

RTM P&Z Committee Meeting

June 8, 2011

Re: Text Amendment 625

Committee Members in attendance:

Matt Mandell, Diane Cady, Heather Cherry, Joyce Colburn, Robert Galan, Lois Schine, Judy Starr

Town Attorneys

Q&A Discussion

- Ability to give Westporters preference ó will be part of the RFP
- Demand that people interested in doing this will provide us with a plan ó we know it can be done but we have they have to figure out specifics as to how they will implement preferences
- We do know that town wants to give residency preference
- Funding source will make sure that you are not discriminating (fair housing act) ó its not really that you can't have preferences. So for example, if another town with a different racial or economic makeup may not have an issue. Fair housing act talks about impact of preferences, it doesn't specifically not allow preferences
- Bottom line ó we have to do within the extent of the law
- What is the billing so far for this project ó do not know the answer to this question but have been working on for over a year; legal time (guess) \$20-25,000; out of approved budget, get a number of projects and this is one of them
- How involved and how can the RTM be involved in preparing and checking over the RTM ó Gordon answered this: no legal requirement but I want everyone to embrace this, so RTM will have repeated input into RFP and BOF will be involved (pledged before the BOF repeatedly)
- Affordability ó what is the test (income, asset)? Ira: its an income test but assets are considered (depends on the program) Also answered question: Ross Burkoff (sp?), runs affordable housing in Stamford ó on assets depends on the program.
- Land acquisition fund: does the fund earn interest (yes but minimal ó Gordon answered)
 - Would it be possible for RTM to pass an ordinance that funding would go to general fund? Yes that could be done [Ira] but Gordon: it's a policy that is passed by the Board of Selectman with practice being to put in land acquisition fund; policy can change though
 - Lois ó want money in the land acquisition fund; separately ó I think town should maintain ownership (Gordon ó there are people who want to outright sell the land)

Gordon Joseloff

Question ó address town spending toward project

- Have spent staff time, attorney time on this project but that is within the budget (town)
- We have not asked for any extra appropriations allocated to the project
- We think project will be cash positive to the community ó payment in lieu of taxes, take care of the property, personal property taxes; currently we don't have funds to take care of the Baron South property; as part of RFP have to take care of entire property ó not just the parts of the property that facilities sit on

- RTM can always do a sense of a meeting if want to take a stand on the lease or RFP
- Promise: Will go to RTM for sense of a meeting resolution with the RFP
- Cannot do a referendum b/c town charter only allows for appropriations

Bart Shuldman (petitioner)

- Priorities ó new act that just came out of CT government ó if you go into affordable housing, any housing project built with financial assistance from government have to set aside housing for homeless (Substitute House Bill No. 6052 ó unclear if passed) ó but point is that we should get all facts before going forward

Public Comment

- Ross Berkhart (sp?) (34 Clinton Avenue): President and CEO of nonprofit based in Stamford with 400 units of affordable housing under management, work in Danbury and Norwalk but predominantly in Stamford
 - Making a land use policy decision; developers will not be interested in doing anything about this until tell development community that Westport is willing to entertain proposals and can entertain proposals. As a developer I would not look into this project until I know town is ready, would wait until after public policy discussion
 - Operate two elderly developments in Stamford, if I get the money one of the things I'd like to do is have something to allow for aging in place to get access to skilled nursing, plenty of need for that type of facility
 - Preferences ó two deals we did in Stamford do not have preferences but we did a census of the population at the facilities and most people there are Stamford residences or relatives of Stamford residences (need to come back to town to be closer to their families)
- John Hartwell (35 Beachside Ave): Bill that was referenced earlier by Shuldman does not appear to be acted upon in either full House or Senate
- Dave Leffrado (18 Indian Hill Rd): Multi year process, if text amendment stands have we predisposed the land now ó what if someone else comes calling (with dollars). Have we locked this land up for the next decade while we go through this process or can someone else come in with an offer for the land?
 - Matt Mandell ó just a text amendment, doesn't lock the land up
 - Larry ó currently zoned residential, any uses that is allowed on residential property are still allowed, so land can be used for something else if they come in with a proposal and is approved by P&Z; same process as any other special permit (can come in with new special permit that supercedes this special permit)
 - Will all the site option that work for 625 be part of RFP or just the Baron's South property ó concern about turning Baron's South property into parking lot
 - Better ways to get property in shape than building senior housing
 - Don't think proximity to senior center is going to be a deal breaker
- Gloria Levitan (sp?) (28 Willow St)
 - How many apartments? 66
 - How many beds in nursing home? 84
 - Population about 21,000; people 60+ about 22% of the town
 - Houses with 65+ about 2000

- Listed affordable housing available in Westport from Census Site
- Personal impression that people who will benefit the greatest from the project are the developers
- Elaine [last name?] (12 Mayflower Parkway):
 - Continually keep pointing to Barons South ó this is a signature property, biggest cross roads, most people pass it by ó I do not feel it should be senior housing, vibrant town, we embrace everyone and this shouldn't be the signature of the town
 - Laudable thing to have senior housing, people need to age in place, but going into business that we shouldn't be going into, connected to health care we can't quite control
 - Buildings we don't control are still reflected on the town
 - Property belongs to everyone in town ó it shouldn't be used for senior housing
- Helen Martin Block ó support Mr. Leffredo
 - Text Amendment should be overturned because it specifies in so many ways that this is the property (Baron South)
 - I don't see full vision for the majority; Baron South could be used for some senior housing, could be used to serve for YMCA; could have multiple uses that could serve fuller need (kind of like Compo or Longshore) reflect the entire town
 - Also agree that it should not be sold
 - Lack of comprehensive vision in this town, need total vision for this piece of property
 - Matrix of what problems are before the RFP
 - Why are we adding duplicate services ó already a nursing home ó why can't we make it better?
- Jeff [Gray] [address]:
 - Who knows the implications of what 625 means, way ahead of things
 - If RTM allows this to pass, somehow saying that they know what no one else seems to know ó no way we should be at point that RTM allowing text amendment to pass
 - RTM bought land, they are responsible for overseeing the decision of how the land is used ó not P&Z or Selectman's decision
 - Not for or against senior living ó we just don't know, putting ourselves out there ó maybe this will work, maybe it won't
 - Committee called Baron's South Committee, not called Senior Housing or Affordable Living Committee
- Alan [last name] (1 Victoria Lane)
 - Needs to be separation of housing issue versus nursing home issue, interchange of language
 - Understanding proposal is senior housing and nursing home
 - 100% support senior housing but issue with developer building nursing home portion
 - Maybe more support if didn't have health care component of proposal
 - Pitting this as a senior issue versus everyone else is the wrong way to look at this
- Marcy Puckland (1 Victoria Lane)
 - Geriatric Care Manager (profession)

- Already have a healthcare facility in town ó we should make them make that a place that the town would be proud of
- Future of health care is care at home or an assisted living facility, less people going to skilled nursing facility (unless on Medicaid)
- Been to several of the committee meetings ó don't think we belong in this business
- 100% for affordable housing for seniors. Imperial Avenue property has been discussed ó well within walking distance to Senior Center and downtown
- Leave Baron South property for something that would be better suited for whole town ó need to review this closely and maybe put a hold on this project for now
- Stanley Nayer (sp?) (77 Clinton Avenue):
 - Chairman for Commission for Senior Services
 - Helped make Senior Center a reality
 - 1200 people use the center every week
 - many people were against the project when it was in development stage
 - Debunking the myths ó still myths out there, don't have clue as to what intent is and what checks and balances are
 - First Selectman has said repeatedly that he needs to have flexibility so as many entities come and bid through their vision will come up with something that is acceptable to all of us
 - But really need to go forward ó talking, talking and talking but we don't even know if we will get anyone to bid
 - Urge to go forward and get to next step
- Marjorie Silk
 - Living here for 55 years
 - Twice a week go to Senior Center and enjoy yoga and look out the window and see the natural, beautiful surroundings
 - Sounds to me that project will be a desecration of the beautiful hillside with sterile buildings and asphalt
 - I hope everyone has walked from Imperial and up and over the crest ó very inappropriate usage of such a hilly piece of land for senior living
 - Senior housing, affordable housing or both?
- Jorgin Jensen (1 Riverview Rd)
 - Need for nursing home facilities ó 100 of Westporters in nursing homes in other towns ó why b/c they are no facilities available here
- Ric Naring
 - Why was there no noise for other projects along Post Road ó why only when its related to senior projects
 - 19.8% seniors in town ó what are you doing for them?
 - So much work has been done by Kassen, Joseloff ó why didn't you object then, process has been going on for awhile
 - About time ó let this process move forward
- Marty
 - Co-chair of committee
 - Always supported other projects (important, makes house more valuable, right thing to do)

- Always do the right thing for our kids ó we haven't always done the right thing for our seniors
- Important for people who want to stay in the community
- Have walked property ó worrisome: not maintained, lighted, not safe ó town can't afford to take care of so it isn't serving an open space right now ó RFP would include maintenance of property so would benefit town
- Don Bergman
 - Haven't made mind up b/c don't know what the project is yet
 - Only point ó that the best way for this project to be developed and scoped out is to reverse the P&Z and advise the Baron South Committee re: RFP process
- Rob Corona (7 Fox Fire Lane)
 - Bifurcate the two issues: 1) senior housing; 2) skilled nursing
 - Skilled nursing should not be a business the town is in
 - Original plan is to revitalize downtown ó how does this project do that?
- Bob Zappi
 - When I think of jewels of Westport ó don't think of Baron's South, think of Longshore, Compo, etc.
 - Then I go to Senior Center ó excited about it ó what a shame that it is not used by more people
 - Don't have an opinion because I don't know more about it
 - Making a decision and nobody has talked to the nursing home in our town ó why haven't the questions been asked?
 - Would be for something that was more integrated and make economic sense

Ellie Lowenstein (P&Z)

- We support what we passed
- Lays a foundation ó true that it is for any town land of a certain size

Barbara Butler

- Meets need for Westport residences, believe concept as been presented is visionary and responds to need in a responsible way
- Optimizes a community asset while preserving for community at large
- Needs seems to be well recognized
- Recognizes that health care services is necessary for long term senior housing
- Examples of situations see in department everyday
 - Professional couple in late 1970s looking for housing with support services; husband suffered stroke; house mortgaged to pay for expenses; want to remain living together despite difference in medical needs
- Believe amendment in best interest of community and seniors

Bart Shuldman

- Scared of what is going on in Westport
- Budget issues, financial issues, OPEB issue ó a lot of this is because we didn't have a plan
- And here we go again
- This is being rushed through ó we don't understand the costs

- On B/S there is \$33mm for land, this is \$23mm
- Please overturn and make them do their work, make it so RTM controls process, not let the process control RTM

Process Going Forward

- This committee no longer taking information
 - We will make a recommendation to the full RTM
- Full RTM will continue to take information with Matt Mandell receiving the information and the Town Clerk (Patty Strauss)
- Full RTM process ó basically starts anew

Committee Discussion

Judy:

- Composition of original committee created an inherent bias for not for profit
- There are for profit models (eg. Wilton; Greens at Canondale) ó we need to shift to that model
- Need study is not scientific; anecdotal, no hard data on how sample selected, no uniform set of questions, etc.
- Puzzling ó 60% affordability probably puts this out of reach for most, if not all, for profit developers
- Guiding the process; shouldn't there be more competition between bidders
- Land looked at as donation from the town
- Entering the unknown and not comfortable with that, with major piece of property
- Financial context of our town's situation
- Can get better use of land looking at for profit model

Joyce:

- Agree with everything that Judy said
- Always in favor of housing with seniors
- Would not be considering overturning if just about senior housing and it wasn't just Baron's South
- Town has problem with flooding and now want to clear cut trees, and there are steep slopes, and pavement and parking
- If it was just a few houses for seniors
- Have problems and agree with petitioners

Bob:

- Text amendment paves the way for something in addition to other uses, not dictating that these things will be done it just opens the door
- Still don't have an RFP
- Not so sure agree with Gordon on referendum point ó wouldn't selling property basically clear the \$500,000 hurdle
- To me, not necessarily to overturn
- Chance to get bite at apple and after that lose traction ó but don't see this as one to overturn

- Any number of ways to put pressure, can always take a position (know its nonbinding but if it is entire RTM)

Lois:

- Text amendment just allows for proposals
- Questions cannot be answered without RFP
- Resolution with sense of meeting can be very effective (did it with Winslow Park property)
- Can be viable plan ó need to get RFP

Diane:

- Good idea, brave idea
- It will get picked at from all kind of places
- But couldn't agree more that idea is right ó its not like anything I remember in the 45 years I lived here, excited by it
- Have faith in the people that are speaking to us
- Indication ó sustain (had to leave early)

Matt:

- Appeal process - a lot of information was not given to us prior, a lot of people coming and speaking against it because they were worried about what happened
- By Shuldman coming out allowed for discussion
- Took awhile to get answer as to whether or not RTM can vote
- Now know that BOF will get a vote on the lease and BOF will be involved in the RFP process and if they are saying that something is wrong here then the Committee won't move forward, Committee will need to listen to BOF
- Appeals process has brought out underbelly and that has been a positive
- We were told YMCA could not fit on the property, tough terrain, beautiful trees ó site plan they gave us is twice the size of the YMCA ó that is what I mean by suspect process
- Aggravated by ó good people said we should look at this as a larger thing, proper solution was the YMCA, with senior housing and senior center
- Brave decision would have been putting everything above all together
- But looking at text amendment ó allows for it but doesn't mandate, so we move forward and see what comes of it
- RFP will be written, RTM will vote on it, BOF will be involved

John:

- Enabling legislation
- Concerned about commitment as RTM to the town and what controls we have or do not have ó Gordon did finally make an answer, like to see him make that commitment at the full RTM meeting
- In terms of controls going forward, in terms of process get involved ó influence structure and outline of RFP, identify potential bidders, writing specifications that we have to review, then draft of RFP that we can review, involved every step of the way and have to be vocal, can't sit back at this point ó then will satisfy our obligations and the people who have been speaking up

Matt:

- Judy is right ó 60% affordable is dictating nonprofit
- Answer is 32-15 allows for something similar and it could then be modified to match

Paul:

- Two questions:
 - Do we really need text amendment in place to get interest from developers
 - General observation ó when we built Staples, did we have a special committee, did we have an RTM committee
 - Weød like to be sure ó see everything

Joyce:

- Rick Redness said that have to get text amendment first
- But that is not true
- Against medical facility
- Should go back and start process in a different way

Matt:

- Agree with nursing facility aspect being extra
- W&S report said best use is housing ó that is not a medical facility

John:

- Referendum on library ó so would this apply? [Lois doesnøt remember a referendum]

Vote to make no recommendation:

Schine, Galan ó 2

Move to sustain P&Z amendment ó Galan, Schine seconded motion

Vote [4-2](Diane indicated that she would vote yes but not included in this)

Matt, Heather, Lois, John - Yes

Judy, Joyce - No

Judy: concern is what are we enabling, make work for ourselves if we donøt deal with it now, no idea where 60% came from

Judy Starr will write minority report

Matt Mandell will write majority report