



Board of Aldermen Shelton, Connecticut Special Meeting—September 30, 2004

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Lauretti called the meeting to order at approximately 5:30 P.M. in the auditorium at Shelton City Hall. All in attendance recited the pledge of allegiance.

ROLL CALL

Alderman John F. Anglace, Jr. - present
 Alderman John "Jack" Finn - present
 Alderman Stanley Kudej - present
 Alderman Joseph Lanzi - present
 Alderman Lynne Farrell – present (arrived at 5:40 P.M.)
 Alderman Kenneth Olin - present
 Alderman John P. Papa – present
 Alderman Nancy Minotti – absent

There was a quorum of 7 present, 1 absent

Administration: Mayor Mark A. Lauretti
 Assistant Corporation Counsel Ramon Sous

AGENDA ITEMS

NEW BUSINESS

1. SHS RENOVATION BUILDING COMMITTEE

Mayor Lauretti asked that this item be tabled for further consideration. Alderman Anglace MOVED to table the item. SECONDED by Alderman Papa. A voice vote was taken, MOTION PASSED, 7-0.

EXECUTIVE SESSION

Alderman Anglace MOVED to go into Executive Session at 5:35 P.M., inviting Assistant Corporation Counsel, Ramon Sous to discuss the land acquisition of the Wiacek farm property, SECONDED by Alderman Papa. A voice vote was taken, MOTION PASSED, 7-0.

Alderman Anglace MOVED to return to regular session at 5:40 P.M., SECONDED by Alderman Papa. A voice vote was taken, MOTION PASSED, 7-0.

Mayor Lauretti stated that there were no votes taken in Executive Session.

2. WIACEK FARM

Alderman Anglace MOVED to approve the resolution appropriating \$500,000 for the acquisition of open space land, as provided by the bonding attorney. SECONDED by Alderman Kudej. The resolution from the bonding attorney is incorporated into the motion.

Alderman Anglace amended the motion to include the Full Borrowing resolution is to be incorporated by reference. SECONDED by Alderman Papa. A voice vote was taken, MOTION PASSED, 6-1 (Finn).

RESOLUTION APPROPRIATING \$500,000 FOR THE ACQUISITION OF OPEN SPACE LAND IN THE CITY OF SHELTON AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$500,000 is appropriated for the acquisition of land in the City of Shelton for the purpose of open space preservation, and for administrative, printing, financing and legal costs related thereto (the "Project"). Each such acquisition shall be subject to the approval of the Board of Aldermen.

Section 2. To meet said appropriation \$500,000 bonds of the City may be issued, maturing not later than the fifth year after their date. Said bonds may be issued in one or more series as determined by the Treasurer and the Director of Finance and the amount of bonds of each series to be issued shall be fixed by the Treasurer and the Director of Finance, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Treasurer and the Director of Finance, bear the City seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, the certifying, registrar and transfer agent, and the paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest, shall be determined by the Treasurer and Director of Finance in accordance with the General Statutes of Connecticut, Revision of 1958, as amended (the "Connecticut General Statutes").

Section 3. Said bonds shall be sold by the Treasurer in a competitive offering or by negotiation, in the Treasurer's discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Mayor, Treasurer and Director of Finance.

Section 4. The Treasurer and Director of Finance are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the Treasurer and the Director of Finance, have the seal of the City affixed, be payable at a bank or trust company designated by the Treasurer, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Treasurer pursuant to Section 7-373 of the Connecticut General Statutes. They shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this Resolution in the maximum amount of and for the Project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as

expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Bonds, and to amend this declaration.

Section 6. The Mayor, the Treasurer and the Director of Finance, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

Section 7. This Resolution is adopted pursuant to the provisions of Section 7.16 of the City Charter and is within the limitations set forth therein for the fiscal year ended June 30, 2005.

Enacted by the Board of Aldermen: _____

Approved by the Mayor: _____ Date _____

Attest:

City Clerk

Date _____

Alderman Anglace MOVED for the City of Shelton to acquire by eminent domain proceedings property containing 39.7 acres more particularly described as follows:

All that certain piece or parcel of land in the City of Shelton, County of Fairfield and State of Connecticut shown on the map entitled "Wiacek Farm Estates, Meadow Street and Constitution Boulevard North, Shelton, Connecticut Prepared for Wiacek Farms/L.L.C., Scale 1"=100', dated July 21, 2003, revised 5/28/04" prepared by Lewis Associates and recorded in the Office of the City/Town Clerk as Map No. 4042 bounded and described as follows:

Beginning at a point located on the easterly streetline of Meadow Street at the southeast corner of property n/f of Diane C. and Chester M. Wiacek, Jr.; thence running southerly along the newly established Meadow Street streetline, said streetline being 25 feet west of and parallel to the existing center-line of the Meadow Street pavement 530 feet more or less to a point, said point being the intersection of Meadow Street and the northerly boundary of the 80 foot wide easement in favor of United Illuminating; thence running westerly along said northerly United Illuminating easement boundary 458 feet more or less to a point, said point being the intersection of the northerly boundary of the 80 foot wide easement in favor of United Illuminating and the westerly boundary of Lot 4 as shown on said map; thence running southerly along the westerly boundaries of Lots 4, 6 and 7 as shown on said map 195 feet more or less to a point, said point being the intersection of the stonewall fence located on Lot 9 and the easterly boundary of Lot 9; thence running southwesterly along the centerline of the stonewall fence located on Lot 9, 75 feet more or less to a point, said point being the intersection of the stonewall fence and the southerly boundary of Lot 9; thence running southerly along the centerline of the stonewall fence which traverses Lot 24 and through the land designated open space, 328 feet more or less to a point, said point being the intersection of the northerly boundary of property of the City of Shelton with a bearing of S 57 degrees 48' 11 W and the northeasterly boundary of property of the City of Shelton with a bearing of N 39 degrees 00' 46" W as shown on said map; thence running westerly along property of the City of Shelton 1,363.23 feet to a

monument, said monument being located at the intersection of Constitution Boulevard North and the northerly boundary of City of Shelton property; thence running northwesterly along Constitution Boulevard North 450 feet more or less to a point; thence running easterly along property of the City of Shelton, 565 feet more or less to a point; thence northwesterly along land of the City of Shelton, 891 feet more or less to a pin; thence running easterly along property of n/f of Nellie Krynitzky, 258 feet more or less to a point; thence running easterly along property of n/f of Arthur B. and Lupe A. Maybeck, 130 feet more or less to a pipe; thence running easterly along property n/f of Arthur B. and Lupe A. Maybeck, 935 more or less to a point, said point being the northwest corner of property n/f of Diane C. and Chester M. Wiacek, Jr.; thence running southeasterly along the northeasterly boundary of Lot 2 as shown on said map, 214.00 feet; thence running easterly along the southerly boundary of land n/f Diane C. and Chester M. Wiacek, Jr., 200.00 feet to the point of beginning; Said parcel consisting of 39.7 Acres plus or minus.

The City hereby establishes the sum of \$2,500,000.00 as compensation of said taking. The monies for said taking will be appropriated from Capital Project Fund Account #401-0000-950-80.75. Said taking is for City Open Space and recreational purposes consistent with such open space. SECONDED by Alderman Papa.

Discussion, with Tom Harbinson and Terry Jones from the Conservation Commission and Open Space Committee:

Mayor Lauretti put a map of the approved Wiacek subdivision. It was color-coded. The light blue shown on the map shows existing City of Shelton open space that was acquired from the Summerfield P.D.D. subdivision. The yellow strip is the City allotted open space that was due to the City for the subdivision approval. The property shown below is the Shelton High School complex. The area in pink is the retained portion that will remain with the Wiacek's. It is approximately 8 acres. The balance of the land is approximately 39.8 acres, which includes the yellow portion that the City is going to be taking. I am going to turn this over to Terry Jones and Tom Harbinson to give a short presentation on the City open space lands and what has transpired over the last 10 years, and particularly as to how we got to this point at the Wiacek property.

Mayor Lauretti put a map of the City, with green shaded areas of contiguous land that city has blocked together over the last 20 years. It does include the Shelton Lakes purchase, the SHS and SIS facilities and fields. The lime colored area is the Wiacek property.

Terry Jones brought a file that goes back to the early 1990's. At that time we realized that there were several hundred acres that the Bridgeport Hydraulic Company was going to market and was under contract for 400 residential units. The Conservation Commission and Open Space Committee, worked diligently to come up with a plan for the City to acquire this. Geographically it is in the heart of our city. It provided a unique opportunity for a mix of open space, trails, recreational and a limited area for municipal structures, which evolved into the new intermediate school. The idea of a campus setting further evolved the property to the north and the Wiacek property should the City desire to add this to the park area.

Tom Harbinson said that when we purchased the Bridgeport Hydraulic-Aquarion properties that were dispersed around town was the time I started on the Conservation Commission. I undertook a study of the land records for all the parcels that made up that greenway. The greenways are Means Brook, Shelton Lakes, Housatonic River and Far Mill River. Those are the

greenways that we tried to acquire parcel to assemble a greater good of some of the parks. In the Shelton Lakes greenway, the first parcel was the Nells Rock property acquired around 1960. Then we acquired some properties through subdivisions, from the back of Aspetuck and some were gifts from Bridgeport Hydraulic. We received property from Independence Drive subdivision, Lexington Estates, and Summerfield Gardens. The property where the new intermediate school was part of the Bridgeport Hydraulic parcel that was purchased. We have used up all the space for the school and the fields. It allowed us not only to create a central park but we have the municipal services of the school campus and the EMS facility, the Senior Center, and the Police Station. All of that came from this greenway corridor that was envisioned not only to be open space preserved forever but also to conserve some land for potential municipal uses. In terms of conserving land to keep the balance in the community with the development we continue to attract, the Conservation Commission and Open Space Committee two years ago formed the Quality of Life committee to examine all the parcels in the City that we knew developers were sending letters to the large property owners to say, we are interested in your property, if you are looking to do estate planning, we would like to talk to you. We decided we needed to establish some type of dialog to counteract it and make our goals known, so we are not the last person in the door.

Mayor Lauretti said that approximately 14 letters were sent in 2000 and 2001, in which the Wiacek property was included.

Tom Harbinson said that some property owners responded that it was good to know, and they would keep us in mind if the time comes. Since the time that committee was formed some of them have had subdivisions approved on them. We felt that we needed to take a real active step so in January of this year the Conservation Commission made a presentation to the Board of Aldermen that highlighted 3 parcels, Wiacek, Wabuda and the Tall Farm. On the Wiacek parcel some of the reasons we gave was the continuation of the Shelton Lakes greenway. The next night the BOA authorized the Mayor to begin negotiations with the property owners. The Conservation Commission has a reputation through the years of taking a non-biased look and trying to do the good for the community as a whole.

Mayor Lauretti said that it should be noted that the reason why we are doing this is, you as the decision makers, should have the facts. Recently in the last couple of weeks that there has been some misinformation printed in the media that is being perpetuated by certain people who have another agenda. You need to know the facts and what has transpired. These discussions actually started in 2003. Sometimes some negotiations take longer than others and this one has taken a long time. There was a request on behalf of the people representing the Wiacek family that they be allowed to have their subdivision approved. I know it was questioned in the media why we let it get this far. From my standpoint this is an R-1 piece of property. If it ever got to the point when you go to eminent domain, you are arguing the price and how do you establish that? It is usually done by lot counts. I don't think the City's position was forfeited in any way, shape or form by allowing that to happen. The other fact that the Board should be aware of is a lot of the stuff is coming fast and furious. There are so many priorities for the City, at least from an open space standpoint that you can't do it all at once, you do what you can; and that is what we have attempted through the years. It is well documented and well recognized not only in the State of Connecticut but also throughout the region of the northeast about how aggressive open space purchases have become, not only in Shelton but also throughout the region, just because of population increases. The only way to preserve the quality of life is by doing this. What has happened in the past through Planning & Zoning is, they have taken small pieces of land, here and there, usually rock or water that is unusable to the public or a

liability to the municipality. We have stopped doing that and felt it was more important to block large pieces of land together so it has some useful purposes. A perfect example is the new intermediate school joined with the high school to create a state of the art complex. We couldn't do that without locking these lands together. Further, going to the future, yes, you are buying it for open space today without any other restrictions other than open space. If generations in the future want to change this, they would have to do it by referendum. The people of the City will have a say so. Alderman Finn asked Mr. Jones, you referred to the folder, in which I have a copy, and basically it refers to the Bridgeport Hydraulic property that they would be sold, which contained various properties, and under that came the area that was developed into the intermediate school. The State Statute says 15% of the property acquired has to be for municipality use. That is all in the public record. I do not show anywhere in the book where it says we should look at the Wiacek property. If I am wrong, please show me where it is located in the book.

Tom Harbinson said that the whole report I did on Shelton Lakes, it is very important that you understand this, because it has gotten misconstrued. The State Statute requirement for water utility lands that are being sold, specifically class 3 watersheds, is 85% of the land has to be used for passive recreation, which they defined what uses they are. It is not 15% can be used for municipal uses; it is 85% has to be used for passive recreation.

Mayor Lauretti pointed out that the reason we are bound by that is because we got a State of CT, DEP grant that imposes that restriction. This is not the case here.

Tom Harbinson pointed out; it was the entire purchase acreage. You were very fortunate to have the acreage contain Birchbank mountain area on Far Mill River, Saw Mill City Rd., and the Shelton Lakes area, so the combined acreage, when you take away the combined 85% total, it allowed you to build the intermediate school on that parcel.

Terry Jones answered Jack Finn's question, I don't think it's in there. We have to remember this goes back 12-14 years ago and the City has grown, even past my expectations.

Mayor Lauretti asked Alderman Finn's point.

Alderman Finn responded that Terry Jones had made reference to the book and how the Wiacek Farm had been brought into all the future uses for open space. I didn't recall the Wiacek farm being included in the book. Terry Jones responded, it wasn't, this book was just the beginning. One that has been to the credit of the City is over the year's adjustments and the city has grown, and I don't think any of us look at things the way we did back then.

Mayor Lauretti asked why are we updating the comprehensive plan?

Terry Jones said this is really about opportunities for future generations. I would add, Mr. Mayor, and I would congratulate you on, because we took very seriously what I understood was the desire of the Wiacek family to retain some of this property for their homestead, 8 acres, is a good compromise that the family can retain some property. There are several building lots that can be improved on. Knowing that the rest was going to be filled with houses and now future generations for the city can be used for recreation or whatever. Everything is always a difficult balance and I think this goes far towards recognizing the communities needs and a major area for the family. If this was a working farm I would be adamant that it stay a farm.

Mayor Lauretti stated that if it were a working farm we would not be here today. We are talking about a subdivision of 24 lots.

Alderman Finn asked, what about Old Dairy Estates, that was a working farm. All of sudden it became the Old Dairy Estates. How many homes are in there?

Mayor Laretti asked, wasn't that about the time we bought Shelton Lakes? How much can you do all at once? I think we have been diligent and responsible, far beyond anyone's expectations about how we are creating the balance of open space in this city, given the fact that the law allows people to be able to develop their land.

Alderman Anglace said I want to talk about something that hasn't been mentioned, and that is establishing the goals. I have been misquoting the goals as 20% and my understanding is it 15%. That goal was set some time ago and so many things happened in the city to change the priorities. What we think the land that is available and we think we are going in this direction, and we say look, 10 years ago we were not even thinking about nor did we know about French's Farm becoming available. When it became available we didn't miss the opportunity. We negotiated a purchase price and at the last minute were able to save \$250K by paying cash. That is the way the open space plan goes. You establish a plan and work towards that plan. Sometimes priorities change. I am relieved to hear that we are leaving some of the land for family use. That will take care of the true needs of the family.

Mayor Laretti said that is what the goal is. Tom, would you reiterate the process of how these transactions take place? Recently we were criticized in the CT Post editorial about not having a process in place. I thought that point was not fair to the city, to the members of the Conservation Commission and the Open Space committee and the Board of Aldermen who put the process in place and are following it.

Tom Harbinson said he was also upset by the editorial because we do have a process in place for recommending open space.

Alderman Anglace asked when did that process begin?

Tom Harbinson responded, before my time. Terry Jones said that it has been around since about 1992, when the Open Space Committee began.

Mayor Laretti said in 1993 the final adoption of the Open Space Plan but the procedure to start purchasing and following protocol goes back that far.

Tom Harbinson said that the 3 parcels that we recommended is a good example. We, as the Conservation Commission, have an Open Space plan document that we referred to that gives the greenway corridors as the plan and throws out a few specific parcels but doesn't state that those are the only ones you want to look at. It is the greenway corridor that you are trying to establish and link amongst. When these 3 parcels came up we made a recommendation to the BOA, which we did, and the BOA would evaluate it, which you did, and then you authorized the Mayor to go into negotiations with the property owners. In that process, however that works out, you come to an amount and you buy the property. Maybe you don't come to a price and you have to take it by eminent domain, whatever happens in that negotiation happens, but from the Conservation Commission's standpoint, we have the open space plan to refer to. While we can adapt to an opportunity of the day, we don't just follow the flavor of the day, and say maybe we will get this parcel. We do evaluate it, as an example of the Wiacek parcel; we're not stating that should remain an open space field forever. It has a multitude of possible uses. It may stay as an open field, and you may lease it out to be hayed as it is now, with the Klapik property or French's Hill. Or it may become a good environment for a nature study area for the schools or maybe extend the sports fields. That is not our decision, but from a Conservation Commission's standpoint we see this as a pretty valuable piece of property and we are charged to act with the environmental consciousness of the community, so we made that recommendation to you to look at that parcel as something you should closely examine and we recommend that you acquire it.

Alderman Papa stated that up until 1992, there was no open space plan or committee, right? Tom Harbinson responded not that he knew of.

Alderman Papa continued, so after Mayor Lauretti got into office they established the plan to pick up as much property as they can for open space.

Terry Jones said it was to establish the 4 greenways.

Alderman Papa said, so prior to that, the prior administrations had no plan in place.

Terry Jones said there was no formal plan.

Tom Harbinson said, look at the first property purchased in 1965. That was purchased to be the incinerator plant. But you look back then at how much open land there was, you really didn't have to worry about open space.

Alderman Finn said that during Pacowta administration, they did purchase the Nicholdale Farm.

Mayor Lauretti said, I beg to differ with you. The Land Trust with grants and Iroquois purchased the Nicholdale Farm for \$952,000. 53 Acres. During the Pacowta administration not one acre of open space was set aside. They certainly had the opportunity to do that when land values were lower. The same thing applies to Mayor Hope, who is becoming an authority on everything these days.

Alderman Finn said that during the Pacowta administration, we used to give land to the Land Trust to oversee the property as preserve it for the City. Since 1991, we haven't turned anything over to them.

Mayor Lauretti responded, Jack, you are whistling Dixie when it comes to land preservation. You want to defend the Pacowta administration, I tell you what, let's have a separate meeting on that and get the good Mayor in here and have that discussion. I want to see it. I have looked far and wide and have come up with nothing. That administration is first in criticism and last in substance.

Terry Jones stated that we have seen an incremental increase in recognizing the ultimate build out of the city as it has progressed. It suddenly dawned on us, as it has for many citizens, that unless protected in some way, eventually virtually every available property in the city would be built upon unless the terrain would forbid it. That is where the Wiacek property came into play. It is in the Quality of Life rating system. It was on the top layer because of the proximity of adding on to what we already have.

Tom Harbinson said that when we formed the Quality of Life committee we were shown brochures that were being sent to property owners in Shelton from large developers like Toll Brothers, which basically said, we can work with you if you are doing you estate planning and lets have a dialog. It set off an alarm that we needed to start a dialog with the properties that the city may have an interest in acquiring.

Alderman Finn said that I have read the minutes from the Open Space committee and you have said you have to update the open space plan. You haven't started and I know you are all volunteers.

Mayor Lauretti asked does that come in the form of criticism?

Alderman Finn responded, no, I am praising what they have done in the past and what we can do in the future by addressing that plan.

Terry Jones responded that it is a work in progress.

Alderman Anglace said I want to bring the evolution of this process. In 1991, when you took office, there was an ordinance in place to put \$20K a year into open space. Most of us realized that you couldn't buy anything with \$20K. In the early years in office, Conservation, Open Space and the Alderman changed the ordinance a number of times. We finally succeeded in about 1995 in identifying our roles. You were assigned the role to identify properties, to build the open space plan, and to make recommendations. We were assigned the responsibility to worry about how we were going to buy the properties and finance it. This has had no end, in my view, to success. All the properties that we own, whether we have bought it outright or they have sold us development rights, they are all

bought and paid for. There is no debt on the books. 2000 acres that you keep talking about, is all paid for. There is no doubt about the program. This particular piece, there are not too many people opposed to us acquiring it. What they are opposed to is the method by which we are acquiring it. If we authorize the Mayor to negotiate and in the absence of negotiations to take it by eminent domain because part of your plan makes sense it has tremendous value to the city long range and into the future, so we're not going to miss out on it.

Alderman Papa said that Alderman Finn is concerned with open space and the quality of life, then why would he vote against the Wiacek property if you are so concerned about open space? We are trying to buy it, so that is my question to Alderman Finn.

Alderman Finn said the question should be directed to the chairman. My question to you would be, why would you lease out East Village park tennis courts to a private concern?

Alderman Papa asked what does that have to do with this?

Mayor Lauretti asked if there were any more questions as it pertains to this application.

Alderman Lanzi stated that any land that become available, such as the Wiacek, we should buy it. Generations in the future are going to look back and ask, why didn't you buy it? There is no more land left in Shelton to buy. Way back when Sikorsky and others wanted to move into Shelton, they were voted out. We missed out on so many opportunities.

Alderman Anglace said let me interject one more missed opportunity. The State of CT offered Laurel Heights, \$5M for all that property and we said no. Shame on us for that.

Alderman Papa asked which administration was that?

Alderman Anglace answered that it was under Mayor Hope.

Alderman Papa said it was Mayor Hope who missed that opportunity, but he has the answers now.

Alderman Anglace said that in all fairness we did not have the Conservation Commission nor did we have an Open Space Committee at that time. That is the difference. You guys are doing the job with the documents that you have put out over the years to keep the public and us informed. You have goals and objectives and you are achieving it. That is the difference. We can't cry over spilt milk; it's gone it's yesterday. But, in the future, shame on us if we don't act.

Terry Jones stated that this has been a great learning experience. We didn't have all the answers then nor do we have them today but we have had success through cooperation and it's about opportunities for the next generations while still meeting fairness for the property owners.

Alderman Lanzi said we have to buy all this property to hold down development. For every tax dollar coming in, it costs about \$1.35 for services.

Alderman Farrell said she would like to congratulate Tom and Terry from what I heard and I have learned a lot today hearing about this very logical plan that has been in place for a long time. You have done very well for the citizens of Shelton and I hope they all know what you have done all these years in regards to the plan for the greenway. I am all for acquiring this piece of property. As you may know the United States Supreme Court has just decided on Monday to pick up the case on eminent domain and this fits in what their plan will be. That New London case is different in that it was being required to raise revenue through a tax base and putting people out of their homes and building a waterfront property by developers. That is a violation as far as I am concerned of the Constitution of the United States. This is entirely different and fits right in with the eminent domain plan and I believe it's the 5th amendment that follows right along with that.

Mayor Lauretti stated that the purpose of this exercise is so that the Board, the decision makers of the City, can see the evolution and the piece by piece gathering of lands to protect the City's interest going forward. It's not just about today; it's about what happens, as Alderman Lanzi said, 20-40 years from now, to be able to put things in place so that the city does progress.

Terry Jones said he appreciates your appreciation but I have to say it has been a team effort. When I speak in other towns they say they admire the cooperation in Shelton that we have had with Planning & Zoning, the Board of Aldermen and the administration. We have had remarkable cooperation and that is why we have had success.

Tom Harbinson stated that as an example, we were giving a presentation on our open space plan and the Monroe Land Trust contacted us. They said when the open space ends at the border of Shelton, Monroe would like to know what we are trying to accomplish so they could continue our efforts. I went and spoke to their group and when they saw our recreation path, and by the way this is our 10th year of having trails in Shelton, entirely maintained by volunteers maintaining 9 miles of trails, and recognized where we needed some timber bridges. They needed timber bridges and had applied for grants but it had changed and you need to have 3 bridges. Maybe we could combine and we both could get bridges. We partnered with Monroe to be able to get 2 bridges in Shelton. We have great cooperation with other communities as well.

Terry Jones stated that in same vein of cooperation is, Monroe is interested in continuing the Housatonic greenway. We shared our mapping with them. It doesn't end at the town line and the trails can connect regionally.

Tom Harbinson said sometimes we don't realize how fortunate we are in Shelton with our open space plan, that we have a plan in place. When we go to these statewide events and talk to other conservation commissions, you have an open space trust account. You have a working relationship with your land trust to help preserve properties and partnership. We have a volunteer trails group. The inventory that we presented earlier is all on the newest computerized database. Yes, we have to update our open space plan but we have so many good tools in place and partnerships and relationships in place that create great success. It is something to be proud of.

Alderman Kudej stated that I agree that we should do everything that we can to acquire the Wiacek property. It is very important to us and also not to stop there. We want the Tall farm and the Wabuda.

Mayor Lauretti asked if anyone in attendance had any questions.

Chris Panek asked if you could go over the breakdown of the total acres minus the homestead would keep. What is the total acreage that the City is going to acquire? I think before you said it was going to be \$2.5M, do you have what that works out to be per building lot or acre?

Mayor Lauretti responded that the City is going to take 39.7 acres, \$2.5M. It is everything shown on the map (pointed out).

Chris Panek stated that based on what we read in the papers and your comment before; the City has been in discussion in the last year with representatives of the Wiacek family? From what people get out the paper, it seems like the City hasn't said anything and they are just going their own way.

Mayor Lauretti said that this is the reason why I am doing this tonight to set the record straight because there are some people who talk to the media who have another idea of what they want the people to believe other than what is true. I am in no way, shape or form going to allow that to happen, even if I have to ask the Board for money for direct mailing to the residents so they can get the facts.

Chris Panek asked, so the City has attempted to negotiate?

Mayor Lauretti said that the Wiacek's were sent a letter by myself and Conservation in the year 2000 and again in 2001, as an introduction. Then, I would say, in late 2002 or early 2003, I had one on one discussions with 2 principals of the Wiacek, even to the point when I was on vacation at Disney with my family, I took their phone calls and spent hours discussing this with one of the Wiacek's.

Chris Panek stated that he thinks one of the perceptions people get from the paper is that they came in with their subdivision, the City didn't say anything, they got the subdivision approved, and now you step in and want to take it by eminent domain.

Mayor Lauretti said I did that as a matter of accommodation. When you have negotiations to purchase something, you don't do it in public, despite what some people may think. It doesn't benefit anyone by doing this, so consequently I am not. Negotiations have ended and now I'll make my points. Quite honestly the reason I let them get their subdivision approval was an accommodation in a form of a request from them to me for their own personal reasons. I didn't feel it would impact the City's position in terms of the purchase. We are not here to steal this property from them. We are going to pay fair market value and by allowing subdivision approval, you eliminated some of the doubt. You have established a lot count. That is part of what drives the fair market value of these properties.

Greg asked, of the 40 acres, has it been determined how many are actually R-1 developable?

Mayor Lauretti responded that the approved subdivision had 24 lots, 45 or 47 acres. It is an R-1 piece of property and there was no request for a zone change. That doesn't impact the highest and best uses of the property. As of a matter of right they are entitled to that.

It was asked by a member of the press, how is fair market determined? Will there be an appraisal?

Mayor Lauretti said there was an appraisal done which I have and will make it available for anyone who wants to see it. I am not going to discuss that because I am sure this thing is going to go into litigation and we need to discuss it when that time comes. If are all done, we will go back up to the table. There is a motion on the floor. Alderman Anglace, would you restate the motion?

Alderman Anglace MOVED for the City of Shelton to acquire by eminent domain proceedings property containing 39.7 acres more particularly described as follows: (previously described on pages 3 and 4 of the minutes) The City hereby establishes the sum of \$2,500,000.00 as compensation for said taking. The monies for said taking will be appropriated from Capital Project Fund Account #401-0000-950-80.75. Said taking is for City Open Space and Recreational Purposes consistent with such open space. SECONDED by Alderman Papa. A voice vote was taken, MOTION PASSED, 6-1 (Finn).

ADJOURNMENT

Alderman Anglace MOVED to adjourn, SECONDED by Alderman Kudej. A voice vote was taken, MEETING ADJOURNED at 6:35 P.M.

Respectfully submitted,

Marianne Chaya
Temporary Clerk, Board of Aldermen
1 Tape is on file in the City/Town Clerk's office

