

TOWN OF CROMWELL
BOARD OF SELECTMEN
THURSDAY APRIL 7, 2011
7:00 P.M. TOWN HALL ROOM 224/5
FIRST SELECTMAN'S OPEN FORUM

TOPIC: SENATOR DRIVE

MINUTES

Selectman Present: First Selectman J. Flanders, Deputy First Selectman R. Newton,
A. Varricchio, A. Waters, A. Spotts
Selectman Absent: A. Halibozek, P. Ahlquist

A. CALL TO ORDER

First Selectman Flanders called the Open forum open at 7:00 P.M.

B. OPEN FORUM

1. M. Johnson, Pleasant Street -Read a portion of the Police Report and asked if the statement was accurate that Mr. Flanders was aware that the land was deeded to the town in 2006.
2. S. Stachura, Geer Street -Was a member of the Board of Selectmen when the land was turned over as Open Space. We should move forward and correct this issue; the property should come back to the town.
3. H. Zalewski, Geer Street - Wants the land back so the future generations can enjoy it.
4. Tom Varricchio, Senator Drive - Mr. Varricchio stated that he is the one that purchased the property. Mr. Varricchio brought hand-outs and requested that the public in attendance take a few minutes to review it. Mr. Varricchio stated that he has spoken with representatives of the town and is willing to work with the town. Mr. Varricchio stated that if he ever thought that it would come to this he never would have gotten involved. (hand-out attached to minutes)
5. J. Fletcher, Senator Drive - Asked T. Varricchio to explain what he proposed to the Town to resolve the problem.

T. Varricchio stated that once he found that the town wanted the property back he proposed that he would pay to have the land surveyed and he would claim ownership of a ½ acre next to his property. He committed to plant \$2,300 worth of plants and turn the remaining 1.8 acres back to the town. Mr. Varricchio would continue to maintain the property. The Town refused the offer for reasons unknown.

6. R. Duffy, Oxford Lane -Inquired why the First Selectman's letter dated March 28th was only sent to Senator Drive, Congress Drive and Dairy Lane residents? Mr. Duffy felt that the whole town should have been notified of this meeting. Mr. Duffy inquired who defined that the vegetation that Mr. Varricchio cleared was invasive.

J. Flanders stated that his intent was not to exclude anyone. Letters were sent to nearby residents of Senator Drive. Mr. Flanders released media releases and the meeting was posted in the Town Clerk's Office and on the Town Web-site.

T. Varricchio stated that the Connecticut River Council provided the list of invasive plants and he is willing to share the list with anyone that is interested. The plants are not recommended for use near schools, parks or walkways. Mr. Varricchio stated that there is an easement across the back of the parcel and it was so overgrown you couldn't walk on it. Mr. Varricchio also stated that is aware of the wetlands on the property and he didn't touch them; litter and garbage accumulate on the property and he cleans it on a regular basis. Mr. Varricchio stated that the land is open space and anyone is welcome to come and look at it.

7. D. Keckley, Dairy Lane -Stated that Tom Varricchio is a community minded man and does what he can to make Cromwell a better community. Mr. Keckley stated that he feels that this issue turned political. The town is supposed to clean the right-of-way but they don't. Mr. Keckley stated that Tom Varricchio cleans the property for the residents and commented that the Open Space parcel on the other side of the Varricchio property looks very messy.
8. P. Gilbert, Court Street -Disagreed with the last speaker that this is caused by politics. Ms. Gilbert stated that she is not sure who is responsible for this situation. She sees no problem with Mr. Varricchio getting his money back and turning the land back to the town. There were mistakes made here and deals should not be made. The Development shouldn't have been accepted without that parcel of land.
9. D. Painchaud, Senator Drive -Isn't sure how he feels about things that were said tonight. In 2007 he attempted to get a permit to put a pool in his back yard. He was denied because of the wetlands. Before they approved the permit he had to move his kids swing set even though it was on his own property. Mr. Painchaud stated that the open space property does need to be cleaned up and he isn't sure what the proper solution would be. There are easements on the properties in the area that can't be violated. If you want to do something you have to go to the town and apply for a variance; you can't just do whatever you want to do. He said that the property does need to be cleaned up but there are many ways to approach that. Principles are at stake here and you have to be concerned about how your town government operates. If it happens where someone makes a bunch of mistakes and this kind of mess occurs how do you know it won't

happen again? Mr. Painchaud questioned the 4 acre parcel behind Congress Drive. No one seems to be able to provide information regarding the status of that parcel.

10. S. Bayley, Chestnut Court -Question for Mr. Varricchio, why does he want the land so badly when he could clean it up even if he does not own it. Mr. Bayley also questioned if the photos that Mr. Varricchio provided were taken on the same day? Mr. Bayley stated that before you do work on land that has wetlands you have to check with the town first to see what you can do with the property.

Tom Varricchio replied that the same Wetland markers from 10 years ago are still there. He made a mistake by encroaching on a small piece of wetlands but has since corrected the situation to the satisfaction of the Inland Wetlands Commission.

11. J. Tomasiello, Senator Drive -lives at the corner of Senator & Congress and looks directly out onto the detention area. At least once a month Mr. Tomasiello picks up a trash bag full of bottles and trash that accumulates on the property. Mr. Tomasiello questioned why the bond was released before the property was accepted and why were there back taxes owed. Mr. Tomasiello asked why the town doesn't take of property. A lot of people dropped the ball on this but one person that should not be blamed is Tom Varricchio.
12. M. Osora, Sachem Drive -We pay people in this town to do their job; and they don't do their job. If he did his job like the town employees he would be fired. Why didn't the town take care of the property? Why did we bother to build the path if no one takes care of it? Tom Varricchio did something good by taking care of the path making it accessible. The mistakes happened right in this building and that's where they should look; people that don't do their job should be held accountable.

13. S. Bertuchio, Senator Drive - Stated that this is a legal issue. Civil action needs to be filed to *quite the title*. The court is going to have to decide this issue.

Mr. Flanders responded that is aware that this is a legal issue but hopes that this issue can be resolved without spending \$50,000 in legal costs.

14. M. Johnson, Pleasant Street - Tom Varricchio did nothing wrong. Planning and Zoning causes discord in the community. There are no rules or regulations; they make it up as they go along. We don't need attorneys; we know what's right or wrong. We are ignoring the law. Town government is not organized; it is making trouble in the community. Mr. Painchaud did a good job bringing this matter into the light. Mr. Johnson asked who was responsible for executing this transaction; is it a town employee who has been employed for twenty three years? Every now and again someone has to be disciplined. Mr. Johnson stated

town employees are not disciplined, ever. Mr. Johnson asked Mr. Flanders if he knew that land was deeded for open space in 2006.

Mr. Flanders stated he did not know that the land had been deeded to the town in 2006. M. Johnson asked if the Cromwell Police would respond.

Detective K. Vandersloot approached the podium; Chief Salvatore intervened.

15. H. Zalewski, Geer Street - Picks up litter and garbage that is thrown on her property every day. People shouldn't complain about picking up litter.
16. G. Bironi, Timberhill Road - Has been a resident of Cromwell for 33 years and has seen town grow. It is upsetting to see the conflicts over the past couple of years. When they look at development plans the town should be aware that accepting open space only benefits the abutting property owners. The open space properties need to be maintained.
17. S. Bayley, Chestnut Court - Open space was supposed to go to the Town; Mr. Varricchio should give it back to the town.
18. A. Diaz -Thistledown -Heard good and bad things tonight; oversight has been a problem. The town needs to maintain town property; such as open space parcels and town parks. Why do the citizens have to maintain town property? Everyone dropped the ball.
19. Anthony Varricchio, Kowal Drive -Speaking as a private citizen & taxpayer - Stated that political actions have been taken by some parties including the Republican Town Committee Chairman. This issue is ten years old. Money has been spent on a police report that came up with nothing. What is the value of this land to the Town of Cromwell? More money has been spent on this issue than the property is worth. It is not a building lot and nothing can be done to the property because of the wetlands. The property must be maintained to stop the invasive plants from coming in; the experts say this must be done twice a year. Mr. Varricchio's question to the board and to the townspeople is; what is your motive? It is no advantage to the town to have these small parcels of open space. Do you want to spend \$50,000 more on this land? As a taxpayer, not a member of the Board of Selectmen, Mr. Varricchio doesn't. He will not be voting on this issue because of his son's involvement.
20. A. Kelly, Willowbrook Road -Speaking as a resident -Some things have not been understood. Planning & Zoning sent their recommendation to the Board of Selectmen to accept this parcel as open space. The Board of Selectmen voted to accept the parcel. The original deed was never filed. A second deed was produced in 2010 to another person. The parcel was designated as open space and deeded to the town. No one has the right to change a permit requirement by P&Z except P&Z itself. Ms. Kelly referred to the Connecticut General Statutes

regarding deeds. The deed will have to be cleared. This is where we are; this never should have happened. Everyone that bought into that development was aware that there was an open space parcel there.

21. M. Terry, Main Street -Her husband was First Selectman when this all started. Ms. Terry stated that Stan would have done everything by the book. Ms. Terry is upset and annoyed that anyone would go back that far and say anything about Stan.
22. D. Nobile, Hillside Road -Chairman of Economic Development Commission and a member of the Parks & Recreation Commission - Mr. Nobile stated that years ago when a development came to Cromwell the town wanted to get something. The town would get \$500 or \$800 a lot. The money used to go to the Conservation Commission. As time went on, the Developers had land that wasn't worth much and they couldn't build on it so they offered it to the town as open space. He doesn't know what happened here but they aren't going to settle. This went to the town attorney who didn't act on it and the deed was never filed. He doesn't know what happened but doesn't think that the Board of Selectmen can handle this. It is a legal issue.
23. R. Newton explained the Board's role in this. Mr. Newton has heard many things on this issue. Some are saying that the board is doing enough; we are not chasing this problem. Others are saying that they are being hard headed looking for a legal resolution. Neither is absolutely true. Back in January the board authorized the Town Attorney to rectify this situation any way possible up to and including legal action. Mr. Newton worked with the attorney as Deputy First Selectman because the First Selectman had recused himself. All parties met trying to resolve this issue to avoid legal fees. Mr. Varricchio put the proposal on the table that he spoke of earlier. The board met in Executive Session and rejected the proposal. They went back to square one; they are still willing to take legal action to take the land back. Mr. Newton stated that he is willing and hopes the board is willing and knows the First Selectman is willing to resolve this issue without litigation. He hopes that something can be worked out with Mr. Coons and Mr. Varricchio to get the land back to the auspicious of the town; that was intended back in 2000. They believe that is what is best for the Town of Cromwell. The Board of Selectman is not ignoring this or being hard headed about it. Mr. Newton offered to meet again with the attorneys and Mr. Coons and Mr. Varricchio. Mr. Newton stated that he is honored to consider Mr. Varricchio and friend and he has no political motives in this.

First Selectman Flanders said that he would like to talk about this for a while; he ran for election, took the office, he is the guy. First Selectman Flanders stated that he wanted to do this tonight for a couple of reasons. It wasn't clear how to proceed other than to try and come up with a resolution and move forward in a way that was equitable to Mr. Varricchio and the Community and solve our problems and get out of this what we intended. He stated that he

would like to explain why he did what he did. When he came into office there was a piece of property that had been offered to the town and accepted by this body around 10 years before. In fact, no deed had ever been registered with the Town Clerk so therefore by Connecticut Law it was not the town's land. Mr. Flanders stated that he thought what's going on with this, do we want the land; do we not want the land? He asked the question, think about it if in 2000 you got engaged and in 2010 your fiancée had refused to set a date for that wedding, would you have question as to whether or not you are really engaged, or if this person really wanted to spend the rest of your life with you. He did. Mr. Coons had promised the open space and we had never taken the proper steps to acquire this property. Mr. Flanders stated that thinking about a problem with a piece of property that we hadn't been particularly enthusiastic about acquiring for 10 years he thought about what we did want. What was clear was that the Community wanted open space. The Community had made a commitment to acquire space that was open. Space that was protected from development; space that could be used for recreation and as an animal habitat. What wasn't clear was whether we needed to hold the title to that property to achieve that goal. Many of you have lived in an apartment at one time in your life, you didn't own the building but you had what they call property rights. By the same token, residents own property on Senator Drive but there is restrictions on what they can do to the property. You do not own all the property rights to that property. Mr. Flanders stated that he tried to design a situation where the people of Cromwell retained enough property rights to achieve what we want in that property; the open space; the access to the public and the preservation of the wetlands. And by the same token solve a festering back tax issue. We have the opportunity to protect our rights in that property. The simple question for the public is the most important thing is that we have title to that property? Is it enough that we have title to the right that property can't be developed? Is it enough that our children and grandchildren can go on that property anytime that they want? Is it enough that the property will be kept clear of trash and ticks? These are the questions that need to be asked. The questions that are being asked are do we need to punish Tom Varricchio, John Flanders and the town staff. This question will not be answered at a town meeting. We will continue to move forward on this. The strongest thing that was said tonight that the government is trying to sweep things under the carpet. It is not; First Selectman Flanders stated that he called the meeting tonight to resolve this issue.

C. ADJOURNMENT

First Selectman Flanders closed the Open Forum at 8:40 P.M.

Respectfully submitted,

Re Matus
Secretary

John M. Flanders
First Selectman