



City of Ansonia

Aldermanic Community Property Sales Land Trust Committee Special Meeting – September 17, 2013

Call to Order

The Special Meeting of the Aldermanic Community Property Sales Land Trust Committee was called to order at 6 p.m. by Chairman David Knapp. All those present rose and pledged allegiance to the Flag of the United States of America.

Roll Call

David Knapp, D7 - present
Jerome Fainer, D4 - present (6:05)
Joseph Jeanette, D3 - absent
Howard Madigosky, D5 - present
Kevin Mott, D3 - present
Charles Stowe, R2 - present

Others present:

Corporation Counsel Kevin Blake
City Engineer Fred D'Amico
Alderman Joan Radin

Public Session

Daniel Ventre, 228 North State Street

My concern is the street known as Quarry Road which borders my property. I made copied of the City map and the letter from Clark Pearson Associates, Civil Engineers. I purchased my house; I've been there 40 years. My land is listed as bordering Quarry Road and North State Street, and it describes the shape of it all the way around. As far as I know that hasn't changed on the City map. The City map still shows Quarry Road. In addition, when these people purchased their properties, they were never told that Quarry Road was not a City road, although there are City sewers and City water and natural gas piped up inside of Quarry Road, and the houses adjacent to it are tied into it. I know it's not the City's intent to create any undue hardship for any of its citizens, but I put to you that every house in the City is built along a City road has City sewers, City water. The owner pays for the sewer line from his property to the road and then the City takes care of the rest. If you look at the map that I've supplied, you can clearly see that if these people were told if they had to have any sewer work or water work done they would have to dig up the entire Quarry Road.

The City is saying that is not their responsibility, although the City has City sewers running up that road and City water. I think it's really an undue expense for the property owners, which probably in my estimate would be in excess of \$10,000 or \$15,000 to have it dug up if there is a problem in the future. Every other home, you go from your home to the street and then the City takes care of it from there. These people would have to go from their home to Quarry Road into North State Street, well over 100 feet. Just that alone, I feel, would be an undue expense for the property owners compared to all the property owners in the City of Ansonia it's way beyond the average dig for any property owner in the City of Ansonia.

Also, I mentioned last week that Quarry Road has historic value being the route taken to bring the stone from the three quarries - the quarry off of Ells Street, the quarry off of Rockwood Avenue, and Potter's Quarry up in Seymour. All of those quarries supplied the stone to build the Assumption Church. The City has used this road, has installed City water and sewers, and is now saying to the property owners that they have to take care of everything, which includes plowing of the road in winter. My neighbors have gone to great expense to have it paved at one time. Just that alone the historic value and fact the City did create this road and now for some reason doesn't want to maintain it any more. It's a dead end street now as far as I know. I would ask your consideration in declaring it a City road in the future. If now, I feel you are creating undue expense for the current property owners and any future property owners there.

Ralphine Ford

I am here representing my husband, Gordon S. Ford. He and I own the property. Unlike Mr. Ventre, I'm not here to tell you to consider it because back in 1997 when I was on the Board of Aldermen... This property has been in this family since that road existed. It belonged to his great-grandfather, it then went down to his aunt, and we purchased the house from his aunt to keep it in the family and did a complete renovation. The question, why do you buy property that you can't get to, the property was there. Basically we kind of inherited it. It's because of family, that's why we're still there. That's why we've invested our money and were told we over invested in doing our house because of the neighborhood that we're in. Because of this right-of-way, the four properties that the City will not acknowledge, that is their responsibility.

As Mr. Ventre said, this has been going on... my husband was on the Board of Aldermen in the Finnucan administration. I think some of you in this room know that. Under Finnucan we approached him about making sure there was maintenance on the road. We got this thing about round and around and around about. At that that time it was in bad shape and that's when we paved it, Mr. Ventre, and paid for it out of our pocket. When you're in City government you can't really raise hell like you want to, so my husband decided to pave it and just wait and see what would happen. So this went on from 1970 where we continuously tried to get the Board of Aldermen and other boards to

maintain or service the road, and they wouldn't do it. In the late 90s we had a severe sewer backup. You were on the Board, Kevin, with me at that time. We had major damage to my property and Mr. Robinson's property because we're in the back, and everything with the two houses, like I said there were four houses involved. From what we're told it runs back and with the lines not being maintained by the City, and the trees growing in that right-of-way, of course we had bad storms, Mr. Robinson had all kinds of sewage in the cellar, and so did we in our cellar. At that time I was on the Board of Aldermen. We paid for our maintenance to get everything cleaned. We also paid for a line to be installed, some plumbing to be dug up, and a clean out - I don't know exactly because I'm not mechanical - a clean out where the sewer line is coming in down the road, so we wouldn't have it coming into our house again, until the City decided to do what they needed to do. Roundabout that time, Public Works and the Sewer Authority came up and they decided under Ash Narayana and that's how this letter came about. Clark and Pearson had the old maps. They went to Clark and Pearson to get a decision. The City paid for this. However, you know the City paid for it, it tells you it's a City street, but you choose to ignore it. That's why I said, consideration? What kind of consideration when you've already spent tax dollars to get a study done and it tells you clearly that this is a City street.

So the Mr. Robinson has never been paid for his claim. Kevin had the claim, you kept delaying it, delaying it, it never got paid. Everybody else in the City got paid. Most recently I'm hearing you're paying \$4,000 or \$5,000 for sewer backups.

Corporation Counsel Blake stated, WPCA is paying them; I'm not.

Ms. Ford continued, but you were in charge of that committee and you made the recommendations at that time. You kept stalemating that bill. That man is a senior citizen on a fixed income since 1990-something. He paid thousands of dollars and you've never paid him a dime.

Corporation Counsel Blake stated, the WPCA is handled by a separate board.

Ms. Ford stated, but you had a lot to do with that at that time. I remember because me and you were Aldermen. I'm not going to debate it here, okay? I'm not.

Now as far as pacifying me and my husband, and Mr. Ventre, oh, and snow plowing. My husband and I have paid for snow plowing up until 2006, and I told the neighbors we can't do it any more. My husband most recently has fourth stage cancer; he was forced to retire. We are a one income family now. I called you in January, I called you in January, whenever the snowstorm was. I told you we were stuck back there. Even the people that come up and we pay for plowing couldn't get back there because of the storm. I said, we need to get out. My husband goes to Sloane Kettering. I needed to get medicine. The Police Department came up and questioned me like I'm lying about my husband,

instead of coming up to give me some help, or Mr. Sharkey sending someone up to get me out so we could make our trip down to the doctor for his exams. Yet you know, you want your tax money. You know. I'm not paying any sewer bills, and I told them that. I was paying up until a couple years ago. I am not paying any sewer bills, and I'm begging the City to do something because I have a lawyer that's going to make sure that the City gives me and my husband a percentage of what's in the budget for public works out of the taxes that we pay because the only services that we are receiving at this point is Police and Fire. We have no kids in the school system. We don't get any plowing done. Speaking of that road, we paid for the pavement, the sewer authority and Public Works came and dug up the paved driveway that we put down, never came back and repaired it. Most recently - they haven't been up there in two years now - last time they came us they said something about the width of the driveway. Well I'll tell you what's wrong with the driveway. The water runs down from the snow, from the rain, all this is filling in. We have a new neighbor that bought the house. He decided he was trying to make his property look nice so he did some landscaping. But he told them that whenever you want to do this road all you have to do is just come in and do it. No, it's not wide enough the way it is now because he planted trees and whatever, but that can be removed.

I'm just telling you. Consideration? You listen to Clark and Pearson and all these architects for everything else. What is the problem with Quarry Road? It's older than the roads up in the 7th Ward. The map that Mr. Ventre gave you, this is a map that Webster Bank paid for an appraisal of my property last year. This is recent; 2012. You see Quarry Road on it? Everybody can acknowledge Quarry Road except Public Works and the City of Ansonia. I'm not asking you to consider it. I'm asking you to do what you need to do. We pay our property taxes and we want services like everybody else here. Do what's right. I have contacted an attorney and I asked her to give me one last chance of trying - this City has enough problems without getting into a nasty legal battle about paying me a percentage of my taxes since 1997. I think that I would win it because it's someone from out of town that really knows and understands how to fight these issues. I am asking you to do what's right because I'm tired of paying for services that I'm already paying for in my taxes. Thank you.

Review and Consider Submission in Response to an RFP for the Sale of the Current Wireless Ground Lease Extension with American Tower regarding the Wakelee Avenue Wireless Tower

- A. Discussion of Current Lease
- B. Review and Presentation of Submissions to the RFP
- C. Take Appropriate Action
- D. Consideration of 8-24 Referral to Planning & Zoning

Corporation Counsel Blake stated, we had two responses for the Wireless Ground Lease on Wakelee Avenue. One is from Unisom and the gentleman is here from Unisom, and the other is the Wireless Capital Partners. I believe I sent everyone a copy of both of their proposals.

Wireless Partners is in Los Angeles, and they're going to interview tonight by phone. I will dial them and they will make their proposal.

Paul Hwang, CEO of Wireless Partners gave his presentation to the Committee by phone, and explained the details of the bid they gave to the City.

Corporation Counsel Blake explained to the Aldermen, the original lease with American Tower ends in 2023. The current income is approximately \$9,000 per month from the various companies. The \$1.340 million 30-year proposal of Wireless Partners comes out to be about \$3,700 per month. Mr. Hwang explained that this is guaranteed money in pocket that can be reinvested elsewhere. He also noted that 12 years from now they dismantle the tower because technology has changed so much, Wireless Partners doesn't get their money back. Any new co-locaters that sign on to that property after, the City gets the income. Any decrease in companies going off of the tower is the loss of Wireless Partners.

Chuck Bruttomesso of West Hartford, CT representing Unisom then gave his presentation to the Committee and explained the details of the bid they gave to the City.

Mr. Bruttomesso explained technology and merging companies always are changing, but he feels that with AT&T and Verizon on the tower, it's not going away. Unisom's bid is 40 years at \$1.4 million or 20 years at \$1.1 million. He also stated he would speak with senior management about adding the provision that anything above the scheduled rents they would share .50 on the dollar. Once Unisom dissipates in 2033, the City would get it all anyway. We are paying more than ever before because of low interest rates. When interest rates start going up, you'll see the offers decrease in terms of multiples.

Alderman Stowe noted that 13 years covers what Unisom is offering at 20. If we keep it seven more years we'd make half of what he's offering for 20 years. The deal the City has now, and that's 13 years, that's lucrative. In seven more years we'd end up with half again more.

Corporation Counsel Blake stated, the Committee is not prepared to take action tonight. I'd like to reconvene this again. Please provide some references. This is a lot of money; this is a big decision. I get calls almost weekly from these companies; there must be something there that they like in order to take these risks. We have experience and I've seen the increase and decrease in our revenue - they merge and we've lost about four or five already.

Alderman Madigosky MOVED TO TABLE; SECONDED by Alderman Mott. A voice vote was taken and the MOTION PASSED 5-0.

Consideration of Quarry Road as a City Street

Ms. Ford stated, if you notice on Clark and Pearson, it tells you that this road was in existence prior to 1910, see that in that third paragraph? Or did you bother to even read this? I know Kevin has seen this a million times.

Corporation Counsel Blake stated, I've seen this a lot.

Alderman Fainer stated, I grew up on the hilltop where our mailboxes were at the end of the street. We had no City sewers and no City water. The streets were on all the City maps. At that time they called it Toro Road and Toro Circle, which eventually was Sheasby Road. Just because something was on the map doesn't mean that it was an accepted City street. We waited a long time just to get mail up the street. We paid taxes to the City of Ansonia the whole time that it wasn't a City street. We had no fire hydrants, no mail delivery. We had plows but no sewers or water and when it finally came in we had to pay for it. It's not because it's been on the City maps that it was officially a City street.

Ms. Ford stated, we get U.S. Mail.

Alderman Stowe stated, my property abuts that property. If I'm not supposed to talk about it or it's inappropriate I'd like to know about that beforehand. I understand there is a conflict as to whether it is a City street or not. Does the City own the sewer? Mr. D'Amico, if you have a City sewer that goes up the middle of a right-of-way or possibly a City street, the City usually owns the sewer until it branches off, is that correct?

Mr. D'Amico replied, yes. But in this case the City doesn't. I was told the City doesn't own the sewer; WPCA - it's a sanitary lateral, not a sanitary main. So it's a private lateral, so the City does not own it. There are a number of questions it brings up. Same thing with the water - it's not City water; it's public water. The City doesn't own the water line. The Water Company owns it. The City didn't install the water; the City didn't install the sewer. The right-of-way as shown on the Assessor's map is only 25-foot wide so you end up with a potential problem if you accept the street. Right now a new street is 50 feet, but we've had in some cases we've accepted them even with a 40-foot wide right-of-way because you could still get a proper width street. Obviously you would not be able to put sidewalks with this, but with only three lots you don't need sidewalks.

Alderman Stowe stated, so the City has actually given people permission with a 40-foot right-of-way.

Mr. D'Amico stated, one or two times in the last 10 years, they've accepted a 40-foot wide right-of-way, however they did make the person put in a street

that was the same width. They were able to get the 32-foot wide paving, jam it into a 40-foot wide right-of-way, you have four feet on either side. Obviously with a 25-foot wide right-of-way, you can't get a 30-foot wide paved area.

The other thing is, in all fairness to the landowners there, I think if someone were to check the minutes of the Aldermen meetings in the last 100 years, if that street was accepted during an Alderman meeting, if it was legally accepted as a street, then it is a street. The burden of proof is on one of the petitioners to prove that yes, the minutes show that it was a street, and if it was accepted then it is an accepted street. Then the burden of proof would fall to the City to find out if later on in Aldermen meetings whether the City actually legally abandoned that street. But there's no sense in checking to see if it's legally abandoned if it was never accepted. I think it has to be checked, and the burden of proof would be the petitioner to find out if it was accepted at one time.

Corporation Counsel Blake asked, did you ever check Clark and Pearson and Tracy Lewis' file as to what they researched?

Mr. D'Amico replied, I don't know what they researched; the Assessor's map is in error in a number of cases. There are a lot of mistakes on the Ansonia Assessor's maps. As a matter of fact, if you look up a landowner on Granite Terrace, you'll find out he's living on Castle Lane. That person is sitting right next to me. But then if you look up on the records, someone on Castle Lane, they actually own the piece of property that this person owns. The Assessor's maps are a basis to help find things, but they're grossly inadequate right now. The other thing is, there are a number of other streets, like you said, there's one in Pork Hollow, a small street there, I think it might be Holbrook Court, but it's between two fences, it's 12 feet wide and at one time someone also petitioned that to be a City street and again, that's almost the same type problem. There's another one on Beech Street that is shown on the Assessor's maps but again that right-of-way is only 15-feet wide. The paving is actually almost the same width as the right-of-way. There's Larch Street, there's a paper map that shows four or five streets up there, and they actually show up on the Assessor's maps, but none of them were ever built. Those are paper streets that no one even put a driveway in for them. There's a number of streets that are shown on there. Some are built halfway; some are not built at all. You end up with a lot of different situations.

Alderman Stowe stated, based on where we are right now without somebody doing research, the City isn't obligated to plow it or anything?

Mr. D'Amico replied, no, and that's the reason why, I think the City did start plowing it about five years ago, I'm not sure.

Ms. Ford interjected, never. Never.

Mr. D'Amico stated, okay, they don't plow it, they don't maintain it, they definitely don't own the sewer lateral and they don't own the water line. So they're certainly not obligated to do any maintenance.

Ms. Ford asked, Toro Lane, was it getting plowed although it wasn't being recognized?

Alderman Fainer replied yes, it was getting plowed.

Ms. Ford stated, all right. That's the thing. You paid taxes, you got plowing. The U.S. Mail has been delivering mail to my home since they delivered to North State Street. That's another thing. They acknowledge us as a street. Holbrook Court, Beech Street, are they getting plowed?

Mr. D'Amico replied, Holbrook Court I don't believe is getting plowed; I'm not sure if Beech Street is.

Ms. Ford stated, why are we getting billed for sewers if you're saying it's not the City sewer? Why are we getting a bill from you people?

Corporation Counsel Blake stated, because you've got the lateral. I have to pay too for my lateral.

Ms. Ford stated, we told your committee of visitors that we would give some of our land - there is no problem of getting 30 or 40 feet to pave. If it wasn't a City street, you came up there, you tore up our right-of-way, the pavement that we paid for, and you never even replaced it. So if you have all this knowledge, why is it you sat on it from 1997 to tell me that it's not a City street? You could have responded to the letter Mr. Engineer.

Alderman Knapp stated, we'll have Mr. D'Amico and Corporation Counsel Blake take a look at this and report back to us. We'll notify you of a meeting date and time.

Ms. Ford stated, if it stays like this then we agree that we don't get no taxes for City services. We don't get no tax bills for sewers. Put that in the record and I'll have my lawyer make sure. We don't pay a little bit of tax, we pay more tax than anybody on North State Street.

Alderman Mott MOVED to have City Engineer Fred D'Amico and Corporation Counsel Kevin Blake to go back and research the Clark Pearson report and find out what they based their report on; SECONDED by Alderman Stowe. A voice vote was taken and the MOTION PASSED 5-0.

Adjournment

Alderman Mott MOVED to adjourn; SECONDED by Alderman Madigosky. A voice vote was taken and the MOTION PASSED 5-0.

The meeting adjourned at approximately 7 p.m.

Respectfully submitted,

Patricia M. Bruder, Secretary
Ansonia Board of Aldermen