

**TOWN OF SOMERS  
BOARD OF SELECTMEN  
AGENDA – SPECIAL MEETING  
Wednesday, January 27, 2010, 7:00 p.m.  
Selectmen's Conference Room**

- 1 Call to order – First Selectman Lisa Pellegrini called the meeting to order at 7:00 p.m.
- 2 Members present – Kathleen Devlin, Joseph Tolisano & Lisa Pellegrini. Also present was Town Attorney Carl Landolina, Marcia Mitchell, recording, and approximately 90 interested citizens.
- 3 Public Hearing: Ms. Pellegrini requested Ms. Mitchell to read the Public Hearing Notice:

Notice is hereby given that the Somers Board of Selectmen will hold a public hearing on Wednesday, January 27, 2010 at 7:00 p.m. in the Town Hall Auditorium, 600 Main Street, Somers, Connecticut to discuss a proposal to convey 0.477 acres from the Town of Somers to GCS Land Development Corp as shown on a map entitled "Boundary Plan Prepared for George Schober Old Springfield Mountain Rds Somers/Stafford, Connecticut Scale 1" – 40 Date 11-29-09". Said premises are located on Stafford Road/Old Springfield Road near its intersection with Mountain Road. The proposed transfer will settle a legal dispute and possible legal action between the Town and GCS Land Development Corp and will be made subject to a Conservation Easement in favor of the Town as well as full releases in favor of the Town. A copy of the above-referenced map or plan is available for public inspection at the office of the Somers Town Clerk. Dated at Somers, Connecticut on January 11, 2010, and January 19, 2010. Published on January 13, 2010 and on January 20, 2010.

Ms. Pellegrini introduced town attorney Carl Landolina and asked him to begin by outlining the history of this case. Maps depicting the location of the subject property were projected so that everyone could see its location and size in relation to the surrounding lots. Attorney Landolina said that he had recommended settlement of this case to the Planning Commission and to the Board of Selectmen, and that both boards were in support of the settlement. He explained that under the Somers Town Charter, transfer of land must be decided by a town meeting vote, and that the purpose of this hearing was to be certain that interested citizens be heard prior to the town meeting vote.

Attorney Landolina explained why he was recommending settlement:

- He is 100% confident that the Town will be sued if the current action was not settled;
- The monetary exposure to the town could be significant under a lawsuit;
- Though the town has insurance coverage to protect it and its employees, boards and commissions under this type of action, the insurance company would reserve its right to withdraw coverage if the facts discovered during the trial process supported that action. This would leave the town with a potential judgment against it if it did not prevail, that may or may not be covered by insurance, and another potential lawsuit against the insurance company if coverage was withdrawn.

Attorney Landolina said that the question to be answered was whether the town believes it should risk the exposure of being sued or believes it should settle this case by transferring property.

Attorney Landolina turned the meeting back over to Ms. Pellegrini, who requested that those interested in being heard state their name and address for the record. She said that the meeting would proceed with those speaking in favor of the settlement first, followed by those speaking against the proposal.

Speaking in favor of the settlement:

John Parks, 352 Billings Road  
Donna Doyker, 743 Stafford Road  
Doug Miller, 18 Rocky Dundee Road  
Judy Schober, 98 Rocky Dundee Road  
Don Wasik, 78 Nutmeg Drive  
Charles Emery, 78B Main Street  
George Schober, 98 Rocky Dundee Road  
Bradley Pellissier, 167 Scully Road

Those speaking in favor of the settlement were primarily concerned with the town's potential exposure to a lawsuit.

Speaking against the settlement:  
Todd Whitford, 95 Skyridge Drive  
Albert Socha, 95 Franklin Woods Drive  
Dick Hutton, 213 Pinney Road  
Dave Arnold, 9 Dillenback Road  
Connie Arnold, 9 Dillenback Road  
Charles Carson, 6 Camp Road

Those speaking against the settlement were primarily concerned with the details of the potential lawsuit, the potential setting of a precedent this settlement could precipitate, and the degradation of the town's character as a result.

There being no further discussion, Ms. Pellegrini asked the selectmen for a motion to move the topic to a town meeting for a vote. ***Motion (Mr. Tolisano), second (Ms. Devlin) and unanimous vote to move the topic to the town meeting for a vote.***

- 4 Adjournment – ***Motion (Ms. Devlin), second, (Mr. Tolisano) and unanimous vote to adjourn the meeting at 8:02 p.m.*** Ms. Pellegrini immediately convened the Town Meeting, and the minute taking was turned over to the Town Clerk.

Respectfully submitted,

Marcia L. Mitchell  
Exec. Asst./Ops. Mgr.  
Recording Secretary

***MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING***