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CHRISTINE HALLORAN
TOWN CLERK
EASTON CT

Meeting Minutes

Easton Board of Selectmen
August 4, 2016 – 7:30 p.m.
Town Hall Conference Room A

Adam Dunsby called the meeting to order at 7:30 p.m.
PRESENT: Adam Dunsby, Carrie Colangelo, Robert Lessler

1. Carrie Colangelo moved and Robert Lessler seconded a motion to approve the minutes of the Easton Board of Selectmen Meeting of July 21, 2016 with the addition of the word "to" in agenda item 4, second sentence. Motion passed unanimously.
2. A resident requested the Board to listen to public opinion on whether or not to sell South Park property. Kathy Magner of Citizens for Easton requested time to present a proposal regarding South Park at the next Board of Selectmen meeting on August 18, 2016.
3. Adam Dunsby addressed the issue of the language of the original 2008 Referendum and its impact on the selling of the property. The question posed to Ira A. Bloom of Berchem, Moses & Devlin, P.C. was, "Does the Town of Easton referendum vote of June 17, 2008, to acquire the 30 acre South Park property now preclude the Town from selling, leasing or using the "Property" for development purposes?" In his letter dated August 2, 2016, Attorney Bloom answered "no". (The letter, in its entirety, is attached to these minutes.) . The current options on the table are: 1. Athletics, similar offers by Sacred Heart University and The Alfred G. Lenoci Jr. Conservation Trust which would include Town use of a natatorium; 2. Senior Housing, which would require an RFP based on the report Planning and Zoning submitted; 3. Farming, offer by The Alfred G. Lenoci Jr. Conservation Trust for conservation and no more than five houses after a period of time; 4. Nothing, take no action. Bond the property for ten years; 5. Prayer Center, they have expressed ongoing interest. Adam Dunsby suggested a path forward could be to narrow the options to two that could potentially go to a referendum vote (non-binding). A referendum presents its own set of challenges such as turnout, the wording of the question and how to interpret the results. Legally, the Board of Selectmen has the authority to make the decision for whatever is in the best interest of the Town. After some discussion, Carrie Colangelo would support the athletics or bonding options while Robert Lessler would support the senior housing or athletics options. Adam Dunsby would favor the athletics or farming options. All agreed that the referendum would only work with two defined options. The matter will be taken up at the next Board of Selectmen's meeting.
4. Robert Lessler moved and Carrie Colangelo seconded a motion to approve the following tax refunds as recommended by Krista Kot, Tax Collector: 1. Julie Culver - $33.84; 2. Daimler Trust - $299.40; 3. Aaron Goldman - $55.99; 4. Aaron Goldman - $15.01; 5. Adam or Sheri Horowitz - $14.21; 6. Lyn McCarthy - $73.68. Motion passed unanimously.
5. Robert Lessler moved and Carrie Colangelo seconded a motion to ratify the contract agreement between the Town of Easton and Local 1426 International Association of Fire Fighters which runs July 1, 2015 – June 30, 2017. Motion passed unanimously.

6. Adam Dunsby handed out a red-lined version of the Employee Handbook after a reviewing with Suzette Bryan, Human Resource Compensation Coordinator. Adam Dunsby suggested reviewing the material and being prepared to discuss at the next Board of Selectmen meeting.
7. No Board member comment.
8. Carrie Colangelo moved and Robert Lessler seconded a motion to adjourn at 9:17 p.m. Motion passed unanimously.

3A~08-04-16

BERCHEM, MOSES & DEVLIN, P.C.

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August 2, 2016

Hon. Adam Dunsby, First Selectman
EASTON TOWN HALL
225 Center Road
P.O. Box 61
Easton, CT 06612-0061

Re: South Park Parcel

Dear Mr. Dunsby:

You have asked me the following question: Does the Town of Easton referendum vote of June 17, 2008, to acquire the 30 acre South Park property ("Property"), now preclude the Town from selling, leasing or using the Property for development purposes? The answer is no.

My opinion is based upon the following:

1. The ballot itself called for acquisition of the Property for "preservation, conservation and land use control purposes." Placing that phrase in the context of the time, "preservation" referred to the Town "preserving" the Property from the affordable housing development pending in court. Similarly, "land use control" expressed the same intent—to "control" the Property as the Town saw fit. At the time of this referendum, the affordable housing appeal filed by Running Brook Farms was pending in court. The purchase of the Property by the Town thwarted this affordable housing development, "preserved" the Property, and "controlled" it for the Town's future uses.

2. The Special Town Meeting Minutes of June 9, 2008, reflecting the Town Meeting just before the referendum vote, make clear that the Property was not being purchased for open space. The minutes state

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expressly as follows: "This was not a proposal to buy the land for open space." Indeed, simultaneous with the purchase of the Property by the Town was a proposed lease/purchase option between the Town and the New England Prayer Center (NEPC) providing for various financial payments and an option for NEPC to purchase the Property and build a permanent prayer center facility on the Property. Subsequent to the referendum, NEPC filed with the Planning & Zoning Commission an application for a new prayer facility. Ultimately, NEPC was unable to exercise the purchase. Notably, the minutes from the Special Town Meeting on June 9, 2008 expressly state the following from former First Selectman Tom Herrmann: "If they [NEPC] do not [purchase], then the Town can do what it wants with the property." Further, the minutes also indicate that if the lease/purchase made available to NEPC was not exercised, "the town could *sell* 14 one-acre lots to cover the cost of the purchase and retain the remainder of the land as open space." [emphasis added] Clearly, the minutes of the Special Town Meeting make clear that there was no intent to preserve all of the Property as open space and, in fact, it was fully intended that some or all of the Property would be developed or sold.

3. If the Town intended in the referendum to retain the Property permanently as open space, that would have and should have been stated expressly in the ballot question. In fact, it was not so stated.

In sum, the referendum does not prevent the Town from selling, leasing, or developing the Property, in whole or in part, subject of course to appropriate municipal review and zoning regulations.

Sincerely,

Ira W. Bloom

IWB/kae

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