

Ouch-Tabor Total Adding Up!

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In a sobering reminder of the cost that the recent court decision concerning the Tabor Drive legal matter has been to taxpayers, the RTM last week appropriated another \$1 million to help pay the expected litigation costs. The RTM set aside the necessary funds in a unanimous vote, but town officials are vowing a fight to reverse the shocking decision rendered against Branford this past summer, when a circuit judge ordered the town to cough up more than \$18 million to compensate the developers and owners of the 75-acre parcel. Newly appointed town attorney William Clendenen was in the hot seat as he explained to frustrated RTM members how complex and difficult defending Branford in this matter will be. Clendenen said that he is currently getting up to speed on the case, but cautioned against expectations that the issue would be resolved cheaply or quickly. There are two sides to the case—the valuation of the property and the damages—and Clendenen said that both aspects are being defended simultaneously. The developers were suing the town over the cost of the property when it was seized by eminent domain in 2002. A decision went in the developers' favor when a judge this summer valued the property at more than \$4 million. The other lawsuit concerns damages to the developers over the seizure; Circuit Court Judge William Cremins in a controversial ruling decided this past August that the town needed to cough up more than \$12 million to the developers as compensation for wrongful seizure of the parcel. While picking his words carefully, it was clear that Clendenen had questions of his own about how the previous litigators defended taxpayers in this matter. "I had a full and frank discussion with the former attorneys and was not pleased. We want to know why certain things were done, and why certain things were not done. I am hopeful that within 30 days we can solicit responses about from them about this," said Clendenen. "We are talking about substantial

expenditures and we want to know what happened.” The town attorney specifically said that he and his office would not fight the case in the press and was careful in how he worded his remarks to the RTM. However, it was clear that RTM members and Clendenen have unanswered questions about exactly what occurred during the litigation of this case. Although Clendenen was adamant that he was not accusing anyone of wrongdoing, his words did not lead listeners to believe the case has been handled with full competence. The accusation that several important filings were not placed with the court in time has been levied at the previous town attorney and may be the basis of future legal action. “We will leave no stone unturned and I am endeavoring to do that. We are not suggesting at all that anyone misbehaved, but we are looking at this,” said Clendenen. First Selectman Unk DaRos summed up many of the RTM members’ thoughts when he said before the meeting that the town isn’t rolling over. “Towns like Branford are easy targets—if you don’t put up a good defense,” said DaRos. “In the end a good defense doesn’t cost—it pays. Unfortunately the town has seen the results when you don’t put up a proper defense. But I am confident that we will get a resolution in our favor.” The \$1 million appropriated at the meeting now brings a total of \$4 million for defense and costs associated with the case. Almost \$3 million has already been spent.