

THE FOLLOWING MINUTES ARE SUBJECT TO APPROVAL BY BOARD OF FINANCE

The **Board of Finance** held a special meeting on Wednesday, December 18, 2013 in the Council Chamber of the Newtown Municipal Center, 3 Primrose Street, Newtown, CT. John Kortze called the meeting to order at 7:30 pm.

PRESENT: John Kortze, Joseph Kearney, James Filan, Jr., John Godin, Michael Portnoy, Harry Waterbury

ALSO PRESENT: Legislative Council members Mary Ann Jacob, Neil Chaudhary, Georg Ferguson, Lisa Romano, Joe Girgasky, Paul Lundquist, Robert Merola, Ryan Knapp, Anthony Filiato, Phil Carroll, Dan Honan and Dan Amaral, First Selectman E. Patricia Llodra, Selectman James Gaston, Finance Director Robert Tait, Board of Education members Debbie Leidlein, Laura Roche, Kathy Hamilton, Michelle Ku, John Vouros and David Freedman, Superintendent John Reed, Land Use Director George Benson, Attorney David Grogins, Attorney Monte Frank, twenty eight members of the public, four members of the press

VOTER COMMENTS: **Sue Oberstadt**, 12 Riverside Rd. said she was not prepared to discuss appraisals. She gave a history of her family, she is a lifetime resident of Sandy Hook. Parents purchased property in 1945. Was one of the first students to attend Sandy Hook School, and 3 children and 2 grandchildren attended SHS. Mr. Oberstadt was an Owner/Operator for over 33 years. She did not approach town offering to sell property. Received a message from Land Use Director he wanted to speak to them, saying the town might be interested in purchasing property. This is a big decision. At May 10th Task Force meeting presentation of school plan showed their property gone. She met with Mrs. Llodra who advised them get an attorney. No one ever told them they could not say no. Did not get appraisals until end of August, but were signed in June. Received written offer contingent upon municipal approval and being able to purchase 10 Riverside Rd., who said no. Then received letter to take offer or it would be withdrawn and Dickenson Dr. would be used, which they refused. On December 10 received a letter saying this is not a threat, but town will discuss eminent domain. On December 12 bee article reported meeting to discuss options including eminent domain. Feels they were treated badly.

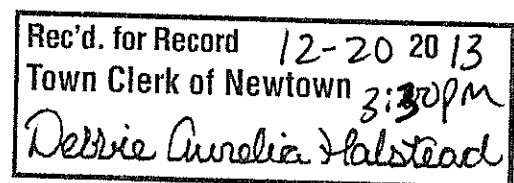
Karyn Holden, 68 Berkshire Rd., parent of SHS student, attended task force meetings and is member of School Based Advisory Committee. During discussions of the school, she spoke against eminent domain. Doesn't want to cause hurt or pain to anyone else. Eminent Domain is wrong. There is a plan to repurpose Dickenson Dr. Let's choose that plan.

Jon Jagush, 45 Lakeview Terr., is a 35 year resident. Taking a home by eminent domain is not the way to react. Eminent domain is by need. Dickenson Dr. can be used, so property is not needed. Redesign current driveway. Let's react in a way that benefit's everyone in community.

Liam Heller, 16 Diamond Dr., all levels of government have been taking away our rights and freedoms. Eminent Domain is wrong. There has to stop being victims of the shooting. Ask the SHS school family if they agree to take property. How long will they be at the school verses the people who live in the home?

Bob Sonntag, 104 Lakeview Terr., reiterated it is morally wrong to take property.

Paul Lukienchuk, 25 Dayton St., you cannot enforce eminent domain, it is totally wrong.



NEW BUSINESS:

Discussion and possible action:

1. Discussion and possible action to acquire property for an access road to Sandy Hook School, including action by eminent domain: Ms. Jacob said at last Legislative Council meeting Mrs. Llodra reported that the negotiations for the property at 12 Riverside Rd had stalled. In order to have a public discussion and to give Mrs. Llodra direction, a meeting had to be noticed to include all aspects of the discussion. It is the purpose of the agenda to have a public discussion before decision is made, including all parties involved.

Mrs. Llodra said the Task force decided on May 10 to rebuild on the current sight and there was interest in developing a new access road. There was action taken to secure urban act grant to begin pre-work which includes property appraisals, legislative act and referendum to secure 50 million for the school. On September 19, the town offered \$380,000 for purchase of property. Offer was based on appraisals by state guidelines which will reimburse up to the higher of two appraisals. Town secured three appraisals.

Director of Land Use, Mr. Benson, said state asked for independent appraisals. Town assessment included with report. \$380,000 was highest appraisal.

Mrs. Llodra said on October 4, a follow-up inquiry sent to owner's attorney for response on offer. October 15, town received rejection of offer, stating taxes on the property are on a higher appraised value. Owners would still be interested at a fair selling price.

Mr. Grogins said he had three phone calls with attorney Kukk regarding why the offer was rejected, which is summarized in a letter on November 1. One reason is the Town values the property at slightly higher number, \$401,000. Town assessment would not be considered independent as required by state. Second reason, in 2007, town valued the property at 1.3 million. The owners complained about the valuation. The town assessor determined the value was wrong and it was corrected to \$243,000 for the house and \$99,000 for the lot. Attorney Kukk counter offered \$898,000 as a fair price. On November 5, Attorney Grogin's sent a letter offering \$500,000 for the property.

Mrs. Llodra said she believed \$500,000 was a fair and right offer, pending approval by town boards.

Attorney Grogins said he receive a rejection of the offer on November 25. He phoned Attorney Kukk and asked for a number less than \$889,000 that would be acceptable. No response received.

Mrs. Llodra said she hopes to keep the conversation alive, but to precede further she needs guidance from the Council and Board of Finance. *Attachment A: Timeline, Letters, Appraisals, Site Map*

Ms. Jacob asked each member of the Council and Board of Finance their position on eminent domain.

Mr. Carroll said eminent domain already discussed during process in the spring. He was never in favor of taking property.

Mr. Honan said we should use Dickenson Dr.

Mr. Filiato said eminent domain is legal but does not want to pursue it.

Mr. Amaral thinks eminent domain is not right. Would like a meeting of the minds, can they negotiate further. The \$889,000 is too high. Use Dickenson Dr. option.

Mr. Chaudhary said assuming assessments are accurate, offering 31-32% above appraisal is reasonable. He does not object to further negotiations, but not far above market value. He does not want to consider eminent domain.

Mr. Knapp is sympathetic to people who don't want to drive down Dickenson. A new access would be wonderful, but he is not in support of eminent domain. No further negotiations.

Mr. Merola does not want to consider eminent domain. The \$889,000 is too high. There has been no movement from that number. Riverside is right decision long term if agreement can be reached and would support further negotiations.

Mr. Lundquist is against eminent domain. Would like to negotiate further, but current price is out of ballpark. Without significant movement, go to Dickenson Dr. Have to be fair to taxpayers also.

Mr. Girgasky said we have imperfect choices. He does not support eminent domain. Offer of \$889,000 is inflated. Appraisals are fair, and our current offer is very generous. Would support further negotiations, and we need to seriously look at using Dickenson Dr.

Ms. Romano said these are two emotional issues. We have to be practical. We must have kids back to school on schedule. She doesn't think driveway at 12 Riverside is a good solution because it is too close to Sandy Hook intersection and will be a problem long term. Redesign of Dickenson Dr., with input from community, would be part of healing process. Does not support further negotiations or eminent domain.

Mr. Ferguson does not support eminent domain or going to taxpayers. Start redesigning Dickenson tomorrow.

Mr. Godin does not support eminent domain or paying \$889,000. He supports using Dickenson Dr.

Mr. Waterbury remembers during task force meetings that eminent domain was a no-no. He believed the Oberstadt's were willing to sell. Since that has changed, we should use Dickenson Dr. and fully explain to the public.

Mr. Kearney is against eminent domain in this case. He encouraged process of last best final offer, with a quick time limit.

Ms. Jacob said this is difficult discussion. Everyone breathed a sigh of relief when they thought Oberstadt property was an option, but if they don't want to move they have the right. She is against eminent domain. She is in favor of negotiating within a short time without extra money from taxpayers. Ms. Jacob suggested asking Mrs. Llodra to come to the January 8 with a final decision including the re-design of Dickenson or having secured an agreement with the Oberstadt's.

Mr. Merola would like more details on impact of using Dickenson, regarding parking, school grounds, etc. If negotiable, 12 Riverside would be best, but it is up to the Oberstadt's.

Mrs. Llodra recapped what she is to do and is happy to hear everyone is in agreement eminent domain is not an option. Opinions regarding further negotiations are mixed. Direction from chair is to return on January 8 with: 1. the best price for 12 Riverside if there is movement, 2. further details on enhancements to Dickenson Dr. and 3. the impact to the sight using Dickenson. Ms. Jacob stated we are not authorized to spend any more money. Anything above the \$380,000 would require approval from the Board of Selectmen, Board of Finance and Legislative Council.

Mr. Kortze said it is an excellent characterization. He would add clearly there is a sum of money in the plan for 12 Riverside for the entrance. If not using that option, the money could be used to re-configure Dickenson. He would like to understand the dynamic of that.

Mrs. Llodra additionally will take the cost of using 12 Riverside and compare it to the cost of using Dickenson and if there are enough funds to do it. Mr. Kortze wants to know with the entrance at Dickenson can the money designated for 12 Riverside be used to create something more amiable.

2. Discussion only 2014-2015 Budget: Mr. Kortze read a prepared statement on behalf of Board of Finance:

On behalf of the Board of Finance I would like to thank the various boards for coming together and enabling an opportunity to discuss the upcoming budget for the Town of Newtown. This is a practice we have advocated for and encourage all boards to adopt this as an annual practice. I had listed and agenda item for our last meeting providing for a dialogue on the upcoming budget, but due to the length of the executive session prior and the items on our agenda that required action, we were unable to have that dialogue. In the absence, I have spoken to each member individually and on behalf of the Board of Finance and in an effort to facilitate the purpose of this section of the meeting, I would offer the following observations and recommendations:

1. We would respectfully request that the BOS and BOE present a comprehensive plan for security for the district in the upcoming budget. Last year the BOF was tasked with recommending an allocation for security not knowing exactly what the future would hold. We've had a year to explore and discuss the various options and would expect that a specific and collective recommendation would be forthcoming and is certainly expected by the public.
2. We would request the BOE and BOS operating budget be presented separate from the security needs and that a complete understanding of those security actions and expenses taken be outlined. We would also expect an illustration on the various funding sources and that the plan moving forward be itemized as well. Given the sensitivity of the topic and should an executive session be necessary to discuss the details, please let me know and we will plan accordingly.
3. The BOF has held on our agenda for the better part of two years and have written to the BOE chair a number of times, a request to explore Ct Senate Bill 376, Public Act 10-108 Section 32. This act outlines and legalizes the process of allowing the collaboration of the BOF and BOE to set up a non-lapsing account to deposit unexpended funds from a particular year and hold them over into the next year. The concept of saving for particular expenses year over year and adopting a "pay as you go" approach to budgeting should be explored by the BOE and implemented. The municipal side of the budget has adopted this practice and has proven very beneficial to funding and planning for larger expenses. The BOF long standing request is to have a dialogue so that we understand what and how this would work best for the BOE, and in turn Newtown, and have held off from implementing such a practice due to the absence of that input. This would allow the BOE to establish a contingency fund and plan for certain expenses.
4. We would also encourage the BOE to discuss and collaborate with the other boards regarding the consolidation of non-educational services that exists in both the Town and district operations. The newly passed public act 13-60 which became effective 10/1/13 requires the Board of Finance and Board of Selectmen to make recommendations to the BOE regarding how the BOE can consolidate non educational services to realize financial efficiencies. The BOS and BOE have already embarked on that process and we look forward to and expect additional recommendations from the Boards. We are also looking forward to having that discussion.

5. Last April and in light of the initial failed referendum, I wrote to the BOE chair and requested a meeting to discuss the concern I had expressed regarding the failed referendum and the need to have a public dialogue regarding increasing costs and decreasing enrollment. The council chair at the time responded and concurred. That meeting did not materialize and the reason expressed was that the district was not ready or did not want to do an enrollment study at that time. To be clear, an enrollment study was not requested at that time and it is our belief that an enrollment isn't necessary to recognize the trend. Instead, the concern regarding the need to educate the voter, in an open and public fashion, with the goal of educating them as to the reasons for the additional funding needs with the backdrop of declining enrollment was the focus of the request. More importantly, it would have been an opportunity for the BOE to articulate the reasons for the need or the plan to address the trend. As a result, we would request an illustration of the current enrollment in the district as well as the available classrooms by grade. We believe the data will speak for itself and will guide us in our recommendations to the council. Our request to have that dialogue publicly with all the town boards remains. The BOF has expressed the concern of the trend on enrollment for a number of years.
6. We would request an understanding from the BOS and BOE as to the timeline and cost for a municipal space needs study to include the schools as well as the timeline for an enrollment study in the upcoming budget.
7. We expect to quickly refer to the council, a framework of possibilities and ideas surrounding the concept of possible additional senior tax relief. We will act in our advisory role to the council and note that any action on this issue would require an ordinance and remains wholly in the council's purview. We encourage the council, with haste, to take the appropriate steps to vet all the possible options and consider whether or not additional tax relief for seniors is appropriate.
8. Lastly and on behalf of the Board of Finance, we recommend that the BOS and BOE present a budget for the 2014-2015 budget year that represents a flat or zero increase from the previous year. There are a multitude of reasons for this request to include the enrollment trend and the recent reveal to name a few. We believe that we, as elected officials, have an opportunity to demonstrate to the public that we are addressing the various trends and issues in town.

In conclusion, it has long been our belief that we are all better off as a community if we collectively discuss our challenges in an open and public fashion. We also believe that the need to more openly discuss the various trends in the town, specifically the issue of declining enrollment, will be an important focus of the BOF and the town as a whole going forward. The data has illustrated a trend more dramatic than anticipated, progressed well beyond a political discussion and we should not be afraid to discuss it openly. Postponing the dialogue cannot continue.

We welcome the BOS and BOE's input on how best to proceed.

Ms. Jacob asked if Mr. Kortze was recommending a 0% tax increase or 0% budget increase.

Mr. Kortze stated the Board of Finance has a clear understanding of what has gone on in town recently and they are not naïve to think there aren't various pressures and other pieces of the puzzle. So their recommendation is to present a flat budget to town. He believes it deserves more dialogue because he thinks if we are going to kid ourselves that somehow we can come up with a flat budget increase by adding revenue, i.e. from the surplus, that the real issue the taxpayers have is the spending increases, not the budget additions and the revenue to offset the increases.

Dr. Reed thinks a dialogue is necessary with superintendent of schools. The superintendent is the employee and that is his job. Dr. Reed has concerns about combining some positions/departments, what are they bringing with it. He is not sure if it would produce savings. He doesn't want these services to compete with resources they already have and are trying to make due. We have replaced half the administrative staff and it takes a year to develop consistencies. New superintendent needs time to become grounded. Enrollment study is a BOE goal as is space study. Complexities of BOF goals are challenging and time consuming. Will send everyone a recently completed coherency plan that tries to spell out everything we have on the table, what is in the pipeline, what commitments have we made as a complex organization; it is very impressive and intimidating. Dr. Reed is sensitive to generating a lot of expectations without a discussion of the complexities of it.

Mr. Kortze said he relishes and looks forward to the dialogue.

ADJOURNMENT: The Board of Finance adjourned their special meeting at 11:00pm.



Susan Marcinek, Clerk

Att. A: Timeline, letters, appraisals, site map re: 12 Riverside Road

TIMELINE FOR 12 RIVERSIDE ROAD

1. September 19, 2013:
Offer to Oberstadt through his attorney Erik Kukk in the amount of \$380,000.
2. October 4, 2013:
Request to Erik Kukk to provide a response to Town's September 19, 2013 offer.
3. October 15, 2013:
Letter from Erik Kukk rejecting Town's offer of \$380,000.
4. October 18, 2013, October 23, 2013 & November 4, 2013:
Telephone discussions between Attorney David Grogins and Erik Kukk as to why his client rejected offer. Kukk stated that in 2007 the Revaluation Contractor had valued the property at approximately \$1,300,000. Attorney Grogins checked with the Assessor, Chris Kelsey, and was told that the Oberstadts complained to the Revaluation Contractor that a mistake had been made and it was corrected administratively to \$243,090 for the parcel upon which the house sits and \$99,590 for the second parcel.
5. November 1, 2013:
Letter from Attorney Kukk re Oberstadt counteroffer of \$898,000.
6. November 5, 2013:
Attorney Grogins wrote another letter to Attorney Kukk increasing Town's original offer to \$500,000.
7. November 25, 2013:
Attorney Kukk wrote letter to Attorney Grogins rejecting \$500,000 offer.
8. December 5, 2013:
Telephone call from Attorney Grogins to Attorney Kukk asking for their final sale price. As of today, no response.



PLEASE REPLY TO DANBURY

September 19, 2013

HERBERT L. COHEN
(1928-1983)

AUSTIN K. WOLF
RICHARD L. AGLERICH
JONATHAN S. BOWMAN
IRVING J. KERN
STEWART J. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GILETA E. SOLOMON
ROBIN A. KAHN
RICHARD SLAVIN
DANIEL S. HAGLE
RICHARD J. DI MARCO
DAVID B. ZABEL
MARI A. KIRSCH
DAVID M. LEVINE
JOSEPH G. WAHSH
MATTHEW C. SHERMAN
DAVID A. BAU
JOCelyn B. HURWITZ
STUART M. KATZ
MONTE E. FRANK
PATRICIA C. SULLIVAN
VINCENT M. MARINO
JULIE D. KOHLER
ARI J. HOFFMAN
COURTNEY A. GEORGE
BARBARA M. SCHULLENBERG
RACHEL A. PERCU
GARY E. PHELAN
JASON A. BUCHSBAUM
JANE L. HARNESSE
I. JOYELLE DEFLICE
LAUREN G. WALTERS
DAVID M. MOROSAN
MARCIA M. ESCOBEDO
DAVID DOBBI
NATHAN C. ZEZULA
PHILIP C. FIFES
DYAN M. KOZACZKA
BOBYN H. DRUCKER
RACHEL A. SCHWARTZMAN
JORDAN L. BELDSTEIN

Eric Kukk, Esq.
30 Merwin Brook Road
Brookfield, CT 06804

Re: 12 Riverside Road, Sandy Hook/George Oberstadt

Dear Eric

Pursuant to our phone conversation, the Town of Newtown is hereby offering to purchase from your client, George Oberstadt, the house and additional lot located at 12 Riverside Road, Sandy Hook (Newtown), Connecticut for the amounts set forth below:

1. House (Map 40 Block 5 Lot 1)	\$285,000.00
2. Lot (Assessors Lot 1 Riverside Road)	<u>\$ 95,000.00</u>
Total	\$380,000.00

This offer is contingent upon the Town obtaining all required municipal approvals, including funding from the State of Connecticut. As I have previously indicated to you, the Town is limited in the amount it can pay for property in connection with the new Sandy Hook elementary school by the grant from the State of Connecticut to the highest of two independent appraisals. That number is \$380,000.00 as set forth above. This offer is further contingent upon the Town being able to acquire 10 Riverside Road.

This offer shall not be binding upon the parties hereto unless the parties enter into a formal contract for the subject property on or before October 15, 2013.

Very truly yours,

David L. Grogins

OF COUNSEL
MARTIN J. ALBERT
PETER A. ARTORI
LEONARD C. BLUM
ANN L. FOWLER-CHAZ
THEMIS KLARIDES
ROSAMONDO A. KUETHER
BRUCE L. LEVIN
JACK E. MCGREGOR
JONATHAN C. O'BRIEN
ALLAN J. ROSEFI
MARTIN E. WOLF

DLG:dm

3 Primrose Street
Newtown, CT 06470
Tel. (203) 270-4276
Fax (203) 270-4278



George Benson, Director
Planning and Land Use

TOWN OF NEWTOWN

Land Use Agency

Property to be purchased for a new entrance to Sandy Hook School

The following are the appraisals submitted for the [REDACTED] properties located at 12 Riverside Road, the front lot with the house and the vacant rear lot.

12 Riverside

Attorney: Erik Kukk

	Beecher	Seman	Harkins	Town
House Lot	195,000	285,000	230,000	294,000
Vacant Lot	65,000	95,000	90,000	107,120
Total	260,000	380,000	320,000	401,000

10 Riverside

Attorney: Tim Holian

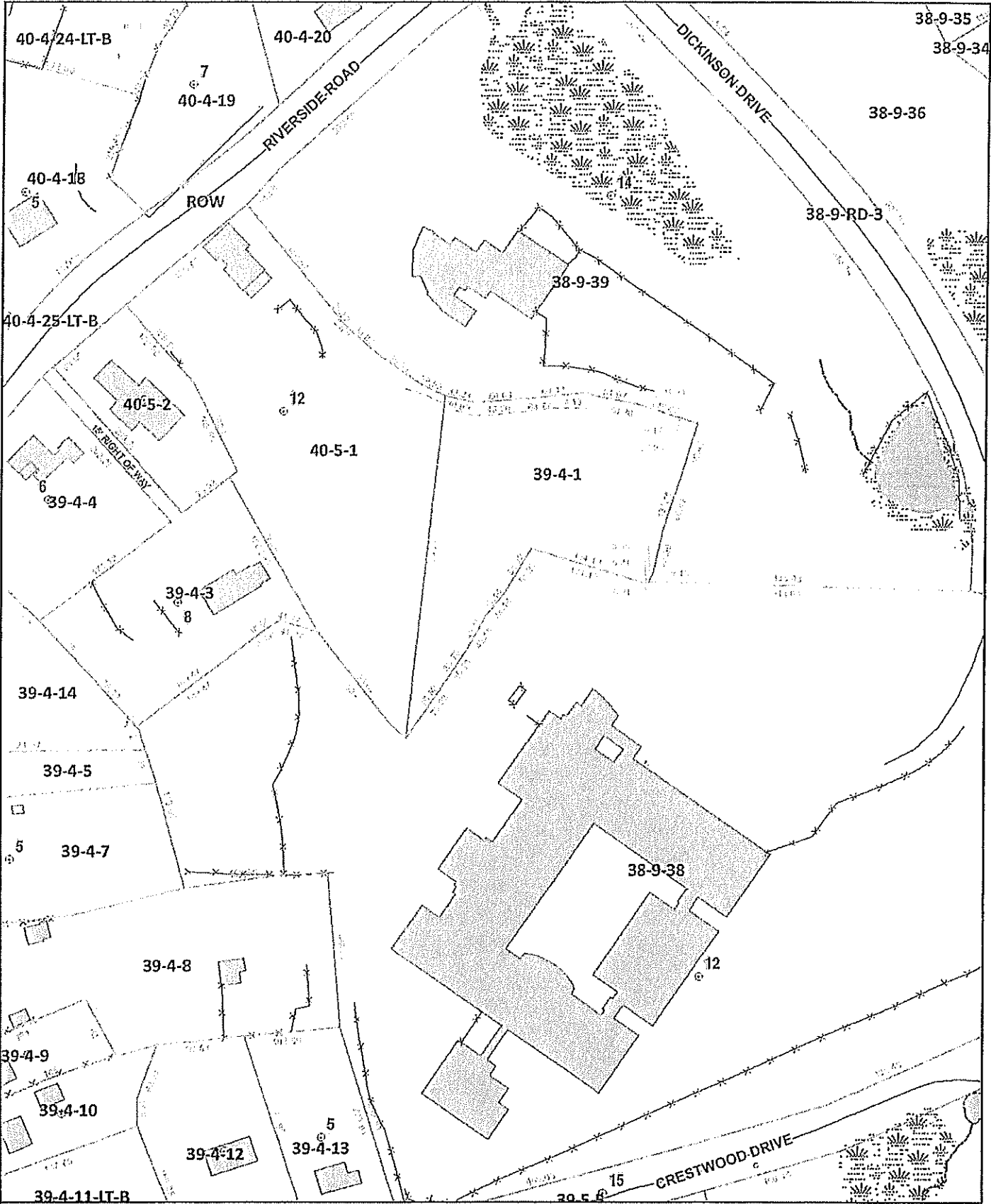
The following are the appraisals submitted for the Apex Glass, [REDACTED], property located at 10 Riverside Road, the lot currently has a commercial building.

	Kerin&Fazio	Andrews and Gavin	Arnold Grant	Town
Comm. Lot	330,000	225,000	300,000	335,560

12 Riverside Road - House

Owner: Oberstadt, Susan

GL Year	Assessment	
2012	\$ 206,050.00	Revaluation year
2011	\$ 243,090.00	
2010	\$ 243,090.00	
2009	\$ 243,090.00	Revaluation year
2008	\$ 243,090.00	
2007	\$ 243,090.00	
2006	\$ 230,960.00	Revaluation year
2005	\$ 230,960.00	
2004	\$ 230,960.00	
2003	\$ 230,960.00	Revaluation year
2002	\$ 230,960.00	
2001	\$ 140,290.00	
2000	\$ 140,290.00	Revaluation year
1999	\$ 140,290.00	
1998	\$ 140,290.00	
1997	\$ 140,290.00	Revaluation year



TOWN OF NEWTOWN, CT
 G.I.S. GEOGRAPHIC INFORMATION SYSTEMS
 100 50 0 100
 Feet

Data shown on this map were derived from a variety of sources at different scales. This is not a survey and no field verification was performed. This map shall not be used for the transfer of property. Please review the Town of Newtown access policy if you have any questions. By viewing, copying, or otherwise using this map you agree to follow the terms of use. If you feel that you cannot follow this policy contact the GIS Coordinator for the Town of Newtown.





DAVID L. GROGINS
Please Reply To Danbury
E-mail: dgrogins@cohenandwolf.com

HERBERT I. COHEN
(1928-1983)

October 4, 2013

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KEPP
STEWART I. EDELSTEIN
NEIL R. MARCUS
G. KENNETH BERTHARD
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PHILIP C. PILES
DYAN M. KOZACZKA
ROBYN H. DRUCKER
RACHEL A. SCHWARTZMAN
JORDAN L. FELDSTEIN

Via Email & Regular Mail

Eric Kukk, Esq.
30 Merwin Brook Road
Brookfield, CT 06804

Re: 12 Riverside Road, Sandy Hook/George Oberstadt

Dear Eric:

I have spoken with the First Selectman, and the Town's original offer for your client's property must stand. Assuming that the referendum passes on Saturday, October 5, 2013, the Town will have only a very short period to decide whether to continue to pursue the new accessway to the Riverside School property, or utilize the existing accessway on Dickinson Drive.

Therefore, unless I have an agreement with your client at the purchase price offered on or before October 28, 2013, the offer will be withdrawn and the Town will utilize Dickinson Drive.

Very truly yours,

David L. Grogins

DLG:pld

OF COUNSEL
MARTIN J. ALBERT
PETER A. ARTURI
LEONARD C. BLUM
ANN L. FOWLER-CRUZ
THEME KLARIDES
ROSANND A. KOEHLER
BRUCE L. LEVIN
JACK E. MCGREGOR
JOHN PATRICK C. O'BRIEN
ALLAN J. ROSEN
MARTIN F. WOLF

1115 BROAD STREET
EO Box 1321
BRIDGEPORT, CT 06601-1321
TEL: (203) 363-0211
FAX: (203) 394-9501

158 DEER HILL AVENUE
DANBURY, CT 06810
TEL: (203) 792-2771
FAX: (203) 791-8149

320 POST ROAD WEST
WESTPORT, CT 06880
TEL: (203) 222-1034
FAX: (203) 227-1373

657 ORANGE CENTER ROAD
ORANGE, CT 06477
TEL: (203) 298-4066
FAX: (203) 298-4068



Kukk Law Office
30 Merwin Brook Road
Brookfield, CT 06804

Erik Kukk, Esq.
*Admitted in CT & NY

October 15, 2013

Cohen and Wolf
Attorney Grogins
158 Deer Hill Avenue
Danbury, CT 06810

RE: 12 Riverside Road, Sandy Hook/Oberstadt

Dear Attorney Grogins,

My office is in receipt of your letter dated October 4, 2013. I have reviewed the same with my clients and it is my clients' position to reject your offer of \$380,000.00. As you may already know, the Town of Newtown charges my clients property taxes on a higher appraised value than the Town's offer of \$380,000.00. Mrs. Oberstadt has resided at the property since 1945 and is a life-long resident of Newtown and had no plans to move from the town. Selling this house would be difficult and emotional for her and her husband but they would consider it for a fair selling price. The family hopes the best for the town and the new school.

Respectfully,

Erik Kukk
Attorney at Law



November 1, 2013

Cohen and Wolf
Attorney Grogins
158 Deer Hill Avenue
Danbury, CT 06810

RE: 12 Riverside Road, Sandy Hook/Oberstadt

Dear Attorney Grogins,

After thorough review of the records, possible uses for the property, past assessments and appraisals, zoning regulations, costs of relocating, and discussions with my clients, the following price would be acceptable to my clients for both 12 Riverside Road and the Vacant Lot : \$898,000.00.

As you already know, the private appraisers hired by the Town valued the property much lower than the current Town Assessments for property tax. Furthermore, the Town had the lots assessed at \$1,324,063.00 in 2008 (please see attached). The vacant lot was assessed for \$446,143.00 and the house and property at 12 Riverside Road was assessed for \$877,920.00. The reason for the \$1,324,063.00 amount was due to the commercial value of the property. Although commercial values have declined from 2008 , they have not dropped greater than 40%.

My clients are elderly and had no plans on moving from their life-long home as their grandchildren and children are nearby. They most likely will relocate out of State for a few different compelling reasons and will have additional costs to come back to see their family. It is our belief that \$898,000.00 is a more than fair price for reasons discussed and many more that were not.

Respectfully,

Erik Kukk
Attorney at Law

COPY

THIS IS NOT A BILL

RCUD
SAT

1-26-08

Edmond Town Hall
45 Main Street
Newtown, CT 06470

Residential Letter
Revaluation Notice of Assessment Change Issued Pursuant to C.G.S. 12-55

OBERSTADT SUSAN M
12 RIVERSIDE ROAD
SANDY HOO CT 06482

APPRAISED VALUE

8
\$77920

Unique ID: 097R00468500

Issuance Date: 01-24-08

Location: 0012 RIVERSIDE ROAD

The Assessed value (as of October 1, 2007) for the above property is:

\$614,550

166% increase
15 amount
on 70%
100% value

Do not multiply the new assessment by the current mill rate. We expect the mill rate to be reduced as a result of the revaluation.

The October 1, 2006 total (gross) assessment for the above listed property was: \$230,960

from 2002 assessment

House Design:	Bedrooms:	Full Baths:
Year Built:	Basement Finish:	Half Baths:
Type:	Stories:	Central Air:
Fireplace:	Basement Garage:	

If you do not agree with the 2007 Assessment for the above listed property, you may schedule an appointment for an informal hearing with the Revaluation Company by visiting their website: www.totalvaluation.com. If you experience difficulty scheduling an appointment online you may call 1-866-311-2026 only to schedule an appointment prior to December 21, 2007. If you have any questions that do not require a hearing please call Total Valuation at 1-800-895-7728.

Any supporting documentation pertaining to your appeal must be copied for a hearing official to retain for their records.

Please be patient as our phone lines may be busy due to all notices being mailed at the same time.

? Appointments will be scheduled from December 7, 2007 through December 31, 2007.

If a change is made or if no change is made, Total Valuation will mail a Notice of Change or a Notice of No Change no later than January 4, 2008. After receiving your notice, if you still believe that your new market value is not accurate, you may appeal to the Board of Assessment Appeals pursuant to Section 12-111 C.G.S. That Board will meet in March 2008. In order to appeal, you must file a prescribed appeal form to the Assessor's Office by February 20, 2008. The prescribed form and instructions are available in the Assessor's Office or on the Town of Newtown's website, www.newtown-ct.gov.

LAND 70% = 312,300 100% = 446,143

Respectfully, Total Valuation

1-28-08
PENNY CALLED TOTAL VALUATION - House @ 70% 560,781 100% = 801,116 2.16 acres?

COPY

LAND

1-30-08



Total Valuation Services, LLC

Assessed Value 446,143

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C
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P
Y

Address	RIVERSIDE ROAD	Map/Block/Lot	39 4 1
Primary Use	Residential	Acres	1.21
Unique ID	00451300	Zone	SHDD

Assessed Value 7090

Current Owner	OBERSTADT GEORGE E 12 RIVERSIDE ROAD SANDY HOOK CT 06482	Land	446143	312300
		Buildings	0	
		Outbuildings	0	
		Total	446143	312300

Sales History				
Previous Owner	Sale Date	Sale Price	Deed Type	Volume / Page

Disclaimer: This information is provided for your use. No claim that the file is complete or that the file is 100% accurate is made. It is a copy of the file from the town and as such is a constant work in progress. You may also view and copy data in the Town Hall.
 Please feel free to [contact](#) us for further information.
 Click [here](#) to go back.

HERBERT L. COHEN
(1928-1983)

November 5, 2013

AUSTIN K. WOLF
RICHARD L. ALBRECHT
JONATHAN S. BOWMAN
IRVING J. KERN
STEWART I. EISENSTEIN
NEH. R. MARCUS
G. KENNETH BERNHARD
DAVID L. GROGINS
GRETA E. SOLOMON
ROBIN A. KAHN
RICHARD SLAVIN
DANIEL S. NAGEL
RICHARD J. DI MARCO
DAVID B. ZABEL
MARK A. KIRSCH
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JOSEPH G. WALSH
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DAVID A. BALL
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PHILIP C. PIRES
DYAN M. KOZACZKA
ROBYN H. DRUCKER
RACHEL A. SCHWARTZMAN
JORDAN L. FELDSTEIN

OF COUNSEL
MARTIN J. ALBERT
PETER A. ARTURI
LEONARD C. BLUM
ANN L. FOWLER-CRUZ
THEMIS KLARIDES
ROSAMOND A. KOETHER
BRUCE L. LEVIN
JACK E. MCGREGOR
JOHN PATRICK C. O'BRIEN
ALLAN J. ROSEN
MARTIN F. WOLF

Via Email & Regular Mail

Eric Kukk, Esq.
30 Merwin Brook Road
Brookfield, CT 06804

Re: 12 Riverside Road, Sandy Hook/George Oberstadt

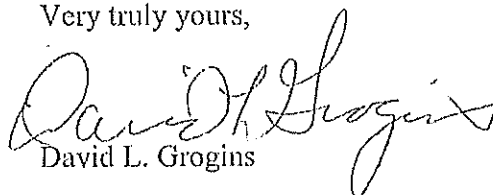
Dear Eric:

I have discussed your letter of November 4, 2013 concerning the Oberstadt property with First Selectman Pat Llodra. She understands that there is a significant personal and emotional component in the Oberstadts' reluctance to sell their property to the Town. However, the Oberstadt parcel is critical to the Town's desire to rebuild the Sandy Hook Elementary School in that it will allow access to the new school building, in a manner significantly different from the Dickinson Drive access which serviced the old Sandy Hook School. In doing so it too has an emotional component.

Therefore, she wanted me to make one final attempt to secure the Oberstadt property for the access to the new Sandy Hook Elementary School. In this regard, she has authorized me to increase the Town's offer from \$380,000.00 to \$500,000.00. This offer is made subject to the required local governmental approvals for the increased offer.

Please discuss this new offer with your clients and get back to me before you leave for our trip on November 13, 2013, as time is of the essence in this matter.

Very truly yours,


David L. Grogins

DLG:pld
cc: Patricia Llodra, First Selectman

Attorney Michelle Kukk
Admitted Connecticut
mkukk@kukklaw.com

30 Merwin Brook Road
Brookfield, CT 06804


KUKK LAW OFFICE

www.kukklaw.com

Attorney Erik Kukk
Admitted Connecticut/New York
ekukk@kukklaw.com

Telephone (203) 775-0200
Facsimile (203) 775-6885

November 25, 2013

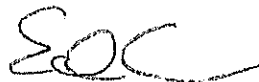
Cohen and Wolf
Attorney Grogins
158 Deer Hill Avenue
Danbury, CT 06810

RE: 12 Riverside Road, Sandy Hook/Oberstadt

Dear Attorney Grogins,

My office is in receipt of your letter dated November 5, 2013. I have reviewed the same with my clients and it is my clients' position to reject your final offer of \$500,000.00. They realize that this was the Town's highest and final offer so there will be no counter-offer in accordance with those instructions. At this late stage in their life, they would need to maximize the worth of their property in order to be financially safe. They will continue to support the Town in its recovery and wished that they were in a better position to do more.

Respectfully,



Erik Kukk
Attorney at Law