

# BOARD OF SELECTMEN

BRANFORD, CONNECTICUT

JAMES B. COSGROVE  
*First Selectman*

JOSEPH E. HIGGINS, JR.  
JOHN J. AHERN



RECEIVED

2019 JUN 18 A 11:46

TOWN CLERK'S OFFICE  
BRANFORD, CONNECTICUT

1019 MAIN STREET  
POST OFFICE BOX 150  
BRANFORD, CT 06405  
(203) 488-8394  
FAX: 481-5561  
[www.branford-ct.gov](http://www.branford-ct.gov)

## MINUTES OF SELECTMEN'S MEETING

June 5, 2019

Fire Headquarters - 6:00 p.m.

The meeting was called to order at 6:00 p.m. Present were First Selectman James B. Cosgrove, Second Selectman Higgins and Third Selectman John J. Ahern. Also present were Attorney Ted O'Hanlon; Attorney David Hardy for Beachcroft LLC; Robert Wheeler; Angie Higgins; Pam Johnson and several residents.

Motion made by Selectman Ahern to approve the minutes of May 15, 2019. Seconded by Selectman Higgins. Vote unanimous.

Attorney Ted O'Hanlon addressed the board to provide additional information concerning the proposed condemnation proceedings with respect to Crescent Bluff Avenue. The proposal is to take the entirety of the road, reasonable buffer on either side of the road and the grassy area south between the cul de sac and Long Island Sound. The recommendation by Town Counsel is to take it by eminent domain. That this would be in the best interest of the town. The road was acquired by an LLC controlled by a single individual. This is the first step in the process. The entire process is intended to enable the town to do what it perceives to be its interest with respect to protecting the road and people along the road and the public access to Long Island Sound.

First Selectman Cosgrove stated that Board of Selectmen have received a letter from the Pine Orchard Association and that the letter will be made part of the record.

Motion made by Selectman Ahern to approve the initiation of condemnation proceedings with respect to Crescent Bluff Avenue. Seconded by Selectman Higgins.

Attorney David Hardy for Beachcroft, LLC addressed the board and expressed opposition to this action. In his view this is an improper use of eminent domain power. His client's property is no different than any of these other many roads that the town paves and maintains. He feels the town is singling out this particular road for confiscation at the urging of a small group of residents. The town does not need to acquire the lawn area in fee it can obtain an easement to

maintain the pipe. Beachcroft is open to discussions but those discussions should not be under the threat of eminent domain.

Rich Colbert, Partner, Dave Pittney also owner of 2 Halstead Lane, stated he is appalled by the letter sent by the Pine Orchard Association to the town asking that town to take a road within the association by eminent domain. A simple review of the Pine Orchard Charter and bylaws would reveal that that is a breach of the obligations of the Pine Orchard Association to the residents and members of the association. The letter to the town begs the town to take a property not for the benefit of the association but for the benefit of the public at large. That is not what the association was established for and it is grossly outside the bounds of their authority. The other improper basis for the eminent domain letter you received is to settle a private lawsuit. Eminent domain is not a law that is established to settle a lawsuit to settle a private lawsuit.

First Selectman stated that to be clear this has been a long standing issue and long standing position of the town. This is not because of the letter from the Pine Orchard Association.

Rich Colbert also stated that the taking also does not serve public use. Also wanted to correct a statement in the letter, the letter stated that the road was a public road before Beachcroft acquired the road.

Robert Wheeler, referenced a Motion for Contempt filed by Beachcroft dated June 17, 2014 against the town for giving the gas company permission for the installation of a gas line at 37 Crescent Bluff Avenue demanding a fine of \$5,000 plus court costs. The motion was denied by the court.

Attorney David Hardy addressed the board to state for the record that his client would be willing to have a discussion and make an agreement concerning emergency access.

Vote unanimous.

James Perito, attorney for Victor Cassella and API-Sycamore, LLC addressed the board to provide additional information concerning the request for a license agreement.

Motion made by Selectman Ahern to approve a request from API-Sycamore, LLC and Victor Cassella for a license to construct a paved driveway and related lawn area in the adjoining town right of way off Sycamore Way. Seconded by Selectman Higgins. Vote unanimous.

Motion made by Selectman Ahern to approve a request from Dan Gregory, Superintendent, WPCF, for a bid waiver for the disposal of pre-treatment waste and award a 3 year contract with a possible two year extension to All American Waste contingent upon a favorable opinion by the Board of Finance. Seconded by Selectman Higgins. Vote unanimous.

Green Use:

Motion made by Selectman Higgins to approve a request from the Community Dining Room, Inc. for use of the Town Green on Tuesdays, June 18 through August 20, 2019 from 5:30 to 7:00 p.m. to hold Tuesday Night Dinners on the Green. Seconded by Selectman Ahern. Vote unanimous.

Appointments:

Clean Energy Ad Hoc Committee

Bob Babcock to fill a vacancy left by Frank Gasparro. Motion made by Selectman Ahern to approve the appointment. Seconded by Selectman Higgins. Vote unanimous.

East Shore District Health Department

Susan Addiss to fill a vacancy left by Lois Shine Lehr term to expire February 28, 2022. Motion made by Selectman Ahern to approve the appointment. Seconded by Selectman Higgins. Vote unanimous.

Reappointments:

Board of Police Commissioners

Jill Marcus and John Sousoulus terms to expire January 30, 2022. Motion made by Selectman Ahern to approve the reappointments. Seconded by Selectman Higgins. Vote unanimous.

Green Committee

Cynthia Jasek, David Colley and Bonnie McKirdy terms to expire May 31, 2022. Motion made by Selectman Ahern to approve the reappointments. Seconded by Selectman Higgins. Vote unanimous.

Inland Wetlands Commission

Sandra Kraus move from alternate to full member to fill a vacancy left by James Sette term to expire May 31, 2022. Motion made by Selectman Ahern to approve the reappointment. Seconded by Selectman Higgins. Vote unanimous.

Peter Basserman and Richard Greenalch terms to expire May 31, 2022. Motion made by Selectman Ahern to approve the reappointments. Seconded by Selectman Higgins. Vote unanimous.

Parks and Open Space Authority

Judy Miller and Greg Ciocci terms to expire June 30, 2022. Motion made by Selectman Ahern to approve the reappointments. Motion made by Selectman Ahern to approve the reappointments. Seconded by Selectman Higgins. Vote unanimous.

Board of Selectmen  
Minutes of Meeting – June 5, 2019  
Page Four

Correspondence - none

Other – none

Motion made by Selectman Higgins to adjourn the meeting at 6:38 p.m. Seconded by Selectman Ahern. Vote unanimous.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Trista Milici". The signature is written in a cursive style with a large initial "T".

Trista Milici  
Clerk