

SPECIAL BOARD OF SELECTMEN'S MEETING
November 1, 2005

Call to order:

The Board of Selectmen's Meeting was called to order at 7:00 p.m. by First Selectwoman Maryann P. Boord in the Durham Public Library. Board of Selectmen present: Maryann P. Boord & Renee J. Primus. Absent: Ernie A. Judson.

Also present were townspeople including Brian Curtis, P.E., Town of Durham Engineer, Geoffrey Colegrove, Town of Durham Planner, Jonathan Bodwell, P.E. of Anderson Engineering & Surveying Associates, George Kral, Guilford Town Planner, Attorney Jeff Beatty, Attorney Rebecca Adams, Attorney Richard Adams, Attorney Vincent McManus, Mary Ryan, Durham resident, Richard Olsen, Durham resident, Steven Wlodkowski, Durham resident.

Review proposed improvements and traffic/safety study relative to Crooked Hill Road

Members of the board were presented with a presentation first from Attorney Jeff Beatty, representing Brian Ferris Construction LLC., "Northern Heights". Attorney Beatty submitted to the board a letter dated November 1, 2005 stating the copy of the proposal for the Northern Heights Subdivision in Guilford & Durham, CT, along with the re-submitted proposed improvements to the portion of Crooked Hill Road extending from its intersection with Banta Lane to the Guilford Town Line. Attorney Beatty went on to state that in Pursuant to Sec. 13-a-99 the Town of Durham, as a municipal corporation, is under a legal obligation to maintain its highways in a reasonably safe condition for public travel. If the applicant's proposed planned residential development is approved by the Guilford Planning and Zoning Commission, then there will be an increase in public travel over Crooked Hill Road.

Although Mr. Ferris does not believe that he is legally compelled to provide any mechanism for improving Crooked Hill Road, he has done so in the spirit of cooperation and desire to address the safety concerns of the Guilford Planning and Zoning Commission, the Durham Board of Selectman and the residents of the Mica Hill subdivision. Mr. Ferris proposed the following:

- Ferris Construction, LLC will acquire the land necessary for the improvements to Crooked Hill from Raymond and Isabel Wimler and convey it to the Town of Durham. Mr. Ferris estimates the value of this land and the impact on the neighboring parcels of undeveloped land to be approximately \$150,000.00.
- Ferris Construction, LLC will establish a road bond in the amount of \$250,000.00 to be held by the Guilford Board of Selectmen as its contribution to the expenses associated with completing the proposed improvements as well as any other expenses that the Town of Durham wishes to make to improve road safety in the Mica Hill Road neighborhood.

- The Town of Durham will undertake such applications as are necessary before the Durham Planning and Zoning Commission and Inland Wetlands Commission to obtain approvals and will have work commence on the proposed improvements within 120 days of the close of this hearing with the improvements to be completed within one year. If the applications have not been timely made and the improvements not timely completed, the bond will be released to Mr. Ferris.

Attorney Beatty closed stating that Mr. Ferris has presented this proposal which he believes is generous and which exceeds any legal requirements that could be imposed upon him by either the Town of Guilford or the Town of Durham with regard to the proposed improvements to Crooked Hill Road. Attorney Beatty also stated that if this proposal is not acceptable to the Town of Durham, and the application for planned residential development is either denied by the Guilford Planning and Zoning Commission or approved with conditions that are unacceptable to Mr. Ferris, then Ferris Construction, LLC will review all options available to it.

M. Boord stated to Attorney Beatty that this data brought forth is a change from the Guilford hearing, and that there was not adequate time to review what has been proposed in addition to the estimated figure of \$400,000.00 for improvements. M. Boord also stated that the road serves our residents well currently but by adding 35 homes as this proposed development would do there would be a need for improvements.

Attorney Beatty introduced to the committee Mark Martucci; Senior Transportation Engineer to present his traffic study:

M. Martucci did a study on Rt 77/Mica Hill and Mica Hill/Crooked Hill and found that 34 vehicles traveled in the AM peak hour and 42 vehicles traveled in the PM peak hour. An accident history report for the past 3 years showed no accidents for Rt 77 & Crooked Hill Road and Rt. 77 & Mica Hill. There is a recommendation to widen Crooked Hill, East of Banta Lane to narrow and handle the increased traffic.

Jonathan Bodwell, Engineer then gave his report:

Pushing the road further South and taking out the two sharp bends, in addition to getting the grade to match zoning regulations is the reason for the road to be pushed to the South and believes this plan will meet all town regulations.

Town resident Richard Olsen asked if the pine trees would have to be removed with this construction. J. Bodwell replied that there were some Hemlocks that were dying and yes they would have to be removed; however there were some questionable trees.

R. Primus asked what the plans are to prevent or reduce the traffic on Mica Hill & Banta with this design?

J. Bodwell stated that Mica Hill & Banta could sustain the traffic and again referred to the \$250,000 road bond that would be held for improvements.

M. Boord stated it was her impression from the last Guilford PZC meeting that Wimlers might gift the land.

Attorney Beatty replied that he was unable to comment on that at this time but there is a letter in the works to the builder.

M. Boord advised that any acquisition of the land would need to go before a Special Town Meeting.

Attorney Beatty agreed.

Attorney Beatty then presented the members of the Board with the following copies-

Copy of Memorandum dated October 13, 2005, To: Maryann P. Boord, First Selectwoman, Durham, From Brian C. Curtis, P.E., Town Engineer, regarding Project No. 854-0005 – Crooked Hill Road – Northern Heights PRD, Guilford.

Attorney Beatty then entered in assessment maps showing what the Wimlers own along with the field cards listing them as the owners.

Copy of letter dated October 19, 2005, To: Mr. Salvatore Catardi, Guilford Planning & Zoning Commission Chairman, From: Raymond & Isabel Wimler, addressing the property they own is adjacent to Crooked Hill Road in the Town of Durham.

Certificate dated in 1986 when the construction of Mica Hill was approved and the agreement of sharing the re construction projects, and the note of the town to contribute to the road repairs that are necessary.

Copy of letter dated September 28, 2005, To: Mr. Salvatore Catardi, Guilford Planning & Zoning Commission Chairman, addressing issues of the Guilford Fire Department in providing emergency services to the proposed development on Crooked Hill Road in Guilford, having to access a portion of Crooked Hill Road through the Town of Durham.

Copy of letter dated October 3, 2005, To: Mr. George Kral, Guilford Town Planner, from the Guilford Public School, pertaining to a proposed safety issue with school bus transportation.

Copy of Special Permit Application, Northern Heights PRD Map 129 Lot 2, Dated September 7, 2005, To: Planning & Zoning Commission, From: James A. Portley, P.E., Town Engineer.

Copy of Memorandum dated October 11, 2005, From Brian C. Curtis, P.E., Town Engineer regarding a discussion with Jonathan Bodwell, P.E. of Anderson Engineering & Surveying Associates, and design engineer for the Northern Heights PRD project on concept design of improvements to Crooked Hill Road.

Copy of an email dated October 27, 2005, To: Attorney Jeff Beatty, From: Attorney Rebecca Adams, Attorney for neighbors in the Crooked Hill area, with proposed improvements to Crooked Hill Road.

At this time Attorney Adams stated that there was a revised request that will be discussed with the board.

Attorney Adams stated these items were raised and addressed at public the meeting.

M. Boord stated we would accept them for the record.

George Kral, Town Planner of Guilford stated why the Farm Road is not an alternative. He said access via the Farm Road is not desirable because the Guilford PZC would like to preserve the open space.

M. Boord asked if this farm road is buildable?

G. Kral replied that construction of the road to meet Guilford requirements would be difficult and the environmental impact would be substantial.

Attorney Beatty stated the roads are public and have the right to be used. We are presenting an offer to help make the improvements and the town of Guilford cannot oppose the right to use the roads.

Attorney Vincent McManus stated that if the proposal is denied we will go forward in Guilford, it is a public road. It is not declared unsafe in any town.

M. Boord stated that her understanding is that this meeting is to find a way for residents of both Durham and Guilford to have safe access to and from their homes. The Guilford PZC is looking for guidance from Durham. We will discuss the proposal in detail with our town engineer and town planner.

Attorney Rebecca Adams addressed the board at this time-
In a traffic study that was done by Bubaris Traffic Associates they found there were 2 accidents on Crooked Hill about 2 years ago.

The following recommendations are from Burbaris Traffic Associates based on an assessment of the traffic counts on Crooked Hill and Mica Hill Roads produced by a mechanical road traffic counter measuring typical weekday and weekend traffic and a complete investigation of road conditions. Recommendations are:

1. Improve Crooked Hill Road in Durham to meet Durham grade, width, and materials standards;

The board is in agreement with item #1

2. Widen Crooked Hill Road at its intersection with Route 77 to provide two turning lanes approaching Route 77 downhill, one for right hand turns for north bound traffic and one for left turns for south bound traffic;

Brian Curtis, P.E., Town Engineer stated that he hasn't had an opportunity to examine the traffic study report and this would be subject to an encroachment approval from the DOT.

Attorney Rebecca Adams stated this should be based on wait times.

3. Remove the tree on the south side of the intersection between Crooked Hill Road and Route 77 to restore currently obstructed sight lines at that intersection;

The board is in agreement of item #3- with further evaluation on whose property it is on.

4. Post signs on Mica Hill Road facing north bound (down hill) traffic prominently warning of the S curve and the speed limit, which we recommend should be 20 MPH or, at maximum, 25 miles per hour;

The board stated these were the responsibilities of the Town of Durham and do not see any problems with this issue.

5. Remove vegetation on either side of the S curve on Mica Hill Road in order to restore the appropriate sights lines;

The board agreed with this request.

6. Implement prudent available measures to encourage traffic to and from the Northern Heights subdivision to avoid routinely using Banta Lane and Mica Hill Road, such as "No Through, Traffic" signs facing traffic exiting Northern Heights.

M. Boord stated this is not an option as "No Through, Traffic" is not enforceable per a prior discussion with State Police- "No Through Trucks" is an option.

R. Primus mentioned a way to create a reconfigured intersection to discourage its use.

B. Curtis stated that traffic would proceed that way anyway.

R. Primus stated that placing signs on Mica Hill Road and Crooked Hill Road is adequate. However we are still trying to limit the flow of traffic and haven't addressed Mica Hill as of yet.

G. Colegrove stated, short of making Mica Hill a cul-de-sac he is not seeing a resolution.

B. Curtis stated that No Through Truck signs on Mica Hill could be considered.

R. Adams advised that a condition of the approval should be how the improvements are going to be done and who is going to finance the project to make sure it is completed.

M. Boord asked what our responsibilities are at this point.

7. Improve Crooked Hill Road in Guilford to meet Town Collector Road Standards between the two points of access between Crooked Hill Road and the Northern Heights Subdivision and reconfigure both points as T intersections.

The board members agreed this was the responsibility of the Town of Guilford.

R. Primus stated that we still need to address the traffic on Mica Hill Road. She asked Geoffrey Colegrove and Brian Curtis if they are familiar with the traffic set up?

G. Colgrove replied the signs are a good idea however enforcing them may be difficult.

Mary Ryan, Durham resident asked about placing a No Left Turn sign at the end of Mica Hill Road and at the end of Banta as a deterrent.

Steve Birch stated that a special intersection design should be included in the presentation to Guilford Planning and Zoning proposal.

Steven Wlodkowski stated that maintenance was an issue. The focus should be on Crooked Hill Road and making the Planning and Zoning Commission aware that they have a duty to their residents. In the end we (Durham) are going to maintain the roads.

R. Adams reiterated that the Crooked Hill Road Specifications needs to be in writing to make sure and ensure these things are included, making it safe and for Guilford and Durham residents before the project is complete.

M. Boord stated that the Town of Durham does not plan to participate in Item #1 and added that a firm cost of the improvements has not yet been presented.

R. Primus asked who would be responsible to construct the roads.

M. Boord replied that this has not been decided at this time.

B. Curtis responded that would have to go to public bid.

M. Boord asked if all would be available during business hours tomorrow, November 2, 2005 so that a final draft of items discussed tonight could be put in writing for the Guilford PZC meeting in the evening of the November 2, 2005

All stated availability for further discussion.

Adopt a Proclamation in celebration of Notre Dame Parish's 50th Anniversary

MOTION BY M. BOORD, SECONDED BY R. PRIMUS, TO APPROVE A PROCLAMATION IN CELEBRATION OF NOTRE DAME PARISH'S 50TH ANNIVERSARY.

On October 30, 1955 Notre Dame Church was dedicated by Bishop Bernard Flanagan, with over 200 members; and five years later, in 1960, officially established as a parish of the Diocese of Norwich, with Father John Sullivan as its first pastor.

WHEREAS, In December of 1949, Reverend James Wilson, Pastor of St. Francis of Assisi Church in Middletown, bought the property on which the church is now located, accepting the advise of the Town Clerk Francis Korn, who helped him locate a suitable site in the town: and,

WHEREAS, A dedicated group of Catholics, led by Gregory G. Curtis, President of the Durham Catholic Club, raised the \$10,000, which was needed before the bishop would approve the construction of the church. The Club and its volunteers worked tirelessly to raise the money, dedication themselves to hours and hours of fundraisers, uniting with members of the entire community in this enormous and unselfish effort; and

WHEREAS, Notre Dame Church has been served by six pastors who followed Father Sullivan: Rev. Michael Fox, Rev. Raymond Jean, Rev. Arthur Archer, Rev. Gerald Kirby, Rev. Augustine Naduvilecoot, and the current pastor Rev/ Darius Dudzik.

NOW THEREFORE, WE, The Board of Selectmen of the Town of Durham, in recognition of the 50 years of dedicated spiritual and community service in the Town of Durham and the neighboring towns, extended a grateful and heart felt thank you for the contributions, which Notre Dame Church has made to our community and its spiritual life.

MOTION APPROVED WITH TWO AYES.

Adopt a Resolution re Skating Pond grant funding

MOTION BY R.PRIMUS, SECONDED BY M. BOORD, TO APPROVE A RESOLUTION RE: SKATING POND GRANT FUNDING.

BE IT RESOLVED, that Maryanne P. Boord, First Selectwoman of the Town of Durham, be and hereby is authorized to execute on behalf of the Town of Durham, a Personal Service Grant Agreement with the State of Connecticut for financial assistance to operate and maintain the recreational resource known as White's Farm Skating Area located off Wallingford Road (CT Rte 68) within the territorial limits of the Town of Durham.

MOTION APPROVED WITH TWO AYES.

Adjourn

MOTION M. BOORD, SECONDED BY R. PRIMUS TO ADJOURN THE MEETING
AT 9:25 P.M; MOTION PASSED WITH 2 AYES.

Respectfully Submitted,

Kamey Ahrens