



TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, CT 06339-1511

Legislation Details (With Text)

File #: 22-670 **Version:** 1 **Name:**

Type: General Discussion **Status:** Passed

File created: 10/20/2022 **In control:** Town Council

On agenda: 1/25/2023 **Final action:** 1/11/2023

Title: MOTION set a Hybrid Public Hearing date for January 25, 2023 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately 0.8 acre +/- parcel on Bush Pond (Lantern Hill Valley Park).

Attachments: 1. Bush Pond-Graham-Ledyard- 99 year lease-draft-2-22-12-19.pdf, 2. A2 Survey map.- Bush Pond-Lantern Hill Lease-2022-01-10pdf.pdf, 3. CGS 8-24 Referral Approved-Graham Property Lease Bush Pond-Planning & Zoning ltr2022-11-12.pdf, 4. Lantern Hill Proeprty Lease-Saums Questions-e-mail-2022-11-30.pdf, 5. Graham Property-Lantern Hill-Bush Pond-Parks & Rec-Upstart & Annual Maintenance Costs-2023-01-04.pdf, 6. PHOTOS-BUSH POND-LANTERN HILL ROAD-GRAHAM PROPERTY-2022-01-09.pdf, 7. CGS-7-163e- Sale of Town Property- Public Hearing.pdf, 8. Bush Pond-Conservation ltr-Support -Latern Hill Road-2022-06-22 Park.pdf, 9. LHVA Parcel -Graham Property Park-map.png, 10. LHVA Park -Bush Pond-aerial.jpg, 11. CGS 8-24 Planning & Zoning Review Requireddocx.pdf, 12. Bush Pond-Lantern Hill Road Lease-Fagin e-mail-2023-01-09.pdf

Date	Ver.	Action By	Action	Result
1/11/2023	1	Town Council	Approved and so declared	Pass
1/9/2023	1	Land Use/Planning/Public Works Committee	Recommended for Approval	Pass
11/7/2022	1	Land Use/Planning/Public Works Committee	No Action	

CONTRACT/LEASE

Subject/Motion:

MOTION set a Hybrid Public Hearing date for January 25, 2023 at 6:30 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately 0.8 acre +/- parcel on Bush Pond (Lantern Hill Valley Park).

Background:

In accordance with CGS 7-163e a Public Hearing is required to enter into a lease of property.

CHAPTER 98*

MUNICIPAL POWERS

Sec. 7-163e. Public hearing on the sale, lease or transfer of real property owned by a municipality. (a) The legislative

body of a municipality, or in any municipality where the legislative body is a town meeting or representative town meeting, the board of selectmen, shall conduct a public hearing on the sale, lease or transfer of real property owned by the municipality prior to final approval of such sale, lease or transfer. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the real property that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. The municipality shall also post a sign conspicuously on the real property that is the subject of the public hearing.

(b) The provisions of subsection (a) of this section shall not apply to (1) sales of real property, except parkland, open space or playgrounds, if the fair market value of such property does not exceed ten thousand dollars, (2) renewals of leases where there is no change in use of the real property, and (3) the sale, lease or transfer of real property acquired by the municipality by foreclosure

Additional Background:

Bob and Betsy Graham purchased a piece of land on the twenty-three-acre Bush Pond which was parallel to Long Pond.

Mr. and Mrs. Graham removed a number of the decrepit cottages and cleaned up the property.

Mr. and Mrs. Graham would like to give/gift about 550 linear feet of the pond frontage to the Town, which was the middle section of the pond. Because Ledge Light Health District required a certain amount of reserve area for the remaining cottages on the parcel (one cottage on the south side and three cottages on the north side) that the property could not be divided to give a portion of the parcel to the Town.

Mr. and Mrs. Graham have offered the Town an opportunity to enter into a 99-year Lease to provide a waterfront park for the Town.

The Town could not construct a building on the parcel but could put in a gazebo for picnicking, and the Graham's would allow the town to put a port-a-john on the property seasonally.

The parcel would be under the Administrative Control of the Parks & Recreation Department and would allow fishing, picnicking canoeing and kayaking.

#200-009 *“An Ordinance Providing For The Transfer Of Certain Revenue From The Real Estate Conveyance Tax To Specific Town Of Ledyard Funds”*

“.....A sum equal to forty percent (40%) of the money thus received shall be deposited to Fund 8, the Parks and Recreation Capital and Non Recurring Expense Fund; an additional forty percent (40%) of said money shall be deposited to Fund 6, Capital and Non Recurring Funds, to be used only for capital/infrastructure expenses; and the remaining twenty percent (20%) of said money shall be deposited to Fund 6, Capital and Non Recurring Funds, with an Acquisition of Open Space Allocation.” (Please see attached ordinance)

Planning & Zoning Commission Meeting 11/10/2022 (See attached letter dated 11/13/2022)

Conducted an 8-24 Review.

Finance Director's Recommendation:

(type text here)

Mayor Recommendation:

(type text here)

Meeting Action Detail:

Town Council Meeting 01/11/ 2023

File #: [22670](#) Version: 1

Type: Land Use

Title: MOTION to set a Hybrid Public Hearing date for December 14, 2022; at 6:00 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

“A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately .75-acre +/- parcel on Bush Pond (Lantern Hill Valley Park.

Moved: Paul Seconded: Rodriguez

Action: Approved and so declared

Minute Note:

Moved by Councilor Paul, seconded by Councilor Rodriguez Discussion: Councilor Paul provided some background stating that Mr. and Mrs. Graham purchased a piece of land on the twenty-three-acre Bush Pond which was parallel to Long Pond. He stated that the Grahams have done a lot of work to clean-up the property which included the removal of a number of dilapidated cottages and has provided access to the property, noting that previously there was no public access to Bush Pond.

Councilor Paul went on to explain that Mr. and Mrs. Graham have offered the Town an amazing opportunity to lease a portion of the property for 99-years for \$10.00 per year for the public to use as a waterfront park. He noted that the Finance Committee reviewed the proposed Lease at their January 4, 2023 meeting. He concluded his comments by thanking Mr. and Mrs. Graham for this very generous opportunity.

Councilor Rodriguez stated this was an extremely generous offer to the Town. She noted Mayor Allyn, III, provided some photographs of the property at the Land Use/Planning/Public Works Committee January 9, 2023 meeting, and she noted that it was a gorgeous piece of property.

Chairman Dombrowski stated tonight's action was only to schedule a Public Hearing to obtain public comments regarding the proposed lease.

8 - 0 Approved and so declared

Action: Approved and so declared

Land Use/Planning/Public Works Committee Meeting 01/09/ 2023

File #: [22670](#) Version: 1

Type: Land Use

Title: MOTION to set a Hybrid Public Hearing date for December 14, 2022; at 6:00 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

“A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately .75-acre +/- parcel on Bush Pond (Lantern Hill Valley Park).

Moved: Paul Seconded: Rodriguez

Action: Recommend to approve

Minute Note:

Moved by Councilor Paul, seconded by Councilor Rodriguez

Discussion: Councilor Paul stated this action was to schedule a Public Hearing to obtain public comments regarding the proposed lease.

VOTE: 3 - 0 Approved and so declared.

Action: Recommend to approve

Land Use/Planning/Public Works Committee Meeting 11/07/2022

File #: [22670](#) Version: 1

Type: Land Use

Title: MOTION to set a Hybrid Public Hearing date for December 14, 2022; at 6:00 p.m. to be held in the Council Chambers, 741 Colonel Ledyard Highway, in accordance with CGS 07-163e, to receive comments and recommendations regarding the following:

“A proposed Lease Agreement between Robert and Mary Graham and the Town of Ledyard to enter into a 99-year lease for approximately .75-acre +/- parcel on Bush Pond (Lantern Hill Valley Park) with the following caveats:

1. *There shall not be any construction of a building on the parcel.*
2. *The town would be allowed to erect a gazebo.*
3. *The town would be allowed to place a port-a-john on the property seasonally.*
4. *Non-motorized activities would be allowed at the Lantern Hill Valley Waterfront park such as fishing, picnicking, canoeing, and kayaking.”*

Action: No Action

Minute Note:

Chairman Dombrowski stated that no action would be taken on items # 3 & #4 this evening because the draft Lease has not come back from the Attorney. He stated they should have a draft Lease by the end of November.

Action: No Action (Next Meeting 12/5/2022)

Additional Background/Meeting Detail:

Town Council Meeting 7/27/2022

File #: [22418](#) Version: 1

Type: Land Use

Title: MOTION to authorize the Mayor to engage professional services to conduct a survey and draft a legal description of the .75-acre +/- parcel on Bush Pond in preparation to enter into a 99-year lease for \$1.00 with Robert and Betsy Graham.

In addition, appropriate up-to \$5,000 from Account # (Open Space Acquisition) to pay for the survey, the legal description and other administrative services associated to the proposed leasing of the parcel.

Mover: Saums **Seconder: Ryan**

Action: Approved

Minute Note:

Moved by Councilor Saums, seconded by Councilor Ryan

Discussion: Councilor Saums provided some background noting that Bob and Betsy Graham purchased a piece of land on the twenty-three-acre Bush Pond which was parallel to Long Pond. He stated Mr. and Mrs. Graham hired a demolition contractor to remove the decrepit cottages, which included the structures and all the subsurface infrastructure, foundations, etc., and the land has been returned to its original state. He went on to explain that Mr. and Mrs. Graham would like to give/gift about 550 linear feet of the pond frontage to the Town, which was the middle section of the pond. However, he explained because Ledge Light Health District required a certain amount of reserve area for the cesspools for the remaining cottages on the parcel (one cottage on the south side and three cottages on the north side) that the property could not be divided to give a portion of the parcel to the Town. Therefore, he stated that they were discussing a 99-year lease to provide a waterfront park for the Town. He because Mr. and Mrs. Graham have already taken on a lot of the expense, with the removal of the decrepit cottages as noted above, that there would be some expenses for the town that would involve surveying and drafting a legal description of the three-quarter acre parcel to attach to the Lease. He stated the leased property would be under the Administrative Control of the Parks & Recreation Department and would allow non-motorized activities such as fishing, picnicking, canoeing, and kayaking. Councilor Saums concluded by stating that this area of Bush Pond was previously inaccessible to the public because it was surrounded by private property owners. He concluded by stating that Mr. and Mrs. Graham's generosity was amazing

Mayor Allyn stated the Town would not be able to construct a building on the parcel, but they could put in a gazebo for picnicking, and the Graham's would allow the town to put a port-a-john on the property seasonally.

VOTE: 8- 0 Approved and so declared

Action: Approved

Finance Committee Meeting 7/20/2022

File #: [22418](#) Version: 1

Type: Financial Business Request (FBR)

Title: MOTION to authorize the Mayor to engage professional services to conduct a survey and draft a legal description of the .75-acre +/- parcel on Bush Pond in preparation to enter into a 99-year lease for \$1.00 with Robert and Betsy Graham.

In addition, appropriate up-to \$5,000 from Account # (Open Space Acquisition) to pay for the survey, the legal description and other administrative services associated to the proposed leasing of the parcel.

Mover: Ingalls Seconder: Ryan

Action: Recommend to Approve

Minute Note:

Moved by Councilor Ingalls, seconded by Councilor Ryan

Discussion: Mayor Allyn, III, stated Bob and Betsy Graham purchased a piece of land on the twenty-three-acre Bush Pond which was parallel to Long Pond. He provided an overview of the property as shown in Attachment *LHBA-Bush Pond Aerial* below and he noted the following:

- Two structures were condemned (south end of map).
- The third structure was a detached garage.
- The fourth structure located on the point was the only habitable cottage.
- The property also included two or three cottages further north on the parcel, which were in good condition, and would remain in place.

Mayor Allyn went on to state that Mr. and Mrs. Graham hired a demolition contractor to remove the decrepit cottages, which included the structures and all the subsurface infrastructure, foundations, etc., and the land has been returned to its original state.

Mayor Allyn continued to explain that Mr. and Mrs. Graham would like to give/gift about 550 linear feet of the pond frontage to the Town, which was the middle section of the pond. However, he explained because Ledge Light Health District required a certain amount of reserve area for the cesspools for the remaining cottages on the parcel (one cottage on the south side and three cottages on the north side) that the property could not be divided to give a portion of the parcel to the Town. Therefore, he stated that they were discussing a 99-year lease to provide a waterfront park for the Town. He stated because Mr. and Mrs. Graham have already taken on a lot of the expense, with the removal of the decrepit cottages as noted above, that there would be some expenses for the town that would involve surveying and drafting a legal description of the three-quarter acre parcel to attach to the Lease. He stated the Town could not construct a building on the parcel, but they could put

in a gazebo for picnicking, and the Graham's would allow the town to put a port-a-john on the property seasonally.

Mayor Allyn, stated the use of this parcel was a great opportunity for the town, noting that it would be under the Administrative Control of the Parks & Recreation Department and would allow fishing, picnicking, canoeing and kayaking.

Councilor Ryan stated with the decrepit cottages being removed the property has increased in value. He questioned if the town does move forward with leasing the .75 acres on Bush Pond whether the property owners would be responsible to pay the taxes on the property.

Mayor Allyn stated because the use of the .75 acres of land would be "Open Space" that he did not know the value of the property at this time and that he would talk to the Tax Assessor. He stated the use of the Open Space Fund would be appropriate to pay for the survey, and legal description that would be associated to the land lease. He stated because Mr. and Mrs. Graham would still own the property that it would not come off the tax role and he noted that the Grahams were aware of this, and they were willing to pay the taxes on the property that the town would be leasing.

Mayor Allyn also noted that Lantern Hill Valley Association and area property owners have provided letters of support to offer the .75 acres of land on Bush Pond to the Town for public access. Councilor Saums noted that the Conservation Commission has also provided a letter of support dated June 21, 2022.

The Finance Committee noted that Mr. and Mrs. Graham's generosity was amazing.

VOTE: 3 - 0 Approved and so declared

Action: Recommend to Approve