

TOWN OF COLUMBIA
SPECIAL TOWN MEETING MINUTES
Tuesday, March 20, 2018 – 6:45 pm
Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT

A Special Town Meeting of the duly electors and citizens qualified to vote in the Town Meeting of the Town of Columbia, Connecticut was held in the Adella G. Urban Administrative Offices Conference Room on Tuesday, March 20, 2018 at 6:45pm.

Present: First Selectman, Steven M. Everett; Deputy Selectman, Robert Hellstrom; Selectman; Lisa Napolitano, Selectman; Selectman, William O'Brien, Selectman, Robert Bogue

Also Present: Mark B. Walter, Town Administrator; Henry M. Beck, Jr., Town Legal Council

Moderator: Mark Vining

Clerk: Jennifer C. LaVoie

Citizens: Chris Tulsodorf, Don Cianci, Joan Hill, Ann Dunnack, Gary Littlefield, Rich Napolitano, Jeffrey Viens, Ernie Sharpe, Linda Rainwater,

The meeting was called to order by S. Everett at 6:46pm. The meeting was then turned over to the Moderator who read the legal notice and asked the First Selectman if there is someone to make the motion. R. Bogue made the following motion:

“To Address Clause I of the Meeting Call, I move that the Purchase and Sale Agreement, which provides for the purchase by the Town of an undeveloped parcel of land consisting of 57+/- acres identified as parcel 3 on Map 43 by the Town Assessor and known as the “Oberlander Property,” and which currently requires such purchase to occur on or before April 1, 2018, be extended by substituting the date of July 31, 2018 for said April 1, 2018 deadline where set forth in such Purchase and Sale Agreement.”

The motion was seconded by Don Cianci. The Moderator re-read the motion and opened the floor to discussion.

R. Bogue stated that the reason for the motion is that there was a problem with getting the people together on the seller's side and that this motion is to avoid the process again and set another date.

Don Cianci, 45 Laurel Lane, said that he had a concern about the lack of an end date and that unless there is a timeframe, it may go on and on. Henry Beck, Town Legal Counsel responded that he believes they can finish the process within that allotted timeframe. He added that the Town needs to still have the survey done and that there is a possibility the sale could happen before July 1, 2018. The pressure is on the sellers and they have been given an adequate amount of additional time.

Ernie Sharpe, 11 West St. asked what the cost and the process to pay for the survey. M. Walter responded that the request for the survey still must go out to bid and is guessing that it would be around \$5,000 and that it is paid out of the Open Space fund, or land acquisition fund.

Joan Hill, 23 Cards Mill Rd. asked about the previous penalty of \$2,500. Henry Beck responded that it does not have to be voted upon based off the original resolution purchase and sale agreement by the First Selectman if it is closed by April 1st. He added that the First Selectman can negotiate the agreement and extension of the expressed termination date of April 1st. Joan Hill asked a follow-up question about whether the Selectman will have the option/power to act on the penalty clause. Henry Beck responded that this has been disclosed to the sellers and will go forward on that basis that there is a penalty.

Jeffrey Viens, 132 Rte. 66 asked if the resolution goes forward is there any penalty? Henry Beck responded that under the contract, the closing date is April 1, 2018, if the contract is not closed by that date the contract is void and neither party has any obligation to the other. He added that there is a \$500 deposit.

Don Cianci asked Henry Beck if the contract states time is of the essence. Henry Beck responded that it is implied that April 1st deadline was the drop-dead date; however, he did not have the contract with him to answer specifically.

Ernie Sharpe stated that it is described as a first step in a big open space project and that it implies that there will be costs in addition to this first step and the reports he has received have no reference to future spending. Ann Dunnack, 103 Lake Rd. replied that the Open Space Committee at the request of FiPAC submitted a 10-year plan for this priority area and other potential projects and outlined the potential spending. Ernie Sharpe responded that yes, that's true those numbers were submitted and that there has been a change and that the Selectman have asked for updated material on Open Space and asked, "Are there or are there not updated numbers on this? Don Cianci stated that there had been a request to update the number per assessed value and that Open Space has submitted this. Ernie Sharpe said he hadn't seen those numbers and would like a copy to share with FiPaC

Joan Hill asked Mr. Beck about the March 6th email to Mr. Constantine and has he made any progress and what is the delay? Henry Beck responded that the Sellers represented council stated that it could be completed on time. Joan Hill asked an additional question about the \$2500 penalty as to what that estimate constitutes. Henry Beck responded that the number was a reasonable cost to cover primarily legal fees, as well as cost of advertisement.

Joan Hill stated that she has a concern that there will be a need to have an extension if the requirements are not met and asked if we can have another extension. The Moderator stated that the motion could be amended to say that. He added that with the legal notice in that paper that would be a challenge to amend those things going forward. Joan Hill added that the legal notice did not have that deadline in it.

W. O'Brien called the question to stop the debate. The Moderator called a vote. There was a voice vote of 9/10 to 4 vote.

The Moderator re-read the motion: "To Address Clause 1 of the Meeting Call, I move that the Purchase and Sale Agreement, which provides for the purchase by the Town of an undeveloped parcel of land consisting of 57+/- acres identified as parcel 3 on Map 43 by the Town Assessor and known as the "Oberlander Property," and which currently requires such purchase to occur on or before April 1, 2018, be extended by substituting the date of July 31, 2018 for said April 1, 2018 deadline where set forth in such Purchase and Sale Agreement."

A voice vote was taken, then a hand vote was asked

YES: 8 NO: 7

The Moderator asked if there is a 2nd motion. R. Hellstrom read the following Motion:

"WHEREAS, it is appropriate to address Clause 2 of the Meeting Call because the revised deadline adopted for the consummation of the purchase and sale of said Oberland Property may result in such consummation's occurring in the fiscal year of the Town commencing July 1, 2018; I hereby move that the Town Meeting resolution adopted June 1, 2017, which initially authorized the purchase of the Oberlander Property to be funded during the current fiscal year from the Town's Land Acquisition Fund as set fort as line item #20-6338-013 of the current Town Budget, be amended to add and provide for said purchase funds alternatively to come from the Land Acquisition Fund line item in the Town Budget to be effective for the fiscal year commencing July 1, 2018."

The motion was seconded by Don Cianci

The Moderator stated that R. Hellstrom can speak first. R. Hellstrom responded that the motions speak for itself. Ernie Sharpe responded that the motion seems consistent with the floating date. Joan Hill asked to move the question.

The Moderator asked if all are in favor of moving he question. Moderator re-read the above Motion. The MOTION CARRIED UNANIMOUSLY.

The Town Meeting ADJOURNED at 7:20 PM

Respectfully submitted by Jennifer C. LaVoie

TOWN MEETING

MARCH 20, 2018

First Motion

Passed hand
vote 8 yes
2 NO

Robert Bogue - motion
Donald Cianci - 2nd

Maha Veing
moderator

To Address Clause 1 of the Meeting Call, I move that the Purchase and Sale Agreement, which provides for the purchase by the Town of an undeveloped parcel of land consisting of 57 +/- acres identified as parcel 3 on Map 43 by the Town Assessor and known as the "Oberlander Property," and which currently requires such purchase to occur on or before April 1, 2018, be extended by substituting the date of July 31, 2018 for said April 1, 2018 deadline where set forth in such Purchase and Sale Agreement.

Second Motion

Rob Hellstrom - motion

WHEREAS, it is appropriate to address Clause 2 of the Meeting Call because the revised deadline adopted for the consummation of the purchase and sale of said Oberlander Property may result in such consummation's occurring in the fiscal year of the Town commencing July 1, 2018; I hereby move that the Town Meeting resolution adopted on June 1, 2017, which initially authorized the purchase of the Oberlander Property to be funded during the current fiscal year from the Town's Land Acquisition Fund as set forth as line item #20-6338-013 of the current Town Budget, be amended to add and provide for said purchase funds alternatively to come from the Land Acquisition Fund line item in the Town Budget to be effective for the fiscal year commencing July 1, 2018.

Passed
voice vote
~~8~~
NO opposition

Don Cianci - 2nd

Maha Veing
moderator