

ITEM NO. 3 ON CALL: TO NOMINATE AND ELECT MEMBERS TO SERVE ON THE SPECIAL LEGISLATIVE MANAGEMENT COMMITTEE

Majority Leader David Becker nominated David Becker, District 1; Joe Palmer, District 4 and Joe Felner, District 9, to serve on the SLMC, duly seconded.

Minority Leader Hal Schwartz nominated Hal Schwartz, District 7 and Kevin Hoffkins, District 7, to serve on the SLMC, duly seconded.

The nominated members of the SLMC were approved by unanimous voice vote.

At 8:25 P.M., the meeting recessed in order for the SLMC to meet and place members on the five Standing Committees. The meeting resumed at 8:35 P.M.

ITEM NO. 4 ON CALL: APPROVAL OF 2012 MEETING CALENDAR

Upon motion made, duly seconded and carried unanimously, the 2012 meeting dates were approved as recommended by the Town Clerk, as follows:

January 23	April 23	July 23	October 22
February 27	May 7 & 21	August 27	November 26
March 26	June 25	September 24	December 17

ITEM NO. 5 ON CALL: TO CONSIDER AND ACT UPON THE MINUTES OF THE REGULAR MEETING HELD OCTOBER 24, 2011

Upon motion made, duly seconded and carried with 42 in favor and 5 abstentions (Mitola, Dean, Wolk, Marks, Weber), the minutes of the previous meeting were approved.

ITEM NO. 6 ON CALL: REPORT FROM THE FIRST SELECTMAN ON THE METRO CENTER PROJECT

First Selectman Michael Tetreau distributed a report (attached).

Jeff Steele, District 2, asked if there had been any developments between the State and Blackrock Realty.

First Selectman Tetreau said that the State requested updates from Blackrock six to eight weeks ago.

Ed Bateson, District 3, noted that the transfer of the parking lot to the State is contingent upon our receiving the \$3 million grant. He asked if it is not made available December 1, would the contract be signed.

First Selectman Tetreau assured him he would not sign anything without receiving the grant.

Mr. Bateson asked about the remainder of the contingency fund, since \$400,000 of it has been spent as of October 31. He is concerned about the remaining \$600,000.

First Selectman Tetreau said that although they will use most of the contingency fund, he hopes to have some left over.

Selectman Jim Walsh asked what the reasons are for the \$400,000 cost overruns.

First Selectman Tetreau asked Economic Development Director Mark Barnhart to address the question.

Mr. Barnhart explained that use of the contingency fund is anticipated but not yet expended. A significant amount of casting sands must be disposed of and there are several options available. The accelerated construction schedule also led to additional costs. The project closeout means reports must be generated and submitted and there are anticipated costs associated with that work.

Selectman Walsh questioned how much more soil must be disposed of, since more than half of the funds have been spent and only half of the soil is gone.

Mr. Barnhart said that there has been a reduction of volume, some will be removed and some will be stored on site.

Selectman Walsh asked how many tons of soil must be removed, to which Mr. Barnhart replied 10,000 cubic yards.

Selectman Walsh said that at one time Blackrock Realty had offered a home for the excess soil. He asked if we would continue to negotiate for that.

First Selectman Tetreau said that the State has not had a discussion with Blackrock Realty, so that we must dispose of the soil on our own.

Kathy Braun, District 8, asked if a written legal opinion regarding whether the earlier drafts of the McCarter and English report would be made available.

First Selectman Tetreau said he did not recall if an e-mail had gone out.

Ms. Braun asked if we can get the earlier drafts.

First Selectman Tetreau said that the short answer is no.

Ms. Braun asked if we can get an opinion from the Town Attorney stating that.

First Selectman Tetreau replied affirmatively.

Ms. Braun asked if the Conservation Director may be restored to monitoring the project. The court ruled that Conservation was removed improperly and the Town appealed the ruling. She asked if Mr. Tetreau would reconsider the appeal from the former first selectman.

First Selectman Tetreau said he has not reviewed the legal issue which began four years ago. He said he will not have time to do so before the project is done in December.

Ms. Braun asked if the Town will look to recover funds lost due to error.

First Selectman Tetreau said that he would review the question when the project is complete.

At 9:10 P.M., Standing Committees met to elect Chairmen, Vice Chairmen and Secretaries of each committee for the ensuing term. The meeting resumed at 9:15 P.M.

ITEM NO. 7 ON CALL: RESOLVED, THAT IN ACCORDANCE WITH A REQUEST FROM THE TOWN PLAN AND ZONING COMMISSION, THE DONATION OF CERTAIN PROPERTY ON THE CORNER OF KINGS HIGHWAY EAST AND VERMONT AVENUE FROM HH EAST PARCEL LLC CONTAINING .26 ACRES, MORE OR LESS, BE, AND HEREBY IS, ACCEPTED

Mr. Bateson moved this item as distributed with the Call, duly seconded.

Asst. Town Attorney Eileen Kennelly gave the Body an overview of this item, which has been on the RTM agenda since June and has been postponed each month.

Selectman Walsh asked if the RTM rejects this donation of land, would the Town receive cash in its stead, to which Atty. Kennelly replied no.

Josh Garskof, District 5, asked if anyone knows how much it would cost for the Town to test the soil, to which Atty. Kennelly replied no.

Mr. Jason Melaragno said that this property is of no use to the Town and the soil is contaminated. He questioned why the Town would accept it.

MOTION: Mr. Garskof moved to postpone this item in order for Atty. Kennelly to ask Conservation Director Tom Steinke if he would recommend testing the soil, duly seconded.

Mr. Melaragno said that there is a cost to accepting this donation of property and we would lose the tax revenue as well. We would have to test the property because it probably is contaminated. Although open space is a valuable commodity, there is a park across the street from this lot. He urged the Body to not postpone this resolution again, to stop passing the buck and to make a decision tonight.

Sheila Marmion, District 6, said that she agrees we need more information in order to make an informed decision. We should ask how much it would cost to test the soil and we should ask Conservation to pay for it. She asked what the intended use of the land would be if it is clean.

Peter Ambrose, District 2, said he is not in favor of postponing this item. However, if it is postponed, he asked that RTM members visit the site. It is terribly unsafe, and if it is accepted it will be difficult to rehabilitate and we will be taking on a liability.

David Becker, District 1, said he does not support postponing this item. There are quite a number of questions beyond the contaminated soil, and we have no room to take on the cost. He urged the Body to vote against the donation.

Nick Mirabile, District 9, said he is opposed to postponing this item. He said he realizes the new members did not get all of the previous information, but tax collection on the parcel is minimal. The landowners know there is no use for this property and there is no reason for us to take on the liability. The Town will not take on the cost of testing the site. It will be open space whether we accept the property or not.

Ms. Braun said that there is a great value to expanding our open space. She said she does not understand why TPZ did not extend the testing requirement for the rest of the land to this parcel.

Heather Dean, District 4, said she supports postponing this item in order to visit the site. There is limited open space in Town and we should take advantage of this opportunity.

Kevin Hoffkins, District 7, asked if we are considering this donation in order to appease the surrounding landowners.

Atty. Kennelly replied yes, that it is her understanding.

Mr. Hoffkins asked if it is common for towns to accept donations of open space from a landowner in order for a development to go forward.

Atty. Kennelly said she did not know.

Mr. Hoffkins said that in his experience, it is common.

Ann Stamler, District 5, spoke in favor of postponing this item and said that the representatives from District 10 should ask their constituents if they want this donation of land.

VOTE: The motion to postpone this item failed with 22 in favor, 24 opposed (Mr. Stewart was not present to vote).

IN FAVOR: Sundman, Mitola, Conley, Dean, Garskof, McAleese, Stamler, Brogan, Campbell, Gottlieb, Marmion, Wolk, Hochberg, Hoffkins, Newman, Patten, Braun, Marks, Stopa, Hannum, Lee, Weber

OPPOSED: Becker, Meyer, Ambrose, Steele, Varian, Bateson, Ference, Mackenzie, McCullough, DeMartino, Hug, Mezoff, Palmer, Smey, Schwartz, Kery, McCarthy, Domeika, Felner, Jacob, Mirabile, Pontrelli, Ryan, Way

Mr. Bateson said he agreed with Mr. Mirabile and Mr. Ambrose. We have heard from Tom Steinke, and remediation occurred throughout the rest of the property before development. We should consider the neighbors, who probably do not want to know what is on their property, and turn this item down and move on.

VOTE: The resolution to accept the parcel of land on the corner of Kings Highway and Vermont Avenue from HH East failed with 43 opposed and 3 abstentions (Dean, Marmion, Hannum).

ITEM NO. 8 ON CALL: RESOLVED, THAT THE BOND APPROPRIATION ENTITLED, 'A RESOLUTION APPROPRIATING \$901,467 TO FUND A ROOF WARRANTY EXTENSION PROGRAM AT SHERMAN, NORTH STRATFIELD, OSBORN HILL, RIVERFIELD, AND HOLLAND HILL ELEMENTARY SCHOOLS AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION,' CONSISTING OF THREE PAGES, A COPY OF WHICH IS ATTACHED HERETO, BE, AND HEREBY IS, APPROVED

Ann Stamler, District 5, moved this item as distributed with the Call, duly seconded.

Superintendent of Schools David Title asked the Body to postpone this item until after a meeting among himself, the Town Facilities Commission and the roofing contractor takes place.

Ms. Stamler asked if the subject of the meeting is to come up with a roof warranty proposal or the best way to deal with roofs that need maintenance.

TFC Chairman Al Kelly said that the purpose is to come up with a plan so that the warranty is not “driving the bus.”

Ms. Stamler suggested that the discussion be broadened.

Hal Schwartz, District 7, asked if the bond resolution can be used if a significant change is brought about by this meeting.

Atty. Kennelly said if the dollar amount is reduced, the bond resolution can be used. If other things change, she would have to check with bond counsel.

MOTION: Mr. Bateson moved to postpone this item until the next regularly scheduled meeting, duly seconded and carried unanimously.

OTHER BUSINESS

MOTION: David Becker, District 1, moved to add the formation of a Blight Ordinance Review Committee to the agenda, duly seconded.

Mr. Schwartz asked if the ordinance would be discussed.

The Moderator said that only the formation of the committee would be discussed.

VOTE: The motion to add this item to the agenda was approved with 43 in favor, 3 opposed (Mitola, Hoffkins, Weber)

Mr. Schwartz asked what the reason for the formation of the committee is.

Mr. Becker explained that a Blight Ordinance Review Committee was formed during the previous term but the Metro Center emergency consumed the Body during the end of the term and the committee was unable to meet. He is hoping to jumpstart the process right away.

Ms. Stamler asked if the entire ordinance would be reviewed or just certain portions.

Mr. Becker said the entire ordinance would be reviewed as there are several areas of concern under consideration.

VOTE: The motion to form a Blight Ordinance Review Committee was approved with 45 in favor and 1 abstention (Mitola).

ADJOURNMENT

There being no further business and upon motion made, duly seconded and carried unanimously, the meeting was adjourned at 10:30 P.M.

Respectfully submitted,

Elizabeth P. Browne
Town Clerk

Recorded by: Ann Roche