

**Town of Newtown Legislative Council Regular Meeting  
Wednesday, December 5, 2012  
Board Room, Newtown Municipal Center  
3 Primrose Street, Newtown, CT**

**PRESENT:** Jeff Capeci, Mary Ann Jacob, George Ferguson, Joseph Girgasky, Paul Lundquist, Daniel Honan, Kathy Fetchick, Dan Amaral, Neil Chaudhary, Dan Wiedemann, Phil Carroll **ABSENT:** Bob Merola

**ALSO PRESENT:** First Selectman Pat Llodra, Finance Director Bob Tait, Elizabeth Stocker, Rob Sibley, Mitch Bolinsky (Rep.-Elect), Town Clerk Debbie Aurelia, Michael Burton, Ed Shanley, five members of public, three members of press

Chairman Capeci called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**APPOINTMENT OF NEW MEMBER:** Ms. Jacob nominated Neil Chaudhary for the vacant position in District 3. Motion seconded. Mr. Chaudhary was elected by the unanimous majority of Republican members. Town Clerk Debbie Aurelia then administered the Oath of Office.

**VOTER COMMENT:** None noted

**APPROVAL OF MINUTES:** Upon motion by Ms. Jacob the minutes of the 10/17/12 Regular Meeting were unanimously approved.

**COMMUNICATIONS:** Chairman Capeci advised that Town Attorney David Grogins has found that language was required to fully implement the approved changes to the Charter. He will insert language to clarify that the bifurcation and advisory questions should be on all subsequent referenda after failure of the first.

**COMMITTEE REPORTS:** Education – Ms. Fetchick advised the decisions of the Arbitration Panel for the teachers' contract and will send full copies to Council members.

Ordinance – Ms. Jacob reported that the committee met to discuss the proposed Anti-Blight Ordinance and are still working on the wording to meet the purpose of an ordinance. They are also still working on the wording for the Gun ordinance. She feels these will be ready to present to the full Council by February/March.

**FIRST SELECTMAN'S REPORT:** Ms. Llodra and Mr. Tait will begin meeting with department heads on 12/10 to discuss budgets. She plans to bring the proposed FY 13/14 Budget to the Board of Selectmen on 1/22 and the Board of Finance by 2/14.

Confirmation was received from FEMA that we have been awarded 75% reimbursement for the 2011 snow storm. We are now putting together FEMA documents for Storm Sandy.

Tomorrow Ms. Llodra is meeting with our state legislators about the upcoming state budget season.

## **OLD BUSINESS**

**Open Space Properties** – Ms. Jacob moved that the Town of Newtown accept five open space properties and lot line revisions as proposed (attached). Motion seconded.

Mr. Rob Sibley, Director of Planning/Land Use gave a presentation on the proposed parcels being recommended for acceptance and lot line revisions. Mr. Joe Hovius and Ms. Mary Gaudent-Wilson of the Conservation Commission were present and the Council received the recommendation of the Commission (see attached). MOTION UNANIMOUSLY CARRIED.

## **NEW BUSINESS**

**Fairfield Hills RFP** – Ms. Liz Stocker, Mr. Don Sharpe (EDC) and Mr. James Bernardi (Fairfield Hills Authority) gave a presentation on marketing Fairfield Hills. The purpose of the proposed approach is to minimize cost to the taxpayers for demolition, environmental remediation and/or building renovation and make those costs the responsibility of parties who wish to lease Fairfield Hills property that is identified in the current or revised Master Plan as Commercial/Industrial. (See attached.) Mr. Bernardi noted that the FHA needs a resolution that expresses to potential lessees that the town government is behind this concept.

Before coming back to the Council with a resolution, Ms. Jacob asked that a cost comparison be prepared showing the cost advantage of this proposal vs. a standard property lease.

**Business Incentive Program – Betts Square, 107 Church Hill Road** - Ms. Jacob moved to recommend the current business incentive program be approved for Mr. Michael Burton for the redevelopment of Betts Square, 107 Church Hill Road. Motion seconded.

Ms. Stocker noted that Mr. Burton filed an application in February 2008 with the Economic Development Council. (See attached from Ms. Stocker). She estimates that the tax benefit to Mr. Burton would be equivalent to \$1,865 per year for three years or \$5,594. MOTION UNANIMOUSLY CARRIED.

**Plan of Conservation and Development - Updates** - Council members had received a request from the Planning & Zoning commission for comments on the Housing portion of the POCD. Ms. Llodra suggested looking at all sections of the POCD to offer comments/suggestions. Ms. Fetchick suggested that some of the data included in the Housing section is three years old and suggests that updated data be inserted.

Chairman Capeci will summarize any comments sent to him and send to the Chairman of the P&ZC.

**PUBLIC COMMENT:** None noted.

**ANNOUNCEMENTS:** The 2013 Council Meeting Schedule was distributed.

Having no further business, the meeting was adjourned at 9:15 p.m.

A handwritten signature in cursive script, appearing to read "Jan Andras".

Jan Andras  
Recording Secretary

- Att. A: Recommendations – Open Space/Lot Line Revision
- Att. B: Conservation Commission Recommendation
- Att. C: Economic Development at Fairfield Hills Campus
- Att. D: Business Incentive – Michael Burton

3 Primrose Street  
Newtown, CT 06470  
203-270-4351  
Fax: 203-270-4278  
rob.sibley@newtown-ct.gov



*Robert Sibley  
Deputy Director  
Planning and Land Use*

## TOWN OF NEWTOWN

It is recommended that the town accept the following properties, as proposed:

1. Roxanne Silvey – Donation - Woodview Trail, 0.11 total acres M43 B24 L66
2. Robert & Mary Kovacs - Donation - Riverside Rd, 0.403 total acres M43 B14 L104  
68 Hemlock Trail, 0.103 total acres M43 B25 L59
3. James Lindz – Lotline revision of 2.60 total acres  
19 Poorhouse Rd. M8 B1 L22 Lt6
4. George Coleman- Lotline revision of 3.00 total acres  
48/50 Pole Bridge Rd., M44 B8 L9
5. Greta & Ken Trott – Donation - Woodview Trail, 0.46 total acres, M43 B24 L62

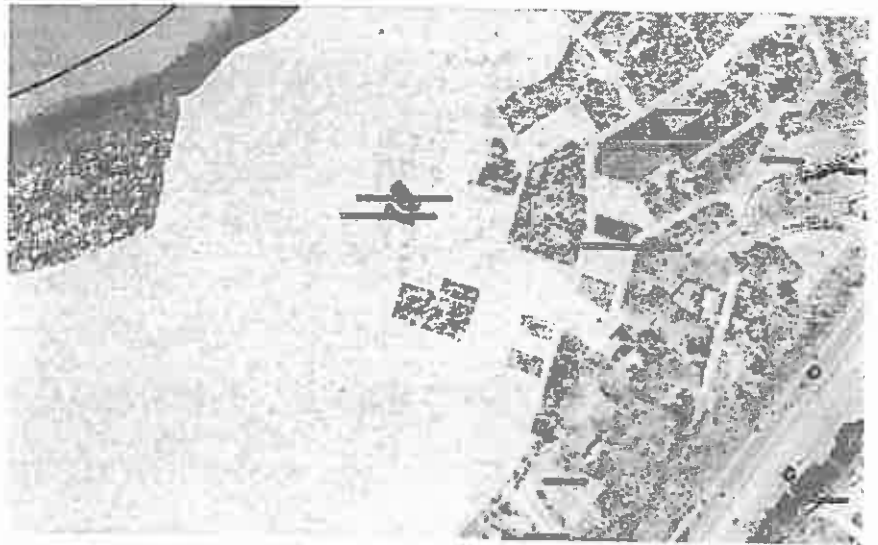
# Support / Review Documentation

## Silvey Property 11-02:

Total Acres – 0.11

Location – Laurel Trail Area

The site has been recommended for acquisition. The parcel is comprised of mature forest. This parcel is surrounded by OS owned by Newtown and NFA.

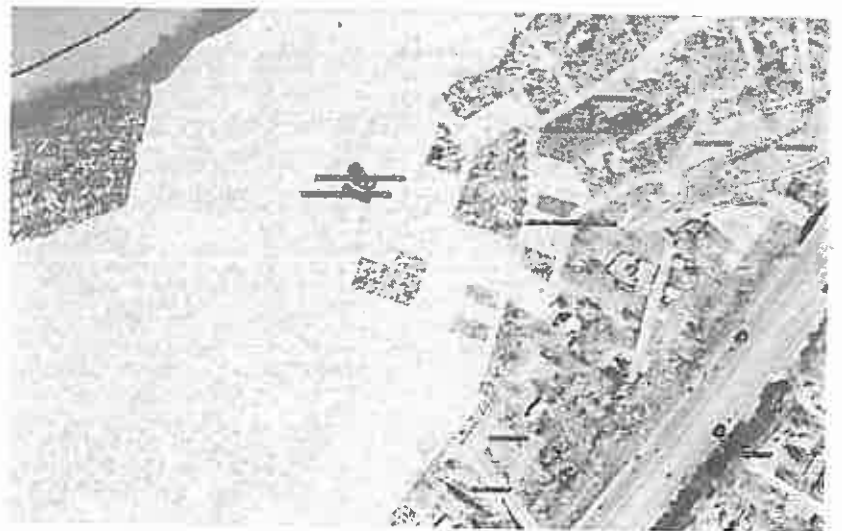


## Trott Property 11-04:

Total Acres – 0.46

Location – Laurel Trail Area

The site has been recommended for acquisition. The parcel is comprised of mature forest. This parcel is surrounded by OS owned by Newtown and NFA.

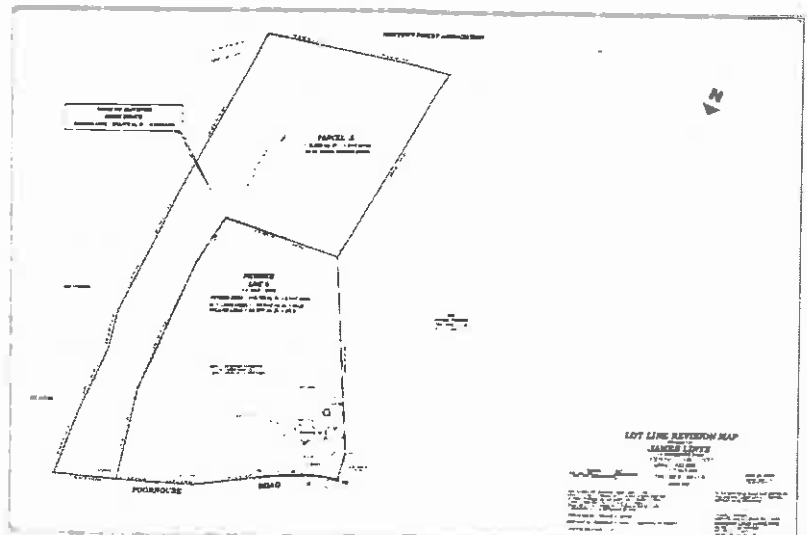


## Lindz Lotline Revision 12-03:

Total Acres – 2.60

Location – Poor House Road

The site has been recommended for acquisition. The parcel is comprised of mature forest and wetlands. This parcel is surrounded by OS owned by Newtown and NFA.



## Kovacs Property 12-02:

Total Acres – 0.51

Location – Laurel Trail Area

The area is composed of two parcels. The sites have been recommended for acquisition. The parcel is comprised of mature forest.

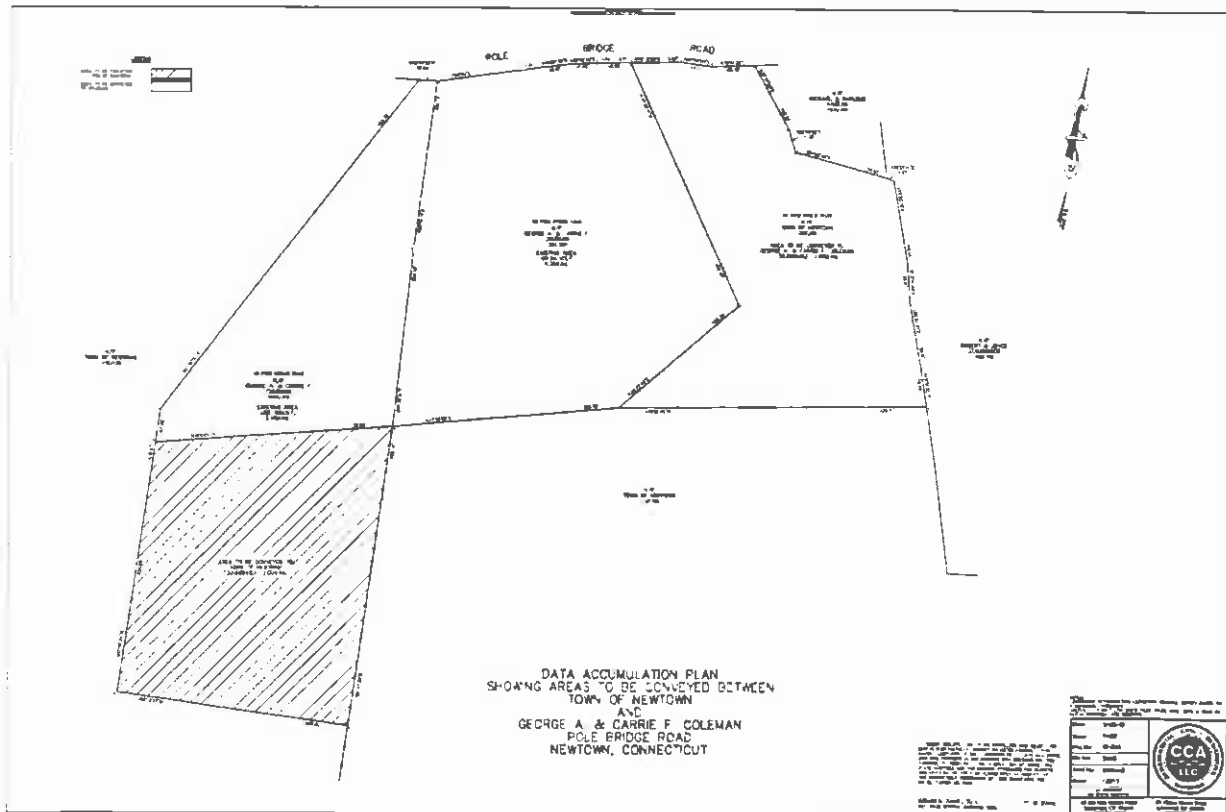


## Pole Bridge Lotline Revision:

Total Acres – 3.00

Location – Pole Bridge Preserve

The area is part of the Pole Bridge Open Space Preserve. The site is part of a large preserve that the town commissions have worked hard to create an active trail system. This revision is critical to that vision. The parcel is comprised of mature forest.



Land Use Agency  
3 Primrose Street  
Newtown, CT 06470  
Tel (203) 270-4276  
Fax (203) 270-4278  
[www.newtown-ct.gov](http://www.newtown-ct.gov)



**TOWN OF NEWTOWN**  
**CONSERVATION COMMISSION**

December 5, 2012

To: Newtown Legislative Council

From: Newtown Conservation Commission

Re: Recommendation of Property Donations and Lot Line Revisions

The Newtown Conservation Commission would like to support the property donations and lot line revisions presented on tonight's agenda. The donations in the Laurel Trail area will provide some small parcels of additional open space in an area that has significant parcels of open space already owned by the Town and consolidate holding in that area. The Poorhouse Road lot line revisions will increase the open space of an existing parcel as well as providing additional buffering for an adjacent Newtown Forest Association parcel.

The commission is particularly enthused about the proposed lot line revision impacting the Town's Pole Bridge Preserve. We have been working for some time to develop a use program for this "gem" parcel. The Newtown Trails group has plans to develop multiuse trails in the area and some construction has already been completed. Parks and Recreation personnel have helped clear an overgrown meadow to increase critical meadow habitat. The Commission and Land Use Staff are developing brochures to educate the public about the history and potential uses of the area. The proposed lot line revision will significantly improve the footprint of the open space, remove an area of private property currently blocking access, and allow for better trails to be constructed.

If the Legislative Council has any questions of the Commission regarding these properties, please contact any of the Commissioners or Land Use Staff.



## TOWN OF NEWTOWN

OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT

### MEMORANDUM

DATE: July 20, 2012

TO: E. Patricia Llodra, First Selectman

FROM: Elizabeth Stocker, AICP, Director of Economic & Community  
Development

RE: Refocus on Economic Development at Fairfield Hills Campus

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You asked me to offer suggestions for the redevelopment of Fairfield Hills. I recommend you consider revising the process for negotiating with private partners for the Fairfield Hills campus. Now that Phil Clark has turned away from Fairfield Hills we should learn from this experience and reposition ourselves for success. Newtown must first determine acceptable (and financeable) terms and take the necessary steps to approve those terms in advance and present them to the public and development community. Most importantly, the terms and process must be attractive to the Town and the development community alike in order to lead to a successful outcome. The goal should be to remove uncertainty in the process and to allow the town to act in a timely fashion.

The following steps are necessary to proceed;

**Task 1:** Assign a lead person to work with the FHA (or other agency) to manage the process and determine the lease terms for each of the designated buildings/sites and evaluation of proposals. The process must be streamlined from its current process in order to allow for free exchange of ideas and efficient timing. Resources to assist with the terms should be provided.

**Task 2:** Achieve concept approvals for the lease terms. Approval of the terms must include lease line limits, length of time, conditions etc. The lease terms should be approved by: the Fairfield Hills Authority and the Board of Selectmen as required by ordinance. If the terms are to include any incentives then conceptual approvals should also be given by the Legislative Council and EDC as well. It may be beneficial to include a public hearing on the project similar to the requirements of a Municipal Development Project as outlined in the CGS.

**Task 3:** Package the approved offering statement. Package must include mapping, zoning, preferred uses by parcel, environmental reports and the terms of the offer and requirements for proposal submission (similar in scope to the Developer's Package),



**Task 4:** Execute an RFQ/RFP process and perform extensive outreach and marketing to attract developers.

**Task 5:** Respond to all proposals effectively and efficiently.

**Task 6:** Evaluate the process on an ongoing basis and take steps necessary to maintain its relevance and efficiency.

I am available to discuss the process with you and others at your request.

**Cc:** James Bernardi, Chairman, Fairfield Hills Authority  
Don Sharpe & Margaret Oliger, Co-Chairs Economic Dev. Commission  
George Benson, Director of Land Use  
Fred Hurley, Director of Public Works  
David Grogins, Town Attorney

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## **10-5-2012 – Draft for Discussion – Terms for attracting/marketing Fairfield Hills**

### **Approach & Concept for Marketing FFH Commercial & Industrial Zoned property**

- **Purpose & Intent:** To minimize cost of demolition/environmental remediation and/ or building renovation to the town and make those costs the responsibility of the parties who wish to lease FFH property identified in the current or revised Master Plan as Commercial / Industrial
  - The property is advertized as \$1.00 for a long-term lease (30 years) with options to extend
  - The party leasing the property has the sole responsibility for all demolition/remediation as part of the lease agreement
  - Property must meet the current Zoning Regulations as per re-use and design criteria as per guidelines
  - The taxes assessed for the completed structure / improvement will be the future income stream to the town instead of the yearly lease cost lost from the initial transfer cost
  - Utility connections will be the responsibility of the developer – Town will guarantee utilities are in the road adjacent to the lease parcel
  - Parking will be dedicated to support the proposed use and will be part of the lease
  
- **Proposed Constraints :**
  - Only applies to property currently or being re-defined in the Master Plan as Commercial & Industrial Areas within the FFH Master Plan and complies with FFH Re-use Zoning including campus design criteria.
  - Property should be under a long term lease, complying with current Lease /Own FFH restrictions; propose 60-90 years to have potential financial institutions incentives.
  - Would require the leasing parties to provide a Bond of sufficient size to cover the work with stringent time limits for initiating and completing the property improvement / replacement; with a bond in place the work could be done by the Town by default. This will allow for the work to be done in a timely manner.
  - Site-wide common charges would be in place and shared. Will be evaluated on a 2 - 3 year basis.
  
- **Note:**
  - It is important that if this is a viable Approach to reduce demolition cost to Newtown; to maintain or increase those areas in the revised Master Plan for Outside Office , Commercial or Industrial areas.
  - Will only address those buildings within the areas zoned as Commercial and Industrial and would reduce the projected Capital Expense for site-wide demolition and environmental remediation.
  - Remaining structures in proposed for “Town use or Open Space” will require Grants or Town funding for demolition and or remediation.

## Terms for the Lease of Development Parcels at Fairfield Hills

The essential points of the proposal are:

- 1) Rent for parcels at Fairfield Hills will be \$1 for a lease term of 30 years, with an option to extend for up to 90 years;
- 2) The lessee is responsible for remediation and / or demolition of any building and / or site;
- 3) The lessee is responsible for obtaining a performance bond and must demolish and / or remediate the existing building within a predetermined timeframe;
- 4) Only buildings in the Commercial Development area of the Fairfield Hills Master Plan are subject to the RFP;
- 5) New buildings must adhere to specific design criteria and building and zoning regulations;
- 6) Any other approval may be described and agreed upon by a joint Economic Development Commission / Fairfield Hills Authority Planning Subcommittee.

Andrew Willie moved to approve, Michael Holmes seconded the motion. Jim Bernardi, Michael Holmes, Ross Carley and Andrew Willie voted yes. Renata Adler abstained.

**Michael Holmes** motioned that once an RFP is drafted which satisfies the terms of the resolution, the Fairfield Hills Authority will recommend the same to the Board of Selectmen. Ross Carley seconded the motion. Jim Bernardi, Michael Holmes, Ross Carley and Andrew Willie approved the motion. Renata Adler voted no.

FHA Minutes – 10/17/2012



## TOWN OF NEWTOWN

OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT

**It is recommended that the town accept the following properties**  
**MEMORANDUM**

DATE: May 9, 2012

TO: E. Patricia Llodra, First Selectman

FROM: Elizabeth Stocker, AICP, Director of Economic & Community Development

RE: Business Incentive Program – Michael Burton for 107 Church Hill Road

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An application for consideration pursuant to the business incentive program was filed by Michael Burton in February 2008 with the Economic Development Commission. The plan was to purchase the property located at 107 Church Hill Road in Sandy Hook Center and to restore, expand and reuse the historic structure for commercial tenants. A second phase of improvements involving the construction of two mixed use buildings was also planned. This writer deemed the project to be appropriate and consistent with the goals for the revitalization of Sandy Hook Center and forwarded the application to the Economic Development Commission (EDC) for its consideration.

The EDC considered the request at its meeting of March 18, 2008 at which point the Chair determined that the Commission would consider the request once the added value from the investment was determined. Mr. Burton purchased the property, achieved the necessary land use approvals for the multi phased project and pursued the work.

In March 2012 Mr. Burton outlined his investment and outcome of his project for the EDC's consideration. The renovation and addition to the original building as well as 2/3 of the site work are complete. Approximately \$2,350,000 has been invested to date and another \$700,000 would be spent on the next phase of the project. Mr. Burton explained to the EDC at their March 20, 2012 meeting that the first phase of the project involving the 15,000 square foot building is fully occupied by twelve businesses.

The pre-development assessment of the property was \$418,190. The current (2011) assessed value is \$724,240 which is equivalent to a \$306,050 increase making the project eligible for fixing 25% of the increase in assessment under the program. If the assessment is fixed at \$647,728 the tax benefit would be equivalent to \$1,865 per year for three years or \$5,594.

The EDC took the following action on March 20, 2012: **Mr. Gersten moved to recommend tax abatement as allowed under the program.** Second by Mr. Motyka and unanimously carried.

Cc: Don Sharpe, Co-Chairman Economic Development Commission  
Margaret Oligier, Co-Chairman Economic Development Commission

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Subject: Business Incentive for Burton on Church Hill Road & Fairfield Hills  
From: Elizabeth Stocker (estocker@newtown.org)  
To: jeff@thecapecis.com;  
Date: Thursday, October 25, 2012 11:44 PM

Hi Jeff; The EDC & BOS recommended approval for Mike Burton's Betts Square project at 107 Church Hill Road. Do you think it could go/should go to the Council for a final action on the Nov. 7<sup>th</sup> meeting?

The details for this project is outlined in my memo which is attached.

Additionally, I believe that the BOS will be discussing the Terms for Fairfield Hills as approved by the FHA on 10/17. If things go well on Monday and if Jim Bernardi and Don Sharpe can make this meeting, perhaps we can address the LC on this as well – for information purposes.

Briefly, here are the details:

The FHA approved the following motion on 10/17/2012:

The essential points of the proposal are:

- 1) Rent for parcels at Fairfield Hills will be \$1 for (the first 30 years) a lease term of 30 years, with an option to extend for up to 90 years;
- 2) The lessee is responsible for remediation and / or demolition of any building and / or site;
- 3) The lessee is responsible for obtaining a performance bond and must demolish and / or remediate the existing building within a predetermined time frame;
- 4) Only buildings in the Commercial Development area of the Fairfield Hills Master Plan are subject to the RFP;
- 5) New buildings must adhere to specific design criteria and building and zoning regulations;
- 6) Any other approval may be described and agreed upon by a joint Economic Development Commission / Fairfield Hills Authority Planning Subcommittee.

I will be out of the office Friday, Monday & Tuesday – returning next Wed. 10/31/2012. I will be checking emails but have late night meetings Sunday and Monday nights.

Sincerely,