



BERCHEM
MOSES^{PC}
MEMORANDUM

To: Wilton Board of Selectmen
From: Nicholas R. Bamonte, Esq.
Date: February 17, 2022
Re: Hoffman's Landscapes Property Transfer



The Board of Selectman has supported the Town's involvement in the anticipated property transfers that will be necessary for Hoffman Landscapes, Inc. ("Hoffman's") to become the title owner of the Danbury Road property that it currently occupies and has leased from the State of Connecticut for many years. The State will first sell the property to the Town for nominal administrative costs of \$1,000, and then the Town will sell the property to Hoffman's for the recently appraised value of \$1,107,500. Those funds will then pass through the Town back to the State, and Hoffman's will reimburse all of the Town's costs including attorney fees.

In August 2021, this Board reiterated its support for the transfers, but expressed some concern over possible environmental liability. In response, Hoffman's has since provided a Phase 1 environmental study and an indemnification agreement protecting the Town against any potential future environmental claims. I have reviewed these documents and believe that they adequately protect the Town going forward.

Therefore, the current request before this Board is to approve¹ the first step in this process – the Town's acquisition of the property for the \$1,000 administrative costs borne by the State. In doing so, this Board must also approve the State's appraised value of the property of \$1,107,500, as set forth in the attached correspondence dated November 3, 2021 from the State Department of Transportation.

If this Board approves the request, next steps will proceed as follows:

1. Town notifies the State of formal acceptance of the State-appraised value of the property.
2. State obtains final authorizations from State Treasurer, State Properties Review Board (this could take months) and the Attorney General's office.
3. State quitclaims property to the Town, Town pays administrative costs to State.
4. Town seeks requisite approvals for disposition of the property to Hoffman's:
 - a. Planning and Zoning C.G.S. § 8-24 review and report; and
 - b. Board of Selectmen approval² of the sale after a public hearing and notice to owners within 500 ft.
5. Town quitclaims property to Hoffman's, Hoffman's reimburses the Town for all costs and fees.
6. Town transfers sale proceeds to the State.

¹ Under Charter Article IV, this Board is authorized to accept gifts of real property in the name of the Town and may expend up to 0.25 % of the total annual budget without Town Meeting or Board of Finance approval.

² The sale price from the Town to Hoffman's is below 1% of the budget, and therefore will not require full Town Meeting approval.