

**CITY OF BRIDGEPORT
CONTRACTS COMMITTEE
SPECIAL MEETING
MAY 18, 2016**

ATTENDANCE: Jack Banta, Co-Chair; Jeanette Herron, Co-Chair; Alfredo Castillo; Milta Feliciano; Richard Salter; Anthony Paoletto

OTHER: Atty. Lisa Trachtenberg; Atty. Mark Anastasi; Tom Gaudett; Dan Roach; Council Member McBride-Lee; Council Member Brantley; Council Member Lyons; Council President Thomas McCarthy; State Representative Jack Hennessy

CALL TO ORDER

Co-Chair Banta called the meeting to order at 7:07 PM. A quorum was present.

Co-Chair Banta stated that this is a short, important item, and that whichever way the committee decides to vote, they would like to be as fair and impartial as possible, as the item will have a large impact on the City.

APPROVAL OF MINUTES

April 12, 2016

**** COUNCIL MEMBER SALTER MOVED TO APPROVE THE MINUTES OF THE APRIL 12, 2016 MEETING.**

**** COUNCIL MEMBER FELICIANO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

124-15: PROPOSED SALE OF CERTAIN EXCESS D. FAIRCHILD WHEELER GOLF COURSE PROPERTY.

Co-Chair Banta asked if anyone from the City wished to speak in favor of the item.

Mr. Roach stated that the piece of property, though owned by the City of Bridgeport, is entirely within the boundaries of Fairfield. He stated that it is technically not in anyone's district, and that it abuts the 134th district. He stated that Sacred Heart is offering to buy a portion of the unused land on the golf course, including the wooded area and woodland that abuts the property, for \$4

million (about \$500,000 per acre). Mr. Roach stated that the proposal was unanimously approved by the Parks Board last Tuesday, and from this meeting, the item will go to the full council following a public hearing scheduled for June 1st. He stated that he hopes the action tonight will place the item in front of the full council by June 6th.

Mr. Roach stated that the land Sacred Heart intends to purchase is effectively a slice, triangle and chunk. He stated that, though the pieces of land are practically unusable, they are useful to Sacred Heart as they are looking to expand the property they own, and formulaically, these added pieces of land will allow them to build without violating density requirements. He stated that he believes they are trying to build a dormitory on the Fairfield side of their property.

Co-Chair Banta told those present that there would be no questions through the Chair, and that they should feel free to ask questions freely. He then asked Mr. Roach if he could indicate on the map where Sacred Heart plans to construct the dorm. Mr. Roach stated that he could not, as he has no idea of the specifics and it is a university issue.

Council Member Castillo asked if part of the reason the University is interested in purchasing the land results from their purchase of the Jewish Center. Mr. Roach stated that the university already purchased the Jewish Center, and that they are looking to expand the amount of land they own. Mr. Roach stated that the agreement they are presenting will not allow Sacred Heart to touch the property at all and though they can claim ownership, they cannot build, develop or fence the property. Mr. Roach stated that the property will be used as it is now, and that there will be no change other than Sacred Heart's technical ownership of the 8 acres.

Co-Chair Banta asked if there was any chance Sacred Heart would use the purchased acreage to put in an access road for Park Avenue. Mr. Roach answered emphatically in the negative, stating that this would not be allowed per the agreement.

Council Member Herron stated that when she and Council President McCarthy met with Sacred Heart, they were told the paperwork specifically indicates nothing is to be done with the land. Co-Chair Banta asked if the City has this provision in writing.

Atty. Trachtenberg state that the deed given to Sacred Heart with have a deed restriction in it, which will run with the land in perpetuity. She stated that the deed being reviewed by the university specifically says that they may go on the property and do necessary ecological maintenance, such as removing a dying tree, but absent that they can do nothing to the property. She stated that the property shall have the exact usage it has today, and this provision will remain in the land records, regardless of whether the property changes hands.

Council Member Salter asked if the portion of the Fairchild Wheeler course with an entrance coming off of Park Avenue is part of the purchased property, and Mr. Roach answered in the negative. Council Member Salter stated that it seemed to be too close to the greens and fairway.

Mr. Roach stated that the property is close to the greens, but that it does not encroach on the fairways at all. Atty. Anastasi stated that the only thing changing regarding is the title and that while the land may be in close proximity to the golf course, its use will not change.

Atty. Anastasi stated that the purchase is a difficult concept to appreciate, as Sacred Heart cannot necessarily utilize the property they are buying in the traditional sense. However, there is a concept in land use that allows only a certain amount of density per acreage, and since they are looking to intensify usage of their property on the Fairfield side, purchasing this property will allow them to develop elsewhere on the property without violating zoning standards. He stated that the deal is similar to when the City transferred the title for Beardsley Park to the State many years ago.

Council Member McBride-Lee asked for clarification on why Sacred Heart wants the property. Atty. Anastasi stated, per land use standards, only a certain percentage of the property can be covered and utilized. With more property, Sacred Heart can count that acreage towards their overall total of land, thus increasing their threshold for usage and allowing them to develop elsewhere on the property.

Council President McCarthy stated that North End council members have a storied history with Sacred Heart, and that their relationship, while difficult, has become much more functional since the current president took over several years ago. He stated that the school has done a better job with communication, and that one of the items council members have pushed for is increasing the amount of student housing on campus. He stated that council members (particularly Council Member Lyons) have pushed this goal repeatedly, and to the university's credit, a large dorm is being opened up on Park. Council President McCarthy stated that their goal is to get as many students out of the neighborhoods and on campus as possible, and that one of the stumbling blocks to this aim is Fairfield's strenuous zoning requirements. He stated that the transfer of this property to Sacred Heart is intended to allow the university to put in more parking and dorms elsewhere on the property, and from his point of view, this is a good idea for the City as it brings in money and increases the number of students on campus, rather than in the neighborhoods. He then asked where the money from this transaction goes and how it filters into the general fund.

Atty. Trachtenberg stated, per the charter, that one has to interpret whether the item is mandatory or directive by whether or not those same provisions provide a penalty for the violation of that directive. She stated that, in their charter there are no such provisions. Furthermore, when the City transferred the Beardsley deed in 1992, precedent was set when a taxpayer tried to enjoin by suing, and that courts ruled that he had no standing because the taxpayer suffered no injury to himself any different than to the public at large. She stated that body that would potentially have standing would be the Board of Parks Commissioners, who could choose to enforce against them. However, on the second page of the motion and proposed resolution, there is a favorable recommendation from the Parks Board and said Parks Board unanimously voted to waive their

rights to put the resulting money in their funds, with the full realization that the property won't change its use in any respect. She stated, if necessary, this could definitely be defended in court.

Council Member Castillo asked where the \$4 million from the sale would go. Atty. Trachtenberg stated, in the resolution attached to the motion that the funds go into the General Fund- Revenue. Alfredo.

**** COUNCIL MEMBER PAOLETTO MOVED TO ENTER THE TWO PAGE DOCUMENT SUBMITTED BY ATTY. TRACHTENBERG AS EXHIBIT # 51816-1.**

**** COUNCIL MEMBER CASTILLO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Council Member Lyons stated that she has heard some of her constituents on the North End in favor of the sale, and others not in favor. She stated that she sent out a mass email encouraging them to attend the public hearing scheduled for June 1st.

Atty. Anastasi stated that they should be careful not to lead people to believe that this item is in relation to the separate park issue.

Council Member Lyons stated that the constituents in the North End are not stupid, and that she sent an informational email regarding the item tonight. She stated that the next step will be to glean the public's feelings in reference to the situation, and that she has been loyal to the views of her constituents, and will likely vote in kind when the time comes.

Atty. Anastasi noted that the Parks Board went out of its way to have extensive communication with the community regarding the park issue, and that they agreed to accommodate the disc golf players. He stated that Sacred Heart is proposing to use 4% of the park for a maximum of 30% of the time, and that the remaining 96% of the time the park will be available to Bridgeport residents. He noted that the people objecting to an exclusive use are effectively doing so because they wish to demand an exclusive use. Atty. Anastasi stated that they worked with the community and came to a reasonable accommodation, though it is possible that some people are still unsatisfied.

Council President McCarthy stated that the Veteran's Park issue has nothing to do with the item being discussed at present.

Council Member Lyons stated that she brought this up, as she is responsible for the North End benefitting from any agreements made.

Council Member Paoletto stated that, of the roughly 30 people at the Parks Commission meeting, only about 2 people spoke in opposition, and it was in reference to the Veteran's Park item, not the Fairchild Wheeler item being discussed tonight.

Council President McCarthy asked if the committee could have a written legal opinion on the funds in question prior to the full council vote. Atty. Trachtenberg stated that there is no case directly on point, so they can't offer guarantees, but they can provide an opinion. Council President McCarthy asked how the land is being delineated in the record, and if a map was going to be attached to the resolution. Atty. Trachtenberg stated that a full survey will have to be filed on the land record, which is being created as they speak, and is being paid for by Sacred Heart.

Council Member Brantley asked if the maps to be shown to the full council will include Veteran's Park. Atty. Trachtenberg stated that the land depicted will only be the land sold to Sacred Heart. Council Member Brantley asked if the land would then become Fairfield's responsibility. Atty. Trachtenberg answered in the affirmative.

Atty. Trachtenberg stated that the golf course has been significantly improved over the years, and that one challenge the City faces is the Fairfield Wetlands and Planning & Zoning Commission. He stated that the way Fairfield creates its fees for Wetlands permits is premised on the totality of land owned, and that losing 8 acres of land without losing the actual functionality of the property may be of some benefit should Bridgeport wish to do work on Fairfield Wheeler in the future.

Council Member Brantley asked if there is any way they could try to negotiate more money for the acreage. Atty. Anastasi stated that \$500,000 an acre for unimproved wetlands in an area where they cannot be improved is well above market value. Mr. Roach stated that \$4 million was the figure they discussed years ago, and despite Sacred Heart's desire to make the amount lower in the most recent negotiation, the City was adamant about receiving the previously determined sum. Mr. Roach stated that Finance Director Flatto tried to raise the price slightly higher to \$5 million and Sacred Heart was not amenable.

Council Member Brantley asked if there was anything in the contract that specifically says it will not be used for anything else. Mr. Roach answered in the affirmative.

Council Member Lyons stated, for clarification, that during the last administration, an agreement for a \$4 million sale was negotiated for that piece of land, but it was not taken up at the time. Atty. Anastasi stated that he speculates the climate for doing business with Sacred Heart at the time was more strained.

Council Member Feliciano stated that while this resolution is important to individual districts, this is an issue that affects the entire city. She stated that she didn't want to mix the Veteran's Park conversation with discussions regarding Fairchild Wheeler Golf Course, as it makes it difficult to differentiate between two separate issues. She stated that she wants to make certain that the public knows there to be a difference between this item and the other issue at hand.

**** COUNCIL MEMBER FELICIANO MOVED TO APPROVE ITEM #124-15: PROPOSED SALE OF CERTAIN EXCESS D. FAIRCHILD WHEELER GOLF COURSE PROPERTY.**

**** COUNCIL MEMBER CASTILLO SECONDED THE MOTION.**

**** COUNCIL MEMBER FELICIANO WITHDREW HER MOTION IN ORDER TO ALLOW STATE REPRESENTATIVE HENNESSY TO SPEAK.**

State Representative Hennessy asked if the sale of this property was contingent on the issue with the tennis courts at Veteran's Park. Mr. Roach stated that it initially was combined, but that they are now separate, as the golf course sale involves a financial transaction. State Representative asked if the City is liable if someone is injured on the tennis courts, and Atty. Trachtenberg stated that the tennis courts are not changing hands.

**** COUNCIL MEMBER FELICIANO MOVED TO APPROVE ITEM #124-15: PROPOSED SALE OF CERTAIN EXCESS D. FAIRCHILD WHEELER GOLF COURSE PROPERTY.**

**** COUNCIL MEMBER PAOLETTO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER PAOLETTO MOVED TO ADJOURN.**

**** COUNCIL MEMBER CASTILLO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Catherine Ramos

Telesco Secretarial Services