

Ms. Farrell answered she had sent the software specs to Captain Fred Barr who had created custom software for police department use. He had expressed satisfaction that we were making the right choice. Mr. Harris has also evaluated the software. To the best of our knowledge, she said, we should have compatibility. Ms. Farrell pointed out that the state would reimburse \$25,000 of the \$45,000 software cost.

Mr. Lowenstein then asked if the administration had made a decision on whether the next reval will be phased in?

Ms. Farrell replied that that was the one decision that was not her's but belonged to the RTM. Most professionals felt a two year phase in might be appropriate and she looked forward to receiving input from the members.

Ms. Schine had a question as to timing. As was known, the Planning & Zoning Commission had a public hearing last week at which zoning changes were discussed. She asked when would the town do the reval?

Ms. Farrell asked if Ms. Schine's question was, what potential impact the reval might have on possible zoning changes? To which Ms. Schine responded the reval would have an impact on zoning changes. Ms. Farrell then said the P. & Z. was meeting on the 29<sup>th</sup> to begin discussion of the proposed regulation changes. Upon approval of the appropriation this evening, she said we would be able to begin the assessment process, but there was ample time to build in that kind of an impact. The biggest problem with time was that there were so many individual problems to bring into conformity that something of that broad a nature was unlikely to be a hold-up. She looked forward to hearing more about the mechanics of impact versus non-impact as we progressed.

By a roll call vote, the resolution was approved unanimously.

The secretary read Item 2 of the call. The resolution was read by Mr. Raines and it was seconded.

**RESOLVED:** That upon the recommendation of the Board of Finance and the request by the First Selectman, the sum of \$7,000,000 with 20 year-bonds, \$2,500,000 of which shall be callable beginning in year three (3) of the bond issue, and bond anticipation note authorization is hereby appropriated to the Municipal Improvement Fund (MIF) to acquire 22.6 acres of property known as the "Baron's Property South".

**Section 1.** As recommended by the Board of Finance and for the purpose of financing the foregoing appropriation, the town shall borrow a sum not to exceed \$7,000,000 and issue bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the town.

**Section 2.** The First Selectman, Selectmen and Controller are hereby appointed a committee with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to

determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the State of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary in and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required.

Section 3. The Bonds may be designated "School Bonds", or "Public Improvement Bonds of the Town of Westport", series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other Bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Controller, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Controller shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The said committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Controller, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be

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certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town of Westport bond anticipation notes. Said committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation made by the appropriation resolution enacted concurrently herewith.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the Federal Income Tax Regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or the Education Facilities Improvement Fund, or the Capital and Nonrecurring Expenditure Fund for the aforesaid project with the proceeds of the bonds or notes to be issued under the provisions thereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Controller is authorized to pay project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Board of Education, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State, grants in aid of further financing the project.

Section 9. The said committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the

provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

Ms. Farrell said there had been two years of speculation, of dreams and hopes about this the largest piece of vacant property in the middle of Westport. The question was, should the town control it or should someone else? Obviously, it was not that simple. There were two really central questions. One was what would we do with the property and the other was the impact on all of our taxes. She said she would address the first part. She knew that some were uncomfortable with just buying the property outright without a plan for use. But she did not think the members should be distracted this evening about its future uses. However she did want to list suggestions that had been made. (Here Ms. Farrell made use of a chart labeled "What will the town do with the property?") This chart contained a list, not in order of priority, of projects that had come up repeatedly during the last two years. The YMCA had been very up front about their desire to move from their current facility which they had outgrown. They saw the possibility of a partnership with the town. A significant land lease could be negotiated which would offset debt service. Secondly, the Y would then sell their present location which could house a significant retail establishment which would go on the tax rolls, an opportunity to offset the purchase price. A Senior Center could be incorporated back into the Y facility. Those who used the Senior Center had articulated a wish for that possibility. There would be the opportunity for shared space offering physical exercise, something they were enjoying at the present location at Staples. If the Y did not work out for one reason or another, Ms. Farrell said she was still firmly committed to a Senior Center building for our growing senior population. There could be a state-of-the-art center offering the activities that kept us all young. Recreational uses - there was no question that some ballfields could be located there and some had suggested bocce courts. Municipal agency facilities - there was a need to construct a salt shed. That might be a less exciting idea but was nevertheless a vital function. Gardens had been suggested as well as an Arts Center. The Arts Council had expressed a desire to reinvest their funds and that might be a possibility. There were those who would choose a Community Center. She said that was not one of her top priorities as Selectman but it afforded the opportunity for debate. Or as Mr. Raines had said, what was wrong with just saying the town needed more land? If it was banked, was that a crime? Ms. Farrell then turned to a second chart having to do with cost. All were aware of the large building costs for the schools that the town would be facing because of enrollment increases. In that regard, Finance Board member Don Warren had asked if anyone had examined our debt service with the fresh material over the last few years. Town Controller Don Miklus was present tonight to give the RTM a report on where the town stood in terms of debt service. She pointed out that right now, rates were low. The impact if the town did not buy this property, if it was bought by a developer and sub-divided, conservatively she estimated about 20 homes going in there. The demand on town services including schools would be great. The other thing to remember was, 20 years was a long time but what should really be talked about was what we were doing for our town in perpetuity. If we did own this property, we would control it and we would be buying it not just for ourselves but with a long-range view for the town. Ms. Farrell said again, the central question was should we own it or should someone else? As articulated by the Planning & Zoning Commission, we needed more

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land, something also stated by the Long Range Planning Committee as well as other advocates such as Parks & Recreation. Added to that, she asked the members to think back to what might happen. The town would be in control of the land. If it was decided we did not need a portion of the property or came to the point where we had no choice but to sell, that opportunity would exist. She was not advocating that but if there were those with concerns about the property's future, they should know we would have that power. Also in the audience was Mr. David Feiner who was the gentleman who had reported to the town on the environmental issues. The First Selectman said he could answer questions as well as Mr. Miklus and Steve Edwards, Public Works Director. She felt motivated, should the resolution be approved tonight, to begin work in earnest with the community on planning but nothing could be done unless we owned the property.

For the Finance Committee, Mr. Raines said ordinarily the entire committee report was not read aloud at the meeting but he felt tonight, since many present might not have had the opportunity to read it, he would go through more of it than usual. Six committee members had voted in favor, Mr. Harris had opposed and Messrs. Malone and Booth had abstained. It was indeed, he said, a majority report. The recommendation of the majority was that the RTM approve the purchase of this property, thus assuring that the future use or uses of this, the largest privately owned parcel of open space remaining in the central part of Westport, would be determined by the residents of our town acting through their elected representatives rather than by developers. As background he said in 1987, after 20 years of fruitless negotiations, first with the Baron himself and subsequently with his heirs, the portion of the estate just north of the Post Road, now called Winslow Park, was acquired by the town through eminent domain. That step had been sharply contested by two groups of Westporters who feared first that the final price, which would have been determined by a court, would be far greater than the amount authorized by the RTM. It had not turned out to be far greater. Also, some were opposed to the principle of the use of eminent domain. The issue had gone to referendum and the acquisition was approved. He mentioned all that simply to say that neither of those factors was involved now because the price was known and eminent domain was not involved. Mr. Raines continued, saying early in 1996, public interest in the piece of property called Baron's South was awakened by the news that it was on the market for \$11.5 million. After checking with the then chairpersons of the RTM study committees, Moderator Gordon Joseloff organized tours of the property for RTM members and subsequently asked the newly created Long Range Planning Committee to study the possibility of acquisition. Jorgen Jensen, as a member of that committee, had produced a report analyzing some of the possible uses, its probable market value of \$7 million and ways of financing the purchase, including some Ms. Farrell had mentioned earlier, selling off several parcels including the existing residences. The Board of Finance twice rejected the request for funding and there had been a dispute, philosophical or otherwise, since they said it had not received the 8-24 approval of the Planning & Zoning Commission. That had been because there had not been a formal independent appraisal. There now have been three independent appraisals for \$7.94 million, \$7.6 million and \$8.45 million. In May, shortly before the RTM had been scheduled to consider the proposal, the administration withdrew it, temporarily, in order to further investigate some preliminary indications of an environmental problem. The question was, could we afford to buy this property in light of

the millions we were spending on school construction, renovation or expansion? Also, for what would we use this land if we did buy it? A third question had been added, were there environmental concerns that should preclude our buying this land? Based on what the committee had heard, they were satisfied, there was no problem from the standpoint of pollutants in the ground water. The only hazard would be from people drinking water from wells which might exist there but that should not exist there because the site was serviced by Bridgeport Hydraulic water supply. While an additional \$7 million increment of capital expenditure must be weighed carefully in the light of the future debt service cost that our current school expansion program would require, the majority of the committee believed that Westporters of all ages wanted their town to continue to provide the wide variety of municipal services and quality of life amenities that, together with superior schools, made this such an attractive place to live. Moreover, the town would still have the option, if necessary, of selling off some part of the Baron's South land should that prove to be advisable. The speaker continued, saying, as to possible uses, he would not repeat all that had been pointed out by the First Selectman. Each of those uses had its proponents and, in some cases, opponents. If the town had the right of first refusal on this land, with all the time we needed to hammer out a consensus on a master plan specifying exactly what uses were acceptable and where, the call for "plan first, buy later," might have more merit. We did not have and were not about to be given, the right of first refusal. In this residential seller's market that Westport was experiencing, it was unrealistic to believe that there would be a chance to "buy later" if we failed to seize our present opportunity. Mr. Raines believed that the most responsible course was for the RTM to act now to gain control of this large tract of land in the heart of our town for the benefit of present as well as future Westporters. Then we would have the time and the opportunity for the merits of the various uses that had been cited to be debated and resolved, as they should be, by the interaction of the administration, the review boards and commissions, and the public groups favoring one use or another. For all of the above stated reasons, Mr. Raines said the majority of the Finance Committee recommended very strongly that the RTM approve of this appropriation resolution.

For the minority of the Finance Committee, Mr. Harris said the previous report had specifically stated there was no specific plan for the use of this property. It had been on the market for years and, according to the Planning & Zoning office, several developers had come in to that office inquiring about the property. They had been duly advised of the zoning limitations including the difficulty of getting the property rezoned, and they had left. None of those developers returned for a second visit. The town had proposed the purchase of this property under the previous administration and it had been tabled by the Board of Finance because of the lack of a specific plan. Once again, the town's legislative body was being asked to approve the purchase of this property without a specific plan. The argument was basically that we would purchase it and do something wise with it, whereas if we did not, someone else would do something unwise. The RTM should never authorize spending taxpayers' money without a clear and favorable understanding of the proposed result of the purchase. In the proper democratic process, a specific proposal was made and debated for a specific use. When all involved understood it and had expressed their informed opinions, a vote was taken and the majority ruled. Here, that process was being frustrated. There could not be a debate about a specific plan because none had been

presented. Mr. Harris continued saying, it was possible, if someone came forward with a crystal ball and could say they knew right now what was really going to happen, then based on an informed decision, the RTM might say no, in its wisdom, it was not an appropriate use of \$7 million of the taxpayers' money. There really were 13 possible uses including some rather interesting ideas but no one had even prioritized them. As the appropriating body, in this case the RTM, needed to know everything that could possibly be known. Under the present circumstances, without a specific plan, it was inappropriate for the RTM to approve this major spending. Mr. Harris intended to vote against the resolution and he urged the other members to do likewise.

Town Controller, Donald Miklus offered an outline of the town's capital projects after first distributing printed copies of his report. He said he had attempted to put together an updated document that he had used on several occasions before this body explaining our practices of issuing debt and indicating the amount of debt we had outstanding. We recently had a bond issue of \$34,070,000 in September. The market had been anticipated almost perfectly for 20-year bonds at an interest rate of 4.4%. There had been a variety of school projects. Our debt increased at that point to \$59,190,000. He pointed to schedule A which showed the purposes for which the bonds had been issued for the total of \$59,190,000. Schedule B showed the amount of payments which were due on the bonds we had outstanding, \$25.120 million plus the \$34 million for a total of \$59 million plus interest repayable over a 20-year period. The total bonding capacity of the town, Mr. Miklus said, was governed by state statute. It said a town could issue bonds up to seven times the amount taken in taxes. If Westport were to do that, our outstanding debt would be \$550 million. The cash flow in our five-year capital forecast prepared last March showed the highest point would be \$111 million. That included most of the projects coming before the RTM at this time. The town had been rated by Moody's Investment Service as one of the seven towns in the state to have a triple A credit rating. They looked at our debt originally, they looked at the debt we had planned in the capital forecast and had said the town had the capacity and a well put together capital plan and the means of financing projects. Mr. Miklus referred to the section of his report where he said he had tried to put together what the cost of bonding would be in various dollar amounts. The first part showed what the average cost would be over 20 years. They were issued on equal principal payments, not necessarily like home mortgage payments where there were equal payments over the life of the mortgage. In this case, the amount of the payment dropped each year by the amount of the interest paid off. Therefore, the payments were higher in the earlier years and less in the later years. The second chart on the page showed what the average cost would be. Based on a 20-year bond, the interest rate would be 4.8%. That chart should give the members a pretty good idea of the cost to the average taxpayer. Again the speaker made reference to the printed material he had passed out to the members and said one sheet showed the proceeds of the bond issue. It was important to recognize that the RTM had already approved \$55,335,000 in capital projects of which \$34 million had just been bonded leaving some unbonded. Some of that would return in the form of state grants which would not require bonding. The other document showed the impact of debt service cost on the tax rate. That sheet had been taken from page 23 of the Capital Forecast. It showed that if all of the capital projects were done there would be a total of \$128 million. The listeners should take into consideration the various grants that

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would come back and the various revenues that would be generated from those projects. Using, once again, the average assessment of \$200,000, the tax on that average assessment in the year 2003/2004 would be increased by \$410. It would go up \$118 in the year 1999/2000 if we were using the base used in 1997/98. That would be if all the projects in town were done, Mr. Miklus concluded.

Mr. Harris spoke for the Parks & Recreation Committee and said in the absence of a specific plan for the use of this property, the committee could make no recommendation regarding the associated appropriation. Several members found some proposed uses to be attractive. On the other hand, they had also noted the cost of acquisition was considerable and that there would be additional costs in the future for maintenance and further development. Possible uses which favorably affected recreation included sale or lease of part of the property to the YMCA or municipal use for a senior center. Several other uses might relieve pressure on other properties in town where current ballfields might be eliminated because their land was needed if this property were not to be purchased. On the other hand, he said, without a specific plan for development, they could not determine which of those possibilities were in fact feasible and cost effective or even which would be recommended by the administration. The committee was not happy about their inability to recommend a course of action, however, with the lack of specific planning information available to them, they found no alternative, from a Parks & Recreation standpoint, Mr. Harris concluded.

Ms. Derrin-Lieberson reported for the Environment Committee and said several months ago, the town had been cautioned about environmental concerns. Preliminary tests had indicated there was some contamination on the property and required further study and investigation. Since the committee's earlier report in May, much analysis had been done by the consultant ERL. Many reports had been issued. After a review of those reports and opinions, the committee had met with Mr. David Clymer of ERL to present their lingering concerns. Mr. Clymer identified PCBs as the source of contamination of the underground water and said the contaminants originated from an off-site source. That was very important. The experts said Connecticut DEP would not require any remediation to take place by the property owner since it was an offsite source. Another concern had been unhealthy contact arising from the underground water. Ms. Derrin-Lieberson said, once again, Mr. Clymer had indicated that it was not likely to be ingested. There were no wells on the property, and the drinking water was through the public source. The question had been raised about insurance. The Town Attorney had advised that the insurance company would be willing to write the policy if given enough time. Based on the experts' opinions and reports as well that of an outside law firm, the Environment Committee had felt a very strong level of comfort. She said the committee appreciated the time it had taken and the studies done because now the majority could sleep well and recommend the town proceed with the purchase.

Ms. Nilson stated that Ms. Derrin-Lieberson had done a wonderful job on the report of the committee, but it had stated that there was an agreement for the purchase of the Baron's property. She wanted to point out that the committee had not voted on the question of the actual purchase.



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Mr. Schwarz's recollection was the vote had been on a recommendation pertaining to the environmental soundness of the property.

Former RTM member, Mr. Larry Aasen, said tonight presented a vision for tomorrow. He recalled the wise people who had saved Central Park in New York City. Here we had had the brave people who had saved Longshore some time ago. That had been a struggle against great odds and we were all now indebted to them. The same was true of the people who had saved Winslow Park. That had been a long fight and included a referendum. The members tonight faced the same important decision. Mr. Aasen said an opportunity like this did not come around very often and this was the last piece in the downtown area. If the town did not grab it, it would go to someone else. Also, he said, the price was right when one considered what one-acre of land was selling for in Westport. The use of the land could be discussed from here to eternity, but the important thing was to put it into the bank and hold it. In the meantime, there was nothing wrong with having more open space, he concluded.

Mr. Andy Wolfson was present to say the Commission for the Elderly supported the purchase of the Baron's South property for community use. They noted that it was a particularly attractive site for a permanent senior center. As to Mr. Aasen's reference to Central Park, he agreed there was a similarity since we did not know the uses to which this property might be put. A number of wonderful possibilities had been mentioned. The people who had saved Central Park, he was sure, had not envisioned the Shakespeare Theater, the skating rink, the art museums and the children's zoo. It had been a prime piece of land that became the jewel of Manhattan increasing the value of all the property around it. Mr. Wolfson thought the same thing, on a smaller scale, could be said about the purchase of the Baron's property. He said in conversations at the senior center, the idea of this purchase was looked at most favorably.

Attorney Robert Scholl spoke next and said he lived and worked on the only piece of property which was residentially surrounded on three sides by the Baron's property. He was speaking tonight as an individual representing no one but his wife and himself. He had owned his property since 1965, only the third owner since construction of the house there in 1893. Obviously, he had a very great interest in what happened to the property. Neither his wife nor he objected to the use of the property under its present zoning nor to its use by the town of Westport. But they did want to reserve their right to come back to the RTM and the Planning & Zoning Commission and discuss the use that was to made of the property. His concern was the drainage problem at the back of his property which needed to be addressed by the town before its use of that portion of the Baron's property. Secondly, it was important for them to announce that they would be looking to the town of Westport for help in the event the pollution, which apparently was carried down through the property, had migrated to their property. He said they would then need some help and would come to this body or the town of Westport. Certainly he would urge the RTM to approve the purchase and immediately proceed to cease the pollution of the property from the point where it was believed to be emanating from. That was terribly important, he said both to the town and to him. Mr. Scholl said he did not think the members had to

know every use the town might have for this land. He would hope all concerned bodies in the town would retain an open mind about the use of this property. He hoped they would work to keep the residences in the area and the eventual use made of the site would be in keeping with what was there now which was a very pleasant vista. He said history would tell the RTM that this would be a great purchase and we would look back 20 years from now and say, "wow, that was a bargain".

Chairman of the Parks & Recreation Commission, Mark Smith, referred to the minutes of that group's meeting on May 14 when they had endorsed the acquisition of the Baron's South property. The Commission had not been afraid to take the position they had. In fact, they had taken a very emphatic and firm position that the town should acquire this property. The only discussion was what it would be used for but that could take place after it was acquired. With the stipulation that we engage in a town-wide discussion, he along with the other commission members, offered their support of the purchase. They recognized that this was an incredibly strategically located piece of property. On a personal level, he said, he had been a member of the RTM in the '80s when the Baron's North acquisition had been discussed under much different circumstances. He had cast his vote in favor of that acquisition and he counted that as one of the better votes he had ever registered as a member. Yet, when the deal had been done, he had felt a sense of achievement but had cast his glance south to where the other piece of land lay. He knew he would not feel a sense of completion unless and until the town owned Baron's South as well. He said the town had a great opportunity and the price was very opportunistic. He asked the members to please have the vision to approve the appropriation.

Mr. Stuart Bernard said, two years ago while a member of the RTM, he had had the opportunity to walk through the Baron's South. He had come away that day thoroughly convinced that if the town did not acquire it, the town collectively should have its head examined. Mr. Bernard had moved to Westport in 1959 and, at that time, the leading topic of conversation was should we or should we not acquire Longshore. All the nay sayers were saying what they were saying now, too much money, we can't afford it, we have got to build schools. All that had been done and he did not think there was anyone in the town today who would say that acquiring Longshore had been a bad deal. It was so true that if the town did not acquire this land now and let it slip through our fingers, not only would we live to regret it but people not yet born and would come to Westport, would regret it. We not only owed it to ourselves, we owed it to the people who came after us. He asked the members to not hesitate and vote yes.

Former First Selectman Martha Hauhuth said it was good once again to hear people debating and giving serious consideration to extremely important issues and decisions for us and, obviously, for the future of the town. She said she was present to strongly urge approval for the purchase of Baron's South. She would certainly hope, that no matter what the uses were, among them would be the dedication of a large portion to open space, just simply land for all to enjoy. She had been intrigued with a newspaper editorial which had made reference to the "greenbelt of Westport", Winslow Park, Baron's South, Longshore and Compo Beach. Those four extremely important sites were in a geographical line. She, having been involved in the acquisition of Winslow Park, felt it

had been the most wonderful coming together of Republicans, Democrats, Liberals, Conservatives or whatever to make a very difficult decision. There had not been someone sitting on the other side of the table with whom to negotiate. It had taken courage and a very bold move to exercise the town's power of eminent domain very appropriately to make sure that property was saved. It had been one of the town's proudest moments. Ms. Hauhuth certainly hoped that the Baron's South property would be put in the bank so it was there to make decisions about. She hoped open space would be considered as one important use. If the opportunity was lost, the town would have something to be ashamed of, she concluded.

Mr. Harold Levine pointed out that the RTM had copies of a report from the committee appointed some years ago by Mr. Arcudi. They had been given two charges. One had been how to acquire the property and the other, what to do with it. Following the election of Diane Farrell, she had re-appointed the committee and they had unanimously approved. This was a bi-partisan committee that had worked very hard on evaluating this situation. He could assure those present, that with the cooperation of the First Selectman, and upon your approval, they would immediately go to work as a bi-partisan committee to evaluate every possible use and discuss them publicly. He hoped the purchase would be approved tonight even though that would provide an endless number of meetings for his committee.

Ms. Ellie Lowenstein spoke as chair of the Westport Planning & Zoning Commission and said, this past May, she stood before the Board of Finance and had spoken to them in favor of purchasing the Baron's South property. She said she was here this evening with the full support of the Commission to again emphasize how important this piece of property was to the town. Although the members might think, from recent newspaper articles, that they were only a zoning commission, they had spent two years developing the Westport Town Plan of Conservation and Development and when they found time, between acting on subdivisions, commercial changes and houses being constructed in the CAM zone, they did plan. One of the things that concerned the P. & Z. was the overuse of land. They saw it everywhere in Westport, with both municipal and private development. Projects were being built to the limits allowed. There were many town projects in need of land, but the town did not have options when it came to finding space for those needy municipal projects. A few years ago, the town had sold land, the Burr School Road property and Green's Farms Road land, to pay for Winslow Park. Now those properties contained homes, and many private open tracts of land had been developed, increasing the need for municipal services and increasing traffic. They were not available for our needs. This year, the First Selectman had established a Land Acquisition Committee to address, in a methodical way, our present and future municipal land needs, for buildings, ballfields, parks and passive open space. Ms. Lowenstein continued, saying, we had to realize that we all wanted schools that were not overcrowded; plenty of recreation space; open areas for conservation, for preservation of natural resources and to enhance the visual look of Westport; town government offices that were convenient and efficient; and a Public Works Department that would take our sewage, leaves and garbage and make it disappear. We also did not want to have those facilities too close to our homes. We, she said, needed space to accomplish those needs. In the past also, Town Plans had suggested acquisition of land. It was good planning to have land to use rather than to have to purchase in crisis.

The Baron's South property was listed as the top priority parcel for acquisition in the 1997 Town Plan. It had been known that this parcel was a gem; the last large private parcel of land centrally located in Westport. It met criteria suggested in the 1997 Town Plan for retention or acquisition of property for municipal purposes and in addition, had access to three roads. Ms. Lowenstein asked the members not to pass up this opportunity and to vote for purchase.

Former Second Selectman Betty Lou Cummings told the body that her rockingchair faced Cockenoe Island. She said how wise a certain RTM had been when they had approved the purchase of that island. Her neighbor happened to be Julian Brodie who had been chairman of the Board of Finance when Longshore had been purchased. The owners had wanted \$2 million, but Julian had said the town would give him \$1.9 along with a lifetime membership. His words at that time were true today, "We cannot do otherwise". During her time in town, six new schools had been built, Longshore purchased and here we were once again. Nothing was simple anymore, but she thought there was a solution. To paraphrase Mrs. Clinton, it took a village to build a village. Just look at the brand new library. It had taken thousands of individuals to build it and the riverwalk. All had pooled resources with no agenda other than to do the right thing. Ms. Cummings said she envisioned a YMCA building on the Baron's South site that would also house a senior center and/or a community center or an arts center. She said once, again, we can't do otherwise.

Ms. Sheffer spoke on behalf of her father, Ralph Sheffer, who had been the RTM Moderator at the time when Longshore that been bought. He would urge this RTM to approve this purchase tonight, she said.

Mr. Donenfeld said there were two problems with this piece of property. One was that there was a pocket of PCB in the ground and the other was we did not know what we would do with it if we owned it. Number one, he said, he owned a piece of property on Riverside Avenue and he, too, had a problem with benzene in a certain small area. He had received a phone call from his attorney a couple of months ago, a gentleman who was quite knowledgeable in this area and he had said that the state legislature had passed a new law stating that the state would reimburse anyone who had a problem and had to clean up a spill and replace dollar for dollar. Therefore, if the town had a problem, it could do one of two things. Leave it there and let it eventually leach away or, if Mr. Scholl had a problem with it leaching into his area, it could be removed at no cost to the town. As to not knowing exactly what we would do with the property, he felt that was great. Were the members going to let a piece of property like this slip through our fingers because we did not know exactly what we were going to do with every square foot of it? No, he thought the town should buy it and then very carefully, slowly but surely, decide how it would be used. The speaker said nothing could be done if it was allowed to slip through our fingers.

Mr. Lowenstein felt the most telling criticism of this motion was the process of how we voted on these issues. It had been said that this was a over-simple vote for a non-specific use. He felt the proposal was very specific, it was for municipal use, not private use. He

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reminded the body that in 1810 Thomas Jefferson had made the Louisiana Purchase without a specific use. Fifty years later, William Seward decided to buy Alaska, called "Seward's Folly". He said he would rather buy the property now and have it called "Farrell's Folly" than not buy it and have that called the "RTM's Folly".

Mr. William Meyer said he would dedicate his vote to Larry Aasen, without whom he would not be a member of the RTM.

Mr. Randolph Meyer said he was proud to say that in 1987, he had served on the Board of Selectmen with Martha Hauhuth. It had been a bitter fight to acquire Winslow Park, but it had been the right decision at the right time and for the right price. He thought that still held for the Baron's Property South, it was the right decision, at the right time, and for the right price. He also thought the town owed a debt of thank you to the previous First Selectman because, while he had been unable to finish the job, he had certainly done well negotiating the price.

Mr. Owades suggested clarifying the use issue by adding the words "for active municipal use or future sale" at the end of the resolution. He offered this suggestion since the P. & Z. Commission often had to go back to these resolutions to evaluate what the town had in mind when approving them. Mr. Owades so moved and the motion was seconded.

Town Attorney Ira Bloom asked if the phrase "active municipal use" excluded use by the YMCA?

Mr. Owades responded the point was to specifically put into the resolution that that was a possibility. If it was left out, it could be interpreted that we were only buying the land to bank it. That was why he was proposing the amendment, to make it clear that something had to be built on it.

Mr. Bloom then said there was nothing in the original resolution which restricted the town in anyway for using the land for any particular purpose. If the town intended to use it only for open space, that would have to be handled in a particular manner. That was not the case with the original resolution, Mr. Bloom felt probably it was not necessary to propose that amendment since there was a description in the original resolution.

Mr. Owades said, that being the case, he would withdraw his motion with the approval of his second.

Mr. Goldberg said that in the 1880s, Central Park had been carved out by a group of wealthy individuals to use for horseback riding and carriages. Common people had been kept out. He continued, stating he was very clearly in favor of the resolution and would support it. The reason he was saying this tonight was because of an article in the newspaper where he had not been misquoted but his intent had been to say there was another presentation to show why we shouldn't buy Baron's South. He would show that presentation. He had said in the article that if, not should, we consider carving pieces of the 22 acres out, there was a possibility with this property of taking one house on one side,

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and one house on the other with a strip mall on the Post Road East, each would probably be worth about \$1 million. Even with the houses in decrepit shape if a little bit of land was added, it would be a terrific sale. That was not even including selling the Baron's house which was probably worth more than \$1 million. That would leave approximately 18 acres still free and open at a cost of approximately \$3 million. The value of this property was incredible. He referred to an article in the Norwalk Hour wherein the Town of Norwalk was proposing to buy a piece of property which was mostly water. They were also trying to preserve open space. Another aspect he had mentioned, Norwalk was going to apply for a grant for \$2.5 million from the State Open Space Fund. He said maybe there was a possibility of Westport doing that to recover some of the \$7 million. That grant fund application must be in by October 30. But even without the grant, the land would still be worth purchasing. He wanted to refute one comment that had said it would be like buying a lottery ticket. If one bought a lottery ticket, one could lose. He said we would be winning here anyway we looked at it even if the property was banked as open space. Another comment was that we had not had the opportunity to debate the uses. Mr. Goldberg believed the town would spend an inordinate amount of hours debating that subject. We lived in a much more complex society every year, more complex than the 1880s, even more than 20 years ago when we had bought Longshore. Complex problems sometimes had simple solutions. In this case, Mr. Goldberg believed the town should purchase this property and then debate its use. He would love to see a unanimous vote in favor tonight because it would be nice for future generations to know how strongly the RTM felt about acquiring this property. Actually, Mr. Goldberg said, the town could potentially recover \$5 million from partial sale, leaving 18 acres with a couple of acres for the Y and land left open for \$2 million. It made sense from a financial point of view and he hoped for a unanimous vote.

Mr. Brey felt there had never been a question about this purchase. It was a wonderful opportunity for the town to acquire control of a significant tract of land in the heart of Westport. He had wondered during the past several years what had been taking so long. Ultimately there was no question. If the town did not buy it, it would be regretted in the years to come. Mr. Brey was not overly concerned about a lack of a specific plan. As the First Selectman had pointed out, there were many possible uses for the property. If we did not buy it, it would be completely lost. He said, don't forget, we would not be buying a lottery ticket but 22 acres of prime Westport real estate. For the record, a senior center would soon be needed since Staples High School would be needing that space. The seniors deserved a center. Mr. Brey had thought from the beginning that this would be the place to put such a center. He urged the members to vote in favor.

Mr. Rubin had come prepared with a speech and presentation but it had all been said and he thanked everyone for doing so. As a member of the First Selectman's committees on maintenance, senior center and community center, he felt very honored tonight to be part of Westport's history. He urged the members to please make this happen and let us all look back in time to come on something we had made happen for Westport.

Ms. Schine noted in 1987, they had had an incredible time trying to demonstrate why the town should be making that kind of purchase (Winslow Park), especially through eminent

domain. Well, it had been done and fortunately many had been enjoying it ever since. She was proud to be present to be able to vote in favor of the purchase of the Baron's South property. It completed the deal. It was something they would have loved to have done originally (in 1987) but couldn't. We can do it now and the price was right. As an interesting sidelight, Ms. Schine had received about a dozen letters from constituents about the dog leash law. She had had one letter about Baron's South and it was positive. It had contained a few questions which had been answered tonight. Ms. Schine felt all the members could safely feel proud in voting yes to this appropriation.

Mr. Izzo said it took a lot of nerve for him to get up to speak and to let the members know that the vote tonight would not be unanimous. He said he would not stand up tonight and try to persuade or dissuade anyone but he wanted to explain his position and why he could not, in good conscience, vote for this purchase. To start with, he would read the contents of a letter he had written to the Westport News over a year and a half ago. "Unless you have been exploring a cave in Utah over the past several years we are all aware of the school space problem and the open space issue. There is a difference between an issue and a problem, isn't there? A problem, by its very nature, demands a solution otherwise it remains just that, a problem. That's the dilemma we're facing with school space, and one thing for sure we're going to need millions and millions of dollars. On the other hand, open space can remain an issue to which there is no solution but only a resolution, and the open space issue can remain so, far into the distant future. In other words, open space must and should be put on the back burner so that the funds we are going to need can be used for the school space problem. The children of Westport belong to all of us and we are all responsible for their welfare. Therefore, what we need to do now is find the most cost-effective solutions to the school space problem. We can only do this by working together and remembering we should only do one thing at a time. In my opinion, school space first, open space later." He then went on to say, everyone had been crunching numbers tonight and some of them were very good. On the First Selectman's Five Year Capital Forecast on page 23, it said by the year 2000 we would have a debt service, if everything went according to plan, of \$13,648,000. That was a lot of money. It was almost the entire budget of the police and fire departments. That was pretty hard to accept. As for Baron's South itself and the \$7 million, whenever you financed, you must always add 50% so that the real cost was within \$.5 million when one considered the lost tax revenue of nearly \$2 million over the life span of the bonds. We then had a turnkey cost of some \$12.5 million and that was only a turnkey cost. He said to remember there were a great many expenditures that would lie ahead with this property. What really bothered him the most was that the front piece of the Baron's South was not part of the deal. That front piece most reflected the character of Westport. To not even have that part included in the purchase we were leaving ourselves in the position of having someone tell us that a shopping center would be put right there in front of our beautiful town-owned property. We would not need an attorney to negotiate for us, we could use a first year law student. Mr. Izzo wanted to talk a little bit about polling. He had done some sampling by calling 51 constituents. He had started his calls as follows: "Hello, My name is John Izzo, your RTM representative. Before I cast my vote on the purchase of Baron's South, I would like your opinion on whether or not we should proceed with this purchase." He said he had had 11 positive responses, 24 negative and 16 with no opinion. He was not

claiming that had been a scientific poll, but it did indicate to him that he did not have public support for this purchase. Finally, he said, he wanted to quote some excerpts from Mr. Louis Gagliano who was the former chairman of the Citizens Long Range Capital Planning Committee. They were from a letter Mr. Gagliano had sent to the editors of some of our local newspapers which had not had time to print them. Mr. Gagliano, by the way, had voted (in his committee) to purchase Baron's South in 1996 based on information then available. Under today's circumstances, his position had changed somewhat. "I have three concerns which make me uncomfortable with a yes vote. 1, The present property owners will retain the most commercially desirable portion of the property for future commercial development. 2, We cannot identify how the property would be used by the town following its purchase. I realize the First Selectman has a committee formed to study this issue but from the reviews I got, there were no indications as to future uses at this time. A number of parties have come forward and predictably, the line will get longer and longer following a decision. 3. Have the ongoing operating budget consequences of the purchase been fully identified and quantified? The answer to this from my perspective, and based upon the information that I have available, is no." Mr. Izzo asked the members, particularly those who represented him in District 3, to take those points into consideration before making up their minds. He would like to buy Baron's South if we had it all settled. He said, think about that front parcel that most reflected the character of Westport and tell him if you want the town held for extortion. Yes, for extortion when the time came and they wanted to push that down our throats. He concluded saying he would be voting no.

Ms. Nilson said since almost every other member had spoken to this issue, she felt she might as well get up and provide Mr. Izzo a little support. It took courage to get up and present an unpopular point of view. She said there were a lot of people in Westport who did not use the property at Winslow Park except for the dog walkers. No one she knew went to that park. This was a town that had zoning which provided yards for almost everyone. She herself uses her yard and would not go to the park. She would go to the beach instead of the park. Ms. Nilson did not see why we should be spending so much money on a piece of land, though it was a beautiful piece of property. She did not think the town should use taxpayers' money to own everything it wanted. She felt zoning regulations could insure that the property, if privately owned, would not be overused. She intended to vote with the minority by voting no tonight.

The next to speak was Mr. Anderson and he said he too had seen Lou Gagliano's letter. Unfortunately he had not been able to reach him on the telephone. He respected very much Mr. Gagliano's having spoken to this issue but with due respect, he did not agree with that view. When we bought things in this town, it was not bought for a minority segment or a majority segment. What was done in this town was for everyone. Minorities in this case were just as important as the majorities. Yes, not everyone used Winslow Park and not everyone used the Y and not everyone would use Baron's South. Mr. Anderson thought the members had to be cognizant that what they did was for everybody, today, and, as several previous speakers had said, for tomorrow as well. As to Mr. Izzo's second point, he had mentioned \$13.6 million in debt service which was true and Mr. Anderson agreed. But all that debt service was not typically related to town property. One needed



to look at that debt service in relation to what it was for. It was a forecast figure based on the capital expenditures that we were looking at at the present time, the vast majority of which was for schools. A relatively small amount of this, less than 10%, would be the result of the purchase of this property. Mr. Anderson complimented Don Miklus on his brief financial presentation. One of the things that we enjoyed in this town that Mr. Miklus had not stated was a triple A bond rating. To achieve that and maintain it was very critical because it allowed the freedom to do things like this that were right. One of the qualifications necessary to maintain that rating was good, sound financial management. He said the people were blessed to have Don Miklus who kept that rating for us year after year making it possible to take advantage of opportunities like this. Several earlier speakers had spoken eloquently tonight on the reasons for this purchase. He would not add to that list except to say that he had always been grateful for what had been done for us in the past. Westport had a style, he said, an inimitable character. For years he had looked at this area of Connecticut and had said God forbid that we should ever become another Greenwich. Years ago, when he had first moved to Connecticut, he had looked at Greenwich. He could see it becoming a concrete town with every little piece of park taken over and built on. Then he had looked at Westport and although almost all the available land had been built on, it was still a treasure because there had been people in this town who had had vision and dedication and cared about Westport. Mr. Anderson said he cared about Westport, about the people who lived here which was why he was standing before the RTM tonight thanking the First Selectman for her energies, along with the previous First Selectman and his energies in bringing this matter forward. Every single group or committee that had studied this question, had said yes, we should do it. Let's get this done and start developing some good solid plans to make it work, he concluded.

By roll call vote the resolution was approved 31-4. Ms. Nilson, Ms. MyGodney, Messrs: Harris and Izzo opposed.

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Patricia H. Strauss  
Town Clerk



By Edna Yergin, Secretary

R.T.M.: ITEM 2 10/ 98

	YES	NO	ABSTENTIONS
	X		
	X		
DIST. #1			
	X		
	X		
	X		
DIST. #2		X	
	X		
	X		
DIST. #3		X	
	X		
	X		
	X		
DIST. #4		X	
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DIST. #5		X	
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DIST. #6		X	
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		X	
	X		
DIST. #7		X	
	X		
		X	
	X		
DIST. #8		X	
	X		
	X		
	X		
TOTALS	31	4	0