

TOWN COUNCIL
Town of Trumbull
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TOWN HALL
 Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE
 MINUTES
 JULY 25, 2016

The Chair called the Legislation & Administration Committee to order at 7:30 p.m. all present joined in a moment of silence and the Pledge of Allegiance.

The clerk called the roll and recorded as follows:

Present: Chairman Enrico Costantini, Vice-Chairman Jack Testani, Joseph Pifko, Jason Marsh, Thomas Whitmoyer and Mark Block, Alternate .

Absent: William Mecca, Alternate and Edna Colucci.

Also Present: Town Council Chairman Carl A. Massaro, Jr, First Selectman Herbst, Town Attorney Vincent Marino, Economic Development Director Rina Bakalar, Town Council members Matt Caron, Mary Beth Thornton, Lori Rosasco-Schwartz, Lisa Valenti and Town Council Chairman Carl A. Massaro, Jr present.

1. RESOLUTION TC26-72: Moved by Block, seconded by Pifko.
 BE IT RESOLVED, Timothy M. Herbst, First Selectman is hereby empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Preservation Grant.

Mr. Massaro explained this is an annual grant from the State and council's authorization to execute the documents is required.

Vote CARRIED unanimously.

2. RESOLUTION TC26-73: Moved by Whitmoyer, seconded by Pifko.
 BE IT RESOLVED, The Purchase and Sale Agreement for the Town of Trumbull to acquire real property known as 93 Church Hill Road is hereby approved and the First Selectman, Timothy M. Herbst, is authorized to execute said agreement and any and all documents necessary to close title to said property.

First Selectman Herbst explained there is \$1.6 million approved for land acquisition. The last time the Town acquired a property was when the Town acquired the Bill property, (in 2008 or 2009). The Land Acquisition Commission began with First Selectman Wilson. The previous first selectmen, Wilson, Halaby and Baldwin continued the land acquisitions, but when the economy slipped in 2008 the Town no longer thought it was prudent to acquire and/or bond for it. In 2014 the POCD was approved by the P&Z and adopted by the Town Council. The POCD maps out a 10-year look ahead and includes the areas around the Town Hall and identified redevelopment. The Patrigenelli medical office and the Fearon Veterinary office on Church Hill Road have been very successful. There has been discussion on expanding professional zones further in the area and other commercial sites. Whatever is to be, it is always better when the Town is in control of the development. Hillandale was purchased by the Town and First Selectman Baldwin sold it back to a developer at a later date for single family homes. It was purchased to avoid an 8-30g development.

The Town was originally approached by a neighbor of the properties on Church Hill Road. The Town started the P&Z 8-24 process. Prior to the 8-24 approval the Town agreed it was prudent to go to the Town Council to get a consensus. A special meeting was held in June and went into executive session for discussion. There was unanimous bipartisan support to move forward. The Town would not have moved forward if there was not that support.

First Selectman Herbst noted for the record the Town does not have any plans to seize the properties by eminent domain. No one has been intimidated and it is also not true that the Town wants to put in low income housing. There have been comments that the Town cannot acquire the land if there is no definite plan for the property, but this has been done in the past such as when the Wagner Tree Farm, the Bill property and also when Hillandale was purchased by the Town. The Town has historically spent millions on acquisitions with no definite plans for their use. This area could be the center of Town and a municipal campus, it even has existing shopping across the street. The trail has 6,000 active users and has parking constraints at Tait Road and Old Mine. There has always been a shortage of parking at the main library. There was a plan for the library parking but was not feasible due to the number of trees which would be cut down. The approved POCD is the plan to follow, it includes plans for more walkable areas. People have been saying this may be the new location for the new community center, this is not known at this time, that site is still being vetted. The Town bought the parcel where the Town Hall is now for \$450,000 in 1955. The Town would like to stay ahead of any future development instead of reacting to it.

Ms. Bakalar distributed and reviewed the attached Staff Report with the committee. The following is a brief summary of that report, (Full report attached):

- In May 2016 the owner of 97 Church Hill Road contacted her to discuss the possibility of selling to the Town.
- 85 Church Hill Road was on the market at the same time.
- Ms. Bakalar presented the idea of pursuing the acquisition of the two properties to the First Selectman and Town Planner.

- The owner of 93 Church Hill Road was invited to see if she had any interest in selling her property. Initially she was not.
- They were contacted by the owner of 93 Church Hill Road several weeks later to ask additional questions. A low key discussion took place with regard to possible options.
- Additional time went by and the owner of 93 Church Hill Road indicated she would be interested in negotiating a sale to the Town.
- In June, the Town Council had a special meeting to discuss the opportunity to purchase the properties in executive session. There was unanimous bipartisan support.
- Immediately following the Town Council meeting negotiations began with 97 Church Hill Road, 85 Church Hill Road and 93 Church Hill Road.
- Agreeable terms have been reached with 85 and 93 Church Hill Road. 97 Church Hill Road is looking for an excessive amount due his thought that the property could be sub-divided and developed. Ms. Bakalar is watching that property.
- They have visited the abutting properties at 77 Church Hill Road and 2 South Edgewood Avenue to advise them of their conversations with the nearby property owners and to see if they had an interest in selling.
- The owner of 77 Church Hill contacted them, there was discussion with the owner and was told there was no pressure, she noted she was interested and set a meeting to discuss this with the First Selectman. An option letter was hand delivered to the owner. The owner requested time to review with friends and family. The Town has made no effort to rush her in any way.
- P&Z Chairman and Ms. Bakalar toured the area of the properties. The use of the properties was questioned. Ms. Bakalar indicated trail access and parking were priorities and other municipal uses could be considered. Sites for the community center are still being vetted.
- P&Z held a meeting on July 20th, 2 of the 4 properties had a favorable 8-24.
- No further action has been taken.

First Selectman Herbst spoke to the flyer that had been distributed to the neighbors in the area and that it contained misinformation. P&Z had previously amended their regulations to remove the stipulation that allows the Town not to abide by zoning restrictions.

Attorney Marino explained to acquire a property an 8-24 referral from P&Z is required, followed by a Town Council vote. The municipality would need to go to P&Z again for improvements, if there are wetlands they would need to go that commission as well. There are multiple commissions and boards involved. This is not the end, it is only the beginning. The public has the right to attend public meetings and to speak at public hearings.

Mr. Marsh spoke against this process. Ms. Bakalar stated that communications to others than the contract seller during negotiations has to be done carefully, if someone knows the Town has an interest they could infiltrate that negotiation and buy the property and possibly sell it at a premium. The 8-24 referral brings it into the public purview, the use will go back to P&Z and will begin another whole process. First Selectman Herbst stated

if anyone in the future disagrees with the process to come to him and they could discuss it face to face v. social media. Mr. Marsh spoke against the process and added it is not working.

Attorney Marino stated the seller will sell to a contract purchaser and is not going to wait for the Town process, and are not bound to do so. Time is of the essence when there is a contract seller. Mr. Costantini added the Town did go to the Town Council and there was an affirmative consensus. The fact that people are discussing and attending this meeting shows the process works. It would be improper to ask the Town to jeopardize negotiations. First Selectman Herbst stated that happened when the Town purchased the Wagner Farm and had to pay \$2.2 million for 2 usable acres. Mr. Block stated the elected officials are elected to lead. Ms. Thornton stated she was present at the executive session at the June Town Council special meeting, she noted there had been no back-up provided to them. Ms. Bakalar presented to them the opportunity of acquiring the properties and at that time she believed the neighbors were aware and was in support of the acquisition. Emails were received after indicating they were not aware, therefore she changed her stance on this subject. The First Selectman recently had accused her of not telling the truth on this subject and wanted clarify the record. Mr. Costantini explained for Ms. Cantafio that the Land Acquisition Commission is not the only way to acquire land and is not a prerequisite. Attorney Marino stated statutory protocols have been followed.

Moved by Block, seconded by Testani to enter into Executive Session to discuss pending contractual negotiations for the 4 properties on this agenda.

VOTE: Motion CARRIED 4-2 (AGAINST: Whitmoyer and Marsh)

The L&A Committee entered into Executive Session at 8:41 p.m. with L&A members Chairman Enrico Costantini, Vice-Chairman Jack Testani, Joseph Pifko, Jason Marsh, Thomas Whitmoyer and Mark Block, Alternate, First Selectman Herbst, Town Attorney Vincent Marion, Economic Development Director Rina Bakalar, Town Council members Matt Caron, Mary Beth Thornton, Lori Rosasco-Schwartz, Lisa Valenti and Town Council Chairman Carl A. Massaro, Jr present.

Moved by Pifko, seconded by Block to end Executive Session.

VOTE: Motion CARRIED unanimously.

The L&A Committee ENDED Executive Session at 9:45 p.m.

VOTE: Motion CARRIED 5-1 (AGAINST: Marsh)

3. RESOLUTION TC26-74: Moved by Block, seconded by Testani.
BE IT RESOLVED, The Purchase and Sale Agreement for the Town of Trumbull to acquire real property known as 85 Church Hill Road is hereby approved and First Selectman, Timothy M. Herbst, is authorized to execute said agreement and any and all documents necessary to close title to said property.

VOTE: Motion CARRIED 5-1 (AGAINST: Marsh)

4. RESOLUTION TC26-75: Moved by Marsh, seconded by Whitmoyer
BE IT RESOLVED, The Purchase and Sale Agreement for the Town of Trumbull to acquire real property known as 77 Church Hill Road is hereby approved and First Selectman, Timothy M. Herbst, is authorized to execute said agreement and any and all documents necessary to close title to said property.

Moved by Testani, seconded by Block to HOLD IN COMMITTEE.
VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC26-76: Moved by Pifko, seconded by Block
BE IT RESOLVED, The Purchase and Sale Agreement for the Town of Trumbull to acquire real property known as 2 South Edgewood Avenue is hereby approved and First Selectman, Timothy M. Herbst, is authorized to execute said agreement and any and all documents necessary to close title to said property.

Moved by Testani, seconded by Marsh to HOLD IN COMMITTEE.
VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC26-77: Moved by Whitmoyer, seconded by Marsh
BE IT RESOLVED, That the Town of Trumbull is hereby authorized to conduct a survey of all residents to determine the need for a new Senior Center that may also serve as a Community Center and may also include a pool. This survey will be created and executed by an independent consultant and said survey shall be conducted before any funds are disbursed for the design and construction of said Center.

Moved by Marsh, seconded by Whitmoyer to amend the resolution to read as
RESOLUTION TC26-77: Moved by Whitmoyer, seconded by Marsh
BE IT RESOLVED, That the Town of Trumbull is hereby authorized to conduct a survey of all residents to determine the need for a new ~~Senior~~ Community Center ~~that may also serve as a Community Center~~ and may also include a pool. This survey will be created and executed by an independent consultant and said survey shall be conducted before any funds are disbursed for the design and construction of said Center.
VOTE: Motion CARRIED unanimously.

Mr. Pifko stated a survey at this point would not be objective, it has been politicized. The Building Committee chose the architect firm they did, because of the public input component. There will be a series public hearings held by district. Currently there is no site, no plan or a cost yet to survey. Mr. Costantini stated last month's meeting had a long debate on this topic. The architect was presented to the council and the council approved the architect. The council should let him do his job. The Town Council has not voted on anything else and this would take them back 5 steps. The people will have many opportunities to come and speak. Ms. Cantafio spoke in favor of the survey and noted the architect has a vested interest in the project, while the survey company would be an independent and objective. Ms. Thornton stated the public hearings could be held through the committee and is not convinced the Town needs a center and spoke in favor of the independent survey.

Moved by Costantini, seconded by Pifko to HOLD IN COMMITTEE.

VOTE: Motion CARRIED 4-2 (AGAINST: Whitmoyer and Marsh)

7. RESOLUTION TC26-78: Moved by Testani, seconded by Whitmoyer
BE IT RESOLVED, The following question be placed on the ballot for the General election on November 8, 2016:

Do you agree that the Town shall build a new Senior Center/Community Center, shall purchase land as necessary to build said center, shall allow the designated architectural firm to determine scope and design before town residents are surveyed by a professional independent consultant to determine if said center is the will of the people of Trumbull?

Mr. Marsh spoke in favor of the resolution noting that most presidential elections have a high voter turnout. Mr. Pifko stated not enough is known to at this time, there is no site, plan or cost known. Mr. Whitmoyer spoke in favor of the resolution the question can be put out to the residents, whether it is a need or a want or if they want an \$8 million project. Mr. Costantini questioned how the questions could even be crafted since it is not known what is going to be built yet, it is premature to do so. Mr. Whitmoyer suggested the question could simply be, Do you want a community center or not? Mr. Costantini stated the architect will be engaging the public. Ms. Valenti spoke in favor of the resolution and noted there has been a lack of communication to the public. Mr. Costantini stated there will be a comprehensive recommendation from the committee after further research is done, there will be multiple public hearings held, this would be premature. Mr. Testani noted elections can have low voter turnout this would not reach everyone.

Moved by Costantini, seconded by Testani to HOLD IN COMMITTEE.

VOTE: Motion CARRIED 4-2 (AGAINST: Whitmoyer and Marsh)

There being no further business to discuss and upon motion made by Whitmoyer, seconded by Pifko the Town Council Legislation & Administration Committee adjourned at 10:17 p.m.

Respectfully Submitted,

Margaret D. Mastroni, Town Council Clerk

Economic Development Staff Report- Property Acquisitions

- In early May of 2016, Luigi Cammarota of 97 Church Hill Road contacted me to discuss the possibility of selling his home and property to the Town. He had heard of the need to expand parking, access the trail and potentially locate the Community Center and he wanted the Town to consider his property. I told Mr. Cammarota I would get back to him in the coming weeks if there was any interest. Important to note, Mr. Cammarota has expressed interest in developing his property in the past.
- I took a walk over to the area to examine his property from the street. I saw that 85 Church Hill Road was on the market. I pulled the property information. And arranged a time to tour the property.
- I presented the opportunity to consider these two properties to our First Selectman and Town Planner for early discussion. We agreed we would see if the owner of 93 Church Hill Road had any interest in selling her property. We invited the owner of 93 Church Hill Road in for a discussion. Initially, she was not considering a sale. We told her there would be no pressure and it was her decision. If she had questions in the future, she could reach out to us.
- Several weeks passed. The First Selectman and I were contacted by the owner of 93 Church Hill Road. She wanted to come in to ask additional questions. She expressed having spoken with key family and friends about the opportunity. We had a cordial, low key discussion about possible options if she were to consider a sale to the Town.
- Some additional time passed and the owner of 93 indicated she would be interested in negotiating a deal to sell to the Town.
- At that time, Vin Marino, Town Attorney and the First Selectman wanted to bring the idea to the Town Council in order to gauge interest in the opportunity. In June, the Town Council discussed the opportunity to potentially purchase properties across from Town Hall in executive session. There was unanimous, bi-partisan support to pursue negotiations with homeowners across from the municipal campus. There was tremendous excitement and enthusiasm given the needs and potential synergies with trail connection, parking, and other municipal uses that could be considered.
- Immediately following the Town Council meeting, we began negotiations with 97 Church Hill Road, 85 Church Hill Road and 93 Church Hill Road.
- We have come to agreeable terms with 85 and 93 Church Hill Road. 97 Church Hill Road was seeking an amount that seemed excessive based on his feeling that he can sub-divide and develop the property. We are not currently pursuing negotiations with 97 Church Hill Road given this situation. If at any point the homeowner was willing to sell at a fair price in the public interest, the property would go through the steps for 8-24 referral and approval separately.
- At the same time, we had visited abutting properties at 77 Church Hill Road and 2 South Edgewood to first advise them of our conversations with nearby property owners and second, to see if they had an interest in selling.

- We left a note at 77 Church Hill Road. We did not follow up with a call. Ms. Martin called to find out about our interest. I spoke with her and explained we were speaking with a few of her neighbors and asked her if she had any interest in discussing a sale with the Town. I told her there was no pressure in any way. She noted she was interested in discussing a potential sale. She was on her drive home from work and said she could come in that evening. She met with the First Selectman.
- From what each of them has expressed to me, it was a very cordial meeting. They agreed at the end of that meeting an option letter would be prepared so they could begin negotiations. An option letter was hand-delivered to Ms. Martin's home. The Town did not pursue her at all after the letter was dropped off. Ms. Martin sent a letter asking for a few weeks' time to consider the options with family and friends. We made no effort to rush her in any way.
- We had also visited with the owner of 2 South Edgewood to advise her of our conversations in the neighborhood and to see if she had any interest in considering a sale. The First Selectman and I had a lovely conversation with her at her home. She expressed that her interest was piqued and that she would speak with family and her pastor. We told her we would follow up in a few weeks to potentially set up a time for a discussion. We have not set that meeting up as of yet. In each instance, there was a gentle, pleasant approach and no pressure applied in any way.
- On July 12th, the chairman of Planning and Zoning and I took a ride over to the area of the homes under consideration. He asked me about the specific use. I told him that access and parking were major priorities and that other municipal uses could be considered. He asked me why they were just admitting it was for the community center. I told him that had not been decided and we are still vetting properties (actively) for that project. He asked me why we were not acquiring 97 Church Hill Road at that time. I explained we were in conversations, however, at this time the homeowner was asking an extremely high price.
- At the July 20 Planning and Zoning meeting, I was surprised to hear from Ms. Martin that she was scared and concerned about eminent domain. After the meeting, she stayed to speak with Vin Marino and myself. She expressed that she had a long year of challenges and admitted that she was a bit scared and not sure of her options. I reiterated that there was absolutely no pressure for her to sell her property. In fact, I offered to remove her property from consideration. She asked me not to, she wanted some time to think through her needs and perhaps craft a counter offer that worked for her. I told her to contact me with any questions or concerns. We hugged and she left.
- With regard to the abutting property owner at 8 South Edgewood, I was in process the week of July 16th of contacting the homeowner to let them know we were speaking with their neighbor about a potential acquisition. The Town has no interest in other homes on their street. Before I could reach Mr. Covertino, he spoke with Lynn Arnow, Chief of Staff. She told me of their discussion. I reached out to him following their conversation to see if he had any questions or concerns. He told me he did not at that time but would be in touch or stop over to see me if he did. I did not hear from him until his comments at the July 20th meeting.
- No additional actions have been taken at this time.