

MINUTES OF SPECIAL MEETING

STRATFORD TOWN COUNCIL

September 2, 2008

THE STRATFORD TOWN COUNCIL CONDUCTED A SPECIAL MEETING ON TUESDAY, SEPTEMBER 2, 2008 IN ROOM #110 OF THE BIRDSEYE MUNICIPAL COMPLEX, 468 BIRDSEYE STREET, STRATFORD, CT, PURSUANT TO NOTICE DULY POSTED.

I. CALL TO ORDER: 7:35 p.m.

PRESIDING: Council Chairman Michael Henrick.

COUNCIL MEMBERS IN ATTENDANCE: Mr. Michael Julian, Mr. Alvin O'Neal (arrived 7:37 p.m.), Mr. Gavin Forrester, Ms. Emma Brooks, Ms. Amy Wanamaker, Mr. William Stroomer, Mr. Thomas Moore, Mr. Joseph Kubic, Mr. Michael Henrick, and Mr. John Dempsey.

OTHERS IN ATTENDANCE: Mayor James Miron, Town Attorney Richard Buturla, Special Assistant Attorney Brian Lema.

Documents distributed at meeting:

1. Proposed Referendum Question (from Mr. Julian)
2. Resolution Re: West Long Beach Sale and Referendum (from Mayor Miron)
3. Revised Option Agreement dated 9-2-08 (from Town Attorney Buturla)
4. Public Access Easement, Draft 2 (from Town Attorney Buturla)
5. Memo dated September 2, 2008, Re: Option Agreement from Town Attorney Buturla

II. EXECUTIVE SESSION re: NEGOTIATIONS/CONTRACT FOR WEST LONG BEACH - No business.

III. REFERENDUM CONCERNING SALE OF WEST LONG BEACH

A MOTION WAS MADE BY MR. JULIAN AND SECONDED BY MR. KUBIC TO ADD THE FOLLOWING QUESTION TO THIS NOVEMBER'S BALLOT:

“SHOULD THE STRATFORD TOWN COUNCIL ENTER INTO AN AGREEMENT WITH THE TRUST FOR PUBLIC LAND (TPL) TO SELL LONG BEACH WEST (LBW) TO THE UNITED STATES FISH & WILDLIFE SERVICE (USFWS) PROVIDED THAT:

- 1. PUBLIC ACCESS IS GUARANTEED.*
- 2. THE SALES PRICE WILL NOT BE LESS THAN 10 MILLION DOLLARS (\$10,000,000.00).”*

MR. JULIAN AND MR. KUBIC ACCEPTED AS A FRIENDLY AMENDMENT TO THEIR MOTION TOWN ATTORNEY BUTURLA'S SUGGESTION THAT THE QUESTION SHOULD READ: . *“SHOULD THE TOWN OF STRATFORD ~~STRATFORD TOWN COUNCIL~~ ENTER INTO AN AGREEMENT WITH THE TRUST FOR PUBLIC LAND.....”*

Mayor Miron distributed the following Resolution :

Resolution, Re: West Long Beach Sale and Referendum

WHEREAS, the Town of Stratford and The Trust for Public Land have entered into extensive negotiations concerning the sale of West Long Beach, Stratford, Connecticut to the United States Fish and Wildlife Service for inclusion within the Stewart B. McKinney Wildlife Refuge; and

WHEREAS, the option agreement establishes a minimum sale price of \$10,000,000 and the reservation of a public access easement in favor of Stratford residents over the entire premises; and

WHEREAS, subject to meeting all requirements of federal, state and municipal law, the United States Fish and Wildlife Service will improve public access through a variety of public infrastructure improvements, including but not limited to the construction of a boardwalk; and

WHEREAS, the Stratford Planning Commission has voted to approve the sale of West Long Beach to the United States Fish and Wildlife Service; and

WHEREAS, the Town and Trust for Public Land have completed extensive negotiations by drafting an Option Agreement, which agreement is attached hereto;

NOW, THEREFORE, be it resolved as follows:

1. The Option Agreement is hereby formally approved by the Stratford Town Council and the Mayor is authorized to execute the attached, provided, however, such approval and authorization is contingent upon the following:

a. Pursuant to Section 8.3.1 of the Stratford Town Charter, the Option Agreement is forwarded to the voters for approval; and

b. The referendum questions shall read as follows:

Shall the Town enter into an agreement with the Trust for Public Land to sell West Long Beach to the United States Fish and Wildlife Service for a minimum of \$10,000,000.00 with a full public access easement reserved for Stratford residents in perpetuity.

c. This referral to the voters pursuant to Section 8.3.1 of the Stratford Town Charter shall be binding upon the Town Council.

d. Upon passage by the voters, the Mayor is authorized to take any and all further actions as are required consistent with the Option Agreement to effectuate this transaction.

After discussion of Mr. Julian's motion and the Mayor's Resolution, Mr. Kubic offered the following amendments to Mr. Julian's motion: Retain paragraphs 1.a and 1.c of the Mayor's Resolution, and substitute Mr. Julian's referendum question for paragraph 1.b as modified as follows:

“b. SHOULD THE TOWN OF STRATFORD ENTER INTO AN AGREEMENT SUBSTANTIALLY IN THE FORM OF THE DRAFT AGREEMENT DATED AUGUST 28, 2008 WITH THE TRUST FOR PUBLIC LAND (TPL) TO SELL LONG BEACH WEST (LBW) TO THE UNITED STATES FISH & WILDLIFE SERVICE (USFWS) PROVIDED THAT:

- 1. PUBLIC ACCESS IS GUARANTEED.*
- 2. THE SALES PRICE WILL NOT BE LESS THAN 10 MILLION DOLLARS (\$10,000,000.00).”*

(Town Council recessed at 8:09 p.m. and reconvened at 8:32 p.m.)

MR. JULIAN WITHDREW HIS ORIGINAL MOTION AND MR. KUBIC WITHDREW HIS SECOND.

A NEW MOTION WAS MADE BY MR. KUBIC AS FOLLOWS:

PURSUANT TO SECTION 8.3.1 OF THE STRATFORD TOWN CHARTER, THE PROPOSED OPTION AGREEMENT SHOULD BE FORWARDED TO THE VOTERS FOR APPROVAL; AND

THE REFERENDUM QUESTION SHALL READ AS FOLLOWS:

“SHALL THE TOWN OF STRATFORD ENTER INTO AN AGREEMENT IN THE FORM OF THE SEPTEMBER 2, 2008 DRAFT OF THE OPTION AGREEMENT WITH THE TRUST FOR PUBLIC LAND TO SELL WEST LONG BEACH TO THE UNITED STATES FISH AND WILDLIFE SERVICE FOR A MINIMUM OF TEN MILLION (\$10,000,000) DOLLARS WITH FULL PUBLIC ACCESS EASEMENT RESERVED FOR STRATFORD RESIDENTS IN PERPETUITY.”

THE TOWN ATTORNEY IS HEREBY INSTRUCTED TO PRODUCE AND PUBLISH A FINAL DRAFT OF THE OPTION AGREEMENT BY SEPTEMBER 29, 2008. PUBLISHING SHALL BE THE POSTING OF THE FINAL DRAFT ON THE TOWN'S WEBSITE AND DELIVERING TWO COPIES TO THE TOWN CLERK'S OFFICE.

THIS REFERRAL TO THE VOTERS PURSUANT TO SECTION 8.3.1 OF THE STRATFORD TOWN CHARTER SHALL BE BINDING UPON THE TOWN COUNCIL.

MR. KUBIC'S MOTION WAS SECONDED BY MR. FORRESTER.

MR. KUBIC AND MR. FORRESTER ACCEPTED AS A FRIENDLY AMENDMENT TO THEIR MOTION TOWN ATTORNEY BUTURLA'S SUGGESTION THAT THE WORDS "DRAFT OF THE" BE DELETED FROM THE REFERENDUM QUESTION.

Attorney Buturla also pointed out that the terms "West Long Beach" and "Long Beach West" are both correct.

Before voting on the motion, Mr. Kubic read the final Referendum Question again for the record:

"SHALL THE TOWN OF STRATFORD ENTER INTO AN AGREEMENT IN THE FORM OF THE SEPTEMBER 2, 2008 ~~DRAFT OF THE~~ OPTION AGREEMENT WITH THE TRUST FOR PUBLIC LAND TO SELL ~~WEST~~ LONG BEACH WEST TO THE UNITED STATES FISH AND WILDLIFE SERVICE FOR A MINIMUM OF TEN MILLION (\$10,000,000) DOLLARS WITH A FULL PUBLIC ACCESS EASEMENT RESERVED FOR STRATFORD RESIDENTS IN PERPETUITY?"

BY ROLL CALL VOTE, THE FOREGOING MOTION PASSED UNANIMOUSLY, 10-0.

IV. ADJOURNMENT

Hearing no further discussion in connection with the above agenda items or further business, the Special Council meeting was adjourned at 8:40 p.m.

ATTESTED BY:

Gail J. Nobili
Acting Clerk