another for a sidewalk within the same path, seconded by Mr. Pedigo. Motion carried unanimously.

Mr. Carrow – Mr. Paisley, if you would work with Mr. Ross on this project so that we are all on the small page of what you are talking about. You can talk to Senator Hoffner to let her know maybe she would like to accompany you to speak with the businesses in regards to the project.

Mr. Pedigo – If you need any guidance of what CTF will look for, reach out to me. CTF Manager is my supervisor. So I can address those items with him.

Mr. Cote – If I could make a comment on that as well; with working with CTF extensively lately one thing that will come across if it does get passed and ends up going into an agreement. The agreement is sent over to the Town Manager or Mayor whatever is on there the stipulation that this project is done in accordance with Town Procurement Policy and we do not have one right now. We only have drafts but nothing approved. They recommend following the States Procurement Policy which I have been doing since I've been in this position. With that being said, if you are estimating this is 100 yards, 300 feet, I can probably guess it will new three (3) quotes. I would probably consider more than one (1) quote.

Mr. Paisley – Three quotes to present to DeIDOT.

Mr. Cote – No, because of the dollar amount of the project of concrete, hot mix or whatever way we went the with, I think the dollar amount will exceed \$50,000. So, I think the three (3) quotes is the better option here especially with it not being our funds.

Mr. Carrow – I think what Mr. Cote is saying here is we need \$55,000 and we put out to bid and it's \$60,000 it's more then what we asked for. If you have a couple of different quotes so you take the highest figure and don't have to go back to ask for more funding.

Mr. Smith – If you are getting the funds from the State they are going to require that you have three (3) quotes versus the one you are used to working with.

Mr. Cote – The dilemma, this is a bad choice of words. Anytime you deal with Public Works, this is a Public Works type of event your threshold is less then Professional Services like accounting or auditing. That threshold now with all the changes is well over \$150,000 where Public Works I don't have the form in front of me I think \$50,000, rings a bell. I'm just hearing 300 ft. or 100 yards – I mean looking at other quotes that we had done recently with just smaller repairs around town this will be costly and I don't think this should be a deterrent to have it done because it sounds like the CT Funds are there and Senator Hoffner is definitely advocating on our behalf but I just want to make sure we dot our I's and cross our T's and make sure if an audit was to occur that we have all that stuff documented. That would be my recommendation.

Mr. Carrow – So, you guys work on that. You already have your contact with her to move forward and bring to Council the information for the packet to discuss and vote.

b. Replace a section of sidewalk on the Town's property on S. Bassett Street and Smyrna Avenue

Mr. Carrow – There is one section of sidewalk that is approximately 30' that is pretty crumbled up and in really bad disrepair. I have noticed a couple of times like when we have our moves there, now just afraid someone is going to trip plus we have this as part of our ordinance. If it's part of the sidewalk that needs to be replaced, we can hold the property owner accountable for it. We certainly want to do it to ourselves too. Mr. Ross, have you received prices on this project yet?

Mr. Ross – Yes, but it is outdated now.

Mr. Carrow – So basically, we are looking for authority to send to Council for the Public Works Director to get bids of replacing that section of the sidewalk.

Mr. Pedigo – Will it be the sidewalk and curb or just the sidewalk?

Mr. Ross – Yes, it'll be the curb one piece.

Mr. Cote – I know that you said it was outdated, but do you happen to remember what that quote was?

Mr. Ross – It was around \$6,800.

Mr. Cote – So, we would only need one quote.

Mr. Smith – I mean if you are looking for a motion among the committee, once you have the quote just bring it back to Council. Nothing that you are requiring needs to come back to Council yet.

Mr. Paisley – You mean get the quote and then come back to Council.

Mr. Smith – Council will need to approve signature. Just throw it on the agenda at that point.

Mr. Carrow – Is there a threshold so it doesn't have to come back to Council to get fixed if it's a safety issue and stuff like that?

Mr. Cote – The way that we have been operating it and this again is up to Council. If the budget has been approved and there is a line item in the budget an expense line. Let's say this is \$60,000 and I have street repair and I have \$10,000 in Street Repair, it's approved because this item would go under repair where it would need two signatures either the Town Manager and Mayor or the Mayor and Vice Mayor.

Mr. Smith – So, as long as it is agreed upon by the Director of Public Works and Town Manager that's where we want to expense it out of if the intent is to expense out of the Street Capital Reserve that will need to go before Council to approve.

Mr. Cote – Just for the committee's awareness and I know we have some Council – the Street Capital Reserve is sitting at \$107K and Capital Improvement is sitting at \$537K and Municipal Street Aid is sitting at \$325K so there is money out there. Like the Mayor stated if the project is not a line item approved in the budget or the committee recommends to Council to consider taking the funds from one of the reserve accounts those accounts are not budgeted.

Mr. Carrow – No action is needed. I'll just ask the Director of Public Works to go out; get a cost. We will add this item to the April's Council Meeting Agenda and where he would like the funds to be expended from.

c. Deteriorated sidewalks in Town limits (2 on Washington Avenue)

Mr. Carrow – The two (2) sidewalks that are in disarray are former Senator Vaughn's house and 201 Washington Avenue.

Mr. Ross – I think there are several on that street – three (3) or four (4) as well as a spot on Clayton Avenue. It's not the entire sidewalk it's the tree that is causing the

sidewalk to buckle. It goes back to whose responsibility is it the homeowner per the ordinance or is it ours (the town).

Mr. Paisley – The sidewalk itself is the homeowner's responsibility, the tree is the cause of the sidewalk to buckle; until the tree is addressed. Unless there is another method that I am not versed in. The tree is keeping the tree root elevated.

Mr. Carrow – To repair this area the tree would need to be removed and then the sidewalk can be repaired.

Mr. Paisley – Correct.

Mr. Ross – Would the town incur the cost for the removal of the tree and repair of the sidewalk?

Mr. Paisley – That would be decided by the committee.

Mr. Ross – The town has an ordinance that supports the homeowners are responsible for it.

Mr. Paisley – Yes, it does. The ordinance gives the homeowner's options – the residents can agree in writing to pay in full within 90 days with no interest or under \$2,000 permit to pay the costs in five (5) years with interest or cost exceeds \$2,000 permit to pay the costs in ten (10) years with interest or there is a specific contractual agreement. The Town may need to get the Town's Solicitor involved with this particular sidewalk since the tree is the issue of the sidewalk buckling.

Mr. Pedigo – The ordinance says what it does. I know in my experience you have a tree root growing up the sidewalk you can't just take the root out, you cut one root out you will probably kill the tree. It will definitely make it unstable and may kill the tree. It will be more problematic when it does fall in the road potential damage to property owner's houses. The other thing to consider is that if the tree is under the sidewalk it has the potential to go under the curb and in the road causing more problems that will be ours.

Mr. Paisley – Read portions of the ordinance to the committee members.

Mr. Smith – First, the notification needs to be mailed to the homeowner regarding the sidewalk.

Mr. Paisley – You need to allow them three (3) months to comply. If we are compelled to take that route.

Mr. Smith – If we do take that route and just do it you have opened that door for the remainder of the town.

Mr. Carrow – I thought we had done that before, where we used State funds to replace sidewalks in town. With using State funding, it takes the burden away from

the family. Where we go to a Representative asking to address these areas or others areas.

Mr. Pedigo – It was probably through CTF. The issue is the removal of the tree may not be covered.

Mr. Smith – Mr. Carrow and Mr. Paisley – I received an email from the Grant writer with UofD so let me know what the projects are.

Mr. Paisley – The UofD has a Grant Assistance Program for Municipalities where they have a service come in to assist us in writing grants to offset those costs. The sidewalks that were repaired the by State skipped some because the sidewalks weren't in disarray.

Mr. Cote – May I make a recommendation. I recommend that we use the ordinance that Mr. Paisley just reviewed with the committee, we just went through that ordinance a month ago and recently approved. This will give us the chance to utilize that ordinance and like the mayor was saying, send notification to the resident or residents in that area and see how they respond in the 90 days. If it comes back as a hardship or we cannot utilize the financing options inside the ordinance, then we can look at assistance through a Representative or Senator through CTF. The Mayor did bring up a good point once we have opened up the floodgates of giving assistance to one resident; it could be a standard or requirements. My recommendation to the committee and Council is to utilize the ordinance that was just put into place and just to see how the residents respond and go from there.

Mr. Pedigo – I'm in agreement with that. We put an ordinance in place for a reason.

Mr. Carrow – That would entail, the town crew or whoever sending a letter to that homeowner we have identified their sidewalk being deficient and list the ordinance and bring their sidewalk up to code.

Mr. Cote – It says in the ordinance I believe says the Town Manager or designee, my designee is the Code Enforcement Officer so with that being said this is an infraction against ordinance such and such. That is as simple as Mr. Quackenbush putting together a formal letter from the town mailing it certified. He can certainly work with the Town Solicitor. The time clock would start. He can work with whoever takes my place, the Mayor or Mr. Ross but if we didn't have the Code Enforcement Officer I would be asking the Public Works Administrative Assistant to send the letter. The infraction is against an ordinance and that is what they are slated to do. That would be my recommendation.

Mr. Carrow – That makes since that way Mr. Ross doesn't have to deal with it.

Mr. Paisley – The ordinance says it has to go to Council to be approved. So do we need to send it to Council?

Mr. Smith – It's an ordinance so it's already approved.

Mr. Carrow – The Code Enforcement Officer has the ordinance approved by Council that section is explaining that if the resident is having financial hardship that Council would make a decision on how they would proceed with the funding going through Representative, Senator etc... I would like Mr. Ross to speak with the Code Enforcement Office in regards to the couple areas on Washington Avenue and Clayton Avenue.

I do not have anything else. I would like for Mr. Ross to give us an update on the paving project which we discussed at the latter part of the year. He will revisit these issues for updated pricing. The repaving on Wilson Avenue if we would need to have three (3) bids due to the cost. Mr. Ross was not sure of the dollar limit, this will be researched and the information will be provided to Mr. Ross. The repaving project was approved by Council; we just need to provide Council with an updated quote. Mr. Ross would like to give the plant some time to get up and running before we have the black top put down. I am thinking May. The plant opens March 22nd, that would give them plenty of time to get up and running.

Mr. Carrow wanted to thank Public Works for their hard work installing the street lights. I would like to revisit some dark areas in town to see about installing lights.

Mr. Smith – I think the biggest lighting issue is the intersection at Main Street and School Lane. It is pitch black. Not sure if we as a Town can do anything in the area or not.

Mr. Ross – The jurisdiction for that pole is DPL.

Mr. Pedigo – He could check with a friend to see how many departures were reported there to see if lighting could be installed.

Mr. Ross – The town pays for the lighting on the Wheatley's Pond Road.

4. Scheduling of Next Meeting

No meeting scheduled at this time.

5. Adjournment

Mr. Pedigo made a motion to adjourn the meeting at 6:22 p.m., seconded by Mr. Paisley. Motion carried unanimously.