



Legislation Text

File #: 22-032, Version: 2

CONTRACT/LEASE

Subject/Motion:

MOTION to approve a proposed “*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*” for the lease of approximately 0.8 +/- parcel on Bush Pond as presented in the draft dated December 19, 2022.

Background:

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

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

Mr. and Mrs. Graham have offered the Town an opportunity to enter into a long-term lease for 0.80+/- acre portion of the parcel with approximately 550 linear feet of the pond frontage for public access.

Initially Mr. and Mrs. Graham wanted to gift a portion of the property to the Town. Due to Health District requirements, a certain portion of property must remain as a reserve area for the remaining cottages on the parcel (one cottage on the south side and three cottages on the north side). Given that, a direct donation of the ownership of the parcel was not possible.

The Terms of the proposed Lease was for 99-year Lease at a cost of \$10.00 per year and included 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 Bush Pond- Lantern Hill Valley Waterfront Park such as fishing, picnicking, canoeing, and kayaking.”*

The parcel would be under the Administrative Control of the Parks & Recreation Department

In accordance with Ordinance #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)

Capital Improvements estimated cost and estimated annual maintenance are noted below:

Lantern Hill Valley Park (Bush Pond)

	Quantity	Unit Price	Total	Recurring	Notes
Rectangular picnic table	1	\$1,300	\$1,300	N	8' Vinyl coated HD rectangular picnic table
ADA picnic table	1	\$1,500	\$1,500	N	8' Vinyl coated HD ADA rect. picnic table
Seasonal Port-a-John	1	\$62	\$558	Y	Contract price for P&R- Full Year cost
Picnic Pavilion	1	\$18,400	\$18,400	N	14x20 hip roof, Carefree Small Bldgs.
Concrete floor	1	\$5,300	\$5,300	N	16x22 poured floor
Protective bollards Mow/maintain	2	\$295.00	\$590.00	N	Protect front pavilion posts, plus install/ concrete
trash removal	1	\$41.67	\$500	Y	Annual cost
TOTAL Up-Start (Estimated)			\$28,148		
TOTAL ANNUAL MAINTENANCE (Estimated)			\$1,648		

The funding source to support the capital improvements would be paid from the Parks and Recreation Capital Account as noted above (Ordinance #200-009). Parks and Recreation would be including the Park’s improvement costs in their Fiscal Year 2023/2024 Capital Improvement Plan budget submittal.

The annual maintenance costs would be paid from the Parks and Recreation Operating Account.

Although the picnic pavilion and other improvements may not be completed right-a-way, the Park would be available for public access by Spring, 2023 for activities such as fishing, kayaking, or canoeing.

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

At the regular Planning and Zoning Commission meeting held on November 10, 2022, the Commission members voted unanimously to forward a FAVORABLE REPORT to the Town Council for their request for the Town to enter into a 99-year lease agreement for approximately .75-acres of a property located at 600 Lantern Hill Road for a roadside park with parking and access to Bush Pond for small craft such as kayaks and canoes (Lantern Hill Valley Park) adding that the requested project is in keeping with the Ledyard POCD which states "Community facilities provide for the health, welfare and convenience of residents and add to the quality of life."

Finance Director’s Recommendation:

(type text here)

Mayor Recommendation:

I support his motion and thank the Graham’s for this opportunity. They are and continue to be excellent stewards of our lands and waterways. Also of note, the A-2 survey and Schedule A (legal description) cost was \$2,450. The land lease is being drafted by Counsel now.

Meeting Action Detail:

Town Council Meeting 01/25/2023

File #: [22032](#) Version: 2

Type: Contract-Lease

Title: MOTION to approve a proposed “*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*” for the lease of approximately .75-acre +/- parcel on Bush Pond.

Moved: Paul Secoded: Rodriguez

Action: Approved and so declared

Minute Note:

Moved by Councilor Paul, seconded by Councilor Rodriguez
Discussion: A Public Hearing was held earlier this evening.
VOTE: 9 - 0 Approved and so declared

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

File #: [22032](#) Version: 2

Type: Contract-Lease

Title: MOTION to approve a proposed “*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*” for the lease of approximately .75-acre +/- parcel on Bush Pond.

Moved: Rodriguez Secoded: Marshall

Action: Recommend to Approve

Minute Note:

Moved by Councilor Rodriguez, seconded by Councilor Marshall
Discussion: Mayor Allyn, III, 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 Mr. and Mrs. Graham removed a number of the dilapidated cottages and cleaned up the property taking on a lot of the expense to open up the property making it more accessible. He stated at the Town Council’s July 27, 2022 they authorized funding to conduct a land survey, draft a legal description of the three-quarter acre parcel, and to perform a title search. He also noted that the Town Attorney and the Graham’s Attorney have worked together to draft the proposed lease presented this evening.

Mayor Allyn went on to note the terms of the proposed 99-year lease would allow the town to use the 0.8 +/- acres

of the privately owned property as a waterfront park for passive (non-motorized) recreation such as canoeing, kayaking, fishing, etc., for a leased amount of \$10.00 per year. He explained that the Town could not construct a building on the parcel but that they could put in a gazebo for picnicking, and that the Graham's would allow the town to put a port-a-john on the property seasonally. He noted that the parcel would be under the Administrative Control of the Parks & Recreation Department. He stated that he worked with Parks & Recreation Director Scott Johnson, Jr., to provide some cost estimates at the Finance Committee's January 4, 2023 meeting noting initial cost for things such as the picnic pavilion, concrete floor, picnic tables, boat launch, etc. totaled approximately \$28,148 and that the annual maintenance for seasonal trash collection, porta-john, grounds maintenance such as grass mowing, etc. was estimated to cost about \$1,648.

Councilor Rodriguez noted in response to Councilor Saums' November 30, 2022 e-mail regarding the town's cost to maintain the Busch Pond - Lantern Hill Valley Park that Mayor Allyn and Parks and Recreation Director Scott Johnson, Jr. presented cost estimates.

Councilor Paul questioned the amount of space for parking. Mayor Allyn stated the parking would be limited noting there would be space for about eight vehicles, the picnic pavilion would be about 14'X20" and would have two weatherproof picnic tables, noting that one picnic table would be ADA accessible, and two concrete steel bollards to prevent vehicles from backing into the pond, as well as signage.

Mayor Allyn, thanked Mr. and Mrs. Graham for their generous offer, noting that it was an incredible gift to the town.

The LUPPW Committee noted the site was beautiful and that they appreciated Mr. and Mrs. Graham's generous offer to the town.

VOTE: 3 - 0 Approved and so declared.

Action: Recommend to Approve

Finance Committee Meeting 01/04/2023

File #: [22032](#) Version: 2

Type: Contract-Lease

Title: MOTION to approve a proposed "*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*" for the lease of approximately .75-acre +/- parcel on Bush Pond.

Moved: Ryan Seconded: Ingalls

Action: Recommend to Approve

Minute Note:

Moved by Councilor Ryan, seconded by Councilor Ingalls

Discussion: Councilor Saums 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 explained that initially Mr. and Mrs. Graham wanted to give/gift about 550 linear feet of the pond frontage to the Town, which was the middle section of the pond. However, he stated 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. Therefore; he stated that Mr. and Mrs. Graham have decided to offer the Town an opportunity to enter into a 99-year Lease to provide a waterfront park for the Town.

Mayor Allyn, III, stated that Mr. and Mrs. Graham removed a number of the dilapidated cottages and cleaned up the property taking on a lot of the expense to open up the property making it accessible. He stated at the Town Council's July 27, 2022 he was authorized to have a survey conducted and to draft a legal description of the three-quarter acre parcel. He also noted that the Town Attorney and the Graham's Attorney worked together to draft the proposed lease presented this evening. He thanked Mr. and Mrs. Graham for their generous offer, noting that it was an incredible gift to the town and he thanked them for attending tonight's meeting.

Mayor Allyn went on to note the terms of the proposed 99-year lease would allow the town to use the 0.8 +/- acre piece of the property as a waterfront park for passive (non-motorized) recreation such as canoeing, kayaking, fishing, etc., for a leased amount of \$10.00 per year. He explained that the Town could not construct a building on the parcel but that they could put in a gazebo for picnicking, and that the Graham's would allow the town to put a port-a-john on the property seasonally. He noted that the parcel would be under the Administrative Control of the Parks & Recreation Department, and he stated that he worked with Parks & Recreation Director Scott Johnson, Jr. to provide some cost estimates this evening that would make the property ready for use by town residents and for the annual maintenance.

Parks and Recreation Director Scott Johnson, Jr. addressed the costs to make the property ready for use by town residents and for the annual maintenance. He noted that he expected to receive a cost estimate tomorrow for the grass cutting. He reviewed the cost estimates as follows:

Councilor Saums explained the reason these cost estimates were provided this evening was because the Finance Committee needed to ask what the long-term costs to the town would be by leasing the waterfront property. He stated there would be some one-time capital improvement costs estimated to cost \$28,148; and an annual maintenance cost of about \$1,648.

Councilor Ryan questioned the funding source to support the Lantern Hill Valley Park (Bush Pond). Director Mr. Johnson explained that Parks and Recreation would use funding from their Capital Account for the initial capital expenses such as the Picnic Pavilion, Concrete Floor, Picnic Tables, etc. He explained that under Ordinance #200-009 "*An Ordinance Providing For The Transfer of Certain Revenue From the Real Estate Conveyance Tax To Specific Town of Ledyard Funds*" a percentage of the conveyance tax that the town received was allocated the Parks and Recreation Capital Account to be used for park improvements and capital other expenses. He also noted that the Parks and Recreation had some boat docks that were previously used at the Highlands Lake which he thought could be installed at Bush Pond to be used for a boat launch, explaining that the Capital Account could be used for the ramps and pylons to secure the boat docks/launch. He stated the annual maintenance, such as mowing, trash pick-up and port-a-john would be paid from the Department's maintenance operating accounts.

Mr. Johnson noting that he was preparing his budget submittal for next year and he stated that he would be

including the one-time start-up costs for Bush Pond in the Parks and Recreation's Fiscal Year 2023/2023 Capital Improvement Plan (CIP).

Councilor Rodriguez questioned when the waterfront park would be available for public use. Mayor Allyn replied stating that although they may not have the picnic pavilion and concrete floor poured, that the property could be ready for public use by Spring, 2023, noting that Mr. and Mrs. Graham have already done a tremendous amount of work on property.

Also discussed was installing some safety barriers along Lantern Hill Road to prevent vehicles from going off the road into the water.

The Finance Committee thanked Mr. and Mrs. Graham for their very generous offer to lease a portion of Bush Pond to the Town for \$10.00 per year for 99-years to be used for a waterfront park for residents to enjoy.

VOTE: 3- 0 Approved and so declared

Action: Recommend to Approve

Land Use/Planning/Public Works Committee Meeting 12/5/2022

File #: [22418](#) Version: 2

Type: Land Use

Title: MOTION to approve a proposed "*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*" for the lease of approximately .75-acre +/- parcel on Bush Pond.

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.

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

File #: [22418](#) Version: 2

Type: Land Use

Title: MOTION to approve a proposed "*Lease Agreement between Robert and Mary Graham and the Town of Ledyard*" for the lease of approximately .75-acre +/- parcel on Bush Pond.

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.

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