



TOWN OF MIDDLEBURY

Office of the Selectmen

MINUTES

MEETING OF THE BOARD OF SELECTMEN

Monday, September 20, 2021 – 4:00 p.m.

Present: Edward B. St. John, First Selectman
Elaine M. Strobel, Selectman
Ralph J Barra, Selectman

Also Present: Attorney Dana D'Angelo
Attorney Robert Smith
Barbara J. Whitaker, Recording Clerk
Greg Barnes
Marj Needham, Reporter – Bee Intelligencer

Call to Order with Pledge of Allegiance

The meeting was called to order by the First Selectman at 4:00 p.m. with the Pledge of Allegiance.

Approval of September 7, 2021 Meeting Minutes

First Selectman St. John MOTIONED to approve the minutes of the above-mentioned meeting; SECONDED by Selectman Strobel. Unanimous approval.

Tax Rebates

Jodie L. Burns, Middlebury, CT	\$143.41
Cotter Construction & Landscape, LLC, Waterbury, CT	\$372.40
Robina & Clifford Esmiol, Middlebury, CT	\$12.30
Michael J. & Lisa A. Fasino, St. Cloud, FL	\$58.62
Lisa A. & Michael J. Fasino, St. Cloud, FL	\$63.95
Financial Services Vehicle Trust, Hilliard, OH	\$55.45
VW Credit Leasing, Ltd., Libertyville, IL	\$571.97

First Selectman St. John MOTIONED to approve the above-mentioned tax rebates, SECONDED by Selectman Barra. Unanimous approval.

Appointment

First Selectman St. John MOTIONED to appoint Diane E. Giuditta (R), as a member of the Library Board of Trustees replacing Bill Stowell for a term from September 20, 2021 to December 6, 2021; SECONDED by Selectman Strobel. Unanimous approval. The First Selectman added that the Republican Town Committee would be placing Ms. Giuditta into this position on December 6, 2021, therefore she would not have to participate in the election in November 2021 to do so.

Discussion and Consideration

8-24 Referral to Planning and Zoning

At this time Attorney D'Angelo explained to the Board that there was a previous discussion with the Board of Selectmen on offer made by the Matasavage family to the Town of Middlebury.

First Selectman St. John MOTIONED to adopt and approve the following Resolution; SECONDED by Selectman Barra. Unanimous approval.

RECEIVED FOR FILING

September 20 21 at 3:40 p.m.

TOWN CLERK'S OFFICE
MIDDLEBURY, CT

Marybeth Lubanski Asst.
TOWN CLERK

RESOLUTION

Regarding the potential purchase of property known as: Map 4 Block 6 Lot 95 Reagan Road, Map 4 Block 6 Lot 86, Map 4 Block 6 Lot 111 Reagan Road, Map 4 Block 6 Lot 112 Reagan Road and Map 4 Block 6 Lot 80 Reagan Road.

After review of map(s), appraisal and other supporting documentation at the Board of Selectman meeting of September 20, 2021, the Board of Selectman of the Town of Middlebury moves to refer the purchase of the above cited property to the Middlebury Planning and Zoning Commission in accordance with Connecticut General Statute §8-24.

Therefore, **BE IT RESOLVED:**

The Board of Selectman of the Town of Middlebury moves the potential purchase of property known as Map 4 Block 6 Lot 95 Reagan Road, Map 4 Block 6 Lot 86, Map 4 Block 6 Lot 111 Reagan Road, Map 4 Block 6 Lot 112 Reagan Road and Map 4 Block 6 Lot 80 Reagan Road Map 4 Block 6 Lot 95 Reagan Road, Map 4 Block 6 Lot 86, Map 4 Block 6 Lot 111 Reagan Road, Map 4 Block 6 Lot 112 Reagan Road and Map 4 Block 6 Lot 80 Reagan Road to the Middlebury Planning and Zoning Commission in accordance with Connecticut General Statute §8-24.

Greenway Committee Appointments & Terms (Alternates)

The following appointments to the Greenway Committee (a subcommittee of the Parks & Recreation Commission) were made in April 5, 2021. The terms of the alternate members are listed for administrative purposes. First Selectman St. John MOTIONED to APPROVE the terms listed below for the alternate members of the Greenway Committee; SECONDED by Selectman Barra. Unanimous approval. The First Selectman explained that the Greenway Committee is a subcommittee of the Parks & Recreation Commission.

Regular Members – 4 year term

Paul Bialobrzewski
Sharon Bosco
Cathy Yanik
Trish Lindemann
Tim Mahr
Jennifer Mahr
Linda Herrman

Alternate Members – 2 year term

Kara Collins (term from April 5, 2021 to April 5, 2023)
William Fisher (term from April 5, 2021 to April 5, 2023)

Public Comment

At this time Mr. Barnes inquired about his request for changes previously discussed to Spring Road to divert traffic. The First Selectman referred Mr. Barnes to the Police Commission per his attached memorandum. There was some discussion on the new police accountability requirements as well as the article in the Republican American on the Axion body cameras currently being used by the Middlebury Police Department

Adjournment

First Selectman St. John MOTIONED to ADJOURN the meeting at 4:23 p.m.; SECONDED by Selectman Strobel. Unanimous approval.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk

SAFETY ISSUES

History:

When my wife and I moved to Middlebury in 1991, Spring Road was a short, rustic road in a rural setting.

Our postal address, at that time, was RR 5. It is now: 64 Spring Road with a zip code of 06762-2222. Much has changed since that time.

The most notable changes for the area, over the years are:

- **Tranquility Road being straightened and raised, at least 4 feet, in places.**
- **Spring Road being widened, over 2 feet in places.**
- **The intersection at Rtes. 64 and 188 being reconfigured.**
- **The intersection at Rte. 64 and Tranquility/Spring Roads being reconfigured.**
- **The corner lot of Spring Road and Tranquility Road being dedicated as the Bristol Nature Preserve.**
- **The expansion in size and capacity of Lake Quassy Amusement Park.**
- **The enhancement of the area surrounding Lake Elise.**
- **The creation of the Lake Elise Cemetery.**
- **The creation of Meadowview Park with all of its activities and attractions.**
- **A surge in residential homes being built with an exponential increase in pedestrian, pet, and bicycle traffic.**
- **The Greenway being established and developed to its present condition.**

Many of the above mentioned changes were done for residential and non- motorized enjoyment, or for a safer, smoother flow of traffic through the area.

The last change, but certainly not the least, that I will note, is the advent of GPS. If a driver is coming from Woodbury area (Rte. 64) and going to Waterbury (Rte. 188) or driving in the reverse direction, a GPS directs ALL traffic (trucks, cars, motorcycles) that are seeking the shortest distance, to go across Rte. 64 to Spring Road, through Spring Road to Upper Whittemore, and then across Rte. 188 towards Waterbury, rather than driving the additional .6 miles down Rte. 64 to the intersection of Rtes. 64 and 188, as was the original intension in its reconfiguration. Doing so results in traffic traversing Town owned roads, rather than remaining on the State owned routes.

Any single change would not have much of an impact but a culmination of them all, has led to serious safety concerns for pedestrian, pet and bicycle traffic, along with frequent damage to residential and town property (some pictures attached).

Within the last 6 months, at the guardrail near the beginning of Spring Road, there have been, at least, four incidents in which the guardrail has been damaged (pictures attached). Once, where a tree fell from town property across it and onto Spring Road, and three times when automobiles struck and damaged it.

None of it has been repaired, yet. During the interim, it raises yet another safety issue and the Town's exposure to possible lawsuits, for any damage or injury that might occur as a result of the unrepaired damage.

Over the years, I have witnessed many accidents and near accidents involving motorcycles; cars; trucks; bicycles; and pedestrians, with and without their pets.

It is my belief that the two major factors that have contributed to those accidents are speed and the sheer number of vehicles passing through Spring Road.

To lend credence to these beliefs I purchased a speed detector and have observed that vehicles doing the posted speed limit (25 mph) are definitely the exception to the rule, with speeds being displayed in excess of 45 mph.

Also observed, as evidence of speeding, over the years, are the burned rubber marks going up the road, in an attempt by a motorist to test his or her vehicle for both strength and speed.

Over the years, I have attended numerous Police Commission meetings, in a personal attempt to keep the area safe.

Just to name one such time, was my request to have a STOP sign installed at the corner of Tranquility and Spring Roads (Bristol Nature Preserve side) coming from Rte. 64 which had previously had an unrestricted, direct drive onto Tranquility Road. I had witnessed many a near accident, and accidents, by vehicles attempting to leave Spring Road toward Woodbury or turning left onto Tranquility Road from the opposite direction, or going straight through onto Spring Road and being met by a vehicle coming off of Rte. 64.

The Commission agreed that it was a definite safety issue and a STOP sign was installed.

During those meetings I had the opportunity to speak with Chief Dabbo regarding the speeding that was occurring on Spring Road but unfortunately, given his limited resources, this issue was and is a lower priority.

I recently spoke with Curt Bosco (as a neighbor, not in his capacity as Middlebury Zoning Enforcement Officer) regarding these two subjects and told him that it was

my belief that 98% of the traffic that ran through Spring Road was not for local residential use, but rather transitional in nature.

He then told me that it was his belief that the figure was more like 99%.

As to the speed, we were both in total agreement that the speed limit is not being followed and excessive speed is being viewed.

I have always seen myself as the steward to my property and the surrounding area and as such I have attempted to keep it safe and scenic in a rural atmosphere.

To that end, I applied to the State of CT, for a NO THRU TRUCK designation for Spring Road. After the State conducted its study, to determine if Spring Road met its requirements to qualify as such, it was granted and so designated.

Also, when I learned that Tranquility and Upper Whittemore Roads were given Scenic Road designations I subsequently presented an application to the Planning and Zoning Commission for Spring Road to be given the same designation. It was voted upon and granted.

To my knowledge, Spring Road is the only road in Middlebury to have both the NO THRU TRUCK and Scenic Road designations, for what they are worth. Truckers, speeders, and litterers alike, ignore them.

Proposal:

To (convert) Spring Road to a Cul-de-sac at the Spring Road/Tranquility Road intersection

This action would, not only, provide a safe area to walk, away from vehicular traffic, for our Town residents, but also provide additional benefits for our Town.

To name a few, it would:

- **Force vehicular traffic to the reconfigured intersection of both Rte. 64 and Rtes. 188 as its original and intended course, that is, upon State owned roads, not Town roads.**
- **Provide a safety zone and buffer for all non-motorized traffic.**
- **Reduce traffic on both Upper Whittemore and Spring Roads.**
- **Cut down on speeders on both Upper Whittemore and Spring Roads.**
- **Allow the Town to save money on maintenance and repair work on these Town roads and property. This is especially so, with the elimination of many of the large trucks and the excessive vehicular traffic they are now experiencing.**

With all the changes, over the years, this area is a serious safety issue for both pedestrian and vehicle traffic, along with a residential and Town property damage problem.

I hope this will be taken in the vain in which it is presented and action taken to prevent any further loss or harm to our residents that wish to avail themselves of the attractions surrounding this area and to help maintain a rural atmosphere.

In closing, I've reprinted the Preamble to the Scenic Road Ordinance for your review, in support of this proposal:

SCENIC ROAD ORDINANCE

PREAMBLE

The scenic and rural roads of the Town of Middlebury are an irreplaceable resource.

The scenic values of some rural roads in Middlebury have been reduced or are in danger of destruction because of past or potential alterations to their rights-of-way. Such alterations have had, and could continue to have, a significant adverse impact on the quality of the Town's environment in general, and, in particular, on aesthetic and historic values that are of great but immeasurable benefit to residents and visitors alike.

As explicitly expressed in Section 7-149a of the Connecticut General Statutes, the preservation of the scenic or historic values of rural roads is essential to the welfare of the people of Connecticut. It is the purpose of this Ordinance to balance that need in Middlebury with the traditional need to provide, in transportation matters, for common convenience and public safety.

Therefore, be it ordained by the town of Middlebury that, pursuant to the authority granted by Section 7-149a of the Connecticut General Statutes, the Town of Middlebury provide for the designation of Town roads ("highways") or portions thereof as Scenic Roads, and further in order to maintain the scenic nature of highways so designated, or portions thereof, the Town of Middlebury is authorized to regulate, in accordance with this Ordinance, the future alternation or improvement of roads so designated, including, but not limited to, widening of the right-of-way or of the traveled portion of the highway, paving, changes