

Special Town Meeting April 14, 2009

Rudy Marconi, First Selectman, called the meeting to order at 9:30 a.m. in the lower level conference room of Town Hall.

Mr. Marconi announced that the purpose of the meeting was to consider and to act on the revocation of the Bennetts Pond Corporate Park Plan. He then announced that the first item of business was to appoint a Moderator.

Barbara Manners moved, Di Masters seconded to appoint Jane Berendsen-Hill as Moderator.

Vote: "Aye" votes unanimous, and Mrs. Berendsen-Hill was elected Moderator.

The Moderator read the call of the meeting that appears on page 163. She then asked for a motion to act on the revocation of the plan.

Barbara Manners moved, Di Masters seconded to withdraw the plan.

The Moderator then opened the meeting to discussion.

Dom D'Addario, 8 Tanton Hill Rd., asked if the question could be explained in plain English. Mr. Marconi explained that several years ago, the Town embarked on the Bennetts Pond project, and the property was divided into a north and south side. The north side was taken for the purpose of eminent domain, and the south side for the purpose of generating tax revenue. The north side was taken by eminent domain, and is now owned by the State of Connecticut, but the south side is now an issue. In 2001, the Town developed the Bennetts Pond Corporate Park Plan, by statute, for the purpose of taking it by eminent domain. Eureka, the owner, objected in federal court and the issue is still in federal court. It is still in litigation. He further remarked that the Economic Development Commission looked at the plan and determined that it needed updating if the Town was to proceed. In all likelihood the Town will not be proceeding with the eminent domain based on the information received from the attorneys and due to the financial times being faced today. He felt the people of Rigeftield would not be willing to spend that kind of money, and the additional money needed is a result of the Planning & Zoning Commission approving an overlay zone, which has increased the value of the property. The tax assessor has increased the value and is assessing Eureka on the overlay zone. They did not remove the existing zone, which is a corporate zone, but added the overlay zone, which allows a residential zone, which was approved by the Planning & Zoning Commission. The residential zone is now subject to an appeal in court. He further explained that the Bennetts Pond Corporate Plan was put into effect to indicate to the courts and to comply with state statutes that the Town had a plan for eminent domain of the property, but the Town does not intend to go forward with eminent domain at this time. He finalized by saying the Town is not withdrawing from the case, but simply withdrawing plans to build a corporate park.

Eric Kristoffersen, 40 Madeline Drive, wanted to correct the valuation of the property set by the Assessor and First Selectman. He stated that one of the stipulations set by the Planning & Zoning commission for affordable housing approval was that town sewer must service it. In order for the sewer district to be extended to Eureka, it must be approved by a referendum. He

opined that the people of Ridgefield would not approve of the sewer system being extended to serve 300 or more residential units. Mr. Kristoffersen also pointed out that the Economic Development Committee went into executive session at their last two meetings, and then issued a resolution without any public input. He wants discussions on this issue to be open to the public and not done privately. He also discussed that there was a misuse of funds involved. (See tape for details of discussion).

Heather Scott, 8 Lakeside Dr. Ext., wanted explanation of the process. Di Masters and Rudy Marconi explained it to her.

David Grogins, Town Attorney, stated that revoking this plan is just a procedural step. This will not allow Eureka to develop property in any way, shape, or form, because that is up to the Planning & Zoning Commission and the courts. This is an action, narrow in scope, and only relates to the Town's original attempt in 2001 and 2002 to take the property by eminent domain. The Town, by advise of Town Attorney, in order to take the property by eminent domain for economic development purposes, they needed to have a corporate plan according to the courts. In accordance, the Board of Selectmen, acting as the Economic Development Commission, developed seven lots as a corporate plot on five acres. The plan is now significantly outdated, and since the statute update in 2007 requires many different things; the Town could never go forward with the plan. It was decided to withdraw the plan, because it is only a housekeeping item. It has nothing to do with the action in court.

Bernard Dzlienski, 49 Ritch Dr., stated that in 1981, he was on the Board of Selectmen, acting as the Water Pollution Control Authority, voted on extending the sewer district to include the IBM property (nka Eureka property).

Rick Kristoffersen said that he did a history on the sewer extension issue, and said he found that the Board of Selectmen and Water Pollution Control Authority talked about it, but it never went to a Town Meeting. He checked with Mr. Grogins, and he, too, confirmed that any sewer extension has to go to a Town Meeting. Mr. Kristoffersen discussed at length the history of the Eureka property and the sewer issue. (See tape for details of discussion.)

Heather Scott asked that if the plan is revoked, what plans does the Town have for that property. Mr. Marconi replied that the Board of Selectmen and the Economic Development Commission have no plans for that property.

The Moderator closed discussion and called for a motion to call the question. Norman Craig, 150 High Ridge Ave. moved to call the question.

Vote: The "Aye" votes carried. 1 Opposed.

The Moderator then asked for a vote on the original motion to revoke the Bennetts Pond Corporate Park Plan.

Vote: The "Aye" votes carried, 1 Opposed. Motion adopted.

Barbara Manners moved, Barbara Serfilippi seconded to adjourn the meeting.

Vote: "Aye" votes unanimous, and the meeting adjourned at 10:05 a.m.