



TOWN OF MANSFIELD
TOWN COUNCIL MEETING
MONDAY, JANUARY 13, 2003
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING

7:00 p.m.

AGENDA

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TOWN OF MANSFIELD
Special Town Council Meeting
Mansfield Senior Center
Saturday, December 14, 2002

Minutes

I. Call to Order

Mayor Betsy Paterson called the meeting to order at 9:05 a.m.

II. Roll Call

Present: B. Bellm, G. Haddad, A. Hawkins, E. Holinko, E. Paterson, C. Schaefer, C. Thorkelson, W. Rosen

III. Business

The council members present determined that, due to a full agenda, they would not be able to take public comment at today's meeting.

1. *Nomination of Member to Mansfield Housing Authority.* Greg Haddad made a motion to reconsider the appointment of Alice Kinne to the Mansfield Housing Authority. Al Hawkins seconded the motion. Greg indicated that Ms. Kinne's appointment should be reconsidered because, as a housing authority resident, she would not be allowed to vote on certain financial and residential matters. The motion passed unanimously.

Greg Haddad then made a motion to reject the appointment of Alice Kinne to the Mansfield Housing Authority. Al Hawkins seconded and the motion passed unanimously. The Committee on Committees will work to identify another nominee for the council's review.

2. *Business Sponsorship and Commercial Advertising in Town Parks.* Carl Schaefer made a motion to schedule a public hearing for 7:30 p.m. at the town council's regular meeting on January 27, 2003 to solicit public comment concerning the proposed amendment to the Parks Regulations to allow the location of temporary sponsorship signs/banners in town parks. Greg Haddad seconded. After some discussion, the motion passed unanimously.

The council also directed staff to modify the language in section 194-1(J)(8) to limit the location of signs/banners to the three sites listed in subsection (2).

3. *Community Center Staffing Proposal.* Al Hawkins made a motion to reconsider Bill Rosen's December 9, 2002 motion to: "establish [effective December 9, 2002] the positions of assistant director of parks and recreation, aquatic director, health and fitness director, director of marketing and special events, head lifeguard, health and fitness specialist, administrative office supervisor, receptionist, head custodian and custodian, and to authorize the town

manager to negotiate with the appropriate bargaining units to set salary ranges for these positions." Eric Holinko seconded. The motion to reconsider passed 7-0-1 (Chris Thorkelson abstaining).

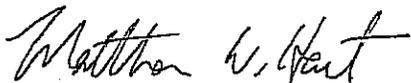
After considerable discussion, Bill Rosen moved the question. The motion passed unanimously.

4. *Holiday Lighting in Storrs Center.* Matt Hart reported that the Mansfield Downtown Partnership's Advertising Committee was considering the placement of holiday lighting at various commercial and public buildings in the Storrs Center area, and desired the council's input regarding the idea. The consensus among the council members was in support of the proposal as long as the town would not incur any additional costs for the lighting.
5. *Federal Homeland Security Funding for First Responders.* Carl Schaefer made a motion to authorize the mayor to submit a letter to the president requesting federal funding for first responders. Bruce Bellm seconded. The motion passed unanimously.
6. *Major Projects Update.* In the interest of time, Matt Hart and Martin Berliner provided a very brief overview of town staff's current major projects.

IV. Adjournment

The mayor adjourned the meeting at approximately 11:30 a.m.

Respectfully submitted,



Matthew W. Hart
Assistant Town Manager

REGULAR MEETING-MANSFIELD TOWN COUNCIL-DECEMBER 9, 2002

The regular meeting of the Mansfield Town Council was called to order by Mayor Elizabeth Paterson at 7:32 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building

I. ROLL CALL

Present: Bellm, Haddad, Hawkins, Holinko, Paterson, Rosen, Martin, Thorkelson
Absent: Schaefer (who is ill)

II. APPROVAL OF MINUTES

Mr. Rosen moved and Mr. Thorkelson seconded to approve the minutes of November 25, 2002.

So passed unanimously.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Susan Keplesky, 734 Storrs Road, read a letter to the Council in support of the sponsorship banners.

Denise Merrill, State Representative for the town, expressed support for concerns expressed by persons regarding the Homeland Security Act and the possible impact it may have on Town and State officials.

Mike Bohalsky, feels that the football banners have the support of the business community. He feels that these allow many more students to participate in sports.

Doreen Simmonson, 43 Chatham Drive, urged the Council to allow the sponsorship banners. Putting the signs up and down is not practical. There is also no storage facility.

Victor Kaplan, 8 Mansfield Hollow, spoke in support of a resolution initiated from the Democratic Town Committee. He is very concerned over the Patriots Act, passed by the Federal legislation. He believes it will greatly affect our civil liberties. The Attorney General has too much control and the Act, because it is so broadly based, will affect the way both state and local governments do business.

Richard Sherman, Chairman of the Democratic Town Committee, Pinewoods Lane, supports the committee's resolution, and that local government must address the issue of the Patriot Act. He feel that there needs to be a firm policy about these concerns and it is a local issue.

robert keplesky

From: "robert keplesky" <rkeplesky@worldnet.att.net>
To: "Mr. John "Chris" Thorkelson" <chris.thorkelson@asd-1817.org>; "Mr. Carl Shaefer" <carl.schaefer@uconn.edu>; "Mr. J.C. Martin" <jc.martin@excite.com>; "Mr. Alan Hawkins" <alan.r.hawkins@snet.net>; "Mr. Eric Holinko" <aholinko@yahoo.com>; "Ms. Elizabeth Paterson" <elizabeth.paterson@uconn.edu>; "Mr. Gregory Haddad" <gregory.haddad@po.state.ct.us>; "Mr. Bruce Bellm" <bbellm@cs.com>
Sent: Tuesday, September 10, 2002 5:02 PM
Subject: Sponsorship Banners

December 9, 2002

Audrey P. Beck Building
4 South Eagleville Road
Storrs/Mansfield, CT 06268-2599

Dear Sir or Madam:

We would like you to vote to allow the display of banners that recognize the businesses that support children sports programs in Mansfield. We are very pleased to see businesses in the community supporting civic activities like Little League baseball. Youth sports programs are an important part of what makes Mansfield a terrific place to live and raise a family. Allowing recognition banners is a zero cost way for the Town to help the youth sports organizations continue to provide high quality programs. Without the help of the local business community, many families in town would not be able to afford the increased registration fees that would be necessary to replace this support. As a community, we should be finding more ways for families to participate in these programs, not discouraging them to do so.

Our volunteers are already responsible for the preparation, training, and supervision of hundreds of players each week. This requires many hours both on and off the field. To require that they also hang and remove the banners for each event seems ludicrous. Please consider the enormity of the task you are proposing.

In closing, we do not find the banners offensive. We find them a source of civic pride.

Thankyou,
Robert and Susan Keplesky
734 Storrs Road
rkeplesky@att.net

9/10/02

Tracy Olander, 436 Warrenville Road, read a letter from her husband in support of the sponsorship banners on athletic fields.

Mary Rogers, spoke on the USA Patriot Act. She is very concerned over the possible loss of civil liberties, that there may be a potential for abuse, for invasion of privacy and the profiling of citizens leading to a new crime of domestic terrorism.

Dennis Mullaney, 102 Mansfield City Road, supports sponsorship banners on the athletic fields as a way to support the various sports.

Jennifer Stone, 656 Chaffeeville Road, is a Social Studies Teacher, and is concerned over the implications of the USA Patriot Act. She would support the Town Council with a resolution making a statement on this issue.

Dianne Nadeau, 150 Thornbush Road, spoke in favor of the banners on the athletic fields. Putting up the signs and taking down the signs before and after each event would be a burden on the volunteers. There is also no storage for the signs.

Joe Pandolfo, Riverview Road spoke on the USA Patriots Act. He presented the Council with an article in the "Human Rights" magazine of the American Bar Association, an article "In these times" about libraries being requested to give out information on patrons, and an article in the "Chronicle" about the UConn student who was deported.

Betty Gardner, 98 Foster Drive, spoke on the USA Patriot Act which makes changes in the legal structure within how the law enforcement and intelligence communicates operate.

She is concerned that there will be a loss of liberty.

John Zizka, 224 Spring Hill Road, supports sponsorship banners on the athletic fields. If the Town does not allow banners then the Town must be willing to fund more support to the various sports. Not practical to take down the banners each time.

Ruth McLaughlin, Separatist Road, came to this country with a green card. Visa permissions take a longtime to apply, and discussed the case of the UConn student who was recently deported.

Mr. Hawkins moved and Mr. Martin seconded to move up on the agenda the Annual Report by the Arts Advisory Committee, the Annual Report of the Cemetery Committee and the presentation concerning Eastern Highlands Health District.

So passed unanimously.

Under NEW BUSINESS:

6. Annual Report-Arts Advisory Committee

----- Original Message -----

From: Skip Olander

To: Burke Family

Sent: Monday, December 09, 2002 10:31 PM

Subject: Banners

Mansfield Town Council,

My name is Skip Olander. I live at 436 Warrenville Road. I have lived in town for thirteen years. My wife Tracy and our three children enjoy living in Mansfield. Our children are involved in the sports programs in the town. Our friends in this town are people that we have met thru the town sports programs. A wonderful group of people I might add. Many volunteer their time so that the youth in our town can better benefit from their sports experience. We all know how important it is to keep children involved in positive programs.

I have the greatest respect for people who volunteer their time for the good of a community. This certainly goes for the members of the town council, our community leaders. Through the years I have seen you take action for the betterment of our community. I am really baffled at the town council's reluctance to allow sponsorship signs on Field A at Southeast Park. It is also disappointing to hear comments pertaining to "fire trucks carrying signs" and "what is next beer commercials." It also appears that a very small interest group within a powerful political group is opposing the banners. If you cry wolf too many times you lose credibility.

Here are some reasons that I feel you should allow the banners. The foremost is that it is a great way to raise money. Gone are the days when the cute little Little Leaguer dressed in uniform and container in hand went door to door on the one fund raising day of the year. It is very difficult to get people involved in fund raisers either as participants or organizers. Time is a big commodity now a days. (This past year the league needed new equipment badly. Equipment is very expensive. When you are considering things that protect the Childs safety, you want to get the best possible.) Next year the National Little League is requiring that all people involved in little league have a background check. This could cost as much as \$18.00 per person. There is not a town that I have seen that doesn't allow sponsorship on their athletic fields. (Ours were much more tactfully done, I might add.) Also in many towns the sponsorship signs are painted on the fences so they are permanent.

I am not in favor of the current proposal of taking them down after every game. This task might have to be done 4 to 6 times a week.

Respectfully submitted,

Skip Olander

12/9/2002

101 COUNCIL
RECORD, 12/8/02

excerpted articles from
American Bar Association
Human Rights magazine
Winter - 2002
www.abanet.org/irr/hr.html

USA Patriot Act The Good, the Bad, and the Sunset

By John Podesta

Recent tragic events have brought about a rapid reconsideration of the legal restrictions placed on law enforcement and the intelligence communities. On October 26, President Bush signed into law the USA Patriot Act (Patriot Act), which makes significant changes in the legal structure within which the law enforcement and intelligence communities operate. This article focuses on the key provisions of the Patriot Act that pertain to electronic surveillance and intelligence gathering. Notwithstanding the haste with which Congress acted, the provisions of the new law relating to electronic surveillance, for the most part, are a sound effort to provide new tools for law enforcement and intelligence agencies to combat terrorism while preserving the civil liberties of individual Americans. Some changes simply update our surveillance laws to reflect the fact that we live in a digital age. Other sections expand the surveillance powers of our law enforcement and intelligence communities in ways that make sense in light of the new threats facing our country.

When we decide, however, to expand surveillance powers to track terrorists, *all* residents, not just the terrorists, are affected. A common problem running through many of the new authorities contained in the Patriot Act is the reliance on executive branch supervision rather than meaningful review by a neutral magistrate of the potentially highly intrusive surveillance techniques that are authorized. There are several common sense changes that could be made to the new law that would provide better protections for civil liberties without sacrificing security. Because of the rapidity with which the law was enacted, Congress, wisely, included a four-year sunset of many of the provisions of the new Act. That sunset will allow Congress to make some needed adjustments, hopefully in a calmer climate, and strengthen the protections for civil liberties without sacrificing security.

Section 216

The Patriot Act substantially changes the law with respect to law enforcement access to information about computer use including Web surfing. Reaching for an analogy from the old rotary dialed telephone system, the Act extends provisions written to authorize installation of pen registers and trap and trace devices, which record outgoing and incoming phone numbers, to authorize the installation of devices to record all computer routing, addressing, and signaling information. The government can get this information with a mere certification that the information likely to be obtained is relevant to an ongoing criminal investigation.

Today, with more than fifty million U.S. households online, when more than 1.4 billion e-mails change hands every day, when computer users surf the Web and download files using phone lines, mobile devices, and cable modems, the government can learn a tremendous amount of information about you from where you shop to what you read to who your friends are through the use of so-called transactional records. The potential for abuse, for invasion of privacy, and for profiling citizens is high. That's why it is disappointing that the authors of this provision settled for an incredibly weak standard of judicial oversight. A better analogy might have been to the provision of the Electronic Communications Privacy Act governing access to the stored records of Internet service providers, which permits a judge to satisfy herself that there are specific and articulable facts that the information sought is relevant and material to the ongoing investigation. This is a provision that Congress should review as part of its sunset process and amend.

Section 203

Previously, domestic law enforcement and foreign intelligence collection operated on separate tracks. This separation was seen as necessary because of the very different legal regimes that are associated with domestic law enforcement and foreign intelligence collection. The events of September 11, which involved several individuals who had lived in our country for some time, made it clear that more cooperation between domestic law enforcement and foreign intelligence collection was necessary. Section 203 facilitates this cooperation by allowing "foreign intelligence information" gathered in criminal investigations by domestic law enforcement to be shared with the intelligence community. In this manner, section 203 enables the intelligence community access to critical information that might otherwise be unavailable.

The definition of "foreign intelligence information" contained in the Patriot Act is quite broad. Foreign intelligence is defined to mean "information relating to the capabilities, intentions, or activities of foreign governments or elements

thereof, foreign organizations, or foreign persons or international terrorist activities." The definition goes on to specifically include information about a U.S. person that concerns a foreign power or foreign territory and "relates to the national defense or the security of the United States" or "the conduct of the foreign affairs of the United States." The sharing of such a broad range of information raises the specter of intelligence agencies, once again, collecting, profiling, and potentially harassing U.S. persons engaged in lawful, First Amendment-protected activities.

Section 203 provides some protection against abuse by requiring that when information originates from grand juries or wiretaps, the attorney general must establish procedures for the disclosure of "foreign intelligence information" that identifies a U.S. person. These safeguards need to be strengthened in two regards. First, to prevent unnecessary dissemination of information about a U.S. person to the intelligence community, such procedures should also be required for information obtained in domestic criminal investigations generally. Second, information subject to grand jury secrecy rules should only be disseminated with authorization from a court.

Section 206

The Foreign Intelligence Surveillance Act (FISA) facilitates domestic intelligence gathering related to foreign powers by allowing the collection of such information without the legal restrictions associated with domestic law enforcement. Section 206 of the Patriot Act modernizes FISA wiretap authority. Previously, FISA required a separate court order be obtained for each communication carrier used by the target of an investigation. In the era of cell phones, pay phones, e-mail, instant messaging, and BlackBerry wireless e-mail devices such a requirement is a significant barrier in monitoring an individual's communications. Section 206 allows a single wiretap to legally "roam" from device to device, to tap the person rather than the phone. In 1986, Congress authorized the use of roaming wiretaps in criminal investigations that are generally subject to stricter standards than FISA intelligence gathering, so extending this authority to FISA was a natural step.

The main difference between roaming wiretaps under current criminal law and the new FISA authority is that current criminal law requires that law enforcement "ascertain" that the target of a wiretap is actually using a device to be tapped. Section 206 contains no such provision. Ensuring that FISA wiretaps only roam when intelligence officials "ascertain" that the subject of an investigation is using a device, before it is tapped, would prevent abuse of this provision. For example, without the ascertainment requirement, it is conceivable that all the pay phones in an entire neighborhood could be tapped if suspected terrorists happened to be in that neighborhood. Bringing FISA roaming wiretaps in line with criminal roaming wiretaps would prevent such abuse and provide greater protection to the privacy of ordinary Americans.

Section 213

The 1986 Electronic Communications Privacy Act granted the government the authority to delay notification for search of some forms of electronic communications that are in the custody of a third party. Section 213 statutorily extends the ability of law enforcement to delay the notice to any physical or electronic search with a showing that notice would create an "adverse result." This provision is an effort to improve the government's ability to investigate suspected terrorists by granting law enforcement greater leeway to operate clandestinely. To a large extent, section 213 simply codifies existing law enforcement practice in a manner consistent with recent court decisions. Nevertheless, the "adverse result" standard (defined in 18 U.S.C. § 2705), by virtue of its ambiguity, creates the potential for abuse. As a result, section 213, which is not currently subject to the four-year sunset contained in the Act, should, nevertheless, be carefully reviewed at that time.

Section 217

If someone unlawfully enters your home, you can ask the police to enter your premise without a warrant to investigate. Section 217 clarifies that similar authority applies to "computer trespassers." This allows law enforcement, with the permission of the owner of a computer, to monitor a trespasser's action without obtaining an order for a wiretap. This provision constrains the ability of hackers to use computers without being detected.

Although most law-abiding computer users' online activities will not be monitored by the government as a result of section 217, the new authority may be overbroad. A "computer trespasser" is defined as anyone who accesses a protected computer (which includes any computer connected to the Internet) without authorization. Individuals who exceed their terms of service agreements with their Internet service provider or individuals who use their computer at work to download an MP3 file could be subject to intrusive government monitoring. While the need to respond quickly to malicious hacking, such as denial of service attacks, provides a basis for this provision, section 217 should be amended to require court authorization for monitoring of individual users that exceeds forty-eight hours in duration.

Section 218

Prior to the enactment of FISA in 1978, the intelligence community had virtually unchecked authority to conduct domestic surveillance of U.S. citizens and organizations. FISA created a special court to ensure that "the purpose" of domestic intelligence gathering was to obtain foreign intelligence information. The FISA court structure and sole purpose standard attempted to balance the need to collect foreign intelligence information without the constraints of the Fourth Amendment with increased protections for Americans exercising their First Amendment rights. But the sole purpose test has created operational difficulties for foreign intelligence investigations that uncover criminal wrongdoing and lead to an investigation of the criminal conduct. The events of September 11 further blur the line between foreign intelligence investigation and domestic law enforcement and the ability to jointly work the case and share information between the intelligence and law enforcement communities has become more important in the context of the investigations of Al Qaeda. Section 218 loosens the standard of a FISA investigation by requiring a showing that the collection of foreign intelligence information is "a significant purpose" rather than "the purpose" of an investigation. Section 218 is an important tool for counterterrorism but, since probable cause is not required under FISA, it also raises the possibility that U.S. citizens who are not terrorists could have their homes searched and communications monitored without probable cause. Therefore, section 218 deserves special attention when it expires in four years.

Conclusion

Many of the electronic surveillance provisions in the Patriot Act faced serious opposition prior to September 11 from a coalition of privacy advocates, computer users, and elements of high-tech industry. The events of September 11 convinced many in that coalition and overwhelming majorities in Congress that law enforcement and national security officials need new legal tools to fight terrorism. But we should not forget what gave rise to the original opposition—many aspects of the bill increase the opportunity for law enforcement and the intelligence community to return to an era where they monitored and sometimes harassed individuals who were merely exercising their First Amendment rights. Nothing that occurred on September 11 mandates that we return to such an era. If anything, the events of September 11 should redouble our resolve to protect the rights we as Americans cherish. Therefore, as the new powers granted under the Patriot Act begin to be exercised, we should not only feel more confident that our country has the tools to be safe but we should be ever vigilant that these new tools are not abused.

John Podesta is a visiting professor of law at the Georgetown University Law Center. He served as President Clinton's chief of staff from 1998-2001.

Intelligence, Terrorism, and Civil Liberties

By Kate Martin

History has repeatedly demonstrated the dangers of allowing governments to secretly collect intelligence on their own people. When government authority extends beyond law enforcement—investigating criminal activity—it has inevitably been followed by abuses. A key lesson learned from the domestic intelligence abuses before the mid-1970s was the necessity for a wall between law enforcement and intelligence in order to protect civil liberties. Careful lines were drawn between law enforcement activities and the previously unchecked secret intelligence agencies to meet the demands of both national security interests and civil liberties.

Terrorist crimes, however, do not fit neatly into the pigeonholes of law enforcement versus intelligence, criminal versus foreign policy matters. Intelligence is an essential tool in combating terrorism and recent events have made only too clear that greater coordination is needed between the intelligence community and the FBI and other law enforcement agencies.

While the terrible attacks of September 11 dramatized the problem of coordination between the CIA and the FBI, the Bush administration's response has been simply to tear down the walls between law enforcement and intelligence activities. This war against terrorism may be the first where intelligence is described as the most important weapon, not in support of battlefield operations in Afghanistan, but inside the United States targeted against Americans.

But what has been missing is any analysis or public discussion of whether the CIA's expanded domestic presence will be an effective counterterrorism measure and if such an expanded role is needed, how to build in safeguards against the recurrence of past abuses.

Distinctions Between Intelligence and Law Enforcement

Secret intelligence agencies, necessary as they are, pose great danger to civil liberties and democracy. By necessity, these agencies must operate in secret, making it difficult to subject them to external oversight. Spying and covert activities overseas by definition violate the laws of the countries in which they occur. The result has been a history of political spying, unlawful disruption and surveillance on the domestic front, and covert actions abroad that for decades, disastrously undermined the building of democratic regimes and the rule of law.

When Congress created the CIA in the 1947 National Security Act (NSA), it drew the lines very sharply between the agency and the FBI in order to protect civil liberties. Thus, it prohibited the CIA from exercising any "police, subpoena, law-enforcement powers, or internal security functions." But by the early 1970s, as documented by the Senate "Church Committee" investigation, both the CIA and the FBI had embarked on a massive illegal program of political spying and disruption of the civil rights and anti-war movements, to name but a few. In the words of the Church Committee, the intelligence agencies had "adopt[ed] tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes. We have seen a consistent pattern in which programs initiated with limited goals, such as preventing criminal violence or identifying foreign spies, were expanded to what witnesses have characterized as 'vacuum cleaners,' sweeping in information about lawful activities of American citizens. . . . Unsavory and vicious tactics have been employed including anonymous attempts to break up marriages, disrupt meetings, ostracize persons from their professions, and provoke target groups into rivalries that might result in deaths. Intelligence agencies have served the political and personal objectives of presidents and other high officials." Overseas, the CIA had acted not only to collect intelligence, but also as the president's secret weapon to carry out covert actions ranging from illegal assassinations to overthrowing democratically elected governments.

The Church Committee found that the CIA had operated with no congressional oversight. Subsequent events show the difficulty of ensuring accountability of secret agencies. Even after enactment of the Intelligence Oversight Act of 1980 requiring the CIA to keep the oversight committees fully and completely informed of its activities, it continued to operate outside the confines of the law. The Reagan White House, for example, used the CIA to end-run legal limits on U.S. support for the Nicaraguan Contras, and CIA officials then lied to Congress about those activities.

One of the key reforms of the 1970s, in addition to the creation of the congressional oversight committees, was the attempt to enforce the original intent of the National Security Act: to create a wall between law enforcement and intelligence agencies and to eject the CIA from domestic activities. That wall has been most visible in the statutory authorities for eavesdropping: Title III governs wiretapping in the investigation of crimes and the 1978 Foreign Intelligence Surveillance Act (FISA) governs wiretapping of agents of a foreign power inside the United States for the purpose of gathering foreign intelligence. The distinction is also mirrored in the Attorney General Guidelines first promulgated by Edward Levi, which in the absence of any statutory charter for FBI investigations, set out the rules for Bureau activities. Those guidelines provide one set of rules for criminal investigations and another for gathering

foreign intelligence relating to espionage or international terrorism inside the United States. The rules for gathering foreign intelligence allow the government much wider latitude to gather information about Americans and keep it secret than are allowed under the criminal investigation rules.

Perhaps the most important protection against domestic abuses by the CIA, however, resides not so much in the Attorney General Guidelines, which have since been weakened, but in the different functions assigned to the CIA and the FBI. The CIA has been confined to gathering foreign intelligence abroad regarding the intentions and capabilities of foreign powers for use by government policymakers. The FBI has been responsible for law enforcement and for counterintelligence activities inside the United States, both counterespionage and the conduct of international terrorism investigations.

This difference in functions has been mirrored in the difference in agency methods. The CIA acts overseas and in secret, those activities are frequently illegal, and it collects information without considering individual privacy, Miranda rights, or evidence admissibility requirements. It is tasked not just with collecting information, but also with covert disruption and prevention. The agency gives the highest priority to protection of its sources and methods. In contrast, the FBI's law enforcement efforts involve the collection of information for use as evidence at trial, and its methods and informants are quite likely to be publicly identified. Perhaps most significantly, and unlike intelligence agencies, law enforcement agencies must *always* operate within the law.

Terrorism—A Law Enforcement and Intelligence Issue

Terrorism, like espionage and to a lesser extent international narcotics trafficking, is both a law enforcement and intelligence matter. Individuals like Osama bin Laden, while under indictment for the embassy bombings in East Africa, have acted in ways that fit more easily into traditional notions of state rather than individual power. As such, terrorism poses difficult analytical problems concerning the standards for investigation and the protection of intelligence sources and methods consistent with the requirements of due process. Terrorism investigations also stand at the intersection of First and Fourth Amendment concerns. It is crucial to distinguish between those engaged in criminal terrorist activity and those who may share the religious or political beliefs or the ethnic backgrounds of the terrorists, but do not engage in criminal activity.

Since the early 1990s, lawyers from the Department of Justice (DOJ), FBI, and CIA have worked to reconcile protection of intelligence sources and methods with constitutional requirements in criminal prosecutions. The DOJ proudly declared that it had fully respected constitutional requirements in convicting the foreign terrorist Fawaz Yunis, after initially luring him into international waters so that he could be captured for trial in the U.S. The need for reconciling law enforcement requirements and intelligence concerns has increased as Congress has expanded the extraterritorial reach of the U.S. criminal code (without, however, ensuring that constitutional protections accompanied the expansion of U.S. police power).

But instead of carefully considering how to use intelligence while respecting the rule of law, Congress has simply expanded intelligence authorities without enacting safeguards to protect against abuses. In 1994, Congress, in an amendment to FISA, authorized "black bag jobs"—secret searches of Americans' homes and offices—for intelligence purposes, in violation of Fourth Amendment requirements of knock and notice. The 1996 Anti-Terrorism Act allowed the use of secret evidence to deport individuals on the theory that the need to protect intelligence information outweighs an individual's basic due process right to see the evidence against him. Also, in 1996, with virtually no public comment except by the Center for National Security Studies, Congress amended the National Security Act of 1947 to assign the CIA law enforcement responsibilities, for the first time authorizing the CIA to undertake the illegal collection of information overseas for the sole purpose of making a criminal case against a foreigner in a U.S. court. Then in 2000, Congress granted blanket immunity to intelligence officials to violate certain U.S. criminal laws applying to overseas conduct. In none of these cases was there any consideration of the effect that expanding intelligence authorities in these ways would have on promoting the rule of law or respect for human rights.

None of these changes, however, is comparable to the seismic shift in responsibilities between law enforcement and intelligence agencies that has occurred since the September 11 attacks. Most disturbingly, the Bush administration pushed these changes through with no opportunity for careful analysis and public dialogue—the very things needed to find solutions that will be both effective against terrorism and protect constitutional rights.

The Patriot Act

The new anti-terrorism law, the USA Patriot Act (Patriot Act), first expanded the secret surveillance authorities under FISA. Although some changes might have been reasonable to meet recent technological developments, the Patriot Act turned the premise of FISA upside down and eliminated the constitutionally mandated requirement that these extraordinary powers be used only for foreign intelligence purposes, not when the government is seeking to make a

criminal case. It then put the director of central intelligence in charge of identifying which Americans to target for these wiretaps and secret searches.

In addition, the Patriot Act requires the Attorney General to turn over to the director of central intelligence all "foreign intelligence information" obtained in any criminal investigation, including grand jury information and wiretap intercepts. The need for law enforcement and intelligence agencies to cooperate and exchange information on terrorism is clear; however, this mandatory sharing is not limited to information related to international terrorism. Instead, the Act requires the DOJ to give the CIA *all* information relating to any foreigner or to any American's contacts or activities involving any foreign government or organization, without setting any standards or safeguards, for using the information. During congressional consideration of the bill, there was no discussion of the existing authority outlined in detailed memoranda by the DOJ's Office of Legal Counsel, which already permitted sharing of grand jury information with the intelligence community in carefully defined circumstances where it is clearly needed. Finally, the Patriot Act simply expanded the definition of terrorism, instead of carefully defining those criminal acts of international terrorism, where the CIA could be usefully involved.

Intelligence Instead of Law Enforcement

Within days of the Patriot Act's enactment, the administration undertook a series of steps that taken together suggest a deliberate decision to abandon the law enforcement paradigm for government investigations of individuals in the United States and to substitute an intelligence paradigm that seeks to secretly gather all information that might turn out to be useful. There is now reason to worry that the intelligence notion of covert disruption—as distinct from criminal investigation—will again be applied to individuals and groups inside the United States.

The administration has consistently justified its anti-terrorism measures as an intelligence operation designed to prevent further attacks not to prosecute criminal violations. They have argued that the secret arrests of hundreds of individuals without probable cause and their indefinite detention when charged only with minor immigration violations are an essential piece of a larger intelligence "mosaic." The DOJ has similarly defended its new policy of eavesdropping on the attorney-client communications of detainees as necessary to obtain intelligence information that would not be used in criminal proceedings against the detainee. Additionally, one of the key justifications for the president's extraordinary order authorizing secret military detention and trial of aliens arrested in the United States is the need to protect intelligence sources and methods.

These changes have been made with no public discussion of whether this fundamental shift to an intelligence rather than law enforcement model will in fact be effective in the fight against terrorism. It is not obvious that a dragnet approach to detaining individuals or an intelligence effort to collect all information, relevant or not, will be as effective as a focused law enforcement investigation aimed at identifying, surveilling, and arresting those involved in criminal activity.

We need to be concerned that means and ends have been turned on their head. Intelligence is no longer seen as an important means of protecting liberty and the rule of law, but rather protection of intelligence methods has come to be the justification for limiting liberty and the rule of law. It is crucial that we begin a public discussion about how intelligence can safeguard our lives and liberty without sacrificing our fundamental rights. We must start with the recognition that now that the CIA is involved in the hunt for individuals to be brought to justice, it must plan for the disclosure of its information in court. We must examine whether the need for intelligence outweighs fundamental privacy rights. We have examples in the past, FISA among them that show that it is possible to reconcile the requirements of secrecy and accountability and civil liberties by taking seriously each of these interests. No less is required if in the long run we expect to be successful in the fight against terrorists who care nothing for either human liberty or individual rights.

Kate Martin is director of the Center for National Security Studies, a nonprofit human rights and civil liberties organization in Washington, D.C., that works to prevent claims of national security from eroding civil liberties or constitutional procedures.

Civil Liberties in a Time of Crisis

By James X. Dempsey *James X. Dempsey is deputy director of the Center for Democracy and Technology where he specializes in privacy and electronic surveillance issues.*

The terrorist attacks of September 11 represented a quantum leap in the deadliness and audacity of terror. They revealed a vulnerability that many in the United States had never before appreciated. And they spurred adoption of many sound initiatives to better prevent terrorism. Unfortunately, they also triggered a startling surrender of fundamental democratic principles in an attempt to purchase enhanced security—an effort that is not only constitutionally unsound but also likely to be counterproductive.

Within weeks of the attacks, thousands of individuals were arrested and held without criminal charges, under a shroud of secrecy. Attorney General John Ashcroft compromised the Sixth Amendment right to effective legal counsel by ordering officials to wiretap attorney-client telephone calls without judicial approval. President Bush authorized the creation of military courts to secretly try terrorism suspects. And Congress fundamentally rewrote the surveillance laws and increased the powers of both the FBI and the CIA to collect information within the U.S. on citizens and noncitizens alike.

Criticizing these measures does not deny the frightening risks our nation faces. There likely will be additional terrorist attacks on our soil and against U.S. interests abroad. It is even possible that some attacks will involve biological, chemical, or nuclear materials. Yet, it is precisely because the risk is so high that we need to preserve the fullest range of due process and accountability in the exercise of government powers.

The False Trade-Off Between Freedom and Security

The debate over terrorism is often framed as a trade-off between liberty and security. This is a flawed calculus, in several respects. First, many civil liberties, far from being at odds with security, actually enhance the ability of the government to defend the common good. We guarantee the right to confront one's accusers, for example, not only as an element of human dignity but also because cross-examination exposes lies and forces the government to continue looking until the truly guilty party is found. Similarly, we subject government decisions to public scrutiny and judicial review not only to give voice to individuals but also because openness and accountability can produce a fuller factual record, expose faulty assumptions, and slow the rash decision making of elected officials acting under pressure. We protect freedom of speech not only because it allows room for personal self-expression, but also because it promotes the stability that comes from the availability of channels for dissent and peaceful change. For these and other reasons, surrender of freedom in the name of fighting terror is not only a constitutional tragedy, it is also likely to be ineffective and worse, counterproductive.

The attorney general has said that foreign terrorists "do not deserve the protection of the American Constitution." What the attorney general does not seem to appreciate, however, is that it is precisely the procedures of the Constitution by which we reliably determine who is a terrorist and who is not.

Second, policymakers too frequently curtail civil liberties without ever actually analyzing whether civil liberties in fact pose an impediment to security. September 11 proved in the worst way that the U.S. anti-terrorism effort was flawed. The governmental reaction to the events of that day is doubly distressing not merely because it curtails civil liberties but also because it has done so with no consideration of what went wrong in the days and months before and little regard to whether the liberty-curtailing changes will be effective. The fact that U.S. authorities failed to detect the September 11 attack in advance should have prompted a comprehensive review of our intelligence capabilities. But Congress enacted many of the provisions of the Bush administration's anti-terrorism law, the USA Patriot Act (Patriot Act), without ever identifying what problems they were intended to cure or how the additional authorities would make a difference.

Third, trading off civil liberties for real or perceived improvements in national security is the wrong place to start when there are so many things to be done to improve security that do not implicate civil liberties at all. Take airport security, where luggage screeners deserve job stability and a decent wage, and the technology to detect bombs in luggage should be used consistently. Yet, weeks and even months after September 11, breaches of airport security continue to occur. We need to do a better job of improving the safety and security of nuclear plants and chemical plants, instead of sweeping those problems under the rug as some in industry and Congress have proposed. Internationally, we should step up efforts to gain control over and destroy chemical, biological, and nuclear toxins left behind by the Soviet Union. Tighter domestic regulation of toxins is needed as well. As of September 11, we did not have an adequate system in place to control the manufacture, transport, and possession of dangerous chemicals and biological materials. There are many ways to improve the use of information in the visa and immigration process that have nothing to do with the political or associational criteria that in the past have been used to deny visas to those critical of U.S. foreign policy.

Finally, even in the area of surveillance and privacy, the choice is not between surveillance powers and no surveillance powers. Civil libertarians engaged in the debate over the new terrorism laws do not argue that the government should be denied the tools it needs to monitor terrorists' communications. Instead, privacy advocates urge that those powers be focused and subject to clear standards and judicial review. The tragedy of the response to September 11 is not that the government has been given new powers—it is that those new powers have been granted without standards or checks and balances.

To better understand the disconnect between the danger facing America and some of the measures that have been adopted that curtail civil liberties, it is worth examining, in depth, several of the provisions in the USA Patriot Act, the anti-terrorism law adopted in October 2001.

"Sneak and Peek" Searches

The popular notion of search and seizure can be described as follows: the police go before a judge and get a search warrant. They rush to the apartment of the suspect, rap loudly on the door and shout, "Police, open up, we have a warrant to search your apartment." If the person inside doesn't open up right away, the police can kick in the door, but in any event, most people would assume, when the FBI or police want to come into your home or apartment, they have to announce themselves, show their warrant, and, if they seize anything, leave an inventory of what they have taken. After all, the police do occasionally make mistakes and go to the wrong address. The homeowner can point this out, and observe the search to ensure the police stay within the terms of the warrant. In *Wilson v. Arkansas*, 514 U.S. 927 (1995), and *Richards v. Wisconsin*, 520 U.S. 385 (1997), the Supreme Court reaffirmed this vision, holding that contemporaneous notice was normally constitutionally required, and could be dispensed with only under exceptional circumstances.

The Patriot Act threw out this concept of a normal police search of a home, apartment, or office. Section 213 amended section 3103a of Title 18, United States Code, allowing the FBI to secretly enter your apartment or house while you are asleep or away, take, alter or copy things, and not tell you they were there for days, weeks, or even months later. Instead of crafting specific standards for such searches, Congress incorporated by reference a delayed notice provision governing the reading of stored e-mail.

Instead of limiting the so-called "sneak and peek" authority to aliens suspected of terrorism, Congress applied it to the homes of citizens also. Moreover, what is most remarkable about this provision is that it is not limited to terrorism cases: it applies to drug cases, tax fraud, providing false information on student loan applications, or any other federal crime. And it is not subject to the sunset provision under which some of the new law's provisions expire after four years unless renewed by Congress. Thus, the emergency atmosphere generated by the September 11 attacks was used to make a permanent, fundamental change in law enforcement procedures having nothing to do with terrorism.

Expanding the Domestic Power of the CIA

When the Central Intelligence Agency was created in 1947, Congress explicitly said that the agency was to have no subpoena or domestic police powers. Instead, the CIA's operations were intended to be directed overseas, focused on foreign nationals. Since the CIA was not supposed to engage in law enforcement, and since its agents were never supposed to appear in court, the CIA was not given the type of power that law enforcement agencies wield. And those law enforcement powers are awesome.

One of the most powerful is the grand jury. The grand jury can compel anyone to testify before it under oath. If you refuse, you can be sent to jail. If you testify and the government believes you are lying, you can be prosecuted for perjury. The grand jury can compel any business to turn over any records or databases, again with the threat of jail time for those who refuse. These powers are subject, however, to two important controls: anything from the grand jury the government uses in a criminal case is subject to the full panoply of due process protections, while, on the other hand, anything not used in open court must be kept secret and used for no other purpose.

Section 203 of the 2001 Patriot Act abolished these limitations, giving the CIA the benefit of the grand jury's powers with none of the protections of the criminal justice system. In a provision that is not subject to the four-year sunset, the new law amended Rule 6(e) of the Federal Rules of Criminal Procedure to allow information collected by grand juries to be shared with the CIA and other intelligence agencies, as well as any national defense or national security official, without the prior approval of a judge. In effect, CIA agents working with law enforcement officers can now jointly draw up subpoenas, obtain the fruits of the grand jury's power, and never have to appear in open court or explain how they used the information.

Evading the Stricter Standards of the Criminal Wiretap Laws

One of the other fundamental changes of the Patriot Act was to allow the FBI to carry out wiretaps and secret physical searches ("black bag jobs") to collect evidence of crimes using the lower standards designed for foreign intelligence gathering. The Foreign Intelligence Surveillance Act (FISA) authorizes the FBI to conduct electronic surveillance and clandestine searches without full probable cause to believe that a crime has been or is about to be committed. Instead, the FISA standard merely requires the government to have probable cause to believe that the target of the intrusion is an agent of a foreign power. If the suspected agent of a foreign power is a U.S. citizen, the government needs additional probable cause, but still less than is required for a wiretap under Title III or a normal search and seizure in a criminal case.

The wiretaps and searches authorized by FISA are extraordinary in nature: Most notably, the target of the surveillance is never notified of the intrusion (under Title III and even under the "sneak and peek" authority in the Patriot Act, the subject is eventually notified after the investigation closes). This lack of notice is most significant in cases where the surveillance turns up nothing. Under FISA, a person is notified of surveillance only if he or she is later prosecuted using the evidence seized. Even then, defendants have little opportunity to challenge the validity of the search, for they are never provided the affidavit that served as the basis for the surveillance. In the case of individuals who are not prosecuted—those where the likelihood of government overreaching is the greatest—notice is never given.

This extraordinary authority was justified on the basis that it would not be used for the purpose of investigating crime. Congress recognized that evidence of crimes might be collected—espionage, for example, is a crime—so Congress allowed the use of FISA evidence in criminal cases. But the "primary purpose" of the investigation had to be the collection of foreign intelligence. Otherwise, the statute would serve as an end run around the probable cause requirements of the criminal wiretap statute.

In the Patriot Act, Congress eliminated the primary purpose test, amending FISA to allow wiretaps and physical searches without probable cause so long as "a significant purpose" of the intrusion is to collect foreign intelligence. The express justification for this was to allow the government to initiate wiretaps under FISA's lower standard where the primary purpose from the outset was the collection of criminal evidence. This means that, in cases involving a foreign government—an investigation, for example, of foreign contributions to a U.S. political campaign—the Department of Justice can conduct a criminal investigation involving FBI wiretapping and secret searches without probable cause to believe that a crime was being committed. If no crime turns up, the government need never tell the person whose phones were tapped; yet the information obtained can be shared with the CIA, the National Security Council, and the Pentagon.

The Dragnet Approach

Generally, when the government goes to a bank, credit bureau, telephone company, hospital, or library, it can obtain a person's records only if there is reason to believe that the particular person was engaged in some wrongdoing. In international terrorism cases, for example, the government formerly needed some reason to believe that the person whose records it was seeking was a member of a foreign terrorist group. The Patriot Act wiped out this limitation. The implications of this change are enormous. Previously, the FBI could get the credit records of anyone suspected of being an international terrorist. Under the new 2001 legislation, the FBI can get the entire database of the credit card company. It can go into a public library and ask for the records on everybody who ever used the library, or who used it on a certain day, or who checked out certain kinds of books. It can do the same at any bank, any telephone company, any hotel or motel, any hospital, and any university—merely on the claim that the information is "sought for" an investigation to protect against international terrorism or clandestine intelligence activities.

Conclusion

In the name of fighting terrorism, changes have been adopted that fundamentally alter the power of the government. They weaken the role of the judiciary. They relieve the government of the responsibility to focus its investigations on specific suspects. They permit government agencies to cast their nets far wider than ever before.

These changes do not mean merely that the government is collecting a lot more information on a lot more people in the hope that something will turn up. The investigative and intelligence agencies were already choking on more information than they could digest. Sweeping in even more information will not make the picture any clearer. In this way, the expanded surveillance powers are likely to make counterterrorism efforts more inefficient.

The fight against terrorism is an epic struggle, one that is likely to go on for many years. It is precisely because the stakes are so high that we need to adhere to principles of due process, judicial checks and balances, and openness and accountability in government.

In Defense of Liberty at a Time of National Emergency

By Anthony D. Romero

A sustained war against terrorism in the United States is unlike any war we have ever fought: the enemy is diffuse; the targets are civilians; the threat is constant and the war may never reach a decisive public end. But as government takes affirmative steps to protect civilians, we must not allow the war to become an excuse for the government to do whatever it likes. Government has an obligation to protect the safety and security of its citizens, but it has an equally important responsibility to safeguard the freedoms and liberties that are the cornerstones of American democracy. Security and civil liberties do not have to be at odds, nor put on a collision course. Our goal should be to keep the American people both safe *and* free.

Admittedly, the terrorists who attacked the United States on September 11, 2001, took insidious advantage of American liberties and tolerance. They lived in our communities and enjoyed our freedoms. That does not mean, however, that those freedoms are at fault. Americans are equally concerned about the government doing too little to combat terrorism and too much to restrict liberty.

Recent changes to U.S. laws have given government expanded power to invade our privacy, imprison people without meaningful due process, and punish dissent.

The United States is facing a serious threat to its security. However, that threat is directed to our democratic values and freedoms. Consequently, every proposal to restrict liberty should be made to pass a "necessary and defensible" test. That is, we need to ask: (a) is the restriction necessary, i.e., will it, in fact, increase our security; and (b) is it defensible, i.e., will the increased benefit to security outweigh the cost to constitutional guarantees of procedural fairness, free speech, and privacy?

The USA Patriot Act

The USA Patriot Act (Patriot Act) is the cornerstone of the Bush administration's anti-terrorism efforts. However, there are many provisions of the Act that simply do not meet the basic test of maximizing our security and preserving our civil liberties:

1. *The overly broad definition of "terrorism."* The Act creates a federal crime of "domestic terrorism" that broadly extends to "acts dangerous to human life that are a violation of the criminal laws" if they "appear to be intended . . . to influence the policy of a government by intimidation or coercion," and if they "occur primarily within the territorial jurisdiction of the United States." This definition could easily be used to describe many forms of civil disobedience, including legitimate and peaceful protest.

2. *The indefinite detention of immigrants based on the attorney general's certification of a danger to national security.* This is a harmful provision with language so vague that even the existence of judicial review would provide no meaningful safeguard against abuse.

3. *Expanded wiretap authority.* The new legislation minimizes judicial supervision of law enforcement wiretap authority by permitting law enforcement to obtain the equivalent of blank search warrants, and by authorizing intelligence wiretaps that need not specify the phone to be tapped or be limited to the suspect's conversations.

Under current law, authorities can require a telephone company to reveal numbers dialed to and from a particular phone simply by certifying that this information is "relevant to an ongoing criminal investigation." This is far less than the probable cause standard that governs most searches and seizures. The new law also extends this low level of proof to Internet communications, which unlike a telephone number, can reveal personal and private information, such as the Internet sites an individual has visited. Once this standard is applied to the Internet, law enforcement officers will have unprecedented power to monitor what citizens do online, thereby opening a "back door" on the content of personal communications.

4. *The use of "sneak and peek" searches to circumvent the Fourth Amendment.* Under this segment of the legislation, law enforcement officials could enter your home, office, or other private place and conduct a search, take photographs, and download your computer files without notifying you until after the fact. This delayed notice provision undercuts the spirit of the Fourth Amendment and the need to inform individuals when their privacy is invaded by law enforcement authorities.

5. *The evisceration of the wall between foreign surveillance and domestic criminal investigation.* The new legislation gives the director of central intelligence the power to manage intelligence gathering in America and mandates the disclosure of terrorism information obtained by the FBI to the CIA—even if it involves law-abiding U.S. citizens.

Tribunals, Detention, and Profiling

In November 2001, President Bush issued a military order providing for potentially indefinite detention of any noncitizen accused of terrorism, and permitting trial of such defendants in a military tribunal. The order was issued without a formal declaration of war or any authorization by Congress. Notwithstanding improvements in the new regulations, the tribunals do not guarantee due process for the accused. The burden of proof, rules of evidence, and access to judicial review are significantly weaker than in civilian courts. Also compromised are the right to choose one's own lawyer, the right to a jury by one's peers, the right to be tried in courts that are independent of the prosecution, and the right to appeal convictions.

Equally troubling is the fact that hundreds of immigrants have been arrested and detained since September 11. The vast majority had nothing to do with the terrorist attacks. Many are charged with minor immigration violations. Yet, the proceedings surrounding their detention have been shrouded in secrecy, thereby impeding the public's ability to scrutinize the actions of the Immigration and Naturalization Service (INS) and other law enforcement officials. Civil liberties and human rights groups have filed a Freedom of Information Act lawsuit, which seeks basic information on the detainees and the charges brought against them. The American Civil Liberties Union (ACLU) is currently exploring additional legal channels to challenge the treatment and prolonged detention of hundreds of immigrants.

Government efforts to identify and question 5,000 men of Middle Eastern origin have also raised civil liberties concerns. While the government argues that the questioning is "voluntary," many argue that the interrogations are inherently coercive and that the individuals have been identified merely based on their country of origin. Aside from engaging in racial profiling, such efforts are an ineffective approach to law enforcement since they squander limited resources in casting such an overly broad net.

One final measure that has raised a significant outcry is a recent regulation that allows the government to pierce the attorney-client privilege. The new rule also allows surveillance without notice, and casts a shadow on the integrity of the bar and its role in society.

Unfortunately, the debate over changes in law enforcement powers has drawn attention away from more salient questions—namely, how did the events of September 11 evade our intelligence services? What powers do law enforcement agencies now have that they didn't have then? And, how can these powers be used more effectively to combat terrorism? A full federal investigation surrounding the events of September 11 would provide the government and the American people with a better understanding of the failure in our law enforcement and security apparatus and what is needed to remedy it.

The Importance of History

American history reminds us that we have tended to move in the wrong direction in times of national emergency. We can take three valuable lessons from our past:

1. *Conscription of opinion often goes hand in hand with conscription of soldiers.* During World War I, soldiers were not the only ones conscripted; public opinion and the First Amendment were also conscripted as the government attempted to squelch free expression and dissent.

Similar actions were taken during World War II. Sadly, we are seeing similar efforts to conscript the First Amendment in service of the "war against terrorism." ACLU offices across the country have begun receiving complaints of efforts to limit free speech. On the campuses of colleges and universities, we are hearing about efforts to limit academic freedom and quell dissent and debate.

On October 11, 2001, we saw troubling efforts to conscript public opinion when the White House requested that broadcast media outlets edit or decline to show any videotapes of Osama bin Laden. Apparently, the White House was concerned that the tapes would communicate secret messages or codes to other terrorists living in the United States. No proof of this was provided in the White House request, and in any case, the tapes were broadcast worldwide and were available online. Several weeks later Attorney General John Ashcroft attempted to equate support for civil liberty with aid to terrorists, proclaiming that public debate would "erode our national unity . . . diminish our resolve . . . give ammunition to America's enemies, and pause to America's friends." More shocking than his statements was the fact that most members of the Senate Judiciary Committee before which he was testifying failed to take issue with such clearly anti-democratic sentiments.

Our democracy is built squarely on principles of free speech and due process of law. Each and every one of us must speak up in the firm conviction that by so doing, we strengthen our nation. Democracy has many great attributes but it is not a quiet business.

2. *National crises tend to encourage gross violations of due process.* Following World War I, strikes in our nation's cities terrified millions of Americans who saw law and order collapsing. In 1918, riots broke out, paralyzing the country, and federal troops were called in to restore order in many cities. In June of that year, the country was shaken by a series of politically motivated bombings, including an explosion at the home of Attorney General A. Mitchell Palmer.

During raids, law enforcement officials swooped down on suspected radicals in thirty-three cities, arresting thousands of people, most of them immigrants. The raids involved wholesale abuses of the law: arrests without a warrant, unreasonable searches and seizures, wanton destruction of property, physical brutality, and prolonged detention. The Palmer Raids, as they were known, eventually led to the founding of the ACLU by Roger Baldwin and a handful of others.

Government officials need to reassure us that the Palmer Raids were just a sad chapter in history and that our constitutional protections are in place.

3. *Our national leaders will often exploit popular fear of foreigners during crisis periods.* Theodore Roosevelt, during World War I, warned that the "Hun within our gates is the worst of the foes of our own household." His comment reflected the xenophobic sentiment in our country that led to racial profiling and ethnic bashing aimed against Germans, Italians, Jews, and Eastern Europeans.

But the most traumatic example of this type of national xenophobia took place during World War II, when the government interned more than 120,000 Japanese-Americans from the West Coast.

These examples explicitly demonstrate why we must resist the temptation to overreact, to rush to judgment. Terror, by its very nature, is intended not only to destroy, but also to intimidate a people, forcing them to take actions that are not in their best interest.

That's why defending liberty during a time of national emergency is the ultimate act of defiance and patriotism. For if we are intimidated to the point of restricting our freedoms, the terrorists will have won. We should be prepared not only to react, but also to be proactive, offering alternative solutions where feasible.

A proactive agenda has several components. First, we must think carefully and clearly about the trade-offs between national security and individual freedom, and to understand that some will seek to restrict freedom for ideological and other reasons that have little to do with security. Second, citizens need to stay informed and involved in the current congressional deliberations on anti-terrorism legislation. We must remain vigilant not just in Washington, D.C., but in our state capitals and city councils since elected officials are also attempting to pass new security legislation at the state and local levels.

Third, we must demand that government take the necessary steps to prevent and punish unwarranted, bigoted attacks on fellow citizens of Arab descent and members of religious minorities, including Muslims and Sikhs because, in the words in 1939 of the ACLU board of directors, "When the rights of *any* are sacrificed, the rights of *none* are safe."

Fourth, we must keep the pressure on other issues. We must not lose the momentum on important struggles like the death penalty or electoral reform. The tide was with us on these and other issues prior to September 11 and we must keep the pressure on. Fifth, we must demand government accountability and responsiveness to civil liberties.

Finally, we should establish guidelines for evaluating new proposals that would affect our basic civil liberties. At the very least, proposed changes to restrict liberty should be examined and debated in public; they should be proven effective in increasing safety and security, and they should be fairly applied in a nondiscriminatory manner.

As the late Supreme Court Justice Thurgood Marshall wrote in a 1972 Supreme Court opinion: "This is a country which stands tallest in troubled times, a country that clings to fundamental principles, cherishes its constitutional heritage, and rejects simple solutions that compromise the values that lie at the roots of our democratic system."

Anthony D. Romero is executive director of the American Civil Liberties Union.

Terrorizing Immigrants in the Name of Fighting Terrorism

By David Cole

It is often said that civil liberties are the first casualties of war. It may be more accurate to say that *immigrants'* civil liberties are the first to go. In the wake of the devastating terrorist attacks of September 11, we all feel vulnerable in ways that we have never felt before, and many have argued that we may need to sacrifice our liberty in order to purchase security. In fact, however, what we have done is to sacrifice the liberties of some—immigrants, and especially Arab and Muslim immigrants—for the purported security of the rest of us. This double standard is an all too tempting way to strike the balance—it allows citizens to enjoy a sense of security without sacrificing their own liberty, but it is an illegitimate trade-off. In the end, moreover, it is likely to be counterproductive, as it will alienate the very communities that we most need to work with as we fight the war on terrorism.

Our response to September 11 has been all too familiar. Just as we have done in other times of crisis, we have substituted broad-brush guilt by association for targeted measures directed at specific guilty conduct, and have circumvented procedures designed to identify the guilty while protecting the innocent. Congress has made immigrants deportable for their political associations and excludable for pure speech, and subject to indefinite detention on the basis of an executive official's certification. The Department of Justice (DOJ) has launched a massive preventive detention project, detaining over 500 immigrants on routine immigration charges, in connection with the investigation of the attacks of September 11. These immigrants are being tried in secret proceedings, in cases that are not even listed on the docket. And the DOJ has given Immigration and Naturalization Service (INS) prosecutors in removal cases the authority to keep immigrants detained even after an immigration judge has ordered their release. In this and other ways, we have sacrificed basic commitments to equality by trading a minority group's liberty for the majority's purported security.

History

This is hardly the first time that we have responded to fear by targeting immigrants and treating them as suspect because of their group identities rather than their individual conduct. In World War I, we imprisoned dissidents, most of them immigrants, for merely speaking out against the war. In 1919, the federal government responded to a politically motivated bombing of Attorney General A. Mitchell Palmer's home in Washington, D.C., by rounding up 6,000 (and eventually deporting 556) suspected immigrants in thirty-three cities across the country—not for their part in the bombings, but for their political affiliations.

In World War II, we interned over 110,000 persons, again many of whom were immigrants, not because of individualized determinations that they posed a threat to national security or the war effort, but solely for their Japanese ancestry. And in the fight against Communism, which reached its height in the McCarthy era, we made it a crime even to be a member of the Communist Party, and passed the McCarran-Walter Act, which authorized the government to keep out and expel noncitizens who advocated Communism or other proscribed ideas, or who belonged to the Communist Party or other groups that advocated proscribed ideas.

While today's response does not yet match these historical overreactions, it is characterized by some of the same mistakes of principle—targeting vulnerable groups not for illegal conduct but for group identity or political affiliation, treating legitimate political activity as if it were a criminal offense; and bypassing measures designed to protect the innocent.

Guilt by Association

The problems begin with the USA Patriot Act (Patriot Act), enacted in haste under threats from Attorney General John Ashcroft that if another terrorist incident occurred before the law was signed, Congress would be held responsible. Among other things, it imposes guilt by association on immigrants, a philosophy that the Supreme Court has condemned as "alien to the traditions of a free society and the First Amendment itself." Before the advent of the Patriot Act, aliens were deportable for engaging in or supporting *terrorist activity*. The Patriot Act makes them deportable for virtually any *associational activity* with a "terrorist organization," irrespective of whether the alien's support has any connection to an act of violence, much less terrorism. And because the Act defines "terrorist activity" to include virtually any use or threat to use a weapon against a person or property, and defines a "terrorist organization" as any group of two or more persons that engages in such an act, the proscription on political association potentially encompasses every organization that has ever been involved in a civil war or a crime of violence, from a pro-life group that once threatened workers at an abortion clinic, to the ANC, the IRA, or the Northern Alliance in Afghanistan.

Once a group is designated as a "terrorist group," aliens are deportable for asking people to join it, fundraising for it, or providing any kind of material support to it, including dues. Indeed, the law extends even to those who support a group

in an effort to *counter* terrorism. Thus, an immigrant who offered his services in peace negotiating to the IRA in the hope of furthering the peace process in Great Britain could be deported as a terrorist.

This is guilt by association, because it treats aliens as culpable not for their own acts, but for the acts of those with whom their conduct is associated. Guilt by association, the Supreme Court has ruled, violates the First and Fifth Amendments. All people in the United States have a First Amendment right to associate with groups that have lawful and unlawful ends, so long as they do not further the group's illegal ends. And the Fifth Amendment dictates that "in our jurisprudence guilt is personal." Without some connection between the alien's support and terrorist activity, the Constitution is violated.

Some argue that the threat from terrorist organizations abroad requires compromise on the principle prohibiting guilt by association. But this constitutional principle was developed in connection with measures directed at the Communist Party, an organization that Congress found to be a foreign-dominated organization that used sabotage and terrorism for the purpose of overthrowing the United States by force and violence, and that was supported by the world's other great superpower.

Others argue that money is fungible, so support of a group's lawful activities will simply free up resources that will be spent on terrorism. But that argument proves too much, for it would authorize guilt by association whenever any organization engages in some illegal activity. Donations to the Democratic Party, it could be argued, "free up" resources that are used to violate campaign finance laws, yet surely we could not criminalize all support to the Democratic Party simply because it sometimes violates the campaign finance laws. Moreover, the fungibility argument assumes that every marginal dollar provided to a designated group will, in fact, be spent on violence. However, no one would seriously contend that every dollar given to the ANC for its lawful anti-apartheid work freed up a dollar that was spent on that organization's terrorist activity.

Ideological Exclusion

The Patriot Act also resurrects ideological exclusion, the practice of denying entry to aliens for pure speech. It excludes aliens who "endorse or espouse terrorist activity," or who "persuade others to support terrorist activity or a terrorist organization," in ways that the secretary of state determines undermine U.S. efforts to combat terrorism. It also excludes aliens who are representatives of groups that "endorse acts of terrorist activity" in ways that similarly undermine U.S. efforts to combat terrorism.

Excluding people for their ideas is flatly contrary to the spirit of freedom for which the United States stands. It was for that reason that Congress repealed all such grounds in the Immigration and Nationality Act in 1990, after years of embarrassing politically motivated visa denials. We are a strong enough country, and our resolve against terrorism is powerful enough, to make such censorship wholly unnecessary.

Detention versus Due Process

The government has detained well over 1,200 persons in connection with the investigation of the attacks of September 11. (The DOJ has halted its practice of publicizing the total number detained so we don't know how much higher the actual figure may be.) As of December 2001, over 500 persons were still being held in federal custody, with an untold number of others being held in state and local custody. Yet, as of that same time, only one person had been charged with involvement in the crimes perpetrated that day—Zaccarias Moussaoui. Department of Justice officials claim that about ten or twelve of the detained may be linked to Al Qaeda, but of course that only raises a question about the rest. The DOJ has been unwilling to disclose even the most basic information about the largest group of detainees, those held on immigration charges. It refuses even to identify who is detained. The immigrants are being tried in secret proceedings, closed to the public, the press, or even family members. Immigration judges are instructed not to list the cases on the docket, and to refuse to confirm or deny that cases even exist. Such practices are unprecedented. But what we do know, mostly from enterprising investigative journalists, suggests that the vast majority have all but the most attenuated connections to the events of that terrible day. Most of those detained appear to be Arabs or Muslims.

The administration has dramatically changed the rules governing its authority to detain immigrants. Shortly after September 11, the INS unilaterally amended a regulation governing detention without charges. The regulation had required the INS to file charges within twenty-four hours of detaining an alien; under the new regulations, detention without charges is permissible for forty-eight hours, and for an unspecified "reasonable" period beyond forty-eight hours in times of emergency.

Before September 11, the INS could detain any alien placed in removal proceedings for as long as the proceedings lasted—in many cases several years. However, it could do so only if it had reason to believe that he or she posed a threat to national security or a risk of flight, and the alien was entitled to seek release from an immigration judge.

Under a new regulation, however, even if the immigration judge rules that the alien should be released, INS prosecutors can keep him locked up simply by filing an appeal of the release order. They need not make any showing that their appeal is likely to succeed. Appeals of immigration custody decisions routinely take months and often more than a year to decide.

The Patriot Act goes still further, giving the attorney general unilateral authority to detain aliens on his say-so, without any opportunity for the alien to respond to the charges. The attorney general may detain any immigrant whom he certifies as a "suspected terrorist." The Patriot Act defines a "suspected terrorist" so broadly that it includes virtually every immigrant who has been involved in a barroom brawl or domestic dispute, as well as aliens who have never committed an act of violence in their life, and whose only crime is that he or she provided humanitarian aid to an organization disfavored by the government.

This provision raises several basic constitutional concerns. It mandates preventive detention of persons who pose no threat to national security or risk of flight, and without any hearing. And it allows the INS to detain such aliens *indefinitely*, even where they prevail in their removal proceedings. This is akin to detaining a prisoner even after he has been pardoned.

The provision permits certification and detention on mere "reasonable grounds to believe" that an alien has engaged in terrorist activity, a standard that the INS has likened to the "reasonable suspicion" required for a brief stop and frisk under the Fourth Amendment. But under the Fourth Amendment, "reasonable suspicion" does not even justify a custodial arrest, much less indefinite detention.

The provision also permits detention for up to seven days without filing any charges. Yet, the Supreme Court has ruled in the criminal setting that charges must be filed within forty-eight hours except in the most extraordinary circumstances. In short, hundreds of immigrants not charged with any crime, much less involvement in the September 11 attack, are being detained in secret, even where judges rule that there is no basis for detention, and without going before a judge at all.

Military Justice

In November 2001, President Bush issued an unprecedented military order that authorizes dispensing with criminal trials and trying all aliens accused of terrorist acts or harboring terrorists in military tribunals. In such tribunals, the defendant would have none of the rights that attach to a criminal trial. The trial could be held in secret, classified information could be used against the defendant without affording him an opportunity to confront or rebut it, the rules of evidence would not apply, there would be no jury, a conviction would require only a two-thirds vote of the military officers who presided, there would be no appeal to a court, and the penalty could include execution. In essence, the executive branch—and specifically the military—would become judge, jury, *and* executioner. (The Department of Defense is developing regulations that may provide some protections, but those regulations had not been issued at the time of this writing.)

Military tribunals are not unprecedented in wartime, and they have been upheld as a means to try enemies for offenses against the laws of war. Even if one could argue that we are in a de facto war with Al Qaeda, the tribunal's jurisdiction is not limited to members of that group, but extends to any noncitizen accused of engaging in international terrorism or harboring persons so engaged, irrespective of whether the individual is linked in any way to the attacks of September 11, or the group that perpetrated those attacks.

Noncitizens put on trial here for criminal offenses are entitled to all the same rights as U.S. citizens, including the right to a public trial, to a trial by jury, to confront the evidence against them, to discover exculpatory evidence and suppress illegally seized evidence, and to the assistance of counsel. These paramount rights are not limited to citizens, but attach to every criminal trial, because only such safeguards ensure that we protect the innocent while convicting the guilty. We have tried thousands of noncitizens under these principles, for terrorism, espionage, sabotage, and subversion. The president has made no showing that wholesale abandonment of that practice is either necessary or authorized.

Interestingly, the decision to limit the jurisdiction of the military tribunals to noncitizens appears to have been purely political. In 1942, the Supreme Court held that in wartime, military tribunals could be used to try citizens as well as noncitizens, as long as they were fighting for the enemy. Thus, there is no constitutional justification for the limitation, and it appears to be a purely pragmatic political calculus—namely, that the American people would be less likely to object if someone else's liberties are threatened. One official is reported to have said that the administration didn't think it would be fair to subject citizens to such tribunals. But the fairness of the procedures does not vary with the identity of the defendants. Here, too, we seem all too willing to sacrifice *their* rights for our security.

Finally, there is good reason to doubt whether these measures will in fact make us safer. By penalizing even wholly lawful, nonviolent, and counter-terrorist associational activity, we are likely to waste valuable resources tracking innocent political activity, drive other activity underground, encourage extremists, and make the communities that will inevitably be targeted by such measures far less likely to cooperate with law enforcement. And by conducting law enforcement in secret, and jettisoning procedures designed to protect the innocent and afford legitimacy to the outcome of trials, we will encourage people to fear the worst about our government. As Justice Louis Brandeis wrote nearly seventy-five years ago, the framers of our Constitution knew "that fear breeds repression; that repression breeds hate; and that hate menaces stable government." In other words, freedom and security need not necessarily be traded off against one another; maintaining our freedoms is itself critical to maintaining our security.

David Cole is a professor of constitutional law at Georgetown University Law Center, a volunteer attorney with the Center for Constitutional Rights, and legal affairs correspondent for The Nation. Portions of this article are adapted from Professor Cole's testimony on the anti-terrorism bill in Congress.

deported

By JOHN LAMB
Chronicle Staff Writer

STORRS, Conn. (UPI) — A UConn student who was deported from the United States last week after a sudden deportation by U.S. Customs and Border Protection officials, a family friend said. The student, who is a native of Poland, was deported from the country last week after a sudden deportation by U.S. Customs and Border Protection officials, a family friend said. The student, who is a native of Poland, was deported from the country last week after a sudden deportation by U.S. Customs and Border Protection officials, a family friend said.

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More deported to native Poland

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Thought Police

Big Brother may be watching what you read

By Eleanor J. Bader

Within days of September 11, the police and FBI were besieged with tips informing them that several suspects—including one who fit Mohammed Atta's description—had used public libraries in Hollywood Beach and Delray Beach, Florida, to surf the Internet. Shortly thereafter, a federal grand jury ordered library staff to submit all user records to law enforcement.

The order began a pattern of government requests for information about citizens' reading material that has increased dramatically since last October's passage of the USA Patriot Act, which amended 15 federal statutes, including laws governing criminal procedure, computer fraud, foreign intelligence, wire-tapping, immigration and privacy.

The act gives the government a host of new powers, including the ability to scrutinize what a person reads or purchases.

According to a University of Illinois study of 1,020 libraries conducted during the first two months of 2002, government sources asked 85 university and public libraries—8.3 percent of those queried—for information on patrons following the attacks. More detail is unknown since divulging specific information violates provisions of the legislation.

"The act grants the executive branch unprecedented, and largely unchecked, surveillance powers," says attorney Nancy Chang, author of *Silencing Political Dissent*, "including the enhanced ability to track e-mail and Internet usage, obtain sensitive personal records from third parties, monitor financial transactions and conduct nationwide roving wiretaps."

In fact, a court can now allow a wiretap to follow a suspect wherever he or she goes, including a public library or book-

store. That's right: Booksellers can also be targeted. What's more, the government is no longer required to demonstrate "probable cause" when requesting records. "FBI and police used to have to show probable cause that a person had committed a crime when requesting materials," says Chris Finan, president of the American Booksellers Foundation for Free Expression (ABFFE).

"Now, under Section 215 of the Patriot Act," Finan continues, "it is possible for them to investigate a person who is not suspected of criminal activity, but who may have some connection to a person [who is]. Worse ... there is a gag provision barring bookstores or libraries from telling

Act request for information on both the number and content of subpoenas issued. To date, there has been no response to their entreaty; though such responses are required by law, they can often take months or even years to complete.

But community activists, librarians and publishers have joined forces to publicize the threat that the act poses to free speech, privacy and civil liberties. The American Library Association, a national alliance of library staff, issued a statement in early 2002 affirming their position: "Librarians do not police what library users read or access in the library. Libraries ensure the freedom to read, to view, to speak, and to participate."

Though the ALA has agreed to cooperate with federal requests within the framework of state law, it has warned local branches not to create or retain unnecessary records, and trained staff to read subpoenas carefully before providing unnecessary information.

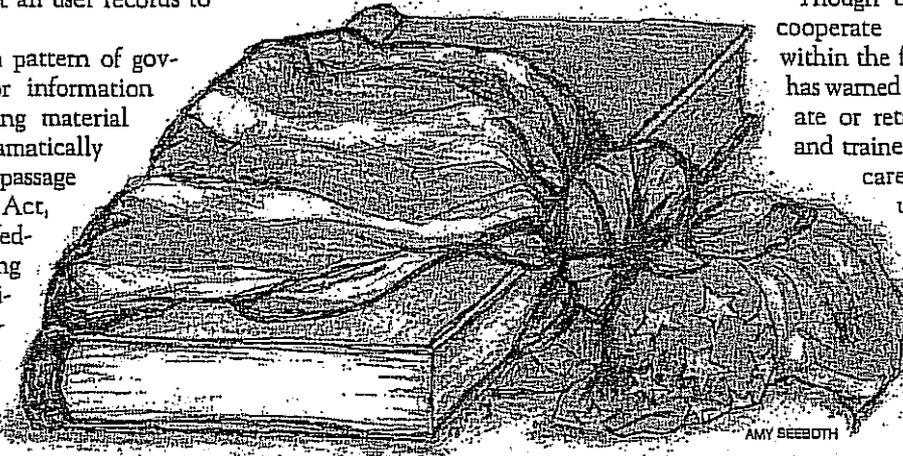
Despite this modicum of defiance, everyone agrees that Section 215 has begun to exact a toll. "Right after 9/11, Americans seemed eager to learn more about the world," says

Larry Siems, director of

International Programs at the PEN American Center. "They were reading, buying and checking out books on Islam. ... But the administration's overall approach discourages people from seeking information. It is counterproductive. We end up with a society that is more isolated, less able to respond to the rest of the world."

In addition, he states, the Constitution guarantees that Americans have the right to read books, write books, and express their opinions. Even when the ideas expressed are unpopular—even when they're downright unpatriotic or seditious—the government should not be in the business of prohibiting them. Indeed, he cautions, a distinction between acts and ideas is imperative.

Finan and Chang agree, and they are doing their best to ensure that the Patriot Act fades away in October 2005, when it is set to expire. "At the very least," Finan concludes, "we want changes in sections like 215, to exempt libraries and bookstores from scrutiny." ■



anyone—including the suspect—about the investigation. Violators of the gag order can go to jail."

Members of Congress, as well as librarians, booksellers and ordinary citizens, have expressed outrage and concern over the Orwellian reach of the law. On June 12, the House Judiciary Committee sent a 12-page letter to the Justice Department requesting hard data on the number of subpoenas issued to booksellers and libraries since last October. Two months later, on August 19, Assistant Attorney General Daniel J. Bryant responded. The figures are "confidential," he wrote, and will only be shared with the House Intelligence Committee. The Judiciary Committee told Bryant the response was unsatisfactory. Finan reports that everyone is "waiting to see what the committee will do next."

Meanwhile, the ABFFE has joined a coalition of booksellers and libraries to denounce Section 215. They have also signed onto a Freedom of Information

Mr. Jay Ames, Chairman of the Arts Advisory Committee, completed an artist survey, and handed out a flyer on the event celebrating the arts for the town's tercentenary on May 31, 2003 at the Mansfield Drive-In. There will be a display of Artwork and performers throughout the day.

7. Annual report-Cemetery Committee.

Isabelle Atwood spoke on the achievements of the past year. The cemeteries have been cared for by the committee, and broken stones have begun to be restored. This is a slow process, but there is progress is being made.

8. Presentation Concerning Eastern Highlands Health District Cardiovascular Health Policy and Environmental Change Program.

Jodi Nafis and Kathy Polhemus of Eastern Highlands Health District, discussed the new program which has been added to the Health District.

IV. OLD BUSINESS

1. Acceptance of Hawthorne Lane

Mr. Haddad moved and Mr. Thorkelson seconded to, effective December 9, 2002 to accept Hawthorne Lane as part of the Town of Mansfield's road system.

So passed unanimously.

2. Transportation Enhancement Proposals

Mr. Haddad moved and Mr. Rosen seconded to endorse the applications, as prepared and ranked by staff, to fund four transportation enhancement projects in Mansfield, titled "Downtown Streetscapes and Pedestrian Improvements", "Four Corners, " "Eastbrook Mall Area Streetscape", and "Mansfield Center and North Eagleville Road," under the Connecticut Department of Transportation's Transportation Enhancement Program, and to authorize staff to submit the proposals to WINCOG for regional prioritization and to commit to maintain and operate any improvements if the Town does accept any grant funds.

So passed unanimously.

3. Business Sponsorship and Commercial Advertising in Town Parks

Mr. Thorkelson moved and Mr. Holinko seconded to table this matter until the Special Meeting of the Council on Saturday, December 14, 2002.

The Assistant Town Manager, Matt Hart, will prepare a revision.

So passed unanimously.

4. Community Center Staffing Proposal

Mr. Martin moved and Mr. Holinko seconded to table this item until the Special Meeting of the Town Council on Saturday, December 14, 2002.

Motion so passed. Mayor Paterson and Mr. Haddad voted no.

5. University Spring Weekend

Mr. Rosen read an article for the Chronicle.

No action taken.

V. NEW BUSINESS

6. Previously discussed.

7. Previously discussed.

8. Previously discussed.

Mr. Hawkins moved and Mr. Martin seconded to add an item to the agenda-Letter to the Town of Ashford.

So passed unanimously.

Letter to Town of Ashford

Mr. Hawkins moved and Mr. Martin seconded to send a letter from the Council signed by the Mayor to the Town of Ashford offering condolences in the death of the Fire Chief of Ashford.

So passed unanimously.

9. Establishment of a Historic District

Information only, no action necessary.

10. Status Report-Pending Claims and Litigation

Information only, no action necessary.

11. Grant Application-Targeted Capacity Expansion for Adolescent Substance Abuse

Mr. Hawkins moved and Mr. Rosen seconded to authorize the Town Manager to complete and submit an application in the amount of \$500,000 per year for a three-year period to fund Targeted Capacity Expansion for Adolescent Substance Abuse Treatment in Northeastern Connecticut, and to execute related contract agreements with the Northeast Communities Against Substance Abuse to establish conditions regarding the administration of the grant program.

So passed unanimously.

Mr. Martin moved and Mr. Holinko seconded to add to the agenda two items for Open Space Acquisitions, the Larkin property and the Vernon property.

So passed unanimously.

11b. Open Space Acquisition-Larkin property

Mr. Martin moved and Mr. Bellm seconded to hold a public hearing on the acquisition of the Larkin property at the first Council meeting on January 13, 2003.

So passed unanimously.

11c. Open Space Acquisition-Vernon property

Mr. Thorkelson moved and Mr. Martin seconded to hold a public hearing on the acquisition of the Vernon property at the first Council meeting on January 13, 2003.

So passed unanimously.

12. Town Meeting Date

No action taken.

13. Resolution in Response to USA Patriot Act

Mr. Martin moved and Mr. Rosen seconded to table this item until the Special Meeting on Saturday, December 14, 2002

So passed unanimously.

VI. QUARTERLY REPORTS

VII. DEPARTMENTAL REPORTS

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Haddad, Chairman of the Committee on Committees, moved the reappointment of or appointment of the following persons to boards and commissions:

Reappoint Joan Buck, Jane Goldman, Janet LaMarre, Becky Lehmann, Mary Jane Newman, Kathryn Talbot to the Mansfield School Readiness Council.

Appoint Thomas W. Miller to the Advisory Committee on Persons with Disabilities

Appoint J.C. Martin to the Correctional Facility Liaison Committee.

Reappoint Maria Gogarten and Chris Kueffner to the Solid Waste Advisory Committee

Reappoint Dennison Nash and Michael Taylor to the Transportation Committee

Seconded by Mr. Rosen. So passed unanimously.

IX. REPORTS OF COUNCIL MEMBERS

The Mayor attended the National League of Cities conference and found many of the seminars had much information. It was a most productive conference.

X. TOWN MANAGERS REPORT

Town has received the governor's budget with the CCM budget cuts.

There will be a special meeting of the Town Council at the Senior Center on Saturday, December 14, 2002.

A finalist for the position of Fire and Emergency services Director has been offered the position.

Tony Noelle has stepped down as Fire Chief of Mansfield Fire Department. Ryan Hawthorne is the new Chief.

The construction on the Community Center has slowed down due to weather conditions.

The new ambulance has arrived and should be in service next week.

The Regional District #19 held a meeting regarding the budget and it was attended by the Legislators.

The town has received 6 proposals for bids on the new fire truck.

The Town/Gown Relationship Committee will be meeting on December 10, 2002 at the UConn Police Station.

XI. FUTURE AGENDAS

XII. PETITIONS, REQUESTS AND COMMUNICATIONS

14. CCM-"State Budget Update: Impact on Mansfield"
15. CCM-"Governor's Mid-year Cuts in State Aid to Municipalities"
16. Connecticut Department of Environment Protection (DEP) re: Greek Campus Storrs
17. Planning and Zoning Commission (PZC)-Subdivision Application Referral
18. R. Miller re: Volunteers Needed for Smallpox Clinics
19. M. Berliner re: Declaratory Ruling Proceeding on Email and Voice Mail
20. Mansfield Parks and Recreation Department-4th Annual Production of the Nutcracker
21. Department of Public Health re: Federal funds to Purchase Automatic External Defibrillators
22. Bill and Melinda Gates Foundation Grant Agreement

XIII. EXECUTIVE SESSION

Not needed.

XIV. ADJOURNMENT

Mr. Thorkelson moved and Mr. Martin seconded to adjourn the meeting at 10:10 p.m.

So passed unanimously.

Elizabeth Paterson, Mayor

Joan E. Gerdson, Town Clerk

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PUBLIC HEARING

TOWN OF MANSFIELD

OPEN SPACE ACQUISITION-LARKIN PRPOERTY

The Mansfield Town Council will hold a Public Hearing on January 13, 2003 at 7:30 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building to hear comment on the purchase of a 11.7 acre parcel of land on the southerly side of Clover Mill Road. The negotiated price is \$23,400 for the parcel. This will be purchased under the Open Space Acquisition Plan. At this hearing interested persons may appear and be heard and written communications received.

Packets will be available in the Town Clerk's office at 4 South Eagleville Road.

Dated at Mansfield, Connecticut, this 27th day of December, 2002.

Joan E. Gerdson
Mansfield Town Clerk

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PUBLIC HEARING

TOWN OF MANSFIELD

OPEN SPACE ACQUISITION-VERNON PROPERTY

The Mansfield Town Council will hold a Public Hearing on January 13, 2003, immediately following the 7:30 p.m. hearing in the Council Chamber of the Audrey P. Beck Municipal Building to hear comment on the purchase of a 11.16 acre parcel of land in the vicinity of Crane Hill Road known as the Vernon property. The negotiated price is \$9,450 for this parcel. It will be purchased under the Open Space Acquisition Plan. At this hearing interested persons may appear and be heard and written communications received.

Packets will be available in the Town Clerk's office at 4 South Eagleville Road.

Dated at Mansfield, Connecticut, this 27th day of December, 2002.

Joan E. Gerdson
Mansfield Town Clerk

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Open Space Acquisition – Larkins Property

Dear Town Council:

Attached please find correspondence concerning the proposed purchase of the 11.7-acre Larkins property located on the southerly side of Clover Mill Road in the vicinity of Bicentennial Pond. The property is landlocked and does not include the house located on an adjacent 1.7 acre parcel that will be cut off from the larger 13.4 acre piece. In addition, the land is wooded in nature and abuts the town-owned Schoolhouse Brook Park sharing over 2,000 feet of common property line (see attached map). The selling price for the property is \$23,400.

Staff recommends that the Council authorize the acquisition of the Larkins property, for several reasons. First, upon §8-24 review, the Planning and Zoning Commission (PZC) unanimously found that the acquisition of the property "would promote Plan of Conservation and Development goals and objectives." Second, as explained by the Town Planner, acquisition of the property would expand Schoolhouse Brook Park, provide buffer areas for existing trails and provide the town opportunities to expand park trails. Third, by designating the property as open space, the town would help to protect the water quality in Barrows Pond. And, lastly, the selling price for the land is fair and reasonable.

If the Council concurs with this recommendation, the following motion is in order:

Move, to authorize the town manager to complete the proposed purchase agreement dated December 9, 2002 between the Town of Mansfield and Ms. Mildred J. Larkins for the purchase of the 11.7 acre parcel as depicted on Mansfield assessor's map 28, block 91S, and to expend \$23,400 from the Capital Projects Fund - Open Space Acquisition Account for the subject purchase.

Respectfully submitted,

A handwritten signature in cursive script that reads "Martin H. Berliner".

Martin H. Berliner
Town Manager

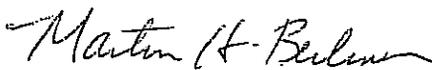
AGREEMENT TO SELL AND PURCHASE REAL ESTATE

This agreement is entered into on December 9, 2002 by and between the Town of Mansfield (Purchaser) and Mildred J. Larkins (Seller).

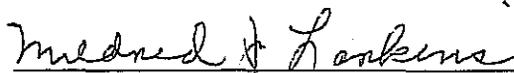
- 1) Contingent upon final approval by the Mansfield Town Council, the Seller agrees to sell to the Purchaser 11.7 (more or less) acres of unimproved land situated on the southerly side of Clover Mill Road as depicted on the attached sketch plan. The subject parcel is depicted on assessors map 28, block 91S. The subject property was acquired by the Seller on November 26, 1974 (Mansfield Land Records Volume 133, Page 55.)
- 2) The purchase price shall be \$23,400 (Twenty-three Thousand Four Hundred Dollars) and shall be paid as follows:
 - A. \$500 this date
 - B. Total balance at the time of closing, unless alternative arrangements are mutually agreed upon
- 3) The Seller agrees to execute, acknowledge and deliver a Warrantee Deed conveying title to the subject property, free of all encumbrances, to the Purchaser.
- 4) The parcel shall be known as the Larkins Tract.
- 5) The Seller will have the right to remove cut tree tops from the property for a period of two years from the date of the closing.
- 6) The closing shall take place on or before February 28, 2003, unless an alternative date is mutually agreed upon.

Town of Mansfield (Purchaser)

Mildred J. Larkins (Seller)



Martin H. Berliner, Town Manager



Mildred J. Larkins

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Memo to: Town Council
From: Planning and Zoning Commission
Audrey H. Barberet / j.w.r.
Audrey H. Barberet, Chairman
Date: Jan. 7, 2003

Re: 8-24 referral: 12-acre Larkins property, Clover Mill Rd.

At a regular meeting held on January 6, 2003, the Planning and Zoning Commission unanimously adopted the following motion:

“that the PZC notify the Town Council that the proposed acquisition of the Larkins property would promote Plan of Conservation and Development goals and objectives, and is supported by the Planning and Zoning Commission.”

If there are any questions regarding this action, the Planning Office may be contacted.

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Memo to: Planning and Zoning Commission
From: Gregory J. Padick, Town Planner
Date: 1/3/03



Re: 8-24 referral: 12-acre Larkins property, Clover Mill Road

Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced proposed acquisition of land has been referred to the PZC for comment. The Town Council has scheduled a 1/13/03 Public Hearing on this issue and, if possible, comments should be forwarded prior to the Public Hearing. The PZC has 35 days to report to the Town Council. The following information is provided for the PZC's consideration.

- The property being considered by the Town is about 12 acres in size and is located south of Clover Mill Road, near the access road to the Town Garage and Bicentennial Pond. The Larkins property abuts Town-owned Schoolhouse Brook Park (over 2,000 feet of common property line, see attached maps).
- The Larkins property is zoned RAR-40 and is wooded in nature. It is situated within the Willimantic Reservoir drainage basin. Based on Town mapping, rear portions of the property contains wetland soils. The site is not within designated flood hazard or stratified drift aquifer areas.
- The subject property is within an open space preservation classification on the Overall Plan of Development map. Town acquisition would expand park boundaries and provide future opportunities for trail expansion. Town acquisition would be consistent with items C, F and L in the Plan of Development's listing of open space priority criteria (page 140 of Mansfield's Plan of Development).
- The proposed acquisition has been reviewed by Mansfield's Open Space Preservation Committee. The attached narrative from this committee supports Town acquisition, in part to protect water quality in Barrows Pond.

Summary/Recommendation

The proposed acquisition of the Larkins property would expand Schoolhouse Brook Park, provide buffer areas for existing trails, provide opportunities to expand park trails, and help protect water quality in Barrows Pond. Based on open space priority criteria and recreational recommendations of the Town's Plan of Conservation and Development, Town acquisition would be consistent with Mansfield's 1993 Plan of Development. It is therefore recommended that the PZC notify the Town Council that the proposed acquisition of the Larkins property would promote Plan of Conservation and Development goals and objectives, and is supported by the Planning and Zoning Commission.



LARKINS
PROPERTY

Schoolhouse
Brook Park

INTER

OFFICE

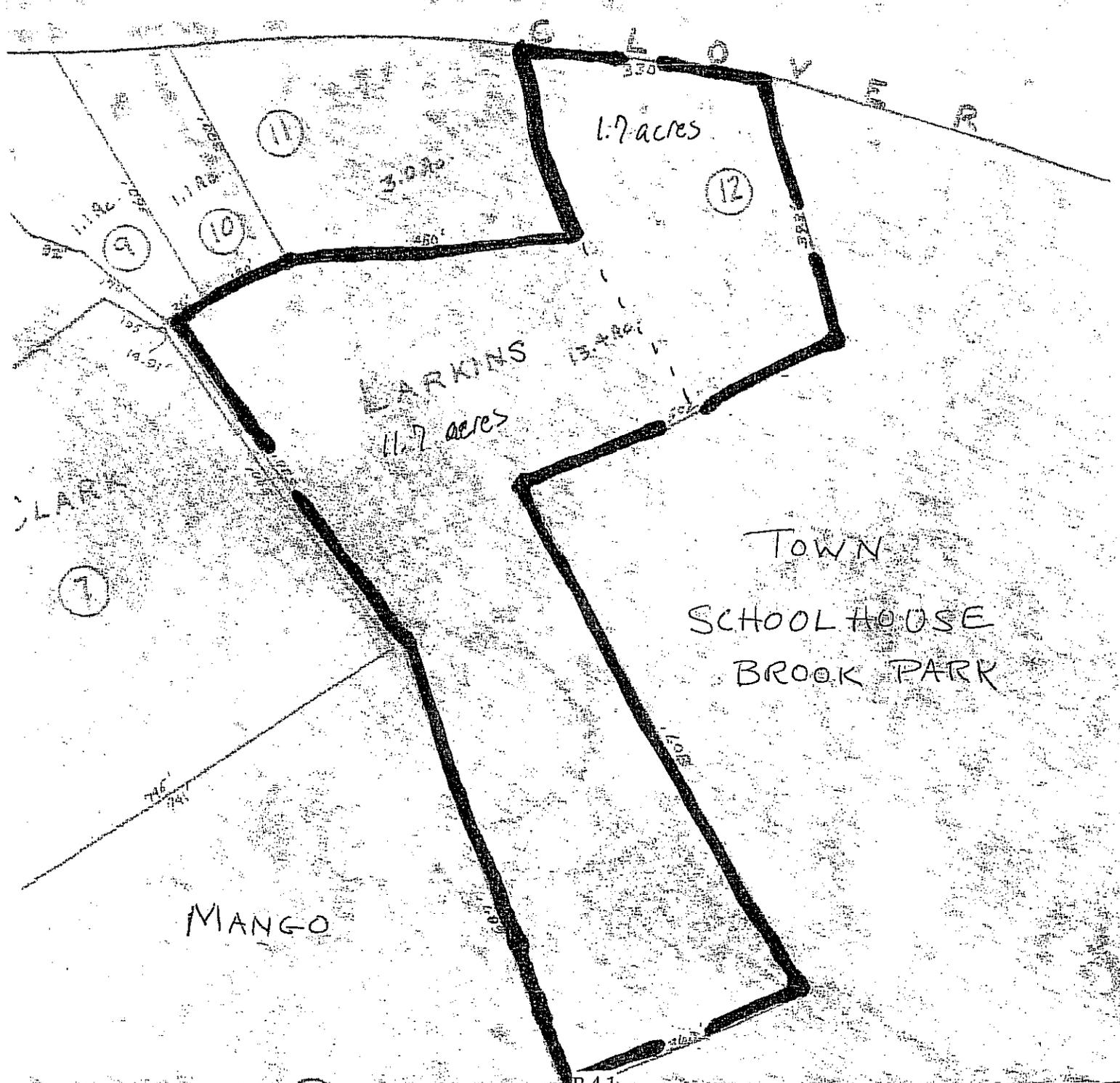
MEMO

TOWN MANAGER'S OFFICE, TOWN OF MANSFIELD

To: Gregory Padick, Town Planner
From: Matthew W. Hart, Assistant Town Manager *MWH*
Subject: Open Space Acquisition – Larkins Property
Date: December 31, 2002

At its meeting on December 9, 2002, the Mansfield Town Council voted to refer the above captioned subject to the Planning and Zoning Commission for review pursuant to *Connecticut General Statutes §8-24*.

MWH:sml



1.7 acres

11.7 acres

TOWN
SCHOOL HOUSE
BROOK PARK

MANGO

OPEN SPACE PRESERVATION COMMITTEE
RECOMMENDATION TO THE TOWN COUNCIL

The Larkins Property

Description

A landlocked parcel of approximately 12.5 acres belonging to Millie Larkins. The L-shaped parcel is contiguous to her house lot on Clover Mill Road, but it is a separate lot of record. It is on the northwest corner of the southern section of Schoolhouse Brook Park (see map). The land is wooded and contains a portion of the wetlands at the head of the brook that flows into Barrows Pond and then into Schoolhouse Brook.

Goals

The committee recommends purchase of this land to fill out the northwest corner of this portion of Schoolhouse Brook Park and to help protect water quality in Barrows Pond. Because of the wetland, no trail access is planned.

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER

Item #4



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Open Space Acquisition – Vernon Property

Dear Town Council:

Attached please find correspondence concerning the proposed purchase of the 11.86-acre Vernon property located south of Crane Hill Road in the vicinity of Jacobs Hill Road. The subject parcel is landlocked and located immediately south of land previously acquired by the town from Vernon and Fesik. The property also abuts open space land owned by Joshua's Trust and includes a segment of the Nipmuck Trail.

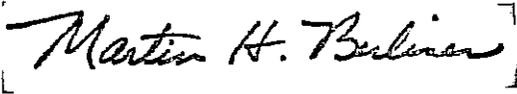
The selling price for the land is \$9,450. This purchase price incorporates the seller's retention of an approximately .18 acre parcel that is valued at \$2,650 and cut off from Parcel #3 shown on the attached map. Total value given by the town is therefore \$12,100 and the total value received by the seller is \$12,100, money and land.

Staff recommends that the Council authorize the acquisition of the Vernon property, for several reasons. First, upon §8-24 review, the Planning and Zoning Commission (PZC) unanimously found that the acquisition of the property "would promote Plan of Conservation and Development goals and objectives." Second, as explained by the Town Planner, the town's acquisition of the property would expand public ownership of the Nipmuck Trail. Third, the purchase would increase the size of the open space corridor along Sawmill Brook, which includes the nearby Wolf Rock parcel owned by Joshua's Trust. And, lastly, the selling price for the land is fair and reasonable.

If the Council concurs with this recommendation, the following motion is in order:

Move, to authorize the town manager to complete the proposed purchase agreement dated January 3, 2003 between the Town of Mansfield and Sheridan Vernon, Kim Vernon and Kirsten Vernon Ramundo for the purchase of the 11.16 acre parcel designated as Parcel #5 on a survey map dated August 13, 2002 and prepared by Meehan & Goodin, and to expend \$9,450 from the Capital Projects Fund - Open Space Acquisition Account for the subject purchase.

Respectfully submitted,



Martin H. Berliner
Town Manager

Attach:(7)

AGREEMENT TO SELL AND PURCHASE REAL ESTATE

THIS AGREEMENT is entered into on ^{Jan. 3, 2003} ~~December~~, 2002, by and between the Town of Mansfield, CT, Purchaser, and Sheridan Vernon of 180 Birch Street, Willimantic, CT, Kim Vernon & Kirsten Vernon a/k/a Kirsten Vernon Ramundo, the Seller(s).

PROPERTY TO BE CONVEYED: An 11.16 acre parcel designated as Parcel #5 on a survey map done by Mcchan & Goodin, Engineers, dated 8-13-02, (said survey to be revised to incorporate the terms of this Agreement to document a trail easement on land of Prignano and to clearly label parcels deeded and to be deeded to said Town), and bounded by land of Stearns & Sons, Inc. along the northwest side, Joshua's Trust along the west side, Joshua's Trust along the south side, and the Estate of Jack & Rose Guarnaccia also along the south side, and N/F Andrew Pierce along the east side, and again by the Town of Mansfield along the north side, the above being a portion N/F of the Estate of Rosalie Vernon and described in Volume 81 Page 292 of the Mansfield Land Records (MLR), of which, a visual diagram is herein attached.

The purchase price shall be \$9,450.00 (nine thousand four hundred fifty dollars), cash or check. This purchase price incorporates the Seller(s)' retention by way of a deed from the Purchaser of an approximately .18 acre area adjacent to parcel 3 on the attached map. This small area is given a value of \$2,650.00 (two thousand six hundred fifty dollars). Total value given by said Town is therefore \$12,100.00 (twelve thousand one hundred dollars); total value received by the Seller(s) is \$12,100.00, (twelve thousand one hundred dollars), money and land.

Seller(s) agree to quitclaim all their rights or claims to two parcels of land described on the above-referenced map as N/F of Charles G. Southworth (Vol. 34, Pg. 62, MLR) and N/F Andrew Pierce (Vol. 30, pg. 30, MLR). These parcels are adjacent to land conveyed by Seller(s) to Purchaser.

The revised Mcchan & Goodin survey shall specifically describe the Nipmuck Trail easement given to Purchaser by Pascal A. Prignano and Louise E. Prignano in the Perpetual Easement Grant and Agreement recorded at Vol. 472, Pg. 306, MLR, over the Prignanos' Land and reference said easement in said survey's 'General Notes - Notes Declarations' section.

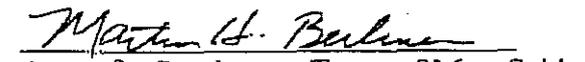
All parties herein agree to execute a corrective deed using final survey descriptions.

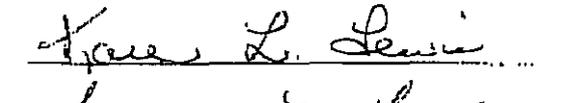
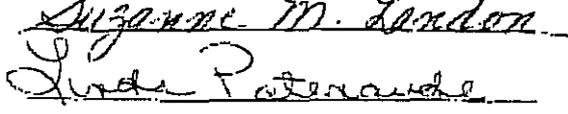
This Agreement is to be reviewed and approved by counsel for both sides within 5 days of acceptance.

The closing date (transfer of title) is to be done by January 20, 2002. The Closing is to take place at the Mansfield Town Hall.

The following signatures acknowledge the terms of said sale and purchase, and acknowledge said signings to be their free act and deed: The signature of the Purchaser's agent is subject to the subsequent approval of the Mansfield Town Council.


Agent for Sellers - Sheridan Vernon, et al.


Agent for Purchaser - Town of Mansfield

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Memo to: Town Council
From: Planning and Zoning Commission
A. H. Barbéret / J.P.H.
Audrey H. Barbéret, Chairman
Date: Jan. 7, 2003

Re: 8-24 referral: 11.86-acre Vernon property, Crane Hill Rd.

At a regular meeting held on January 6, 2003, the Planning and Zoning Commission unanimously adopted the following motion:

“that the PZC notify the Town Council that the proposed acquisition of the 11.86-acre Vernon property would promote Plan of Conservation and Development goals and objectives, and is supported by the Planning and Zoning Commission.”

If there are any questions regarding this action, the Planning Office may be contacted.

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Memo to: Planning & Zoning Commission
From: Gregory J. Padick, Town Planner
Date: 1/3/03



Re: 8-24 referral: Vernon property, Crane Hill Rd., proposed acquisition of 11-acre parcel

Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced proposed acquisition of land has been referred to the PZC for comment. At its 1/13/03 meeting, the Town Council will be holding a Public Hearing on this potential acquisition and, if possible, the PZC should consider taking action on this referral at its 1/6/03 meeting. State Statutes provide the PZC with a 35-day comment period. The following information is provided for the PZC's consideration:

- Earlier this year, the Town acquired adjacent land from the Vernon family, following an 8-24 referral to the PZC. On 4/16/01, the PZC reported to the Town Council that the proposed acquisition of portions of the Vernon property "would promote numerous Plan of Development open space and recreational goals and objectives and is supported by the Planning and Zoning Commission."
- In conjunction with the Town's acquisition of portions of the Vernon property, the subject property was surveyed. The survey revealed that the Vernon family also owned the subject 11.16-acre parcel. At the time of the first 8-24 referral, neither the Town nor the Vernon family was aware that this land was owned by the Vernons. The subject parcel is landlocked and is immediately south of land previously acquired by the Town from Vernon and from Fesik (purchased 11/02), (see attached map). The subject parcel also abuts open space land owned by Joshua's Trust which, in turn, abuts Town land at the end of Jacobs Hill Road.
- The subject 11.16-acre parcel includes a segment of the Nipmuck Trail, and Town acquisition would promote many Plan of Conservation and Development open space goals and recommendations. The attached memo from the Open Space Committee provides additional information and a recommendation for Town acquisition of the subject 11-acre parcel.

Summary/Recommendation

Town acquisition of the 11.16-acre Vernon parcel would promote many general and specific recommendations of Mansfield's Plan of Conservation and Development. Town ownership would expand public ownership of the Nipmuck Trail and would expand the open space corridor along Sawmill Brook, which includes the nearby Wolf Rock parcel owned by Joshua's Trust. For these reasons and others cited in the Open Space Preservation Committee's memo, it is recommended that **the Planning and Zoning Commission notify the Town Council that the proposed acquisition of the 11.16-acre Vernon parcel would promote numerous Plan of Development open space and recreational goals and objectives, and is supported by the Planning and Zoning Commission.**

JOSHUA'S TRACT
P.48

JOSHUA'S TRACT

Town of Mansfield

TOWN LAND

Subject Parcel #116

TOWN LAND

Jacobs Hill Rd

Joshua's Tract

TO PUDDING LN
N/F STEARNS

TOWN LAND
75 feet wide
825

All dimensions are approx
were scaled from the Mansf
Assessor's Map
Approximate scale 1" = 400

REAR LAND
About 51 Acres

Electric line
Right-of-way

Land of the
Estate of
Rosalia N. Vernon

Land of
Sheridan Vernon

82.96 acres
n/e Russell W. Martin

- ... Nipmuck Trail
- //// Proposed house lot
- Boundary of area includ
in appraisal but now is
proposed house lot

Town LAND

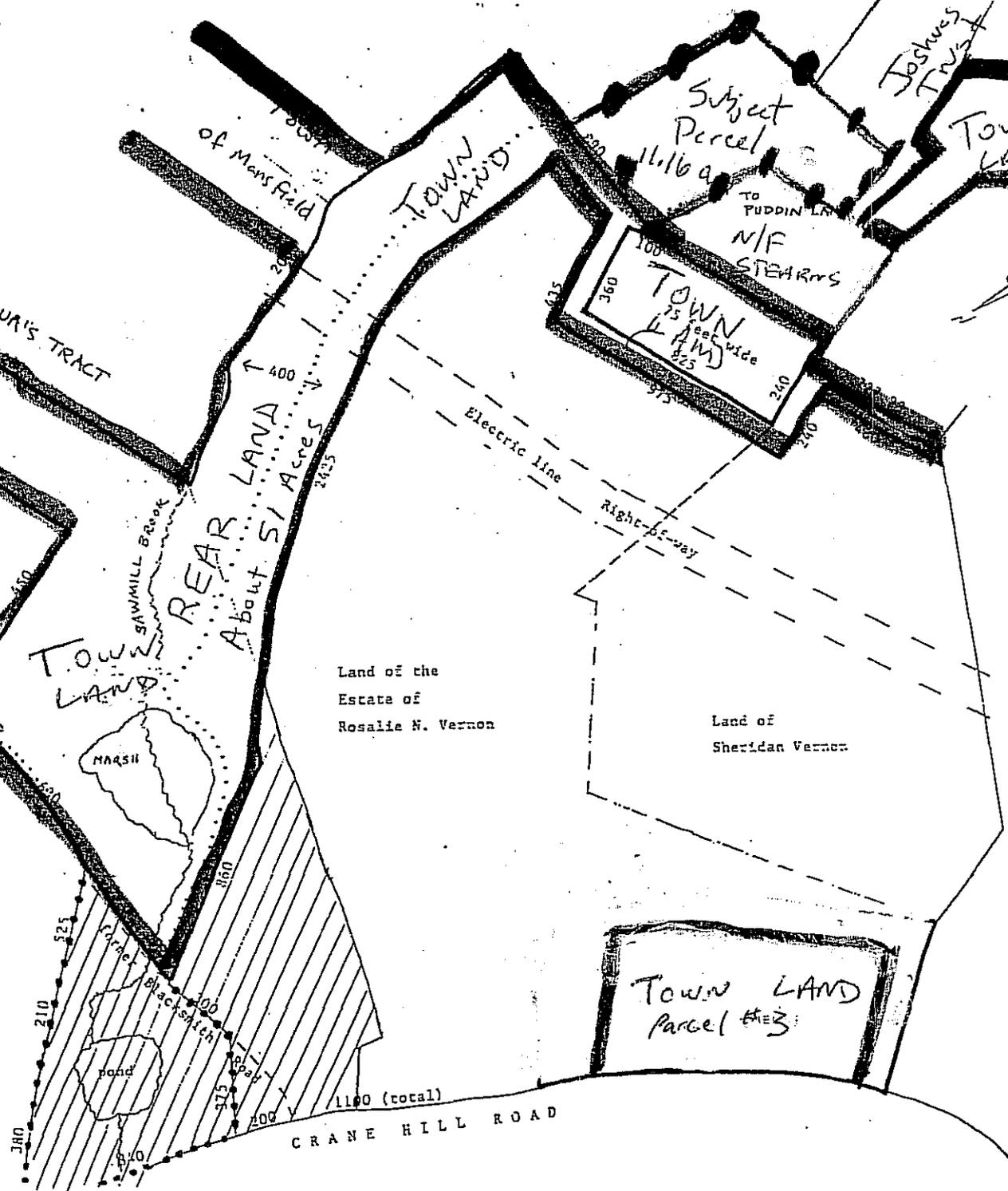
MARSH

TO WOLF ROCK

Town LAND
Parcel #13

CRANE HILL ROAD

MANSFIELD



INTER

OFFICE

MEMO

TOWN MANAGER'S OFFICE, TOWN OF MANSFIELD

To: Gregory Padick, Town Planner
From: Matthew W. Hart, Assistant Town Manager *MWH*
Subject: Open Space Acquisition – 11.16-acre Vernon Property
Date: December 31, 2002

At its meeting on December 9, 2002, the Mansfield Town Council voted to refer the above captioned subject to the Planning and Zoning Commission for review pursuant to *Connecticut General Statutes* §8-24.

MWH:sml

OPEN SPACE PRESERVATION COMMITTEE
RECOMMENDATION TO THE TOWN COUNCIL

Three properties adjacent to Town land that was acquired from the Vernon parcel on Crane Hill Road

Description

A survey of the Vernon property on Crane Hill Road shows three properties at the south edge of land purchased by the Town from the Vernon family. All of these parcels are available for purchase or acquisition by the Town. They have mature woods of oak, beech and hickory and slope eastward toward Sawmill Brook.

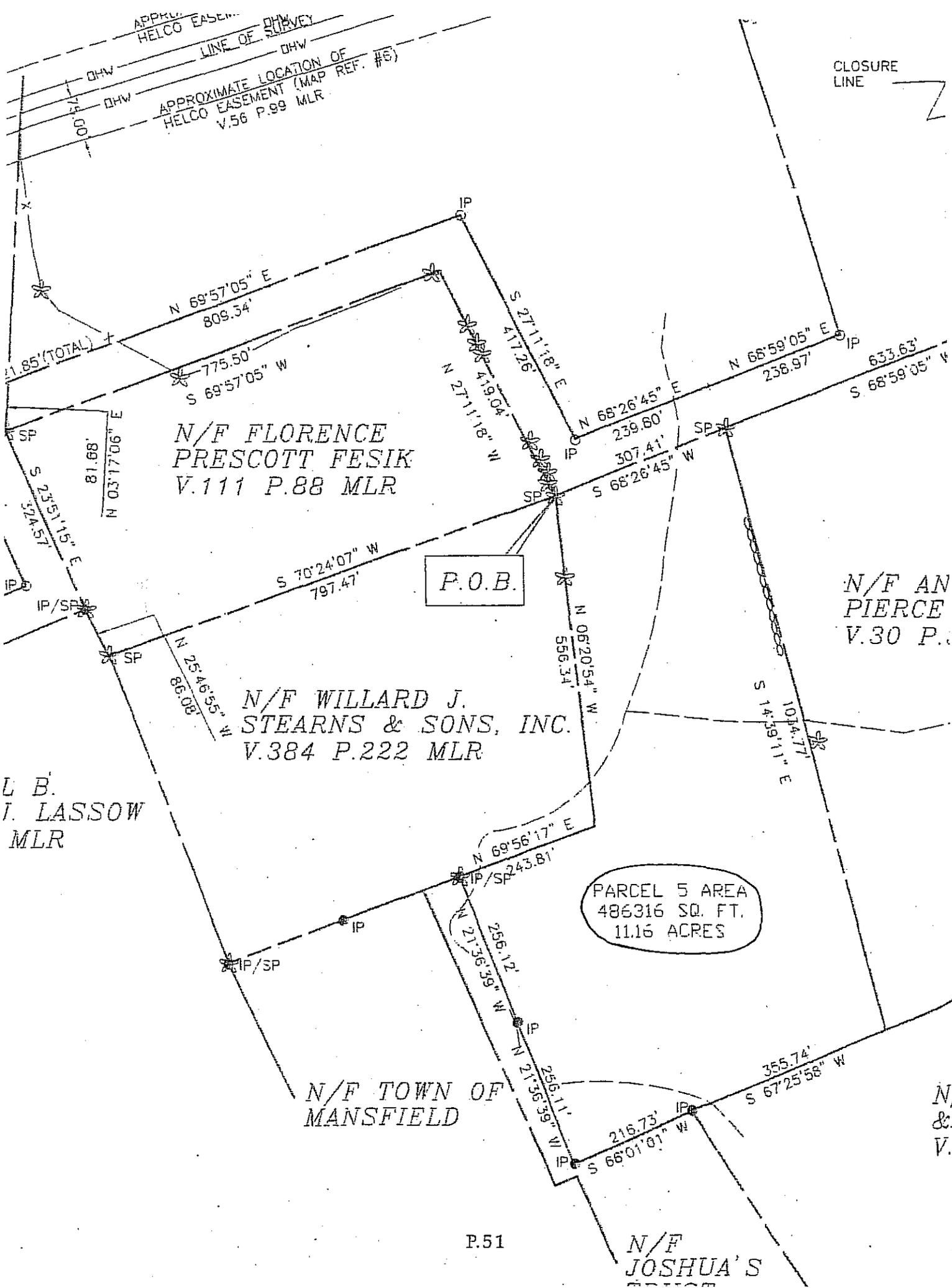
1) An 11.16-acre landlocked parcel belonging to the Vernon family that abuts Town land to the north and Joshua's Trust land to the west (see the survey map). The Nipmuck Trail crosses this property on its way from the Town land to the Trust land. The Vernon parcel is available for the Town to purchase and would provide a protected link between the Town land and the Trust's land. On the Trust's land, a side trail leads west across other Town land to the end of Jacobs Hill Road.

2) A landlocked parcel of approximately 11 acres abutting the east side of parcel 1 (described above) and also abutting Town land on the north side. The most recent ownership found during the Vernon survey was by Andrew Pierce, as recorded in vol. 30, page 30, of the Town records. Sawmill Brook forms the eastern boundary of this property (approximately 400 feet on the brook).

3) A 7.5-acre landlocked parcel, which Florence Fesik has offered for sale to Joshua's Trust, is surrounded on three sides by Town land purchased from the Vernon family. Discussion with the Trust indicates that the property would be available for purchase by the Town.

Goals

These three parcels form a continuous strip of land along the south edge of Town land and would contribute to a protected corridor for a section of the Nipmuck Trail, a first priority in the Town Plan of Conservation and Development. The committee recommends purchase of parcels 1 and 3. Acquisition of the former Pierce property (parcel 2) would contribute to protection of the Sawmill Brook streambelt, a second priority in the Town Plan of Conservation and Development.



APPROXIMATE LOCATION OF HELCO EASEMENT (MAP REF. #6)
 HELCO EASEMENT V.56 P.99 MLR
 LINE OF SURVEY
 DHW
 DHW
 71'00"

CLOSURE LINE

N/F FLORENCE
 PRESCOTT FESIK
 V.111 P.88 MLR

P.O.B.

N/F WILLARD J.
 STEARNS & SONS, INC.
 V.384 P.222 MLR

N/F AN
 PIERCE
 V.30 P.

L. B.
 I. LASSOW
 MLR

PARCEL 5 AREA
 486316 SQ. FT.
 11.16 ACRES

N/F TOWN OF
 MANSFIELD

N/F
 JOSHUA'S

N,
 &
 V.

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Issues Regarding the UConn Landfill Including the UConn Consent Order, Public Participation Relative to the Consent Order and Well Testing

Dear Town Council:

Attached please find correspondence concerning the UConn landfill, and the related consent order and well testing.

At this time, the Town Council is not required to take action on this item.

Sincerely,

Martin H. Berliner
Town Manager

Attach:(3)

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University of Connecticut
Division of Business and Administration

Architectural and
Engineering Services

REC'D DEC 23 2002

December 20, 2002

Raymond L. Frigon, Jr.
Environmental Analyst
State of Connecticut, Department of Environmental Protection
Waste Management Bureau/PERD
79 Elm Street
Hartford, CT 06106-5127

RE: CONSENT ORDER #SRD 101, STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION (CTDEP)
QUARTERLY PROGRESS REPORT – OCTOBER 2002 THROUGH DECEMBER 2002
UNIVERSITY OF CONNECTICUT LANDFILL, STORRS, CT
PROJECT # 900748

Dear Mr. Frigon:

As specified in Section 8 of the above-referenced Consent Order, the University of Connecticut (UConn) is issuing this Quarterly Progress Report to the Connecticut Department of Environmental Protection (CTDEP). Project progress is discussed for the following topics:

- UConn Landfill Closure
- UConn F Lot Landfill Closure
- UConn Landfill Interim Monitoring Program
- Technical Review Sessions
- Technical Review Session Information
- Hydrogeologic Investigation – UConn Landfill Project
- UConn's Technical Consultants - Hydrogeologic Team
- Discussions of Activities Completed in October 2002
- Discussions of Activities Completed in November 2002
- Discussions of Activities Completed in December 2002
- Schedule for Compliance (Revision No. 3)
- Certification
- Applicable Photographs

A Public Availability Session has been scheduled for Saturday, January 25, 2003 from 10:00 AM to 3:00 PM in Room 7 at the UConn Bishop Center, One Bishop Circle, Storrs, CT. For directions or more information call 860-486-1052. On Tuesday, February 25, 2003 at 7 PM, a Public Meeting will be held at the Mansfield, CT Town Hall to discuss the UConn's Draft Final Comprehensive Report.

**CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
December 20, 2002**

The following actions undertaken or completed during this period comprise of:

UConn Landfill Closure

Maintenance and Inspection Operations: UConn landfill maintenance and inspection operations conducted include erosion control monitoring and inspection reporting.

Erosion Control: UConn accomplished the fall season liming and fertilization of the top of the landfill. Drainage modification work, bikepath repairs and revegetation of disturbed areas were completed south and west of the UConn Landfill.

UConn F-Lot Landfill Closure

UConn F-Lot Landfill Closure work completed included pavement removal, filling and compacting to grade, electrical system installation, installation of geotextile and 40-mil liner materials, and three inches of asphalt paving. Haley & Aldrich provided construction inspection services for UConn. Haley & Aldrich and UConn have prepared as-built plans and are assembling project documentation.

UConn Landfill Interim Monitoring Program (IMP)

IMP sampling continued during this period. Thirty-one monitoring wells were identified and are being sampled in this current program, consisting of seven monitoring wells for shallow groundwater, five locations for surface water, and nineteen active residential water supply wells. Another round of IMP sampling was conducted during September 2002. All of the results were reported to the property owners and CTDEP and summarized in the *UConn Update*.

Technical Review Sessions

Public involvement principles are summarized as follows:

- Public involvement includes the promise that the public's contribution can influence decisions.
- The process must be periodically updated to ensure that it is effective in facilitating these principles.
- The process provides participants a way to define how they want to be involved and participate.
- The process supplies participants with information they need in order to participate in a meaningful way.

CTDEP Consent Order

Quarterly Progress Report – October 2002 through December 2002

December 20, 2002

- The public involvement process seeks out and facilitates the involvement of all those potentially affected.

The specific goals of public involvement at the UConn Landfill Project are:

- To design a process for public involvement that can be fully implemented and is consistent with available time and resources of the sponsoring agencies and other key parties.
- To encourage the broadest possible involvement by the public in all aspects of the site investigation, environmental monitoring programs, and cleanup at the UConn landfill.
- To ensure that information is easily accessible and is as clear as possible to the interested public.
- To ensure the development and dissemination of accurate, comprehensive information about all aspects of the site investigation, environmental monitoring programs, and cleanup, including timely information on potential risks posed by the landfill.
- To provide specific procedures for consideration and incorporation of relevant public comments and concerns in key site investigations, environmental monitoring programs, and cleanup decisions.

Technical Review Session Information

To reiterate, as discussed in previous Quarterly Reports, the public involvement process is being utilized to provide public involvement in the CTDEP decision-making process regarding the investigation, environmental monitoring programs, and potential cleanup of the site. In addition:

- Technical Review Session Information: Regina Villa Associates (RVA) distributed the 2002 *UConn Update* to mailing list individuals.
- Haley & Aldrich distributed the minutes from Technical Review Committee (TRC) Meetings.

No TRC Meetings were held during this reporting period. A Public Availability Session has been tentatively scheduled for Saturday, January 25, 2003 from 10:00 AM to 3:00 PM in Room 7 at the UConn Bishop Center, One Bishop Circle, Storrs, CT. On Tuesday, February 25, 2003 at 7 PM, a Public Meeting will be held at the Mansfield, CT Town Hall to discuss the Draft Final Comprehensive Report.

Hydrogeologic Investigation – UConn Landfill Project

Final Supplemental Hydrogeologic Investigation: Haley & Aldrich submitted the Comprehensive Hydrogeologic Report and Remedial Action Plan to CTDEP.

Hydrogeologic Investigation: UConn has been collecting residential water samples from residences having active domestic wells as required and noted on the IMP. Quarterly 2002 sampling to date has been completed in accordance with Consent Order No. SRD-101 and the IMP.

**CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
December 20, 2002**

Ecological Assessment: Haley & Aldrich have prepared a Technical Memorandum and have included a section of the Comprehensive Report addressing the ecological assessment of the environmental impacts associated with the UConn Landfill.

Evaluation of UConn Landfill Remedial Alternatives: Evaluation for a recommended cap and leachate collection system as presented to CTDEP considered waste consolidation, a synthetic cap to provide a low permeability barrier, leachate interceptor trenches, and the piping and treatment of leachate. UConn's potential future use of the landfill vicinity includes paving to provide an additional parking lot area.

UConn's Technical Consultants - Hydrogeologic Team

Haley & Aldrich: Haley & Aldrich has completed fieldwork for the IMP and quarterly monitoring well sampling for the past quarter. Work also included the preparation and distribution of meeting notes, meeting attendance, and technical input. Prior quarterly groundwater, sediment, and surface water sampling data are also being reviewed. Consultant was also involved in data assessment and evaluation for the Supplemental Hydrogeologic Investigation. Haley & Aldrich has prepared and submitted the Comprehensive Hydrogeologic Report and Remedial Action Plan. Haley & Aldrich previously had submitted a revised Schedule for Compliance (Revision No.3) to CTDEP on August 12, 2002. An update to this schedule has been provided.

Mitretek Systems: Mitretek's work included meeting attendance and input, technical review of data, fieldwork, and coordination with the hydrogeologic team. This consultant was also involved in assessment and evaluation of all data and interpretations for the Supplemental Hydrogeologic Investigation. Consultant assisted in the preparation of the Comprehensive Hydrogeologic Report and Remedial Action Plan.

United States Geologic Survey: The USGS work tasks included Final Supplemental Hydrogeologic Investigation Scope of Work contribution and reviews. The USGS was interpreting surface geophysical survey data, conducting and interpreting borehole geophysical surveys, and collecting bedrock groundwater levels information. The USGS was also involved in hydrogeologic data assessment and evaluation.

Environmental Research Institute: ERI's work tasks included Final Supplemental Hydrogeologic Investigation Scope of Work contribution and reviews. ERI is conducting sample analyses as part of the UConn Landfill project and IMP. ERI has completed groundwater-profiling and soil gas surveys.

Epona Associates, LLC: As subcontractor to Haley & Aldrich, Epona provided professional risk assessment services as well as meeting attendance and technical input. This consultant was involved in data assessment and data evaluation plus coordinating ecological sampling and risk assessment issues.

Regina Villa Associates: RVA is the community information specialist. RVA continues to produce and distribute the *UConn Update*. Work also included the integration of review comments and assistance with public involvement.

CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
December 20, 2002

Discussion on Activities Completed in November 2002

UConn:

- Conducted erosion control survey
- Consent Order requirement compliance and coordination of the Hydrogeologic Investigation and IMP

Haley & Aldrich:

- Conducted services for fieldwork and reporting as detailed in the Supplemental Hydrogeologic Investigation and IMP
- Completed Round 9 monitor well sampling and Fall IMP sampling
- Submitted the Comprehensive Hydrogeologic Report and Remedial Action Plan
- Reviewed and provided comments on *UConn Update*
- Submitted a letter to the US Army Corps of Engineers and CTDEP Wetlands Division requesting a pre-application meeting

USGS:

- Continued data review and evaluation
- Evaluation of discrete-interval head data in deep bedrock wells and open-hole head data in overburden and shallow-rock wells

Mitretek:

- Reviewed and provided comments on Draft Comprehensive Hydrogeologic Report and Remedial Action Plan
- Reviewed and provided comments on *UConn Update*
- Mitretek prepared a Hydro Team agenda and reviewed the responses to DEP's comments on the Ecological Assessment Technical Memorandum and the Reader's Guide to the Comprehensive Report.
- Met with DEP to discuss Ecological Assessment
- Met with Hydro Team to prepare for Comprehensive Report revision and Public Availability Session

ERI:

- Conducted laboratory analytical services as detailed in the Supplemental Hydrogeologic Investigation and IMP of the UConn Landfill Project

Epona:

- Provided support to Haley & Aldrich

RVA:

- Finalized the Fall 2002 *UConn Update* for printing and distribution
- Prepared the draft outline for the Comprehensive Report
- Continued work on a UConn Landfill web site, drafting copy and working with web designer

**CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
December 20, 2002**

Discussion on Activities Completed in December 2002

UConn:

- Conducted erosion control survey
- Consent Order requirement compliance and coordination of the Hydrogeologic Investigation and IMP
- Attended Hydro Team Meeting

Haley & Aldrich:

- Attended meeting with CTDEP regarding ecological assessment.
- Attended Hydro Team Meeting
- Prepared written responses were provided to DEP regarding ecological assessment

USGS:

- Attended Hydro Team Meeting

Mitretek:

- Attended Hydro Team Meeting
- Attended meeting with CTDEP regarding ecological assessment.
- Assisted with written responses which were provided to DEP regarding ecological assessment

ERI:

- Conducted laboratory analytical services as detailed in the Supplemental Hydrogeologic Investigation and IMP of the UConn Landfill Project
- Attended Hydro Team Meeting

Epona:

- Provided support to Haley & Aldrich
- Attended meeting with CTDEP regarding ecological assessment.
- Assisted with written responses were provided to DEP regarding ecological assessment

RVA:

- Finalized the Fall 2002 *UConn Update* for printing and distribution
- Continued work on a UConn Landfill web site, drafting copy and working with web designer
- Attended Hydro Team Meeting
- Drafted and mailed a "Save these Dates" post card for the January/February meetings
- Continued work of a Summary Fact Sheet for the Draft Final Report for public use
- Prepared information and memos on materials for the Public Availability Session
- Kept UConn parties informed of plans for events, responses, etc.

CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
December 20, 2002

Schedule for Compliance (Revision No. 3)

The submitted Plan for presentations, the TRC Meeting Agenda Topics, and the Schedule for Compliance for Consent Order SRD-101 Hydrogeologic Investigation - University of Connecticut Landfill, F-Lot, and Chemical Pits Storrs, CT has been proposed for modification as follows (*completed items in italics*):

Schedule for Compliance (Revision No. 3) CTDEP Consent Order SRD-101, Hydrogeologic Investigation of UConn Landfill, F-Lot, and Former Chemical Pits, Storrs, Connecticut <i>(completed items in italics):</i>		
Consent Order Deliverable	Contents	Dates of Presentations and Submittals to CTDEP
<i>UConn Landfill and Former Chemical Pits — Ecological Assessment</i>	<i>Results of Ecological Assessment and Implications of the Assessment on Evaluation of Remedial Alternatives</i>	<i>January 9, 2002 (presentation completed)</i> <i>April 11, 2002 (interim report submitted*)</i>
<i>UConn Landfill and Former Chemical Pits — Conceptual Site Model (CSM), impact on bedrock groundwater quality</i>	<i>CSM details and supporting geophysical, hydrological, and chemical data</i>	<i>February 7, 2002 (presentation completed)</i> <i>April 8, 2002 (interim report submitted*)</i>
<i>Remedial alternatives for the UConn Landfill, former chemical pits, F Lot, and contaminated ground water</i>	<i>Report will be included as the Remedial Action Plan in the Comprehensive Report</i>	<i>June 13, 2002 (presentation completed)</i>
<i>Comprehensive Hydrogeologic Report and Remedial Action Plan - integration of information in all interim reports and all previous reports</i>	<ul style="list-style-type: none"> ▪ <i>Results of Comprehensive Hydrogeologic Investigation</i> ▪ <i>Remedial Action Plan</i> ▪ <i>Long Term Monitoring Plan</i> ▪ <i>Schedule (to include public and agency review, permitting, design, and construction)</i> ▪ <i>Post-Closure</i> ▪ <i>Redevelopment Plan for the UConn Landfill and F-Lot</i> 	<i>August 29, 2002 (presentation**)</i> <i>October 31, 2002 (Comprehensive Report Submitted to CTDEP)</i>
<i>Comprehensive Final Remedial Action Plan Report</i>	<i>Release of Report and Plan for public review.</i>	<i>January 2003</i>
<i>Remedial Action Design to include comprehensive interpretive design of the Landfill final cap</i>	<i>Detailed design drawings and specifications of the preferred remedial alternative(s)</i>	<i>Summer 2003 (Comprehensive Design Submittal)</i>

CTDEP Consent Order
 Quarterly Progress Report – October 2002 through December 2002
 December 20, 2002

Schedule for Compliance (Revision No. 3) CTDEP Consent Order SRD-101, Hydrogeologic Investigation of UConn Landfill, F-Lot, and Former Chemical Pits, Storrs, Connecticut <i>(completed items in italics):</i>		
Consent Order Deliverable	Contents	Dates of Presentations and Submittals to CTDEP
Implement Remedial Action Plan for the UConn Landfill, former chemical pits, F Lot and contaminated groundwater	<ul style="list-style-type: none"> • Finalize detailed construction drawings, and specifications • Develop bid packages based on approved Remedial Action Plan • Competitive Bidding Process • Select Contractor • Obtain Permits as detailed in the Remedial Action Plan • Mobilization & Fieldwork 	July 2003 through September 2003 (Competitive Bidding Process and Contractor(s) selection)
Initiation of Construction of Approved Remedial Option	Selection of contractors and the beginning of construction of approved remedial options	Fall 2003 mobilize contractor(s) (Contingent on Construction Timetable ***)
Initiation of Long Term Monitoring Plan	IMP sampling continues quarterly to this point	January 2004
Completion of Remedial Construction	Comprehensive final as-built drawings and closure report for the UConn Landfill, former chemical pit area.	May 2004 - Anticipated completion of construction (Contingent on Construction Timetable ***)
Post-Closure Monitoring	Begin post-closure monitoring program of the Remedial Action upon approval from CTDEP	May 2004 (Contingent on Construction Timetable ***)

- * Interim reports submittals are the data packages that support the presentation accompanied by interpretive text sufficient for review. Comments received at the presentation will be addressed in the interim reports.
- ** Results will not be complete until evaluation of data from MW 208R, if permission to drill from the property owner is received.
- *** Contingent on construction timetable based on bidding market, weather conditions, numerous permitting issues, along with State and local reviews and conditions.

**CTDEP Consent Order
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Certification

As part of this submission, I am providing the following certification:

I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.

Please contact James M. Pietrzak, P.E. at (860) 486-5836 or me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry G. Schilling", written over a horizontal line.

Larry G. Schilling
Executive Director
Architectural and Engineering Services

LGS/IMP

CTDEP Consent Order
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cc:

Gail Batchelder, HGC Environmental Consultants
Martin Berliner, Town of Mansfield
Scott Brohinsky, UConn
Thomas Callahan, UConn
Marion Cox, Resource Associates
Brian Cutler, Loureiro
Amine Dahmani, ERI
Elida Danaher, Haley & Aldrich
Dale Dreyfuss, UConn
John England, CTDEP
Nancy Farrell, RVA
Charles Franks, USEPA
Peter Haeni, F.P. Haeni, LLC
Allison Hilding, Mansfield Resident
Peter McFadden, ERI
Traci Iott, CTDEP
Carole Johnson, USGS
Ayla Kardestuncer, Mansfield Common Sense
John Kastrinos, Haley & Aldrich
Alice Kaufman, USEPA
Jennifer Kertanis, CTDPH
Wendy Koch, Epona
Prof. George Korfiatis, Stevens Institute of Technology
George Kraus, UConn
Richard Miller, UConn
Robert Miller, Eastern Highlands Health District
Elsie Patton, CTDEP
Dr. John Petersen, UConn
James Pietrzak, UConn
Susan Soloyanis, Mitretek
Rick Standish, Haley & Aldrich
William Warzecha, CTDEP

**CTDEP Consent Order
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Applicable Photographs

CTDEP Consent Order
Quarterly Progress Report – October 2002 through December 2002
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Figure 1 - UConn Landfill Area Facing South - Dec. 2002
(Photo Taken by Haley & Aldrich)

CTDEP Consent Order
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Figure 2 - UConn Landfill Area Facing NE - Dec. 2002
(Photo Taken by Haley & Aldrich)

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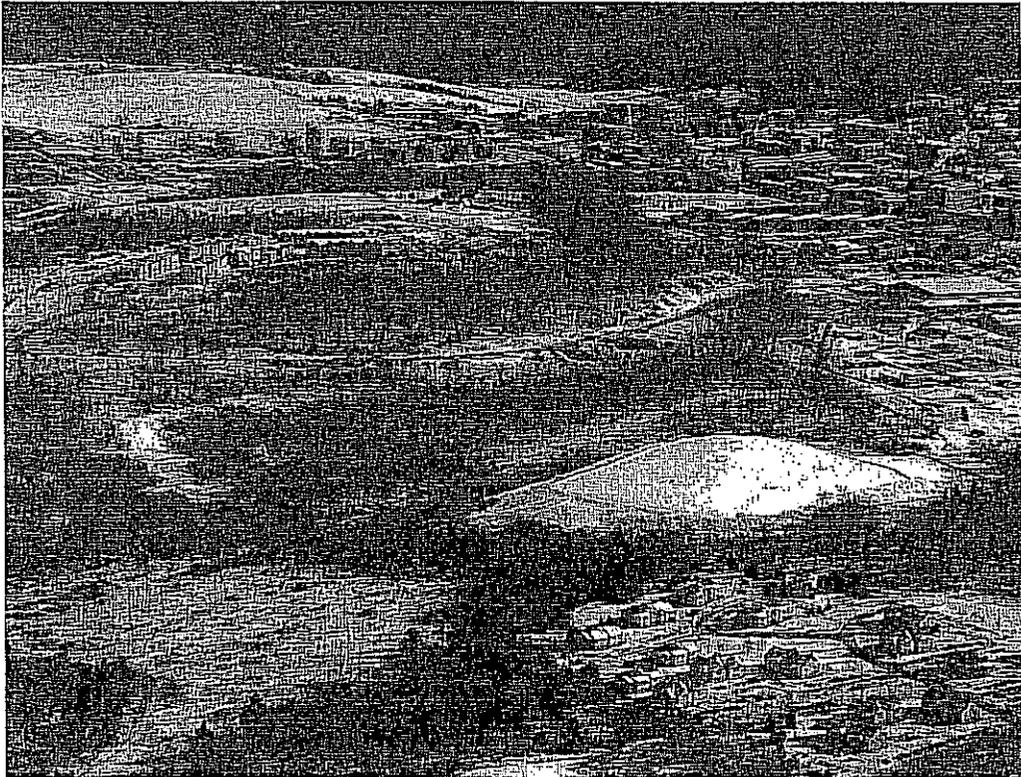


Figure 3 - UConn Landfill Area Facing SE - Dec. 2002
(Photo Taken by Haley & Aldrich)



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



REC'D JAN 3 2003

December 23, 2002

Dr. John D. Peterson
Chancellor and Provost for University Affairs
University of Connecticut
352 Mansfield Road, U-86
Storrs, Connecticut 06269-2086

RE: University of Connecticut Landfill/Former Chemical Pits/F-Lot
Comprehensive Hydrogeological Investigation and Remedial Action Plan
Consent Order No. SRD-101

Dear Dr. Peterson:

The Permitting, Enforcement and Remediation Division of the Bureau of Water Management (the Department) has reviewed the report titled "Draft Report, Comprehensive Hydrogeologic Investigation and Remedial Action Plan, University of Connecticut, Storrs, Connecticut", dated October 2002. The draft report was submitted by Haley & Aldrich, Inc. on behalf of the University of Connecticut (UConn), in conjunction with Consent Order No. SRD-101.

Attached are the Department's detailed comments to the draft report. Also, attached are comments provided by the U. S. Environmental Protection Agency, the Eastern Highlands Health District, and environmental consultants retained by the Town of Mansfield. Please submit a revised report by January 17, 2002 that incorporates the enclosed comments.

As you may be aware, the findings of the comprehensive environmental investigation and the proposed remedial actions for the landfill, former chemical pits and F Lot will be formally presented to the public at an availability session held at the Bishop Center on Saturday, January 25, 2003 from 10:00 a.m. to 3:00p.m.

If you have any questions regarding these comments or the project in general, please contact me at (860) 424-3705, or Raymond Frigon, Jr. of my staff at (860) 424-3797.

Dr. John D. Peterson
RE: Comprehensive Hydrogeological Investigation and Remedial Action Plan
Page 2.

Sincerely,

Elsie Patton

Elsie Patton
Assistant Director
Permitting, Enforcement &
Remediation Division
Bureau of Water Management

enclosure
EP:rlf

c: Ray Frigon, DEP
Traci Iott, DEP
John England, DEP
Charles Franks, EPA
Martin Berliner, Town of Mansfield
Rob Miller, Eastern Highlands Health District
Gail Batchelder, HGC Environmental Consultants
Richard Miller, Esq., Uconn
James Pietrzak, Uconn
Rick Standish, Haley & Aldrich
Ayla Kardestuncer, Mansfield Common Sense
Allison Hilding, Mansfield Common Sense
Nancy Farrell, Regina Villa Associates
Marion Cox, Resource Associates

CT DEP Comments

1. One additional round of groundwater samples must be obtained for radiological analysis before the Department can agree with the conclusion that there are no releases of radiologic isotopes at the sites.
2. Section 2.4.4.5, 132 Hunting Lodge Road. Please delete the last sentence of this section.
3. Section 7.6.2 of the report states that "leaching of contaminants present in fill materials outside of F Lot" may be a potential source of contamination detected in nearby sediment. Provide a description of the general location and characteristics of the fill material outside of F Lot in an appropriate section of the report.

Subsequent discussion of the fill material located outside of F Lot appears in section 8.4.2.2.4. Please make it clear that this section is discussing the same fill material discussed in section 7.6.2.

4. Section 8.4.1.1.6.5, Discussion. The draft report states that the majority of the ash fill beneath F Lot is unsaturated. Other sections of the report state or imply that all the ash fill is above the water table. Due to the uncertainty of the actual groundwater elevation beneath F Lot, the report should consistently reflect that a majority of the ash fill is unsaturated.
5. Section 10.2.2 Remedial Action Goals and Objectives. Landfill. The proposed remedy for the landfill must also satisfy exceedances of regulatory criteria related to soil and soil gas.

The proposed remedy must also ensure that polluted soil is inaccessible to reduce the threat of human exposure through direct contact.

6. Section 10.7.2. Please discuss why the acquisition of Parcel 7 is necessary under the proposed remedial action plan, and the implications to the proposed remedy, if any, if UConn fails to acquire the parcel. Please provide a map that identifies Parcel 7.

Provide a general discussion about the restriction(s) that would be placed on Parcel 7 and each of the sites under the proposed Environmental Land Use Restriction.

7. Section 14.1, Summary of Section 14. The remedial action plan addresses areas where numerical criteria or ecological benchmarks are exceeded in groundwater, surface water, sediment, and soil.
8. The report states that a waiver will be sought for the technical impracticability of ground-water remediation in the area of the former chemical pits. A formal request for the technical impracticability waiver should be included in the report. Of course, the request needs to include a proposed plan to eliminate the risk or potential risk to human health posed by the site. Therefore, the proposed plan must identify the area that public water would be extended to. Also, the private drinking water wells to be sampled under the long-term monitoring program must be adjusted accordingly.

Interdepartmental Memo
Department of Environmental Protection
Bureau of Water Management

To: Raymond Frigon
From: Traci Iott *Traci Iott*
Date: December 16, 2002
Re: Preliminary Review of the DRAFT REPORT: Comprehensive Hydrogeologic Investigation Report and Remedial Action Plan, University of Connecticut, Storrs, Connecticut

I have reviewed the above referenced report and offer the comments provided below. Please note that many of these comments are generally applicable to all affected media, although examples may only be provided for one media as an example.

1. There is a general disconnect between the conclusions reached in the Ecological Risk Assessment and the Remedial Action Plan (RAP) presented in the report. The RAP discussion needs to explicitly identify how risks to the ecological communities will be addressed. For example, the Ecological Risk Assessment identifies risks to aquatic organisms from sediment contamination. Remediation of sediments is proposed, but no information is provided to support the areas of sediment remediation. Why were certain areas chosen and others not? Does the proposal clearly eliminate all risks identified within the Ecological Assessment?
2. The RAP needs to explicitly identify how the various alternatives will impact wetlands.
3. The RAP needs to explicitly identify how the various alternatives will impact vernal pools. If vernal pools or areas that function in a similar manner have already been impacted by activities at the landfill, identify the affected areas and the reason for the disturbance.
4. Groundwater needs to be evaluated using Connecticut Water Quality Criteria, not SWPC, since the GW discharges to wetlands and the headwaters of various streams. If Connecticut WQC are not available for use, then water quality benchmarks identified during the ecological assessment portion of the study should be used. This discussion would be best incorporated into the Ecological Assessment when evaluating consistency with aquatic-life based water quality criteria. The comparison of groundwater data to human health based water quality criteria can be incorporated into Section 8.
5. An evaluation of human health impacts is required for compliance with the RSRs. The residential DEC criteria can be used as a conservative screening tool. Additionally, human health based WQC should also be used to screen surface water data.
6. Section 8.4.2.2.2 indicates that background concentrations of sediments were based on samples CT1, CT2 and SI3. Table XI indicates that background concentrations of sediments were based on samples CT1, CT2 and WT1. The Technical Memorandum for the Ecological Assessment (TMEA) (April 2002) indicates that sediment background samples were collected at CT1, CT2, WT1, SI1, SI2 and SI3. Data is provided for all the samples within the TMEA but not within the current draft report. These discrepancies need to be resolved.

It would be more appropriate to designate samples labeled "background" as "reference" since there is some question as to whether or not all of these samples are unaffected by landfill activities. For example, in the TMEA, a reference set of data was provided that included several samples in

addition to those mentioned in the current draft report. An evaluation of the dataset contained in the TM suggests that sediment samples WT1, SI1 and SI2 may be affected by landfill activities. This is based on elevated concentrations of iron, lead and manganese in these samples as compared with other reference samples (CT1, CT2, and SI3). This is additionally supported by a concentration gradient of contaminant concentrations from the landfill to the reference area, with elevated concentrations still present at the weir sampling location.

Reference data needs further justification. Cadmium levels should be discussed in greater detail. The 2000 ft distance from the landfill to justify the use of the data as reference needs to be further supported. Additionally, claims that geological materials in the area contribute to elevated background levels need to be supported with data. Further descriptions of reference locations are needed to insure that contaminants could not be attributed to other local sources.

Reference conditions should not be represented by UTL values. Comparisons between reference and study areas should be made using minimum, maximum and median values. If statistical estimates are provided, they should be presented at 95th UCL on the mean and both reference and study areas should be treated equally. Statistical comparisons should be presented in addition to, not in place of, a comparison of minimum, maximum and median values.

Surface water and sediment comparisons to reference conditions should be revised based on these comparisons. There are many places within the report that draw conclusions as the nature of impact of landfill activities and the extent of such impacts based on this comparison to reference conditions. The current draft report contains erroneous conclusions regarding the comparison of ambient conditions to reference conditions. For example, section 8.4.2.2.2 states that metal concentrations in the majority of sediment and soil samples collected from the Study area are consistent with reference conditions. However, a comparison of metal concentrations in sediments collected from Study Areas to those collected from Reference Areas shows that maximum and median concentrations in Study Areas generally exceeds maximum and median concentrations from Reference Areas.

7. On maps identifying locations where criteria were exceeded, the boundaries of wastes should be superimposed. It appears that the extent of staining exceeds the areas for which sediment and surface water data available. How is this addressed during the selection of remedial options? Are only the areas of waste proposed for excavation and consolidation or are all areas with staining included in this proposal? If all areas of staining are not included in the proposal, then a discussion is needed to address the probability of leaving in place sediments that have been affected by landfill activities and potential environmental consequences of this action. Similarly, the potential for sediments beyond the area of staining to be impacted by landfill activities needs to be discussed. For example, there are clear concentration gradients for sediment contaminant levels with highest concentration in the northeast area of the landfill, lower at the weir area and lower still at the reference locations. From this comparison, it appears that sediments at the weir area are impacted by landfill activities.
8. Further documentation of the benchmarks used to evaluate the potential for bioaccumulation needs to be provided. Comments provided on the TMEA still need to be addressed regarding the evaluation of bioaccumulative compounds.
9. It would be helpful to place certain tables and figures within the Ecological Risk Assessment section for clarity.
10. F-Lot: Section 7.6.2 of the report states that "leaching of contaminants present in fill materials outside of F Lot" may be a potential source of contamination detected in nearby sediment. Describe the location, extent and characteristics of the fill material outside of F-lot.

11. F Lot: What is the source of the iron staining in the drainage culvert.
12. For substances for which regulatory criteria such as DEC, GWPC and VC are not contained in the RSRs but are included in this report, such criteria must be calculated in accordance with the formulas contained in the RSRs and used to evaluate the data. If insufficient information is available to calculate a criterion, then the report should explicitly identify these omissions. Additionally, the report must indicate that it is not possible to reach a conclusion as to whether these substances are or are not posing a risk to human health or the environment.
13. I believe that the report would read more logically if the Ecological Assessment portion (Section 7) came after Sections 8 (Contaminated Media) and 9 (The Conceptual Model).
14. Provide a table within the Ecological Assessment Section that presents a summary of the data by area. Include number of samples, range, and median value.
15. On Contaminant distribution plots - on legend indicate applicable RSR criteria (GWPC, SWPC, DEC)
16. After the criteria are corrected, associated materials within the report may need revision. For example, contaminant distribution plots. The SWPC for chlorobenzene would be 64 ppb. This will lead to identifying additional areas as exceeding RSR criteria.
17. Tables XVII and XVIII: Compare maximum study area concentrations with maximum reference area concentrations, not 99 UTL. Additionally, expand the tables to include the range of the data as well as all substances detected in the samples, not just metals and inorganics.
18. The report should include a better description of contaminant concentrations originating at the landfill and then proceeding down gradient. It is difficult from the current presentation to get an accurate evaluation of the nature and extent of potential landfill influences. For example, using the sediment dataset, there are clear contaminant concentration gradients from the Northeast Landfill Area to the Weir Area to the Reference Location. Similarly, a concentration gradient from the Southern Area to the Tributary to Eagleville Brook is observed. In both cases, environmental concentrations closest to the landfill are greater than those farther away. Additionally, data both from areas closer to and further from the landfill exceed reference conditions and in some cases environmental benchmarks. By comparing the range of contaminant concentration and median values for each area with down gradient areas as well as reference conditions and environmental benchmarks, a more complete description of the nature and extent of impact associated with the landfill can be made.

Raymond Frigon - comments

From: <Franks.Chuck@epamail.epa.gov>
To: <raymond.frigon@po.state.ct.us>
Date: 12/9/2002 1:47 PM
Subject: comments

The following are my comments relating to the draft "Comprehensive Hydrogeologic Investigation and Remedial Action Plan" prepared by Haley and Aldrich, Inc. et al.

Although I agree with the determination that it is technically impracticable to remediate the groundwater in the bedrock there is additional characterization which remains to be completed. The following characterization is insufficient or incomplete:

The historic contamination and historic plume delineation along Hunting Lodge Road is insufficient and the changes in the stress field due to pumping are largely unaddressed. Additionally, residual contamination which may or may not remain in this area remains unaddressed.

The depth to which the bedrock has been affected by contamination from the landfill and the chemical waste pits has not been determined.

The boundary conditions of the identified plume and the postulated future effects to private water supplies to the southwest of the source area requires greater detail. The reliability of the hydrogeologic model relative to the potential risk to which the private water supplies on North Eagleville Road, Separatist Road and Meadowood Road are being subjected requires further refinement and more direct evidence to support the model. I believe that using the model to predict what may be potential risk goes beyond the intent and capacity of the existing model.

The northwest quadrant of the area surrounding the landfill has been characterized primarily on assumption. Safety of the community water supply at Horinko Estates has been discussed based upon historical monitoring at Celeron Square. I personally believe that the Celeron Square monitoring system is of insufficient depth to have detected a release in the bedrock pathway. If contamination is sufficiently deep enough to be influenced by the regional groundwater flow pattern it might not have been detected in any of the Celeron Square wells. MW-103 R (82 feet) has higher concentrations of organic constituents than the shallower monitoring levels in that well. The organics are not detectable by the remote sensing measurements obtained using geophysical techniques. I believe that enough doubt is identified to warrant enhancing the long-term monitoring scheme with the addition of a deep, bedrock monitoring well somewhere between the landfill (MW 103 R) and the wells at Celeron Square. I see this as an issue of confidence that the community water supply at Horinko Estates is not placed at risk.

As proposed in the second round of the scope of work at the landfill, the university proposed installing a well on what is now identified as the Hirsch property. This remains unresolved. Additionally, the current explanation of the anomaly is primarily based on assumption.

None of the above is new, I have been raising these same issues for a

while.

I generally concur with the analysis in the remedial action plan. The report becomes fuzzy when describing the placement of a cap over the Chemical Waste Pits. I am unclear in my understanding if the Chemical Waste Pits will receive a flexible membrane liner as part of the proposed cap extension from the landfill over the excavated pit area.

I feel that there is insufficient information to assess any natural attenuation (with the possible exception of dilution, a least desirable approach). When evaluating the conditions within the fractured bedrock mass there does not appear to be sufficient material or conditions which contribute to a natural attenuation of types of contaminants we have determined to be of concern.

Will there be an overlap between the time for the installation and monitoring of the new wells to be used in the long term monitoring plan and the existing groundwater monitoring network prior to abandonment of the existing wells? I believe there should be some continuity and comparability of the newly proposed system and the existing system prior to the acceptance of the new system.

December 21, 2002

Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268-2599

Attn: Martin H. Berliner
Town Manager

RE: Technical Review Comments
October 2002 Draft Report Comprehensive Hydrogeologic Investigation Report
and Remedial Action Plan
University of Connecticut Storrs, Connecticut
LEA Comm. No. 54MC902 Task 001

Dear Mr. Berliner:

We have prepared the attached technical review comments to the October 2002 report entitled *Draft Report Comprehensive Hydrogeologic Investigation Report and Remedial Action Plan* prepared by Haley & Aldrich, Inc., Environmental Research Institute, Epona Associates, L.L.C., F.P. Haeni, L.L.C., and Regina Villa Associates, Inc. The review comments have been formatted such that they could, at the option of the Town of Mansfield, be submitted to the DEP under a cover letter prepared by the Town. Please note, the DEP has requested that review comments be submitted to Ray Frigon electronically via e-mail. Should the attached comments meet with your satisfaction, we will perform the task of submitting the comments electronically. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

LOUREIRO ENGINEERING ASSOCIATES, INC.

HGC ENVIRONMENTAL

Brian A. Cutler, P.E., L.E.P.
Vice President

Gail L. Batchelder, Ph.D., P.G., L.E.P.
Principal Hydrogeologist/Geochemist

Attachment

pc: Robert L. Miller, Eastern Highlands Health District

December 20, 2002
Loureiro Engineering Associates, Inc.
Technical Review Comments
October 2002 Draft Report Comprehensive Hydrogeologic Investigation Report
and Remedial Action Plan
University of Connecticut Storrs, Connecticut

Loureiro Engineering Associates, Inc. has received and reviewed a copy of the October 2002 report entitled *Draft Report Comprehensive Hydrogeologic Investigation Report and Remedial Action Plan* prepared by Haley & Aldrich, Inc., Environmental Research Institute, Epona Associates, L.L.C, F.P. Haeni, L.L.C., and Regina Villa Associates, Inc. The following represent the technical comments resulting from our review of the above referenced report. Due to the nature of the issues, some of which might be applicable to several different sections of the report, many of the comments have been provided as general comments and are not specifically identified with a single comment or page in the report.

GENERAL COMMENTS

Data Quality

Other than information provided in Appendix S, which includes an analytical assessment of data collected during the Preliminary Hydrogeologic Investigation Report (PHIR) and memorandum from what we assume to be the data evaluator (although there is no specific information provided to that effect or to the affiliation of the individual preparing the memoranda), there is no discussion of whether the project met data quality objectives in terms of such issues as completeness of data (i.e. percentage of data that is deemed usable), whether the number of blank samples of various types met the requirements for the project that were identified in the Quality Assurance Plan (QAP) as project Data Quality Objectives (DQOs), whether the number of replicate/duplicate samples for various media met the requirements identified in the QAP for such samples, and whether the analytical data from the QA/QC samples for the project as a whole met the requirements specified in the QAP.

In addition to the summary of data quality for the PHIR, the appendix provides information on data quality for individual groups of data collected during the Comprehensive Hydrogeologic Investigation, but there does not appear to be an evaluation of data quality on an overall project basis. There should be information provided on who performed the data evaluation (i.e., third-party review vs. member of the project team, for instance); what percentage of the data was evaluated for usability (i.e. was only a portion of the data and laboratory QA/QC documentation reviewed or were all available QA/QC documents reviewed and evaluated with the same level of scrutiny); and an overall assessment with respect to whether or not data quality objectives were achieved should be included in the report?

The memoranda provided in the appendix appear to address only a review of the laboratory reports, not a comprehensive evaluation of what the issues identified in those memoranda mean in terms of whether the analytical information generated during both phases of the investigation met the DQOs for the project. There is also no indication

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University of Connecticut Storrs, Connecticut

provided as to whether all of the recommendations or comments in the memoranda have been addressed.

Several comments regarding the QA/QC program have previously been provided to the University, as noted in the responses to comments that are included in Appendix C. It does not appear that some of those issues have yet been resolved, specifically with respect to an overall assessment of whether project DQOs have been met, not just for laboratory QA/QC, but for project QA/QC objectives.

Detection of Constituents for Which No RSR Criteria Have Yet Been Developed

There are numerous constituents detected, particularly in groundwater, for which no RSR criteria have yet been developed. Compliance with the RSRs require that criteria be developed for all constituents detected if no criteria for those substances are included in the tables provided in the RSRs. This comment has been provided previously to the University, as noted in responses to comments provided in Appendix C. It should also be noted, Appendix C does not present responses to all comments received by the University. It was noted that responses to comments generated in review of the Landfill Technical Memoranda in January 2002 were absent from the Appendix. Appendix C should be retitled to more accurately reflect its contents or, if available, additional responses to comments should be included.

This comment is of particular concern for locations in the text where exceedances of criteria are noted. It is possible that criteria for additional substances may also be exceeded, but that will not be known until the relevant criteria for those substances have been developed. Once developed, that information should be provided in all pertinent locations in the tables, text, and figures.

Hydrogeologic Modeling

It does not appear that many of the comments previously submitted by the Town of Mansfield with respect to hydrologic modeling of the landfill were addressed. Information provided in Appendix V seems to indicate that the HELP3 model still only used data from a four-year period almost 20 years ago, and did not indicate anything about whether that might have been a particularly dry or particularly wet period. The model also specifically excluded from the analysis of potential leachate generation the possibility that there was groundwater flow to the area beneath the landfill from the sides of the landfill. In fact, it is documented in the report that such flow can be shown to exist and may be substantial, at least from the east side of the landfill. To assume only recharge due to precipitation could severely underestimate the volume of leachate that would be generated on a long-term basis and could seriously affect the design of any leachate collection system.

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Technical Review Comments
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The supporting documentation in Appendix V seems to indicate that weather data from Hartford and Windsor Locks, Connecticut was used in the simulation, while the text in that appendix states that the closest weather station is in Willimantic, Connecticut. It is not clear that all simulations performed for the HELP3 model, as identified in the text section, are provided in the computer-generated printouts provided subsequently in that appendix. In fact, one of the printouts is entitled, UCONN F Lot Trial 1 Grass Cover, so it is difficult for a reviewer to determine exactly what information is being provided.

Water Balance Calculations

The information provided on the water balance analysis does not seem to be an adequate documentation to support the values used for the water balance. For instance, the supporting information provided in Appendix U does not even identify the period under consideration, referring to it only as "the dry period". It is too difficult for a reviewer to evaluate whether or not the inputs are reasonable and whether the period of measurement for stream flow is the same as that used to estimate the declines in water level or which wells were used (or not used) in the assessment.

The analysis also does not appear to take into account the possibility that groundwater declines may occur due to groundwater movement along pathways that do not discharge to the streams at locations upgradient of the stream flow measurement location. Therefore, equating all groundwater loss over that attributed to stream flow to the volume of water lost due to evapotranspiration may not be reasonable, particularly considering the significant difference between the upper estimate of evapotranspiration in each basin. Given the relative similarity in setting for both basins and their proximity to each other, it seems reasonable to expect that evapotranspiration would be similar over the same time-frame.

Remedial Action Plan

Section 10.2.2 indicates that one of the goals and/or objectives of the remedial actions to be conducted is to eliminate discharges to waters of the State. It is noted that none of the remedial objectives meet this goal. The preferred remedies for F-Lot, the UCONN Landfill and the former Chemical Pits will not eliminate the continued discharge of leachate to the waters of the State. As a result, each of the sections in which remedial alternatives are evaluated for consistency with the Consent Order should be modified to reflect that the objective of eliminating discharges to the waters of the State has not been met.

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Loureiro Engineering Associates, Inc.
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University of Connecticut Storrs, Connecticut

The conclusion of Section 10.3 contains a statement that the interim remedial actions reduced contamination. This statement is not supported data within the report. The statement should be revised to include a basis or be eliminated from the report.

Section 10.4 contains references to the materials present beneath F-Lot as polluted fill. The materials were previously described as ash combined with debris, with ash being the predominant constituent. The ash was described in previous reports as being sourced as a by-product of the incineration of solid waste. The ash constitutes a solid waste. The report should be revised to consistently refer to the materials beneath F-Lot as solid waste.

The second paragraph of Section 10.5.1 contains a reference to DNAPL compounds as having the potential to be present in gas phase, aqueous phase, pure phase, or solid phase. We are unclear as to the intent of the phrase "pure phase" and how it would differ from aqueous phase in reference to DNAPL compounds.

In Section 10.6.1.1, the technology of excavation is eliminated from further consideration as a remedial option for the UCONN Landfill. The section contains a statement that the technology does not meet the requirements of the Consent Order for closure. Later in the section (Section 10.10.1) it is mentioned that the closure of the UCONN Landfill will require the submission for a request for variance for the use of an engineered control. If this is the case (the DEP should be consulted as it appears the landfill maintains a valid operating permit issued pursuant to 22a-209), then the complete excavation alternative would have to be evaluated as part of the request for variance. The evaluation will be necessary to support the conclusion that the additional cost for removal of the waste in comparison to the cost for constructing and maintaining the engineered control is not commensurate with the benefits to human health and the environment.

In Section 10.6.1.1, the technology of water diversion is dismissed. As was noted in our prior comments to the November 2001, *Technical Memorandum – Evaluation of Remedial Alternatives UCONN Landfill Storrs, Connecticut*, this technology should be more fully evaluated. We note in our review of this report that additional technologies have been discussed and it appears that groundwater modeling was performed on the hydraulic control alternative. However, no mention of groundwater modeling of the slurry wall/sheet pile wall was noted and a technology similar to the leachate interceptor trenches does not appear to have been considered. The discussion of the leachate interceptor trenches contains conclusions that these trenches will be effective in capturing leachate emanating from the landfill. Section 10.7.1 contains a statement that the leachate interceptor trenches will result in the remediation of the overburden and bedrock aquifers affected by leachate. It appears that the leachate interceptor trench technology is considered an effective downstream control for both overburden and bedrock aquifers but

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and Remedial Action Plan
University of Connecticut Storrs, Connecticut

is not considered and effective upstream control. Why is this technology not considered as a diversion technology?

In Section 10.6.3, the technology of excavation is eliminated from further consideration as a remedial option for the F-Lot disposal area. The section contains a statement that the technology is not necessary to meet the Consent Order, the Remediation Standard Regulations or to be protective of human health and the environment. In Section 10.10.1 it is mentioned that the closure of the F-Lot disposal area will require the submission for a request for variance for the use of an engineered control. If this is the case, then the complete excavation alternative would have to be evaluated as part of the request for variance. As noted above, the evaluation will be necessary to support the conclusion that the additional cost for removal of the waste in comparison to the cost for constructing and maintaining the engineered control is not commensurate with the benefits to human health and the environment.

Section 10.7.1 contains a statement that overburden and bedrock groundwater will be remediated using leachate interceptor trenches. This statement is somewhat misleading as the leachate trenches are a migration control remedy and will not actually have the effect of remediating groundwater beneath the landfill of the former chemical pits. The statement should be rephrased to more clearly present the anticipated effects of the leachate interceptor trenches.

This section also contains regulatory references to Section 22a-209k-13. The citation should be revised to eliminate the "k".

It was unclear as to what type of an Environmental Land Use Restriction (ELUR) is proposed for Parcel 7. It would be helpful if the figures referencing F-Lot depict the limits of parcel 7 and the report be revised to reference the specific nature of the ELUR being considered.

Page 10-37 contains a reference to the top of the UCONN Landfill being graded to between 3 and 5%. The solid waste management regulations do not provide for a slope of less than 4% to minimize the potential for ponding. The paragraph should be revised accordingly. Additionally, what evaluation has been done to support the anticipated consolidation of the landfill with time to support the design slope of the top of the landfill?

Page 10-38 contains a statement indicating the methane gas monitoring will be performed to ensure methane concentrations do not exceed 25% of the lower explosive limit. The preceding paragraph on the same page indicates that a passive gas vent system will be used to manage landfill gas. Does the use of a passive system compliment the use of the surface of the landfill as a parking lot? Additionally, is there a potential for the methane

December 20, 2002
Loureiro Engineering Associates, Inc.
Technical Review Comments
October 2002 Draft Report Comprehensive Hydrogeologic Investigation Report
and Remedial Action Plan
University of Connecticut Storrs, Connecticut

concentrations to reach 25% of the LEL in the breathing zone? If so, is this condition considered safe for users of the parking lot?

Part 5 of Section 10.11.3 contains a description of documentation associated with the closure of the F-Lot disposal area. Will it also be necessary to document the closure pursuant to Section 22a-209-7(g) of the Regulations of Connecticut State Agencies? If so, this requirement should be added to this part.

Long Term Monitoring Plan

The Long Term Monitoring Plan is a proposed plan. Section 11.3 should be revised to specifically state which parameters are to be analyzed. The use of the term "*etc*" under the heading for inorganic parameters and field screening data is not appropriate.

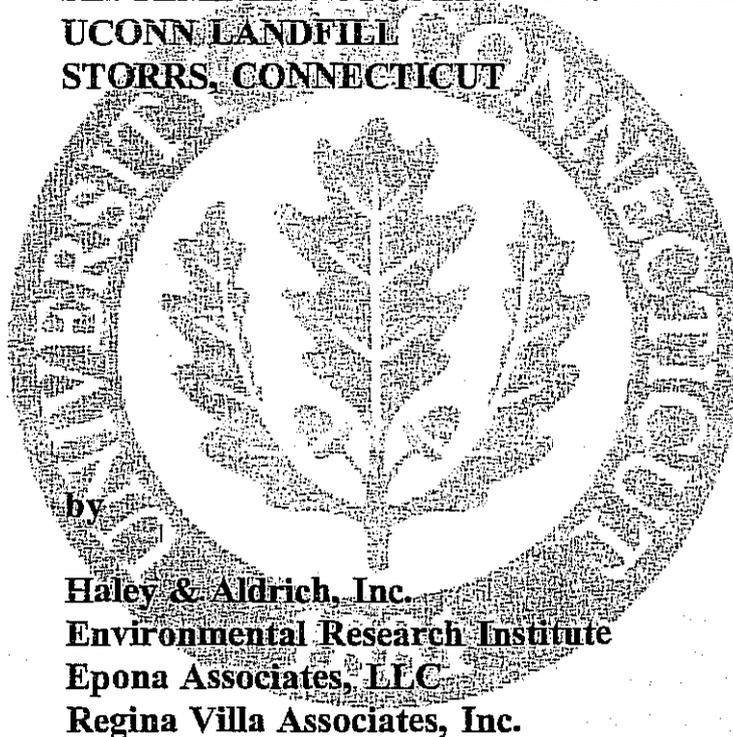
The sampling frequency proposed is quarterly for a period of one year with mention of a petition to reduce frequency to semiannual. It is recommended that quarterly monitoring be performed for a period of two years as a means to verify any seasonal variability prior to consideration being given to reduction of frequency.

Schedule

The proposed schedule appears aggressive, particularly with respect to the timeframe associated with securing necessary permits and approvals. The consolidation of waste from adjoining wetlands to the UCONN Landfill will necessitate the issuance of permits under Section 404 and 401 of the Federal Clean Water Act as well as under the Section 22a-39 of the Regulations of Connecticut State Agencies. It could take up to one year to secure these permits.

Table XXXIX contains a listing of permit requirements for the proposed remedy. In review of this table several errors were noted. One example is the rationale regarding the need to obtain a permit pursuant to Section 404 of the Federal Clean Water Act. An individual permit is necessary for the disturbance of 1-acre of jurisdictional wetlands, rather than the 3-acres noted. General permits are in effect for disturbances of wetlands of between 5,000 square feet and 43,559 square feet. Additionally, no reference is made to the need to secure a 401 Water Quality Certification which accompanies the 404 permit. The 401 Certification is administered by the DEP Inland Water Resources Division. Another example is the omission of a permit issued pursuant to Section 22-430 of the Regulations of Connecticut State Agencies for the discharge of leachate to groundwater within the State. A review of this table should be performed to ensure that the specific permits required for the implementation of the remedy are noted.

**INTERIM MONITORING PROGRAM REPORT
SEPTEMBER/OCTOBER 2002 SAMPLING ROUND #9
UCONN LANDFILL
STORRS, CONNECTICUT**



by

**Haley & Aldrich, Inc.
Environmental Research Institute
Epona Associates, LLC
Regina Villa Associates, Inc.**

for

**University of Connecticut
Storrs, Connecticut**

**File No. 91221-511
December 2002**

Haley & Aldrich, Inc.
110 National Drive
Glastonbury, CT 06033-4318
Tel: 860.659.4248
Fax: 860.659.4003
www.HaleyAldrich.com

9 December 2002

Connecticut Department of Environmental Protection
Water Management Bureau/PERD
79 Elm Street
Hartford, Connecticut 06106-5127

Attention: Raymond L. Frigon, Jr.

Subject: Interim Monitoring Program Report
September/October 2002 Sampling Round #9
UConn Landfill
Storrs, Connecticut

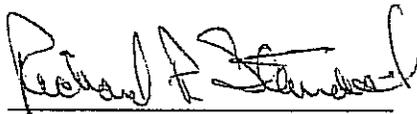
Ladies and Gentlemen:

The following certification is being submitted to the Department of Environmental Protection in accordance with the terms as delineated in the Consent Order No. SRD-101 issued 26 June 1998 for the document specified below:

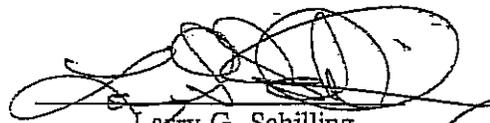
- Interim Monitoring Program Report
September/October 2002 Sampling Round #9
UConn Landfill
Storrs, Connecticut

I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.

Agreed and accepted as stated above:



Richard P. Standish, P. G., LEP
Vice President
Haley & Aldrich, Inc.



Larry G. Schilling
University Architect
University of Connecticut

G:\PROJECTS\91221\CERTLTR28.doc

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III. SAMPLING PROCEDURES	4
IV. SUMMARY OF RESULTS	5

LIST OF TABLES

Table No.	Title
I	Summary of Analytical Results

LIST OF FIGURES

Figure No.	Title
1	Interim Monitoring Program Sampling Locations



I. INTRODUCTION

This Interim Monitoring Program (IMP) Report was prepared pursuant to the Consent Order # SRD-101 between the State of Connecticut Department of Environmental Protection (CTDEP) and the University of Connecticut (UConn) regarding the solid waste disposal area north of North Eagleville Road (Landfill and Chemical Pits) and the former disposal site in the vicinity of Parking Lot F (F Lot). An initial IMP was submitted on 25 September 1998 in response to the Department of Environmental Protection's (CTDEP) June 30, 1998 letter to Earth Tech Inc. regarding review comments of the UConn Landfill Closure Plan. The existing monitoring program was discontinued in 1999 in lieu of the sampling being conducted during the Phase I Hydrogeologic Investigation. This IMP was implemented in order to monitor shallow ground water, surface water, and active residential well water quality until the program required pursuant to paragraph B.4.e of the Consent Order is implemented.

A revised IMP was submitted to CTDEP on 22 November 1999 for review and approval. UConn received comments on the IMP in early February 2000 and a meeting was held between UConn representatives and CTDEP on 9 February 2000 to discuss the addition of several active residential water supply wells to the IMP. In May, UConn received a letter from CTDEP specifying the active residential wells to be added to the IMP. Access permission letters were received from the affected property owners and the initial round of IMP sampling was conducted in September and October 2000 in conjunction with a groundwater sampling round for the hydrogeological investigation of the landfill, former chemical pits, and F Lot area.

In August 2001, five active residential wells supplying water to six homes that were included as part of the IMP, were connected to UConn's water system. A letter dated 28 September 2001 was prepared and submitted by Haley & Aldrich, Inc., on the behalf of UConn, to the CTDEP requesting that these five wells serving 194, 197, 203, 204, 207 and 208 North Eagleville Road, be eliminated from sampling as part of the IMP. UConn received approval of the request in a letter dated 10 October 2001, from the CTDEP. In January 2002, 222 Separatist Road was also connected to UConn's water system therefore, it has been eliminated from the IMP.

This report documents the sampling round conducted from September through October 2002, also referred to as Round #9. Subsequent sampling will be conducted on a quarterly basis.



II. SCOPE OF PROGRAM

Twenty-five (25) monitoring locations were identified to be sampled in this round, seven monitoring wells for shallow groundwater, five locations for surface water, and thirteen active residential water supply wells. Monitoring well 11A was inadvertently omitted during this sampling quarter. One active residential water supply well (202 Separatist Road) could not be sampled in this round because permission to access the property was not received by UConn. All IMP sampling locations are shown on Figure 1.

Six of the seven shallow groundwater monitoring wells sampled were:

- Well 7 (previous existing well);
- Well 13 (previous existing well);
- MW - 101 (installed July/August 1999);
- MW - 103 (installed July/August 1999);
- MW - 105 (installed July/August 1999) and;
- MW - 112 (installed July/August 1999).

Note: One previously existing well (11A) was inadvertently omitted from this sampling round.

In addition, four of the five surface water monitoring locations were sampled:

- SW-A;
- SW-B;
- SW-D; and
- SW-E

Note: Location SW-C was dry, therefore could not be sampled this round.

CTDEP is also requiring UConn to conduct quarterly sampling of thirteen active residential wells in locations south and southwest of the landfill. The locations were selected to represent bedrock water supply wells in the areas closest to the landfill in the direction of groundwater flow. The residential wells sampled were:

- 213 North Eagleville Road;
- 219 North Eagleville Road;
- 10 Meadowood Road;
- 11 Meadowood Road;
- 65 Meadowood Road;
- 143 Separatist Road;
- 157 Separatist Road;
- 202 Separatist Road (not sampled; access permission not received);
- 206 Separatist Road;
- 219 Separatist Road;



3 Hillyndale Road;
233 Hunting Lodge Road; and
55 Northwood Road

Samples collected from the monitoring wells, surface waters and residential water supply wells located at 3 Hillyndale Road, 233 Hunting Lodge Road, 11 and 65 Meadowood Road, and 55 Northwood Road were analyzed for the following parameters:

- Volatile Organic Compounds (VOCs)
- Semi-Volatile Organic Compounds (semi-VOCs)
- Chlorinated Herbicides
- Total Petroleum Hydrocarbons (TPH)
- Organochlorine Pesticides
- Polychlorinated Biphenyls (PCBs)
- Total metals
- Other Inorganic Parameters (e.g. ammonia, nitrates, alkalinity, etc.)
- Field Screening Data (e.g. turbidity, conductivity, etc.)

Samples collected from seven of the remaining active domestic water supply wells were analyzed for VOCs only. One well, as previously noted, was not sampled.

Specific analytical methods and method reporting limits for these parameters are listed in Table I.



III. SAMPLING PROCEDURES

Sampling procedures and analytical methods for the groundwater monitoring wells and surface water samples were followed in accordance with the Supplemental Hydrogeological Investigation Scope of Work dated May 2000.

Sampling procedures for the residential water supply wells were conducted in accordance with procedures previously established by CTDEP and the Department of Public Health (DPH) for the health consultation study completed in 1999. Samples were collected from the water supply system prior to treatment after running the tap for approximately eight minutes. In most cases, sampling tap locations were duplicated from previous CTDEP/DPH studies.

Samples from the residential water supply wells were analyzed using EPA drinking water methods as noted on the enclosed Table I.



IV. SUMMARY OF RESULTS

The analytical results from the September/October 2002 IMP round # 9 are summarized in Table I. A discussion of the results below is organized by general sample types and locations - shallow groundwater monitoring wells, surface water samples, and active residential wells.

Shallow Groundwater Monitoring Wells

In general, results show typical landfill leachate impact in shallow groundwater from wells located on or near the northern and northwestern toe of the landfill slope (MW-101, MW-103, and MW-112) and southwest of the landfill near the head of the western tributary of Eagleville Brook (MW-105). These impacts are generally characterized by VOCs, TPH, higher metals, and other indicator parameters such as higher chemical oxygen demand, higher chloride, higher conductivity, and lower dissolved oxygen and oxygen reduction potential (ORP). Chlorinated herbicides and PCBs were not detected in the wells sampled. In general, VOC concentrations were lower in MW-103, MW-105 and MW-112; and slightly higher in MW-101 than from the previous round # 8 collected in April/May 2002. In MW-101 and MW-103, metal concentrations generally remained the same as the previous round, but were slightly higher in MW-105 and MW-112. Pesticides, detected in previous rounds, were not detected in round # 9. Groundwater protection criteria were exceeded for benzene and TPH in MW-101 and MW-112, for benzene, chlorobenzene and TPH in MW-103, and for TPH in MW-105.

Well B7 is considered a background quality monitoring well. No VOCs, semi-VOCs, chlorinated herbicides, organochlorine pesticides or PCBs were detected in the groundwater from well B7. TPH was detected at 0.13 mg/l, which exceeds the groundwater protection criteria of 0.1 mg/l however, it was not detected in the previous round # 8. Metals and other parameters were within typical drinking water ranges.

Well B11A, located west of the landfill, was inadvertently omitted during this sampling round. Compounds detected at this location in previous rounds have been within typical drinking water ranges.

Well B13 is located in the western tributary of the Eagleville Brook drainage. The on-going hydrogeologic investigation data has shown that it is likely that both landfill leachate and leachate from the former chemical pit area are migrating through the subsurface in the vicinity of B13. Chloroform, PCE and TPH were detected at low concentrations. No semi-VOCs, chlorinated herbicides, pesticides, or PCBs were detected in the groundwater from well B13 in this round. Metals and other parameters were within typical drinking water ranges.



Surface Water Samples

Four surface water samples were analyzed in this round of sampling. In SW-B, located north of the landfill, trace levels of 1,4-dichlorobenzene and chlorobenzene were detected. VOCs were not detected in SW-A, SW-D and SW-E.

Semi-VOCs, chlorinated herbicides, organochlorine pesticides, or PCBs were not detected in any of the four surface water samples. TPH was detected at all of the surface water sampling locations.

Active Residential Wells

Five active residential wells (233 Hunting Lodge Road, 11 Meadowood Road, 65 Meadowood Road, 55 Northwood Road and 3 Hillyndale Road) did not have any detectable concentrations of VOCs, semi-VOCs, TPH, chlorinated herbicides, organochlorine pesticides, or PCBs. In the samples collected from 3 Hillyndale Road and 65 Meadowood Road, copper was detected above surface water protection criteria, however the concentrations were below drinking water criteria. All other metals and drinking water parameters were detected within acceptable ranges.

The samples from 233 Hunting Lodge Road and 143 Separatist Road were split with Eastern Highland Health District (EHHD) and the EHHD samples were analyzed at the DPH laboratory. Results from the split samples were in general agreement.

Of the seven active residential water supply wells sampled for VOCs only, five wells did not contain VOCs above method reporting limits. Two active residential wells contained VOCs at trace concentrations below state action levels. At 206 Separatist Road, chloroform and MTBE were detected at 1.3 ug/L and 0.4 ug/L respectively. Chloroform and MTBE were also detected at 219 Separatist Road at 1.5 ug/L and 0.4 ug/L respectively. These results are consistent with findings from previous sampling rounds. No other VOCs or other compounds were detected above method reporting levels.



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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Finance Statements Dated September 30, 2002 (previously distributed)

Dear Town Council:

At the November 25, 2002 meeting, the town council referred the September 30th Financial Statements to the finance committee for the committee's review and comment. The finance committee reviewed the statements at its December 18, 2002 meeting and recommended that the council recommend the statements as presented.

If the town council agrees with this recommendation, the following motion would be in order:

Move, to accept the Financial Statements dated September 30, 2002, as presented by the director of finance.

Respectfully submitted,

Martin H. Berliner
Town Manager

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Item #7

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Resolution in Response to USA Patriot Act

Dear Town Council:

Attached please find information concerning this item, which the town council tabled at its December 9, 2002 meeting.

Respectfully submitted,

A handwritten signature in cursive script that reads "Martin H. Berliner".

Martin H. Berliner
Town Manager

Attach:(3)

Suzanne M. Landon

From: Richard Sherman [app.designs@SNET.Net]
Sent: Thursday, December 19, 2002 2:23 PM
To: townmgr@mansfieldct.org
Subject: Mansfield Democratic Town Committee Resolution re USA Patriot Act

Text of USA Patriot Resolution of Mansfield Democratic Town Committee

The Mansfield Democratic Town Committee, as a voice for citizen participation in our democratic political process, is gravely concerned that the justified defense of our country and its people against terrorist dangers not be used as a shield to obscure the erosion of the rights and liberties of citizens and legal non-citizen residents of the country.

The Mansfield Democratic Town Committee notes with growing concern that such erosion is taking place, due both to certain provisions of the USA Patriot Act and to the administrative actions of the Justice Department. Of particular concern are such actions as the detention of numerous persons, either as material witnesses or without any grounds being advanced, who are then denied access to counsel; a great expansion of unregulated authority to conduct electronic surveillance of lawful activities; limiting access to public documents while greatly expanding the gathering and unregulated use of private information on individuals without having to show evidence of a crime and without a court order; the threat of secret military tribunals, in which individuals may be sentenced to lengthy prison terms, or even death, without the benefit of due process of law; the unregulated ethnic profiling of individuals; and threatening public statements by the Attorney General regarding public opposition to these policies.

The Mansfield Democratic Town Committee therefore resolves to:

1. Communicate the concerns expressed above to public officials of the Town of Mansfield and the State of Connecticut;
2. Urge these officials to inform the citizens of the town and State of such actions in this matter as are required of them by federal authority;
3. Recommend that, to the extent constitutionally permissible, these officials not participate in law enforcement actions that threaten civil liberties;
4. Strongly urge elected town, State and Federal representatives, to the extent possible in their positions, to work for the repeal of constitutionally questionable provisions of law and administrative actions;
5. Seek a public discussion of these issues with Federal, State and Town office holders.

Resolution Concerning Civil Liberties in Mansfield

The Mansfield Town Council is concerned by the erosion and violation of the rights and liberties of citizens and legal non-citizen residents of the Town of Mansfield, rights guaranteed by the Bill of Rights and other amendments to the Constitution of the United States of America, and by the Declaration of Rights of the Constitution of the State of Connecticut.

The Mansfield Town Council notes with growing concern that such erosion and violation is taking place under certain provisions of the U.S.A. Patriot Act and through certain administrative actions of the U.S. Department of Justice. In particular, the detention of persons without legal charges being brought; denial of detained persons' right to counsel; expansion of authority to conduct unregulated electronic surveillance of lawful activities; limiting access to public documents; expanded information gathering about persons without any evidence of criminal behavior demonstrated and without court order; the threat of secret military tribunals; the unregulated ethnic profiling of individuals and the threatening public statements by the U.S. Attorney General regarding legal public opposition to these policies.

The Mansfield Town Council now therefore resolves that:

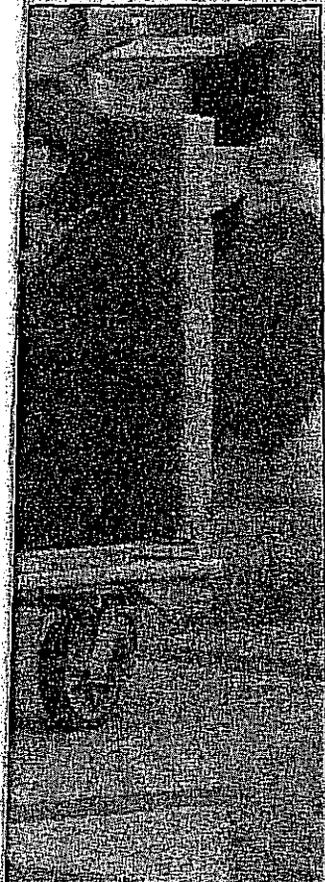
1. Employees, staff and representatives of the Town are hereby directed not to cooperate or participate in actions which violate constitutionally-guaranteed civil liberties.
2. The Council shall urge other municipalities and the State of Connecticut to similarly prohibit government actions within their control from violating such civil liberties.
3. The Council's concerns shall be communicated to state and federal representatives, and they shall be urged to work toward repeal of the unconstitutional provisions of the U.S.A. Patriot Act and the Homeland Security Act.

Residents oppose layoffs

ate services. People also like to see others lose their jobs. The latest UConn poll also shows that state residents are divided over whether cuts in state services (39 percent) or tax increases (33 percent) are the best means to balance the budget. When asked which types of

taxes they are most willing to have increased, residents are more likely to single out the state sales tax (53 percent) than either the state income tax (28 percent) or local property taxes (7 percent). When asked about a variety of possible areas for cutting state services, state residents are more likely to support cuts rather than

oppose them in these areas: funding for state construction projects (59 percent support), and state funds that provide support to municipalities for programs other than public education (50 percent support). While the majority of residents feel that both state spending (62 percent) and state taxes (52 percent) need to be cut. (Survey, Page 6)



Reuters

United baggage cart after lines filed for bankruptcy on high costs and low fares left behind. United will continue to fly in the U.S. Bankruptcy Court in

Town eyes resolutions on civil liberties

By CHRISTOPHER BOLAND
Chronicle Staff Writer

MANSFIELD—The FBI and other federal agencies may get the cold shoulder from local officials if they show up trolling for terrorists. The town council adopts one of three resolutions aimed at ensuring the protection of local civil liberties.

A resolution passed by the Democratic town committee immediately before Monday's town council meeting joins a Connecticut Civil Liberties Union resolution already put before the council and a third resolution drafted by Councilman Christopher Thorkelson and introduced Monday night.

The three will not likely get the council's full attention until January but could direct town officials to withhold their coop-

eration in cases where they believe that federal officials are asking them to interfere with resident's civil rights.

All three proposed resolutions direct local government officials to refrain from helping in any investigations or interrogations that are believed to violate an individual's civil right — although each states that officials are not to violate the law in the process. Each of the resolutions also directs the same approach to state and federal representatives.

The USA Patriot Act, signed into law on Oct. 26, 2001, widens government authority concerning surveillance and access to personal, financial and medical records and also creates a new crime — domestic terrorism — which critics say is so

(Town, Page 6)

New pension plan rules

Center, Marwan Al Shehhi, received more than \$10,000 in cash transfers from Ramzi Bin Al-Shaibah, an ex-Hamburg resi-

Infant homicide rate on the rise, data shows

A Washington Post investigation of child deaths in the Washington, D.C. area from 1993 to 1995 found similar underreporting of abuse and neglect.

Signs that an infant has been murdered are particularly difficult to recognize, researchers said. A baby can be shaken, suffocated or drowned without causing external injuries. Authorities also may be reluctant to question grieving relatives, they said.

"We are too trusting and don't want to think a parent would do this," said Kent Hymel, medical director of pediatric forensic assessment at Inova Fairfax Hospital in Virginia.

White parents in particular may escape scrutiny, Hymel says. In both the Colorado study and the projects he has been associated with, doctors tended to correctly attribute a child death to homicide or other forms of maltreatment more often in black families than in white ones.

While a higher proportion of infant deaths occurs in poorly educated African-American families, the increase has occurred at about the same pace across racial groups and is not restricted to those who are poor, the Child Trends report shows.

"It's not just poor people who kill their kids," said Robert W. Block, chairman of pediatrics at the University of Oklahoma-Tulsa. Block, who runs a committee on child abuse for the American Academy of Pediatrics, said stress or mental illness can trigger violent behavior. "We see it at all levels. Babies are easy targets when you lose it."

On the day a child is born, his or her chance of being murdered is at least 10 times greater than on any other day, experts said. During four weeks last summer in Los Angeles County, for example, three newborns were found dead in waste or recycling plants.

During the first week of life, an infant is most likely to be killed by its mother. Young, unwed mothers may deny, even to themselves, that they are pregnant, said Rosemary Chalk, senior research associate at Child

and researched all of the passengers on the plane to seek common links, Walsh said.

"On the whole all the hijackers as students were reserved and

Trends, and may fear that they have brought shame to their families by having a child. In some cases, they already have young children and the thought of caring for another can push them over the edge. "They are very isolated moms," said Chalk, usually "delivering by themselves, outside the hospital."

They also are not taking advantage of "safe haven laws" that many states now have. The laws allow a mother to leave her child at a hospital or fire station within 72 hours of birth with no fear of prosecution.

Once an infant is more than a week old, however, the perpetrator is usually male, often a father or stepfather. Infant boys are more likely to be murdered than infant girls.

Boys are killed more often, experts say, because they are more likely to be born prematurely and thus more vulnerable. Also, they are usually more fussy in the first few months of life, perhaps because of colic.

Shaking a baby, usually in an attempt to stop the crying, is the No. 1 way infants are killed, according to the American Academy of Pediatrics. It only takes a few seconds.

In fact, experts said, a child is at greater risk of being murdered

Town eyes civil liberties resolutions

(Continued from Page 1)
loosely defined that it could theoretically be used in cases of civil disobedience.

Residents, including state Rep. Denise Merrill, D-54, expressed grave concerns about the bill and asked that the council give serious consideration to the measures.

Merrill told the council that she had been contacted by many residents concerned over the labyrinthine act — a measure Merrill said she did not think federal legislators had read closely enough before passing. She urged the council to listen carefully to citizens' complaints.

Victor Kaplan, a Mansfield P. 101 ident and member of both the state and national Civil Liberties

said. During the testimony, Motassadeq mostly listened quietly, taking notes from time to time.

during the first year of life than in any other year until the age of 17, when guns become more accessible.

David Finkelhor, who runs the Crimes Against Children Research Center at the University of New Hampshire, believes he knows why little attention has been paid to infant homicides. "People who kill teen-agers are a threat," he says. "The gun-toting gang member, or the child-molesting abductor, is really scary to everybody. People who kill their kids don't threaten other people."

"(Infant) deaths involve issues that are politically troublesome, including abortion, termination of parental rights, support for unmarried teen-agers. It's hard to address these deaths without getting into those other issues."

Government agencies say they're taking a closer look at detecting and preventing infant homicides. Child fatality review teams, like the one that operated in Colorado, are increasingly common at the state level, though they are frequently unfunded and rely on volunteers. Criminal court judges are beginning to administer heavy sentences against convicted offenders, including life imprisonment and execution.

Unions, urged the council to adopt the American Civil Liberties Union resolution, which was also introduced by Thorkelson previously.

"The Patriot Act is so broadly defined that almost any offense depending on the interpreter could be interpreted as criminal," said Kaplan.

Mansfield Democratic Town Committee Chairman Richard Sherman told the council it was best to be prepared.

"It's just a matter of time before it happens here and we suggest its best to have a policy in place," said Sherman, referring to investigations that have been conducted under the act's authority in other towns across the United States.

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OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Route 89/Mt. Hope Road Intersection

Dear Town Council:

Attached please find a copy of a letter from the Connecticut Department of Transportation (ConnDOT) written in response to our request for clarification concerning the ConnDOT's project to improve the vertical sight distance at the Route 89/Mt. Hope Road intersection.

Because the ConnDOT states that it will consider "various design alternatives that [will] achieve the desired roadway improvements while preserving the character of the area," including "consideration of a reduced design speed," staff recommends that the town council not withdraw its support from the project. During the preliminary design phase, town staff will work with the ConnDOT to emphasize the importance the town places on the preservation of the rural and scenic character of the road, and will articulate the community's desire to incorporate a reduced design speed within this project.

Because the town council has already approved the project concept and requested that the project be included within the regional transportation improvement program, the council does not need to take any further action on this item.

Respectfully submitted,

Martin H. Berliner

Martin H. Berliner
Town Manager

Attach:(3)

Timothy M. Wilson/plp

bcc: Acting Comr. Byrnes – Dep. Comr. Adams – S.H. Sharpley

Arthur W. Gruhn – Simone A. Cristofori (Log No. 257)

Walter H. Coughlin

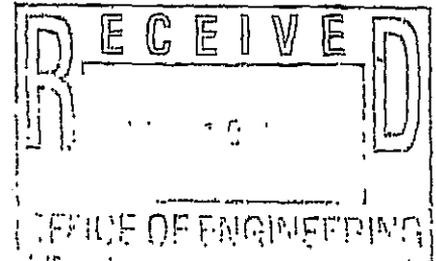
Bradley J. Smith – Timothy M. Wilson

u:log257

(860) 594-2701

December 9, 2002

Mr. Martin L. Berliner
Town Manager
Town of Mansfield
Four South Eagleville Road
Mansfield, Connecticut 06268-2599



Dear Mr. Berliner:

Subject: Route 89 near Mount Hope Road
Town of Mansfield

This is in response to your November 12, 2002 letter regarding the use of a reduced design speed for the proposed improvements on Route 89 near Mount Hope Road in the town of Mansfield.

In light of your concerns, the Department will consider, during the preliminary design phase, various design alternatives that achieve the desired roadway improvements while preserving the character of the area. These alternatives will include consideration of a reduced design speed.

Should you have any further questions on this matter, please contact Mr. Timothy Wilson, Transportation Principal Engineer, at (860) 594-3274.

Very truly yours,

A handwritten signature in black ink, appearing to be "A. Gruhn".

Arthur W. Gruhn, P.E.
Chief Engineer
Bureau of Engineering and
Highway Operations

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER

Item #4



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

November 25, 2002

Town Council
Town of Mansfield

Re: Route 89/Mt. Hope Road Intersection

Dear Town Council:

Attached please find letter from the Town Manager to the Connecticut Department of Transportation (ConnDOT) requesting the department to reconsider its proposed project from a "context sensitive design" perspective. Staff therefore recommends that the Council abstain from taking further action on this item until we have received a response from the DOT. This waiting period will also allow the Council to solicit further comments from the public concerning the proposed project.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(1)

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

November 12, 2002

Mr. Arthur Gruhn, Bureau Chief
Bureau of Engineering and Highway Operations
Connecticut Department of Transportation
PO Box 317546
Newington, CT 06131-7546

RE: Route 89 Near Mount Hope Road in Mansfield

Dear Mr. Gruhn:

The Town has been pursuing with your designers a project to improve vertical sight distance on Route 89 near Mt. Hope Road in Mansfield. After the project concept was presented to the Town, the Department agreed to design considerations to make it more acceptable to the Town (narrower lanes, pedestrian-friendly shoulders and mitigation measures). On August 12, 2002, the Mansfield Town Council approved the project concept and forwarded it to the Windham Region for inclusion in the regional transportation improvement program.

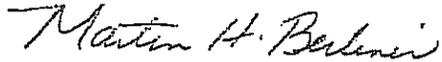
Since this approval, DOT maintenance forces resurfaced and slightly reduced the hump vertical site line problem on Route 89 in this vicinity and the need for this project has resurfaced again for debate. The Town Council is planning to reconsider their approval based on public input objecting to the relatively high design speed (45 mph) DOT is insisting on using for this project.

I write to you for clarification or perhaps intervention in this project from a "context sensitive design" standpoint. Because of public outcry over the 45 mph design speed (and the larger project footprint it requires), it is possible at this point that our Council will withdraw its support for this project.

Our understanding of "context sensitive design" is that in scenic and village areas (which this area certainly qualifies) elements of the design – including design speed – are subject to limitation and revision by the context within which the project is to take place. Since a lower design speed (35 or 40 mph) would reduce the size and scope of the project, the Department's unwillingness to reduce it seems to contradict the "context sensitive design" philosophy.

Your clarification and intervention as appropriate is respectfully requested so that this needed project is not lost over the apparently well-founded public opinion that the design needs to be context sensitive.

Sincerely,



Martin H. Berliner
Town Manager

MHB:sml

cc: Lon R. Hultgren, Director of Public Works
Gregory J. Padick, Town Planner
Grant Meitzler, Assistant Town Engineer
Brad Smith, ConnDOT

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER

Item #10



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: 2003 Child Day Care Contract

Dear Town Council:

Attached please find excerpts from the town's Child Day Care Contract Application to the Connecticut Department of Social Services to provide funding for the Mansfield Discovery Depot. The reimbursement rates for childcare slots for calendar year 2003 are anticipated to remain at the current rate for an award of \$213,928. As detailed in the contract application, the Discovery Depot is seeking funding to provide five slots for full time infant and toddler care, and 35 slots for full time preschool care.

Staff requests that the Council authorize the Town Manager to execute the contract, which provides the bulk of the funding for the operation of the Mansfield Discovery Depot.

The following resolution is suggested:

Resolved, that the Town Manager, Martin H. Berliner, is empowered to enter into and amend contractual instruments in the name and on behalf of the Town of Mansfield with the Department of Social Services of the State of Connecticut for a Daycare Services Grant Program for the Mansfield Discovery Depot, and to affix the corporate seal of the Town.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach: (1)

Calendar 2003
Child Day Care Contract
Application/Data Form

Contract No: 078-CDC-30

prepared for:

Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268

to be returned to:

Linda Roache
401 West Thames Street - Suite 102, Norwich, 06360

if you have questions, please call or e-mail:

(860) 823-3391
linda.roache@po.state.ct.us

CHILD DAY CARE CONTRACT APPLICATION/DATA FORM

(PLEASE TYPE OR PRINT CLEARLY – correcting any incorrect and adding any missing information)

SINCE, IN THE PAST, MANSFIELD HAS USED A SUBCONTRACTOR TO PROVIDE CHILD CARE SLOTS, PLEASE REVIEW THE FOLLOWING CORRECTING ANY INCORRECT AND ADDING ANY MISSING INFORMATION:

The SUBCONTRACTOR will be:

Mansfield Discovery Depot, Inc. *(hereinafter referred to as MDD)*

Subcontractor Legal Name

50 Depot Road

Subcontractor Street Address

Storrs, CT 06268

Subcontractor City, State and Zip Code

Mary Jane Newman, Director

Subcontractor Child Care Contact and Title

(860) 487-0062

Subcontractor Contact Telephone

The subcontractor has agreed to provide the following number of child day care slots for the service categories of care identified:

- a. 5 slots of full time infant and toddler care
- b. 35 slots of full time preschool care
- c. 0 slots of wraparound infant and toddler care
- d. 0 slots of wraparound preschool care
- e. 0 slots of full-time school age care
- f. 0 slots of part-time school age care

The slots identified above will be provided at the facilities listed below as identified by Department of Public Health (DPH) license number(s) *(check the boxes below as appropriate):*

please mark each box that applies

	DPH License Number	Infant/Toddler	Preschool	School Age	Accredited
1	13856	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<i>unaccredited facilities only</i>	
Contracted for in 2002	Date Accreditation Began
<input type="checkbox"/>	

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER

Item #11



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Town of Mansfield Zoning Citations Ordinance

Dear Town Council:

Attached please find a proposed amendment to the town's zoning citation ordinance, as prepared by the zoning agent and town attorney. The amendment would allow the zoning agent to issue another citation, without first issuing a violation notice, to offenders that have already received a citation within the previous twelve months. Staff believes that the amendment is necessary to create a greater deterrent for repeat offenders.

If the council supports the concept behind the amendment, staff recommends that we follow our customary procedure and schedule a public hearing at a future council meeting to solicit public comment regarding the proposal.

The following motion is suggested:

Move, to schedule a public hearing for 8:00 p.m. at the town council's regular meeting on January 27, 2003 to hear public comment regarding a proposed amendment to the "Town of Mansfield Zoning Citations Ordinance."

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(1)

11/4/02
An Ordinance Establishing Citation Procedures and
Fines for Zoning Violations

Pursuant to the authority granted by Sections 8-12a of the Connecticut General Statutes, be it ordained by the Council for the Town of Mansfield:

Short Title: This Ordinance shall be known and may be cited as the "Town of Mansfield Zoning Citations Ordinance."

Section 1.

The Zoning Agent is authorized to issue citations for each violation of the Zoning Regulations of the Town of Mansfield as follows:

- a. Upon determination of a violation, the Zoning Agent shall notify by certified mail, return receipt requested, the person(s) in control of the subject property upon which the violation exists or in the case of a business use the owner/operator/manager of said business. Such violation notice shall state the violation and the date by which said violation shall be remedied. Upon the failure to remedy the violation within the stated time, the Zoning Agent may issue a citation as provided for in Section b below. If the person(s) in control of the subject property is not the owner of record of said property, the Zoning Agent may notify such owner in the same manner.



This subsection shall not apply to those uses which have received a violation notice or citation within the previous twelve month period for the same violation. Said repeat offenders shall be issued a citation without first receiving a violation notice.

- b. In the event such violation persists notwithstanding such notice, the Zoning Agent may thereupon issue a citation. Such citation shall be served by certified mail, return receipt requested, upon the person named therein and shall cite this Ordinance, specify the violation(s), and the fine(s) therefor and require payment of such fine(s) within thirty days of the date of the citation. The Zoning Agent shall retain a copy of each such citation, certified to be a true copy of the original thereof by the Mansfield Town Clerk.

Section 2.

The fine for each such citation shall be One Hundred Fifty Dollars (\$150.00), payable to the Mansfield Tax Collector.

Section 3.

Any person(s) receiving such a citation shall be allowed a period of thirty (30) days from the receipt of the citation to make an uncontested payment of the fine specified in the citation to the Tax Collector. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person(s) or other person making the payment.

Attorney Dennis O'Brien

756 Main Street, Willimantic, Connecticut 06226 Tel (860) 423-2860 Fax (860) 423-2847

MEMO TO: Mansfield Town Council *Dennis O'Brien*
FROM: Dennis O'Brien, Town Attorney
RE: Proposal to Amend Citations Ordinance
DATE: October 11, 2002

The second paragraph of Section 1a of the Town of Mansfield Zoning Citations Ordinance provides, in pertinent part, that:

This subsection shall not apply to those uses which have received a violation notice within the previous twelve month period for the same violation.

Town Zoning Agent Curt Hirsch proposes that the foregoing sentence be amended by simply adding the words "or citation" immediately following the words "violation notice." Curt has noted that the omission of "or citation" in the subject text unduly limits our ability to administer the citations ordinance as intended because it requires the issuance of another violation notice if twelve months have expired from the original notice, even if the zoning agent has issued multiple citations during the same twelve months for the continuing or repeating offense.

Curt Hirsch's proposal makes perfect sense. It is my professional opinion as town attorney that it is within the scope of the authority granted to the town by the applicable state law, Connecticut General Statutes section 8-12a, and is therefore legal.

Please contact me if you have any questions.

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January 4, 2002

Ms Betsy Paterson
Mayor
Town of Mansfield
4 South Eagleville Road
Storrs Mansfield, CT 06268

Dear Mayor Paterson and Members of the Council,

The Registrars of Voters are requesting an increase in our hourly compensation from \$12.85 to \$15.00 per hour. Our last increase was in 1998 and by statute we will be ineligible for another increase until 2004.

The job of Registrar has changed significantly over the last 5 to 7 years. It is no longer just a political job but rather a position with complex responsibilities and enforced accountability. A review of area towns and similarly sized towns shows this request to be in line with what other Registrars are paid.

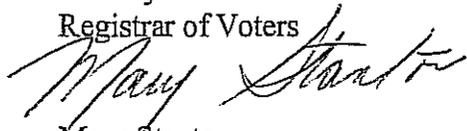
We are also requesting an increase from \$6.50 to \$10.00 for our Deputies. We do not use our Deputies on a regular basis, but in case of the extended absence of one of us it seems only fair to pay them a decent hourly rate.

Thank you in advance for your support.

Sincerely,



Beverly Mann Miela
Registrar of Voters



Mary Stanton
Registrar of Voters

cc: Marty Berliner

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

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FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: State Taxation Issues

Dear Town Council:

Council member Thorkelson requested that we add this item to the January 13th council agenda. We do not have any back-up materials at this point.

Respectfully submitted,

A handwritten signature in cursive script that reads "Martin H. Berliner".

Martin H. Berliner
Town Manager

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Willimantic River Alliance
P.O. Box 9193, Bolton, CT 06043-9193
wralliance@yahoo.com

December 2, 2002

TO: Willimantic River Corridor Towns & Regional Boards & Commissions
FROM: Willimantic River Alliance
SUBJECT: **Willimantic River Greenway Proposal**

On July 30, 2002 the Willimantic River Alliance (WRA) sent a letter to you about its intent to nominate the Willimantic River corridor for official designation as a State Greenway. Over the past few months representatives of WRA have discussed this initiative with various boards, commissions and staff members of Willimantic River corridor towns, including Stafford, Ellington, Tolland, Willington, Coventry, Mansfield, Lebanon, Columbia & Windham, as well as the Windham and Capitol Region Councils of Government. From these meetings it is clear that there is strong support for this proposal, so the WRA intends to submit a formal application to the Connecticut Greenways Council.

The applications for this next round of State Greenways are due by **March 1, 2003**. Members of the WRA intend to compile and submit the required paperwork, but there is some paperwork which each town or COG is required to submit.

Town Resolution & Letter of Support

Each participating town (or region) must document that the proposed greenway is included in the local town (or regional) plan (or an upcoming revision) and that it is endorsed by the local government through a municipal resolution. Supporters of the Willimantic River Greenway have all agreed to provide such documentation, but have requested sample language to use. Attached please find copies of documents from the Shelton Greenway application from 2002 which was approved last year. The language used in these examples might be used by your agencies, or may need to be substantially modified. The key elements of any proper letter of support or resolution should include:

1. Date.
2. Letterhead of board or commission.
3. Addressed to CT Greenways Council, c/o Leslie Lewis, CTDEP, 79 Elm St, Hartford, CT 06106.
4. Text generally supporting proposal for a Willimantic River Greenway.
5. More specific reasons for support. (Compliance with Town or Regional Plan (or intent to include in an upcoming revision)-give a few specifics; Town has projects planned which fit well with a greenway designation; etc.)
6. Documentation of action, discussion or resolution taken by the group with date.
7. Signature of authorized representative.

While these letters will be addressed to the CTDEP, it is WRA's intent to collect these letters and compile them into the application, so please do not mail them to DEP but to WRA at the above address or call the contacts listed below to arrange for pick-up. WRA hopes to have collected all such documentation by **mid-February**; so we request that your boards & commissions schedule actions to consider such resolutions & letters for your December, January or February meetings.

List of Proposed Projects

Also required to be submitted is a list of a few proposed greenway projects in each town. This list need not be included in the letters of support, but WRA will need to compile such lists to include in the application and to indicate on a map of the proposed greenway. Many of these projects are already listed in town and regional plans, and only need be extracted with a brief description and location, so they can be listed & mapped in the application.

The above needs to be forwarded to WRA, so that our volunteers can compile the application and submit it. If you need more info please contact: Vicky Wetherell at 429-7174 <donvicweth@juno.com > or Meg Reich at 455-0532 <megr1@earthlink.net>.

Thank you for your support and cooperation in this regional greenway initiative.

TOWN OF MANSFIELD
OPEN SPACE PRESERVATION COMMITTEE



JAMES R. MORROW, CHAIR

December 31, 2002

To: The Mansfield Town Council
and
Planning and Zoning Commission

At it December 17, 2002 the Open Space Committee resolved to endorse the establishment of a Willimantic River Greenway. This greenway is best done in cooperation with the other river corridor towns and the State of Connecticut. The State agency controlling land along the river especially the Department of Environmental Protection and the University of Connecticut should be involved in this effort.

The Open Space Committee has often discussed the concept and details of a Willimantic River Greenway. Such a corridor would include more than just the river. It would involve bike routes, scenic drives, wildlife habitat, fishing, canoe access and trails. These combined with a major Southern New England trout stream would create a valuable asset for the region. Many of the pieces of this project are already in place. The Greenway would be a mechanism for putting these together and planning for the future.

For The Town of Mansfield Open Space Committee

James R. Morrow
Chair

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

**Re: Easement to Connecticut Light & Power Company to Extend Utilities to Mansfield
Community Center**

Dear Town Council:

In order to extend utilities to the new community center, the town needs to grant a permanent easement to the Connecticut Light & Power Company (CL&P). The easement will extend from Route 195 over the town's Audrey P. Beck property to the community center site.

The town attorney is working with CL&P to draft the easement and recommends that the council authorize the town manager to execute the appropriate legal documents.

If the town council concurs with this recommendation, the following resolution is in order:

Resolved, that the Mansfield Town Council authorizes the town manager to deed permanent easement rights situated on property owned by the municipality on the southwesterly side of Connecticut Route 195 in the Town of Mansfield on which the town is constructing a community center, to the Connecticut Light and Power Company for the purpose of enabling the utility company to install, maintain and repair electric and gas lines over, under and across said town-owned land, as set forth in the proposed easement area description attached hereto as Schedule A.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(1)

SCHEDULE "A"

A certain area described on a map entitled "Map Showing Easement Area to be Granted to the Connecticut Light and Power Company Across the Property of A. E.O. Smith High School, Region 19, and B. Town of Mansfield. Route 275 & 195 Mansfield, Conn., scale: 1" = 40', Date: Sept. 23, 2002", being 16,318.8 square feet in area, and further described as follows:

Beginning at a point which point lies in the southwesterly streetline of Conn. Route 195, and which point is a northerly corner of the herein described premises and a northerly and northeasterly corner of land of the Town of Mansfield, and an easterly or southeasterly corner of land of the E.O. Smith High School, Region 19, and which point is located N 32 55 43 W a distance of 16.80 feet along said streetline from a CMD brass disc marking said streetline and set in the surface of a sidewalk;

thence S 32 55 43 E for a distance of 16.80 feet along said streetline to the brass disc;

thence S 17 55 25 W for a distance of 99.59 feet through land of the Town of Mansfield, to a point;

thence S 53 34 32 W for a distance of 258.58 feet through land of the Town of Mansfield to a point;

thence S 33 19 54 W for a distance of 64.45 feet through land of the Town of Mansfield to a point at a wall of the Town of Mansfield Audrey Beck Office Building;

thence S 55 58 03 W for a distance of 9.36 feet to a point, along said building to the beginning of a concrete cellar access;

thence N 33 30 18 W for a distance of 3.30 feet to a point, along said access;

thence S 55 58 03 W for a distance of 3.67 feet to a point, along said access;

thence S 33 30 18 W for a distance of 3.33 feet to a point, along said cellar access to the wall of said office building;

thence S 55 58 03 W for a distance of 1.33 feet to a point, along said building to its westerly corner (of brick);

thence S 34 01 57 E for a distance of 6.84 feet along said building to a point;

thence S 41 25 28 W for a distance of 49.72 feet through land of the Town of Mansfield to other land of the Town of Mansfield, which other land contains the Mansfield Community Center, now under construction;

thence N 33 47 41 W for a distance of 22.35 feet along said Community Center property to a point;

thence N 21 08 03 E for a distance of 81.81 feet along said Community Center property to a point, which point is marked by an iron pin;

thence N 50 58 45 E for a distance of 337.47 feet through land of the Town of Mansfield to a point;

thence N 17 39 54 W for a distance of 22.93 feet, through land of the Town of Mansfield to a point;

thence N 23 33 18 E for a distance of 22.76 feet, through land of the Town of Mansfield, to land of said Region 19;

thence N 55 03 43 E for a distance of 29.97 feet, along said land of Region 19, to the said streetline of Route 195 and the place and point of beginning.

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3336
Fax: (860) 429-6863

January 13, 2003

Town Council
Town of Mansfield

Re: Comprehensive Annual Financial Report for Year Ending June 30, 2002

Dear Town Council:

Attached please find the Comprehensive Annual Financial Report (CAFR) for Year Ending June 30, 2002. As is our customary procedure, staff recommends that the council refer this item to the finance committee for review.

The following motions is suggested:

Move, to refer the Comprehensive Annual Financial Report for Year Ending June 30, 2002 to the finance committee.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(1)

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**TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER**



Martin H. Berliner, Town Manager

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January 13, 2003

Town Council
Town of Mansfield

**Re: Emergency Services Operations and Management Improvement Project –
Employment Conditions for Paid Fire Department Personnel**

Dear Town Council:

Introduction

As you know, a management team comprised of the chiefs and presidents of each volunteer fire department, the town manager, the assistant town manager and the director of finance has been actively working on the Emergency Services Operations and Management Improvement Project. Our management team will grow in the near future with the addition of Dave Dagon, Mansfield's first emergency services administrator, who joins us next month.

Under item 10 of our project action plan (see attached), the management team has carefully studied the issue of employment conditions for the paid personnel of both fire departments. At this point, we believe that it would be in the best interests of the town, the two fire departments and fire department staff to make all paid fire department personnel employees of the town. To effect this proposal, we recommend that the town offer employment to all paid staff while the two fire departments simultaneously terminate these same employees.

Management Team Proposal

Under the management team's proposal, the town would offer employment to all active paid fire department personnel under their existing terms and conditions. Our thinking is that it would be fairer to bring the paid staff on under their existing terms because their collective bargaining agreement has expired and we would immediately need to begin labor negotiations as they become employees of the town.

Simultaneous to the town's offer of employment, the departments would issue a termination of employment letter to each employee. Employees would not lose any pay because there would be no break in service. At the pay period beginning March 9, 2003, paid fire personnel would start work as employees of the town and would report to the emergency services administrator as their non-fireground supervisor.

Once the paid personnel become municipal employees, the town would immediately begin negotiations with the union to develop a successor collective bargaining agreement. In addition, the management team would work to develop any additional personnel policies that we may need.

We wish to emphasize that this proposal is expenditure neutral, as the town already pays the full salary for all fire department employees. If we are able to implement this proposal successfully, the two fire departments would no longer employ paid personnel. However, this would not prohibit an employee from remaining a member of one or both of the two departments.

Rationale and Justification

In her *Emergency Services Operations and Management Study* prepared for the town, University of Connecticut Professor Amy Donahue made several references to the benefits of making paid fire department staff municipal employees. Drawing upon Professor's Donahue's work and our own analysis, the management team would like to present the following arguments in support of our proposal.

- 1) *Making paid fire department personnel employees of the town would enhance departmental cooperation.*

In her report, Professor Donahue notes that, outside of the fireground or emergency scene, the two fire departments "do not collaborate well" (Donahue, A., *Emergency Services Operations and Management Study*, 2002, p. 35). She also lists enhanced cooperation as one of her recommendations for the "desired future state" (Donahue, p. 45). For our part, the management team believes that greater cooperation between the departments would benefit the community by allowing us to prepare for and respond to emergencies in a more coordinated and effective fashion. Making all the paid personnel staff the employees of one employer (the town) and having them all report for administrative purposes to one supervisor (the emergency services administrator), would facilitate our efforts to enhance departmental cooperation.

- 2) *Making paid fire department personnel employees of the town would allow the town and the departments to more equitably allocate capital and labor across the community.*

Under current practice, with the exception of MVFC's town-wide ambulance coverage, each fire department has a primary response jurisdiction. Professor Donahue recommends that we more equitably allocate capital and labor across the entire town, and we are considering that recommendation as a future goal. This recommendation is an important consideration because it would allow the town to use labor and capital resources across the entire community in a more efficient fashion. Making fire department staff employees of the town would help us to achieve this goal because we would have the ability to utilize the paid personnel as one town-wide workforce that could be potentially deployed across the community.

- 3) *Making paid fire department personnel employees of the town would not cost the town any additional funds and would help us to more effectively and efficiently utilize future labor resources.*

Because the town finances fire department operations as part of the municipal operating budget, converting paid fire staff to municipal employees would not cost the town any additional funds. As you may recall, for this upcoming fiscal year the two fire departments will have one consolidated operating budget. With the consolidated budget, we would also most likely have consolidated personnel expenditure lines.

Over the long term, we believe that converting paid fire department staff to municipal employees would help us to more effectively and efficiently utilize future labor resources, especially if we are able to deploy personnel across the entire community.

- 4) *Making paid fire department personnel employees of the town would facilitate the equalization of working conditions.*

One of the motivating factors behind our efforts to improve the operations and management of emergency services in Mansfield has been the desire to equalize working conditions among the paid staff in both fire departments. The importance of this factor is emphasized by the fact that we have wage and pension equalization plans in place to address wage and pension items. Making paid fire department personnel employees of the town would facilitate the equalization of working conditions because we would have one town-wide workforce with one collective bargaining agreement and one set of personnel policies.

- 5) *Transferring supervisory and human resources responsibilities to town staff would ease the administrative burden on volunteer leaders.*

As Professor Donahue observed, the administrative burdens of the fire departments “exceed the capacity” of our volunteer leaders (Donahue, p. 37). This observation is not a reflection upon our volunteers, but is driven by the fact that the management of emergency services is now a more complex and time-consuming undertaking. To alleviate many of these administrative burdens, we have created the new position of emergency services administrator. In converting paid fire department staff to municipal employees, we would be able to further relieve the volunteer’s administrative and supervisory responsibilities with respect to the management of employee benefits, wages and labor relations, among other human resource matters. By relieving volunteers of these supervisory and human resources responsibilities, we would enable our volunteer leaders to focus more completely on fire department operations and volunteer recruitment and retention.

Related to this point, our new emergency services administrator has extensive management and supervisory experience, having served as a line officer and as chief of a sizable paid fire department in a local Connecticut municipality. In addition, the town manager’s office and finance department staff have considerable experience in human resources, labor relations, risk management, payroll and employee benefits, among other areas. Consequently, if they become town employees, paid fire department personnel should benefit from town staff’s expertise.

- 6) *Making paid fire department personnel employees of the town would help clarify reporting relationships and facilitate the supervisory responsibilities of emergency services administrator.*

In her study, Professor Donahue observes that within the fire departments, supervisory relations are "confounded" and "vague" (Donahue, p. 36). Consequently, she recommends that we "clarify and rationalize the supervisory and reporting relationships for both paid employees and volunteers" (Donahue, p. 51). Because paid fire department staff will report to the new emergency services administrator for administrative purposes, we will be able to clarify non-fireground reporting relationships for paid employees. However, if we do not make paid fire department staff employees of the town, we could potentially frustrate the administrator's supervisory responsibilities as it would probably be more difficult to have the paid fire staff function as one town-wide unit if they remain employees of two separate departments.

Please note that going forward with our project we will further examine fireground reporting relationships for both paid personnel and volunteers, as recommended by Professor Donahue.

Summary and Recommended Town Council Action

Based on the reasons that we have discussed in some detail, the management team recommends that the town council endorse our proposal to make all active paid fire department staff employees of the town, effective for the beginning of the first pay period in March. (The March date should give us sufficient time to make the transition.) We believe that this proposal represents a "win/win" solution for all involved. For the town, we would foster enhanced departmental cooperation and a more equitable allocation of resources, and facilitate employee supervision and accountability. For our two volunteer fire departments, by transferring some supervisory and most human resources responsibilities, we would relieve a considerable portion of their administrative burden and allow them to focus more completely on operational issues and volunteer recruitment and retention. And, for the paid personnel themselves, they would benefit from clarified reporting relationships, equalized working conditions and the expertise afforded by an experienced administrative supervisor and human resources staff.

If the town council supports the management team's recommendation, the following motion is in order:

Move, effective for the pay period beginning March 9, 2003, to offer employment under their existing terms and conditions to all active paid personnel of the Eagleville Fire Department and Mansfield Volunteer Fire Company.

Sincerely,

Martin H. Berliner
Town Manager

CC: Dave Dagon, Mike Gergler, Matt Hart, Chief Hawthorne, Chief Jordan, Steve Lofman, Jeff Smith

**Town of Mansfield
Emergency Services Operations and Management Improvement Project
Action Plan**

No.	Action Step	Responsibility	Timeline	Modified Timeline	Status
1	Town Council/Fire Departments agree to consider re-organization process	FD/Town staff	Oct. – Nov. 2001		Complete
2	Conduct research and make recommendations with respect to operations and management of emergency services	Prof. Donahue	Nov. 2001 – May 2002		Complete
3	Develop length of service awards program for volunteers	Mgmt. Team	Mar. - July 2002	Mar. 2002 - Jan. 2003	Plan out to bid
4	Develop proposed job description, prospectus and compensation package for paid Emergency Services Administrator and submit to Town Council for review and action	Mgmt. Team	June - July 2002		Complete
5	Implement ICMA 401a and 457 plans for full-time personnel	Mgmt. Team	June - July 2002	June 2002 - Jan. 2003	MERS actuarial study in process
6	Develop deferred compensation plan for part-time personnel and present to Town Council for review and action	Mgmt. Team	June - Aug. 2002	Nov. 2002 - Jan. 2003	Propose 457 deferred comp plan
7	Implement joint purchasing where possible	Mgmt. Team	July-02	Jan-03	To coincide with new administrator
8	Conduct recruitment for Emergency Services Administrator	Mgmt. Team	July - Sep. 2002	July - Dec. 2002	Appointed Dave Dagon
P.1350	Develop and implement pilot test for joint ambulance coverage for volunteer personnel	Mgmt. Team	July - Sep. 2002	Oct. 2002 - Mar. 2003	Training in progress
	Develop and propose standardized employment conditions for paid personnel. Present recommendations to Town Council for review and action	Mgmt. Team	July - Oct. 2002	July 2002 - Jan. 2003	Mgmt. team to review proposal with paid personnel on 12/18/02
11	Emergency Services Administrator begins work	Mgmt. Team	Sep. - Oct. 2002	Dec. 2002 - Jan. 2003	Dave to start 02/10/03
12	Review potential operational and management improvements, including re-organization and partial or full consolidation of departments. Also include recommendation re role of Fire and Emergency Services Committee. Achieve consensus on plan. Present plan to Council for review and comment.	Mgmt. Team	Sep. 2002 - April 2003	Jan. - June 2003	
13	Recruit volunteer coordinators for each department. Develop cafeteria-style volunteer recruitment, retention and recognition program. Present proposals to management team and Town Council, where appropriate.	Fire Admin. & Vol. Coordinators	Sep. 2002 - April 2003	Jan. - June 2003	
14	Develop consolidated budget for fire department operations	Mgmt. Team	Jan. – April 2003		
15	Town Council reviews and adopts consolidated budget	Mgmt. Team	April - May 2003		
16	Town and fire departments execute successor fire services agreements, if necessary	Mgmt. Team	May – June 2003	July - Aug. 2003	
17	Implementation of operational and management improvements	Mgmt. Team	May 2003 – June 2004	July 2003 - June 2004	
18	Review and analyze results of improvements with respect to project goals and report results to Town Council	Mgmt. Team /Prof. Donahue	Dec. 2004		

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EASTERN HIGHLANDS HEALTH DISTRICT
BOARD OF DIRECTORS – REGULAR MEETING
THURSDAY – December 19, 2002
COVENTRY TOWN HALL – BOARD ROOM B

W. Kennedy

Board Members Present: J Patton, P Schur (alternate), D. Smith, M Berliner, W. Kennedy, J Elsesser, B Paterson, J. Stille, R. Knight
Board Members Absent: M. Kurland
Staff Present: R. Miller

Chairperson Paterson called meeting to order at 4:38pm.

Welcome new member, David Smith.

A MOTION was made by R. Knight, seconded by J. Elsesser, to approve the minutes of the last board meeting with an amendment on when W. Kennedy left the meeting. W. Kennedy left the meeting after the fifth meeting motion. THE MOTION PASSED as amended with abstentions from D. Smith, M. Berliner and J. Stille.

PUBLIC COMMENTS

CVD Grant Program Coordinator, Jodi Nafis, and assistant, Kathleen Polhemus, were introduced. The program was discussed.

M. Kurland arrives at 4:50pm

CHAIRPERSON'S REPORT

By consensus a new business item is to be added to the next meeting agenda regarding establishing a subcommittee to evaluate and possibly modify the Directors annual evaluation criteria.

A MOTION was made by R. Knight, seconded by J. Stille, to accept the evaluation with the following amendments. Include statements in the Summary and in section G. regarding the success the Director has had in seeking and securing grant monies for the Health District. Additionally, Goal 4 is to be removed. THE MOTION PASSED unanimously.

NEW BUSINESS

A MOTION was made by J. Patton, seconded by J. Elsesser to nominate M. Paterson as Chairperson. THE MOTION PASSED unanimously.

A MOTION was made by M. Berliner, seconded by J. Elsesser, to nominate J. Patton as Vice Chairperson. THE MOTION PASSED unanimously.

The budget for fiscal year 2003-04 was discussed.

J. Smith, Assistant Treasurer arrives at 5:00pm

A MOTION was made by J. Stille, seconded by M. Berliner, to cut \$5,000 from the proposed appropriation to the capital non-recurring fund, for the Director to find another \$1,200 in cuts in the operating budget, and maintain the assessment to the member towns at \$3.69 per capita. THE MOTION PASSED with J. Smith, M. Berliner, J. Elsesser, W. Kennedy, M. Kurland, B. Paterson, and J. Stille voting yes; R. Knight and J. Patton voting no.

A MOTION was made by J. Stille, seconded by M. Berliner, to set a public hearing date of January 23, 2003 at 4:30 pm, Coventry Town Hall, Conference room B, to hear public's comments regarding the amended proposed fiscal year 2003/2004 EHHD budget and associated proposed fee schedule. THE MOTION PASSED unanimously.

OLD BUSINESS

A MOTION was made by J. Elsesser, seconded by J. Patton, to ratify the document titled Agreement between the Town of Columbia and Eastern Highlands Health District dated December 10, 2002. THE MOTION PASSED unanimously.

TOWN REPORTS

WILLINGTON

Senior Center septic and water discussed. Travel Plaza discussed.

TOLLAND

Sewer extensions discussed. Council hearing first community sewer request as WPCA.

MANCHESTER

Town continues to discuss water supply needs with the DEP and UConn. Three new restaurants opening in Town. Public meetings scheduled for January and February, 2003 regarding UConn landfill. Bulky waste landfill closed; waste going to Manchester.

BOLTON

DEP Consent order community sewers signed by both Bolton and Vernon.

COVENTRY

Ground breaking for Phase 1 of the sewer project starts January 6, 2003; finished by the end of the summer. Phase 2 out to bid in 2-3 weeks. Dunkin Donuts discussed. Kenyon Mill received \$777,000 in grants for upgrading. DPH inspection of Schools water system identified many violations. The public health implications of recent drinking related vehicular deaths of a Coventry High School student and of Glastonbury highschool's students were discussed.

DIRECTOR'S REPORT

Director R Miller briefly discussed recent Smallpox issues.
Director R Miller presented the quarterly report

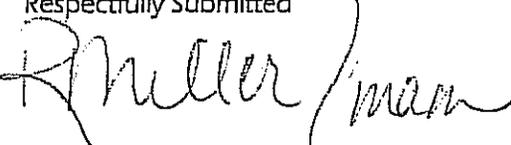
A MOTION was made by J. Elsesser, seconded by J. Patton, to enter executive session at 5:50pm. THE MOTION PASSED unanimously. Executive session ended at 6:05pm.

CHAIRPERSON'S REPORT

A MOTION was made by J. Patton, seconded by M, Kurland to increase the Director of Health's annual salary to \$73,000 effective July 1, 2002. THE MOTION PASSED unanimously.

A MOTION was made by R. Knight, seconded by J. Patton, to adjourn the meeting. Meeting adjourned at 6:10 pm.

Respectfully Submitted



The image shows a handwritten signature in cursive script that reads "R. Miller / man". The signature is written in dark ink and is positioned below the typed name "Robert L. Miller, Secretary".

Robert L. Miller, Secretary

TOWN OF MANSFIELD
Community Center Building Committee Meeting
November 18, 2002
MINUTES

Present: A. Rash, S. Goldman, D. Hoyle, R. Moore, C. Kueffner, M. Paquette

Staff: Town Manager M. Berliner, Capital Projects and Personnel Assistant L. Patenaude, Director of Parks and Recreation C. Vincente

Others: Construction Manager D. Yoder, Construction Manager K. Boutin

1. Call to Order

A. Rash convened the meeting at 7:07 p.m.

2. Approval of Minutes

The minutes of the October 21, 2002 meeting were approved.

3. Audience to Visitors

None

4. Additions to the Agenda

None

5. Staff Reports

- a. Construction Manager's Report –K. Boutin gave an overview of what was occurring on site and what was to occur within the next couple of weeks. K. Boutin mentioned that the problem with the Kalwall should be resolved due to a meeting with LaRosa. M. Berliner asked if the order was placed. K. Boutin replied that shop drawings were still being developed on the engineering calculations. Estimated time after placement of order is eight weeks.

K. Boutin stated that the shingling of the roof was to start on Friday of this week. C. Kueffner was concerned that the roof was moving very slowly. K. Boutin stated that there are details that needed to be clarified by the architects. D. Yoder explained that the architect made the changes to the roofs one at a time. The plan is to close in the flat roof (main area) and the office areas. The closed in areas will be heated and 80% of the workload is in this area.

R. Moore was concerned about the cost. D. Yoder replied it was not going to cost any more than it would have cost and they are not closing in the gym and pool areas due to the fact that there is little or no work remaining. The heater is on reserve and the cost is \$3,000 for the season which comes out of the general conditions.

M. Paquette wanted to know the overall picture of how the project is doing. K. Boutin replied that the interior is on schedule and the roof is behind.

K. Boutin mentioned that the stairs are now in production. The engineers made changes requiring five piers (footings). C. Kueffner wanted to know why this wasn't seen before. D. Yoder said that S/L/A/M's original structural engineer had left and the new structural engineer made the changes and that he didn't want the stairs on hangers. K. Boutin also said that it is now down to two piers. Stair one in shop; stair two will be in the shop this week; stairs on site next week with installation the following week. S. Goldman wanted to know if there would be change orders for this. K. Boutin said there would be for the two piers at a cost of approximately \$1,000.

M. Paquette wanted to know how the contingency account was doing. M. Berliner and K. Boutin agreed that it was doing fine.

M. Berliner questioned the \$2,900 in changes for the blocking. He believed the roofers should have addressed this during the bid process. K. Boutin replied it was due to the wider openings on the east side (sitting room).

b. Architect's Report -no report

C. Vincente stated that the marketing consultant was working on a draft plan and that focus groups were being set up to support the original survey. There is \$11,000 in charter memberships to date.

6. Old Business

None.

7. New Business

The next regular meeting is December 16th at 7:00 p.m.

The meeting was adjourned at 8:10 pm.

Respectfully Submitted,

Linda Patenaude,
Capital Projects and Personnel Assistant

TOWN OF MANSFIELD
Solid Waste Advisory Committee
Minutes of the Meeting
November 20, 2002

Present: Gogarten (chair), Ames, Kueffner, Smith, Kobulnicky, Hultgren (staff), Walton (staff)

The meeting was called to order at 7:32 by Chair Gogarten.

The minutes of the September 12, 2002 meeting were approved.

Walton reported that she had made a presentation about the current Mansfield Collection system to CCM on October 23, 2002. She also informed members of the presentations at the NERC Fall meeting on Federal sustainability systems, the Federal bottle bill, product stewardship for electronics manufacturers, plastic lumber, changing recycling behavior and green-building concepts. She said she was trying to get the green-building architectural information to the Downtown Partnership.

Staff reported that the fee and ordinance changes (bulky waste and collection) were enacted by the Town Council.

Walton reported that the sign advertising open adopt-a-road segments had been put in several places but had not generated any calls.

Walton reported on her research into ink jet cartridge recycling and grocery bag recycling. She also said she visited some of the apartments that had received welcome bags earlier this fall and the amount of recycling taking place was minimal.

Staff explained the status of the progress in planning for a pre-paid bag system. Walton had collected data on how base fees were collected in several New England towns. A rough draft of a Power Point presentation was discussed. Staff will work on this for the January meeting.

Hultgren said that the bulky waste transfer operation had begun and the town signed a consent order with DEP to allow operations while the permit was under review.

Walton reported that Goodwin School received the Green School award from CRC on this year's America Recycles Day.

Hultgren said they were almost done reviewing changes to the solid waste ordinance dealing with enforcement – particularly in dealing with properties who just let the garbage sit out by the curb. The proposal will be ready for the next meeting.

Walton reported that the composter at Southeast was down and is waiting for repairs. She also said she had put recycling containers in the parks

Ames said that the Keeper Corporation was no longer taking Styrofoam peanuts. Walton will work with her to find other outlets.

The next meeting was set for January 9, 2003.

The meeting was adjourned at 9:00 p.m.

Respectfully Submitted,



Lon R. Hultgren
Director of Public Works

cc: Town Manager, Town Clerk, Director of Finance, Virginia Walton, Steve Bowen, Dan Austin, file

TOWN OF MANSFIELD/DEPARTMENT OF CORRECTION PUBLIC SAFETY
COMMITTEE
WEDNESDAY, November 13, 2002
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING

Minutes

Members Present: A. Barberet, G. Cole, C. Lary, Warden S. Sawicki, W. Stauder

Members Absent: R. Blicher, R. Gergler, R. Pellegrine, L. Seretny, W. Solenski, S. Thomas

Staff: Major Coletti, Lead Warden Donahue, M. Hart, Counselor Supervisor Henault, Principal Korza, Counselor Iweka

I. CALL TO ORDER

Chairwoman Barberet called the meeting to order at 3:15 p.m. and welcomed everyone present.

1. Matt Hart volunteered to serve as the recorder/secretary for the meeting.
2. George Cole made motion to approve the minutes of September 11, 2002 with a few minor corrections. Claire Lary seconded. The motion passed unanimously.

II. COMMUNICATIONS

1. The committee reviewed Matt Hart's memorandum concerning the new community notification system.

III. WARDEN'S REPORT AND DISCUSSION

1. Population Status Report – Counselor Iweka reviewed the Population Status Report and the “September 11 through November 12, 2002 Transfer and Discharge Report.” The facility count is currently 954 inmates with a maximum capacity of 962.

Mr. Korza, principal of the facility school, and Counselor Supervisor Henault provided some introductory comments prior to the planned tour of the renovated Deardon Building. Mr. Korza explained that the school's motto is “I am not who I was,” and that the goal of the program is to prepare inmates for re-entry into society. He also emphasized that it was critical for the program participants to set individual goals.

Counselor Supervisor Henault reviewed the facility's new pilot program to combine educational with addiction services. She stated that 85 percent of

inmates convicted for driving under the influence (DUI) or another substance abuse charge require some sort of addiction services.

George Cole commented that all DUI offenders are not necessarily alcoholics or addicts, therefore, addiction services might not be needed in all cases. Counselor Supervisor Henault replied that all first time offenders are required to participate in an education program that focuses on "harm reduction" and that the department uses different models for treating different substance abuse issues.

The Bergin staff then led committee members on a tour of the renovated Deardon building.

2. List of Offenses – Counselor Iweka reviewed the List of Offenses for inmates currently housed at the facility.

IV. CHAIRMAN'S REPORT

Audrey Barberet stated that she needs to prepare the committee's annual report to the commissioner.

V. OPPORTUNITY FOR THE PUBLIC TO SPEAK - none.

VI. OLD BUSINESS

1. Community Notification System – Major Coletti reviewed the first test of the Phone Tree 2000, which is the facility's new community notification system. Staff conducted the test on November 12th, and the system needed only 23 minutes to complete 124 calls. Of the 124 calls, the results were as follows:

- 58 calls were answered by a person
- 43 calls were answered by machines
- 7 recipients hung up before the message could be completed
- 13 calls did not go through (if the recipient's outgoing message extends beyond 30 seconds, the system cannot complete the call)
- 3 calls were terminated because of no answer (no machine or person)

Staff's overall impression of the system is very favorable, as it appears efficient and easy to use. The committee determined that town staff would contact the 13 residences where calls did not go through to determine if the length of the outgoing message was indeed the problem. Once that issue has been examined, Bergin will transfer from the autodialer to the new system.

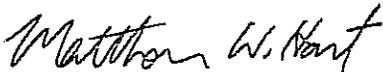
VII. NEW BUSINESS

1. Landscaping – Warden Sawicki said that Bergin would like to remove five to six pines located in the interior of the compound. Audrey Barberet replied that the removal of the trees should not pose a problem, as the community is more concerned with exterior plantings.
2. Inmate Population – Audrey Barberet asked how the growing inmate population in Connecticut would impact Bergin. The Warden answered that there will be an impact, but that the department is hoping the expansion to the Suffield facility will relieve some of the burden.
3. Program Assessment – Claire Lary asked if staff assesses the performance of its programs. The Warden replied that program assessment is a regular practice.

VIII. ADJOURNMENT

Chairwoman Barberet adjourned the meeting at 4:17 p.m.

Respectfully submitted,



Matthew W. Hart
Assistant Town Manager

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BERGIN CI SEPTEMBER 11, 2002 THROUGH NOVEMBER 12, 2002
TRANSFER AND DISCHARGE REPORT

Total inmates transferred to ANOTHER FACILITY = 167 inmates

Total number of days at BERGIN CI 8686

Average number of days at BERGIN CI 52

Total inmates transferred to CR RESIDENTIAL PROGRAM = 115 inmates

Total number of days at BERGIN CI 12165

Average number of days at BERGIN CI 106

Total inmates transferred to EOS = 116 inmates

Total number of days at BERGIN CI 9166

Average number of days at BERGIN CI 79

Total inmates transferred to PAROLE = 23 inmates

Total number of days at BERGIN CI 2938

Average number of days at BERGIN CI 128

Total inmates transferred to RE-ENTRY FURLOUGHS = 59 inmates

Total number of days at BERGIN CI 3813

Average number of days at BERGIN CI 65

Total inmates transferred to TS = 112 inmates

Total number of days at BERGIN CI 9674

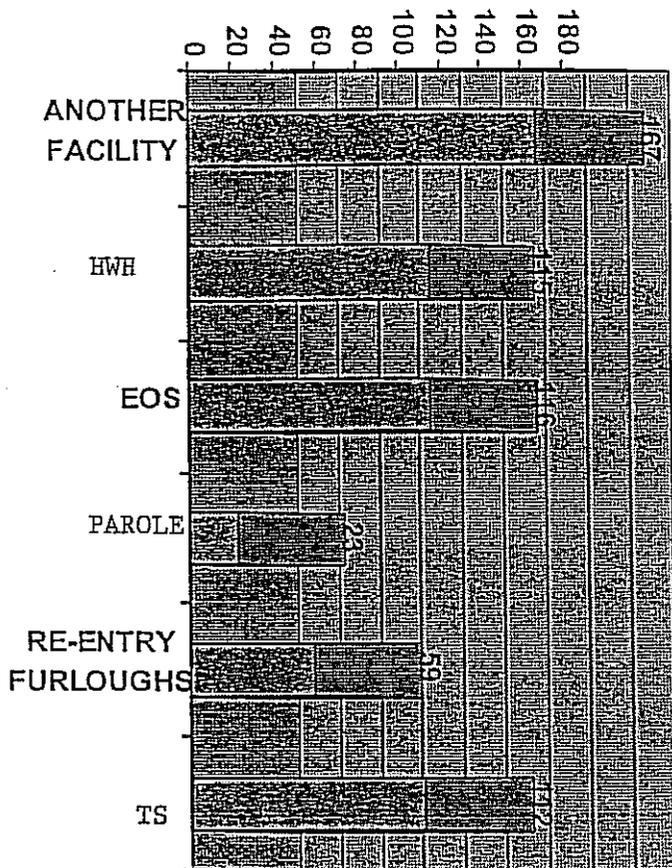
Average number of days at BERGIN CI 86

Grand total number of inmates transferred/discharged from BERGIN CI = 592

Grand total number of days at BERGIN CI = 46442

Grand total average number of days at BERGIN CI = 78

BERGIN CI SEPTEMBER 11, 2002 THROUGH NOVEMBER 12, 2002 TRANSFER AND DISCHARGE REPORT



Offense	CountOfOffens
ARSON, SECOND DEGREE BF	1
ASSAULT 2 WITH MV WHILE INTOXICATED DF	4
ASSAULT 2ND, VICTIM 60 OR OVER DF	1
ASSAULT, 3RD DEGREE, VICTIM OVER 59 AM	1
ASSAULT, SECOND DEGREE DF	14
ASSAULT, THIRD DEGREE AM	25
BREACH OF PEACE BM	4
BURGLARY, SECOND DEGREE CF	8
BURGLARY, THIRD DEGREE DF	31
CARRY PIST/RVOLT W/O PERMIT	4
CARRYING OF WEAPONS WITHOUT PERMIT F	5
CARRYING OR SALE OF DANGEROUS WEAPON	3
CARRYING WEAPON IN A MOTOR VEHICLE F	3
CONSPIRACY F	17
CR POSS PIS/REVOLVER DF	4
CRIM POSS FIREARM/ELEC DF WEAP DF	3
CRIM VIOL OF PROTECTIVE ORD AM	2
CRIM.VIOL PROT.ORDER AM	2
CRIMINAL ATTEMPT	11
CRIMINAL IMPERSONATION BM	2
CRIMINAL LIABILITY FOR ANOTHER PERSON	3
CRIMINAL MISCHIEF, FIRST DEGREE DF	3
CRIMINAL MISCHIEF, SECOND DEGREE AM	1
CRIMINAL TRESPASS, 2ND DEGREE BM	1
CRIMINAL TRESPASS, 3RD DEGREE CM	1
CRIMINAL TRESPASS, FIRST DEGREE AM	5
CRUELTY TO ANIMALS M	1
DRIVING WHILE LIC SUSPENDED FOR DWI	33
DRUG PARAPHERNALIA IN DRUG FACTORY F	1
EVADING RESPONSIBILITY	4
FAILURE TO APPEAR, 1ST DEGREE DF	1
FAILURE TO APPEAR, 2ND DEGREE AM	7
FAL REP INCID/BRE OF PEACE/THREATN	3
FORGERY, SECOND DEGREE DF	5
FORGERY, THIRD DEGREE BM	1
INJURY OR RISK OF INJURY TO MINOR F	3
INTERFERING WITH AN OFFICER AM	10
KIDNAPPING, SECOND DEGREE BF	1
LARCENY, FIFTH DEGREE BM	2
LARCENY, FIRST DEGREE BF	2
LARCENY, FOURTH DEGREE AM	2
LARCENY, SECOND DEGREE CF	8
LARCENY, SIXTH DEGREE CM	12
LARCENY, THIRD DEGREE DF	18
LIQUOR SALES TO MINORS M	1
MANSLAUGHTER 2ND WITH MV (INTOX) CF	2
MISCONDUCT WITH A MOTOR VEHICLE DF	2

Offense	CountOfOffens
MISREP OF SUB AS CONTROLLED SUB DF	3
NEGLIGENT HOMICIDE W/ MOTOR VEHICLE BM	1
OPER UNDER SUSP LIC OR REG M	10
OPERATING UNDER INFLU OF LIQ OR DRUG M	195
PERJURY DF	1
POSS OF ASSAULT WEAPON PROHIBITED	1
POSSESS OF HALLUC OR 4+ OZ MARIJ F	1
POSSESS OF LT 4 OZ MJ OR CONTRLD SUB M	6
POSSESSION OF NARCOTICS F	71
PROHIB ACTS RE: DRUG PARAPHERNALIA CM	1
RECKLESS BURNING DF	1
RECKLESS DRIVING M	1
RECKLESS ENDANGERMENT 1ST DEGREE AM	2
ROBBERY, FIRST DEGREE BF	1
ROBBERY, SECOND DEGREE CF	6
ROBBERY, THIRD DEGREE DF	11
SALE OF CONTROLLED SUBSTANCE F	20
SALE OF HALLUCIGEN/NARCOTIC SUBSTNC F	138
SALE OF HEROIN, COC BY NON-DEPEND F	1
SALE OF NARC/AMPHET BY NON-DEPEND F	6
SELLING WEAPONS TO ALIENS PROHIBITED M	1
STALKING-FIRST DEGREE DF	1
STEALING A FIREARM DF	3
TAMPERING WITH WITNESS DF	1
THREATENING AM	6
USING MOTOR VEHICLE W/O PERMISSION DF	2
VIO FILE SAFETY CODE M	1
VIOLATION OF PROB OR COND DISCHARGE	181
YOUTHFUL OFFENDER	1

TOWN OF MANSFIELD CORRECTIONAL FACILITY LIAISON COMMITTEE

November 13, 2002

Minutes

Members and Staff Present: Same as DOC Public Safety Committee

I. CALL TO ORDER

Chairwoman Barberet called the meeting to order at 4:17 p.m.

2. Selection of Recorder – Matt Hart volunteered to serve as the recorder for the meeting.
3. Minutes – Wunderley Stauder made motion to approve the minutes of September 11, 2002, with one correction. George Cole seconded. The motion passed unanimously.

II. COMMUNICATIONS

1. The committee reviewed Matt Hart's letter to a resident concerning restrictions for the use of the Town's inmate work crew in the vicinity of school grounds.

III. WARDEN'S REPORT AND DISCUSSION

1. Community Outreach – the Warden reported that there are no new community outreach crews.
2. Programming Updates - the Warden talked about how the younger population of inmates needs more structure and thrives on incentives. The initial reaction from the inmates in the new DUI unit was that they were now part of a college environment. Consequently, staff had to tighten down somewhat.

Audrey Barberet asked if the facility needed more volunteers. The Warden replied that they could always use more volunteers for topics such as life skills and personal growth. Matt Hart stated that the town would put in an ad in the spring edition of the Mansfield Record, which is a newsletter that is distributed to all homes in town, to solicit more volunteers.

Claire Lary asked if the inmates themselves any perform any volunteer work. The Warden stated that inmates serve as mentors and tutors for other inmates.

IV. OPPORTUNITY FOR PUBLIC TO SPEAK - none

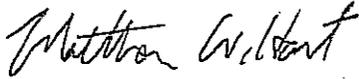
V. OLD BUSINESS - none

VI. NEW BUSINESS - none

VII. ADJOURNMENT

Chairwoman Barberet adjourned the meeting at 4:35 p.m.

Respectfully submitted,



Matthew W. Hart
Assistant Town Manager

Town of Mansfield
Transportation Advisory Committee
Minutes of the Meeting
December 10, 2002

Present: Stephens (Chair), Nash, Hall, Zimmer, Koehn, Hultgren (staff), Zolnik (staff)

The meeting was called to order by Chair Stephens at 7:35 p.m.

The Minutes of the 9/19/02 meeting were approved on a motion by Nash/Zimmer.

Correspondence was reviewed including the TSB planning process, the Graduate Student Senate's support for the fare-free bus program and the Willi-bus newsletter. Hultgren updated members on the small urban cluster mapping effort with WinCOG/DOT.

Nash and Zolnik reported that meetings with Karen Graber (WinCOG transit Administrator) and UConn student government were taking place in an effort to revive UConn's interest in the fare-free program. The latest ridership statistics were reviewed.

Hultgren reported that the Birch Road and Separatist Road bikeway projects were still in design and that the cost of the Separatist Road bikeway may be higher than anticipated due to the relatively large retaining wall that it will require. The recent roadway changes were discussed with regards to pedestrian access. Members favored walkway access along the newer (western) edge of the roadway, although no formal recommendation was made.

The speed hump surveys for the two sections of Cedar Swamp Road were circulated. Most residents favored their remaining in place. From the many comments received, clearly they are not a perfect solution.

Hultgren explained that the fourth hump on Baxter Road just north of Forest Road and a speed table on Hillside Circle were delayed by the early onset of winter. A design sketch for a roundabout at the Birch/Hunting Lodge intersection near Goodwin School was discussed with favorable committee reaction.

The status of several road projects was reviewed: 1) The Town is waiting for a response from DOT regarding the design speed for the Route 89/Mt. Hope Road project; 2) Design sketches for the Stone Mill Road bridge were reviewed – staff review and public comment will follow; and 3) The Maple Road reconstruction project will be delayed one year due to DOT funding constraints.

Hultgren said he was working with CL&P and the DOT to get the existing lights along the Mansfield Center streetscape changed to match the color of the new lights. He also said the Town was pressuring the DOT to re-time the signal at Rt. 195/North Eagleville Road to eliminate the daily backup on Rt. 195 at this intersection.

The four new enhancement grant project proposals were reviewed. Zimmer and Koehn suggested upgraded and safer pedestrian crossings for Rt. 195 in the downtown project. Hultgren said he would relay these concerns. Koehn also suggested that TAC review the Mansfield Downtown Plan when it is available. Hultgren will contact the Executive Director with this request.

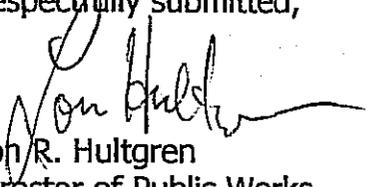
The proposed meeting schedule for 2003 (second Tuesday) was approved.

Hultgren reported that speed limit reduction requests were still being reviewed by the Traffic Authority and that the Town's bike route signs would be repositioned at ¼ mile intervals per Council's request to the Traffic Authority (AASHTO guidelines suggest ¼ mile intervals).

The next meeting will be February 11th unless a January meeting is required.

The meeting was adjourned at approximately 9:15 p.m. on a motion by Nash/Zimmer.

Respectfully submitted,



Lon R. Hultgren
Director of Public Works

cc: ✓ Town Manager, Town Clerk, Town Planner, Assistant Town Engineer, Transportation Planning Aide, Social Services Director, UConn Transportation, H. Koehn, file

MINUTES
MANSFIELD COMMISSION ON AGING

MEETING HELD ON DECEMBER 9, 2002

Present: Nora Stevens, Phil Fichandler, Carol Philip, Carol McMillan, Tim Quinn, Phil Secker, Mary Thatcher
Staff: Jean Ann Kenny, Marilyn Gerling

- I. **Call to Order:** Nora Stevens opened the meeting at 2:35 PM.
- II. **Appointment of Recording Secretary:** Marilyn Gerling agreed to take the minutes for this meeting.
- III. The minutes of the November 12, 2002 meeting were approved.
- IV. **Communications:** An invitation was received from the Mansfield Social Services Dept. to attend a Legislative Meeting on December 12 from 2:30 – 5:00 PM. Following discussion the Legislative issues to be raised were prioritized as follows:
 1. Closing of the Willimantic Social Services Office
 2. Possible elimination of the statewide Commission on Aging
 3. A. Increase Medicaid reimbursement to actual cost so that:
More dentists will participate in the community and in nursing facilities.
B. Nursing and home care programs can make salaries more competitive in order to hire and retain more qualified staff.
C. Support recruitment and training of nurses and support staff for nursing homes and home care agencies.
 4. Implement a Graduated Licensing for drivers.
- V. **Optional Reports:**

Wellness Center: Jean Kenny presented her November report. A copy is attached.

Senior Center: Marilyn Gerling presented her November report. A copy is attached.
- VI. **Other Social Services:** The new Social Services Director, Kevin Grunwald, began his Mansfield employment today. Marilyn Gerling reported Matt Hart introduced him at the Senior Center and he toured the facility and met staff here at that time.
- VII. **Old Business:**

The issue of the Senior Center President being designated a voting member

of the Commission on Aging was raised. Nora Stevens said Suzanna Thomas had communicated to her that the original intention of the Commission was for the membership to purposely be kept general, not limited to age, affiliation, etc. Discussion followed and Phil Fichandler moved that the Commission not make this recommendation to the Town Council but when the position becomes available the Commission recommend to the Nominating Committee that the President of the Senior Center Association be recommended for that position. Phil Secker seconded and this motion passed with one abstention.

A motion was needed to include new business on the agenda. Carol Phillips moved and Phil Fichandler seconded that "New Business" be added to the agenda. This passed unanimously.

VIII New Business:

Jean Kenny reported that three grant applications had been received by Social Services:

VNA East, Thames Valley Council for Community Action, and Community Companions and Homemakers. The Dial-A-Ride and McSweeney applications are still expected.

Those planning to review these agencies were asked to have their reports ready for the January Commission meeting.

IX Adjournment:

The meeting adjourned at 3:15 PM.

Next Meeting January 13, 2003 at 2:30 PM, Mansfield Senior Center.

Respectfully submitted,

Marilyn Gerling
Secretary Pro Tem

EASTERN HIGHLANDS HEALTH DISTRICT
BOARD OF DIRECTORS – REGULAR MEETING
THURSDAY – October 17, 2002
COVENTRY TOWN HALL – BOARD ROOM B

Marty

Meeting was called to order at 4:42pm by Chairperson Paterson.

Board Members Present: J. Patton, B. Morra, R. Knight, M. Kurland, W. Kennedy, J. Elsesser, E. Paterson
Board Members Absent: J. Stille (alternate), M. Berliner, K. Bach, P. Schur (alternate)
Staff Present: R. Miller, Dr. Dardick

A MOTION was made by J Elsesser, seconded by M Kurland, to approve the minutes of the August 22, 2002 regular meeting as presented. THE MOTION PASSED unanimously with abstentions from J. Patton and B. Morra.

PUBLIC COMMENTS:

Dr. Dardick noted that a new cardiologist at Windham Hospital, Dr Thompson, may be interested in supporting the Health District Cardiovascular Disease Prevention Program. He suggested that the Health Director contact Dr. Thompson to pursue this issue. By consensus, the Board agreed.

Dr Norman Klein discussed lead issues in Mansfield. He strongly urged the Health District Board to authorize the purchase, distribution and advertising of the availability of home lead sampling kits at cost to the public.

A MOTION was made by J. Patton, seconded by B. Kennedy, that EHHD procure home lead sampling kits and make them available to the general public at cost via a campaign of publicity. THE MOTION PASSED unanimously .

A MOTION was made by J. Elsesser, seconded by M Kurland, to have the Director of Health send a letter to the appropriate party supporting the Access Agency's efforts to procure HUD grant money for residential lead abatement. THE MOTION PASSED unanimously.

W. Kennedy left the meeting at 5:30pm.

OLD BUSINESS

A MOTION was made by J Elsesser, seconded by J Patton, that the personnel rules concerning the vesting schedule for the Eastern Highlands Health District retirement plan be modified to credit Health District employees, assimilated as part of merging with the district, at 100% of the time worked for prior full-time service as an employee of the joining member town. THE MOTION PASSED unanimously.

A MOTION was made by B. Morra, seconded by M. Kurland, to authorize the Director to execute a contract with the State of Connecticut Department of Public Health to convey funding for local bio-terrorism response preparedness. THE MOTION PASSED unanimously.

NEW BUSINESS

BT Grant agreement with Columbia and Lebanon was discussed. A MOTION was made by R. Knight, seconded by M. Kurland, to authorize the Director of Health to enter into negotiations with the towns of Columbia and Lebanon to establish a cooperative agreement for the purpose of bio-terrorism response preparedness. THE MOTION PASSED unanimously.

W. Kennedy returns to the meeting at 5:50pm.

Cardiovascular Disease Grant discussed. A MOTION was made by J Elsesser, seconded by B Morra, to authorize the Director of Health to execute a contract with the State of Connecticut Department of Public Health to convey funding for the Health District Cardiovascular Health Policy and Environmental change pilot program. THE MOTION PASSED unanimously with R. Knight abstaining.

A MOTION was made by J Patton, seconded by J Elsesser, to adopt the 2003 Eastern Highlands Health District Board of Director's regular meeting schedule with the following changes; delete January 16, 2003 and April 17, 2003 and add January 23, 2003 and April 24, 2003. THE MOTION PASSED unanimously. (see attached approved schedule)

Changes to the by-laws were discussed. By consensus of the Board, the following revisions are to be made to the draft language: (1) executive committee to have 3 (three) members; (2) members shall be Chairperson, Vice Chairperson and Assistant Treasurer; (3) delete provision requiring representation from each town on committee; (4) after reporting to the Board on actions by its executive committee, the full Board will have authority to reverse any action taken; and, (5) language creating an Assistant Treasurer position to be held by a Board member will be incorporated.

TOWN REPORTS

COVENTRY

Water issue has been addressed and resolved for Dunkin Donuts. Phase 1 of the sewer project going to bid. Town hall water system has a new water operator. Coventry Pizza rebuilding a 140-seat restaurant.

MANSFIELD

Separatist Road issues discussed. Community Center discussed. Downtown Partnership non profit status discussed.

WILLINGTON

Travel Plaza truck stop proposed. Senior Center is set for spring groundbreaking.

BOLTON

Negotiated a new abatement order for sewers with DEP. Sewer referendum scheduled for December, 2003.

TOLLAND

Working on expanding sewer system. Pressure line planned for Old Post Road.

DIRECTOR'S REPORT

Coventry First Church daycare lead issue discussed.

Director R Miller discussed West Nile Virus status.

Director R Miller informed Board that we did not receive FDA grant.

CHAIRPERSON'S REPORT

Director of Health's evaluation tabled.

A MOTION was made by J Elsesser, seconded by M Kurland, to increase the Director of Health's salary by 3%, retroactive to July 1, 2002, with the understanding that upon completion of the Director's evaluation, additional merit-based compensation will be considered. THE MOTION PASSED with J. Patton, B. Morra, M. Kurland, W. Kennedy, J. Elsesser and E. Paterson in favor and R. Knight opposed.

A MOTION was made by J Patton, seconded by J Elsesser, to adjourn the meeting. Meeting adjourned at 6:36pm

Next meeting is December 19, 2002.

Respectfully Submitted



-Robert L. Miller, Secretary

TOWN OF MANSFIELD
Community Center Building Committee Meeting
November 18, 2002
MINUTES

Present: A. Rash, S. Goldman, D. Hoyle, R. Moore, C. Kueffner, M. Paquette

Staff: Town Manager M. Berliner, Capital Projects and Personnel Assistant L. Patenaude, Director of Parks and Recreation C. Vincente

Others: Construction Manager D. Yoder, Construction Manager K. Boutin

1. Call to Order

A. Rash convened the meeting at 7:07 p.m.

2. Approval of Minutes

The minutes of the October 21, 2002 meeting were approved.

3. Audience to Visitors

None

4. Additions to the Agenda

None

5. Staff Reports

- a. Construction Manager's Report –K. Boutin gave an overview of what was occurring on site and what was to occur within the next couple of weeks. K. Boutin mentioned that the problem with the Kalwall should be resolved due to a meeting with LaRosa. M. Berliner asked if the order was placed. K. Boutin replied that shop drawings were still being developed on the engineering calculations. Estimated time after placement of order is eight weeks.

K. Boutin stated that the shingling of the roof was to start on Friday of this week. C. Kueffner was concerned that the roof was moving very slowly. K. Boutin stated that there are details that needed to be clarified by the architects. D. Yoder explained that the architect made the changes to the roofs one at a time. The plan is to close in the flat roof (main area) and the office areas. The closed in areas will be heated and 80% of the workload is in this area.

R. Moore was concerned about the cost. D. Yoder replied it was not going to cost any more than it would have cost and they are not closing in the gym and pool areas due to the fact that there is little or no work remaining. The heater is on reserve and the cost is \$3,000 for the season which comes out of the general conditions.

M. Paquette wanted to know the overall picture of how the project is doing. K. Boutin replied that the interior is on schedule and the roof is behind.

K. Boutin mentioned that the stairs are now in production. The engineers made changes requiring five piers (footings). C. Kueffner wanted to know why this wasn't seen before. D. Yoder said that S/L/A/M's original structural engineer had left and the new structural engineer made the changes and that he didn't want the stairs on hangers. K. Boutin also said that it is now down to two piers. Stair one in shop; stair two will be in the shop this week; stairs on site next week with installation the following week. S. Goldman wanted to know if there would be change orders for this. K. Boutin said there would be for the two piers at a cost of approximately \$1,000.

M. Paquette wanted to know how the contingency account was doing. M. Berliner and K. Boutin agreed that it was doing fine.

M. Berliner questioned the \$2,900 in changes for the blocking. He believed the roofers should have addressed this during the bid process. K. Boutin replied it was due to the wider openings on the east side (sitting room).

b. Architect's Report --no report

C. Vincente stated that the marketing consultant was working on a draft plan and that focus groups were being set up to support the original survey. There is \$11,000 in charter memberships to date.

6. **Old Business**

None.

7. **New Business**

The next regular meeting is December 16th at 7:00 p.m.

The meeting was adjourned at 8:10 pm.

Respectfully Submitted,

Linda Patenaude,
Capital Projects and Personnel Assistant

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, December 2, 2002
Council Chambers, Audrey P. Beck Municipal Building

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt,
P. Kochenburger, P. Plante, G. Zimmer
Alternates present: E. Mann, B. Mutch, B. Ryan
Staff present: C. Hirsch (Zoning Agent), G. Padick (Town Planner)

Chairman Barberet called the meeting to order at 8:07 p.m., appointing Alternate Mann to act in case of member disqualification.

Nov. 18, 2002 Minutes – Favretti MOVED, Holt seconded to approve the Minutes as presented; MOTION CARRIED, all in favor except Hall (disqualified).

Zoning Agent's Report – The November Monthly Activity Report was noted.

Charter Communications – Mr. Hirsch met onsite recently with Charter representatives and informed them what landscaping still needs to be completed. He said landscaping may need to wait until spring, but brush and fallen tree limbs should be cleaned up and removed.

Lot 8, So. Eagleville Rd., Crossing at Eagle Brook subdivision, file 1048-2 – Mr. Padick's 11/27/02 memo was noted. The site had been inspected by staff and abutter Flynn, all of whom were satisfied with the improvements. Holt MOVED, Gardner seconded to authorize staff to take appropriate action to release a \$5,000 cash bond for site restoration and landscaping work on Lot 8 of the Crossing at Eagle Brook subdivision. MOTION PASSED unanimously.

Public Hearing, special permit application for proposed restaurant service of alcohol at 1254 Storrs Rd. (proposed c.o. Jones Mexican restaurant), file 1197 – The Public Hearing was called to order at 8:15 p.m. Members and Alternates present were Barberet, Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Zimmer, Mann, Mutch and Ryan. The legal notice was read and Mr. Padick's 11/25/02 memo was noted. Applicants R. Potter and R. Piscatelli reported they had received all the neighbor notification receipts and would submit them during the week. They said that the proposed full-service Mexican restaurant would be located in the University-owned commercial block at 1254 Storrs Rd., directly across from the High School, in one of two spaces expected to be available shortly. The planned hours of operation were given as Mon.-Thurs. 5 p.m. to 12 a.m.; Fri. and Sat. 5 p.m. to 1:30 a.m., and Sunday, 5 p.m. to 11 p.m.. On days of special events at the University, the owners also plan to be open for lunch. They briefly described service of beverages and explained they have for several years operated a similar restaurant in New Haven and are aware of some of the challenges for food services in college towns, and that servers would receive training in alcohol awareness. Seating would be at small tables, and there is already adequate parking, mainly at the rear of the building. Rest rooms would need to meet State codes, including handicap accessibility. There was no public comment. The Hearing was closed at 8:34 p.m.

Public Hearing, Pine Grove Estates, proposed 13-lot subdivision at Meadowbrook Ln., file 1187-2 – The Public Hearing was called to order at 8:35 p.m. Members and Alternates present were Barberet, Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Zimmer, Mann, Mutch and Ryan. There was no legal notice, since this was a continued Hearing. Memos were noted from the Town Planner and Fire Marshal (both 11/25/02); Health District (11/27/02) and Ass't. Town Eng'r. (11/26/02). P. Lafayette, project engineer said some 20 to 30 revisions were made in response to staff comments. He noted in particular that a "contingency" item which includes the cul-de-sac work and bi-weekly E&S monitoring reports is now included; a street light has been added at the intersection of Meadowbrook Ln./Adeline Pl.; some sightlines have been improved, and conservation easement wording is now included. Mr. Lafayette reported that the Windham Water Works has voiced no objections to the plans.

Applicant G. Guarnaccia stated they will do the necessary roadwork, re-landscape the affected driveways at the cul-de-sac and pave them after construction is through.

Landscape architect P. Miniutti reported that 8 shadblow trees already on the plans have now been added to the plant list. He described proposed tree and shrub plantings, and said a shrub mulching plan will be added to the plans. He discussed open space dedication, explaining that the applicant would like to amend the open space proposal to retain control of the strip of land to the north (next to the existing house) in a conservation easement controlled by himself, so that it could not be cleared. Mr. Miniutti displayed how the revised dedication, including the requested strip to the north, would look, noting that more than the required percentage of dedicated space has been proposed; he displayed the rearranged lots if the requested strip of land is approved, and said the proposal meets the requirements of the Regulations.

After Mr. Lafayette mentioned a few more plan revisions in response to staff comments, public comment was invited.

J. Brown, Jr., an abettor, asked for assurance that driveways along the cul-de-sac would be restored to appear as though they had been built on the road as it will then exist -- level, with no driveway seams. Mr. Lafayette agreed and explained that Mr. Guarnaccia had met with Mr. Brown and D. Henry, owner of the other affected driveway, and all have agreed to this. Since there was no further public comment, the Hearing was closed at 9:08 p.m.

Public Hearing, proposed expansion at Natchaug Hospital, 189 Storrs Rd., file 937-4 – The Public Hearing was called to order at 9:10 p.m. Members and Alternates present were Barberet, Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Zimmer, Mann, Mutch and Ryan. There was no legal notice, since this was a continued Hearing. Prior to the meeting, letters were received from G. Kanabay (12/1/02) and G. & Z. Zlotnick (12/2/02). Att’y. Jacobs, for the applicant, discussed his view that the Town Attorney’s legal opinion supports the applicant’s position that the proposed program would not constitute a detention or correctional facility, but would instead be a rehabilitation treatment program. Att’y. Jacobs referred to T. Tondrow’s CT Land Use Regulation, and asserted that the proposed program would constitute a continuation or extension of a non-conforming permitted use, and not a “jail.” He submitted the applicant’s request for application and the request for proposal, noting that no one not approved by Natchaug Hospital would be admitted to this program. When asked how the applicant could assure that the agreement with the State Dep’t. of Children and Families never alters to change the status of Natchaug Hospital or the program, Att’y. Jacobs recommended an approval condition requiring this. He agreed to furnish the Commission with copies of all correspondence between Natchaug Hospital and the Department of Children and Families regarding this application, if necessary. Mrs. Barberet expressed concern that the entire Natchaug Hospital facility would eventually turn into only this program; Mr. Jacobs responded that the applicant has only requested 16 beds, so an approval condition could limit the number to that. He maintained that the State could then never take over the entire hospital for the program.

Att’y. J. Feldman, for the applicant, also responded, saying that Natchaug’s unchanging mission is to be a hospital. She stated that the program is a treatment facility, not a juvenile detention center nor a correctional facility, and that she has found no basis to believe it would ever become so. She added it is a private entity, not State-owned, so the State could not take control.

Mrs. Gardner asked whether all of the 16 young women would be from the Long Lane detention facility. S. Larcen, Director of Natchaug Hospital, noted that the hospital is a private organization serving principally the community, and not necessarily all of the 16 new young women would be from Long Lane. He stated that approximately 24% of the young people currently treated at the hospital have been adjudicated as delinquent, so those brought in for this program would be no different from the current population. Members discussed their concerns related to inmate security and neighborhood security if the proposed program were instituted; Dr. Larcen stated that some of the inmates might be suicidal, but would not be allowed to interact with the outside community at any time, and would pose no danger to the neighborhood.

Mrs. Holt said she disagreed with Att’y. Jacobs’s interpretation of Att’y. O’Brien’s opinion regarding use. Mr. Padick stressed that Art. IX, Sec. D.3.b will be the key component in the Commission’s decision regarding the use. Whether the proposal fits the definition of a hospital or treatment facility must be resolved by the PZC. He stated that the proposal does not conflict with our regulations and could be allowed, but that decision, based particularly on the use, is up to the PZC. He added that Att’y. O’Brien feels either decision would be defensible. Public comment was then invited.

B. Powers, a professional in the field, spoke in favor of the application, noting the current crisis in mental health in the state, and urged the Commission to be compassionate.

G. Kanabay, a licensed psychologist, felt the services currently offered at Natchaug Hospital are significantly different from those needed under this program. He said the security measures planned to keep the

girls strictly segregated from the other young children and patients are due to liability issues related to self-injury or other-related actions. He expressed concern that bad publicity related to these problems would negatively affect the reputation of Natchaug Hospital's reputation, and said that the goals of this program should be met at another location, and not under Natchaug Hospital's name.

Dr. Larcen responded that children, teenagers and adults are at present kept segregated, and he felt that liability and viability concerns regarding this program should be negated by the hospital's reputation.

K. Tubridy, abutor, submitted a number of recent articles regarding the Long Lane facility and related issues, and spoke addressing land use issues. He expressed his opinion that this would not be the same type of program and servicing as presently performed at the hospital, and PZC approval would open the door to this same type of use in all zones in town. He felt that any contract drawn with DCF would not be trustworthy, and asked what would happen if the program does not work out? He requested that all relevant documents and commitments be submitted by the hospital and DCF. He also asked what is to prevent the State from taking over the hospital; what would happen if Hartford Hospital, which owns Natchaug Hospital, sells it to the State; what is the position of Natchaug's Board of Directors on this proposal; and finally, how does this proposal maintain or promote the health, welfare and safety of Mansfield's residents?

In answer to members' questions, Dr. Larcen stated that DCF's only control would be in assigning the girls.

G. Guarnaccia, Clearview Dr., stated that the applicant has an obligation to state clearly whether the facility would be a hospital or another use, and that the application should be amended. He felt it would be a detention facility program. He noted that the DCF would fund the entire extension. He voiced concern for neighborhood safety, and said good security and control would be absolute necessities.

Att'y. Jacobs read from the original application and stated that the application is still for a treatment facility and program. Dr. Larcen stated that Hartford Hospital could terminate the program, and Natchaug Hospital would then have to pay back funds to the State. He said this is not an unusual occurrence, and that the initiation of this program is not the first step in a State takeover of the hospital. If the State backs out of the program later, Dr. Larcen said that the hospital can use the space, since there is a critical shortage in the state. He said the program staff would be trained professionals, and the girls would not pose a risk to the community, since running away is an unusual event, and those who run away tend to want to run home. He also explained the security fencing proposed for the property. Mr. Mann also asked for a clarification of whether this is an intensification of a present use of the facility or a different use. Mr. Jacobs said many of those already at the hospital are status-offenders, like the Long Lane girls. Dr. Larcen stated that visitation is a strictly-controlled process, and most of the girls would probably have no peer visitors. Att'y. Jacobs closed by saying that the application satisfies all special permit requirements, adding that that no one spoke against the waiver requests. The Public Hearing was closed at 11:05 p.m.

Subdivision application, Maplewoods, Sec. 2, 17 proposed lots off Maple Rd., file 1193 – Mr. Padick discussed the applicants' proposals for open space dedication. After he explained that the comments of the Open Space Preservation Committee and other boards had been considered in formulating the approval motion, Mr. Favretti MOVED, Mrs. Holt seconding, to approve with conditions the 17-lot subdivision application (file 974-3) of Depot Associates for Maplewoods, Section II, on property owned by the applicant located west of Maple Road in an RAR-40 zone, as submitted to the Commission and shown on plans dated 1/29/02 as revised through 8/30/02, and as presented at Public Hearings on 8/5/02, 9/3/02, 9/17/02 and 10/7/02. This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, soil scientist and landscape architect;
2. All Inland Wetland Agency actions shall be included on the plans;
3. After considering the proposed subdivision layout, site and neighborhood characteristics and the open space provisions of Section 13, the PZC has determined that alternative open space dedications shall be incorporated into the final subdivision plans. It also is noted that the applicant has testified that the recommendations cited in a communication from the Open Space Preservation Committee would be acceptable.

Accordingly, subject to final acceptance by the PZC officers, with staff assistance and use of the Town's model conservation easement format, the subdivision plans shall be revised as necessary to incorporate the following:

- A. The 13.6-acre parcel proposed as open space to be deeded to the Town may be merged with proposed lot 24 or an adjacent lot or retained as an open space parcel to be deeded to the Town;

- B. The .3-acre parcel to be deeded to the Town west of the Maxfelix Drive cul-de-sac shall be increased in size. The expanded parcel shall use an existing stone wall (currently depicted on lot 24), the northern edge of the Algonquin right-of-way and existing Town land as its northerly border, and the currently-depicted lot 23 Development Area Envelope as its southerly and easterly borders. This dedication will require revisions to the lot lines of lots 23 and 24 and a relocation of the lot 24 driveway.
 - C. Pursuant to Section 13.8, the subdivider shall be responsible for the following improvements within the open space parcel west of the Maxfelix cul-de-sac: creation of a gravel parking area for a minimum of two cars; establishment of a 6 foot-wide woodchip trail between the new parking area and the existing Dunhamtown Forest trail near the western boundary of the subject property (said trail shall be located along the stone wall-lined Old Bennet Road right-of-way); extension/enhancement of the existing double stone wall along the new trail route (stones from existing walls to be moved for road construction shall be used for the wall extensions). All cited improvements shall be depicted or clearly noted on final plans and shall be considered public improvements to be completed in association with road construction.
 - D. As further defined below, a linear area between the Maxfelix Drive cul-de-sac and Maple Road that includes the previously-designated trail easement shall be deeded to the Town as open space. Except for the portion of this area closest to Maple Road, this deeded parcel shall have a width of about fifty feet and it shall include all portions of the double row of stone walls that designates the Old Bennet Road right-of-way. The portion of the old right-of-way to be used for the lot 17 driveway shall be included within lot 17, but areas north of this driveway shall be included in the Town open space parcel. This dedication will require revisions to the lot lines of lots 17, 22 and 23.
 - E. On lots 17, 22 and 23, conservation easements having a minimum width of 25 feet shall be established adjacent to the open space parcel to be deeded to the Town along the Old Bennet Road right-of-way. On lots 17 and 22, the easement shall include nearby ledge and steeply-sloped areas. On lot 22, it shall extend to the designated Development Area Envelope and on lot 17 a revision to the DAR near the depicted well shall be required.
 - F. Southerly portions of lots 17 and 23 shall be incorporated into conservation easement areas. On lot 17, the conservation easement area shall encompass designated steeply-sloped areas and wetland areas and, in the western portion of this lot, shall use contour elevation 616 and existing stone walls, and as a guide for the northern edge of the easement boundary and in eastern portions of the lot, shall use the contour elevation 600 and the depicted Development Area Envelope as a guide for delineating the northerly edge of this easement boundary. On lot 23, the depicted easement area shall be expanded easterly, using the existing stone wall adjacent to the depicted septic system and contour elevation 616 as the basis for delineating the northern edge of this easement boundary.
4. The note on Sheet 12 of the approved plans referring to well construction, shall be revised to state that "Well construction in this area may result in atypically deep wells at a significantly higher-than-average expense. Well-conditioning efforts such as hydrofracturing may be necessary to achieve satisfactory yields." This notation, with appropriate reference to the subject subdivision and with a recommendation to consult with the Eastern Highlands Health District, shall be filed on the Mansfield Land Records as a "Notice" prior to or concurrently with the filing of the final subdivision maps. Said Notice shall be approved by the PZC Chairman, with staff assistance.
 5. To address bonding and road completion issues, no lots within the "Maplewoods, Section 2" subdivision shall be sold until all subdivision improvements (road surface, drainage, etc.) are either completed and accepted by the Town of Mansfield or fully bonded in the amount of \$225,000, with appropriate signed agreement, to the satisfaction of the PZC Chairman, with staff assistance. No Certificates of Compliance for new homes having access off Maxfelix Drive shall be issued until all roadway drainage and other public improvements are completed and accepted by the Town. No site work shall begin until a cash site development bond in the amount of \$22,500 (10% of the full cost of subdivision improvements, \$225,000) is submitted by the applicant and approved by the PZC Chairman, with staff assistance. Once subdivision improvements are fully bonded or a cash site development bond is accepted, final subdivision maps may be signed and filed on the Land Records, provided all other filing requirements are met. This condition shall be prominently incorporated onto final subdivision plans;
 6. Prior to the filing of subdivision maps on the Land Records, tires and debris that exist on portions of the subject property shall be removed by the subdivider;

7. Pursuant to subdivision regulation provisions, particularly Sections 7.5 and 7.6, this action specifically approves the depicted building envelopes, including reduced frontages on lots 24 and 25 and a reduced setback for lot 23 (anticipated due to open space revisions). The depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be prominently noted on the final plans and specifically incorporated into the deeds for the subject lots. Where reduced setbacks result from other conditions of this approval, those lots shall be added to the above listing;
8. The final subdivision maps shall be revised as follows:
 - A. All existing houses and driveways along Maple Road within 500 feet of any proposed construction shall be depicted;
 - B. Consideration shall be given to consolidating Development Area Envelopes (DAE) and Building Area Envelopes (BAE) on lots 18 to 21, 27, 29, 31 and 33. Other DAE and BAE revisions will be necessary in conjunction with open space dedication requirements cited in condition #3;
 - C. Driveway pull-offs, similar to the pull-off depicted on lot 28, shall be depicted on lots 17, 23 and 29.
9. Unless an extension is granted by the PZC, this approval shall expire on 12/2/07;
10. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety- or one hundred and eighty-day filing extension has been granted):
 - A. All final maps, right-of-way deeds and open space deeds and easements for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning office no later than fifteen days after the appeal period provided for in Sec. 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
 - B. All monumentation (including delineation of the open space parcels to be deeded to the Town and conservation easements with iron pins and the Town's official markers every 50 to 100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, and all required subdivision work shall be completed or bonded pursuant to the Commission's approval action and Sec. 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Sec. 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

After discussion which led to the wording contained in condition 4 as given above, the MOTION PASSED unanimously.

Pond View Estates, proposed 3-lot subdivision at Stearns Rd./Candide Ln., file 1193 – Reports from the Town Planner (11/26/02), Ass't. Town Engineer (11/26/02) and Health District (11/25/02) were noted and neighborhood notification receipts were submitted. Project engineer S. Koslowski, representing the applicants, said revised plans in response to the Town Planner's recommendations would be submitted to the Planning Office shortly. Some confusion in revision dates was noted, and the applicant was asked to list all revisions on the first sheet. Mr. Koslowski was advised to speak with Mr. Padick about the conservation easement in the beach area and other possible changes to the plans. He said he will consult with CL&P about the location of utilities, which he plans to run along the driveway, probably underground. He plans to meet with Mr. Meitzler at the site to discuss sight line improvements and try to eliminate some tree-removal. The Inland Wetland Agency must act on its pending application prior to any PZC action, and the issue is to be discussed at a special IWA meeting on 12/16/02. Mrs. Ryan left the meeting during this discussion.

Stone Mill Acres, 2 proposed lots on Stonemill Rd., file 1195 – Mr. Padick's 11/25/02 memo was noted; a motion will be drafted for the next meeting.

Sibley Estates, 2 proposed lots off Mansfield City Rd., file 1199 – Reports were noted from The Town Planner (11/27/02), Ass't. Town Engineer (11/27/02), Health District (11/25/02), and an undated cost estimate for removal of underground tanks has also been submitted. The E.H. Health District's memo notes that it must still be verified that no evidence of groundwater contamination has been found as a result of the underground tank on lot 2. (See Town Planner's memo for further issues which must be addressed before the PZC acts.) The mandatory action date is 1/8/03. Mr. Zimmer left during this discussion.

8-24 referral. Town acceptance of Hawthorne Lane, Hawthorne Park subdivision, Bassetts Bridge Road, file 1177 – Noting comments from the Town Planner (11/26/02) and Ass't. Town Eng'r. (11/26/02), Holt MOVED, Gardner seconded to communicate to the Town Council that it has no objection to the Town's acceptance of Hawthorne Lane as a Town road. Furthermore, upon Town Council acceptance, staff is authorized to reduce the cash bond to \$9,500, which shall serve as a one-year maintenance bond, pursuant to regulatory requirements. MOTION PASSED unanimously.

EIE on UConn Graduate Housing/Mansfield Downtown projects – Gardner MOVED, Holt seconded to authorize the PZC Chairman to co-endorse the Town Council-approved comments on the EIE for UConn Graduate Housing and the Mansfield Downtown projects. MOTION PASSED unanimously.

Proposed AT&T telecommunication tower – Mr. Padick reported that a public information meeting was held on 11/19/02, at which several additional sites were suggested. The developers said they would review the suggestions.

Plan of Conservation & Development - A citizens' committee meeting is scheduled for Thursday, 12/5/02.

2003 Meeting Dates – Holt MOVED, Gardner seconded to adopt the 2003 schedule of PZC meeting dates as presented at the 12/2/02 meeting. MOTION PASSED unanimously. **(THE DATE FOR THE SECOND MEETING IN JUNE SHOULD BE THE 16TH, NOT THE 17TH.)**

Field trip – Rescheduled from 12/12/02 at 1 p.m. to 2:30 p.m.

Communications and Bills – As listed on the Agenda.

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

MINUTES

MANSFIELD INLAND WETLAND AGENCY

Regular Meeting, Monday, December 2, 2002
Council Chambers, Audrey P. Beck Municipal Building

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt,
P. Kochenburger, P. Plante, G. Zimmer
Alternates present: E. Mann, B. Mutch, B. Ryan
Staff present: G. Meitzler (Wetlands Agent)

Chairman Barberet called the meeting to order at 7:05 p.m., appointing Alternate Mann to act in case of member disqualifications.

November 4, 2002 Minutes – Mr. Zimmer had heard the tapes of the meeting. Favretti MOVED, Zimmer seconded to approve the Minutes as presented; MOTION CARRIED, all in favor except Hall (disqualified).

Monthly Business Memo dated 11/26/02 was noted.

Old Business

W1193. Willimantic subdivision referral – Mr. Meitzler's 11/25/02 letter to the Windham Inland Wetlands Agency states that revised plans containing significant improvements in drainage have been reviewed by Mansfield staff, and the letter expresses the Town's appreciation for the revisions and the opportunity to comment.

W1191. Boisvert, 3 proposed lots at Candide Ln./Stearns Rd. – Mr. Meitzler's 11/26/02 memo, an 11/3/02 letter to S. Filip from R. Shook, Jr., Soil Scientist, and 2 letters from Walker Industries discussing harvesting of the ailing red pines on the property were noted. The 11/4/02 letter states that the trees could be harvested once more, but if "signs of mortality" are noticed, they recommend clear-cutting. The latest revised plan is dated 11/19/02. At the meeting, project engineer S. Klimkoski displayed the revised plans and discussed proposed provisions for drainage, tree-cutting, open space dedication and house size. He said the houses (on lots 2 and 3, with no development on lot 1) are presently sized and approved by the Health District for 3-bedroom homes, but septic systems serving 4 bedrooms could also be accommodated on the lots, though this has not been approved by the Health District. Mr. Klimkoski said that a pond on the site has been used by the Town as a fire pond for years, and the owner is willing to deed an easement to the Town for continuation of this use. He also mentioned a possible 30'x40' shed which might be constructed sometime in the future for storage of pond-related equipment, and may also serve as a focus to discourage direct entrance and egress to the pond through the woods to further protect the pond and wetlands. Members said the plans for the shed are too vague to approve it at this time. Maintenance or cutting of the red pine stand was also discussed; if the trees are to be clear-cut and ground is broken to remove the stumps, the applicant will need another IWA permit, but if the ground is not broken, no permit would be required. Buffering, including a possible conservation easement in the buffer area (except at the beach area) was discussed. All members agreed that a revised, clearer map showing all details and all proposed work is needed, including delineation of the proposed conservation easement. The applicant has requested an extension. Mr. Padick spoke from the audience, and recommended that the tree-cutting issue should be looked at as part of this application, and that appropriate conditions to cover this contingency should be included in any approval. It was unanimously agreed that further discussion should be tabled until a special meeting on 12/16, when this application would be the only topic of discussion.

W1194. Town of Mansfield, fire hydrant improvements, Rt. 32 – Holt MOVED, Hall seconded to grant an Inland Wetland License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to the Town of Mansfield Department of Public Works (file 1194) for installation of a dry hydrant on property owned by Robert and Doris Coufu and the State of CT DOT located on Route 32, south of Cider Mill Road, as shown on a map dated 9/20/02 and 10/29/02, and as described in other application submissions. This action is based on a

finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;
2. The pipe inlet and stone pad areas shall be kept as close to the water's edge as the pond bottom elevations allow;
3. Extreme care shall be exercised in preparing the area for the stone pad to minimize suspended materials in the pond;
4. This approval is valid for a period of five years (until 12/2/07), unless additional time is requested by the applicant and granted by the Inland Wetland Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment. MOTION PASSED unanimously.

New Business – The single item of new business was discussed in the Wetlands Agent's 11/27/02 memo.

W1197, Russell, Chaffeeville Rd., house addition – Goodwin MOVED, Holt seconded to receive the application submitted by Alexander Russell and Sarah Milius (file W1197) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for a home addition/renovation at 148 Chaffeeville Road, on property owned by the applicants, as shown on a map dated 11/21/02 and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment. MOTION PASSED unanimously.

Discussion of 2003 meeting dates – It was moved, seconded and unanimously agreed that this item should be added to the Agenda for discussion at this time. Holt MOVED, Favretti seconded that the IWA adopt the 2003 meeting dates as proposed at its 12/2/02 meeting. MOTION PASSED unanimously.

Wetlands Regulations Review Committee – Scheduled to meet Wednesday, 12/4/02, at 3 p.m.

Field trip – Scheduled for 12/12/02, 1 p.m. (After the meeting, the time of the trip was revised to 2:30 p.m.)

Other Communications and Bills – As noted on the Agenda.

The meeting was adjourned at 8 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

Mansfield Conservation Commission

Meeting of November 20, 2002 - Audrey P. Beck Bldng., Conf. Room B

Draft Minutes

Call to Order: 7:26 PM.

Adjourn: 9:15 PM

Note: late call to order due to informal discussion with Richard Miller and Tom Callahan from the University of Connecticut.

Present: *Members* - Robert Thorson, , Lance Minkler, Mary Rodgers, Frank Trainor, Quentin Kessel, John Silander, Bob Dahn *Staff* - None. *Visitors* - Richard Miller and Tom Callahan.

Minutes: Approved at 8:06 unanimously.

Fenton Water Levels: No comment.

Torrey Property: Mary notes that invasive species are superabundant and should be taken into account in the plan. The committee acknowledged its growing concern over this issue in all town properties. Robert Dahn agreed to talk to the "equine experts" to review the notion of meadow grazing for brush/grass control.

Fenton Level A: The committee received the response from the DEP (Fred Banach) regarding the MCC subcommittees concerns, which were effectively dismissed, largely because the concerns were relevant not to Level A Mapping, but to the instream analysis now being done. The subcommittee (largely Thorson's responsibility) had misunderstood that the Level A Mapping was not about protecting the river; rather it was about protecting the well heads. Thorson agreed to re-train his thought processes, which automatically integrate environmental problems, rather than atomize them. The subcommittee will report on this further at the next meeting.

Draft EIE - Downtown Mansfield: Lance/Mary move to support Padick's overall take on the issue *vis a vis* his memo of 11/8/02, but we want a chance to review the field plan when building footprints are in place. We regret the late timing of our opportunity for involvement. Unanimous.

PZC Referrals:

Pine Grove Estates: The plan (or map) was so confusing we couldn't review it. It was incomprehensible to the committee.

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over

Stone Walls: Thorson informed the committee that he was at work on a statewide initiative to prevent the unnecessary destruction, strip-mining, and out-of-state export of stone walls. He will bring materials to the town for distribution.

Communications: Thorson/Trainor move that the CC recommend purchase of the Fesik property to the Town Council. Unanimous.

**WINDHAM REGION COUNCIL OF GOVERNMENTS
REGULAR MEETING
MINUTES
November 1, 2002**

A regular meeting of WINCOG was held on November 1, 2002 at the Windham Town Hall, 979 Main Street, Willimantic, CT. Chairman Michael Paulhus called the meeting to order at 8:30 a.m.

Voting COG Members Present: Gene Boomer, Chaplin; Adel Urban, Columbia; John Elsesser, Coventry (alt.); Margaret Haraghey, Hampton; Dan McGuire, Lebanon; Martin Berliner, Mansfield (alt.); Liz Wilson, Scotland; and Michael Paulhus, Windham.

Staff Present: Barbara Buddington, Jana Butts and Suzanne Gustafson.

Others Present: Roger Adams, The Chamber of Commerce, Inc.; Virginia Sampietro, Workforce One; Carl Fontneau, Columbia Town Planner; Jane Dauphinais, Congressman Simmons' office; Jeff Beadle, WRCC; James Finger, Windham Town Planner; Dr. Gerald Iwan and Scott Szalkiewicz, CT DPH.

PUBLIC COMMENT

Ms. Sampietro of Workforce One spoke on the merger of Workforce One into the Workforce Investment Board. There will be an informational session on Monday, November 4, at the SECCOG offices, on the governance structure of the merged board. The current recommendation being discussed is for a 3-1-1 representative structure with three members from SECCOG and one member each from NECCOG and WINCOG. NECCOG endorsed this with the condition that on money matters, votes must carry by a four to one majority. Ms. Sampietro asked that a discussion on the possible action of endorsing this plan be added to the agenda. MOVED by Mr. Elsesser, SECONDED by Mr. McGuire, to add the discussion of possible action on the governance structure to the agenda. MOTION CARRIED UNANIMOUSLY. Chairman Paulhus added the discussion to the agenda immediately following the vote.

WORKFORCE ONE

MOVED by Mr. Elsesser, SECONDED by Ms. Wilson, that WINCOG accept the recommendation that membership of the Workforce Investment Council consist of one representative from the Windham Region, one representative from the Northeastern Connecticut region, and three representatives from the Southeastern Connecticut region, with the condition that on money matters, votes must carry by a four to one majority. MOTION CARRIED UNANIMOUSLY.

MINUTES

MOVED by Mr. Elsesser, SECONDED by Ms. Haraghey, to approve the minutes of the 10/4/02 meeting as submitted. MOTION CARRIED with Ms. Wilson abstaining.

MEETING DATES

MOVED by Mr. Elsesser, SECONDED by Mr. McGuire, to approve the meeting dates as submitted. MOTION CARRIED UNANIMOUSLY.

TRANSPORTATION

- a. STIP Amendments - none.
- b. ConnDOT's Urban Cluster Maps - Ms. Buddington reported that she met with Town Planners who suggested some changes for the maps. The modified mapping may affect the source of funding for improvements to roads in the region. MOVED by Mr. Berliner, SECONDED by Mr. McGuire, to endorse the maps as modified. MOTION CARRIED UNANIMOUSLY.

CERTIFICATION OF NON-COMMUNITY PUBLIC WATER SUPPLY SYSTEMS

Dr. Gerald Iwan, Director of Drinking Water Division of CT Department of Public Health, spoke on public water supplies. Mr. Iwan began by introducing his department and its authority and outlined what roles and responsibilities are. He talked about the Water Planning Council, established under PA 01-177 and mentioned that there should be a representative of WINCOG or the Eastern region on this council. He then talked about the Water Utility Coordinating Committee (WUCC) process. He discussed the problems with regulating Community and Non-Community water systems. A debate occurred on issues centering on the certification process and the difficulty when there is no WUCC, such as in Eastern CT. Dr. Iwan mentioned that Eastern Connecticut is the next region to have the WUCC process.

Mr. Elsesser raised two issues of concern regarding the certificate of convenience and necessity. He objected to the fact that the Town of Coventry was ignored as a water supplier in a recent situation with a commercial developer. The region has not yet been through the WUCC process, and yet a private water company was, in effect, assigned the exclusive right

to serve this new development and the Town was not considered. Dr. Iwan agreed that the Town should have been considered in the process. Mr. Elsesser suggested that DPH should require only "a certified operator" and not a particular certified operator. Mr. Elsesser also raised the issue of the high cost of required testing of water supplies each year. He noted that a day care operator using a local church as a facility may have to vacate the facility because of these fees.

The issue of poorly engineered water systems was also discussed. Dr. Iwan noted that DPH has no power over constructing engineers - only over the operators and managers of the water systems.

Dr. Iwan noted that the Water Planning Council is reviewing the WUCC process and will be making recommendations to the General Assembly. The Council welcomes public comments. He commented that the WUCC process is 25 years old, and was not designed to address current issues. This is part of the review process.

EASTERN CONNECTICUT REGIONAL INTEGRATED RESPONSE TEAM: PRESENTATION BY CHIEF JOHN WALSH

Moved by Ms. Urban, SECONDED by Mr. Boomer to table discussion of this issue to a future meeting. MOTION CARRIED UNANIMOUSLY.

DISCUSSION OF REGIONAL APPROACHES TO ADDRESS SUBSTANCE ABUSE AND TREATMENT

Mr. Paulhus reported that he would like to have a regional discussion on substance abuse problems, but recommended tabling this issue because of his time constraints. Mr. Elsesser commented that the substance abuse issues described in the Hartford Courant articles are not just issues in Willimantic, but in the region as a whole. Moved by Ms. Urban, SECONDED by Ms. Wilson to table discussion of this issue to a future meeting. MOTION CARRIED UNANIMOUSLY.

MEMBERS FORUM

Mr. Elsesser offered free tickets to an upcoming concert at Coventry High School on November 22 by the United States Coast Guard Band. He then inquired about whether other WINCOG towns have interest in joining with Coventry in applying for a regional grant from EPA for brownfield clean up. Interested towns should contact him.

DIRECTOR'S REPORT

A written Director's Report was distributed. Ms. Buddington called attention to items relating to the submission of the I-395 TIA plan and an upcoming workshop on Land use planning presented by The Connecticut Institute for the 21st Century.

ADMINISTRATION

None.

OTHER BUSINESS

- a. Items for Nov. 1st Meeting- Budget and work program for FY 2004, including setting town dues; Ms. Buddington requested the Finance committee meet before then. Choice of dates will be faxed out. Agenda items 7 & 8 from this meeting.

There being no further business, the meeting adjourned at 9:56 A.M.
Respectfully submitted by, Suzanne Gustafson, for Liz Wilson, Secretary.

ADMINISTRATION

- FY 2002 Annual Report: WINCOG's Annual Report for FY 2002 was completed and filed with Town Clerks, ConnDOT, and OPM in November.
- FEMA Supplemental Planning Grant: The state's Office of Emergency Management is planning to use the fifteen regional planning organizations to assist with Emergency Operations Planning. Under the draft scope of work, "each RPO will conduct/coordinate the review and possible enhancement of the local municipal Emergency Operations Plans (EOP)" in the region. A byproduct is expected to be the formation of regional response plans, particularly dealing with a response to a mass casualty incident. Work is to be completed within 12 months of receipt of the grant (anticipated to be Dec '02 or Jan '03).
- Technical Assistance Current Contracts Update:

Contract #	Description	Date started	Status
Scotland '03-2	Mapping for POCD	<i>pending finalization of contract</i>	
Scotland '03-3	POCD preparation	9/9/02	<i>anticipated completion March 03</i>
Chaplin '03-1	Specified Zoning regulation modifications	9/19/02	<i>complete except for staff participation in public hearing - date to be set by PZC.</i>

UPCOMING DATES OF INTEREST

- December 25 & January 1 **Happy Holidays!**
- January 3, 8:30 a.m. **Next WINCOG Meeting**
- January 31 **Transportation Enhancements applications due to WINCOG office.**

TRANSPORTATION

- Transportation Strategy Board: The TSB held a public information meeting at EASTCONN in Hampton on Friday afternoon, November 15. Chairman Oz Griebel described the process that has been used by the TSB to develop its recommendations to the legislature, noting that the work of the Transportation Investment Areas has formed a basis for the recommendations. Two additional public meetings for the I-395 Corridor TIA were held in the Norwich/New London area. Corresponding meetings were held in each of the other TIA's throughout the state.
- TIP Amendments: Just before Thanksgiving, ConnDOT sent several TIP amendments and actions for WINCOG's approval. Because of funding constraints and other program requirements being required by FHWA, funding is being shuffled around throughout the state and many projects are being postponed. Among those affected in the Windham Region are:

- Coventry # 32-130 Route 31 realignment (proposed removal from TIP)
- Coventry # 32-133 South St. /Seagraves Rd. (new)
- Mansfield # 77-198 Mansfield Bikeway /Walkway Ext. (Birch Rd.) (decreased estimate)
- Mansfield # 77-024 Maple Rd. reconstruction, Rt. 275 to Davis Rd. (delayed 1 year)
- Mansfield # 77-H037 CT 195, construction of SB bypass lane at Chaffeeville Rd. (new)
- Scotland & Hampton #123-063 CT 97 reconstruction and drainage improvements Rt. 6 to Rt. 14. (proposed removal from TIP)
- Windham #163-182 CT 32, construction of left turn lanes at RT 203. (removed - funds obligated)
- Windham #163-187 CT 66, streetscape - Main St. (new)
- Windham #163-188 SR601, streetscape (old Jillson Hill Bridge) (new)

These and other statewide and district projects are on P. 17 3day's agenda for action.

TRANSIT

Transit Planning:

Prepaid Fares Program: WINCOG received a letter from UConn's Graduate Student Senate expressing interest in continuing the prepaid fares program for the Storrs/Willimantic service. We will be setting up a meeting with their representatives to discuss how we might get UConn to resume participation.

Audit: WRTD's audit has been completed and has been filed with the town clerks in each of the member municipalities.

Transit Administration (See attached Activities Report)

PLANNING

- Regional Planning Commission: At their November 6th meeting, the Regional Planning Commission reviewed and responded to the following referrals:
 - a. #02-10-04-WM: Windham: Proposal to create a nine-lot subdivision on Williams Crossing Road.
Non-conformance to regional plan. No intermunicipal impact.
 - b. #02-10-09-SE: Sprague: Proposal to modify the regulations pertaining to accessory apartments, the minimum lot size requirement in the R-7.5 District, and other changes.
No regional significance. No intermunicipal conflict.
 - c. #02-10-10-WM: Windham: Proposal to make various zoning regulation changes.
Partial conformance to regional plan. No intermunicipal impact.
 - d. #02-10-21-SD: Scotland: Proposal to make various zoning regulation changes.
Conformance to regional plan. No intermunicipal impact.
 - e. #02-10-22-CR: Colchester: Proposal to make various zoning regulation changes.
No regional significance. No intermunicipal conflict.
 - f. #02-10-23-CY: Coventry: Proposal to modify the definition of farm to include commercial greenhouses. **No regional significance. No intermunicipal conflict.** [Staff Note: Upon receipt of additional information from the Coventry Town Planner, Vice Chair Sid Organ appointed himself, George Doleris, and Oliver Manning as the special referral committee. The committee determined by consensus to respond with comments stating: **Conformance to regional plan. No intermunicipal impact.**]
 - g. #02-10-25-BN: Bolton: Proposal to remove self-storage units as a permitted use in Business Districts. **No regional significance. No intermunicipal conflict.**
 - h. #02-10-24-FN: Franklin: Proposal to expand Franklin Farms to include indoor composting.
Referral not required. Notice forwarded to Towns of Lebanon and Windham.

- Scotland Plan of Conservation and Development: On November 18th, the Scotland POCD subcommittee held a public input session on economic development. The general public and members of the local business community were invited and the meeting was well attended. In preparation, the subcommittee circulated an economic development survey in the town newsletter and the results were presented at the meeting. The next meeting on December 16th will focus on developing a consensus on economic development issues and reviewing the draft plan.

CENSUS AFFILIATE ACTIVITIES

- Sample Data: The Census 2000 sample data should be available at the WINCOG offices sometime within the next few weeks. We will be developing additional tables to add to *Facts and Figures* as soon as it arrives.
- Data Requests: Responded to requests for information from: 2 businesses and 1 student

LOCAL ASSISTANCE

- Chaplin*
- Provided PZC Chair with additional commercial vehicle parking regs.
 - Worked on Rte. 6 Corridor Overlay Zone under contract.
 - Provided mapping of unique natural resources to Wetlands Agent.

LOCAL ASSISTANCE

- Chaplin* - Provided PZC Chair with additional commercial vehicle parking regs.
 - Worked on Rte. 6 Corridor Overlay Zone under contract.
 - Provided mapping of unique natural resources to Wetlands Agent.
- Columbia* - Provided mapping of unique natural resources to Wetlands Agent.
- Coventry* - Provided site maps of possible new public works facility.
 - Met with Conservation Commission regarding possible mapping contract.
- Scotland* - Worked on Town POCD under contract.
 - Provided contact information to PZC Chair regarding potential speakers.
 - Provided information and mapping of unique natural resources to Wetlands Agent.
- Windham* - Continued to serve on Ad Hoc Economic Development Committee.
 - Provided letter of support for acquisition of Open Space.
- All Towns* - Processed statutory referrals from or affecting various member towns (see Planning, above).

OTHER ASSISTANCE

- Staff provided data and information to a student working on a grant application for the Northeast Alliance.
- Staff provided data to student working on a conceptual graduate student housing development in Mansfield or Coventry.
- Staff provided data and information on vital statistics to a UConn nursing student.

MEETINGS

- Nov. 1 - WINCOG meeting (BB, JB)
- 4 - Workforce Investment Board consolidation meeting with Southeast/ Norwich (AU, BB)
 - UConn Parking Advisory Committee meeting / Storrs (BB)
- 5 - Transportation Strategy Board meeting / Hartford (BB)
- 6 - Regional Planning Commission meeting (JB, SG)
- 7 - Mapping Session with Andy Lebiszczak of Coventry Public Works (JB)
 - Connecticut Alliance Conference /Hartford (BB)
- 12 - Workforce Investment consolidation - staff meeting WIB's and COG's /Norwich (BB)
- 13 - Coventry Conservation Commission/ Coventry (JB)
 - Connecticut Institute for the 21st Century / Berlin (BB)
- 14 - Chaplin Planning and Zoning Commission/ Chaplin (JB)
- 15 - TSB Public information session / Hampton (BB)
- 16 - CACIWC Annual Meeting/Wallingford (JB)*
- 18 - Scotland POCD Committee meeting / Scotland (BB, JB)
- 19 - Windham Ad Hoc Economic Development Committee (BB)
- 20 - QSHC Ag and Natural Resources Committee / Putnam (BB)
 - GIS Day Activities/ Hartford (JB)
 - Meeting with Willington PZC / Willington (JB)
- 21 - OPM Technical Coordination meeting / Rocky Hill (BB)
 - Met with Community Design Specialist of the Green Valley Institute/ Willimantic (JB)
- Dec. 2 - UConn Parking Advisory Committee / Storrs (BB)
- 3 - Transportation Strategy Board / Hartford (BB)
- 4-5 - National Rural Development Partnership working meeting / Washington DC (BB)*

* Time not charged to WINCOG.

Windham Region Transit District
Transit Administrator's Report
December 6, 2002

Activities

- Working with the marketing consultant for exterior and interior vehicle advertising.
- Received approval to operate the Storrs/Willi bus on Saturdays during the vacation schedule through the DSS High Performance Grant award.
- Continued correspondence with the Town of Mansfield Transportation Advisory Subcommittee for pre-paid fares program.
- Continued working with ConnDOT and FTA on funding for FY 03 vehicle replacements including an environmentally friendly hybrid electric trolley bus for City Bus fixed route service.
- Continued work on installation of fareboxes acquired from BARTA for fixed route buses.
- Coordinated an open house for all WRTD bus drivers from both Arrow Bus Lines and Windham Regional Community Council.
- Worked on maintenance issues with contractors and repair shop.
- Received Community Partner Award from United Services, Inc.
- Continued marketing and advertising in local media.
- Compiled documents, quarterly reports, surveys, statistical data and invoices for FTA/ConnDOT as requested.

Meetings

November 2002

- 8 Meeting with Middletown Transit for new vehicles
- 12 Meeting with Arrow for operations and trolley purchase.
- 15 Meeting with Auditor for FY '02 audit
- 15 Driver's open house
- 21 United Services awards banquet

**MANSFIELD DOWNTOWN PARTNERSHIP
BOARD OF DIRECTORS MEETING
Mansfield Downtown Partnership Offices
Tuesday, December 3, 2002**

MINUTES

Present: Steve Bacon, Phil Barry, Martin Berliner, Wendy Halle, Al Hawkins, Dave Pepin, John Petersen, Steve Rogers, Frank Vasington, David Woods

Staff: C. van Zelm, M. Hart

1. Call to Order

Steve Bacon, Executive Committee Member, called the meeting to order at 4:15 p.m.

2. Opportunity for Public to Comment

Jeroen Thompson, Secretary of the UConn Graduate School Senate, introduced himself and expressed interest in getting involved with the Partnership.

Roberta Dwyer, Executive Director of the Northeast CT Economic Alliance, introduced herself and gave an overview of the loans that the Alliance can do. She said they had done one small loan in Mansfield thus far.

Helen Koehn referred to the draft letter in the Partnership packet from the Partnership to Larry Schilling at the University of Connecticut on the Environmental Impact Evaluation for the proposed Graduate School Apartments and Downtown Mansfield Master Plan Projects. She said that the last paragraph in the letter that refers to the Partnership's role in working to ensure that mitigation measures are incorporated into planning and construction documents was positive. She asked the Partnership to pay particular attention to stormwater management.

Ms. Koehn did express disappointment that the Partnership had not looked at alternatives to placing the graduate school housing in the back of the property. She expressed concern about the noise of construction and the height of the graduate school housing i.e., whether it would affect views.

3. Approval of Minutes

John Petersen made a motion to approve the minutes. Frank Vasington seconded. The minutes were approved unanimously.

4. Appointment of Committee Members

David Woods made a motion to appoint Robert Budlong and David Ouimette to the Advertising and Promotion Committee, until the end of the Partnership's fiscal year on June 30, 2003. John Petersen seconded. The motion was approved unanimously.

5. Update on Negotiations with Consultant Team for Municipal Development Plan

Phil Barry said the Finance and Administration Committee met last week and selected Looney Ricks Kiss Architects from Princeton, NJ, to undertake the municipal development project plan. The Partnership is in final negotiations with Looney Ricks Kiss. Mr. Barry said that Looney Ricks Kiss is very enthusiastic about the Storrs Center project and was receptive to issues the Committee raised about selecting a developer or developers fairly early on in the process.

Dave Pepin asked about a timetable for selecting a developer or developers. Mr. Barry said that getting a developer or developers involved early on in the process is important while Martin Berliner acknowledged that caution needs to be taken so that the developer or developers does not drive the process. Mr. Berliner said the idea is to involve a number of developers during the planning process to get input on issues related to the development. A developer or developers would then be selected with the caveat that they had to be involved in the planning process.

6. Review of Design Values from Planning and Design Committee

Steve Bacon, Chair of the Planning and Design Committee, acknowledged the hardworking and diverse Committee. Mr. Bacon said the Committee had been working over the last few months to create a set of design factors, which could be presented to the Board and the consultants for review. The Committee also brainstormed ideas on the Town Green but has had less time to work on this piece. Committee members did sketch some ideas for the Green. The plan is to meet with Looney Ricks Kiss and discuss the design values.

Mr. Vasington asked why the Committee did not like the idea of a town green style of a Colonial-era New England village. Mr. Bacon said the Committee would like to see the Green more densely developed as opposed to the prototypical New England 1700s town green.

7. Process for Hiring Partnership Attorney

Steve Bacon referred to Ms. van Zelm's memo on hiring an attorney to assist with issues related to the municipal development plan and other Partnership related issues as they arise. He noted that it would be important to retain an attorney who is familiar with the municipal development plan process in Connecticut and land use issues.

There was some discussion about the benefits of hiring an attorney on an ad hoc basis vs. on a retainer. The consensus was to look at hiring someone to assist on an "as needed" basis. It was agreed that Dale Dreyfuss, Marty Berliner, and Steve Bacon would serve on an ad hoc committee of the Board to review options for hiring a Partnership Attorney.

8. Review of Letter from Partnership re: Draft Environmental Impact Evaluation (EIE) for proposed Graduate Student Apartments and Downtown Mansfield Master Plan Projects, Storrs, Connecticut

Mr. Bacon referred to the draft letter from the Partnership to Larry Schilling, University of Connecticut Executive Director for Architectural & Engineering Services, regarding support for Storrs Center as the preferred site for graduate student housing, a town green, and mixed-use development. Mr. Vasington made the suggestion that the letter also convey positive features of locating the project at Storrs Center including wetland buffers to residential areas, and the potential to revitalize some of the wetlands. Ms. van Zelm said she would make those changes.

9. Report from Committees

Advertising and Promotion – David Woods said the Advertising and Promotion Committee continued to talk about the Farmer's Market potentially locating downtown and will invite Bill Hopkins, who is on the Board for the Farmer's Market, to the next Committee meeting. Mr. Woods said the Committee also wants to work with the Town Arts Advisory Committee to look at ways to partner including using vacant space downtown for art displays. The old Husky Blues space is a potential option. The Committee is also researching cost, publication, and distribution for a newsletter.

Membership Development – Ms. van Zelm gave the Membership Development Committee report in Ms. Treiber's absence. Ms. van Zelm said the Committee would be doing another outreach push in February and it would be concentrated on UConn faculty, staff, and students, and Mansfield residents including parents and coaches.

10. Other

Mr. Barry reported that Tom Callahan had given a presentation on the Partnership to the Board of Trustees Student Life Committee. He commended Mr. Callahan for his excellent presentation. Mr. Barry relayed that the students on the Committee are very interested in the Partnership and the suggestion was made at the meeting that they get involved on Partnership committees. He acknowledged the great value in getting students more involved and taking advantage of their ideas and perspectives.

Ms. van Zelm said she would be meeting with individual students and student organizations as part of outreach.

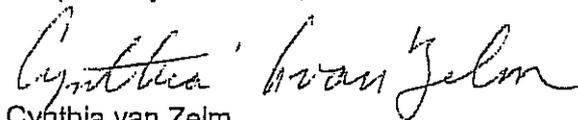
11. Adjourn

Mr. Petersen made a motion to adjourn. The motion was seconded. The motion was approved unanimously.

The meeting adjourned at 5:15 PM.

The next meeting is set for January 7 at 4 PM.

Respectfully submitted,



Cynthia van Zelm
Executive Director, Mansfield Downtown Partnership

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ADMINISTRATION

- Happy New Year! More so than other years, 2002 seems to have been a year of major projects - completion of the regional land use plan update, intensive work on, and completion of, the comprehensive economic development strategy for the Northeastern Connecticut Economic Partnership (jointly with NECCOG and other partners), and revision of the I-395 Corridor Transportation Investment Area plan for submission to the Transportation Strategy Board. During the fall, state agencies other than the CT Department of Transportation and the Office of Policy and Management started to become aware of the value of regional planning organizations. The Office of Emergency Management and the Department of Public Health have both expressed an interest in using RPO's to assist in implementing their programs by coordinating local efforts at the regional level and by working with other RPO's toward some level of statewide consistency.
- Town Assessments for FY '04: It always seems strange to be thinking about FY 2004 just as we start calendar 2003. Letters notifying towns of their dues assessments for FY '04 will be in the mail as soon as our office manager returns from vacation on January 6.
- FY 04 State Grant in Aid: We will be watching with great interest to see if the State Grant in Aid to RPO's re-appears as a line item in OPM's biennial budget for FY 2004 and FY 2005. You may recall that two years ago, it was removed and funded for two years through the "surplus" dollars allotted to ConnDOT for the Transportation Strategy Board. WINCOG has received about \$34,000 annually through this State Grant in Aid to provide general technical assistance to towns, to serve as a census data affiliate, and to carry out statutorily required tasks, such as responding to statutory referrals and updating the regional plan.
- Technical Assistance Current Contracts Update:

Contract #	Description	Date started	Status
Scotland '03-2	Mapping for POCD	pending finalization of contract	
Scotland '03-3	POCD preparation	9/9/02	anticipated completion March 03
Chaplin '03-1	Specified Zoning regulation modifications	9/19/02	complete except for staff participation in public hearing - date to be set by PZC.

UPCOMING DATES OF INTEREST

- January 16 **Planner/ZEO Breakfast**
- January 17, 8:30 a.m. **WINCOG special meeting at Coventry Town Hall annex: OEM presentation.**
- January 31 **Transportation Enhancements applications due to WINCOG office.**
- February 5, 7:30 p.m. **Regional Planning Commission**
- April 1 **Deadline for submitting Local Road Accident Reduction projects to WINCOG.**

TRANSPORTATION

- Follow-up - STIP amendment Project # 32-130, Coventry, Route 31: At its December 6 meeting, WINCOG took action not to endorse the package of STIP amendments presented, which included eliminating the above-referenced project from the 2003-2005 STIP. Staff notified ConnDOT of this action and reminded them of the long delays to which this project has been subjected.. On Tuesday of this week, Tom Lavery of the ConnDOT staff notified us that this project will remain in the approved 2003-2005 STIP, with funding for construction scheduled for obligation in FFY 2005.
- Local Road Accident Reduction Program: At ConnDOT's request, staff distributed information to member towns on this program which provides funding to address safety improvements on local roads.

- Suggested List of Surveillance Study Sites (SLOSSS): Staff distributed the most recent SLOSSS list of high accident locations to member towns, along with a map showing the high accident locations from both the current SLOSSS list (1998 - 2000 data) and from the list received two years ago.
- Transportation Strategy Board: In mid-December, the TSB agreed on recommendations to include in its report to the legislature. It was an intriguing process to observe, and especially noteworthy that most of the commissioners from various state agencies continued to participate in the process to its completion. There seems to be a much better understanding of the complexities of transportation decisions and their interrelationships with economic development and land use.

ECONOMIC DEVELOPMENT

CEDS: The Northeastern Connecticut Economic Partnership's comprehensive economic development strategy (CEDS) has been submitted to EDA. Consultants have used data included in the recently completed CEDS for a feasibility study for a parcel in Brooklyn.

TRANSIT

Transit Planning:

Prepaid Fares Program: Both the undergraduate and graduate student senates at UConn have expressed an interest in resuming discussions on the prepaid fares program for the Storrs/Willimantic Fixed Route service. WRTD strongly supports this program because it significantly increases ridership and thus increases the efficiency of the transit service. Ridership dropped by about 24% for the first five months of FY 03, compared to the same five months in FY 02; fare revenue dropped by 42%.

Transit Administration (See attached Activities Report)

PLANNING

- Regional Planning Commission: At the December 4th meeting, Meg Reich of the Willimantic River Alliance (WRA) presented her organization's proposal to nominate the Willimantic River as a State Greenway. The vision of the Willimantic River Greenway is to create linkages between open spaces along the river corridor and to create better access to the river. In order to be designated, municipalities and regions must include support for the greenway in their plans of conservation and development. The Windham Region Land Use Plan supports the greenway designation. Ms. Reich explained that the greenway designation would help municipalities competing for open space and other grants. The Commission voted to support the nomination if WINCOG agrees. No regional referrals were received. The January meeting of the RPC has been cancelled.
- Scotland Plan of Conservation and Development: The December 16th meeting of the Scotland POCD subcommittee was cancelled due to bad weather. The next meeting, scheduled for January 13th, will focus on developing a consensus on economic development issues and reviewing the draft plan.

CENSUS AFFILIATE ACTIVITIES

- Sample Data: WINCOG has received the sample data from the 2003 census, and will be compiling it into tables for the region to supplement the earlier *Facts and Figures* update.
- Data Requests: Responded to requests for information from: 1 municipal staff and 1 student.

LOCAL ASSISTANCE

- Chaplin* - Special Permit Review of Mini-Golf plans.
- Columbia* - Provided legislation on cell towers to Town Planner.
- Scotland* - Worked on Town POCD under contract.
 - Research National Register nomination for Rte. 14.
- Windham* - Continued to serve on Ad Hoc Economic Development Committee.
 - Created map of Drug Treatment Centers and Social Service providers.
 - Provided income and poverty data to economic development director.
- All Towns* - Processed statutory referrals from or affecting various member towns (see Planning, above).

OTHER ASSISTANCE

- Staff reviewed and submitted comments to Cong. Simmons' office on potential changes to federal legislation regarding reimbursement for paramedic intercept services.
- Staff provided information to a reporter from the *New London Day* on last spring's coordinated effort by Windham Hospital and WINCOG municipalities to address the issue of paramedic program costs.

MEETINGS

- Dec. 6 - WINCOG meeting (BB, SG)
- 10 - Transportation Strategy Board meeting / Hartford (BB)
 - UConn Master Plan Advisory Committee meeting / Storrs (BB)
- 11 - NECCOG meeting on emergency planning / Dayville (BB)
 - Legislative information session / Hartford (BB, SG)
 - Water supply planning seminar / Storrs (JB)
- 16 - POCD Subcommittee / Scotland (BB, JB)
- 17 - FEMA Regional HAZUS workshop / Southbridge MA (BB, JB)
- 18 - CT Rural Development Council strategic planning meeting / Berlin (BB)
- 23 - Windham's Blue Ribbon Task Force on Substance Abuse (BB)

* Time not charged to WINCOG.

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MINUTES
MANSFIELD INLAND WETLAND AGENCY
Special Meeting, Monday, December 16, 2002
Council Chambers, Audrey P. Beck Municipal Building

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt (arr. 7:15)
P. Kochenburger, G. Zimmer
Members absent: P. Plante
Alternates present: B. Mutch, B. Ryan
Alternates absent: E. Mann
Staff present: G. Meitzler (Wetlands Agent)

Chairman Barberet called the meeting to order at 7:05 p.m., appointing Alternate Mutch to act as a voting member and Alternate Ryan to act in case of member disqualifications.

Minutes : 12/2/02 – Favretti MOVED, Zimmer seconded to approve the Minutes as presented; MOTION PASSED unanimously.

12/12/02 field trip – Favretti MOVED and seconded to approve the Minutes as presented; MOTION PASSED, Favretti in favor, all else disqualified.

W1191, Boisvert, 3 lots at Candide Ln./Stearns Rd., - The Wetlands Agent's 12/11/02 memo was noted. Mr. Meitzler explained changes recently made to the plans, noting that the site had been visited as part of the 12/12 field trip. A previously-mentioned 30-ft. by 40-ft. shed has been removed; changes were made involving development area envelopes for the lots. Members discussed how stump removal/clear-cutting could affect protection of the pond and wetlands (see Minutes of 12/2/02). Engineer S. Filip said exact plans for cutting down the diseased pine trees are still unclear. Holt asked whether increasing the proposed conservation easement area would provide more protection; Mr. Meitzler said it would not. Mr. Filip, however, stated that the applicant was willing to expand and revise the conservation easement to follow the development area envelopes.

Holt then MOVED, Gardner seconding, to grant an Inland Wetland License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Norman E., Jr., and Julie Ann Boisvert (file W1191) for a 3-lot residential subdivision on property owned by the applicants located at the corner of Stearns Road and Candide Lane, as shown on a map dated 8/22/02, revised through 12/4/02, and as described in other application submissions. This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized;
2. The conservation easement line depicted on the map/plan shall be changed to extend southeasterly along the development area envelope (DAE) line on lots 2 and 3, in order to include and protect the wetland area south of the pond. The text of the conservation easement shall be based on the Town's model conservation easement and shall include details outlined in paragraphs 3 and 4 of the memo from soil scientist Roy Shooks, Jr., dated 11/3/02. The final draft of the conservation easement shall be submitted to the Mansfield Planning and Zoning Commission for approval. The wording of the conservation easement shall be reviewed by the Inland Wetland Agency officers prior to its approval;
3. If there are any changes made to the plans, the applicants may be required to submit them to the Inland Wetland Agency for further approval;
4. This approval is valid for a period of five years (until 12/16/07), unless additional time is requested by the applicant and granted by the Inland Wetland Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment.

After further discussion, which led to the motion as given above, the MOTION PASSED unanimously.

Communications and Bills – As noted on the Agenda.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted, Kay Holt, Secretary

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MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, December 16, 2002

Council Chambers, Audrey P. Beck Municipal Building

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt,
P. Kochenburger, G. Zimmer
Members absent: P. Plante
Alternates present: B. Mutch, B. Ryan
Alternates absent: E. Mann
Staff present: C. Hirsch (Zoning Agent), G. Padick (Town Planner)

Chairman Barberet called the meeting to order at 7:40 p.m., appointing Alternate Mutch to act as a voting member and Alternate Ryan to act in case of member disqualification.

Minutes – 12/2/02 - Favretti MOVED, Zimmer seconded to approve the Minutes as presented; MOTION PASSED unanimously.

12/12/02 field trip – Holt MOVED, Favretti seconded to approve the Minutes as presented; MOTION CARRIED, Holt and Favretti in favor, all else disqualified.

Zoning Agent's Report – The November Monthly Enforcement Update was noted. In addition, Mr. Hirsch and Mrs. Barberet recently approved a minor modification allowing construction of an addition at the Town Garage to house police vehicles.

Old Business

Sibley Estates, proposed 2-lot subdivision off Mansfield City Rd., file 1199 – Reports were noted from the Town Planner (12/9/02), Ass't. Town Engineer (12/11/02), and Eastern Highlands Health District (12/9/02), and the site was visited during the 12/12 field trip. Revised plans addressing most of the issues noted in staff reports were recently submitted. An exception was the stone wall at Lot 2. Members discussed this with relation to a man-made stone enclosure area. Mr. Padick suggested that the driveway/garage/septic area for that lot be relocated to the other side of the property in order to preserve the enclosure, for historical reasons; the septic reserve area would also be slightly shifted. An alternate suggestion was a common drive or 2 parallel driveways. Engineer S. Filip explained that the applicants do not wish to construct a common drive, but said Mr. Padick's suggestion to shift the drive, garage and septic and reserve areas could be accommodated.

Mr. Padick said he does not feel an open space dedication is necessary for this 2-lot subdivision, because he feels adequate protection for the wetlands has already been provided. He noted that the present plans have been approved by the Health District, but a revised plan for the discussed shifting would need further review by them. This would necessitate an extension of time, which the applicant has requested. So Holt MOVED and Kochenburger seconded to approve the request of MCRA, LLC to extend the deadline for this application for 65 days, if needed, for consideration of the proposed relocation of the driveway on Lot 2 to the easterly side of Lot 2. MOTION PASSED unanimously.

Stone Mill Acres, proposed 2-lot subdivision, Stone Mill Rd., White, file 1195 – Favretti MOVED, Holt seconded to approve with conditions the subdivision application (file #1195) of G. and K. White for Stone Mill Acres, on property owned by the applicants located at 109 Stone Mill Road, in an RAR-90 zone, as submitted to the Commission and as shown on plans dated 9/11/02, as revised through 11/19/02. This approval is granted because the application as approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations, and is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and engineer;
2. Whereas the proposed drive for Lot 2 is over 10% in slope and may have a gravel surface, the plans shall be revised to incorporate specific drainage improvements that will help prevent driveway erosion and potential impacts onto Stone Mill Road. The drainage improvements shall be approved by the Ass't. Town Engineer and

- Town Planner. The driveway work shall be completed in association with the construction of a new house on Lot 2;
3. Unless revisions are specifically authorized by the Commission, the building area envelopes as depicted on final plans shall serve as the setback lines for all future structures and site improvements, pursuant to Art. VIII of the Zoning Regulations. This condition shall be specifically incorporated into the deeds for Lots 1 and 2.
 4. The following revisions shall be incorporated onto the subdivision plans:
 - A. Note 7 on Sheet 1 shall specify that underground utility service shall be provided directly from CL&P pole 3287 or pole 3289;
 - B. A stone wall improvement detail shall be added to the plans, pursuant to Section 7.7.b. A segment of stone wall will be removed for driveway construction and the plan notes that the stones will be used to extend the south boundary wall;
 - C. The shed on Lot 1 shall be included within a depicted building area envelope.
 5. Unless subsequently waived by the PZC, the survey data shall be tied to the Connecticut Plane Coordinate System of 1983, pursuant to Section 6.5.b;
 6. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety- (90) or one hundred and eighty- (180) day filing extension has been granted):
 - A. Final maps, including submittal in digital form, pursuant to Section 6.3.g, and right-of-way deeds and easements for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Sec. 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
 - B. All monumentation, with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Sec. 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Sec. 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED unanimously.

Pond View Estates, 3 proposed lots at Stearns Rd./Candide Ln., Boisvert, file 1193 (MAD 35 days after IWA action) – Memos were noted from the Town Planner (12/12/02), Ass't. Town Eng'r. (12/11/02) and EHHD (12/11/02). See Minutes IWA Minutes of 12/16/02. Clarification on the plans for removal of diseased red pine trees is needed; no additional tree removal is planned for sightlines. Mr. Hall volunteered to draft a motion for the next meeting (1/6/03).

Public Hearing, Windswept Manor, proposed 4-lot subdivision off East Road, Malek, file 1198 – The Public Hearing was called to order at 8:05 p.m. Members and Alternates present were Barberet, Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Zimmer, Mutch and Ryan. The legal notice was read and written comments were noted from the Town Planner (12/13/02), Ass't. Town Eng'r. (12/11/02), Fire Marshal (12/12/02), and EHHD (11/27/02). Engineer S. Filip submitted a photo of a representative house such as might be built by the builders on this site. Mrs. Holt noted that a house like this would not receive a Certificate of Appropriateness from the Historic District Commission for Lot 1, and Mr. Filip agreed. The site is 14.8 acres, and would include the 4 lots and a new, 1,050 ft.-long road. One lot would front on East Road, and the other 3 would be along this new road.

J. Alexopoulos, project landscape architect, distributed a proposed landscaping plan and aerial photo of the site. He said he had found an old lane along the eastern property boundary, and the proposed road would follow this path. An open meadow on the site contiguous with the UConn agriculture fields should be retained as open field, along with a large area of varied forest trees around the edges. He said this area would probably never be developed in any way, and therefore did not need to be added to the open space dedication. He also described as valuable the scenic view across Rt. 195, past the Mansfield Fire Station to the treed hills of the Willimantic River valley, from the highest point on the applicant's property. He said this view should be retained as much as possible and this will be added to revised plans. He said the site contains no large mature trees, and described the varied existing trees, almost all deciduous, and shrub growth. One rubble stone wall would be retained and rebuilt after road construction is completed. Deciduous trees would be interplanted to replace those disturbed or removed by road construction. He explained why he proposed sugar maples, saying they would be planted along the western (far) side of the stone wall along the new road, to protect them from road-salting and snow-removal activities. He

said red maples could be used, if necessary, and that a 13" ash along Lot 1 and a sugar maple would have to be removed. The trees that are to be removed will be shown and identified on revised plans.

The old foundation mentioned in Mr. Padick's memo may be on adjacent property not belonging to the applicant, he said. In discussing potential impacts from the adjoining UConn research farm, Mr. Alexopoulos said manure is not used. Pesticides and herbicides are used, but are sprayed straight down. He said no impact would be felt on properties abutting the farm. This will also be indicated on the revised plans. Mr. Padick clarified that these revisions must be submitted as part of the plans, not as a separate submission.

Mr. Filip was asked about constructing a common drive serving lots 2, 3 and 4 instead of a new road, but he said the planned houses would be large and expensive, and usually buyers of such lots will not accept common driveways. He regretted that the current requirement that a new road must be 24 feet wide, according to the Town's Engineering Standards. He reiterated that the stone wall would be retained and trees taken down for road construction would be replaced. He said sightlines will be enlarged to 275 to 300 feet. Roadside trees on Lot 1 would be replaced after construction.

Noting the Ass't. Town Engineer's concern regarding intermittent icing and ponding on East Road downhill from the site, Mr. Filip discussed drainage plans for dealing with this problem.

Mr. Filip discussed whether utilities would be underground or aboveground. He said CL&P would place a pole on the site, and he will consult with CL&P about the best way to deal with the utilities issue. Mr. Padick noted that utilities plans and their anticipated impact on the site must be clarified. Mr. Filip agreed that the houses on Lots 3 and 4 could be turned for solar orientation. He added that the houses would be heated geothermally, so no underground fuel tanks are planned.

Mr. Filip also agreed to add some omitted items to revised plans, but asked whether the Regulations specifically require a street light at the intersection of the new road (Windswept Lane) and East Road; Mr. Padick responded that the PZC could make that determination after Mr. Filip's consultation with CL&P. Mr. Filip said all 4 lots would have designed septic systems requiring some fill, but not enough to trigger the need for a fill permit. Again, Mr. Padick noted that the revised plans must show clearly what the applicant proposes on each lot. Members voiced concerns about tree root and stone wall disturbance; Mr. Alexopoulos said there would be some unavoidable disturbance, but anything that is disturbed would be replaced.

Mr. Filip displayed the proposed open space dedication of a 6.32 acre conservation easement area on Lots 3 and 4 and a narrow band along the rear of Lots 1 and 2 to preserve the scenic view to the east. He said this more than satisfies our regulatory requirements, explaining that Lot 4 is quite large and, because of the Health District's mandate to test for an entire year, cannot be built on at this time. He submitted a letter requesting a 35-day extension and requested that the Hearing be recessed until the last January meeting or the first meeting in February.

Mr. Filip conceded that drainage is still a major issue, and revised plans could be submitted by the first week in January. Additionally, the CT DOT and CL&P must also be consulted. There was no public comment. Zimmer MOVED, Mutch seconded to accept the applicant's request for an extension of 35 days, and to recess the Public Hearing until 2/3/03. MOTION PASSED unanimously at 9:14 p.m.

Special permit for service of alcohol at proposed restaurant, C.O. JONES, at 1254 Storrs Rd., file 1197 – Mr. Padick confirmed that all neighborhood notification receipts were received, whereupon Mr. Kochenburger MOVED, Mr. Favretti seconded to approve with conditions the special permit application (file #1197) of Robert B. Potter for the sale of alcoholic beverages in association with a proposed C.O. JONES Mexican restaurant, on property located at 1254 Storrs Rd. ("Marketplace" shopping center), in a PB-2 zone, as submitted to the Commission and as presented at a Public Hearing on 12/2/02. This approval is granted because the application as approved is considered to be in compliance with Article X, Section I.4.a.1.b; Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. Pursuant to regulatory provisions, all service of alcoholic beverages at this restaurant shall be limited to service from a service bar in conjunction with the service of meals to customers seated at tables within the building and which premises does not contain a cocktail lounge or area where alcoholic beverages are served to patrons standing or seated at a bar;
2. Any significant change in the proposed menu, which, as described at the 12/2/02 Public Hearing, will include approximately 6 or more entrée items until closing, or any significant change in seating arrangements, shall require further PZC review and approval.
3. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records;

This approval waives several provisions of Article V, Section A.3.c, since the information submitted with the application is sufficient to determine compliance with applicable approval criteria.

MOTION CARRIED, all in favor except Barberet, who voted in opposition.

Pine Grove Estates subdivision, 13 proposed lots off Meadowbrook Ln., MAD 2/5/03, file 1187-2 – Mr. Favretti agreed to work on a motion for this application.

Natchaug Hospital proposed addition w/parking, 189 Storrs Rd., MAD 2/5/03, file 937-4 – The Public Hearing on this application was closed on 12/2/02. The first part of the PZC's decision must be to determine whether this would be an extension or continuation of a non-conforming use, or a different use altogether. Discussion hinged on whether the use would constitute a detention center, and the implications of that, and began with Mrs. Gardner contending that the young women to be brought in under this program are mentally ill, not criminals; Mr. Zimmer added that it is vital that young people with mental problems be treated while they are still young. Mrs. Goodwin explained some of the circumstances that can lead to introduction into the judicial system of young persons, some through no fault of their own. She also stated that those who spoke in opposition at the Public Hearing had not given adequate reasons why the application should be denied. It was noted that neighborhood safety and property values had been given as concerns. Concern was also expressed that the proposed program could at some future time become the whole mission of the hospital, through State takeover, and Mr. Favretti expressed concerns regarding landscaping details. All of these concerns were related to possible conditions of approval, and Mr. Kochenburger, Mr. Favretti and Mrs. Barberet all volunteered to work with Mr. Padick on a draft approval motion; Mrs. Holt said she would draft a denial motion.

Verbal Updates from Town Planner

2003 Plan of Conservation & Development – A citizens' committee meeting has been scheduled for Jan. 9th, at 7:30 p.m., in the Council Chambers, and members are urged to attend. The findings from all the previous meetings will be brought to the PZC's PCD Committee at the end of January or sometime in February.

Lands of Unique Value project – Final mapping is expected to be presented at the above 1/9/03 meeting, and a draft of the final report is expected by the end of January.

Downtown project – Hiring of a consultant is expected soon; the full report will probably take 5 or 6 months from the time of hiring.

Transportation Enhancement project proposal application – The listing as given in the Town Manager's 12/9/02 memo was recently approved by the Town Council, and the application will be submitted at the end of January.

UConn land use projects – DEP Commissioner Rocque's recent letter regarding the Separatist Rd. detention basin and recent WINCOG written comments on the EIE for proposed graduate housing and the Downtown Project were noted. At last week's Master Plan Committee meeting, members were informed that the University is working on setting priorities for 2006, and has been ordered to update and possibly re-prioritize its 1998 Master Plan. The University's Fenton River Study project, which is expected to take 2 years, will predict the effect on the University's Fenton River wellfields from potential future full-capacity withdrawals by the University, and will also recommend appropriate measures and methods for proceeding.

Telecommunications towers in town – AT&T is still investigating additional sites proposed at the citizens' meeting last month. Construction may start soon on the PZC-approved tower to be built next to the bus depot on Rts. 32/195. An application to PZC may also be submitted for a tower at the Town Garage.

Town Water Supply Plan – The plan, which was approved last spring, recommends that the Town locate additional future water sources from within nearby towns or water supply companies, particularly pending results of the University's water study, noted above. Such possibilities must be taken into account when formulating the 2003 Plan of Development & Conservation update.

Advertising in Town parks - The Town Council has agreed to a plan allowing advertising to be visible only at the time of sporting events. The Town will probably submit an application to the PZC for a regulations revision to address this.

New Business

Willimantic River Alliance Greenway project – Mr. Padick's 12/12/02 memo states that the proposal will come to PZC after review by the Open Space Preservation Committee and Conservation Commission. The update provided in members' packets constitutes the proposal at present. It will eventually go to WINCOG for approval after it has

been approved by all the towns involved (those along the river). Mr. Padick will prepare a review memo after he receives the comments of the Open Space Committee and the Conservation Commission.

Proposed efficiency apt. at 59 Homestead Dr., Woods, o/a, file 1200 – Holt MOVED, Hall seconded to receive the special permit application (file 1200) submitted by Premier Builders, LLC, for an efficiency apartment on property located at 59 Homestead Drive, owned by David Woods, as shown on plans dated 12/5/02 and as described in other application submissions, to refer said application to the staff for review and comments, and to set a Public Hearing for 1/6/03. MOTION PASSED unanimously.

2003-04 Budget – Mr. Padick's 12/12/02 memo states that more funds may be needed for computer mapping costs; he will report further after more information is received. He asked members to review the figures before the next meeting and call him with any suggestions.

Communications and Bills – As noted on the Agenda or distributed before the meeting. Holt MOVED, Gardner seconded to pay the Town Attorney's 12/8/02 bill for \$4,896.00; MOTION PASSED unanimously.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

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ARTS ADVISORY COMMITTEE

Meeting of 26 November 2002
Conference C, Beck Municipal Building

MINUTES

1. The meeting was **called to order** at 7:14 PM by Carol Pellegrine; Jay Ames arrived at 7:20 and assumed the duties of Chair. Members present: Jay Ames, Scott Lehmann, Derri Owen, Carol Pellegrine, Tim Quinn. Others present: Jay O'Keefe (staff).

2. **Minutes of 22 October 02 meeting** were approved.

3. **Arts 300.** (a) Derri approached Mr. Rock, the Middle School art teacher, about designing a logo for Arts 300, but he is over-extended. (b) Jay O'Keefe has not had any response from artists on our survey list, who have been notified of the event. (c) Derri reported she's encountered some raised eyebrows about the planned location, which seems to be confused with the Mansfield Drive-In; we need to emphasize that the Mansfield Market Place is a good location. (d) She also suggested revising the flier to attract professional artists. The new flier, which she volunteered to draft, should indicate that artists may sell their work at the festival; she will show Jay Ames a copy before it is distributed. (e) We all need to work at notifying artists of the event; expressions of interest should be in by 1 March. (f) The Town has a small portable stage (three 4x8 foot sections) that can be used for performances.

4. **Committee membership.** New member Steve Pringle cannot come to meetings until December.

5. **Annual report.** A brief written report has been submitted, and Jay Ames will give an oral presentation to the Town Council on 9 December.

6. **New Business.** (a) There was not much enthusiasm for sponsoring a **300th anniversary song contest**; school music classes have enough to do without learning a new song, especially when its quality cannot be assured. (b) There will be no December meeting; **meeting dates for 2003** were tentatively set for the first Tuesday of each month. (c) Should a **mural** be commissioned for the child care room in the new community/recreation center? The Committee decided that it would be preferable to have a display that changed every year or two, either utilizing removable panels or having artists, possibly Middle or High School students, repaint the walls. (d) Cynthia van Zelm could not attend this meeting to discuss arts ideas for the **Storrs Downtown** project; she will try to attend our next meeting.

7. **Adjourned** at 8:14 PM.

Scott Lehmann, Acting Secretary

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MANSFIELD DEPARTMENT OF SOCIAL SERVICES

ADVISORY COMMITTEE

MINUTES FOR MEETING HELD DECEMBER 9, 2002

I. Present: Becky Lehmann, Chair, Marla Hauslaib, Ed. Passmore, Jim Peters, Judith Heald, Staff: Matt Hart, Kevin Grunwald, Sheila Thompson

II. Communications:

A. Matt Hart, Assistant Town Manager, was in attendance to introduce Kevin Grunwald, MSW, the new Department Director. It was Kevin's first day on duty, and therefore the members introduced themselves to him and he also provided information about himself to the members. Members expressed their desires to work closely with him, allow him to acclimate himself to his new position, and provide any assistance needed to facilitate that process.

B. Discussion focused on review of Department activity and reports provided in the meeting packet. Sheila informed the Committee that with the State closure of the DSS regional office in Willimantic, services to Mansfield residents would be impacted and probably increase the demand for local social services – particularly for those residents who lack transportation to Norwich. She noted that the CLASS (CT Local Administrators of Social Services) have sponsored a bill to request a per:capita amount of funding for municipalities which provide social services to residents.

Sheila also announced that funding for the Graustein Discovery Grant for 2003/2004 had been cut to \$10,000, and that a letter of explanation would be forthcoming from the Graustein Foundation, followed by a meeting of Graustein representatives and SSD staff to discuss the cut.

There was a brief discussion of possible reasons for meal service participation at the Senior Center, and the need for a survey to generate suggestions as to how this could be expanded in usage.

Becky questioned Matt regarding the budget preparation schedule, and he indicated that he would be meeting with Kevin soon to discuss the process.

C. Sheila Thompson indicated that the Holiday Giving program currently listed 32 households and 18 donor groups. The Lions Club bell-ringing on December 7 brought in \$756.34, out of which the Mansfield Salvation Army Service Unit will net \$680.71. Notices in the Mansfield Record and Willimantic Chronicle requesting donations for the Special Needs fund has begun to generate contributions.

III. **Minutes from Nov. 7, 2002:** Motion to accept the minutes was made by Ed Passmore and seconded by Marla Hauslaib. Minutes were accepted by unanimous vote.

IV. **Old Business:**

A. Curt Vincente, director of the Mansfield Recreation Dept. reported that the Community Center fee waiver discussions with the SSAC sub-committee are continuing, and that no definitive decisions are yet made, pending one or more meetings. The fee schedule has not yet been adopted by the Town Council; therefore a recommendation for a fee waiver policy cannot be adopted. Marla and Becky will continue with this collaboration.

B. The Legislative Meeting has been scheduled for Thursday, December 12, from 3:00-5:00PM at the Senior Center. Rep. Denise Merrill will attend, and a list of this year's issues, generated by survey of local groups and agencies, was distributed to the committee. Sheila noted that participation in this year's meeting was lower than last, possibly due to other, more regional legislative meetings, which are scheduled in local communities.

C. No funding requests have been received by agencies which are to be reviewed by the SSAC. Jim Peters agreed to review the funding request by the Women's Center, when it is received.

V. **New Business:**

A. Budget questions were previously addressed under Communications.

VI. **Next meeting: Jan. 7, 2003.**

Plans for next meeting: Review of Legislative meeting; agency funding requests, update on Community Center fee waivers, orientation of new Director, update on Holiday Giving.

VII. Adjournment. 5:03 PM

Respectfully submitted,

Sheila J. Thompson

Minutes: mdss 05

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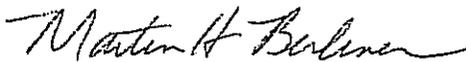
TOWN OF MANSFIELD TRAFFIC AUTHORITY

Minutes of Meeting Held December 5, 2002

Present: Lon Hultgren, John Jackman, Grant Meitzler, Greg Padick, Mike Darcy and Martin Berliner

1. No Parking Fines – No action taken.
2. Speed Hump Requests & Studies – Speed humps have been installed on Dog Lane and Daleville Road.
 - a) Survey forms from the north and south sections of Cedar Swamp Road have been received and the majority of responses favored keeping the humps. Baxter Road surveys will be sent out in December.
 - b) Due to the early onset of winter, the 4th hump on Baxter Road and the speed table on Hillside Circle have not yet been installed.
 - c) Atwoodville Road and other requests are still being studied.
 - d) Additional speed hump request for Depot Road – not approvable at this time. Lon will write letter explaining why.
3. Speed Limit on Separatist Road – The speed limit on Separatist Road was again discussed, but no conclusions or recommendations agreed upon. Speed and volume on this road will continue to be monitored. A police presence on this road was requested.
4. Baxter Road/Route 195 Intersection – Still waiting for DOT response.
5. Birch, Bone Mill and Weaver Road Intersections – No report yet from engineering.
6. No Jake-Brake Zone – Referred to DOT.
7. Request for "School Bus Stop Ahead" – It was agreed that at 159 Hanks Hill Road a sign will be placed northbound on Hanks Hill and on Lodi Drive at Maple Road, northbound on Maple, subject to approval by Fred Baruzzi.
8. No Parking Signs on Carriage House Drive – Lon discussed with apartment manager. The Town will put up no parking signs on east end of road, approximately 1500 feet from mailboxes to the top of the hill.
9. Request for Intersection Warning Sign on Route 195 at Rockridge Road – Waiting for state response.
10. Traffic Signals on Route 195 – Meitzler explained the modifications to the controllers at 195/44 and 195/No. Eagleville that DOT Traffic engineers made last week. He said that the style of the 195/No. Eagleville controller was limiting the options for this signal. Jackman said that the 195/No. Eagleville signal was still functioning poorly. Meitzler will continue to monitor this signal and DOT's efforts in this regard.
11. Schedule of Meeting Dates for 2003 – The Traffic Authority agreed that it would continue its practice of meeting on the first Thursday following the first Monday of each month.
12. SLOSSSS – Will review at next meeting.

Respectfully submitted,



Martin H. Berliner
Chair, Mansfield Traffic Authority

cc: Traffic Authority File
Traffic Authority Members
Mansfield Town Council
Transportation Advisory Committee

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**TOWN/UNIVERSITY RELATIONS COMMITTEE
COMMITTEE MEETING
Tuesday, November 12, 2002
Audrey P. Beck Municipal Building
Council Chambers**

Minutes

Present: P. Barry, M. Berliner, T. Callahan, E. Daniels, R. Hudd, G. Muccilli, W. Rosen, L. Schilling, W. Simpson

Absent: A. Barberet, C. Henry, R. Miller, A. J. Pappanikou, E. Paterson

Staff: G. Padick

Tom Callahan called the meeting to order at 4:08 p.m.

1. Public Comment

None.

2. October 8, 2002 Meeting Minutes

W. Rosen made a motion to approve the minutes of October 8, 2002 as presented. P. Barry seconded, unanimously approved.

3. Update RE: Mansfield Downtown

Tom Callahan explained that the Downtown Partnership Administration and Finance Committee had narrowed its search for a consultant to prepare a municipal development plan (MDP). Negotiations are underway with the preferred consultant and a contract is expected before the end of the year. The MDP is expected to take 5 to 6 months to complete and will have to be approved by the Town and University. During the preparation of the MDP, efforts will take place to identify a developer or developers for the project.

Martin Berliner reported that the Town's request for a second year of Small Town Economic Assistance Program funding had not been approved. The Town will be communicating to State officials that if funds become available, it is hoped that the second year funding request for the Downtown will be approved. \$500,000 was approved last year for Downtown activities.

It was noted that a public hearing on the Environmental Impact Evaluation (EIE) for the Downtown Project and Graduate Student Housing was scheduled for 11/21/02. Tom Callahan briefly summarized the consultants findings which concluded that development of the Downtown site was environmentally feasible subject to implementation of a number of mitigating measures, particularly to address storm water management and traffic issues. All committee members were encourage to attend the public hearing.

4. Separatist Road Detention Pond/DEP Permit

Larry Schilling updated committee members on the planned detention pond revisions and associated landscaping improvements. Final DEP approval is expected within the next few days and initial work is expected to start within a week. The project will be completed next spring. Mr. Schilling also noted that the most recent quarterly surface water monitoring reports have concluded that no contaminants are entering or exiting the basin. Martin Berliner reported that the Town's water quality consultant is in the process of reviewing the final detention design and will be submitting recommendations for testing.

5. Spring Weekend

Bill Rosen explained that the Town Council has requested a legal opinion from the Town Attorney regarding enforcement and liability issues and that a preliminary legal opinion was being reviewed to determine if any Town actions were appropriate. Greg Muccilli reported that a student committee reviewing the spring weekend issue had so far agreed to try to limit outside attendance and that the committee would be meeting again later in the week to further discuss this issue. Tom Callahan reported that the University administration had begun meeting on this issue and will be discussing options. He also related that Town officials may want to involve the E. O. Smith High School administration.

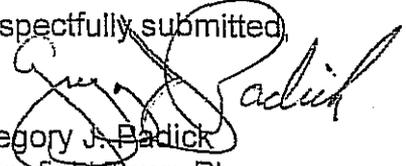
Martin Berliner emphasized the need to consider civil rights issues as well as property owner responsibilities and Bill Rosen suggested that the Town could be partially responsible if appropriate actions are not taken. Bob Hudd reported that UConn police must address statutory provisions and that both student leaders and the administration are highly committed to addressing this issue. Phil Barry stressed that spring weekend is a complicated issue and that there is a need to be aware of reactions and consequences of any steps taken. After further discussion it was the committee's consensus that the Town and University need to work collaboratively to minimize problems and that it is helpful to continue early discussions on this issue.

6. Other

Tom Callahan noted that the 15th UConn 2000 Status Report had been mailed out.

Phil Barry made a motion to adjourn at 4:55 p.m. Bill Rosen seconded. The motion passed unanimously.

Respectfully submitted,



Gregory J. Padick
Mansfield Town Planner

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TOWN OF MANSFIELD

OPEN SPACE PRESERVATION COMMITTEE

Minutes of November 19, 2002 Meeting

Members Present: Ken Feathers, Jim Morrow (Chair), and Steve Lowery

Others Present: Jennifer Kaufman, Don Hoyle and Dan Donahue

1. **Ken Feathers acted as Secretary**
2. **The minutes of the October 15, 2002 meeting were approved.**
3. The Fifty Foot Cliff Preserve Forest Management Plan was discussed with Dan Donahue. Focus of the discussion was an alternative for invasive species control. This included a discussion of how to acquire funding and labor resources for meeting plan objectives. The concept of tying this to a town educational effort to raise local awareness of invasive species was discussed.
4. The Saportas property was discussed.
5. The need to review management plans was discussed; Open Space would prefer to address this after the major effort on the revised Town Plan of Conservation and Development is completed.
6. **The meeting was adjourned at 9:14 p.m.**

Respectfully submitted,

Kenneth Feathers
Acting Secretary

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RECREATION ADVISORY COMMITTEE
MEETING MINUTES
November 20, 2002

ATTENDING: Chris Casa, Darren Cook, Sheldon Dyer, Donald Field, Dave Hoyle, Mia John, Joe Soltys
STAFF: Jay O'Keefe, Curt Vincente

- A. Call to Order – Chairman S. Dyer called the meeting to order at 7:40p.m.
- B. Approval of Minutes – J. Soltys moved and D. Field seconded that the minutes of October 16, 2002 be approved as written. So passed unanimously.
- C. Co-Sponsorship Reviews – No report. All three organizations will be invited to the December meeting. Due to active Fall programs, all were unable to appear in September, October and November.
- D. Old Business – C. Vincente briefly reviewed the Building Committee minutes, Job Meeting minutes no. 15 and gave a report on the Focus Groups that were held as part of the marketing research. Additional hand-outs were distributed including Construction Manager's Report, and staffing plan. A discussion ensued regarding the four fee scenarios prepared by the Marketing Consultant for the focus groups. The following suggestions were made: 1) rather than low-use times, refer to it as off-peak, 2) program discounts for members should apply to programs department-wide not just those that are held at the Community Center, 3) do not allow month to month memberships, but do allow monthly payments on an annual membership, and 4) eliminate the disabled category. D. Hoyle made the following motion, "Be it moved that the Recreation Advisory Committee strongly supports the use of the Community Center by all members of the community and people of all levels of ability. It is noted that great attention to detail with regard to accessibility issues have been made during design and ongoing construction of the building, such that the building is fully accessible. Therefore, equitable fees are considered appropriate from all ability groups. In the event that a person with a disability has a decreased earning potential, it is expected that they would qualify for a fee waiver and would be encouraged to apply for the same". The motion was seconded by C. Casa. Following further discussion, the motion passed unanimously. C. Vincente gave a brief update on the Lions Club Memorial Park and Southeast Park ongoing projects. RAC membership was discussed and staff has been given a name from the EOS guidance office who would be a good candidate to fill the vacancy left by M. Weston's graduation. C. Vincente will invite the student to the next meeting.
- E. Correspondence – Two correspondence items were acknowledged.
- F. Director's Report – Due to the lengthy discussion Community Center issues, C. Vincente noted that most of his report was covered under Old Business or will be discussed under New Business items He noted that computer training was occurring this week to upgrade the current registration software to handle membership. Also, web registration will be available with the upgrade and will be implemented with the Winter/Spring programs.
- G. New Business – Summer Quarterly Report was reviewed and C. Vincente noted the successful camp operation and acknowledged the efforts of J. O'Keefe and B. Stern for their supervision of summer programs. J. O'Keefe gave an update on fall programs and progress report on the preparation of the Winter/Spring brochure. D. Field and D. Cook discussed the meeting that was held with a representative of the Social Services Advisory Committee regarding fee waivers. The draft recommendations were reviewed. Some minor revisions were suggested and a follow-up meeting with SSA will be scheduled. The next meeting is scheduled for December 18th.

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**TOWN OF MANSFIELD
DEPARTMENT OF PUBLIC WORKS**

Lon R. Hultgren, P.E., Director

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CONNECTICUT 06268-2599
(860) 429-3331 TELEPHONE
(860) 429-6863 FACSIMILE

MEMORANDUM
11/3/99
Revised 12/11/02

TO: All Emergency Service Agencies working in Mansfield
(State Police, UConn Police, Town Police, Eagleville Volunteer
Fire Company, Mansfield Volunteer Fire Company)

FROM: Lon R. Hultgren, Director of Public Works

SUBJECT: *Emergency notification/call out of the
Mansfield Public Works Department*

Please copy and distribute or post this notice for future reference:

- I During regular working hours or during storms & emergencies when the Department is already mobilized and working; please call
 1. The Town Garage 429-3676 or 429-1483, or
 2. Tim Webb on his car phone 450-6629 or
 3. The Department of Public Works Administrative Offices 429-3331 or
 4. The State Police dispatch (Troop C) (860) 896-3200.

- II At all other times (when we are not working); please call in the following order:
 1. Tim Webb, Superintendent of Public Works (860) 763-3142 (home)
(860) 450-6629 (car phone)
 2. Scott Bacon, Road Foreman (860) 423-4164 (home)
 3. Lon Hultgren, Director of Public Works (860) 487-6604 (home)
(860) 450-6597 (car phone)
 4. Glenn Mooney, Grounds Crew Leader (860) 429-4353 (home)
 5. Jerry Mailhiot, Lead Mechanic (860) 684-7632 (home)
 6. Alvin Gobin, Equipment Operator (860) 429-8972 (home)
 7. Dave Heath, Equipment Operator (860) 455-0533(home)

As long as each person in the above list is contacted in sequence, he is authorized to take appropriate action on behalf of the Department.

As a rule of thumb, when notifying the Department about a road emergency from the road, call us on the air or contact the Troop C dispatch (who has this list) at (860) 896-3200.

cc: ✓ Martin H. Berliner, Town Manager; Mike Darcy, Resident State Trooper; John Jackman, Fire Marshal; Tim Webb, Superintendent of Public Works; Scott Bacon, Road Foreman; Glenn Mooney, Grounds Crew Leader; Jerry Mailhiot, Lead Mechanic; Alvin Gobin, Equipment Operator; Dave Heath, Equipment Operator; Superintendent of Schools-Mansfield/Region 19

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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Item #19

Memo to: Town Council
Conservation Commission
Open Space Preservation Committee
Parks Advisory Committee
Recreation Advisory Committee
From: Gregory J. Padick, Town Planner
Date: 12/17/02



Re: Windswept Manor subdivision, East Road, PZC file 1198

Pursuant to Section 13.2 of Mansfield's Subdivision Regulations, the above-referenced subdivision is referred to your agency for review. Any comments must be submitted to the PZC prior to the close of the Public Hearing on this application, which has been continued until February 3, 2003. Revised maps are expected to be submitted in late December/early January, and comments are requested prior to 1/30/02.

The subject subdivision seeks approval for 4 lots north of East Road, about 1,000 feet east of Route 195. Three of the lots would be accessed by a new Town road. I have attached a reduced portion of the subdivision plan with an indication of the planned open space dedication as described at a 12/16/02 Public Hearing. Full-size maps have been provided to the Parks and Recreation Department. Upon receipt of revised plans, I will forward more precise information. Please contact me at 429-3330 if you have any questions.

- Attach:
1. Subdivision application form
 2. Portion of submitted plans with proposed open space indicated
 3. Portions of Town Planner's 12/13/02 report (pp. 1 and 4)

file # 1198
filing date 10/5/02

MANSFIELD PLANNING & ZONING COMMISSION
APPLICATION FOR SUBDIVISION OR RESUBDIVISION APPROVAL

Name of subdivision Windswept Manor

Name of subdivider (applicant) Patricia Malek Phone # 860-779-7460
(please PRINT)

Address 120 Wauregan Road Danielson CT 06239
(street) (town) (state) (zip)

Signature _____ (owner _____)
(optionee) _____ Date _____

OWNER (IF OTHER THAN SUBDIVIDER)

Name _____ Phone # _____
(please PRINT)

Address _____
(street) (town) (state) (zip)

X Signature Patricia A. Malek Date 10/29/02

FEES -- See Town Council-approved Fee Schedule and
Eastern Highlands Health District Plan Review Fee Schedule

SUBDIVISION DATA

Location: East Road, Mansfield, CT.

Zoning district R1R-90 Total # of acres 14.802 ± acres
Total # of lots 4

EXTENSION OF TIME

Pursuant to Section 8-26d, subsection (b) of the Connecticut General Statutes, the undersigned applicant hereby consents to an extension of time within which the Planning and Zoning Commission is required by law to approve, modify and approve or disapprove a subdivision plan known as

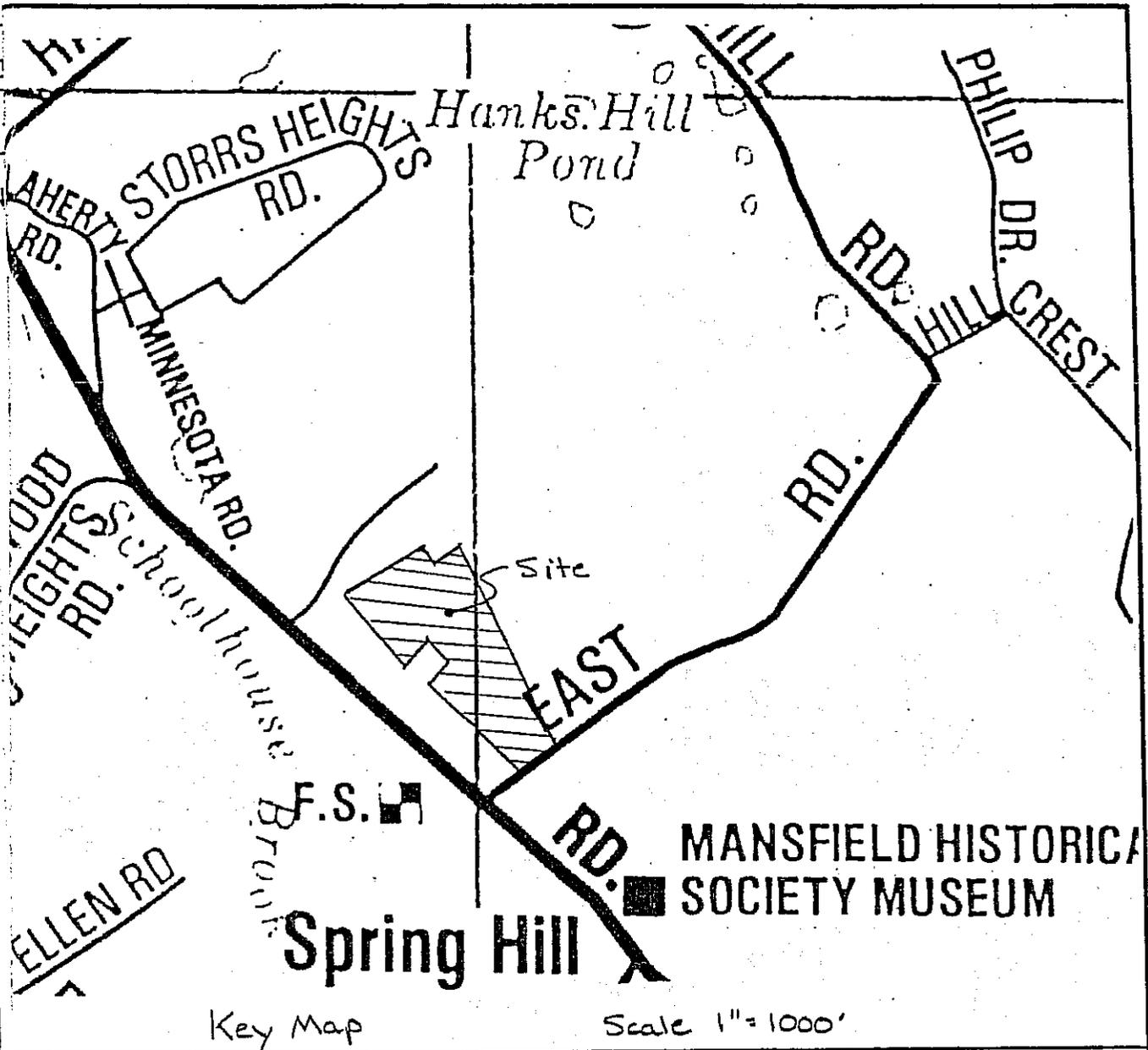
Windswept Manor
and located at/on East Road, Mansfield, CT.

It is agreed that such extension of time shall not exceed 65 days and it is understood that this extension of time is in addition to the first 65-day period after the receipt of the application by the Planning & Zoning Commission.

X Signature Patricia A. Malek Date 10/29/02
1/01

Attachments

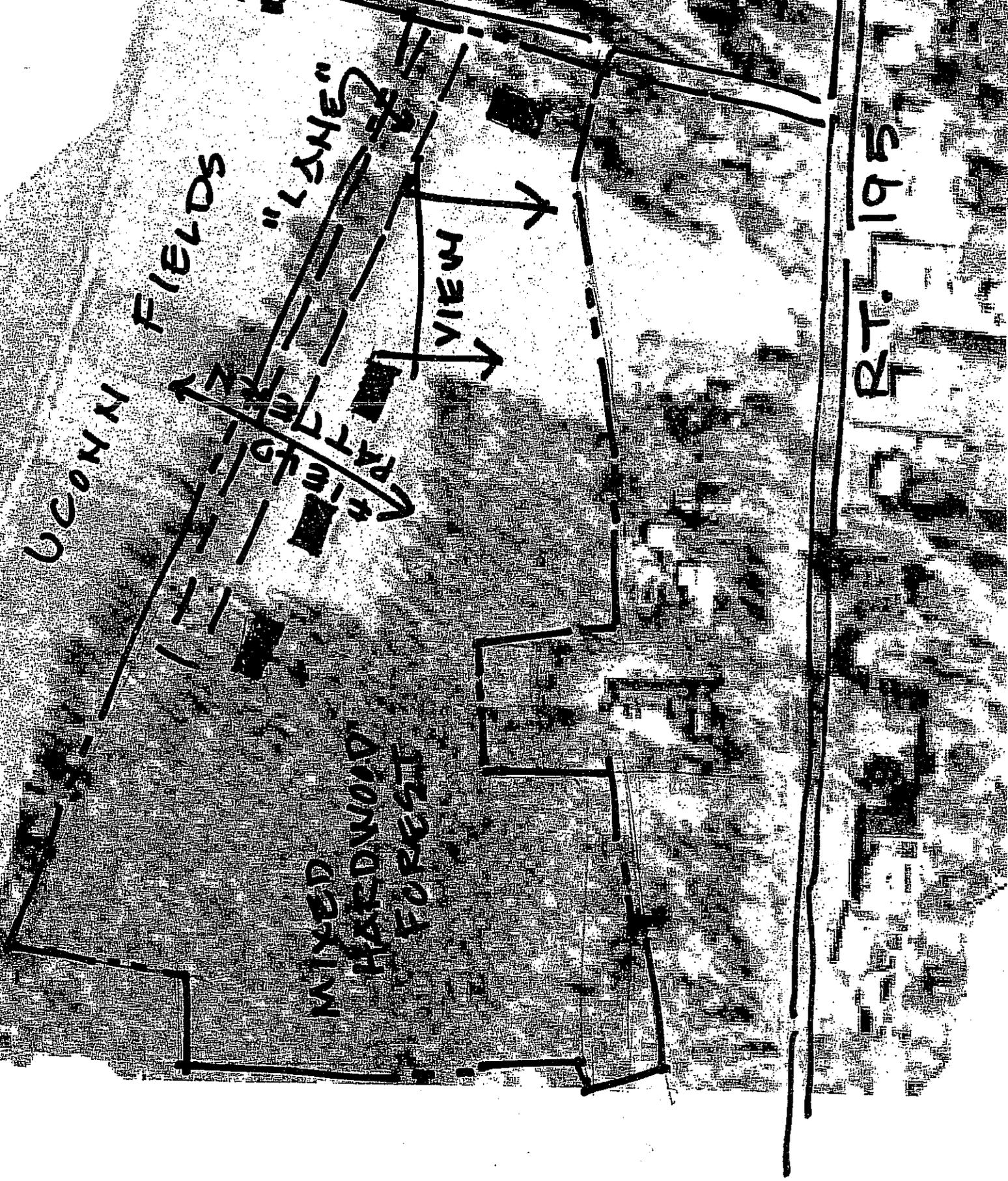
WINDSWEEP MANOR



LOT DATA

	LOT #1	LOT #2	LOT #3	LOT #4
AREA (s.f.)	90,957	90,500	120,356	285,527
AREA (ACRES)	2.088	2.078	2.763	6.555
FRONTAGE (ft.)	549.68	219.46	200.00	383.47
CONTI. AREA (S.F.)				
OUTSIDE WETLANDS	90,957	86,160	41,121	128,284
LOT COVERAGE (%)	2.60	2.65	2.00	0.80
ZONING DISTRICT	RAR-90	RAR-90	RAR-90	RAR-90
FLOOD ZONE (FIAM)	N/A	N/A	N/A	N/A
ASSESSOR'S INFORMATION	P.213 MAP 23 BLOCK 62 LOT 1-1			

MAP 23 BLK 62 LOT 22



V
TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, TOWN PLANNER

Memo to: Planning & Zoning Commission
From: Gregory J. Padick, Town Planner
Date: 12/13/02



See sheet 4. for
Open Spine Comments

Re: Windswept Manor subdivision, East Rd., file 1198

General

The following comments are based on the applicant's submissions (including a 6-page set of subdivision plans dated 7/18/02 as revised through 10/4/02 as prepared by Filip Associates, a road construction estimate and 10/16/02 drainage report), an onsite visitation, and consideration of applicable subdivision and zoning regulations.

The subject application seeks approval to divide 14.8 acres of land into four (4) lots ranging in size from 2.01 to 6.6 acres. The subdivision is located on the northerly side of East Road, and is in an RAR-90 zone. The proposal includes 1 lot with frontage and access from East Road and 3 lots with frontage and access from a proposed new road, Windswept Lane. The subject site is a mix of open field and woodlands and contains areas of inland wetland soils. A wetland license with conditions was granted by the Inland Wetland Agency on 9/3/02. The property is not within designated flood hazard or stratified drift aquifer areas, and it is within the watershed of the Willimantic Reservoir. The southern portion of the site is within the Spring Hill Historic District. The site is relatively flat.

The submitted plans detail the proposed construction of a 1,050 foot long cul-de-sac street that will be deeded to the Town. The street has a proposed width of 24 feet and a roadside swale drainage system that will discharge at each end of the road. The proposal includes 4.2 acres of proposed conservation easement areas on Lots 3 and 4. The applicant's submissions provide more details about the subject site and proposed subdivision.

To date, no comments have been received from abutting property-owners. Based on comments raised in this report and the Ass't. Town Engineer's report, it appears likely that the Public Hearing will be continued to obtain additional information. The PZC can only keep the Public Hearing open for 35 days unless an additional 35-day period is authorized in response to a request by the applicant due to a desire to modify the plans or provide supplemental information for the PZC's consideration. Due to the forthcoming holiday period and the amount of information deemed necessary, and continuation should be to the PZC's second January meeting or first February meeting. The applicant is advised to request an additional 35-day extension period at the 12/16/02 meeting in order to provide adequate review and comment time.

Sanitary

- See report from Eastern Highlands Health District.
- The proposed lots would be served by individual well and septic systems that have been designed for four-bedroom homes. The subdivision plan notes that all septic systems require engineered designs and specific septic details have been incorporated onto the subject plans. The specific designs are required, due to a high water table on the property (mottling at 18 inches).

Road/Drainage/Driveways

- See report from Ass't. Town Engineer. More drainage and sightline information has been requested.
- As noted, the proposal includes the construction of 1,050 feet of 24 foot-wide roadway to be deeded to the Town. Three of the new lots would have driveways from the new road. The proposed roadside swale drainage systems would discharge storm water into riprap areas at each end of the roadway. A 6-inch underdrain proposed along the eastern edge of the road would connect to the drainage outlets. Easements to the Town are proposed at each discharge area. The proposed roadway would be relatively flat and would follow the existing contours of the land. The new road is situated at the eastern edge of the property. The plan indicates that two hundred feet of sightline would be provided at the East road intersection. It must be determined that all road construction and drainage elements of the plans are in conformance with the Town's Public Works standards and all applicable subdivision regulations. The current plans are unclear on the eventual path of stormwater

East Road. The current plan does not include any portion of Lot 1 within a conservation easement area. Any approval also must reference the need for a Certificate of Appropriateness for work within the Historic District. The PZC also may want to refer this application to the Historic District. No scenic views are indicated on the plans as required by Section 6.5.i.4. The open field areas of Lots 1 and 2 have significant views to the west and these areas are readily usable from offsite. This issue should be addressed by the applicant.

- The plan depicts existing stone walls along the proposed new road and along portions of the perimeter boundary. It appears that the existing walls are to be preserved, but this should be clarified on the plans.

→ Open Space/Recreation

- As per regulatory provisions, the proposal must be referred to the Town Council, Conservation Commission, Open Space Preservation Committee, Parks Advisory Committee and Recreation Advisory Committee. This has not yet taken place, in part because of the lack of information contained in the current submittal. Assuming that the Public Hearing will be continued, the applicant should be asked for an anticipated timetable for submitting revised plans.
- To address regulatory provisions regarding open space dedication, the applicant has proposed the dedication of a 4.2-acre conservation easement area in Lots 3 and 4. This area is predominantly wetland soils within wooded portions of the property, but it does not include all wetland areas. A draft conservation easement has not been submitted.
- Section 13 provides criteria for judging the suitability of an open space dedication. The PZC must make a final determination based on the criteria and standards of Sec. 13, particularly subsection 13.1.2. Sec. 13.3 specifies that the character of proposed open space with respect to physical limitations can be required to match the overall site characteristics. Any approval motion should require the perimeters of all open space areas to be delineated with the Town's official medallions every 50 to 100 feet.
- Mansfield's Overall Plan of Development map depicts the entire property in either Historic Village (western portion) or agricultural preservation (eastern portion) classifications. The site does not abut any existing open space.
- A review of the current open space proposal cannot be appropriately addressed with respect to approval criteria without supplemental information cited in this report. The required assessment by the project landscape architect is considered important information for consideration of an appropriate open space dedication. Based on information reviewed to date, it appears that open space areas should be considered on Lots 1 and 2 in association with scenic view and historic impact issues.
- Any approval motion should require the deeds for open space dedications to be finalized before maps are signed.

Other

- Abutter notification requirements have been met, pursuant to Sec. 6.12.11.
- The applicant should verify that the submitted survey is tied to the CT Plane Coordinate System of 1983, as per requirements of 6.5.b.
- Final plans need to be submitted in digital format, as per the requirements of Sec. 6.3.g.
- An approval block is needed on sheets 4 and 6, as per Sec. 6.5.s.
- Proposed lots must be identified in the location map, as per Sec. 6.5.a.
- A soil scientist needs to sign final plans, as per Sec. 6.3.d, and all responsible professionals should be identified in the title block, as per Sec. 6.4.
- Subject to resolution of identified subdivision issues, any approval motion should address the filing requirement of Sec. 6.12.6. Upon resolution of current issues, I will draft a condition to address this requirement.

Summary

Within this report I have identified numerous issues and recommended map revisions that need to be addressed by the applicant and resolved to the PZC's satisfaction. Other issues may be raised by other referral reports. The Public Hearing must either be continued to either the second meeting in January or the first meeting in February, to allow time for submission of revised plans, application referrals and review time. To provide adequate Public Hearing and review time, a continuation would only be considered appropriate if the applicant submits in writing a request for a 35-day extension of the Public Hearing period. Alternatively, the application could be

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Dear Mansfield Taxpayer:

In recent years requests have been made to have reminder notices sent for the Real Estate payments due in January, so this year, we have done so. If you have a bank or a mortgage company that will be sending your January 2003 installment please ignore this reminder.

NEW PROGRAM – CREDIT CARD PAYMENT OPTION

For a moderate convenience fee, taxpayers may now pay their bills with a major credit card through: **Official Payments Corp.**

To pay by Touch Tone Telephone:
Call 1-800-272-9829 (1-800-2PA-YTAX)

To pay by Website:
Go to www.officialpayments.com

1. Select Option 3;
2. Enter Jurisdiction Code 1734;
3. Follow the messages in entering
4. Enter your credit card info;
5. Wait for a confirmation number and record it.

1. Select "local payments" and enter your zip code;
2. Enter the necessary info;
3. Enter your credit card info (exclude dashes in your credit card number)
4. Submit the payment.

SCHEDULE OF CONVENIENCE FEES TO BE PAID BY CITIZENS

PAYMENT AMOUNT

FEES

From	To	
\$.01	\$ 49.99	\$ 3.00
50.00	99.99	5.00
100.00	199.99	7.00
200.00	299.99	10.00
300.00	399.99	12.00
400.00	499.99	15.00
500.00	599.99	18.00
600.00	699.99	21.00
700.00	799.99	24.00
800.00	899.99	27.00
900.00	999.99	30.00
1,000.00	9,999.99	3% of the payment amount
10,000.00	and higher	2.5% of the payment amount

This is a brand new program and I would be pleased to hear your comments if you choose to use it.

Sincerely,

Pamela Wells, CCMC
Collector of Revenue

December, 2002

Dear Mansfield Taxpayer:

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This is a brand new program and I would be pleased to hear your comments if you choose to use it.

Sincerely,

Pamela Wells, CCMC
Collector of Revenue



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION Item #21

December 5, 2002

Town of Windham Water Works
174 Storrs Road
Mansfield Center, CT 06250
Attn: Jim Hooper

PERMIT NO.: DIV-95-17
TOWN: Windham
WATERS: Natchaug River

The Commissioner of Environmental Protection has approved your application to conduct certain regulated activities. Your attention is directed to the conditions of the enclosed permit. You should read your permit carefully. Construction or work must conform to that which is authorized.

If you have not already done so, you should contact your local Planning and Zoning Office and The U. S. Army Corps of Engineers to determine local and federal permit requirements on your project, if any. Write the Corps' New England District, Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751; or call (978)318-8372.

If you have any questions concerning your permit, please contact staff in the Inland Water Resources Division at (860)424-3019.

Sincerely,

Denise Ruzicka
Assistant Director
Inland Water Resources Division

COPIES FURNISHED TO:

All Parties
Mayor/First Selectman
Conservation Commission
Inland Wetland Agency

DEP Inland Fisheries
DPH Water Supply Section
U. S. Army Corps of Engineers
Planning & Zoning Commission



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PERMIT



PERMITTEE: Town of Windham Water Works
174 Storrs Road
Mansfield Center, CT 06250
Attn: Jim Hooper

PERMIT NO.: DIV-95-17
TOWN: Windham
WATERS: Natchaug River

Pursuant to Connecticut General Statutes section 22a-368, the Town of Windham Water Works (the "permittee") is hereby authorized to divert the waters of the state at 174 Storrs Road in the Town of Mansfield (the "site") in accordance with permittee's application dated December 19, 1995 and addendum dated March 7, 2002 originally filed with this Department December 18, 1995 and described herein. The purpose of the diversion is to maintain a safe and reliable public water supply.

AUTHORIZED ACTIVITY

The permittee is authorized to withdraw a maximum not to exceed 4.1 million gallons in any twenty four-hour period from the Willimantic Reservoir in accordance with the documentation submitted as a part of the application.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

SPECIAL CONDITIONS

- 1. Installation/Maintenance of Source Water Meter to Documentation of Water Withdrawals.** Within one hundred and twenty days of issuance of this permit, the permittee shall install a totalizing flow meter to measure the total amount of water withdrawn directly from the Willimantic Reservoir and shall for the duration of this permit continuously operate and maintain such meter(s). In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.
- 2. Source Water Meter Testing and Calibration.** In accordance with the manufacturer's specifications, the permittee shall annually test and calibrate the source meter identified above in special condition 1 to within two percent accuracy as shown through a post-calibration test, and shall submit the results of the accuracy test and calibration for the preceding year annually to the Commissioner no later than January 15 of each year.
- 3. Annual Report of Water Withdrawals.** The permittee shall maintain a record of daily meter readings, recording the amount of water withdrawn daily from the Willimantic Reservoir. On or

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<http://dep.state.ct.us>

An Equal Opportunity Act P.222

before January 15 of each year, the permittee shall submit to the Commissioner for his review, a copy of such record as it applies to all records of daily meter readings for the preceding calendar year.

Such record shall be signed by the permittee and the individual(s) responsible for actually preparing such record, each of whom shall certify in writing in accordance with general condition 11.

4. **Annual Report of Reservoir Levels.** The permittee shall maintain a record of daily reservoir elevations, recording the water elevation relative to the spillway elevation at the Willimantic Reservoir dam. On or before January 15 of each year, the permittee shall submit to the Commissioner for his review, a copy of such record as it applies to the records of daily reservoir elevations for the preceding calendar year.

Such record shall be signed by the permittee and the individual(s) responsible for actually preparing such record, each of whom shall certify in writing in accordance with general condition 11.

5. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall report same in writing to the Commissioner. Such report shall include the following information:

- a. the provision(s) of this permit that has been violated;
- b. the date and time the violation(s) was first discovered and by whom;
- c. the cause of the violation(s), if known;
- d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
- f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

"I have personally examined and am familiar with the information submitted in this document, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute."

6. **Water Conservation Plan.** Annually no later than January 15 of each year after the date of this permit and for the duration of the permit, the permittee shall submit for the Commissioner's review and written approval a summary of all actions taken during the previous year and to be taken in the following year pursuant to its water conservation plan.
7. **Leak Detection.** Every five years, based upon the schedule below, the permittee shall conduct a system wide comprehensive leak detection survey of the water distribution system and repair any leaks found. The leak detection survey shall follow standards and criteria contained within AWWA Manual M36 as may be amended or revised. No later than January 15, of the following year, the permittee shall report to the Commissioner of all actions taken pursuant to the leak detection survey, including the number of mile of main surveyed, survey techniques and methodology, leaks found and repairs made. The permittee shall undertake such leak detection surveys on or before November 1, 2006; November 1, 2011; November 1, 2016; November 1, 2021, and November 1, 2026.
8. **Stream Flow Measurements.** Within thirty (30) days of receipt of an invoice from the Department, the permittee shall annually remit to the Department payment for funding of the equivalent of one half of the annual operation and maintenance costs of one USGS streamflow gaging station near Willimantic, CT.

GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State

Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on August 1, 2027.
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the

permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."

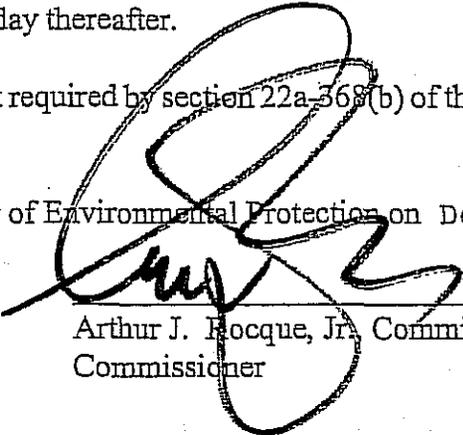
12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director
DEP/Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on December 5, 2002.



Arthur J. Rocque, Jr. Commissioner
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Item #22

December 9, 2002

Mr. Lon R. Hultgren
Director of Public Works
Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268-2599

RE: Town of Mansfield, Bulky Waste Landfill, Warrenville Road
Application No. 200202991

Dear Mr. Hultgren:

By this letter, the Department is notifying you that it has made a tentative determination to approve the Town of Mansfield's application for a modification of the closure plan for the referenced landfill, submitted pursuant to Section 22a-208a of the Connecticut General Statutes (CGS).

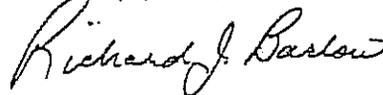
Pursuant to Section 22a-6h of the CGS, you must publish this Notice of Tentative Determination once in a newspaper having general circulation in the area affected by your application. The form and content of the notice are set forth by the Department in the attached document. You must use this format. You must also submit to the Commissioner a certified copy of the notice as it appeared in the newspaper within fifteen (15) days of the date of publication. Your permit will not be processed further until the Commissioner receives a certified copy of the notice as published.

Please send a certified copy of the published notice to:

David McKeegan
Department of Environmental Protection
Bureau of Waste Management, Engineering and Enforcement Division
79 Elm Street
Hartford, CT 06106-5127

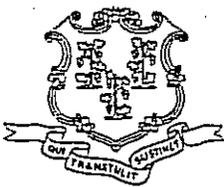
If you have any questions concerning these public notice requirements, please contact David McKeegan of the Waste Engineering and Enforcement Division at (860) 424-3313.

Sincerely yours,



Richard J. Barlow
Chief
Bureau of Waste Management

RJB:DKM:dm
enclosure
cc: Martin Berliner, Town of Mansfield



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



NOTICE OF TENTATIVE DETERMINATION

The Department of Environmental Protection hereby gives notice it has made a tentative determination to approve the following application submitted under section 22a-208a of the Connecticut General Statutes.

Application No.: 200202991
Applicant's Name and Address: Town of Mansfield
4 South Eagleville Road
Mansfield, Connecticut 06268-2599
Contact Name and Phone No.: Lon R. Hultgren, Director of Public Works
(860) 429-3331
Type of Permit: Modification and closure approval
Type of Facility: Solid Waste Disposal Area
Facility Location: Warrenville Road (Route 89), Mansfield, CT

Specifically, the applicant proposes to close the bulky waste landfill at an elevation that is approximately ten feet lower than the elevation approved in the existing permit to construct.

Interested persons may obtain copies of the application from Lon R. Hultgren, Director of Public Works, Town of Mansfield, 4 South Eagleville Road, Mansfield, CT, who is the authorized representative for the applicant on this matter. The application is available for inspection at the office of the Department of Environmental Protection, 79 Elm Street, Hartford, CT. from 8:30 a.m. - 4:30 p.m. Monday through Friday. All interested persons are invited to express their views on the tentative determination concerning this application.

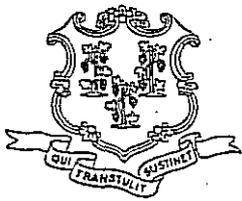
Written comments on the application should be directed to David A. Nash, Director, Waste Engineering and Enforcement Division, Bureau of Waste Management, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, no later than thirty (30) days from the publication date of this notice.

The Commissioner shall hold a hearing on this application if he receives a petition signed by twenty-five (25) or more persons or if he determines there is significant public interest in the application.

Date 12-9-02

Richard J. Barlow
Chief
Bureau of Waste Management

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION Item #23



REC'D DEC 12 2002

December 6, 2002

Martin H. Berliner
Town Manager Town of Mansfield
Four South Eagleville Road
Mansfield, Connecticut 06268

Dear Mr. Berliner:

It is with great pleasure that the Department of Environmental Protection, as part of our celebration of America Recycles Day 2002, has selected the Town of Mansfield to be formally recognized for its outstanding recycling program. The environmental and economic benefits realized by your town's recycling efforts not only benefit the Town of Mansfield directly, but extend beyond the limits of your town borders. Mansfield has demonstrated how to think globally and act locally.

We are hopeful that the effectiveness, efficiency, enthusiasm and innovation which characterize Mansfield's recycling efforts will provide a model and an incentive for other Connecticut municipalities as they continue to promote and improve their recycling programs.

We cordially invite you, Mansfield's recycling coordinator, and other town officials to join us for the awards ceremony which will take place at 11 am on Tuesday December 17, 2002, in the Russell Room on the third floor of the DEP headquarters at 79 Elm Street in Hartford.

Please RSVP to Judy Belaval at (860) 424-3237 by December 13th, to let us know how many people from your town will be attending the ceremony.

Congratulations and **KEEP ON REDUCING, REUSING, and RECYCLING.**

Sincerely,



Jane K. Stahl
Deputy Commissioner

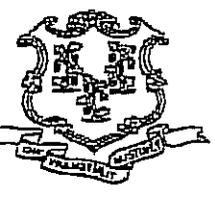
cc Virginia Walton, Mansfield Recycling Contact
JKS/JC/JB

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Celebrating a Century of Forest Conservation Leadership

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Item #24

79 ELM STREET HARTFORD CONNECTICUT 06106
PHONE: (860) 424-3101



Arthur J. Rocque, Jr.
Commissioner

December 9, 2002

12-11 L-Rocque
Opinion

Mr. Ron Robillard
Editor
Willimantic Chronicle
P.O. Box 148
Willimantic, Connecticut 06226

Dear Mr. Robillard:

Now that the dust has settled on the Separatist Road detention basin at the University of Connecticut and the permits have been issued, I am writing to set the record straight. Much has been written and more said during the "debate" over this project but not all of it has been accurate.

The failure to seek proper permits and the disputes over design choices in those permits has been unfairly attributed to the University with some suggesting that such was evidence of the University's lack of seriousness about their environmental stewardship responsibilities. In fact, the initial failure to seek permits and the subsequent missteps over the timing of corrective action was the direct result of bad advice given them by my staff. While this was neither malicious in intent nor deliberate, the University has unfairly borne the burden of guilt in the minds of some in both the community and the press.

It is not my intent to malign my own staff. Honest, hardworking, well-qualified people do occasionally make mistakes. That such things happen, however, is no excuse for the community at large or its more outspoken citizens to fail to place the blame where it rightfully belongs. While the University may make mistakes, the issues surrounding permitting and corrective action for the detention basin should not be counted among them.

Sincerely,

Arthur J. Rocque, Jr.
Commissioner

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STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT

Item #25

December 6, 2002

Dear Member of the General Assembly:

Re: Deficit Mitigation Plan

As you are aware, the budget that was adopted for the current fiscal year is seriously out-of-balance. As of November 20, 2002, the Office of Policy and Management was estimating that the state will end the year with a deficit of \$391.0 million. The legislature's Office of Fiscal Analysis is projecting a deficit of approximately \$496 million.

Last night, Governor Rowland indicated that he was prepared to submit a deficit reduction plan and have that plan considered by the General Assembly in a Special Session later this month. Attached you will find the Governor's plan to close the FY'03 deficit. Today, the Governor has filed the necessary paperwork with the Secretary of State to call the General Assembly into a Special Session on December 18, 2002.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marc S. Ryan'.

Marc S. Ryan
Secretary

Governor Rowland's "Balanced Budget Plan" Summary

Estimated Deficit - 11/20/02	\$ 390.9
Labor Concession Lapse	<u>94.0</u>
Total	484.9
Spending Reductions	201.1
Revenue Loss Due to Spending Reductions	(6.6)
Revenue Increases	203.8
Achieving the \$94M in Union Concession Lapses	<u>94.0</u>
Total	492.3
Estimated Balance 6/30/03	<u>\$ 7.4</u>

Governor Rowland's "Balanced Budget Plan"

<i>Spending Reductions (In Millions)</i>	<u>Gross Savings</u>
	\$
Legislative Management	
Eliminate CTN	0.750
Office of Policy & Management	
PILOT-New Manufacturing Machinery & Equipment	20.000
Eliminate Drug's Don't Work	0.085
Eliminate LEAP	0.901
Eliminate Children and Youth Program Development	0.217
Eliminate Justice Assistance Grants	0.699
Eliminate Neighborhood Youth Centers	0.580
Eliminate Boys and Girls Club	0.087
Eliminate Drug Enforcement Program (OTLG)	0.692
Eliminate Drug Enforcement Program (PTLG)	2.675
Eliminate Waste Water	0.237
Department of Public Safety	
Reduce Fleet Purchase	1.600
Department of Public Health	
Reduce Children's Health Initiatives	0.220
Eliminate Tobacco Education	0.084
Eliminate CT Immunization Registry	0.091
Reduce Children with Special Health Care Needs	0.051
Reduce Community Health Services	2.600
Reduce Emergency Medical Services Regional Offices	0.025
Reduce Genetic Diseases Program	0.027
Reduce School Based Health Clinics	0.591
Department of Mental Retardation	
Reduce Personal Services - Overtime	1.000
Department of Mental Health & Addiction Services	
Eliminate Regional Action Councils	0.191
Reduce General Assistance Managed Care	10.000
Eliminate Governor's Partnership	0.164
Department of Social Services	
Children's Health Council	
Eliminate support for Children's Health Council	0.572
State Food Stamp Supplement	
Eliminate State Food Stamp Supplement program	0.700
HUSKY Program	
Freeze HUSKY B enrollment	0.500
Medicaid	
Eliminate HUSKY Adults	12.000
Address reimbursement levels for home health nurses	3.000
Institute a prescription co-pay of \$1 for Medicaid fee-for-Service	1.100
Reduce dispensing fee from \$3.85 to \$3.50	1.200
Reduce reimbursement from AWP-12% to AWP-13.5%	2.900
Eliminate Presumptive Eligibility	1.400
Eliminate Continuous Eligibility	0.800
Eliminate self-declaration provisions at application and re-determination	
Eliminate Guaranteed Eligibility	1.200
Institute a co-pay of \$1 under Medicaid Fee for service for certain services	1.650
Aid to the Aged, Blind and Disabled	P.235
Eliminate pass-through of federal SSA COLA	0.473

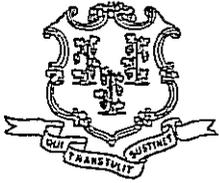
<i>Spending Reductions (In Millions)</i>	<u>Gross Savings</u>
	\$
Temporary Assistance to Families - TANF	
Limit the number of extensions under TFA	0.765
Connecticut Pharmaceutical Assistance Contract to the Elderly	
Limit ConnPACE prescriptions to 30 day supply	2.100
Increase co-pay for all ConnPACE enrollees from \$12 to \$15	1.800
Institute an asset test for ConnPACE enrollees	0.550
Safety Net Services	
Reduce Safety Net appropriation by half	1.672
Transitory Rental Assistance	
Reduce TRAP appropriation by half	0.566
Child Care Services - TANF/CCDBG	
Reduce Income eligibility for Transitional Child Care from 75% SMI to 50% SMI	0.614
Human Resource Development Accounts (Including HRD-Hispanic)	
Reduce HRD appropriations by half	1.602
DSH - Urban Hospitals	
Increase Hospital DSH	(12.900)
State Administered General Assistance	
Eliminate SAGA	23.360
State Library	
Reduce Basic Cultural Resources Grant	0.126
Reduce Support Cooperating Library Services Units	0.300
Eliminate CT Educational Telecommunications Corp	0.217
Department of Higher Education	
Reduce Minority Advancement	0.124
Reduce National Service Act	0.100
Department of Children and Families	
Personal Services	
Eliminate Certain functional areas/reduce staffing	0.170
Reduce Other Expenses	0.191
Grants to Psychiatric Clinics for Children	
Reduce Child Guidance Clinic funding which has failed to reduce waiting lists	0.240
Board and Care for Children - Adoption	
Eliminate COLA for adoptions payments	0.351
Reduce Various Uncommitted Funds	0.921
Council to Administer Children's Trust Fund	
Reduce Children's Trust Fund	0.285
Department of Transportation	
Reduce Town Aid Road	12.500
Mashantucket Pequot and Mohegan Fund	
Reduce Grants to Towns	50.000
Other Reductions	
Allotment Rescissions	27.900
Manager's Early Retirement Plan	4.500
"Surplus" that could be used to offset current year Deficit	<u>12.000</u>
Total Spending Reductions	\$ 201.117

Governor Rowland's "Balanced Budget Plan"

Revenue Increases (In Millions)

<u>Tax Type & Description</u>	<u>Effective Date</u>	<u>Fiscal 2002-03</u>	<u>Fiscal 2003-04</u>	<u>Fiscal 2004-05</u>
<u>Income Tax</u>				
Millionaires Tax @ 5.5% - Introduce a third tax bracket of 5.5% on all incomes above \$1 million. In CY 2001, approx. 6,425 returns fell into this category.	1/1/2003	\$ 90.1	\$ 163.9	\$ 168.8
Property Tax Credit - Phaseout the remaining \$100 under the property tax credit	1/1/2002	12.0	12.1	12.2
<u>Sales and Use Tax</u>				
Computer & Data Processing - Increase rate to 3% and maintain rate indefinitely.	2/1/2003	8.1	20.5	32.4
Reduce clothing & footwear exemption from \$75 to \$50. MA: \$175, RI: Tax Free, NY: \$110	2/1/2003	13.6	33.6	35.3
<u>Cigarette Tax</u>				
Increase the per pack tax from \$1.11 to \$1.51. MA: \$1.51, RI: \$1.32, NY: \$1.50	2/1/2003	31.4	73.5	71.7
Floor tax on the above	2/1/2003	6.6	-	-
Additional Sales Tax Collections on the above	2/1/2003	2.0	4.8	4.7
<u>Real Estate Conveyance</u>				
Increase rate on transfers between \$300,000 to \$800,000 from 0.5% to 1.0% and for transfers greater than \$800,000 1.0% to 2.0%. Increase the rate on commercial property from 1.0% to 2.0%.	2/1/2003	20.0	50.0	50.0
<u>Oil Companies Tax</u>				
Suspend Oil Companies Transfers to the Special Transportation Fund.	1/1/2003	20.0	-	-
Grand Total - General Fund		<u>\$ 203.8</u>	<u>\$ 358.4</u>	<u>\$ 375.1</u>

STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT



Mr. Martin H. Berliner
Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268-2599

December 27, 2002 **REC'D DEC 30 2002**

Dear Mr. Berliner:

This is in response to your application for funding under the Drug Enforcement Program (DEP), which you submitted to OPM in March of this year. I regret to inform you that your municipality will not receive a DEP grant for FY 02/03.

Unfortunately, the state's fiscal crisis has required a significant reduction in DEP funding, and as a result a new system to allocate the grant funds was necessary. These new regulations were recently approved by the Legislature. Our goals were to concentrate the limited funds on those municipalities, large and small, that were the most impacted by drugs, and also to avoid a proliferation of very small grants, which are relatively ineffectual and costly to administer.

Over the years much has been accomplished through this grant program and through our partnership, making these changes difficult for all. Should funding levels for DEP change, or as other federal and state funding streams provide us the opportunity to partner, please know that we will always value your insight and leadership, and expect that public safety will benefit greatly from us continuing to work together.

The staff at OPM appreciates your patience with this year's delayed funding decisions, and stand ready to answer any questions you may have. Should you be interested, the new regulations and budget information are or will soon be available on the OPM website, www.opm.state.ct.us, or you may contact Jack Bates at (860) 418-6210.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Mattiello", written over a horizontal line.

Brian Mattiello
Under Secretary

CC:
Financial - Mr. Jeffrey Smith
Education - Ms. Janit P. Romayko, L.C.S.W.

DEP0203-078

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MEMORANDUM

To: All First Selectman and Mayors
 From: Secretary of the State Susan Bysiewicz
 Re: New Federal Legislation H.R. 3295 "The Help America Vote Act 2002"
 Date: December 17, 2002

This memorandum is intended to provide you with a brief overview of the major highlights in H.R. 3295, "The Help America Vote Act 2002", sponsored by Connecticut Senator Christopher Dodd and signed by President Bush on October 29, 2002.

The Help America Vote Act is Federal Law and, as such, is binding on all states and municipalities within the United States. The intent of the Help America Vote Act is to improve election administration in all states and municipalities and to address some of the issues surrounding voter fraud. Given the role that you play in Connecticut's local election administration process, it is vital that my Office and municipalities work together toward successful implementation of this federal law. I have already met with Connecticut's town clerks and registrars of voters regarding this federal law and will be providing them with written guidance for implementation of the various provisions.

While Congress has not yet appropriated funding to the states in order to implement the Help America Vote Act, it will be the first order of business when Congress returns in January. As the Chief Election Official for the State of Connecticut, I am responsible for the receipt and distribution of federal funds through the Help America Vote Act. Adequate federal funding is vital if Connecticut and its municipalities are to successfully implement the provisions required in the Help America Vote Act.

Please note: The highlights of the Help America Vote Act 2002 listed below contain the initial interpretations of the Act by my Office. These interpretations may change as the Federal Government issues more detailed regulations reflecting their own interpretation of the Act.

Some of the highlights of the Help America Vote Act 2002 are:

- 1) The Act establishes new voting system standards. These new standards appear to make the current lever voting machine used in almost every municipality obsolete. The Act provides for replacement of existing voting machines that do not comply with these new standards.

- 2) The Act establishes provisional ballot voting by those persons who claim to be registered in a jurisdiction but are not on the Official Registry List or are alleged to be ineligible to vote. The provisional ballot requirements would be in addition to our current challenge ballot requirements. The difference between the two ballots is that a challenge ballot is counted only by court order, whereas a provisional ballot can be counted and included in the election return.
- 3) The Act establishes a centralized voter registration system for all towns within Connecticut. The current version of the State of Connecticut's Centralized Voter Registration System does not include all 169 towns in Connecticut. The Help America Vote Act requires that all towns participate on the system by January 1, 2004.

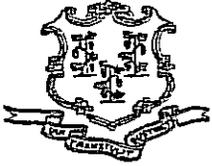
For those towns currently participating on the centralized voter registration system, you will be receiving information regarding the roll-out of the new "browser-based" version of the system in the near future. It is our intention that this new system will assist your local election officials in administering future elections and will be in place for the 2003 municipal elections.

For those towns not participating currently on the centralized voter registration system, you will be receiving information and instructions on the process of joining the system. These instructions will include a time for installation and instruction for the new system. We have also included with this mailing a contract which needs to be executed in order for your town to receive free computer hardware to utilize with the centralized voter registration system. Should your town decide not to execute this contract, we will install the system on your existing computer hardware.

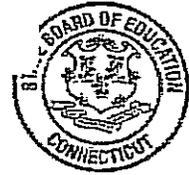
Congress has given enforcement powers to the United States Attorney General who may institute a cause of action against any state or municipality who does not comply with any section of this legislation.

Thank you all for your time and commitment. We look forward to working with you in the future. If you have any questions concerning this mailing or implementation of the Help America Vote Act, please contact Ted Bromley, Elections Division Staff Attorney at (860) 509-6100.

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THE BOARD REPORT



2002-2003: Issue 3

November–December 2002

The following is a summary of the November 6, 2002, and December 4, 2002, meetings of the State Board of Education.

SUCCESSFUL PRACTICES: REPORTING ON ACHIEVEMENT GAPS

**Danbury Public Schools
Middletown Public Schools**

Danbury

William Glass, Acting Superintendent of the Danbury Public School System, stated that the first step in closing achievement gaps is identifying where they exist and what causes them. Data reveal how schools compare with others within the school system and with the state as a whole, and are reported to the community. Mr. Glass described the "Learning Tree" model used by the Danbury school system. The model is linked to the state curriculum frameworks and national standards, and represents the whole educational experience of students. The leaves of the tree focus on subject matter (exit outcomes at various grade levels); the trunk focuses on habits for lifelong learning; and the roots represent the attitudes and attributes of learners.

Grade Level Learning Guides are provided to teachers at each grade level, and serve as an outline of what students should know and be able to do at the end of the school year. These benchmarks build upon the standards from the previous grade level, leading to a vertical curriculum alignment. Principals rely on a Learning Guide Toolbox, an instructional monitoring guide, which supports the concept of "principal as instructional leader." Achievement is reported by subgroups to clearly illustrate progress in closing identified gaps.

The school system has developed an academic profile system that allows teachers to track individual progress on a longitudinal basis for each student. Relying on a diagnostic prescriptive model, teachers can continuously "diagnose" student performance and "prescribe" an educational experience that meets the student's individual educational needs. *(Danbury, continued on page 3)*

Middletown

Carol Parmelee Blancato, Superintendent of the Middletown Public School System, introduced Sally Boske, Chairperson of the Middletown Board of Education. Mrs. Boske explained the Board's concern with the underrepresentation of minority and female students enrolled in Advanced Placement courses.

Responding to the Board's direction, the school system conducted districtwide assessments of obstacles to participation in Advanced Placement classes, participation in gifted and talented programs, extracurricular activities, attendance and dropout rates, performance on the Connecticut Mastery Test, professional development, and the curriculum. In concert with the community, the school system developed a Diversity Enhancement Plan to (1) raise expectations and standards, with a focus on minority and female students; (2) increase parent and community involvement in the school system; and (3) expand after-school activities.

Superintendent Blancato discussed a few initiatives that the system pursued to implement the Diversity Enhancement Plan, such as requiring all students to take algebra and geometry in order to graduate, and providing after-school and summer-school support programs to improve student achievement. "Now in the fourth year of the diversity plan," she added, "we are beginning to close the achievement gap."

John Hennelly, Assistant Superintendent, reviewed questions asked of principals in assessing their progress in meeting the *(Middletown, continued on page 3)*

Reappointment of Commissioner

The Board reappointed Theodore S. Sergi as Commissioner of Education, to a four-year term coterminous with the term of the Governor.

SUCCESSFUL PRACTICES:

CONNECTICUT ACADEMIC PERFORMANCE TEST

**Bulkeley High School, Hartford
Middletown High School, Middletown**

SCHOOL CLIMATE

Wilton High School

Middletown

Middletown Superintendent of Schools Carol Parmelee Blancato told the Board that Middletown High School has improved its performance on the Connecticut Academic Performance Test (CAPT). She explained that the administration conducts a thorough analysis of the scores, and shares its findings with staff members and board of education members. In turn, an action plan to address areas in need of improvement is developed and implemented.

John Hennelly, Assistant Superintendent of the Middletown Public Schools, described initiatives that have resulted in a marked increase in CAPT mathematics scores. "We attribute the increase in scores to our focus on performance learning (e.g., real-world problem solving), and Middletown's requirement that all students take algebra and geometry."

CAPT data are disaggregated by gender, race/ethnicity and economic need, and are compared within the school, to the Education Reference Group, and to the state. To continue progress in this area, Middletown has designated as "next steps" the following:

- ❖ rather than focus on "test prep," emphasize skills integration;
- ❖ look closely at--and help students look closely at and address--performance in specific skills;
- ❖ find incentives to encourage students to examine and improve performance; and
- ❖ understand and agree upon the value of these skills, and help students do the same.

Middletown plans to improve participation on CAPT and to conduct a careful analysis of gender discrepancy in math and science. Attention will also be placed on helping students of color improve their performance, and helping teachers to realize the connections between what they teach and what is assessed.

Hartford

Superintendent of Schools Robert Henry stated that the school system's attitude toward CAPT has changed, and he has seen an increase in the seriousness of students and faculty toward the test. "At Bulkeley High School," he continued, "we looked at the rate of teachers' success, and saw certain replicable elements that could be expanded throughout the school. For example, attendance is taken at the beginning of every period, which has increased student attendance throughout the day. In addition, the central office places emphasis on CAPT when meeting with principals." Superintendent Henry noted that scores and participation increased simultaneously, defying the assumption that an increase in student participation ordinarily results in a decrease in performance.

Evelyn Irizarry, Principal of Bulkeley High School, stated that she "is pleased, but not satisfied, with Bulkeley's improved test scores." One measure effective in improving performance on CAPT, Mrs. Irizarry continued, is rehiring retired teachers to tutor students in areas measured by CAPT. In addition, the school has stepped up efforts to communicate the importance of the test to parents, staff members and students. Another initiative that has contributed to Bulkeley's improved CAPT scores is the Reading Across the Disciplines program, in which every teacher has received training. Further, Mrs. Irizarry stated, CAPT review classes have helped students prepare for the test.

Timothy Sullivan, Assistant Principal of Bulkeley High School, spoke about the importance of data-based decision making. Data analysis at the school level enables building administrators to examine individual student performance as well as teacher performance and subject-level performance. This information is invaluable in helping students and teachers focus attention on honing specific skills not met on the CAPT assessment. CAPT classes are offered to students to provide them additional instruction and practice in those areas deemed in need of improvement.

Wilton: School Climate

Deborah Low, Principal of Wilton High School, discussed efforts to personalize Wilton High School and improve the school climate as it grows in enrollment. She cited national research that calls for strategies to personalize a larger school environment and to ensure that each student is engaged in the school program. The plan entails faculty members meeting with a group of approximately 20 students twice weekly. The group sessions would focus on various themes. Teachers would receive a stipend for serving as faculty mentors, and would be relieved of cafeteria and study hall duties. An aide would be hired to fulfill those duties.

The program is designed to enable students to develop skills that assist in their transition to high school. It also teaches them how to identify their learning styles, set academic goals and assess their own learning experiences. Benefits of the program, Ms. Low continued, include a greater sense of belonging, ensuring that "quiet students" do not fall through the cracks, greater comfort and ease in adapting to the high school, and encouraging students to reach out for extra academic help. The Wilton Board of Education approved this model conceptually. The district awaits whether this will be incorporated into the budget, she added.

REPORTING ON ACHIEVEMENT GAPS (continued from page one)

MIDDLETOWN

Diversity Plan's goals. He stated that at the elementary school level, it has been observed that there is a greater emphasis on diversity and greater and significant participation in after-school activities, and that communication with parents has improved. In addition, minority student performance on the CMT has improved at the elementary school level. At the middle school level, data reveal mixed trends in minority participation in advanced offerings, and improved performance on the CMT. Modest improvements were revealed at the high school level in terms of minority participation in advanced language arts, science and social studies courses, whereas minority participation in advanced mathematics courses decreased.

Mr. Hennelly reported that the program has been successful in raising awareness of the gap between minority and nonminority students in advanced mathematics classes, as well as in raising the performance of the students who have participated in the program.

While acknowledging steady, modest improvements, Mr. Hennelly added, "We find some of the data disturbing and need to concentrate efforts on closing the gaps."

DANBURY

Edward Robbs, Principal of Broadview Middle School in Danbury, described one example of how the school system is working to close achievement gaps. Recognizing that no minority students were enrolled in advanced mathematics classes when he began working at Broadview, in cooperation with the Superintendent he started a "Student Academic Success" program. The program provides additional support to Hispanic and black students and is designed to raise their level of performance in mathematics.

LEGISLATIVE PROPOSALS: PART II AND PART III

The Board approved additional legislative proposals for submission to the General Assembly. Included in **Part II** of the Board's legislative package are proposals that would:

- ❖ improve the operation and funding of the **interdistrict magnet school program**;
- ❖ expand the **minority teacher incentive program** to include students interested in becoming student support services personnel;
- ❖ allow state school construction reimbursement and a bonus for construction of a **family resource center** in an elementary school;
- ❖ eliminate the cap on the expenditures for computer equipment for **adult education programs** that are eligible for reimbursement and require coursework in civics and American government for the issuance of an adult education diploma;
- ❖ require towns to provide the same **health services** to students in state charter schools as they are already required to provide to students in private nonprofit schools;
- ❖ require the State Bond Commission to act on **bond authorizations for the Regional Vocational-Technical Schools** for equipment, repairs, buses and technology by August 31 each year;
- ❖ provide that state funds for the **costs of providing educational services to certain special education students** be included in the budget of the Department of Mental Health and Addiction Services rather than in the Department of Education budget;
- ❖ streamline the **school-to-career program**;
- ❖ provide a process for the state to **intervene in school district operations** in certain circumstances;
- ❖ permit school districts to adopt **equivalencies for graduation credits** to provide greater flexibility in determining compliance with state-mandated graduation requirements;
- ❖ extend the current **regulations concerning educator certification** that were to have been repealed on July 1, 2003, to allow for a comprehensive review of Connecticut's educator certification continuum;
- ❖ amend provisions concerning construction bonuses for cooperative arrangements made pursuant to Section 10-158a of the Connecticut General Statutes;
- ❖ specify that the mandate requiring certain Grade 4 and Grade 6 priority school district students to attend **summer school** be within available appropriations;
- ❖ amend the provisions concerning the **reemployment of retired teachers** to raise the amount of money they are able to earn when they are employed temporarily and allow them to be employed for not more than two years with one board of education, without the statutory salary limitations, in subject shortage areas and other positions deemed necessary by the Commissioner of Education;
- ❖ amend the statute concerning **school construction grant applicants** by changing the date by which local funding must be secured from June 30 to November 30 in order for a project (for which an application was filed by June 30) to be included in the priority list for the subsequent year;
- ❖ define a method of **prioritizing individual school construction projects within categories** on the annual school construction priority list submitted to the General Assembly for grant authorizations;
- ❖ provide that the Commissioner of Education, rather than the State Board of Education, approve a town or regional school district's entering into a **design-build contract for new school construction**;
- ❖ extend the validity of the **elementary education and comprehensive special education endorsements** to include kindergarten;
- ❖ extend the following provisions concerning educator certificate holders to **individuals with permits and authorizations issued by the State Board**:
 - the denial of issuance or reissuance of certificates to applicants convicted of enumerated offenses;
 - the requirement that the Department of Children and Families (DCF) notify the state agency responsible for the issuance of a certificate when the Commissioner of DCF has reasonable cause to believe that a child has been abused by a staff member of a public or private institution or facility providing care for children or private school who holds a certificate issued by the state; and
 - the requirement that copies of mandated written reports concerning certified school employees be sent to the Commissioner of Education;
- ❖ **update provisions concerning the Beginning Educator Support and Training (BEST) Assessors** by specifying that the beginning teacher shall be assessed by educators with teaching experience in the same general subject area as the beginning teacher;
- ❖ amend the special education statutes, including conforming state provisions with federal regulations, clarifying that boards of education can make placements in private facilities providing special education only if the facility is approved by the Commissioner of Education, except that the Commissioner may give

prior approval to placements in non-approved or out-of-state facilities if he determines that there is no approved private facility that is appropriate and available for a particular child;

- ❖ allow the Department to use up to 50 percent of **unexpended school readiness funds** for supplemental grants to towns, and up to 50 percent of those funds to enhance the system of professional development for preschool educators in school readiness programs;
- ❖ require all **state-funded Head Start programs** to allocate at least 10 percent of their state funds for activities designed to increase the literacy and numeracy skills of children and provide for a five-year limit to grant awards, with reapplication after five years; and
- ❖ clarify and simplify the listing of which services family resource centers must provide.

Included in **Part III** of the Board's legislative package are proposals that would:

- ❖ **authorize the Commissioner to intervene in matters of controversy involving a local or regional board of education** which, in the opinion of the Commissioner, put at risk the quality of education in the school district; allow the Commissioner to engage in fact-finding and provide mediation concerning the matter in controversy, require the local or regional board of education to cooperate fully with the efforts of the Commissioner; and authorize the Commissioner to issue findings, reports and advisory opinions, including recommendations for further action by the local or regional board of education and require such board to respond to the Commissioner's recommendations within a prescribed period;
- ❖ **consolidate the priority school district, school readiness, early reading success, extended school building hours and summer school grant programs** by creating a block grant program for targeted purposes in districts with the most need;
- ❖ provide that, in order for a local or regional board of education to be eligible for a grant for information technology, it must have a **technology plan** developed or updated during the three-year period preceding the date of application for grant funds. This change will align the state statute with federal guidelines for technology plans and will reduce the administrative burden on districts while providing for a more coordinated, comprehensive approach by allowing for more time for implementation and evaluation;
- ❖ amend the school health statutes to **allow the dissemination of medications**, without parental consent, in times declared by the Governor as **civil preparedness emergencies**, while allowing parents to notify local or regional boards of education in advance that they do not consent to such practice; and
- ❖ require that individuals who interact with students and are **employees of providers of supplemental services pursuant to the No Child Left Behind Act** be fingerprinted and submit to state and national criminal history records checks.

ASSESSMENT OF PARAPROFESSIONALS

The Board adopted the ParaPro Assessment as the form of assessment for paraprofessionals, effective January 1, 2003. The *No Child Left Behind Act* requires a rigorous state or local assessment as one option to assess current and newly hired paraprofessionals. The Connecticut State Department worked collaboratively with 16 other states and the Educational Testing Service in the development of a state assessment for paraprofessionals that meets the federal requirements. The Board adopted a passing standard of 457. The national pass rate at this standard on a pilot assessment was 79.1, and is consistent with first-time pass rates for most Praxis examinations. As with other assessments, the standard will be monitored and reviewed after one year of Connecticut test data is collected.

POSITION STATEMENT ON TIME IN RELATION TO STUDENT ACHIEVEMENT

As part of its five-year review cycle, the Board discussed whether the existing *Position Statement on Time* needed revisions. The version presented to the Board by the Policy Development Committee contained only minor edits, and will be presented for adoption in January 2003.

COMPLAINT AGAINST THE NEW BRITAIN BOARD OF EDUCATION: FAILURE TO MEET MINIMUM EXPENDITURE REQUIREMENT (MER) IN 2002-2003

Pursuant to Section 10-4b of the Connecticut General Statutes and Section 10-4b-3(a)(2) of the Regulations of Connecticut State Agencies, the Board initiated a substantial complaint against the New Britain Board of Education based on a projected MER shortfall of \$3,382,806 in 2002-2003. While it is still possible that this issue may be resolved at the local level, the Board voted to initiate a formal inquiry in the event that local resolution proves unattainable.

CONNECTICUT ACADEMIC PERFORMANCE TEST (CAPT) RESULTS

The Board reviewed the 2002 CAPT results, administered to a total of 37,096 students. Roughly 46 percent of Grade 10 students scored at or above the state goal on each test, the highest percentage since the test was first administered in 1995, when 35 percent met the goal. Approximately 45 percent met the state goal in 2001. The 2002 CAPT marks the second year that the second generation CAPT has been administered to Grade 10 students, which means that comparisons can be made to the 2001 CAPT results.

Although there were significant improvements in participation rates, student attendance – especially that of special education students – remains an issue in some districts. Commissioner Sergi noted, "Even with the increase in student participation on the test and some increases in scores, no one should be satisfied with the results. The very small rate of improvement and the persistent gaps among groups counter the good news of more students taking the test. We are going to have to step up our annual progress in order to meet the new federal statutory expectations both in terms of the growth in achievement and the participation rate." Superintendents were mailed a copy of the press release and circular letter on the 2002 CAPT results in November. For further information about the CAPT results, access the Department's website at www.state.ct.us/sde.

UNIVERSAL PRESCHOOL EDUCATION: PANEL PRESENTATION

The State Board of Education has supported quality preschool education for all Connecticut's three- and four-year-old children. The State Department of Education, in partnership with the Department of Social Services, provides approximately \$40 million for the state school readiness and child daycare grant program, which funds high-quality preschool placements for more than 6,000 children. At least 60 percent of the children enrolled in school readiness grant programs in any district must be from families who are at or below 75 percent of Connecticut's median family income.

The Head Start Program supports an additional 6,500 children in Connecticut's priority and transitional school districts at a cost of approximately \$45 million. The State Department of Education administers a Head Start grant of \$5.1 million, allowing another 440 children to receive a Head Start program. In addition, the Department of Social Services provides center-based daycare to another 3,282 children in Connecticut so that families with preschool children can maintain employment.

Dr. Walter Gilliam, psychologist and Associate Research Scientist at the Yale University Child Study Center and faculty fellow at the Yale Bush Center on Child Development and Social Policy, shared his findings of studies in prekindergarten service delivery and the impact of early childhood programs. Dr. Gilliam informed the Board that every evaluation of preschool education programs reveals that there is a direct, positive relationship between children who have been enrolled in preschool programs and later academic achievement, a corresponding lower rate of grade retention and a clear benefit to all children enrolled in such programs. Dr. Gilliam explained that in Bridgeport, it was found that 48 percent of students in a control group were retained in Grade 1, versus one percent of students who had a school readiness experience. He added that there is a notable increase in language skills for students enrolled in mixed socioeconomic preschool programs as opposed to nondiverse programs. Ninety percent of classrooms accredited by the National Association for the Education of Young Children (NAEYC) have been rated as "good" or "better," Dr. Gilliam noted. This is important in that Connecticut requires NAEYC accreditation within three years of receipt of funding.

Dr. Steven Barnett, Professor of Education Economics and Public Policy and Director of the National Institute for Early Education Research at Rutgers University, shared with the Board findings of his research over the past 20 years. There is broad evidence supporting the economic and educational benefits of quality preschool programs, Dr. Barnett stated. He summarized the results of studies of three preschool programs (Chicago, Michigan and North Carolina) and the concomitant, significant, long-term cost benefits in terms of earnings, productivity, reduced crime, participation in higher education, etc. "The benefits of preschool programs are not restricted to low-income children," Dr. Barnett continued. "Middle-income children constitute 60 percent of children enrolled in preschool programs and, due to the large number and diverse needs within this group, they also benefit from a preschool experience." Dr. Barnett concluded by telling the Board that Connecticut is second in the nation in terms of preschool enrollment, with 61 percent of 3- and 4-year-olds in a preschool program.

PETITION FOR DECLARATORY RULING – NONNEWAUG TEACHERS' ASSOCIATION, ET AL.

The Board agreed to issue a declaratory ruling in response to the petition filed by the Nonnewaug Teachers' Association. The Nonnewaug Teachers' Association filed the petition on October 3, 2002, requesting a ruling with respect to whether the Virtual Teacher Program used by Regional School District No. 14 is in violation of the certification requirements set forth in Connecticut General Statutes. The State Board of Education will hold informational hearings on this matter on January 16 and February 19, 2003. The hearings will be held in the State Office Building in Hartford.

FALL HIRING REPORT 2002

The Board reviewed the *Fall Hiring Report and Related Data 2002*. A few highlights noted in the report follow.

- ❖ The total number of certified positions in Connecticut has increased by more than 9,000 since 1987, and student enrollment also increased.
- ❖ 92.6 percent of certified positions were filled by October 1, the highest percentage over the last 15 years.
- ❖ ERG I districts had the highest percentage of vacancies on October 1 (13.3 percent, compared to an average of 2.6 percent across all other ERGs), but this is a marked decline of 5.3 percentage points compared to October 1, 2001, data.
- ❖ The greatest shortage areas, based on 2001-02 data, were special education, music, speech and language pathology, and mathematics. 2002-03 data reveal that speech and language pathology is the greatest shortage area, followed by bilingual education, special education and music.
- ❖ The number of Durational Shortage Area Permits (DSAPs) issued to districts has increased significantly over the past six years, from 35 in 1997-98 to 805 in 2001-02. As of October 1, 2002, 466 DSAPs have been issued for the current school year. The largest number of DSAPs were issued in Spanish, special education and Grade 7-12 mathematics.

The report states that more than 40 percent of our educators will be retiring within the next 10 to 12 years. Student enrollment is expected to peak at 582,000 in the fall of 2005, and to be very close to the fall 2001 enrollment of 570,000 in 2010. Also detailed in the report are the state initiatives to attract and retain educators. The report concludes by stating that Connecticut has been experiencing problems with finding qualified certified teachers in certain subject areas and in urban districts with lower annual salaries and benefits. In addition, the *No Child Left Behind Act* requires that by 2005-06 all teachers teaching in core academic subjects be highly qualified (i.e., hold full certification). Based on the 2001-02 Education Staff File data, 2.4 percent of Connecticut's teachers teaching core academic subjects are not "highly qualified." This requirement will have implications for districts to find and hire fully certified teachers.

APPROVAL OF PROGRAM: EASTERN CONNECTICUT STATE UNIVERSITY

The Board granted full program approval for the period December 4, 2002, through September 30, 2007, to the Eastern Connecticut State University graduate teacher preparation programs preparing teachers in the following secondary endorsement areas: biology, earth science, English, history/social studies and mathematics.

INTENT TO AMEND REGULATIONS

The Board declared its intent to amend Section 10-76h-11 of the Regulations of State Agencies concerning special education due process hearings by adding a new subsection concerning the appearance of counsel at special education due process hearings and Section 10-76d-18 concerning the right to review and inspect student records by clarifying the extent to which material in a student's file is required to be copied.

APPLICATION FOR FUNDS: IMPROVING THE HEALTH, EDUCATION AND WELL-BEING OF YOUNG PEOPLE THROUGH COORDINATED SCHOOL HEALTH PROGRAMS

The Board approved the 2003-2004 cooperative agreement application titled "Improving the Health, Education and Well-being of Young People Through Coordinated School Health Programs" for submission to the Centers for Disease Control and Prevention. Connecticut's application for \$874,354.07 contains four priority areas: youth risk behavior survey; HIV prevention for school-age youth; coordinated school health programs; and asthma demonstration project.

OUTSTANDING EDUCATORS

The Board recognized the following educators for their accomplishments:

- ❖ **Wendy Nelson Kauffman, 2003 Connecticut Teacher of the Year.** Ms. Kauffman is a social studies teacher at Bloomfield High School. She will receive national attention as Connecticut's representative in the 2003 National Teacher of the Year Program.
- ❖ **Janice Huber Bacewicz, a finalist in the 2003 Connecticut Teacher of the Year competition.** Ms. Bacewicz is an elementary art teacher at Birch Grove Primary School in Tolland.
- ❖ **Dorothy Bain Raviele, a finalist in the 2003 Connecticut Teacher of the Year competition.** Ms. Raviele is a world language teacher at Bristol Central High School.
- ❖ **Hugh D. Birdsall, a finalist in the 2003 Connecticut Teacher of the Year competition.** Mr. Birdsall teaches English to speakers of other languages at the LEARN Multicultural Magnet School in Waterford.
- ❖ **Karen Smith, Connecticut Association of Schools' 2002 Elementary School Principal of the Year/National Distinguished Principal.** Ms. Smith, Principal of Walter A. Derynoski Elementary School in Southington, served as Connecticut's representative in the 2002 National Distinguished Principal Awards Program.
- ❖ **Laura Russo, Connecticut Association of Schools' 2002 Elementary School Assistant Principal of the Year.** Ms. Russo is the former Assistant Principal of Hill Central Elementary School in New Haven.
- ❖ **Paul Cavaliere, Jr., Connecticut Association of Schools' 2002 Middle School Principal of the Year.** Mr. Cavaliere, Principal of Sage Park Middle School in Windsor, will serve as Connecticut's representative in the 2002 National Middle School Principal of the Year competition.
- ❖ **Rochelle Schwartz, Connecticut Association of Schools' 2002 Middle School Assistant Principal of the Year.** Ms. Schwartz is the former Assistant Principal of Litchfield Junior and Senior High School, and will serve as Connecticut's representative in the 2002 National Assistant Principal of the Year competition.
- ❖ **John Goetz, Connecticut Association of Schools' 2002 High School Principal of the Year.** Mr. Goetz, Principal of Danbury High School, will serve as Connecticut's representative in the 2002 National High School Principal of the Year competition.
- ❖ **Walter Zalaski, Connecticut Association of Schools' 2002 High School Assistant Principal of the Year.** Mr. Zalaski is the Assistant Principal of Simsbury High School.
- ❖ **David Cressy, Connecticut Association of Public Schools Superintendents' 2003 Superintendent of the Year.** Dr. Cressy, Superintendent of Schools in Cheshire, will serve as Connecticut's representative in the 2003 National Superintendent of the Year competition.
- ❖ **John Reed, Connecticut Association for Supervision and Curriculum Development's 2002 Education Leader of the Year.** Dr. Reed retired as Superintendent of the Newtown Public School System.
- ❖ **Colleen Morey, Connecticut Association for Supervision and Curriculum Development's 2002 Education Leader of the Year.** Ms. Morey is the Coordinator of Physical Education, Health, Family and Consumer Sciences, and Athletics for the Greenwich Public Schools.
- ❖ **Ronald Zeppieri, 2002 School Business Official of the Year.** Mr. Zeppieri is the Business Manager for the Old Saybrook Public Schools.

**BEGINNING EDUCATOR SUPPORT AND TRAINING (BEST) PROGRAM
PORTFOLIO PERFORMANCE RESULTS 1999-2002**

The Board reviewed a report on the BEST portfolio performance results. Key findings of the report include the following:

- ❖ The vast majority of beginning teachers successfully completed the portfolio assessment with their first submission.
- ❖ Beginning teachers in priority districts do not do quite as well in the portfolio assessment as beginning teachers in more affluent districts.
- ❖ The majority of beginning teachers reported receiving adequate support from their mentors during both their first and second years of teaching.
- ❖ Beginning teachers also reported receiving support from other individuals and relatively high levels of satisfaction with that support.
- ❖ Beginning teachers reported that the portfolio afforded them the opportunity to demonstrate their teaching competency.

The Department will continue to make improvements in the BEST Program, including further streamlining portfolio requirements, expanding professional development opportunities around the portfolio process, and promoting a "master mentor" model of support. The Department will convene a task force during calendar year 2003 to re-examine Connecticut's Continuum for Teacher Quality to ensure that all its teachers and school leaders develop programs that will build upon the successes of the past and meet future challenges.

ADVISORY COUNCIL FOR SCHOOL APPROVAL

The Board reappointed Linda Corona, Armand Fabbri, Sheryl Herriman and Margaret Sheehy, and appointed Jane Garibay to the Advisory Council for School Approval for terms ending June 2005. The Council is responsible for reviewing and recommending all procedures, evaluation instruments, material and criteria related to the state approval process in collaboration with the State Department of Education. It also is charged with the review of applications of schools for state approval and makes recommendations concerning their approval to the State Board of Education, and reviews applications of accrediting agencies for recognition by the State Board.

**APPLICATION FOR FUNDS:
FULBRIGHT-HAYS GROUP PROJECTS ABROAD PROGRAM**

The Board approved an application for funds titled "Changing China: A Geographic Perspective Project" for submission to the United States Department of Education. Funds will be used to support 17 teachers in a 4-week field experience in China. The project is designed to strengthen international studies in Connecticut schools.

**APPLICATION FOR FUNDS:
READING FIRST**

The Board approved the submission of a grant application in the amount of \$7,392,983 to the United States Department of Education for the Reading First Grant. A maximum of 17 grants to 17 school districts (including the 14 Priority School Districts, 10 transitional school districts and the "distressed" municipalities as identified by the Department of Economic Development), serving one school selected by each district, will be identified based on competitive proposals submitted. The Reading First program focuses on using proven methods of early reading instruction in kindergarten through Grade 3 classrooms, and on preparing classroom teachers to screen, identify and eliminate reading barriers facing their students.

APPLICATION FOR FUNDS: CONNECTICUT EARLY READING SUCCESS INSTITUTE

The Board approved the Department's application to the United States Department of Education for the Fund for Improvement of Education (FIE) Program. The \$800,000 grant will enable the Connecticut State Department of Education, in collaboration with the University of Rhode Island and Haskins Laboratory, to continue to provide support to priority school districts to broaden the training of professionals in best practices in reading instruction.

APPLICATION FOR FUNDS: HEALTH AND HUMAN SERVICES

The Board approved the Department's application for \$50,000 to the United States Department of Health and Human Services for the "Healthy Tomorrows Partnership for Children" grant. Funds would be used to produce five major projects in partnership with Connecticut Public Television (CPTV) that promote and improve the health, education and well-being of Connecticut's children by targeting information to parents and families of newborn babies.

Regional Vocational-Technical School System (RVTSS) Matters

TUITION AND FEE STRUCTURE

The Board approved a proposal to increase 2003-2004 tuition rates for full- and part-time adult programs, summer school, breakfast and lunch prices, use of facilities fees and production rates.

STRATEGIC SCHOOL PROFILE 2001-2002

The Board reviewed the Strategic School Profile District Report 2001-02. The report contains data on the Regional Vocational-Technical School System (RVTSS), including enrollment trends, student diversity, school need, school resources, information about staff members' education, attendance and experience; and student performance as measured by the SAT, NOCTI, attendance, physical fitness, dropout rate, CAPT scores and graduate follow-up data. Highlights of the report include a small, steady increase in both mathematics and science (4.5 percent and 3.6 percent, respectively) and a significant increase (17.1 percent) in reading in the number of students at or above proficiency on CAPT; a decrease in the number of students scoring in the "intervention level" of CAPT (i.e., mathematics, 9 percent decrease; science, 4 percent decrease; and reading, 26.6 percent decrease). In addition, the NOCTI system assessment results are approaching the national average in both the written and performance segments, with 66 percent of all seniors tested in NOCTI to date. The system also has realized an increase in the number of students taking the PSAT and the SAT. The report also details concerns, including the need to improve writing scores on both CAPT and NOCTI; the performance of bilingual students on the Language Assessment Scale (LAS) assessment; class size in certain schools; and the need to address a significant increase in the number of bilingual and special education students in specific schools. The report is posted on the web and has been forwarded to all directors of vocational-technical schools.

REAUTHORIZATION OF TRADES

The following trades were reauthorized, pursuant to Section 10-95i(b) of the Connecticut General Statutes: Architectural Drafting, Electrical, Masonry, Plumbing and Heating, and Signal and Communication, to January 2008; Hairdressing/Cosmetology/Barbering and Hotel/Hospitality, to January 2007; Health Technology, Home Health Aide/Certified Nurse Assistant, and Surgical Technician, to January 2006; and Welding/Metal Trades Technology and Building and Remodeling, to January 2005.

ADMISSIONS CRITERIA STUDY

The Board received the first report on the relationship between admissions scores and performance in the RVTSS, as required by state statute. The report contains the proposed design for the Admissions Study and an explanation of the research activities completed in response to current reporting requirements. It also includes information about technological challenges related to establishing the database, a descriptive profile and initial analysis of the 2003 cohort and a summary of next steps in the admissions study project.

2001-2002 ANNUAL PLAN

The Board received a report on the progress of meeting the goals of the 2001-2002 Annual Plan. The report cites several accomplishments as well as concerns with regard to the VTSS meeting the goals. This information is used by the central office in setting its goals and objectives, and is addressed in individual school improvement plans. Superintendent Spera reported, "The 2002-2003 Annual Plan, along with the alignment of funds to support curricula activities, staff training, high-quality teachers and meeting requirements of the *No Child Left Behind Act*, will enhance the system's efforts to demonstrate yearly progress in both student and system goals."

CHARLES E. GOOLEY MENTORSHIP PROGRAM

The Board approved the RVTSS application for funds to Northeast Utilities for funds available under the Charles E. Gooley Mentorship Program. Grant funds will enable A.I. Prince Regional Vocational-Technical School to provide a mentorship program that would include enrichment and tutorial activities to one student each year who exhibits leadership skills but is academically marginal. The RVTSS requested \$102,329 over a five-year period.

CONNECTICUT STATE BOARD OF EDUCATION

(effective July 1, 2002)

ADMINISTRATIVE OFFICE	STATE BOARD OF EDUCATION MEMBERS
<p>Address: 165 Capitol Ave. Room 301 Hartford, CT 06106</p> <p>Telephone: (860) 713-6510</p> <p>Facsimile: (860) 713-7002</p> <p>E-Mail: pamela.bergin@po.state.ct.us</p>	<p><i>Craig E. Toensing, Chairperson</i> <i>Janet M. Finneran, Vice Chairperson</i> <i>Amparo Adib-Samii</i> <i>Donald J. Coolican</i> <i>Natalie L. Ivanoff</i> <i>Patricia B. Luke</i> <i>Terri L. Masters</i> <i>Timothy J. McDonald</i> <i>Derek Smitt</i> <i>Allan B. Taylor</i> <i>Annika L. Warren</i></p> <p><i>Theodore S. Sergi, Secretary</i></p> <p><i>Valerie Lewis, ex officio</i></p>
<p>To obtain a copy of a report considered by the Board, please contact the Office of Public Information, 860-713-6526.</p>	

NOTE: The next meeting of the State Board of Education will be Wednesday, January 8, 2003, at 9:30 a.m. The meeting will be held in room 307 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut. Visitors are advised to call the Office of Board Matters (860-713-6510) to confirm the meeting date and time.

The Board Report is published monthly and is posted on the Department's Internet site (<http://www.state.ct.us/sde>). It provides a summary of matters considered by the State Board of Education at its regular monthly meetings. The Department welcomes comments and suggestions concerning the format and content of ***The Board Report***. Please submit your comments to Pamela V. Bergin, Office of the State Board of Education, 165 Capitol Avenue, Room 301, Hartford, CT 06106, or pamela.bergin@po.state.ct.us.

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164 Storrs Rd
Storrs, CT 06268
Dec. 16, 2002

Town Council, Mansfield
4 South Eagleville Rd
Storrs CT 06268

REC'D DEC 18 2002

Dear Town Council Members;

I am writing to ask that you stand by your almost unanimous decision regarding advertising in our town playing fields. It is a well-considered and fair compromise that addresses the needs of all town residents.

Given that many hours of public debate and discussion went into your decision, on what grounds can the subject be re-opened?

Please stand firm on this issue.

Sincerely
A. Kardestuncer

A. Kardestuncer

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Martin H. Berliner

Item #30

From: Barbara Buddington [director.wincog@snet.net]
Sent: Friday, January 03, 2003 1:19 PM
To: Peter Dibble
Cc: Mike Paulhus; Martin Berliner; Liz Wilson; John Eisesser; Daniel McGuire; Adella G Urban; Chris Thorkelson
Subject: WINCOG's unfunded mandate resolution



Unfunded Mandate
resolution 01...

Mr. Dibble,

For your information, I am attaching a copy of the resolution on unfunded mandates passed by WINCOG at its meeting this morning.

Our elected officials chose to add a few phrases to include not only legislative mandates, but also administrative regulations/requirements that are not fully funded.

A signed copy will be sent to you by regular mail, and is also being sent to each of the legislators in the Northeast Caucus.

Barbara Buddington

Barbara Buddington, Executive Director
WINCOG
968 Main St, Willimantic, CT 06226
860-456-2221
fax: 860-456-1235

WINDHAM REGION COUNCIL OF GOVERNMENTS

968 Main Street, Willimantic Connecticut 06226

(860) 456-2221/Fax: (860) 456-1235 Email: wincog@snet.net

Ashford Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Windham

RESOLUTION REGARDING UNFUNDED STATE MANDATES

WHEREAS, the member towns of the Windham Region Council of Governments have been trying, unsuccessfully, to deal with the issue of unfunded State mandates for many years; and

WHEREAS, the member municipalities of the Windham Region Council of Governments have been especially hard hit with reductions in State aid; and

WHEREAS, the region as a whole has contributed substantial tax dollars to the State treasury; and

WHEREAS, the nine member towns are opposed to any legislative mandate or regulation that is not fully funded by the State; and

WHEREAS, the Windham Region Council of Governments is requesting that legislation, so approved, carry a codicil that, if the funding for the mandate is reduced at some future date, the legislation becomes null and void;

NOW, THEREFORE, BE IT RESOLVED that the Windham Region Council of Governments, in order to assure adequate funding for all municipal programs, does hereby publicly urge, encourage, and request all Connecticut legislators that they:

1. Oppose any new legislation or administrative requirement requiring action by a Connecticut municipality or regional district that does not also mandate full funding from a source other than local property taxes; and
2. Oppose any new legislative mandate or regulation that does not include a codicil that, if funding for the mandate is reduced at some future date, the legislation becomes null and void; and
3. Support, and if necessary propose, "sunset" legislation exempting municipalities from compliance with any existing legislatively-imposed mandate if funding for the mandate is reduced at some future date.

This resolution was passed unanimously with eight of the nine member towns present and voting.

Dated at Windham, Connecticut, on January 3, 2003.

Michael T. Paulhus, Chairman

*Town of**North Stonington, Connecticut*

Item #31

December 20, 2002

Mayors and First Selectmen

Attached is a resolution passed by the North Stonington Board of Selectmen. If you support this concept, please consider passing this or a similar resolution and send it to (FAX NUMBERS BELOW):

House Speaker Moira Lyons	1-860-240-0206
Senate President Kevin Sullivan	1-860-240-0208
Senate Minority Leader Lou DeLuca	1-860-240-8308
House Minority Leader Board Ward	1-860-240-8308

Thank you for your consideration of this matter.

NICK MULLANE
FIRST SELECTMAN



*Town of
North Stonington, Connecticut*

RESOLUTION

Whereas, the Town of North Stonington, Connecticut through its Board of Selectmen, opposes the expansion of casinos anywhere in the State of Connecticut,

Now Therefore, the North Stonington Board of Selectmen supports legislation proposed by the Connecticut Attorney General and the Connecticut Alliance Against Casino Expansion to ban "Casino Nights"

Dated December, 2002.

William N. Peterson
William N. Peterson

Nicholas H. Mullane, II
Nicholas H. Mullane, II

John M. Turner
John M. Turner

BOARD OF SELECTMEN



TO: Mayors, First Selectmen, and City/Town Managers
FROM: Joel Cogen, Executive Director and General Counsel
RE: Amicus Curiae - Appeal to CT Supreme Court

DATE: December 30, 2002

This memo's purpose is to determine your municipality's interest in CCM's amicus curiae participation, *in the State Supreme Court*, in the case that will decide *whether a town/city charter may provide for separate referenda on the general government budget and the education budget*. The Appellate Court held that it could *not*.¹

Reversal of the Appellate Court's holding is essential for two reasons:

1. To *allow municipalities* to conduct such separate referenda.
2. To *protect the power of local government to determine the process* of establishing its budget, including the education component of the overall budget.

Failure to reverse

- could lead to *invalidation of municipal charter provisions* that establish budget procedures that are different from those prescribed by statute for *non-charter towns*, and
- have a *restrictive impact* on future judicial interpretations of the scope of *municipal powers generally*.

CCM will argue

- (a) that the *process* of establishing the municipal budget is *a matter of purely local concern*,
- (b) that Naugatuck's charter provision authorizing separate referendum votes on the general government budget and the education budget, *as a step in the process of establishing a single municipal budget*, does *not conflict* with state statutes pertaining to education, and
- (c) that the general statutes grant authority to *all towns*, both charter *and* non-charter, to conduct referenda on individual recommendations for the town budget, *including separate referenda* on the general government budget and the education budget.

Your action needed:

CCM's *amicus curiae* litigation is customarily financed by voluntary assessment of interested cities and towns. The cost is divided among participating municipalities on a pro rata basis.

You would not make a binding commitment until you have had a chance to review the projected cost to your municipality.

Please use the enclosed return form immediately to indicate your municipality's interest in this case.

cc: City/Town Attorneys
Chairmen, Boards of Finance
Finance Directors

Enclosures (2)

¹ Attached is a copy of the CCM Municipal Management Bulletin that discusses the Appellate Court decision. The Town won, with CCM's support as amicus curiae, on the unrepealed 261(c) of whether a charter can provide that the mayor serve as a full voting member of the board of education. That part of the Appellate Court's decision has *not* been appealed by the Board of Education.

RETURN FORM

I would ___ would not ___ be interested in my town participating in the mutual financing of CCM *amicus curiae* participation in *Naugatuck v. Naugatuck* in the CT Supreme Court. The case concerns the question of *whether a municipality may conduct separate referenda on the general government budget and the education budget* as part of the process of establishing the municipal budget.

I understand (a) that by expressing such an interest I am not making a binding commitment at this time, and (b) that CCM will send me information on the cost before I am asked to consider making such a commitment.

Name of Person Completing Form

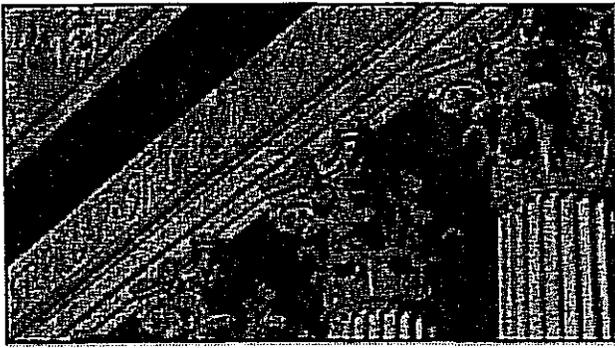
Position

Municipality

Return form to:

Barbara Ryan
Ct. Conference of Municipalities
900 Chapel Street, 9th Floor
New Haven, CT 06510-2807
or
Fax: (203) 562-6314

M:\ADMIN\LITIGATI\naugatuck02solicitation.doc



MUNICIPAL MANAGEMENT BULLETIN

CONNECTICUT CONFERENCE OF MUNICIPALITIES

900 CHAPEL STREET, 9th FLOOR, NEW HAVEN, CT 06510-2807 PHONE (203) 498-3000• FAX (203) 562-6314

Your source for local government management information on the Web is at www.ccm-ct.org

August 27, 2002, No. 02-16

Municipal Powers: Mayor on Board of Education, “Yes” Separate Budget Referenda, “No”

Ruling on two important questions concerning the powers of local governments with regard to education, the Connecticut Appellate Court held, in *Board of Education of Naugatuck v. Town and Borough of Naugatuck*,¹ that:

- A municipality *may* provide by charter that the mayor serve as a full voting member of the board of education.
- A municipality *may not* provide by charter for separate referenda on the general government budget and the education budget.

The Town is seeking to appeal to the State Supreme Court the part of the decision that prohibits separate referenda, and the Board of Education has filed a statement opposing the appeal.

The Board of Education did not file a petition to appeal the part of the decision that permits the mayor to be a voting member of the board of education.

As *amicus curiae*, CCM supported the validity of both charter provisions.

If the Supreme Court agrees to hear the appeal of the referendum question, CCM will again file an *amicus* brief supporting the Town’s position that a municipal charter may permit voters to petition for separate referenda on the general government budget and the education budget. It will argue that the general statutes grant authority to all towns, both charter and non-charter, to conduct referenda on individual recommendations in the town budget, including separate referenda on the general government budget and the education budget.

Summary of the Facts and the Opinion:

Facts:

The first of two charter amendments provides that voters can petition for a referendum vote on either or both the general government budget and the education budget. A rejection of either budget at a referendum (which also allows voters to indicate whether each was too high or too low) requires the finance board to recommend a revised municipal budget. If, after three referenda, either component of the municipal budget is not approved, the finance board sets the final municipal budget.

- continued -

¹ 70 Conn. App. 358, 800 A.2d 517 (2002)

This bulletin has been sent to all CCM-member mayors, first selectmen, city/town managers, boards of finance, and city/town attorneys. It is informational only and is not intended as legal advice.

The second charter amendment provides that the mayor shall serve as a full voting member of the board of education.

Both amendments were challenged by the Board of Education, and the trial court ruled both invalid.

The opinion:

Separate Referendum Votes:

The Appellate Court found that the charter amendment permitting separate votes on the general government budget and the education budget conflicted with § 7-344 of the general statutes, which prescribes the budget formation process and the role of the board of finance. It focused on the use of the singular "estimate" in those parts of the section pertaining to the presentation of the proposed municipal budget to the town meeting and a vote by voting machine.²

Citing prior Supreme Court decisions, the Appellate Court also found that permitting separate votes upset "the statutory balance of power between local boards of education and local budgeting authorities." It interpreted the separate-vote provision as "subjecting [the educational budget] to isolated scrutiny by voters who may or may not be aware of the board of education's statutory mandates or have a broad understanding of the town's financial resources and priorities as a whole," allowing voters to reject expenditures for purposes that the board of finance was obligated by statute to fund. Thus, the Appellate Court concluded, the separate-vote provision of the charter intruded "into an area of statewide concern, public education," and conflicted with state statutes governing appropriations for boards of education.³

Mayor to Serve as Member of the Board of Education:

In contrast, the Court held that § 7-193(b) of the Home Rule Act "clearly authorizes municipalities to elect and organize local officers and boards as they see fit, absent a specific constitutional or statutory prohibition." As quoted by the Court, § 7-193(b) provides: "Any municipality may, by charter . . . alter the method of election, appointment or organization or any or all of [municipal] . . . boards including combining or separating the duties of each, *unless specifically prohibited from making such alteration by the constitution or the general statutes.*" The common law doctrine of incompatible offices is no longer applicable, the Court held. Section 9-210 of the general statutes governs, the Court concluded, and the statute's list of combinations of municipal offices that cannot be filled by the same person simultaneously does not include the offices of mayor and member of the board of education.

* * *

This bulletin is informational only and is not intended as legal advice. Please consult your municipal attorney. For further information, call Mike Martin at CCM, 498-3000.

² However, the Court ignored the use of the plural word "recommendations" in the same phrase, and did not quote the part of the section that indicates that a town meeting and voters at referendum (a machine vote) may reduce or reject specific recommendations for appropriations, being prohibited only from increasing or adding a recommendation. Therefore, the town, with CCM as *amicus curiae*, is seeking to appeal the decision.

The full text of the relevant excerpt from Section 7-344, quoted in part by the Appellate Court, provides: "The board shall submit such estimate *with its recommendations* to the annual town meeting next ensuing, and such meeting shall take action upon such estimate *and recommendations*, and make such specific appropriations as appear advisable, *but no appropriation shall be made exceeding in amount that for the same purpose recommended by the board and no appropriation shall be made for any purpose not recommended by the board.* Such estimate and recommendations may include, if submitted to a vote by voting machine, questions to indicate whether the budget is too high or too low. The vote on such questions shall be advisory purposes only, and not binding upon the board." [Emphasis added.]

³ It is the town's and CCM's position that there is no such conflict, and that Supreme Court decisions hold that the *process* of setting the municipal budget, including the education component of the overall budget, is a local concern. Hence, the petition to appeal.