

TOWN OF BETHEL
SPECIAL TOWN MEETING
TUESDAY, OCTOBER 26, 2010
CLIFFORD J. HURGIN MUNICIPAL CENTER
MEETING ROOM "A"
7:00 P.M.

Present: Town Counsel, Martin J. Lawlor, Jr., First Selectman, Matthew S. Knickerbocker, Selectman, Richard C. Straiton, Selectman, Paul R. Szatkowski, Town Clerk, Lisa Bergh, and Town Planner, Steve Palmer.

Call to Order: First Selectman, Matthew S. Knickerbocker called the Special Town Meeting to order at 7:50 P.M.

Town Clerk, Lisa Bergh reads the call (see attached).

Motion to accept the call made by Wendy Smith, motion seconded by Sal Maniscalco. Vote, all in favor, motion unanimously approved.

J. Philip Gallagher made a motion to nominate Matthew S. Knickerbocker as Moderator, Motion seconded by Nancy Ryan. Motion made by Wendy Smith to close nominations, seconded by Don Goodrich. Vote was taken to close nominations and appoint Matthew S. Knickerbocker as Moderator. Motions approved.

Town Counsel, Martin J. Lawlor, Jr. reads Resolution#1. (See attached).

Motion to approve the resolution as read made by Wendy Smith, motion seconded by Nancy Ryan.

Discussion on Resolution #1:

Bill Scollon- 69 Reservoir Street; Lives directly across the street to the entrance of Knollwood Drive. Mr. Scollon submitted pictures of recent accidents. He expressed concern concerning this change.

Pat Scollon-69 Reservoir Street; is resigned to the fact that this will happen, however strongly requests a stop sign to assist in slowing down the traffic.

First Selectman Knickerbocker thanked the Scallons for their comments and assured them he would be forwarding the submitted pictures to the Police Commission.

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TOWN OF BETHEL
TOWN CLERK

Selectman Straiton asked Town Planner Palmer to give some history to why this must be done. Steve Palmer stated the project is the settlement in a lawsuit filed by Oven Rock Partners, LLC. The original project was denied by the Planning and Zoning Commission and the Inland Wetlands Commission. This is a scaled down version of the original plan.

Vote taken on the Resolution #1, motion passes, Bill and Pat Scollon voted against the resolution.

Town Counsel reads Resolution #2 (see attached).

Paul Szatkowski makes a motion to accept the resolution, motion seconded by Wendy Smith.

Discussion on Resolution #2:

First Selectman Knickerbocker wanted to clarify that there was an error made by the previous administration, in that the former First Selectman signed a 20 year lease without benefit of the required approval of the Board of Selectman or Town Meeting. Therefore the lease was judged to be null and void. The lease that we are voting on this evening is the exact same lease, the rent is the same, and the responsibilities of the parties are the same the difference is that this new lease is for 10 years versus the voided lease term of 20 years.

Vote on Resolution #2 all in favor, motion unanimously passes.

Town Counsel reads Resolution #3 (see attached).

A motion was made to accept the resolution as read by Nancy Ryan. Motion seconded by Wendy Smith.

Discussion on Resolution #3

Greg Pelican, owner of Bethel Cycle stated he was sensitive to the needs of other business owners in town. It is for this reason he is willing to waive his stated right within the lease document to have designated spaces assigned to his business.

First Selectman Knickerbocker asked the other business owners present to accept Mr. Pelican's word and asked that we approve the lease this evening to prevent the project from being stalled.

J. Philip Gallagher- Stated that he feels the best thing to do based on the public comment is to either table this item or withdraw it all together. With that he made a motion to withdraw item #3 on the agenda this evening. Paul Szatkowski seconded the motion for discussion.

Selectman Szatkowski asked of Town Counsel Lawlor if he could draw up a handwritten amendment to include the waiver of the designated spaces in the lease.

Town Counsel Lawlor stated it would not be proper to handle the amendment in this manner.

J. Philip Gallagher called a Point of Order to recess the meeting.

Don Goodrich- spoke about trust among the business owners and taking Mr. Pelican's word and move this project forward.

Wendy Smith- also spoke of having trust, stated that Mr. Pelican assurance regarding the waiver of assigned parking is within the minutes of this meeting. She feels this is a wonderful opportunity for all.

J. Philip Gallagher withdraws his motion, Paul Szatkowski withdraws his second.

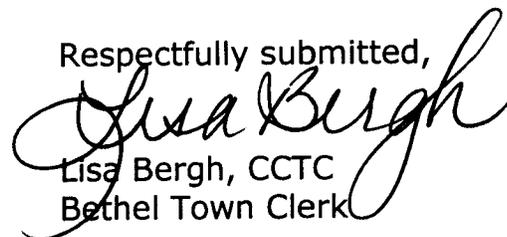
Sharon Straiton made a motion to move the question. Motion seconded by Wendy Smith. Vote, all in favor, motion unanimously approved.

A vote was taken on Resolution #3. All in favor, motion unanimously accepted.

Nancy Ryan made a motion to adjourn tonight's meeting. Motion was seconded by Wendy Smith. Vote, all in favor, motion unanimously approved.

Meeting adjourned at 8:11PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Bergh". The signature is written in a cursive, flowing style with some loops and flourishes. It is positioned over the typed name and title of the signatory.

Lisa Bergh, CCTC
Bethel Town Clerk

**WARNING
NOTICE OF SPECIAL TOWN MEETING
OF THE TOWN OF BETHEL, CONNECTICUT**



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TOWN OF BETHEL
TOWN CLERK

The Legal Voters of the Town of Bethel, Connecticut, and those persons entitled to vote therein, are notified to assemble at a Special Town Meeting to be held in the Clifford J. Hurgin Municipal Center – Meeting Room “A”, 1 School Street, Bethel, Connecticut 06801 on October 26, 2010 at 7:00 p.m. for the following purpose, to wit:

1. To discontinue/abandon a portion of the right of way of the Town of Bethel’s road known as “Knollwood Drive” consisting of an area 10 feet +/- by 139.5 feet +/- containing 1389 +/- square feet and located at the northeasterly portion of Knollwood Drive which intersects the southerly portion of Reservoir Street. Said portion of the right of way of Knollwood Drive to be discontinued/abandoned is more particularly shown as “LAND TO BE CONVEYED TO OVEN ROCK PARTNERS, LLC BY THE TOWN OF BETHEL. AREA 1389 +/- S.F. 0.03+/- Ac.” on a certain map entitled “PROPERTY SURVEY PREPARED FOR OVEN ROCK PARTNERS, LLC RESERVOIR STREET & KNOLLWOOD DRIVE BETHEL, CONNECTICUT” Date: 6-17-09 Revised 5-6-10 Scale: 1”=50’ Proj. No.: 03-707 File No.: 2714 Acad No.: 03707LL Sheet: 1 OF 1 certified by Richard A. Bunnell, R.L.S. CT LIC. #15562 CCA LLC 40 Old New Milford Road Brookfield, CT 06804 and 33 Village Green Drive Litchfield, CT 06759. A copy of said map is available for review during normal business hours at the Office of the First Selectman, Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT.

2. To consider and take action upon a proposed lease with THE REGIONAL YMCA of WESTERN CONNECTICUT and EASTERN PUTNAM COUNTY, INC. for the land and building located at 57 Grassy Plain Street, Bethel, CT known as the YMCA Children's Center in accordance with and subject to the terms set forth in such proposed lease. A copy of the proposed lease is available for review during normal business hours at the Office of the First Selectman, Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT.
3. To consider and take action upon a proposed lease with BETHEL CYCLE & FITNESS, LLC for a portion of the land and the building located at 05 Depot Place, Bethel, CT commonly referred to as the "Old Train Station" in accordance with and subject to the terms set forth in such proposed lease. A copy of the proposed lease is available for review during normal business hours at the Office of the First Selectman, Clifford J. Hurgin Municipal Center, 1 School Street, Bethel, CT.
4. To take any and all action legally necessary or appropriate to accomplish the above intended results.

Dated at Bethel, Connecticut, this 5th day of October, 2010.

BETHEL BOARD OF SELECTMEN

Matthew S. Knickerbocker, First Selectman
Richard C. Straiton, Selectman
Paul R. Szatkowski, Selectman

Motions For
Special Town Meeting
Of The Town Of Bethel, Connecticut

Bethel Municipal Center
1 School Street
Meeting Room "A"
Tuesday, October 26, 2010
At 7:00 PM

1. Shall the Town of Bethel abandon a portion of the right of way of the road known as "Knollwood Drive" consisting of an area 10 feet +/- by 139.5 feet +/- containing 1389 square feet +/- and located at the northeasterly portion of Knollwood Drive which intersects the southerly portion of Reservoir Street shown as "LAND TO BE CONVEYED TO OVEN ROCK PARTNERS, LLC BY THE TOWN OF BETHEL. AREA 1389 +/- S.F. 0.03+/- Ac." on a certain map entitled "PROPERTY SURVEY PREPARED FOR OVEN ROCK PARTNERS, LLC RESERVOIR STREET & KNOLLWOOD DRIVE BETHEL, CONNECTICUT" last revised on May 6, 2010 and certified by Richard A. Bunnell, R.L.S. CT LIC. #15562 of CCA LLC?

2. Shall the Town of Bethel approve and enter into a lease with THE REGIONAL YMCA of WESTERN CONNECTICUT and EASTERN PUTNAM COUNTY, INC. for the land and building located at 57 Grassy Plain Street, Bethel, CT known as the YMCA Children's Center in accordance with and subject to the terms of a certain lease as presented at this Town Meeting for a term of seven (7) years commencing on December 15, 2010 and ending on December 14, 2017?

3. Shall the Town of Bethel approve and enter into a lease with BETHEL CYCLE & FITNESS, LLC for a portion of the land and the building located at 05 Depot Place, Bethel, CT commonly referred to as the "Old Train Station" in accordance with and subject to the terms and contingencies of a certain lease as presented at this Town Meeting for ten (10) years with two five (5) year options to extend the lease?