

SPECIAL TOWN MEETING

December 7, 2016

MINUTES

A special town meeting of the electors and those qualified to vote at the town meetings of the Town of Lebanon was held on Wednesday, December 7, 2016 at Lyman Memorial High School 917 Exeter Road. Audience 121

First Selectman Betsy Petrie called the meeting to order at 7:31 PM.

The meeting was opened with the Pledge of Allegiance.

First Selectman Betsy Petrie then called for nominations for moderator.

Moved by Rob Slate seconded by Ron Bender, to appoint Ed Tollmann as moderator. Vote called – Motion passed

Moved by John Bendoraitis, seconded by Liz Charron, to wave the reading of the call of the meeting. Vote called – Motion passed

Moderator Tollmann reviewed Town Meeting protocol and rules.

Moved by Betsy Petrie, seconded by Liz Charron to bring item 1 to the floor. *“Consider and act upon appropriating \$250,000 from fund balance for the purpose of quieting title to the three town properties used for municipal purposes: the Jonathan Trumbull Library property, the Town Hall property and the Town Garage property.”*

First Selectman Petrie spoke to the question as follows: This has been a process for the Board, as well as Town Counsel and researcher, Gerry Stefon, who the town had retained this past summer to give us some guidance as to what the circumstances are of the situation. This came to light this past February, and in March or April when a call was received from the State Historic Preservation Office (SHPO) about the need for them to approve the Library State Grant that we had been awarded. The Preservation Office is part of the process that checks the box within the state agency which allows the check to be written. I immediately informed our Town Counsel and my colleagues on the Board. The Library Building Committee was notified shortly thereafter. First Selectman Petrie stressed that this is not about the Library. The meeting this evening is to discuss the three municipal properties that presently reside on the Lebanon Green. It was further explained, that the Lebanon Green goes as far as Waterman Road and slightly north of Route 87 and West Town Street--generally the area where you see the political signs at the north end of the Green. That is just about the end of the Green. After informing the Board and engaging Gerry Stefon to provide us with research, this Board has struggled with what is the right course to do. Town Counsel had provided estimates of what the process is and how much it would cost. The Board of Selectmen went to the Board of Finance to get allocation of funding, and we received an allocation of up to \$250,000. The Town has a very robust fund balance and typically we run a 12-15 % amount. This is just a bit what is over their 15% mark, and would not negatively impact the present fund balance policy. This would be an opportune time for us to discuss a comfortable resolution on this matter.

First Selectman Petrie introduced Gerry Stefon from the firm of Mattern & Stefon in Preston who was hired by the Town of Lebanon last summer. Mr. Stefon presented his findings as follows:

Though we did find a deed to a small rectangular lot located in the southeasterly corner of the green, supporting approximately half the library building, we didn't find a deed to the Town of Lebanon for any other part of the large green, or any part of the small green or town garage site. The land beneath the library building had been conveyed to the town in 1966.

Our research indicates that the last owners of record to the Green, were the 51 Proprietors, and their heirs and assigns, listed in a 1705 Grant from the General Court of the Colony of Connecticut.

At this point an important distinction to make is that the Proprietors, and the Town itself, were two entirely separate entities. The Proprietors, also known as the commoners, became the actual owners of all the common land in a town, in essence they became a land company. The Town served as the legislative body, but didn't own land unless deeded to it. Land once owned by the proprietors, remained owned by the proprietors until deeded or apportioned to others.

Recognizing that there is some disagreement as to whether the Town, or the Proprietors, own the Green, I want to briefly go through some documentation supporting ownership of the Green by the proprietors.

First, title to the common land in Lebanon originated in a deed from Oweneco, the son of Uncas and Sachem to the Mohegan Indian Tribe. On September 6, 1692, he conveyed to Samuel Mason, John Stanton, Benjamin Brewster and John Birchard a tract of land known as the "Five Mile Square". These four men became known as the original proprietors of Lebanon. Then, on January 4, 1700, Mason, Stanton, Brewster and Birchard, conveyed to the present Proprietors & Inhabitants of the Town of Lebanon all their rights, title, interest in and to the lands contained in said deed from Oweneco. Though the Town of Lebanon was referenced in this conveyance, the town was actually not incorporated until 10 months later, on October 1, 1700.

The Lebanon Green was originally laid out as a street by the Proprietors on December 11, 1701. First known as Broad Street, then later as Town Street, it once extended well to the north and south of the present Green.

In its May 1705 session, the Colonial Court of Connecticut, in response to a petition submitted by the inhabitants and proprietors of Lebanon concerning the fair division of the Oweneco purchase among them, ruled on 4 items. First, it confirmed the validity of the 1692 deed from Oweneco to the four original Proprietors; secondly, it confirmed the 1700 deed from the four original proprietors, to the proprietors and inhabitants of Lebanon; third, it mathematically described the bounds of Lebanon; and fourth, it listed, by name, the 51 individuals who had acquired a proprietorship interest in the 5 Mile Square, and voted that "...this Assembly for themselves and their successors have given and granted, and do hereby give, grant and confirm unto the said purchasers and proprietors of said tract...and to their heirs and assigns forever, all that said tract of five mile square aforementioned..."

We then looked through public records over the course of the next century, to look for evidence that the Proprietor's exerted control over the Green.

At a Proprietors meeting held May 3, 1749, it was voted to lay highways out on each side of Town Street, and to lay out northwardly and southwardly of the meeting house a suitable Green for the accommodation of the Presbyterian meeting house and for a place of military parade.

At Proprietors meeting held in 1758, it was voted that the Proprietors divide the common land, save only the common land lying in the Main Town Street.

We noted that the last conveyance of land by the Proprietors on Town Street, was to Samuel Buckingham on April 4, 1808.

The last conveyance (of any kind) by the Proprietors, was the '...the Brick School House...' to the First, or Center School District on March 13, 1813.

One meeting that was particularly noteworthy, was the Proprietors meeting held on February 8, 1810, in response to a Town Meeting held the previous month, where it was voted to instruct the Selectmen to: "...dispose of all the land they had surveyed between the meeting houses, which they thought not necessary for the public travel."

"Whereas the inhabitants of the Town of Lebanon...did without law voted and agreed to take up, discontinue, dispose and sell, for their own benefit, part of the land called and used for a highway, being the Town Street, so-called, which from the beginning down to this present day, has been used for highway, and common land, for pasturage and feeding the poor..."

"Now therefore, we the original Proprietors of the common, undivided land in the 5-mile property in said town, and legal representatives of said proprietors, declare and protest against said vote, as inexpedient, improper and unlawful."

"First, that the Town Street land is not, nor ever was the property of said town or the inhabitants thereof, that said Town Street was never laid out for a highway by order of the

Town or any Selectmen, but was originally reserved and laid out by a Committee of their own, and said Proprietors always considered it as their own property....so that the Town would have no right to discontinue or alter it, or any part of it..."

"The said Proprietors have ever considered it as their own property, and have exercised many acts of ownership of the same, more than 100 years, as by the book of records may appear, which never was questioned until now...And it was provided by law that whatever part or interest the aforesaid proprietors, by custom as well as by deed, have in any common or undivided land in any Town, which they have not by their own free consent as before expressed, or otherwise disposed of, shall be allowed and taken to be their proper estate, and that no person whatsoever, by becoming an inhabitant of such town, or by any other means against and without the consent of such Proprietors, shall have any estate, title, right, or interest therein."

"Further, all the laws which mention the subject are clearly in our favor so that the right of said Proprietors could never be taken away."

The Proprietor's meeting had sufficient effect upon the town, that in the following month's meeting, the town voted to rescind their earlier vote to convey Town Street.

In summary, from 1705 to the early 19th century the Proprietors, as represented by the various committees they designated, and as expressed in Lebanon Land Records and Proprietor Records, made public their claim of ownership to land now known as the Lebanon Green, even though use of the Green by others, both public and private, remained constant.

There is aerial evidence dating back to 1934 and anecdotal evidence dating back much further, that the property owners lying easterly and westerly of the large Green have frequently exercised, uncontested, stewardship over much of the Green, generally consisting of crop farming and animal husbandry.

Though we were unable to locate, within land records, a conveyance to the Congregational Church describing mathematically, definable property lines, we did not undertake a review of church records.

According to various sources, the small Green located on the southerly side of Route 207 has, at times, served as the site for a church, Lyman Memorial High School, the Tisdale School, a meat market, harness shop and town hall. The large Green, located on the northerly side of Route 207 has throughout the years supported a church, two room school house, town hall, general store, library and ballfield.

Apart from the Library, none of the municipally owned structures on the Green were constructed on municipally owned property, nor were municipally sponsored events and uses conducted on such property. This would indicate, perhaps, that there existed in earlier years a tacit understanding between the Town, the adjoining landowners and the Proprietors as to the use of the Green. Indeed, when the town hall was moved to the north side of Maine's General Store on the large Green in 1921, to make way for the new high school, town meeting records reflected little discussion, and no mention of the move requiring Proprietor approval, evidencing perhaps that this tacit understanding between parties has existed, at least in part, until this day.

First Selectman Petrie introduced Ed O'Connell, Town attorney, who spoke to the question as follows:

It was at the firm's suggestion that the Board of Selectmen retain Mr. Stefon who has a very large reputation for historical research, roads and colonial matters in general. Mr. Stefon's preliminary report, except for a very small portion of the library premises which was used as a general store, and which itself has been diminished by road widenings over the years and is of questionable origin, there is no deed into the town for the library premises. His preliminary report confirmed the lack of the deed into the town and pinpointed the 1705 General Assembly decree which allocated the title of the 5-mile square to those 51 proprietors that he described. He pinpointed that as a likely brood of the legal title which is now known as the Town Green. Several centuries later, the offspring of the 51 proprietors named in the 1705 decree now number in the tens of thousands of people. The whereabouts of the vast majority are unknown and basically unascertainable. Moreover, legal documentation of their fractional interests to the best of our knowledge, has now passed to their present descendants either by deed or probate decree. The exact legal ownership of the Lebanon Green has become lost in the midst

of time and hard to recreate. It was confirmed by Mr. Stefon that there are no deeds to the Town Garage and Town Hall properties, and the day will inevitably come when it is necessary for the Town to apply for grants, improve or maintain those properties by public funds appropriated in the annual budget. We are suggesting a remedy of limited scope - a quiet title which is sometimes called an adverse possession. This would be done only for those three municipal properties that have been used for decades. The properties are the Town Hall parcel, Town Library parcel and Town Garage parcel. We are not proposing that the Town acquire title to the entire Lebanon Green. We are not trying to define or describe anything more than what has been, and is being used for municipal purposes. The town needs to ratify and make certain, and what had been assumed, that the town has title to these three parcels. Without settling title, no significant repairs or renovations to these municipal buildings are going to be possible. It is our opinion that it is the best interest of the town to resolve this matter before repairs become an emergency and could not be completed. A quiet title action, or an adverse possession, is not an action to take the property of anyone else. It is a request to the court to ratify, confirm and document the town's use of the property for decades of time. The court considers that title to land, as much as possible, must be made certain, rather than simply remain ambiguous for all time. We are asking the court to establish by way of a decree, that the town has legal title to only those three parcels. It was looked into whether a town can indeed bring a quiet title action. In Connecticut, towns have the authority that is only granted to the town by legislature. We found a 1982 Connecticut Supreme Court case that specifically met this issue and held "a municipality, like an individual, may acquire title by adverse possession where the elements necessary to the establish of that of right present and when that adverse possession may be deemed to be the official act of the municipal corporation. Clearly title by adverse possession may be acquired by the United States, or a state, a county, a city or other governmental entity." It sites previous Connecticut Supreme Court cases, legal texts and legal treatises.

The town does have the power and authority, and it is a very narrowly suggested route. At the end, it will be to establish the title to the property that is currently being used for municipal purposes. Mr. Stefon's services would be needed for historic research and surveys, particularly an A2 survey. We would have to explain to the court by way of an A2 survey what we are claiming to be owned, so everyone would know precisely what it is. There will have to be significant research in how we are going to give notice to these tens of thousands of people of who constitute the decedents of the 51 proprietors. This route is something that should be done going forward and we recommend it.

The following are questions or comments from the audience:

Daniel Palmer: Will these properties set legal precedent to the walkway on the remainder of the Green property being used by the public?

Attorney O'Connell responded that this is not intended to set any precedent other than the three properties that were talked about. These properties have specific circumstances associated from the time they began being used. We would not undertake to expand beyond these three parcels, and believe the Board of Selectmen considers also.

Dawn Drum, Tobacco Street: Who are we buying the land from? Who gets the \$250,000?

Attorney O'Connell stated that the town will not be purchasing land from anyone. The town is asking the court to confirm by decades of use that the town has acquired title to the property by virtue of doctrine of adverse possession. The \$250,000 goes to expenses, sheriff fees; Class A2 survey fees, publication fees, lawyer fees and hopefully will not amount to that much.

Dori Bruce, Kingsley Road: Concern that this will set precedent and presumes it will be the same for the walking path.

Tim Wentworth Seabury Road: Comment addressed to Attorney O'Connell to remark on the strength of this case as it seems that what Mr. Stefon has said, the use is anything but adverse, that this has been with the knowledge and passed consent of the proprietors for the duration. Does the town have evidence that it asserts ownership? The town certainly asserts use.

Attorney O'Connell responded that there are aspects including notice to and one thing in favor of town is the town's use of this property for these years has been without objection. No one has said anything against the town's use of the South Green for the Town Hall which was

previously used as the high school – nor the town’s use of the Town Garage property for all these years. The town has taken action which clearly established, in our view, that the town’s intention to assert it owns those pieces of property. This is the time the town must come to grips if it wants to assert ownership, and the time that this has come before the people of the town.

Rob Slate, Trumbull Highway: Question addressed to Gerry Stefon: Has the transfer of property from the proprietors for the Main Store parcel has ever been ascertained?

Gerry Stefon stated the deed to that piece of property that supported the Main Store originated in Circa 1850. The person who sold the property with the store on it - I could never find actually the genesis of his title. We did not do a review of every proprietor’s record. The mission was to investigate whether or not the Town of Lebanon possessed a deed to any portion of the Green. The store was sold with a quit claim deed to the land, and I could not locate how this person obtained this property in 1850. Record title has existed for 170 years and constitutes something that is called marketable title.

Rob Slate, Trumbull Highway: Question addressed to Attorney O’Connell: What is the legislative process? Would town meeting have to authorize final adverse possession process? We know the areas for the Town Hall and Town Garage, but we do not know what the town wants for the Library. The A2 survey should come back to this legislative body for a vote.

Attorney O’Connell stated the call this meeting is to appropriate money for the purpose of quieting title to those three properties. We will need the funds to conduct an A2 survey prepared describing exactly what we consider to be the library parcel and further investigation by Mr. Stefon. The best we can tell when it was used for high school purposes and ball fields for the high school. The town asserted control of that portion of the Green.

John Okonuk, Levita Road: If you take land by eminent domain, do you have to give the people fair market value? How are you going to find the people to give it to?

Attorney O’Connell responded that as previously mentioned, quiet title action is different and distinct from a case of eminent domain. The town is not attempting to take this by eminent domain. We are attempting to get a decree from the court to confirm what has been in existence for the better part of a century regarding the town’s use of this property for these parcels.

Rene Wentworth, Seabury Road: Is it possible that the town will spend this money and go through the process, and the end result will be that the original proprietors keep the property and the town loses?

Attorney O’Connell stated that he does not think that this is entirely possible at all. There is a very difficult process to be undergone regarding notice to anyone who may claim a documented interest in the land. There are heirs, assigns and successors to the 51 proprietors. These individuals also have to bear a burden of documenting who they are and how they got the property. Whether they have a deed or probate decree. It is unlikely that the town is going to find a decree that those 10 or 20,000 people own those three parcels.

Jim Mello, Beaumont Highway: Requested an explanation about the legislative action in 1982 that was discussed.

Attorney O’Connell responded that this was a case decided by the Connecticut Supreme Court whether a municipality had the authority to bring an adverse possession action. That was a case concerning the Town of Fairfield called Roche vs. Fairfield in 1982, and that case established the precedent by the Connecticut Supreme Court that indeed did assert, did claim and did establish a municipality, just like an individual, may acquire title by adverse possession, when the adverse possession is being used for the official act of the municipality – such as using it for Town Hall, Library or Town Garage. If somebody has a corner lot that people walked across, this is not an official act of the town. These three parcels do pertain to official acts, and the Connecticut Supreme Court has explicitly allowed that to be among the powers that may be exercised by a municipality.

Jason Nowosad, Beaumont Highway: Would construction of a building on these properties be an assertion of ownership? Didn't the State accept an easement from the Town on Route 207 and 87, as if the Town owned the property?

Attorney O'Connell responded that in preliminary research, we have seen maps regarding state roads in front of the Library and Church. On those maps, the owner of the land on either side of the road is depicted as the Town of Lebanon. Those were from highway takings, not necessarily to establish title. Regarding construction and maintenance of buildings, those are the types of circumstances that would enable us to prove to a court that the town has exercised dominance and control over these parcels of land over this period of time.

Dennis Hanczar, Cook Hill Road: What will be the negative aspects to the town if we do not pursue this in terms of activities and maintenance over time?

Attorney O'Connell stated the First Selectman was faced with the situation earlier this year when the grant application was presented to her and there was a space to attach a copy of this deed. We could not do that except for that little corner parcel. If the town wants to do something going forward with the Town Hall, Library or Town Garage properties, or wants to get a grant or assistance from the State of Connecticut, the town will most likely have to attach a copy of that deed. If the town wanted to expend public funds in the future to maintain these buildings, this could be called into question. These are practical circumstances which need to be addressed going forward.

Tim Slate, Trumbull Highway: Asked if the town has an A2 Survey that is prepared already. Would like to see an A2 survey and a better explanation as to what is going to be taken before money is spent.

Attorney O'Connell stated that the town does not have an A2 survey. We would need Mr. Stefon's services in order to match up his investigation with all these circumstances.

Jim McNally, Sisson Road: Comment for Attorney O'Connell regarding the case referenced - Did this case constitute a creation of law or was this a court action? Further stated that in the Constitution of the State of Connecticut, the Bill of Rights says that no land shall be taken for public use without just compensation. This Supreme Court ruling is an attempt to go around this and to take land without paying for it. The purpose of the courts to enforce both the Constitution and the laws of the state. How does the town plan to go around this?

Attorney O'Connell responded that legislature passes law and the court issues decrees. The town plans to go around this by invoking the precedent of Roche vs. Fairfield. This town is not exercising eminent domain. If it were a taking, it would have occurred many decades ago when the town first used these properties for municipal purposes. No one complained at that time and ever since no one has complained. The persons whom may have had a documented interest in the land a couple of decades ago, those are the people who would have an opportunity to have complained about that, and they did not do so.

Mike Goodwin, Norwich Avenue: In order for the proprietors of these properties to defend against adverse possession, would they have to show they have taken an active part to maintain the property or have been paying taxes since the town has been using it?

Attorney O'Connell explained that they would have to show his/her interest has descended through the centuries by way of deeds or probate. If that person can assert this, then yes, they would have to explain why he/she hasn't been doing anything about the property all this time.

Michelle Kersey, Clubhouse Road: How will the people of the town be notified if this passes this evening and how long will it take?

Attorney O'Connell stated that any communication between the citizens and Board of Selectmen, would be up to the Selectmen. If the town gets a decree from the court stating that the properties are owned by the Town of Lebanon, then this would constitute ownership on part of the town. These documents would be filed on the land records at Town Hall and the Assessor would take note. The town will have to prove to the court that it has attempted to give sufficient notice to the descendants of these 51 proprietors. The town must satisfy the judge because those people are entitled, and that could take a portion of time. Mr. Stefon will have to

obtain factual research, along with a professional A2 survey. We will have to file pleadings which could take a better part of a year.

Steve Wengloski, Lebanon Avenue: Would like to know how many acres is being taken? Will the Selectmen take what they want? Would like to see an A2 survey.

First Selectman Petrie explained that the Public Works Garage as what is seen visibly now, would be the parcel. The Lebanon Town Hall parcel which is bounded on Route 87, Route 207 and West Town Street - that area proper. The Green, based upon information from the research, represents that we have had historical usage that represents where a ball field was. If you are to look where the flagpole is, it would go no further than the flagpole and over to Route 87 and over to Route 207; very much a rectangle. That would create a boundary with the Church. The parcel trying to be carved out would go be between the present Library, to the flagpole and over to Route 87. That does not mean that is where the Library will expand through. This is the portion the town can present that it has had historical usage of. Library planning and the addition have not been completed. Regarding the parking plan for the Library, if you come out of what is referred to as the Alden Tavern parking lot, immediately next to the Community Center on Route 87, coming out of that very first driveway onto the Green, the curbing for the parking of the Library addition would be immediately on your right. It would go no further at present than that location from what we have seen thus far. The remainder of that space between there and the flagpole is unknown. It is not for a parking lot or for anything other than the town can represent that it has had historical use of that portion of the property.

Russell Hyde, Reservoir Road: Commended Attorney O'Connell and Gerry Stefon on their research stating that these old records and deeds are murky, non-descript and it takes work to read them. Over the 300+ years, there has not been a problem with this in any regard. Any mediation could add up to a lot more in the future and this matter needs to be resolved. This will be money well spent in this day and age to clear this up. No one has contested the use of this. It is time to move forward on this. We have three buildings on un-deeded land and needs to be straightened out, whether the library goes forward or not.

Doreen Brewster, Oliver Road: Requested clarification that not only would the library take ownership of the parcel that it sits on, but it will take ownership of land into the Green for a parking lot and beyond? Or whatever they want to use it for? Once the town owns that parcel, is it deemed by the town how that piece of land is used?

First Selectman Petrie responded that when coming across from the Alden Tavern parking lot, the initial plans for the Library addition were to have parking immediately on your right as you come out of that parking lot to the Green. The town has represented that it can demonstrate use historically of an area that contained a ballfield, and that the ballfield to the outfield boundary line was generally by the flag pole. It is not being suggested that the parking is going to the flagpole. Those plans are not final. The Lebanon Green is part of the State Historical Preservation efforts and has been placed in the National Register of Historic Places. SHPO, the agency that has brought this situation to light, has very much voiced their opinion about the parking plan. The First Selectman stated that she does not know where the parking will end up and that will be up to the Library Building Committee. The property will be owned by the Town, not the Library. This will go from Route 207 and 87 to the flagpole, in that rectangular shape, that would be the portion of land that would be owned by the town. The town, through tax dollars, has been paying insurance, mowing around the Green, and maintenance of the walking path for many years. People use the Green, and it is one of the most wonderful attributes of our community. It is our attempt to continue with the Library project that was voted on a year and half ago.

Jim Mello, Beaumont Highway: Why didn't the Selectman want pursue ownership of the entire Green?

First Selectman Petrie stated that historically, the Lebanon Green cannot be represented for historical purposes. Based on Gerry's information, we have maintained up to the ballfield portion on a regular basis. This three-member Board all have different ideas of what the boundary line should be. However, the Board is in agreement that the town needs to own a portion of this so that this project and other buildings can be owned by the town.

Greg Lafontaine, Gates Road: Asked about the unoccupied space next to the library, and what will be the process for deciding the use for that additional piece of town property? Is there a map to see what we are dividing other than a verbal description? What would be the process for development on the undeveloped land?

First Selectman Petrie responded that at present, if anyone were to ask to use the Green, other than the Church, those requests would come through the Town Hall to use property we don't own. There is no map, but we could get information from Gerry and Ed. Remarked there is no answer that would be acceptable. With regards to development, at present, there is an approved addition to the library. The town has given the Building Committee the authority to execute the plan that was voted on 18 months ago. The Board of Selectmen have not discussed how the remainder of the property would be used. With the addition of the library, there would have to be space for septic and other matters. The development for that particular land for the library would have to meet certain standards.

Selectman John Bendoraitis noted that this development takes place through the Building Committee, and there has been money authorized at a town meeting for that purpose. The Building Committee would have to come back to town meeting for approval should there be requests or changes to plans. If there is additional space to be developed, that too it would have to come back to town meeting.

Jason Nowosad, Trumbull Highway, further commented that there is an elected Planning and Zoning Commission for the town, and also the Design Review Board for the Green itself. Any development would have to be presented to these commissions for review. Town Meeting would have to appropriate funds to build anything. There are many layers to prevent overdevelopment of these three properties going forward.

Selectman Glen Coutu stated the Selectmen would like to provide a document or survey, but the Board would need dollars to provide these. If the town had not received the matching million-dollar grant from the state, this project would have moved forward. What brought this issue to a head was that SHPO needed to see proof of ownership of this land in order to proceed. This is not the Board wanting to take the Green land to the flagpole. This is what we were dealt in order to move forward.

Mark Tollman, Cook Hill Road: Requested clarification on how far down the Green would this parcel go.

First Selectman Petrie responded the town has had historical usage of a baseball field and that area to which the Library addition would encroach is that section of the Green. This portion has been seen on a sketch, but there are no funds to do a professional A2 survey at this time.

Wolfgang Reichlin, Waterman Road: Concern about septic system for the library and asked if the tests for the septic failed.

First Selectman Petrie stated that this information is accurate. Five test pits were done, and three of them did not pass the State health code.

Diane Malozzi, Burnham Road: Concern that areas that the town maintains now, even though it is not ours, the town could run into this situation years from now.

Keith LaPorte, Clubhouse Road: Called the question.

Moderator Tollman stated that there are people in the audience who have not had an opportunity to speak or ask questions, and the meeting will continue so that everyone has a chance to speak.

John Drum, Tobacco Street: Would like to see an A2 survey before moving forward.

Jason Huling, Gregory Road: Stated that if the town does not do these three parcels all together, it will cost more money to bring them to court separately. There is no money in the budget to do an A2 survey.

Brock Littlefield, Exeter Road: How is town intending to use these three town parcels? What would be done with Public Works?

First Selectman Petrie stated the town will need a decree to proceed. Tonight we are discussing allocating funds for future use and maintenance of each of these municipal properties. We do need to own all three because there might be improvements. There are permits for people to sign as owner of the property. If the town does not own it, any permit for improvements could not be signed.

Edna Pelto, Card Street: Stated that this meeting is only to appropriate up to \$250,000 to proceed to get clear title to these three parcels of land. We cannot do A2 surveys without the money. We need the money to do A2 survey to show people pictures.

Ron Bergeron, Lebanon Avenue: Is there a time constraint to this matching grant and could the town lose it? Do we need money to complete the plan for the expansion? Has the Green been taxed or have the people who own any pieces of the Green been taxed?

First Selectman Petrie responded that the town has requested, and has received a one-year extension into 2018 for the grant. The one million-dollar donation from the anonymous benefactor of Hugh Trumbull Adams, has been returned. They are very much aware of our circumstance, and they have committed in the future to providing that funding again once this matter has been resolved. The town has not borrowed money for the expansion. It does not make any sense to borrow money that the town authorized until this matter has been resolved. Two million dollars of this funding was coming from outside resources, the remainder from tax dollars. As far as taxing of the Green, no one owns the Green – and we do not know who they are.

Tom Meyer, Bogg Lane: We cannot do anything with these three parcels without resolving this issue and stated he is in favor of doing this.

Lisa Matson, Lake Williams Drive: Will there be ice skating this year if the town does not own this part of the Green?

First Selectman Petrie: It will be up to Mother Nature to provide enough rain to accumulate and cold enough to produce ice for skating.

Robin Chesmer, Trumbull Highway: Stated that he values the Lebanon Green and agricultural heritage. The walking path brings our community together, and the Green is a proud asset to our town. The town needs to understand what we own. We need to investigate this matter and to figure it out and is a very valid thing to do. Supports expending the \$250,000.

Moved by Al Vertefeuille, seconded by Ron Bergeron to call the question.
Vote called - Motion passed.

Moved by Jim Mello, seconded by Jason Huling to vote by show of hands.

Moderator Tollman called the question: *“Consider and act upon appropriating \$250,000 from fund balance for the purpose of quieting title to the three town properties used for municipal purposes: the Jonathan Trumbull Library property, the Town Hall property and the Town Garage property”*

Vote called by show of hands: Item passed.

Moved by Liz Charron, seconded by John Bendoraitis to adjourn the meeting at 8:57 PM.
Vote called - Motion passed.

Respectfully Submitted,

Mary Ellen Wieczorek CCTC
Assistant Town Clerk

