

## TOWN OF SOUTH WINDSOR

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September 15, 1997

## ITEM:

## 17. New Business (Continued)

**B. Resolution Approving the Redesignation of a Moderate Price Housing Unit at Avery Meadow**

WHEREAS, on July 15, 1996, the Town Council designated Lot #1 as a dedicated unit to the Town's Moderate Price Housing Program

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby redesignates Lot #19, Chapman Circle, Avery Meadow, in lieu of Lot #1, Hitchcock Way, for the Moderate Price Housing Program.

Was made by: Councillor Delnicki  
Seconded by: Deputy Mayor Morin  
The Motion was: Approved, unanimously

**C. Resolution Creating the Town of South Windsor Not-for-Profit Redevelopment Agency pursuant to Section 8-126 of the Connecticut General Statutes; Designating such Redevelopment Agency as the Town of South Windsor Development Agency pursuant to Section 8-188 of the Connecticut General Statutes; and Designating such Redevelopment Agency as the Town of South Windsor Implementing Agency pursuant to Section 32-224 of the Connecticut General Statutes**  
(Councillor Woodcock)

BE IT RESOLVED:

**Section 1.** A redevelopment agency to be designated the Town of South Windsor Redevelopment Agency, is hereby created in accordance with Section 8-126 of the Connecticut General Statutes of the Connecticut General Statutes (hereafter, the "Redevelopment Agency"). The Redevelopment Agency shall consist of five members, each of whom shall be an elector resident within the Town. Members of the Redevelopment Agency shall be appointed by the Manager with the approval of the Town Council.



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**ITEM:****17. C. (Continued)**

Any person appointed to the Redevelopment Agency shall serve at the pleasure of the Manager. Those first appointed shall be designated to serve for one, two, three, four and five years, respectively; and, thereafter, members shall be appointed annually to serve for five years. Each member shall serve until his successor is appointed and has qualified; and any vacancy shall be filled for the unexpired term. Action by the Redevelopment Agency shall be taken only on the majority vote of all its members. The Redevelopment Agency shall select from among its members a chairman and vice chairman, and may employ a secretary and such other officers, agents, technical consultants, legal counsel and employees as it requires. The members shall serve without compensation but may be reimbursed for necessary expenses. The Redevelopment Agency shall be authorized to exercise all the powers provided by Sections 8-124 to 8-139, Chapter 130, of the Connecticut General Statutes, as they may be amended.

**Section 2.** Pursuant to Section 8-188 of the Connecticut General Statutes, the Redevelopment Agency is hereby designated as the Town of South Windsor Development Agency through which the Town may exercise all the powers granted under Sections 8-186 to 8-200b, Chapter 132, of the Connecticut General Statutes, as they may be amended.

**Section 3.** Pursuant to Section 32-224 of the Connecticut General Statutes, the Redevelopment Agency is hereby designated as the Town of South Windsor Implementing Agency and is authorized to exercise all the powers granted under Sections 32-220 to 32-234, Chapter 5881, of the Connecticut General Statutes, as they may be amended.

**Section 4.** This resolution shall become effective upon its approval by the Town Council.

Was made by: Councillor Woodcock  
Seconded by: Councillor Ryan

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## ITEM:

## 17. C. (Continued)

The Deputy Mayor asked the Town Attorney if, in Sections 1, 2, and 3 the phrase "...Connecticut General Statutes, **as they may be amended**" meant that if the State changes the Statutes, and the Town did not agree with the change, it would automatically roll into the authority of the redevelopment agency. Atty. Guliano said yes, that is what it meant. The Deputy Mayor said he was very supportive of this proposal; however, if the State for some reason gives this Agency more power, and the Council has endorsed this Agency's taking on more power, as amended by the Legislature, he would have second thoughts regarding the creation of the redevelopment agency.

Atty. Guliano compared it with the creation of (for instance) a Housing Authority...once Council has done this, essentially that body has the powers given to it by the State Statute, and as those Statutes are amended, it carries on those powers.

Deputy Mayor Morin also requested that the Town Manager provide every Town Councillor with a copy of the Minutes of the Redevelopment Agency's meetings. Mr. Galligan said he would see to that.

A Motion was made by Councillor Woodcock to correct a technical error in the Resolution. The Motion was duly seconded and carried unanimously. Also, Councillor Woodcock, again referring to Section 1 of the Resolution—specifically, the sentence reading "Any person appointed to the Redevelopment Agency shall serve at the pleasure of the Manager," asked what that meant—if the Manager is unhappy with the person who is sitting, he has the power, under this Resolution, to remove that person?

Mr. Galligan said he believed so; that this was the way Robinson & Cole interpreted the law; however, he emphasized, no matter who he appointed, their appointment was still subject to the legislative body, but Council would not be involved in the removal process.

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**ITEM:****17. C. (Continued)**

For purposes of the record, Councillor Woodcock said he wished to point out that there was nothing in that same sentence giving criteria for said removal—that it was strictly a discretionary process, solely within the hands of the Manager. He also addressed the composition of the agency; and, in particular, the appointment of members of the “lending community”—banks, etc. He said he wished to make certain that the Town Manager and the Town Attorney are satisfied with the propriety of lending institutions participating as members of the Redevelopment Agency.

Mr. Galligan said he had spoken with one of the major banks who, in turn, felt it was not a problem since they were already involved with many development agencies and also were bound by ethics to report a conflict of interest, etc.

Councillor Woodcock said he wished the Minutes to reflect the fact that he totally supported the establishment of this agency. Secondly, he felt the creation of a redevelopment agency was a major initiative on the part of the

Town, and it was important that the citizens of South Windsor be aware of how broad the agency's powers would be with respect to the Town's future development.

Councillor Normen said he had one question with regard to the “officers” in the new organization. Pointing out that there are only five (5) members in the Redevelopment Agency, he asked if the Secretary and/or Treasurer could be appointed to do their respective tasks within the Agency, but be “non-members” having no vote in the Agency. Mr. Galligan said no, not as this Resolution is written. He felt the law was quite clear, that there has to be an “hierarchy among its Board members.” He also pointed out that further along in the Resolution it mentions that the Agency “may employ a secretary and such other officers.....etc. Those persons, he said, would be employed by the Agency, and would be non-members.

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**ITEM:****17. C. (Continued)**

Mayor Aman asked if the Agency's budget would be approved by the Town Council. Mr. Galligan replied that any monies would have to come from the Town in a budget or create a revolving loan fund. Mayor Aman then asked about borrowing—who approved that. Mr. Galligan said this too would come back to the Town Council for approval. Mayor Aman said his point was that the Agency could do almost anything it wanted as long as it didn't cost them any money—if they wished to spend money, at all, they would have to come back to the Town Council, in some form, for approval.

Councillor Lassman Fisher stated that she was not only disturbed by the fact that the Town would be giving five (5) people "broad powers"; however, the main concern she still had were the powers of "condemnation" that were being given to this new organization. She asked if someone would please explain to her how it is that these five people have the right to turn and say to someone "You must sell us your property because we need to build (i.e.) a store there."

The Councillor pointed out that "condemnation" is generally associated with putting a street or sidewalk in—something for the public good. She felt the message being given to the new Agency was: Not only do you have the right to promote the public good by developing an area for us, but you have the right to say to property-owners, "You must sell your property so we can put something commercial on it." Again, she asked that someone explain where the limitations are on these powers.

Mr. Galligan explained that often in condemnation it is not putting something commercial up—it's doing a road, utilities, many different things. He stated that the intention was not to take down a residential building to put up a commercial building. He said that his Memo of May 30, 1997, referred to Section 8-128, "Acquisition or Rental of Property," and read "Acquisition--lease, purchase, gift, or eminent domain with the approval of the Legislative Body." He stated that the Agency could only recommend condemnation; Council alone had final approval over such an action.

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## ITEM:

## 17. C. (Continued)

Allowing that she understood the need for condemnation when it came to easements, highways, roads, utilities, etc., Councillor Lassman Fisher continued to feel that Council, too, had no right to tell someone to move off of his/her property in order to allow it to be converted to a commercial use.

The Town Manager pointed out that in State Statutes "eminent domain" and "condemnation" are permitted and needed, primarily to allow for the widening of a road--when you need 10 feet of someone's property to accomplish this widening. He felt that no Judge would give the Town a right of eminent domain to take down a building in order to put up a commercial building.

Councillor Lassman Fisher disagreed, and she asked the Town Attorney if it was not true that it happened all the time--the taking of property via condemnation for commercial use purposes.

Atty. Guliano said that, in the redevelopment context, he had seen this <sup>done</sup> ~~did~~ (he cited deteriorating city tenements being converted to commercial properties in order to redevelop the entire area), but he said this is a little different. The Councillor asked him if this was not the case here; or was there something "special" about our Redevelopment Agency that prevents that from happening--that other Towns do it; and how can Council assure residents that this won't happen in this Town.

The Town Manager replied that the way to reassure the residents is by the Redevelopment Agency coming up with a Plan; and that Plan would then have to go before P&Z, EDC, etc. and, finally, the Town Council. When the Plan was finally adopted, it would have been adopted not only by the Redevelopment Agency, but also by the Town Council. Mr. Galligan said he has served on other municipalities' redevelopment agencies and has never seen a viable building taken down in order to replace it with (i.e.) a department store. What was done under eminent domain, he continued, was the taking of derelict abandoned buildings, neglected by landlords, that were the site of constant fires and other problems, and then selling them off as a redevelopment project that would result in viable productive properties that would produce taxes.

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Mr. Galligan said that the primary purposes for the establishment of this Redevelopment Agency were to acquire SPA Loans (which could not be done without a local Redevelopment Agency); work with businesses; do economic development brochures; provide a group that could sit with businesses—business to business; negotiate sales or leases; negotiate contracts, etc., in a business environment. He emphasized that the Town Council set the goals. If they wished to condemn property in order to accomplish these goals, it was up to them. If they did not wish to condemn, this too, he said, was Council's choice.

Councillor Lassman Fisher concluded her remarks by saying that she did not believe it was true that the Town could not develop its commercial land without creating an Agency that had condemnation power. She cited the Town of Manchester as an example. She said that the only time she has seen these powers invoked were in cases of "urban blight," where properties needed to be taken down for the betterment of the community.

At this point, Mayor Aman asked for a Motion to extend the meeting beyond 11:00 p.m. in order to take care of this Resolution, as well as Resolutions 17. H. and F. The Deputy Mayor so moved; it was seconded by Councillor Delnicki and was approved unanimously.

Following further discussion on this subject, Mayor Aman called for a vote on the Motion.

**The Motion was approved 7 Ayes to 1 Nay on a Roll Call vote, as follows:**

Councillor Delnicki	Yes
Deputy Mayor Morin	Yes
Councillor Havens	Yes
Councillor Normen	Yes
Councillor Lassman Fisher	No
Councillor Ryan	Yes
Councillor Woodcock	Yes
Mayor Aman	Yes