

**MINUTES OF THE CHESHIRE TOWN COUNCIL SPECIAL MEETING HELD ON THURSDAY, JULY 20, 2017 AT 7:00 P.M. IN ROOM 207, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Robert J. Oris, Jr., Chairman; Paul A. Bowman, Vice-Chairman; Councilors – Jeffrey Falk, Patti Flynn-Harris, Tim Slocum, Peter Talbot.

Absent: Michael Ecke, Sylvia Nichols, Thomas Ruocco

Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; PW Director George Noewatne; Fire Marshal John Andrews

**1. ROLL CALL**

The Clerk called the roll and a quorum as determined to be present.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. REVIEW AND RECOMMENDATIONS RE: CHARTER REVISION COMMISSION REPORT.**

MOTION by Ms. Flynn-Harris; seconded by Mr. Talbot

MOVED that The Cheshire Town Council defers discussion and action on the Charter Revision Commission report until the July 26, 2017 Town Council meeting.

VOTE The motion passed unanimously by those present.

**4. DISCUSSION AND ACTION RE: CHAPMAN PROPERTY REMEDIATION**

Discussion

Chairman Oris stated the Town Council has a contract in place with the Chapman family on the property. The Town has acquired the property. There are some pieces of the contract that are in process and still to be done to complete the contract.

Attorney Smith informed the Council that the Chapman Family, pursuant to the contract, have left the property, have removed all of their personal property as required by the contract, and have received an interim payment due based on the meeting of milestones. What remains to be done is the environmental remediation of the property, removal of certain soil, replacement of soils deep beneath the ground consistent with Connecticut regulations. The Chapmans have until September 1, 2017 to complete this remediation. In order to complete the remediation, there is \$300,000 withheld from the payment proceeds which serves as a remediation fund for Chapmans to use to complete the work. Attorney Smith understands they are in the process, have started some of the work, and need to finish some petroleum contaminated soil beneath the remaining house. Under the terms of the agreement with Mr. Chapman, his obligation

to remediate that area is premised on removal of the structure. If any other type of remediation was required the costs would be the obligation of the Town.

Mr. Noewatne explained the current situation...the property has contamination. The Town has \$300,000 in escrow for the cleanup. The contamination includes pesticides, petroleum spilling, asbestos in one house, and lead paint in all the houses. The remediation must be completed by the Chapman family by September 1<sup>st</sup>. The pesticide area and all but one of the petroleum areas can be cleaned up without affecting the structures on the site.

The one issue is the old farmhouse, 630 South Main Street, which has 100 cu.yds of petroleum contaminated soil. As part of the contract, the Town did not wish to acquire the property with any contamination present, and that was the motive, going forward, that everything was cleaned up. The old farmhouse, which is the main building in question, contains asbestos in the basement, and lead based paint contamination on the exterior and interior of the building, and petroleum contamination in the soil in the basement.

Remediation Costs – Mr. Noewatne cited the estimated costs for the petroleum contamination at \$22,000; asbestos and lead paint contamination for the farmhouse structure is about \$8,000; total building remediation cost was \$22,000 for three buildings with removal of lead paint and asbestos.

Options – Mr. Noewatne cited the options for the Council's consideration.

1) Base option is demolishing the house, remediate the lead contamination by disposing of the house, and remediate the soil underneath the house with mechanical equipment at a zero dollar cost.

2) Move the house off the foundation; remediate the soil underneath; and replace the house or put it on a new foundation. The house could be sold or auctioned off, take it off site, and this will cost time, and renegotiation of the contract.

3) Remediate the house in place using hand excavation in the basement; try to get the lead paint off the siding, or encapsulate it, or remove the siding, and other possibilities. All would have significant costs to the Town.

If the building remains, it must be protected until a decision is made; a new roof is needed; it will need some work to be done to preserve it until a decision is made on its use.

Regarding the other two houses on the property, Mr. Slocum understands they also have lead paint issues, water pollution type of issues, and asked about the responsibility of Chapman on those properties.

At the time of the contract, Mr. Noewatne said it was removal of all the structures, into a dumpster. The Town's consultant, Beta Engineering, feels that if they were disposed of they would not rise to the level where they would be contaminated waste...they would be disposed of as debris or general construction waste. Stripping the paint off the buildings would be a very labor intensive process, if it could be done on the old wooden shakes.

Mr. Oris said the contract requires remediation as the responsibility of the Chapmans, and he assumes they are doing this in the most cost effective manner.

The Council was told by Attorney Smith that specific remediation requirements are set forth in the contract, which adopts the recommendations of the Beta Engineering report. The contractual requirements are, in effect, set forth in this report which specifies various things...taking down the buildings, excavation of the soils. The Chapmans do not have leeway under the contract to do anything beyond what is specified in the Beta report.

That requirement is the Chapman's obligations, and Mr. Oris said any other requests on the part of the Town to go beyond that, would be outside the bounds of the contract, with extra costs fully the burden of the Town.

With regard to the options cited, Mr. Noewatne reviewed the preliminary estimates.

- Base option – demolish house, remediate the building by disposing of it and remediate the soil underneath has zero cost.
- Moving the house off the foundation, remediate the soil with machinery, then restore the house to the foundation, cost of \$45,000; \$12 to \$16 a square foot to pick up the house and put it back down.
- Moving the house somewhere on site, build a new foundation, cost of \$70,000; a new foundation is \$25,000.
- Sell or auction the house, remove it from the site, or removed by another person has zero cost to the Town. It would require some kind of contract extension with the Chapmans. They would need several months to come through with this...someone taking the house off site.
- Leave the house in place, but remediate so no contamination is present has the following estimated costs: remediate the lead based paint, interior and exterior, \$65,000 range; or replace siding \$45,000 range; exterior repainting \$15,000 range; interior repainting \$15,000 range; to keep house in place, install new roof \$20,000 range.

In the short run, the extra financial burden on the community to keep the house is about \$65,000. Mr. Noewatne said there must be remediation of the basement contamination, and by hand it is about \$88,000; excavator remediation is about \$22,000; and there is the risk of the structure collapsing.

With regard to the estimated 100 cu.yds. Mr. Noewatne said it could be 70 cu.yds, or 200 cu.yds. and no one knows for sure.

Mr. Oris advised that extensive testing was been done before the Town took title to insure there were no major catastrophic issues. The \$300,000 escrow, in the opinion of the Town, is enough to handle that.

Mr. Noewatne reported there is no ground water contamination.

This information was summarized by Chairman Oris. \$88,000 for hand removal; \$22,000 mechanical removal; about \$130,000 of added costs to remediate and preserve the structure to allow time to find funds to rehabilitate it. If there is no money to rehabilitate it, the end result may be to take it down, after expending this extra money for no good reason.

Mr. Slocum talked about some of the inside of the house worth saving and carefully removed, and asked if this adds to the costs. People can enter the house with permission, if they are insured and indemnified.

If that happens, Mr. Noewatne said the Town would encourage the Chapmans to get their contractors in there and meet the September 1<sup>st</sup> deadline.

Mr. Bowman asked if the Chapmans have contacted Mr. Noewatne to begin the work, or reached out to Beta, or taken out permits to demolish the house.

About a month ago, Mr. Noewatne spoke with Mr. Chapman, and he had spoken with Mr. Chapman and Mr. Hall prior to that time. Their desire is to move forward; the issues here have to be clarified; and he is uncertain if Chapman has taken out any permits or has a contract with a firm. He is waiting to get direction to encourage them to move forward the way the Council wishes to see things done.

The issue of the estimated time to take down and remediate just the farmhouse was raised by Mr. Talbot.

Mr. Noewatne said it would be 2 days; the house will come down quickly; and then the cellar will be dug out with a machine.

Mr. Talbot asked if this could be the last piece of the work done, or if there is a schedule on how the remediation must be done.

According to Mr. Noewatne, the Town could make that request, but it would be up to the Chapmans and their contractor on how they want the work performed. He thinks they would honor a reasonable request.

## PUBLIC COMMENTS AND QUESTIONS

Joseph Datillo, 366 North Brooksvale Road, Vice Chairman of the Historic District Commission (HDC) addressed the Council on the issue of the farmhouse structure, The Ives House. Mr. Datillo noted the Council uses other commissions for consultation on options and issues, but has never consulted the HDC about options on historic properties. In the future, he asked that HDC resources be utilized. He surveyed the structure; it is structurally sound; what looks bad is cosmetic; there may also be heating oil leaks in the basement; and he asked how deep the plume went, since he thinks it is a minor spill. Regulations do not require full remediation of lead paint to be done at this time, as it can be done in stages. The house should be temporarily preserved, more the outside and roofing, and \$20,000 is a close estimate. Exterior envelope can be sealed and the rest held off to a later date. If the Chapmans had money set aside for remediation, he asked if this money could deal with leaving the house in place, excavate the contaminated oil, and leave it at that. The house could be moved; his calculations are \$25,000 for new foundation, \$50,000 to move the building somewhere on the 10 acre site. This is an 1800 Victorian on a farm, the last one in Cheshire. Given the Town's cultural heritage as a farming community, the house is a great resource to keep. In his professional opinion Mr. Datillo said the house is restorable; it could be done more reasonable than costs quoted; it can be buttoned up and kept stabilized; the foundation and structure are strong, with most damage being cosmetic.

Mr. Slocum stated his understanding to preserve a building for the reasons cited. This will be a Town owned structure, and he is uncertain how the Council defines the end use. Going down that road we are dealing with the Town's money, rules guiding Town construction costs, prevailing wages etc., maintaining a Town owned property. He questioned if we are looking at just an attractive finished product, a meeting house for a few times a year. To him, this is not an expense which the taxpayers should bear. Mr. Slocum recognizes there may be artifacts in the house with value and merit and they could be extracted and used.

The issue of a master plan for the Chapman property was raised by Mr. Datillo, who said it could be a meeting space, storage facility for grounds and maintenance, and HDC might use it for meeting space. There is federal grant money available for a study on the property through the Dept. of Interior. This report will give more information on which to base a decision on use of the property. With the amount of land, there could be ball fields, walking trails, tennis courts and still keep the house.

Chairman Oris advised there was a potential, preliminary plan laid out for some fields etc. but there is no current plan which the Council has looked at to move forward. The Council looks at this land as a blank slate, and will figure out later what is the best needs of the community. An old plan was done, but there is no plan endorsed by the Council.

Lisa Franco, 64 Cornwall Avenue, read a statement into the record from Jeanne Chesanow, Town Historian.

Joan Shapiro, 49 Williams Road, said all options should be explored before an historic property is torn down. She understands the National Parks Service can do a study to provide more answers, suggestions on affordable remediation, more funding. The Town's POCD states Cheshire supports preservation of cultural and historical resources. Ms. Shapiro said nothing is lost but time by applying for the grant; if granted we can find out more about what is at stake. She asked the Town Council approve the grant application, further discuss the National Parks report for options.

Elizabeth Fox, 135 Oak Avenue, Chair, HDC, advised it is a rolling grant out of Hartford office of the National Parks Service. The application is submitted the first of a month; next month it goes through the office in Hartford; if approved, more research must be done; and a consultant hired for \$20,000. It is a contract with the State Historic Preservation Office; they receive the money; and the money is specifically for preservation projects and feasibility studies. The HDC is requesting the Town hire the consultant.

Dorothy Drufva, 125 Putnam Avenue, Hamden CT, former Cheshire resident read a statement about her life in Cheshire, the old fashion shops, demolition of structures in the 1970's and 1980's, and said the Town should be more proactive with historical preservation. She supports the HDC request on the Chapmen property house.

Elizabeth Fox distributed a post card showing photos of four Cheshire historical structures. In March 2017 she requested the Council approve HDC submission of a grant for a feasibility study of the Ives House on the Chapman property. The matter was tabled. At that meeting, Mr. Slocum stated the Town worked hard on plans for the park and the house was in a bad position, which would affect the plan. She asked if there was a plan or not. Due to the financial situation in the State, Ms. Fox withdrew this request at the April Council meeting.

In response, Mr. Slocum stated that homes on the property were in the plan to be demolished, and he recalled a plan from 2009. The Councils have changed composition over that time, and a Council saw a vision for this property associated with parks and recreational activity and facilities. While not formally adopted, this plan formed a framework for a design should the property be purchased, when available.

Chairman Oris stated it was made clear that was only a conceptual plan and the Council had not approved this plan...it was a potential use of the site.

Ms. Fox reviewed comments that have been made about the Ives House, and read a statement into the record on how the Council's vote will effect this house. In a 1996 survey this house was declared to be a significant example of a Victorian farmhouse. If the Council votes to demolish this house it will destroy a building which has a major presence on South Main Street since the Civil War. A major structure will be removed that could have been incorporated into the site as more than parking lots and playing fields. Recreation is more than playing fields; it is a place for small groups, a lecture, a garden, saving the cultural heritage of the Town we love. The decision would be made

without the advice of the HDC; it will go against the POCD. If the Council votes not to demolish the Ives House it will send a clear message of appreciation of the historic character of the Town.

The study and timing of the grant process was reviewed by Mr. Talbot. The process begins at the first of the month; the grant is awarded the middle of the next month. He cited the grant application submission on August 1<sup>st</sup>; response on the grant by mid-September; and asked how long before the study would be completed.

Ms. Fox replied the actual study will take nine (9) months to complete, and she would then continue to do research on the house.

Mr. Talbot asked about the study being subject to conditions, i.e. the winter months, and he estimates a total of 10.5 months.

Research must be done following the study, and Ms. Fox said this would take about a week. She then prepares the research in a position paper similar to the State Registry nomination. They want to see that the building is important.

With that information, Ms. Flynn-Harris said it would be October before the grant is awarded.

According to Ms. Fox, the research gets done; the report is written; and the grant application is submitted. This goes to Town staff review to make sure it is complete, and the application goes out of Mr. Sitko's office. She has written many prior grants. We are looking at a start date of December for the study.

From that point, Mr. Talbot noted it would be another eight (8) months, so we are looking at a year from now for the answers. He asked expectations, details and recommendations of the survey, and cost estimates associated with these recommendations.

Mr. Fox stated that HDC would request a \$20,000 appropriation in order to have numbers associated with different/adaptive uses of the building. She commented on the need for buildings for meetings, multi-purpose rooms, and said HDC is not talking about saving the whole house. The garage and back wing are not historically important and would be removed; a 1300 sq.ft. house will be saved; the back area could be made handicapped accessible with handicapped bathrooms; and these things will come out of the feasibility study. Ms. Fox has a vision for this house, and said 15+ parks in Connecticut have historic houses.

The cost side of this proposal is of concern to Mr. Talbot, who said the house comes onto the rolls of the Town, requires consistent investment by the Town for maintenance and upkeep. It becomes a Town owned building, and the usage against the costs must be weighed.

There are two other structures on the Chapman property and Ms. Flynn-Harris said they can also be looked at, especially hearing the HDC has no vision of this being a correctly period historical house. There are two other homes, and talking about meeting space needs, she said we must look at what can be done with those two houses. Ms. Flynn-Harris commented on the "Yellow House" being too small for the high school kids. If we had one of the two houses, which are in better shape than the Ives house, it could be rehabilitated with minimum remediation. These houses have lead paint, no contamination, no pesticides, no ground contamination, and would be great buildings to be used for various functions. She is concerned about the money. Regarding the grant, she clarified it is a \$20,000 grant; the Town puts the money up front; and would be reimbursed.

Ms. Fox said the grant reimbursement is paid 1/3, 1/3, and 1/3.

Ms. Flynn-Harris wanted it understood that this not is a grant with nothing from the Town. The grant will be reimbursed. For any adaptive rehabilitation, she asked about any other resources or funds that would be applicable.

With the big questions about the State budget, Ms. Fox said there are concerns about State funding being available for future work. We are still there and do not know what will happen with the Community Investment Act, and the State may keep it, chip away at it, and there are no federal funds involved. The Community Investment Act was a real estate tax on transactions, with money to be used for open land preservation, buying development rights for farms, and historic preservation. Ms. Fox noted the Congregational Church work was funded through this Act; St. Peter's Church received \$50,000 grant to restore the Bell Tower. The Town would pay for the feasibility study for the house, and get reimbursed. There can be application for restoration funds for the shell of the building.

If the Council says it will find the money, Mr. Flynn-Harris said it will impact the Town's agreement with the Chapmans for them to do the remediation, which they are committed to, by contract, to complete by September 1<sup>st</sup>. This means the Town would be responsible for all the remediation costs on the property.

Attorney Smith said this would require a renegotiation of the contract. It is expected Mr. Chapman would take the position that, on September 1<sup>st</sup>, he is entitled to \$300,000 less the cost of the pesticide area, and remediation after removal of the home. If he is told to not touch the home, the Town would be preventing him from meeting his direct obligation.

Ms. Flynn-Harris asked about renegotiating, and taking the Ives house out of the remediation.

There would be some negotiation about the amount of the payment, and Attorney Smith said any remediation would be at the cost of the Town.



Chairman Oris said Mr. Chapman might agree to a credit based on the cost of taking the house down and remediation in that fashion. The Town takes a larger liability risk relative what to might be in the ground. Testing has been done but it is not complete conclusive testing, and this is why there is a reserve in place to cover the Town if an unknown is uncovered. With this deal and a credit, Mr. Chapman gets the balance of the \$300,000. If we get in the ground and find more contamination, i.e. 500 cu.yds. it is a big cost to the Town.

Mr. Talbot asked what is reasonable to assume if we don't get a credit, and Mr. Chapman walks off the property on September 1<sup>st</sup>, and if the Town wants the house left there, it is their deal. He also asked about things falling through, the feasibility study recommendation not having any grant money to cover the costs, and in a year the Town takes down the house. Mr. Talbot assumes Cheshire would pay for demolishing the house and remediation.

The Council was informed by Mr. Noewatne that the consultant cited the cost of about \$30,000 (\$22,000 asbestos and lead paint in all buildings and \$8,000 for the oil contamination).

In addition, Chairman Oris stated the Town is taking 100% of the environmental risk for what is underneath the building. There will be no reserve from the Chapman contract; all costs will be on the Town; and, there is potential for more contamination to be there.

By leaving the building up for one year and beyond, Mr. Talbot said a new roof is needed immediately to preserve what is left, to make sure the house does not fall into more disrepair or collapse.

Stating he would recommend this, Mr. Noewatne said the roof cost is \$20,000, and the house must be sealed up around the foundation so animals do not go in and out.

Mr. Bowman asked if the main goal is to save the house, and if moving it to another location on the property is acceptable.

In reply, Ms. Fox said she spoke to someone in charge at the State Historic Preservation, and if the house is on its original property, it is acceptable. If the Town wants to mothball the house in place and wait until things change, they will pay half this cost. Mothballing means tarping and making the building safe from the environment and creatures. They will also pay half the cost of a roof and any work done on the house.

For rehabilitation of that building, Mr. Slocum estimates \$500,000, subject to referendum. We do a \$20,000 grant request, and then ask the public for money to rehab the house.

John Torello, 368 Maple Avenue, stated he is an architect and planner, HDC charter member, is aware of the issues being discussed, and is involved with many years of

redevelopment. He talked about Councils making these types of decisions, and someone throwing a monkey wrench into their designs. Mr. Torello cited the importance of preserving part of history and background, the visual impact of these structures, and what HDC wants to do with this house...other than ball fields.

Mr. Slocum asked Mr. Torello about the costs of the rehabilitation of 1,300 sq.ft. of multi- levels.

In response, Mr. Torello said it depends on the use. The Ives house is 1,300 sq.ft.; there are not many rooms; there is not much construction; the basic structure is in good shape; and there are not many artifacts inside the house to be taken away. This house is an example of history and we must move with the times and changes. Mr. Torello said we must consider the value of the part of the house being saved, with new outside surface, insulation, sheet rock, and no major structural changes.

If a private individual wants to rehab that building, Mr. Slocum asked Mr. Torello, as the subcontractor/planner on the case, to give a number for the work.

Mr. Torello said he would not put that number in unless the house was totally rebuilt i.e. re-side it, etc. There must be consideration to the value of the part of the house being saved, and its final use. Hundreds of thousands of dollars is too much and not needed.

It was noted by Mr. Slocum that the Town would own the house, and is bound by certain requirements. The house must be usable, handicapped accessible, meet code and other conditions.

Mr. Talbot stated he wants some idea of the costs involved. He heard tonight that the house would be used for meeting space. Assuming the Town wants it refurbished and set up to be used for meeting space, ADA compliance, etc., Mr. Talbot asked for a ball park cost estimate.

According to Mr. Torello, study and input will help estimate costs...what the structure is worth per square foot. If the cost of the enclosed space is so little and \$300,000 must be put into it...it is not worth it. But, if we want space, we have it. The building has character, and the other two buildings on the site do not have the same impact. The HDC has made valid points, and Mr. Torello said the Council should approve the study and do the preliminary work.

Paul Johnson, 152 Cornwall Avenue, commented on the gross over-reach of the HDC. He has already shared his comments with Ms. Flynn-Harris and Mr. Ecke. He does not believe the HDC is a constituency of the Town; they are a commission in service to people they serve; and as a member of the historic district they are not serving him for over 15 years. What the HDC is doing to the Council is getting in its way. They do not have a plan of what they want to do with this house. If he was the HDC, he would be saying...someone wants the house moved to their property, and they would be glad to help facilitate getting this done. This is not their role; their role is to govern the rules and

regulations of the historic district. It was noted by Mr. Johnson that this house is not in the historic district, and the HDC has no say in that house, and he does not care if they consider themselves experts. They can come before the Council as individuals, as knowledgeable people, as town residents, but they cannot come as commission members saying what should happen to this house. Mr. Johnson said he voted on a referendum to buy the Chapman property as a Town and to make it usable. He does not want to incur extra expense to save an historic property, but saw open space and his thought was...let's use it. If HDC can come up with something to move the house before September 1<sup>st</sup> contract date with Chapman, they should do so. But, he said HDC came in March 2017 with an idea, after a November referendum, to put things on hold for a year and one-half. Mr. Johnson ended his comments with...lead, follow, or get out of the way.

Mike Evans, 489 Buckland Drive, has a business in town, does not know much about historical buildings, and is hearing costs of \$10,000, \$5,000, and said the people went to special referendum on the Chapman property for \$3M. He commented on dissatisfaction with special referendums, and the weak voter turnout. He asked about discussions on the property before spending \$3M, holding back \$300,000 for potential costs, and the Town buying a contaminated building which is leaking oil, with lead paint and falling roof. He said Mr. Chapman should pay for the remediation with the money held back.

Chairman Oris explained that Mr. Chapman is paying for the remediation.

Mr. Slocum said for the Town to take possession of the property it must be cleaned up.

Mr. Talbot stated that taking down the building is part of the remediation. It encompasses the entire property, and the house is part of the property.

It was explained by Chairman Oris that part of the \$3M discussion and negotiation was to insure there is enough remediation dollars to make sure the Town would have the property clean. The escrow was in place to insure Mr. Chapman does the work at a number in case there were any issues for the remediation. There is no obligation for Mr. Chapman to take the most expensive route of remediation by trying to preserve and hold that building. He is paying for the remediation. The most cost effective way is to take down the building. There was no discussion at the time of the acquisition to say we need to preserve this building, and tell Mr. Chapman to put in an estimate for remediation that assumes this...and he never would have gone for that. We are now talking about an extra cost to the taxpayers, beyond the \$3M, to maintain and look at the possibility of potential rehab of this building in the future. This is where the additional cost comes from. The Town did account for remediation; it is 100% on the Chapman side of the ledger; and changing it now is this HDC request to preserve the building. And that, unfortunately, changes the remediation standard in the way Mr. Chapman will do it, adding costs which he will not agree to do, which will then fall on the Town's side. Mr. Oris said if the building is preserved at this stage, and the remediation is not done, he is confident Mr. Chapman will ask for his \$300,000 back.

Then, the Town takes on the risk of something greater in the ground without an escrow to cover the costs...and that could fall on the taxpayers. At the time of the referendum, the taxpayers were buying a \$3M asset which would cover the cost of any remediation, so there is confidence the property would be clean and free of contamination. That was the discussion, and there was no discussion about preserving that building. If there was concern about preserving that building, it would have been nice to know about it long before the purchase went forward.

Mr. Evans asked if the Town did a full environmental study, and if this is how the \$300,000 came about.

Mr. Oris said "yes". Mr. Talbot said it was part of the contract to purchase the property.

Ms. Flynn-Harris stated the full Council looked at it as an investment the Town needed to make to be able to have additional property on Route 10. The Council knew the site was already being talked about by real estate agents coming to Cheshire and looking at massive buildings on this property. They would be trying to fit something which would never fit the look of the Town. Councils have been talking about looking at the Chapman property for years as an investment for the Town, and being something the Town could use. Discussions about preserving a building in any shape or form was never a topic. The discussion was the need to preserve this property, and the Town acquiring it before a developer got in there and did something with which the Town would not agree.

Chairman Oris reported the Council talked about a private developer looking at this site, as it had all the requirements of a large scale multi-family project. It was felt this might not be the best place for such a development; it is congested there; and to have a large scale project in a 10 acre piece might be detrimental to the Town. As a developer, Mr. Oris quoted his Father who told him..."a piece of property adjacent to your own is more valuable to you than anyone else." The Council looked at this property as a real opportunity to preserve a good parcel of land for future benefits to the community. It is clear to the Council that the taxpayers agreed with this because it was approved at a \$3M referendum.

Town Manager Milone defined the reason for the special referendum. It was a condition Mr. Chapman imposed on the Town to buy the property. He would not wait until the November election period on whether it would pass at referendum, and gave the Town 60 or 90 days to make a decision. This is what forced the special election.

It was explained by Mr. Oris that this property was listed with a real estate agent, and Mr. Chapman would not wait for the time frame under a contractual obligation. In order for the Town to move forward, a special referendum was required. The Council's preference would have been to have this referendum issue with a normal November election. Unfortunately, the Town would have lost the opportunity to acquire the property, and it would have gone to a private developer. And, for sure, the house would not be preserved, and there might be some large multi-family project on the site

adding lots of traffic to the Town. The Council felt this was not the best use for this location, and the Town should control its own destiny in what Council perceived to be an important piece for the community. Having this acreage in that location is very important.

Mr. Oris applauded the HDC efforts on their issue, and said history is important to this community. He understands the importance of historical buildings, but there are concerns with this particular situation. The house is not in a historical district. The Town is actually facing a \$12M loss of State revenue at this point in time, and there are concerns about where we find the money to preserve this house. The reimbursement of \$20,000 is not the issue. If this were only a \$20,000 issue it would not be a worry. The reality is preservation of this house would be \$120,000 to \$130,000 range due to extra environmental issues which the Town would take on...which Mr. Chapman will not undertake. Mr. Oris said we do not know what money will be available, if any, to rehab this building. The question is where does that money come from, and who pays for that.

Another concerning issue is meddling in an existing contract. Mr. Oris stated the Chapmans have no reason to renegotiate anything. Anything done at this point to move forward to try to deal with this issue will have to be a renegotiation. Mr. Oris said there is no motivation on the Chapmans to wait another year for their \$300,000 in escrow. He noted the Town has done a great job in preserving the character and history of the community.

Chairman Oris stated that three Council members are not present for this meeting due to prior obligations, and were unable to participate in the dialogue.

Vice Chairman Bowman stated he is not prepared to make a decision tonight. He asked if the HDC can provide new information to assist with the Council decision on July 26<sup>th</sup>.

Ms. Fox said no, not without a State budget.

Stating this is an important decision, Chairman Oris supports deferring this matter to the July 26<sup>th</sup> Council meeting with eight Councilors present. At that meeting, the matter will not be opened up for public comment, but there can be things addressed if more information is available.

MOTION by Mr. Bowman; seconded by Ms. Flynn-Harris

MOVED that the agenda item be tabled to the next Town Council meeting on July 26, 2017 for discussion and action.

VOTE           The motion passed unanimously by those present.

## **5.     APPOINTMENT OF TOWN MANAGER SEARCH CONSULTANT**

MOTION by Mr. Talbot; seconded by Ms. Flynn-Harris

BE IT RESOLVED, that the Town Council approves Resolution #072017-3

RESOLUTION #072017-3

BE IT RESOLVED, that the Cheshire Town Council appoints GovHRUSA as the search consultant for the Town Manager search.

Discussion

Mr. Talbot commented on the excellent and detailed memo from Chairman Oris to the Council members regarding the committee's search for a consultant. This committee was comprised of Robert Oris, Thomas Ruocco, and Peter Talbot. They received six (6) responses; interviewed two (2) firms; and agreed to advance GovHRUSA of Northbrook, IL to the Council for consideration. This firm was the best fit for the consultant work, and the committee recommends them to the full Town Council for a vote of approval.

Chairman Oris has spoken with Councilor Ruocco (who was unable to attend this meeting) about the appointment, and he supports this selection. For the record, he noted that Mr. Ruocco had concerns about whether a consultant was needed, and the search going forward without a consultant. The majority of the committee felt this was an important decision, and professional assistance was needed. The committee was very impressed with this firm and its president Ms. Heidi Voohees. The current Council wants to select the new Town Manager, and it is expected there will be a decision on a new Town Manager by December.

The details on the candidate interview process and a deadline was questioned by Ms. Flynn-Harris.

As part of the RFP, Mr. Talbot noted there was a timeline and candidates were asked for their calendar recommendations. The deadline given to the firms was December 1<sup>st</sup>. As part of their presentations the firms factored out from that date and provided hard fast dates when applications would be accepted, finalized, and when cut down would happen. There is a 4-6 week application process; applications submitted in mid-September; interviews in October; and continuation with the process to selection of a new Town Manager. The information submitted by the candidates was in the Council packets.

The qualifications of Ms. Voohees and GovHRUSA were highlighted by Mr. Oris. He was impressed that Ms. Voohees was a prior Town Manager, and she did the recruiting search for ICMA executive director. She has extensive contacts in the arena to attract candidates, and experience in Connecticut. Total contract cost is \$22,500 plus small expenses.

Mr. Oris advised that Town Manager Milone was part of the process to some degree, and involved in the interview process.

VOTE           The motion passed unanimously by those present.

**6.       APPROVAL OF BID WAIVER FOR REMEDIATION OF 325 PECK LANE**

MOTION by Mr. Oris; seconded by Ms. Flynn-Harris.

BE IT RESOLVED, that the Town Council approves Resolution #072017-4

RESOLUTION #072017-4

WHEREAS, the Town of Cheshire has been granted the authority by the court to remediate the property at 325 Peck Lane, and

WHEREAS, the Town has performed an informal solicitation for said services, and

WHEREAS, the Town will place a lien on said property for reimbursement for the full amount of the remediation expenses, and

WHEREAS, the Town Council feels it is in the best interests of the Town to complete this remediation expeditiously,

NOW, THEREFORE, BE IT RESOLVED, that the Town Council approves a waiver of bid for remediation services for 325 Peck Lane and further authorizes the Town to hire Atlantic Restoration & Remodeling Group LLC for approximately \$38,000 to perform said work.

Discussion

Mr. Milone commented on the history with this type of issue going back about 2 years or more. About four (4) years ago there was another and similar hoarding situation which ended in a tragedy. Town staff got quickly involved in the current situation due to the seriousness of the matter, tried to intercede, and got resistance from the property owner. The Town has been in court six or seven times trying to get action for resolution of the subject situation, complete clean-out of the house, without compliance from the property owner. The Judge realized this, and finally gave the Town authority to intercede and do a complete clean-up and required restoration to make the property safe. The situation now is to not sit idle for fear something bad could happen at this house; the individual could try to gain access to the house; and it will continue to attract rodents etc.

A solicitation was done in order to move quickly on this situation; three quotes were received by Fire Marshal Andrews and Building Official Darin. Attorney Joseph Schwartz reviewed the process, and advised the matter had to go through the bidding

requirements or get a waiver from the Council. Three quotes were received at costs of \$37,000 to \$90,000.

Fire Marshal Andrews explained the scope of work was done by Attorney Schwartz, Ms. Talbot, and him. The barn on the property will come down and be removed. Clothing inside the house, floor to ceiling, infested with rodents and insects is the main issue, and must be removed and disposed of. His understanding from Attorney Schwartz is that once the house is cleaned out, exterminated, made safe, the property owner has the right to move back into the house.

The Council was told by Attorney Smith that part of the legal struggle was getting the resident out of the house. He understands she is living with her son in Bridgeport.

Mr. Bowman asked about any other obligation for the amount of money cited for the work.

Stating he is uncertain about that, Mr. Milone said the town's job is to clean the house and make it habitable.

Ms. Flynn-Harris thought there were plumbing issues with this house with work to be done.

The water in the house was turned off by the property owner, and Mr. Milone said this caused the plumbing problem.

Fire Marshal Andrews reported that the quotes received were strictly to clean the house out, take down the barn, clean the adjacent property, get rid of rats, mice, insects. Any additional costs will be determined once the Town can get into the building, and see if there are any structural concerns.

It was explained by Mr. Milone that the Town will not advance anything beyond what is being addressed. If there are structural problems the situation has to come back to the Council. Because the property owner refuses to pay the cleanup costs, there will be a lien placed against the property. The market value of the house is \$155,000; there is a \$3,200 lien for sewer assessment; there is an unpaid installment of the tax bill of \$700. Mr. Milone wanted to understand where the Town stood in order of priority. There is no tax lien, so the Town does not take first standing. There is equity beyond the \$38,000 cost of remediation.

Mr. Oris commented on not hearing of any known structural issues, and the Town is agreeing to do cleanup of the house because it is a public health issue. Following that, the person has the right to come back, and the situation could happen all over again. He asked about a structural review of the house.

This must be monitored carefully, and Mr. Milone said there will be visitations to the property. The concern is the potential for a collapse because of the immense amount of



hoarding materials currently in the house. If there are issues again, the Town will go back to court.

Fire Marshal Andrews explained that the hoarding is so bad the Town staff cannot get to the structure. To get around in the house, Mr. Andrews had to get a start and jump to the top of the clothes piled almost to the ceiling. As he fell through there were rodents running about. This home is unsafe and unsanitary. The neighbors now have rats in their garages.

Chairman Oris asked to confirm the Town's priority, check on the liens once again, and if the Town is not in a senior position, insure no mistakes are made in this situation. He said the Town's priority position must be protected.

According to Mr. Milone, the liens were checked again today. The only liens are the Town's liens, which are ahead of the cleanup lien. Attorney Schwartz will be asked to confirm the priority placement of the Town in this situation and the future health care issues. He will identify the types of liens other than Town liens.

Ms. Flynn-Harris said we do not know of any structural concerns right now. She has only heard about plumbing issues. Other issues will be found when the Town staff gets in there. Right now it is just a clean out.

Under personal health and safety situations, Mr. Milone said the Town is not trying to improve the house, just to make it safe and healthy for the inhabitant

VOTE        The motion passed unanimously by those present.

## **7.     ADJOURNMENT**

MOTION by Mr. Talbot; seconded by Ms. Flynn-Harris

MOVED to adjourn the special meeting at 9:20 p.m.

VOTE        The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk