

WINDHAM TOWN COUNCIL AGENDA

WINDHAM TOWN HALL MEETING ROOM

Tuesday, September 14, 2010 - 6:45 P.M.



Special Teleconference Meeting

1. Call to Order

Mayor Ernest S. Eldridge called the Town Council special teleconference meeting at 6:45 p.m.

Town Council members present: Erika Haynes, Arnaldo Rivera, Christel Donahue, Mike Lessard, David J. Howe Sr., Lorraine McDevitt, Ernest S. Eldridge, N. Joseph Underwood and Teresa Santucci (arrived at 6:47 p.m.)

Town Council members excused: Jerry Iazzetta and Kevin Donohue.

2. Resolution

a. **Discussion and possible action to adopt a resolution authorizing the acquisition of a public utility easement for the Magnet School and to move to a Town Meeting on September 28, 2010 at 6:00 p.m.**

***Santucci arrived at 6:47 p.m.**

McDevitt MOVED, Underwood seconded to adopt resolution # 2517.

BE IT RESOLVED by the Town Council THAT

1. Findings.

The Town Council:

- (1) Has considered the development of a public water line for the Magnet School on Tuckie Road across privately owned land between Club Road and the site for the Magnet School on Tuckie Road, against alternatives that include the development of a groundwater well;
- (2) Has considered the benefits to the public and to the private interests that will result from the development of the Magnet School, and has determined the public benefits outweigh any private benefits;

- (3) Has determined the current use of the property, landlocked open land, cannot be feasibly integrated into the overall development plan for the Magnet School for reasons that include that the land size would exceed that allowed by the state grant legislation;
- (4) Has determined that the acquisition of the property is reasonably necessary to successfully achieve the objectives of the development of the Magnet School, in that it will provide needed public utilities to the school site and avoid delays, avoid the use of ground water, and avoid possible adverse impacts on groundwater-based existing or future uses.

It is therefore RESOLVED, That the Town Council hereby approves the acquisition of a utility easement, by agreement or, failing agreement after offer to pay compensation, by eminent domain exercised pursuant to the general statutes, under or over land substantially described as follows:

“A certain piece or parcel of land, lying within property designated as Assessors’ Tax Map 5-5, Block 232, Lot 9, whose description commences at a point or place of beginning on the westerly side of Old Mansfield Road, within the Town of Windham, at a point which may be located or found as follows:

Begin at a point at the southwest property corner of lands now or formerly of Homesite, LLC, said point located on the easterly Right-of-Way line of Old Mansfield Road as depicted on Map entitled “Property Taking Map Of A Portion Of Lands Of Victor Cuoghi & Roxanna I. Cuoghi, Being A Portion Of Property Designated As Tax Map 5-5, Block 232, Lot 9 Also Known As No. 67 Old Mansfield Road, Situated In The Town Of Windham, County Of Windham, State Of Connecticut” Scale 1”=80’, Dated September 7, 2010 prepared by The BSC Group, Inc.; thence traverse along said easterly Right-of-Way line of Old Mansfield Road the following three (3) courses and distances as follows:

- N 04°58'05" E for a distance of 345.45 feet to a point;
- Thence N 06°20'50" W for a distance of 214.09 feet to a point;
- Thence N 09°21'05" E for a distance of 239.05 feet to a point;

Thence turning across the Right-of-Way of Old Mansfield Road N 80°38'55" W for a distance of 33.00 feet to a point on the westerly Right-of-Way line of the Old Mansfield Road, which last point is the point and place of beginning.

Said parcel being hereafter described “Easement Taking Parcel - A”, and is described as follows:

Commencing at the point or place of beginning, and thence traversing along the westerly Right-of-Way line of the Old Mansfield Road S 09°21'05" W for a distance of 30.73 feet to a point on the westerly Right of Way line of the Old Mansfield Road and at the southeasterly corner of the hereinafter described Easement Parcel;

Thence traversing along the southerly line of the Easement Taking Parcel - A and through the property of Victor & Roxanna I. Cuoghi the following two (2) courses and distances:

- N 56°19'03" W for a distance of 522.17 feet to a point;

- Thence S 89°33'09" W for a distance of 635.23 feet to a point in the division line between the subject parcel and land now or formerly of St. Joseph's Catholic Congregation;

Thence along said division line N 08°55'46" E for a distance of 28.38 feet to a point;

Thence along the northerly line of the proposed Easement Taking Parcel –A through the property of Victor & Roxanna I. Cuoghi the following two (2) courses and distances:

- N 89°33'09" E for a distance of 639.20 feet to a point;
- Thence S 56°19'03" E for a distance of 518.10 feet to the point or place of beginning.

Said piece or parcel of land containing 32,406 ± Sq. Ft., being 0.744 Acres more or less.”

The Town Council further resolves and recommends to the Town Meeting that the Town acquire the same, for the public purpose of bringing and providing utilities to and from a public school.

And further, to authorize the Town Manager to sign, execute and deliver such instruments, reports, appraisals and agreements, and to pay a purchase price that is approved by the State of Connecticut Commissioner of Education, that are reasonably necessary to carry out the aforesaid resolution and acquisition.

Be it further resolved

That a Town Meeting be called for Tuesday, September 28, 2010, at the time of 6 p.m., to be held at the Town Hall, to consider and act upon this said resolution.

MOTION PASSED UNANIMOUSLY.

3. Adjournment

Town Council meeting was adjourned at 6:53 p.m.

Submitted By:

Neida I. Rosado

Clerk of the Town Council