

E-Trak Mass Emails to Community Gardens Participants

July 22, 2022 to July 25, 2022

Monday, July 25, 2022

Following today's discussions with CT DOT, I am very pleased to share CT DOT has advised they are open to discussions to allow gardening at the current location. The discussion may take several months, including throughout the fall. We are hopeful an arrangement will be made to allow the gardens to remain throughout the discussions.

Some of you have reached out directly to CT DOT personnel. From this point forward, please allow the Town's attorney to be the one voice on behalf of the Town on this matter.

We will keep you advised and thank you for your continued patience.

The matter will be on the August 2nd agenda, though I expect it will only be to inform the BOS and the public of this update.

Thursday pm, July 21, 2022

We received emails from a number you today. We thought it would be helpful to respond to the entire group so everyone has the same information.

First, as clarification, this came as big of a surprise to us as it has to all of you. The individual who issued the letter had made an inquiry at some point during the pandemic, but we didn't hear anything else until the letter.

The letter stated, based on an annual inspection in March, the gardens were noted to be illegally encroaching on state-owned property. It stated the lease only allowed for passive recreation and the storage of landscaping materials (the DPW storage area-our comment) and that community gardening was not allowed. It also noted we were charging a fee without compensating the State, which was an

additional violation of the lease. We immediately instructed our legal counsel to reach out to understand what had happened and to seek to resolve the matter.

As a gesture of good faith during those discussions, we decided to halt use of pesticides, as that was mentioned as a concern during the discussions, and to refund fees you all had paid for that reason.

CT DOT was firm in their position, but our attorney was able to negotiate a 90-day delay. Based on information we received from some of you today, our attorney is reaching back out to CT DOT with that information and to seek a further delay until the end of November. We will update you once we hear back.

Many of you have asked why after so many years did CT DOT take this action. If it was overlooked for years, why aren't they overlooking it now? We don't have a specific answer. A few years ago, this same department took a similar hard stand related to the NRVT, including the already built section. We fought it with the full support of the elected representatives and senators of the 5 NRVT towns. After more than 18 months, we lost. The position taken by this same department was supported by the Office of Policy and Management, which both the Attorney General's Office and the Governor's Office indicated had ultimate decision-making responsibility. Not only did we lose in our efforts, but the NRVT expansion was at a standstill during those 18+ months.

In this case, CT DOT has been just as firm. That is why we immediately began focusing on an alternative location for the gardens. A proposal will be provided to the Board of Selectmen at the August 2nd meeting.

Questions have been received as to whether the State has an undisclosed alternative use for the property or if there are known hazardous materials on the property or if the town has some undisclosed alternative use for the property.

- There has been no indication from the state that they have an alternative use. The Town's current 5-year lease expires in November 2023. The State only offers 5-year renewals. Before this notice, we had publicly stated we hoped to obtain a longer lease term.
- During our NRVT discussions, the State made it clear that if and when hazardous materials are found on state-owned property they have an obligation to disclose and clean up those materials regardless of the cost. There has not been notice of any found hazardous materials
- The Town doesn't have an alternative use for the property. The Town is investigating turfing either Allen's 5 or 6. Both of those fields are located on town-owned property, not state-property.

As above, once we hear back regarding the request for an additional two months extension, we will send a follow up email.

Thank you,

Lynne Vanderslice and Steve Pierce

Thursday am, July 21, 2022

We have had further exchanges with the CT Department of Transportation related to the community garden plots located on state-owned land and leased to the Town. We were informed gardening is not an allowed use for land leased by the State.

CT DOT originally required garden activity cease and all fencing and other materials be removed upon the receipt of notification. Fortunately, we were able to reach an agreement with the State to extend the deadline to September 30, 2022.

This information was shared at last night's Board of Selectmen meeting. The Board was supportive of continuing the community garden program on a new town-owned site. We are developing a proposal to be presented at a future Board of Selectmen meeting. Once the new site has been determined and presented, we will provide an additional email update. We anticipate any new site will require preparation work by the Town during the fall in order to be ready for the program in the spring.

In order to meet the September 30, 2022 deadline, we ask all program participants to remove any materials on your plot and any fencing you installed prior to Monday September 26th.

If you have any questions about the lease or the discussions with CT Department of Transportation, First Selectwoman Lynne Vanderslice encourages you to email her directly at @lynne.vanderslice@wiltonct.org. Any questions about current operations or the removal of materials or fencing should be addressed to Steve Pierce at Steve.pierce@wiltonct.org.

Thank you for understanding and patience as we develop what we anticipate to be a welcome and permanent site for the community gardens programs.