

Public Hearing

The Bloomfield Town Council will conduct a public hearing on **Monday, February 22, 2016 at 7:35 p.m.** for the following reason:

- To solicit public input regarding changes to the Building Permit Fee Ordinance – Sec. 6-2.

BLOOMFIELD TOWN COUNCIL
Monday, February 22, 2016
Council Chambers – 7:30 p.m.

Joan Gamble, Mayor
Sydney T. Schulman, Deputy Mayor
Patrick A. DeLorenzo Wayne Hypolite
Joseph P. Merritt Joel J. Neuwirth
E. Leon Rivers Derrick A. Seldon
Joseph Washington

- I. Pledge of Allegiance
- II. Roll Call
- III. Announcements and Presentations
 - A. Check Presentation to Fuel Bank
 - B. Black History Month Presentation: Mr. John Loban
 - C. Prosser Library Building Committee
- IV. Citizens' Statements and Petitions
Statements by members of the public may be oral or written and shall start with the speaker's name and address and shall continue for no longer than five (5) minutes, unless permitted by the Mayor or councilor presiding.
- V. Report from Council Subcommittees
 - A. Community Services – Councilor Derrick Seldon
 - B. Administration & Education – Councilor Leon Rivers
 - C. Golf – Councilor Leon Rivers
 - D. Finance – Councilor Wayne Hypolite
 - E. Public Safety – Councilor Joe Washington
 - F. Committee on Committees – Councilor Joe Washington
 - G. Land Use & Economic Development – Deputy Mayor Syd Schulman
- VI. Council Business

Old Business

- 14/15-39: Consider and Take Action Regarding TFC Housing Corporation Option Agreement
- 15/16-45: Consider and Take Action Regarding Proposed Amendment to Section 6-2: Permit fees; waivers (following Public Hearing @ 7:30 p.m.)

New Business

15/16-51: Consider and Take Action Regarding Tax Refunds

15/16-52: Consider and Take Action Regarding Reappointment to the Beautification Committee

15/16-53: Consider and Take Action Regarding Reappointment to the Board of Assessment Appeals

15/16-54: Consider and Take Action Regarding Disbanding Old Building Committees

15/16-55: Discussion and Possible Action Regarding Allocating \$5,000 for the Filley Pond Committee for Advertising Expenses

VII. Report from Mayor and Town Manager

VIII. Approval of Minutes

A. January 25, 2016

IX. Council Comments

X. Executive Session

A. Discussion Concerning Resolution of Pending Litigation

XI. Adjournment

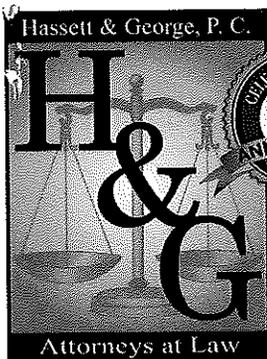
TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager
DATE: February 19, 2016
RE: FY 15/16-19: TFC HOUSING CORPORATION OPTION
AGREEMENT

As you will recall in January 2015, the Town Council voted to approve changes outlined in the Second Amended and Restated Option Agreement between the Town of Bloomfield and TFC Housing Corporation. By way of background, the original option to purchase the property (\$195,000) from the Town was agreed upon in 2012.

Please review the attached letter dated January 7th from Atty. Martin Clayman. TFC Housing Corporation is requesting another six-month extension to February 28, 2017 (from August 30, 2016).

Should Council wish to move forward, the following motion would be in order:

Move to authorize the extension from August 30, 2016 to February 28, 2017.



Hassett & George, P.C.
Attorneys at Law

945 Hopmeadow Street
Simsbury, CT 06070

80 Shunpike Road
Cromwell, CT 06416

www.hgesq.com



Martin A. Clayman
mclayman@hgesq.com
(860) 651-1333, ext. 107

Please reply to Simsbury

January 7, 2016

Mr. Philip K. Schenck, Jr.
Town Manager
800 Bloomfield Avenue, 2nd Fl
Bloomfield, CT 06002

Re: **Second Amended and Restated Option Agreement – Town of Bloomfield and TFC Housing Corp. January 15, 2015**

Dear Mr. Schenck:

As you are aware, I represent TFC Housing Corp. (TFC) a non-profit corporation which entered into an Option Agreement with the Town of Bloomfield to purchase a parcel of land on Douglas Street, now known as 15 Douglas Street.

TFC, after much effort, received pre-development funding approval from DOH on March 24, 2015. Since that date TFC has retained F.A. Hesketh to conduct a title search (which disclosed a title issue with the Wintonbury Land Trust, which has been resolved), flag the wetlands on the site and define the boundaries and dimensions of the parcel. TFC has also retained Henry Schadler to design and re-design a 41 unit apartment complex for low income seniors at the site. These actions have been ongoing at considerable expense to TFC.

In October, 2015 TFC filed preliminary Applications with the Wetlands Commission to amend the map and has also filed an Application with the TPZ to change the zone to MFER from I-2 and file a Master Plan.

After receiving those approvals in November 2015, TFC has filed an Application for a Wetlands Permit and an Application for Site Plan Approval. Those applications are scheduled to be heard this month.

The Second Amended and Restated Option Agreement between the Town and TFC dated January 15, 2015 contains two (2) additional option periods of six (6) months each from August 31, 2015 to February 28, 2016 and from February 28, 2016 to August 30, 2016. The first of the two (2) additional option periods was exercised (with a \$6,000.00 Dollar payment) and the second will be exercised in February, 2016, and the Option fee will be paid upon its exercise.

Assuming that the Town of Bloomfield grants the recent Wetlands Application and TPZ Site Plan Application within the next few months, the next steps will be to complete the building design and construction plans, send them out for bids, and submit a competitive application for

Hassett & George, P.C.

January 7, 2016

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funding with DOH and CHFA, which must be filed by the June 2, 2016 deadline for this round of funding. If the application scores well, it will be granted funding if sufficient State Funds are available in 2016.

After evaluation by DOH and CHFA, the funding for the June round will be announced by or before September 2016. When this occurs, TFC will arrange for a Bridge Loan to purchase the property. It is anticipated that it may take until December, 2016 to complete everything for the Bridge Loan to close.

As a result, TFC will need another six (6) months extension to February 28, 2017 to work through these issues without losing control of the site.

In summary, due to limited opportunities to obtain financing for low income seniors, TFC has to apply to DOH and CHFA for financing. If the application is accepted, TFC may obtain a commitment for funding by September, 2016 in which case it can close during 2016 but, in all likelihood, sometime after the last option expires. To maintain site control during this unpredictable time TFC is requesting a six (6) month extension. It seeks your favorable recommendation for Town Council's approval.

Very truly yours,
TFC Housing Corp.



By: Martin A. Clayman
Its: Attorney

MAC/cap

Encl.

cc: Marc Needelman, Esq. via email
Linda Martin via email
David Berto via email

TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager 
DATE: February 19, 2016
RE: FY 15/16-45: AMENDMENT TO SECTION 6-2: PERMIT FEES;
WAVERS

The Administration and Education Subcommittee met on Monday, February 1st and voted to recommend to the Town Council to approve the recommended change to the ordinance regarding building permits.

After the public hearing, should Council wish to move forward, the following motion would be in order:

Move that Section 6-2 of the Bloomfield Code of Ordinance is hereby amended per the attached recommendations.

TOWN OF BLOOMFIELD

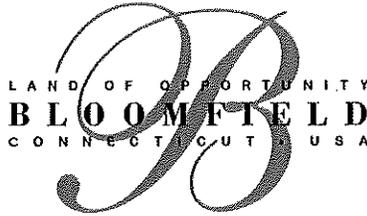
NOTICE OF PUBLIC HEARING

The Bloomfield Town Council will conduct a public hearing on **Monday, February 22, 2016 at 7:35 p.m.** in Council Chambers in Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, CT, for the purpose of soliciting public input regarding changes to the Building Permit Fee Ordinance – Sec. 6-2.

A copy of the proposed ordinance is on file in the office of the Town Manager and Town Clerk.

Dated at Bloomfield, CT 16th day of February 2016.

India M. Rodgers
Clerk of Council



*Department of
Planning & Zoning*

TOWN OF BLOOMFIELD
800 BLOOMFIELD AVENUE
BLOOMFIELD, CT 06002-0337
860-769-3515

Memorandum

To: Town Council
From: José Giner, AICP 
Date: January 22, 2016
Re: Consideration of Changes to the Building Permit Fee Ordinance

Attached is a Draft of proposed changes to the Building Permit Fee Ordinance that would allow us to charge partial fees for large projects. The need has come about because of a recent request by Seabury for a way to “break up” the permit fee. In this instance they can’t close on their financing until they have a permit (or at least a letter saying the review is completed and the permit will be issued pending payment). Seabury said that they would like to submit a percentage upfront for review and the balance at permit issuance. If not, they have to dig \$350,000 out of their operating budget somehow.

This is something we can apply to other large projects without much risk to the Town since the percentage charged would be large enough to cover the direct costs of staff review and a final building permit would be withheld until the balance was paid.

We are proposing to limit this to larger projects only because it will complicate bookkeeping and tracking on our end if we did all of our permits this way. This may give those large projects a softer blow on the fees that we cannot waive.

At the same time we are asking to set a minimum fee for small permits to cover our costs. This is standard with many other Towns.

To that end I recommend that the Council schedule a Public Hearing and/or refer this to the appropriate subcommittee to get the process started:

Proposed Changes to the Town of Bloomfield Permit Fee Ordinance.

Sec. 6-2. - Permit fees; waivers. (deleted language in ~~strike through~~ - new Language in **bold underline**)

- (a) The fee for a permit required by the state building code shall be fifteen dollars (\$15.00) per one thousand dollars (\$1,000.00) of value or fraction thereof; provided, however, that the minimum fee for a building permit shall be ~~fifteen dollars (\$15.00)~~ **thirty dollars (\$30.00)** regardless of value.
- (b) That fee in subsection (a) above is waived for a permit required by the state building code that is issued to the Town of Bloomfield, the Bloomfield Center Fire District or the Blue Hills Fire District; except that the fee required by the Connecticut General Statute Section 29-263 shall be paid by each of these agencies.
- (c) **(NEW) Upon request, the Building Official may allow applicants for projects exceeding \$10 million in construction value to post 20% of the estimated permit fee as an initial down payment to cover plan review and administrative costs, with the balance due prior to the issuance of a permit.**

TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager 
DATE: February 19, 2016
RE: FY 15/16-51: TAX REFUNDS

I am attaching a memorandum and tax refund list from Tax Collector Jean Kitchens asking Council to approve tax refunds.

Should Council wish to move forward, the following motion would be in order:

Move that tax refunds (per the attached list) be approved in accordance with the memorandum dated February 17, 2016.

To: Bloomfield Town Council
From: Jean G. Kitchens, Tax Collector
Date: February 17, 2016
RE: Tax Refunds

The attached requests for refunds of property taxes are submitted for your approval in accordance with Section 12 of the Connecticut General Statutes.

All of these requests have been reviewed by the Assessor and the Director of Finance.

FEBRUARY 2016 REFUNDS

BIGELOW KATHRYN GRACE	2014MV	\$136.98
CAIN FERDINAND E JR	2013MV	\$20.76
CENAXO LLC	2014MV	\$59.18
CORELOGIC	2014RE	\$2,783.52
FINANCIAL SER VEH	2014MVS	\$843.58
FORBES MARS	2014MV	\$8.93
HONDA LEASE TRUST	2014MV	\$97.32
DORSETT TERRY OR KAREN	2014MV	\$6.88
HYUNDAI LEASE	2013MV	\$1,476.49
	2014MV	\$846.53
KNOWLEN ROYCE 11 WOODFORD DR	2014RE	\$500.00
LE TUAN	2014MV	\$16.11
LERETA	2014RE	\$1,324.80
DOUBLE PAYMENT 127 E HAROLD ST		
MAYBIN SHELBY OR LAURENCE	2013MV	\$94.62
OSZAPINSKI FRANK JR	2014MV	\$157.78
OTIS ELEVATOR 212 WEST NEWBERRY RD	2014RE	\$3,741.82
PALMER WILLIAM OR ELEANOR	2014MV	\$239.14
PDS ENGINEER	2014MV	\$105.64
PINNOCK ANDREW	2013MV	\$44.74
WESTON ANTHONY	2014MV	\$119.57
		<u>\$12,624.39</u>

TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager
DATE: February 19, 2016
RE: FY 15/16-52: REAPPOINTMENTS TO THE BEAUTIFICATION COMMITTEE

On Tuesday, February 16th, the Committee on Committees met and recommended the following reappointments (Term ending November 2017):

Move to make the following reappointments to the Beautification Committee:

Barbara Bagnall (U)	1046 Blue Hills Avenue
Julius Albert Clark, Jr. (D)	337 Rockwell Avenue
Toni Clark (U)	337 Rockwell Avenue
Sylvester Agbonta Esangbedo (D)	17 Applewood Road
Elizabeth R. Landell-Simon (D)	9 Prospect Street
Heroline T. Lee-Standberry (D)	131 Woodland Avenue
Jane Low (U)	20 Prospect Street
Anne E. Wall (D)	6 Marguerite Avenue



Town of Bloomfield

Town Clerk's Office
800 Bloomfield Avenue
Bloomfield CT 06002
860-769-3507

To: Philip K. Schenck Jr., Town Manager

From: Marguerite Phillips, Town Clerk CCTC CMC

CC: Joseph Washington, Chairmen Committee on Committee's
Sharron Howe, Assistant to the Town Manager
India Rodgers, Clerk to the Council

Date: February 17, 2016

Re: Committee on Committees Recommendations

The Committee on Committee's made the following recommendations last night for appointment/reappointment:

Beautification Committee

(Disclosure is not required, and the term ends 11/2017.)

Barbara Bagnall (U)	1046 Blue Hills Avenue
Julius Albert Clark, Jr. (D)	337 Rockwell Avenue
Toni Clark (U)	337 Rockwell Avenue
Sylvester Agbonta Esangbedo (D)	17 Applewood Road
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Heroline T. Lee-Standberry (D)	131 Woodland Avenue
Jane Low (U)	20 Prospect Street
Anne E. Wall (D)	6 Marguerite Avenue

Board of Assessment Appeals

(Disclosure is required, and the term ends 11/2017.)

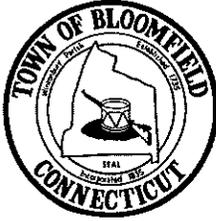
Harriette S. Howard (D)	7 Spice Bush Lane
Quentin Johnson (R)	85 Woodland Avenue
William Ortiz (D)	3 Hampton Lane

TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager
DATE: February 19, 2016
RE: FY 15/16-53: REAPPOINTMENTS TO THE BOARD OF
ASSESSMENT APPEALS

On Tuesday, February 16th, the Committee on Committees met and recommended the following reappointments (Term ending November 2017):

Move to make the following reappointments to the Board of Assessment Appeals:

Harriette S. Howard (D)	7 Spice Bush Lane
Quentin Johnson (R)	85 Woodland Avenue
William Ortiz (D)	3 Hampton Lane



Town of Bloomfield

Town Clerk's Office
800 Bloomfield Avenue
Bloomfield CT 06002
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To: Philip K. Schenck Jr., Town Manager

From: Marguerite Phillips, Town Clerk CCTC CMC

CC: Joseph Washington, Chairmen Committee on Committee's
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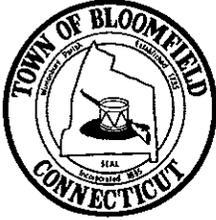
Harriette S. Howard (D)	7 Spice Bush Lane
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William Ortiz (D)	3 Hampton Lane

TO: Town Councilors
FROM: Philip K. Schenck, Jr., Town Manager 
DATE: February 19, 2016
RE: FY 15/16-54: DISBANDING OLD BUILDING COMMITTEES

On Tuesday, February 16th, the Committee on Committees met and voted to recommend to the Town Council to disband the following old building committees that have fulfilled their duties and are no longer needed;

Move to disband the following building committees:

High School Building Committee
Carmen Arace Building Committee
Elementary School Building Committee



Town of Bloomfield

Town Clerk's Office
800 Bloomfield Avenue
Bloomfield CT 06002
860-769-3507

To: Bloomfield Town Council

From: Marguerite Phillips, Town Clerk CCTC CMC

Cc: Philip K. Schenck Jr., Town Manager

Date: February 16, 2016

Re: Disband Old Building Committees

Committee on Committees has voted to recommend to the Town Council to disband the following old building committees that have fulfilled their duties and are no longer needed;

High School Building Committee

Carmen Arace Building Committee

Elementary School Building Committee

Thank you

TO: Town Councilors

FROM: Philip K. Schenck, Jr., Town Manager 

DATE: February 19, 2016

RE: FY 15/16-55: ALLOCATING \$5,000 TO THE FILLEY POND COMMITTEE

This item was placed on the agenda at the request of Mayor Gamble.

RESOLUTION

WHEREAS, the formation of the Filley Park Fundraising Committee was announced at the January 11, 2016 Town Council meeting;

WHEREAS, this is an Ad hoc committee formed for the purposes of fundraising to support Filley Park Restoration Project;

NOW THEREFORE BE IT RESOLVED, by the Bloomfield Town Council that there is hereby appropriated the sum of five thousand dollars (\$5,000.00) from the Town Council Contingency Fund for administrative expenses (advertising and printing)

DRAFT

BLOOMFIELD TOWN COUNCIL

There was a regular meeting of the Bloomfield Town Council held at 7:30 p.m. on Monday, January 25, 2016 in Council Chambers, Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, CT.

Present were: Mayor Joan Gamble, Deputy Mayor Sydney Schulman, Councilors Wayne Hypolite, Derrick Seldon, Joel Neuwirth, Patrick DeLorenzo, Leon Rivers and Joseph Washington

Also present were: Philip K. Schenck, Jr., Town Manager, Sharon Howe, Assistant to the Town Manager, Attorney Marc Needelman and India M. Rodgers, Clerk of Council

Absent was: Councilor Joseph Merritt

PLEDGE OF ALLEGIANCE

The meeting began with the pledge of allegiance to the flag.

ANNOUNCEMENTS & PRESENTATIONS

Mayor Gamble read statements from Niagara Bottling Company declining the invitation to be present at tonight's meeting. She also read a letter from Mr. Jerry Long, Chair of the Economic Development Commission in favor of Niagara Bottling coming to Bloomfield.

Councilor Hypolite requested a point of clarification regarding an e-mail referencing Niagara receiving a dually signed tax abatement agreement and when it was actually sent to Niagara.

Mayor Gamble stated that once Niagara signed the proposal agreement with the town, the contract was binding.

Deputy Mayor Schulman clarified the timeline for signatures from the Town Manager's Office, notarization of the document and the concept of delivery is not necessary.

Attorney Marc Needelman submitted his written opinion that stated once Niagara accepted the terms that the town offered and received, the contract was binding. The signed contract was sent by Niagara on January 8, 2016 and the Town Manager signed the contract on January 11, 2016. The agreement was transmitted to Niagara last week via the Town Attorney. The physical delivery is not a relevant legal issue.

CITIZEN STATEMENTS & PETITIONS

1. **Keith Ainsworth, 51 Elm Street, New Haven, CT**, is an Environmental lawyer with 25 years of experience representing numerous organizations, such as Bloomfield Citizens.org. Attorney Ainsworth stated his position on the following issues:
 - Disagree with Town Attorney's decision on delivery of contract
 - Town Council motion in his opinion was in order with respecting opinions of citizenry
 - The contract is for abatement of taxes and can be revoked
 - Requesting the Council to reconsider their original motion of approval for the tax abatement agreement
 - Niagara lack of concern to be present and answer questions of citizens
 - Niagara should have considered a public session with citizens to ask questions
 - Bloomfield Citizens.org remain committed to pursuing all legal options
 - Niagara kept their identity a secret during permitting process
 - In addition, Niagara didn't disclose the magnitude of their operation
 - Is this the right business that will benefit the town for long term economic development?

2. **Guthrie Sayen, 27 Rundelane** spoke regarding recovering from making mistakes within town government. He expressed concerns regarding the permitting process and its flaws, no opportunity for public input and no referral for an environmental review. Mr. Sayen also mentioned drafted proposed legislation to address missteps in these issues from State Representative David Baram. He also recommended to the town to obtain a traffic study and detailed cost benefit analysis for this project.

3. **Jane Nodel-Klein, 82 Tariffville Road**, reviewed the process and timeline of this project thus far. She stated that this process should be open and transparent and urged the Council to look at other communities which reveals Niagara's lack of commitment. Is this how we want business to be conducted in Bloomfield?

4. **Kevin Gough, 5 Bear Ridge Drive**, presented a cost benefit financial analysis and gave a brief overview of its impact on the town during the approved tax abatement period with Niagara. He reminded the Council of their commitment and duty to be fiscally responsible.

5. **Valerie Rossetti, 88 Kenmore Road**, expressed her disappointment of the Council's decision on this project. She stated that the process went array and would have liked the opportunity to ask questions to Niagara. Ms. Rossetti mentioned that water is a precious commodity and is concerned about utilizing 1.8 million gallons for Niagara. In addition, concerns about possible drought focused on 50% capacity, in which the state can mandate conservation. However, the public has no priority at this time with the State of Connecticut Emergency Water Plan.

She recommends reviewing the Town Plan and Zoning and Inland Wetlands application requirements and process, plan for better environmental concerns with economic development efforts and change in state laws.

6. **Patricia Barone, 27 Rundelane,** asked the Council to reconsider the tax abatement agreement. She spoke regarding climate change with pollutant concerns. It was noted that approximately 3,833,280,000 single use water bottles will be produced on 4 bottling lines for the year at Niagara.
7. **Mark Shapiro, 8 Hampton Lane,** spoke regarding the employment impact in Bloomfield with promoting living wage offered by Niagara. Current statistics for Hartford County outline the living wage as: \$11.70 per hour for 1 adult, 1 adult/1 child – \$26.14 and 1 adult/3children – \$37.92. Employees will be required to work 12 hour shifts that seasonal and not all full time positions. There is a website on with employee reviews criticizing Niagara regarding worker's pay, benefits, etc.
8. **Paula Jones, 5 Bear Ridge Drive,** mentioned a 12/13/2012 Hartford Courant article regarding the Portland Agreement with the MDC. This article identifies constraints of any oral or written agreements with the Farmington River Watershed Association and Eileen Fielding. She urged Council to get the full picture of all information obtained and be skeptical moving forward.
9. **Connie Clifford, 162 School Street,** stated that the east side of town does have concerns with opposition to this project and how the entire issue was handled.
10. **Diane Mack, West Hartford,** urged the Council to reconsider their decision regarding the tax abatement with Niagara.
11. **Mark Saunders, 13 Pent Road,** issue plastic bottling, incentives and conservation of water. He also expressed concerned with the MDC high volume discounted rate and asked the Council to reconsider.
12. **Hannah Roditi, 12 Beacon Hill Road,** spoke regarding follow up of a golf course complaint made at the last Council meeting regarding walking on the course. She is asking for golf subcommittee to submit proposal to build a walkway for residents.
13. **Margo Hennebach, 13 Pent Road,** submitted Bloomfield Citizen.org petitions with over 200 signatures online and 125 collected door to door. She also sang a song in opposition of this project and her water concerns.
14. **Juliet Kapsis, 31 Sharon Road,** member of the Wintonbury Land Trust pleaded with the Council to reconsider the tax abatement agreement.
15. **Billie Alban, Seabury Retirement Community,** reminded Council of the importance in of the largest fresh water country in the world and how precious water is during these times.

16. **Senator Beth Bye, 99 Outlook Road, West Hartford, CT** is a longtime opponent of bottled water and water as public asset should not be privatized. Senator Bye and State Representative Baram will collaborate together on transparency with water restrictions and introduce legislation on any restriction. Some of their initial concerns will address: water bottling operations will cease, quantifying value of water and infrastructure going to private companies, MDC discounted rate and a plan to strengthening state laws.
17. **Al Mercier, 29 Kenmore Road,** reconsider and commit to due diligence of the Council regarding this project.
18. **Anne Hulick, 2074 Park Street, Suite #308, Hartford, CT,** the State Director for Clean Water Action, a national non-profit organization for the past 40 years requested a 2nd opinion to terminating the binding contract with Niagara.
19. **Kim Chamerda, 11 Burnwood Drive,** stated that she was very impressed in amount of research from citizens and disappointed with the lack of transparency in the process.
20. **Richard Dorr, 758 Cottage Grove Road,** referenced this as a global issue to conserve water and avoid further pollution.
21. **Ayse Ozkaya, 56 Filley Street,** was passionate about living in town, the important of how was is so precious and encouraging the Council to reconsider their decision.
22. **Anne Gustafson, 21 Prospect Street,** requested a second legal opinion on what it would cost the town to terminate the binding contract with Niagara. She stated that Connecticut is 1 of 2 states in the nation with state laws that prohibit treated sewage in drinking water.

REPORT FROM COUNCIL SUBCOMMITTEES

Community Services – Councilor Seldon gave a brief report from of upcoming activities and programs from Social & Youth Services, Leisure Services and Senior Services.

Land Use & Economic Development – This subcommittee met on January 18, 2016 to discuss the new legislative law regarding tax increment financing, the sale of town owned property located at 97 Granby Street and an update on Wintonbury Mall.

Committee on Committees – This subcommittee report will be deferred for discussion under Council business.

Public Safety – Councilor Washington read a detailed report of the last meeting held on January 11, 2016.

Finance – Councilor Hypolite gave a brief summary of this subcommittee meeting held on January 19, 2016. He outlined the following updates:

- Nominal cuts from the State of Connecticut approved budget FY 15/16 were absorbed, however this will be a challenge for the next 2 fiscal years.
- Tax collection rate has increased.
- Comprehensive review of overall tax abatement, reviewing new parameters guided by particular principles in the process.
- Suggested that the Land Use & Economic Development and Administration/Education subcommittees to participate in tax abatement review.

As the town moves forward regarding tax abatements, the process should be flawless, due diligence of the Council should be in order, proper vetting and analysis with various entities involved in the process.

Golf – Councilor Rivers responded to resident complaint regarding walking on the golf course. He stated that new signage has been posted. Residents can walk on the course when it is closed. Councilor Rivers stated that he will contact this resident and invite her to the next Golf subcommittee meeting for further discussion, if desired.

COUNCIL BUSINESS

OLD BUSINESS

FY 15/16-12: Consider and Take Action Regarding the Sale of 97 Granby Street

Deputy Mayor Schulman excused himself from this matter due to a potential conflict of interest. It was noted that notice be given to the abutters and that the abutting property owners be given rights of first refusal with respect to any offers that the Town may receive as a result of the Request for Proposal (RFP).

It was moved by Councilor Hypolite, seconded by Councilor Seldon to authorize the Town Manager to put out a Request for Proposal (RFP) with respect to the sale of the 97 Granby Street property along with the recommendations of the Land Use & Economic Development Subcommittee as outlined in Mr. Jose Giner's January 22nd memorandum.

VOTE: **AYE: J. Gamble, J. Washington, W. Hypolite, L. Rivers, D. Seldon, J. Neuwirth, P. DeLorenzo**
NAY: None
ABSTAIN: S. Schulman

The motion carries 8-0-1.

FY 15/16-44: Niagara Bottling

Attorney Marc Needelman examined State of Connecticut law, binding contract in effective meaning legally the town is not permitted to ignore, change or modify terms of agreement.

At the regularly scheduled Town Council meeting on December 14, 2015, a motion was made to approve the proposed tax abatement agreement. This motion was approved unanimously by all members of the Council present. The Council also authorized the Town Manager to execute a written agreement reflecting the resolution that it be approved.

In addition, that agreement was finalized and delivered to Niagara's representatives. This agreement was executed by Niagara on January 8, 2016. The town received the contract from Niagara on the same date and the Town Attorney reviewed it, no changes made. The Town Manager executed the document on January 11, 2016.

Attorney Needelman was also informed by Niagara's counsel that the company entered into an agreement to purchase the real estate on Woodland Avenue, pending an imminent closing with the property owner.

Attorney Needelman included in his legal opinion, Connecticut law references regarding contracts. It was also noted that the delivery of a memorandum, a document of agreement signed is not essential to the requirement of the state statutes of fraud.

There was some discussion regarding parliamentary rules and procedures:

Motion to reconsider

Sec. 37 of Robert's Rules of Order can only be made on the same day as the vote to reconsider was taken. It was appropriately ruled by the Chair as out of order. In addition, a Motion to reconsider cannot be applied to an affirmative vote in nature of a contract, when the party to the contract has been notified of the outcome.

Motion to rescind

Sec. 35 of Robert's Rules of Order is not in order when something has been done as a result of the vote on the main motion, which is impossible to undo.

Attorney Needelman stated that there would be significant legal exposure, risk and monetary damages to the town, if contractual obligations are not honored as set forth in the agreement.

Councilor Hypolite stated that he would not like to reconsider the motion, however he is inquiring about rescinding or repealing the motion. He also requested to postpone the delivery of the contract to give the citizenry an opportunity to ask questions of Niagara, which did not occur.

There were comments made about the process to seek more transparency at the state level and have companies identify who they are and what they represent.

Councilor Hypolite recommended the following tax abatement principles:

- Seek more transparency of applicants – i.e. Identify who the applicant represents and the relationship with the potential developer/landowner
- Conduct an independent review of the applicant/developer/company, and identify the source of documents provided
- Conduct a Financial review of the company to include their profitability and sustainability
- Schedule a Public Hearing on all potential tax abatements in excess of 1.5% of the town budget
- Seek advisory opinion and comments from local boards & commissions on issues that falls within their purview

Councilor Hypolite also requested a temporary moratorium pending the approval of a majority consensus from Town Council members.

Councilor Seldon requested clarification on postponing this motion, not to rescind or revoke. He stated that he was disappointed with Niagara for not being present for this meeting, negating the public's request and cautioned their incentives to abide by other requests from the town such as hiring Bloomfield residents and possible set aside for minority contractors.

Attorney Needelman restated the timeline of the execution of the binding contract. The law on contracts trumps Robert's Rules of Order procedures.

Councilor Rivers stated that only those persons present would only be eligible to request this motion. Attorney Needelman wrote a legal opinion on rescinding not postponing.

Councilor Neuwirth expressed concerned about the legal impact on the town and is very receptive to the outpouring of concern for Niagara coming to Bloomfield. He suggested that the emotional opinions should not be a factor in the decision of the Council.

Councilor Washington stated that when this decision was made to bring Niagara to Bloomfield, the Council did not have no idea of the opposition and public outrage of the project. The Council had its best intentions of protecting the town and not all are in agreement with the Council's decision to support this project.

NEW BUSINESS

FY 15/16-45: Consider and Take Action Regarding Proposed Amendment to Section 6-2: Permit fees; waivers

This item was deferred to the Administration/Education Subcommittee for further review and discussion. If this subcommittee recommends this item for Council action at the next scheduled meeting, a Public Hearing is required to solicit public comments regarding the amendment.

FY 15/16-46: Consider and Take Action Regarding Adoption of Schedule – Budget Meeting

It was moved by Councilor Neuwirth, seconded by Councilor Rivers and voted unanimously to approve the schedule for 2016/2017 budget meetings:

ADOPTED - NOTICE OF SPECIAL MEETINGS

Bloomfield Town Council

In accordance with Section 3 of the Rules of Procedure, the Bloomfield Town Council will hold special meetings for the purpose of discussing the proposed 2016/2017 budget on the following days:

2016/2017 Budget Schedule
Bloomfield Town Council

- | | |
|--------------------------------|--|
| Thursday, March 10th 7:00 p.m. | Budget overview by Town Manager;
Board of Education** |
| Tuesday, March 15th 7:00 p.m. | Planning; Boards & Agencies; Library;
Senior Services; Social & Youth Services;
and Leisure Services |
| Thursday, March 17th 7:00 p.m. | Revenue, Expenditures and Capital
Improvements; and Facilities & Public
Works |

Tuesday, March 22nd 7:00 p.m.	Public Hearing; Public Safety; General Government
Thursday, March 24th 7:00 p.m.	Council Deliberation/Action
Tuesday, March 29th 7:00 p.m.	Council Deliberation/Action (if needed)
Monday, May 2nd 7:00 p.m.	Annual Town Meeting***

Unless otherwise noted, all of the above meetings will be held during 2016 in Conference Room #5, Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut for the purpose of discussion of the Town Manager's proposed budget for fiscal year 2016/2017.

**Town Council Chambers
 ***Bloomfield High School Auditorium

FY 15/16-47: Consider and Take Action Regarding Reappointment of the Conservation, Energy and Environment Committee Members (CEEC)

It was moved by Councilor Washington, seconded by Councilor DeLorenzo to appoint the following individuals to the CEEC:

Alan S. Budkofsky (R)	41 Burnwood Drive
George Kevin Gough (D)	5 Bear Ridge Drive
Wesley David Hager (D)	8 Duncaster Road
Marie F. MacDonald (R)	6 Timothy Lane
David M. Mann (D)	1 Adams Road
Vikki Reski (D)	52 Duncaster Road
Valerie A. Rossetti (G)	88 Kenmore Road
Zellene Sandler (D)	22 Rundelane
Venessa Spence (U)	76 Wintonbury Avenue

VOTE: **AYE: J. Gamble, S. Schulman, L. Rivers, D. Seldon, J. Washington, P. DeLorenzo, W. Hypolite**
NAY: J. Neuwirth
ABSTAIN: None

The motion carries, 8-1-0

FY 15/16-48: Consider and Take Action Regarding Appointments to the Bloomfield Parks and Recreation Committee

It was moved by Councilor Washington, seconded by Councilor Neuwirth and voted unanimously to appoint the following individuals to the Parks and Recreation Committee:

Donna M. Banks (D)	9 Diana Drive
Louis B. Blumenfeld (D)	10 Stuart Drive
Clifton Cooper (D)	26 Joyce Street
Marc Jordan DeSousa (R)	42 Silo Way
Gail Nolan (R)	157 Duncaster Road

FY 15/16-49: Consider and Take Action Regarding Appointment to the Commission on Aging

It was moved by Councilor Washington, seconded by Councilor DeLorenzo and voted unanimously to appoint Susan Odoms (R), 24-B Dorothy Drive to the Commission on Aging.

FY 15/16-50: Consider and Take Action Regarding Reappointment of the EMS Committee Members

It was moved by Councilor Washington, seconded by Councilor Rivers and voted unanimously to reappoint the following individuals to the EMS Committee:

Louis B. Blumenfeld (D)	10 Stuart Drive
Patrick J. Braun (D)	21 Milburn Drive
Phillips Brown (D)	24 Woods Road
James W. Dailey, Jr. (R)	32 Nolan Drive
Margaret S. Ehrhardt (U)	255 Tunxis Avenue
Katherine Haller (R)	32 Scott Drive
Mary K. Laiuppa (U)	294 School Street
Susan H. Zetoff (D)	50 Foothills Way

Mayor's Report

No report at this time.