

SPECIAL TOWN MEETING

The Special Town Meeting was called to order by First Selectwoman Catherine Iino at 7:01 P.M. in the Emergency Operations Center, 323 Route 81, Killingworth on March 12, 2018, to consider and act upon the following items of business:

1. To approve the Board of Selectmen's discontinuation of:

- **the portion of the highway known as Chittenden Road, located in the Town of Killingworth, County of Middlesex, and State of Connecticut, that is bounded NORTHEASTERLY by Route 80 and SOUTHWESTERLY by Route 81, as more particularly described in a resolution of the Board of Selectmen dated January 22, 2018, a copy of which is on file in the office of the Town Clerk.**
- **the portion of the highway known as Kelseytown Road, located in the Town of Killingworth, County of Middlesex and State of Connecticut, that is approximately 740 feet in length and bounded SOUTHERLY by the Clinton town line, as more particularly described in a resolution of the Board of Selectmen dated January 22, 2018, a copy of which is on file in the office of the Town Clerk.**

2. To approve and accept the Annual Report of the Board of Finance for Fiscal Year 2016-2017, a copy of which is on file in the office of the Town Clerk.

Elizabeth Disbrow moved to nominate Richard Albrecht to serve as Moderator; seconded by Michele O'Toole. Following a voice vote, the motion carried unanimously.

Mr. Albrecht explained that voting would be conducted by voice vote unless moved to the contrary, and noted that explanatory handouts were available on the back counter.

Town Clerk Dawn Rees Mooney read the call of the meeting. Gwenne Celmer moved to accept the call of the meeting; seconded by James Lally. Following a voice vote, the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

1. To approve the Board of Selectmen's discontinuation of:

- **the portion of the highway known as Chittenden Road, located in the Town of Killingworth, County of Middlesex, and State of Connecticut, that is bounded NORTHEASTERLY by Route 80 and SOUTHWESTERLY by Route 81, as more particularly described in a resolution of the Board of Selectmen dated January 22, 2018, a copy of which is on file in the office of the Town Clerk.**

Seconded by Louis C. Annino Jr. Mr. Lally questioned the intended meaning of "discontinuation." Mrs. Iino explained that discontinued road portions would no longer be town roads and that it is presumed that the abutting property owners would then own to the center of the road. Killingworth Town Attorney David Tycz clarified that no provision in the Connecticut General Statutes allows the town to "reclaim" previously discontinued roads or portions thereof. Following a voice vote, the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

1. To approve the Board of Selectmen's discontinuation of:

- **the portion of the highway known as Kelseytown Road, located in the Town of Killingworth, County of Middlesex and State of Connecticut, that is approximately 740 feet in length and bounded SOUTHERLY by the Clinton town line, as more particularly described in a resolution of the Board of Selectmen dated January 22, 2018, a copy of which is on file in the office of the Town Clerk.**

Seconded by Nancy Gorski. Thomas Elliott of the Bridle Path Conservancy and Melissa Evarts of the Lower Connecticut River Valley Horsemen's Club presented letters and a map, and shared their concerns about the potential effect this discontinuation could have on the extensive trail network of the Cockaponset State Forest. Mr. Elliott referenced the Connecticut General Statutes and asked that the town's Resolution include specific reference to C.G.S. §13(a)-55 regarding abutting property owners'

rights and rights of passage. In-depth discussion ensued regarding C.G.S. §13(a)-49 *“Discontinuance of highways or private ways”* and §13(a)-55 *“Right-of-way of property owners bounding a discontinued or abandoned highway or a highway any portion of which is discontinued or abandoned”* and the provisions thereof. It was agreed that these minutes should reference C.G.S. §13(a)-55 since the Resolutions being approved were previously finalized and town counsel could not advise making changes. Mr. Annino explained that the existing Resolution would give the State of CT right-of-way over the entire trail in question. Robert Rimmer shared his general understanding that the Connecticut General Statutes are superior to municipal law, and Attorney Tycz concurred. It was also noted that the January 22 meeting of the Board of Selectmen clarified the portion of Kelseytown Road to be discontinued would begin south of the Green Trailhead so as not to eliminate access. Following this lengthy discussion, the motion carried unanimously.

Mrs. Iino introduced and made the following motion:

2. To approve and accept the Annual Report of the Board of Finance for Fiscal Year 2016-2017, a copy of which is on file in the office of the Town Clerk.

Seconded by Mr. Annino. There was no discussion. Following a voice vote, the motion carried unanimously.

The Special Town Meeting adjourned at 7:21 P.M.

Respectfully submitted,

Dawn Rees Mooney
Town Clerk