

**TOWN OF SOMERS
SOMERSVILLE MILL STRATEGIC PLANNING AD HOC COMMITTEE
MEETING MINUTES
Tuesday, July 7, 2015
7:00pm
Selectmen's Conference Room
Town Hall**

Call to Order:

Chairman Tim Keeney called the meeting to order at 7:00pm.

Members Present:

Members present included Chairman Tim Keeney, Vice Chairman Brad Pellissier and Members Erik Ness, Tim Potrikus and Ralph Williams. Also present were First Selectman Lisa Pellegrini (recording), Town Attorney Carl Landolina and Environmental Attorney David Sherwood and one interested resident.

Discussion with Town Attorney re ownership/tax history of Mill Site:

Ms. Pellegrini introduced Town Attorney Carl Landolina to give a synopsis of the ownership/tax sale history of the Mill Site. Attorney Landolina gave a brief history of the mill and then concentrated on the timeframe when the Mill was owned by Brophy & Ahern. It was during this time that the Town had adopted regulations to convert the property to approximately 100 units of housing. Sewer expansion was completed in anticipation; however development was stalled due to an error in the FEMA Flood Maps. There was a difference in base flood elevation. The Town spent 5 years in litigation with Brophy & Ahern and in the end no development was completed. The Town attempted to bring in developers, however before a final developer was chosen the property was transferred to the Trustee of Maria Orosz. Property taxes were never paid and the property was put up for sale at various tax sales. The Mill is currently owned by Venture Capitals, LLC. They bought the property at a tax sale in May of 2012 and the Mill burnt down on June 1, 2012. The mill was not insured by Venture Capitals and the sale became final six months later.

Venture Capitals, LLC has not paid taxes since the purchase and the mill did go to tax sale, however there were no bidders at the last sale. The Tax Sale has since been postponed but can be reopened at any time. The Town may foreclosure on the property as well.

Lengthy discussion followed as to what actions the town can take and Attorney Landolina stated that judicial foreclosure was another option. The Town does have the right to go on to the property to test.

At this time Mr. Pellissier asked for a list of all encumbrances due and members of the committee asked for a title search to be done.

Discussion with Environmental Attorney re Brownfields Regulations:

Ms. Pellegrini introduced Attorney David Sherwood from the firm of Moriarty, Paetzold & Sherwood to the Committee. Chairman Keeney asked Attorney Sherwood to share his background with the Committee and then asked him for his opinion as to where to begin. Attorney Sherwood asked the group what they envisioned for the site.

Vice Chairman Pellissier stated that there were lots of general ideas and needs of the community to consider but it would most likely be a mix of some sort of light industrial, open space or other mixed use. He said it would be desirable for the community to have river access with the remainder of the property in private use. The group discussed the difficulty in having the town maintain open space. Vice Chairman Pellissier asked if the Town does not take control of the site then what would happen, how much control would the town then have.

Attorney Sherwood stated the amount of control depends on the amount of risk you take; the more risk, the more control you have over the property. That is why third party developers are supplied with incentives. Attorney Sherwood stated that the building being burnt down could be a blessing due to the fact that retrofitting mills is very costly. He recommends beginning an RFP process to seek proposals for use of the property. He cautions that getting committed to a clean-up process then finding that the market isn't feasible often results in failures of such projects. He maintains that we should determine what the interest is, whether it is light industrial, housing, etc. and then coordinate planning and zoning regulations, tax incentives, etc. to support such an interest.

Chairman Keeney asked Attorney Sherwood about municipal responsibility with regard to brownfield cleanup. Attorney Sherwood said that state laws limit the liability of a municipality, however the municipality can't pass on that position to a third party. However it is possible that third party purchasers can acquire favorable status if the purchase is done correctly. There are lots of resources available to the municipality; however you need to know the environmental condition of the property and the time frame of the project. He said you also need to determine what incentives you are willing to provide to a third party purchaser. It is desirable to go through the process with a partner in order to be successful. He will provide us with links to pertinent EPA guidelines regarding liability. He did stress that the amount of cleanup required is determined by the end use. An example being if the end use is industrial then the cleanup requirements are less than those required for another end use.

Discussion then centered around opportunities for funding for towns to clean up properties. Mr. Ness asked if we would need to acquire the property first before applying for funding. All agreed that was a very important question. Attorney Landolina stressed that while it would be wonderful if someone wanted the site, it is important to prepare for the possibility that no one would be interested in the property. Mr. Williams discussed the possibility of a development corp looking at the site and possibly at the adjacent properties. He asked about the vacant properties across the street from the mill and who owned them. Chairman Keeney stated that they were former Keeney family owned buildings that he purchased with a partner. The need for a planned development district

set of zoning regulations was discussed. Attorney Landolina stressed that current zoning regulations don't fit and that it will be important to fast track new zoning regulations in the future.

Process Discussion and Schedule for Future Meetings:

Chairman Keeney shared with the group his notes for future guests which included the following: CRCOG, DECD, DEEP, GEI Consultants, Planimetrics, Scantic River Watershed, Scantic River Canoe, Northern Connecticut Land Trust, various Town Boards and Commissions, Planners and Town Attorneys, Town Land Use Staff, etc.

It was agreed that the next meeting would be on July 9, 2015 at 6:30pm and the first half of the meeting would consist of a tour of the property. The second half would be a discussion with GEI Consultants.

Approval of Minutes:

June 25, 2015 Initial Meeting Minutes

Vice Chairman Pellissier made a motion to approve the minutes of the June 25, 2015 Initial Meeting, seconded by Mr. Williams. The motion passed 5-0.

Adjournment:

Chairman Keeney made a motion to adjourn the meeting at 8:30pm, seconded by Mr. Ness. The motion passed 5-0 and the meeting was adjourned.

Respectfully Submitted,

Lisa Pellegrini, Recording

Minutes are not official until accepted at a subsequent meeting.