



TOWN OF MANSFIELD
TOWN COUNCIL MEETING
MONDAY, March 10, 2003
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING
7:30 p.m.

AGENDA

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REGULAR MEETING-MANSFIELD TOWN COUNCIL-FEBRUARY 24, 2003

The regular meeting of the Mansfield Town Council was called to order by Mayor Elizabeth Paterson at 7:30 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building

I. ROLL CALL

Present: Haddad, Hawkins, Holinko, Paterson, Schaefer, Martin

Absent: Bellm, Rosen, Thorkelson

So noted that Rosen and Thorkelson are out of town.

II. APPROVAL OF MINUTES

Mr. Haddad moved and Mr. Schaefer seconded to approve the minutes of February 10, 2003 as corrected. Mr. and Mrs. Kouatly had their name misspelled. The "the" was removed from sentences addressing war on Iraq.

So passed unanimously.

III. PUBLIC HEARING

1. Mt. Hope Road Culvert Replacement

The public hearing was called to order at 7:35 p.m.

Mr. Lon Hultgren, Director of Public Works, discussed the history of this culvert and the need to replace it.

Mr. Daniel R. Lawrence, Project Manager, for Weston and Sampson Engineers, Inc. Engineers, Inc. discussed the drawings on the proposed project and the photos taken on a similar project.

Mrs. Pat Hempel and her son both spoke of their concerns about drainage onto her land and into her pond from the sand and gravel off the road. They are concerned that the pond will fill up with this drainage of material. She will be working with the Director of Public Works to come to a reasonable solution.

7:50 the public hearing closed.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Meredith Lindsey, 72 Beech Mountain Road, read a letter to the Council in response to the resolution passed last Monday night by the Mansfield Town Council concerning possible war with Iraq.

Good evening, I'm Meredith Lindsey. You may recognize my name from the letter I sent each of you last week. If you did not receive it, I have extra copies that I can provide to you tonight. I feel very strongly about the resolution opposing war on Iraq that was passed 2 weeks ago by this council. It was based solely on your personal opinions, yet alleges to represent my opinion and those of my town. How can you in good faith pass a resolution that supposedly speaks for the town of Mansfield when there was no public discussion concerning this resolution other than the 15 supporters attending the February 10th meeting? A resolution in these troubling times of this magnitude should have been presented to the residents for intensive discussion before being voted upon. This resolution which purports to speak for the town of Mansfield, in reality speaks for the personal emotions of the council and the 15 supporters that were present. What about the rest of us - the other 99.8% of Mansfield?

When I go to the polls to vote for my town council, I elect you to govern my town, not to influence or direct national or foreign policy. It is obvious to me and should be to you, that you are not privy at the local level to the classified information needed to make informed decisions on these matters. I strongly suspect that partisan politics are at play. I would prefer to see support for our leaders instead of political tactics designed to cause division.

I come from a long line of military veterans who have served our country including my father, grandfather, uncles and many cousins. I had the privilege of accompanying my husband while he served in the Air Force and I feel very strongly that we should support our troops. This resolution sends the message that our town does not support our country's leadership and military. If the town council wants to voice their personal opinions regarding war with Iraq they should take out an ad in the local paper. Recently a group of area residents took out such an ad. Our town council should feel shame in sending the inaccurate message to our troops

that the Town of Mansfield is not supportive of their efforts. Our men and women in uniform willingly risk their lives to guarantee our country's security and freedoms. Your resolution demeans the many sacrifices that they make.

Please be clear that I am not endorsing war on Iraq, but I feel that this town Council committed a grave error in passing the resolution opposing war on Iraq: you passed it based on personal emotions, not public opinion: you used a local forum with inadequate information to try and influence national security and foreign policy and you showed no support for our troops. I strongly urge you to revoke this resolution.

David Kloss, 72 Beech Mountain Road, read a letter to the Council in response to the resolution passed by the Council regarding possible war with Iraq.

Don Fontaine, 34 Beech Mountain Circle, was very disappointed that the Town Council had taken a stand on a national issue regarding possible war with Iraq.

Alison Blair, 115 Coventry Road, was very disillusioned with the Town Council for adopting the resolution against war with Iraq.

V. OLD BUSINESS

2. Appointment of Member of Regional School District #19 Board of Education

No action taken. Council members asked if Town Attorney could clarify or follow up on the Town Charter/State Statutes regarding on filling of vacancies.

3. University Spring Weekend

The University and State Police have met in preparation for the upcoming Spring Weekend. The University at this time does not want to increase the student programming for the weekend. The Task Force on Substance Abuse is meeting to put together a comprehensive program year round in the community and on campus.

VI. NEW BUSINESS

4. Paperwork Reduction

This item will be included in the next Council agenda.

5. Fiscal Year 2003/04 Budget Review Calendar

Mr. Schaefer moved and Mr. Martin seconded to adopt the fiscal year 2003/2004-budget review calendar dated February 24, 2003, as proposed by town staff.

So passed unanimously.

6. Fiscal Year 2002/03 Budget Transfers

Mr. Schaefer moved and Mr. Holinko seconded to approve the fiscal year 2002/03 budget transfers and adjustments, as presented by the Director of Finance in his memorandum dated February 12, 2003.

So passed unanimously.

7. Proposed Amendments to Solid Waste Regulations

David KLOSS
72 Beach MTN Rd
Mansfield

God Bless America, a country where kids of all cultures and ethnic backgrounds can play basketball together.

God Bless America, a land where school kids can debate politics and religion in their classroom without fear of reprisal.

CT

God Bless America, a place where it is impossible to stem the tide of people from other countries who want to live here.

Even the members of our town council should be grateful that they live in a country where they can criticize the federal government and where they can question the president of our country. This is a land, unlike many others, where the politicians of Mansfield can play partisan politics without fear for their families safety or for the well being of their business'.

What is this speech all about?

Several weeks ago this council passed a resolution against war with Iraq. They passed this resolution with a miniscule representation from their constituents. The council members stated that their own personal beliefs and the lessons learned from the Vietnam conflict as reason enough to pass this resolution. Carl Schaefer stated in the newspaper that this resolution represented the popular opinion of the people of Mansfield. This is certainly not true.

Pause

Now, folks let's get down to brass tacks! The democratic national committee is actually playing national partisan politics here in Mansfield. This resolution, brought forth by Bruce Bellm a member of the town council, was sent down to the community level from this national committee to divide our country. This resolution passed through our town council not only because our council members personally oppose war with Iraq, but because the national democratic committee wants to make President Bush look bad. They are eyeing the presidential election in 2004.

The vast majority of people in Mansfield, a few of whom have come tonight, support our president. We support our country and her military, which keeps us safe.

These council members: Betsy Patterson, Alan Hawkins, Bruce Bellm and Greg Haddad who, during these treacherous times, passed a resolution aimed at dividing our country have not faithfully served us.

They passed this resolution without our approval and under false pretense.

In summary:

Let me say again: No one wants war; no one here and certainly not President Bush. However, for our country, and the many other free countries of this world to remain strong and safe, leaders like Saddam Hussein must be

disarmed. They must not be allowed to sell their biological and chemical weapons to terrorist organizations.

If evidence is conclusive that Saddam is actively manufacturing and hiding these weapons he must be disarmed. If he is allowed to continue his covert weapons program, there will quickly come a time when the world will be held hostage by these weapons. If the feeble, diplomatic methods of the U. N. and the French are insufficient to actually and conclusively disarm Saddam, then military force must be used. Contrary to the popular press coverage, the U.S. is not alone in our belief that Saddam must be disarmed. The United States will have the support of a large portion of the international community in this endeavor.

Our town council should support our president during these difficult times, not be the pawns of national democrat, partisan politicians. They should rescind this divisive, poorly thought out, and ill informed resolution.

TOWN OF MANSFIELD
 PROPOSED BUDGET REVIEW CALENDAR
 BY TOWN COUNCIL
 FEBRUARY 24, 2003

DATE	SUBJECT	LOCATION
Mar. 24 (Mon.) 7:30 p.m.	Budget Presented to Town Council	Council Chambers
Mar. 31 (Mon.) 6:00 p.m.	Issues and Options General Government Mansfield Board of Education Public Safety Public Works Solid Waste	Council Chambers
Apr. 7 (Mon.) 6:00 p.m.	Internal Service Funds Daycare Capital Projects Town Aid CNR Operating Transfers Out Revenues Debt Service Town-Wide	Conference Room C
Apr. 14 (Mon.) 7:30 p.m.	Public Hearing	Council Chambers
Apr. 16 (Wed.) 6:00 p.m.	Community Development Community Services Health and Social Services Area Agency Contributions Library Recreation	Conference Room C
Apr. 28 (Mon.) 7:30 p.m.	Adoption of Budget and Recommended Appropriations	Council Chambers
Apr. 30 (Wed.) 6:00 p.m.	Adoption of Budget and Recommended Appropriations (if necessary)	Conference Room C
May 13 (Tues.) (8:00 p.m.)	Town Meeting	Mansfield Middle School

INTEROFFICE MEMORANDUM

TO: MANSFIELD TOWN COUNCIL
FROM: JEFFREY H. SMITH 
SUBJECT: BUDGET TRANSFERS 2002/2003
DATE: 2/12/2003

The items listed below are for requested budget transfers for the fiscal year 2002/2003. A brief description of the requested transfers over \$1,000 is detailed below.

- Municipal Management Regular - Increase \$6,010 - Town Manager's salary increase had not been approved by council at the time the budget was prepared. Also the amount budgeted for the pension agreement for the Town Manager did not include the increase for calendar year 2003.
- Municipal Management Temporary - Increase \$3,000 - Additional hours required by Temporary Help than anticipated.
- Personnel Management Regular - Increase \$2,880 - Increase due to promotion in position to Assistant Town Manager.
- Town Clerk - Regular CSEA - Increase \$ 1,040 - Increase due to a change in personnel, payout of unused sick and vacation time.
- Finance Administration Regular CSEA - Decrease \$2,360 - Decrease due to vacant Secretary position being filled at a lower salary than budgeted.
- Finance Administration Overtime - Time & ½ - Decrease \$1,000 - Less Overtime hours than anticipated.

- Property Assessment – Regular CSEA – Decrease \$3,380 – Decrease due to Assessor's position not being filled until September.
- Information Technology Regular – Increase \$2,910 – Increase due to upgrade for Information Technology Manager that was not budgeted.
- Patrol Services Part-time – Increase \$1,770 – Increase due to more part-time hours required than anticipated.
- Patrol Services Overtime Time & 1/2 - Increase \$5,000 – Based on dollars spent to date for current fiscal year, more overtime hours required than anticipated.
- Patrol Services Reimbursable Overtime – Decrease \$4,700 – Decrease due to less reimbursable overtime anticipated than budgeted.
- Animal Control – Part-time CSEA – Increase \$1,040 – Part-time Animal Control Officer working more hours than anticipated.
- Mansfield Fire Dept Regular – Increase \$10,980 – Based on dollars spent to date for current fiscal year, Regular Full Time hours will be more than anticipated.
- Mansfield Fire Dept Overtime – Increase \$8,100 – Based on dollars spent to date for current fiscal year, Overtime hours will be more than anticipated.
- Eagleville Fire Dept Regular – Increase \$7,290 – Based on dollars spent to date for current fiscal year, Regular Full-time hours worked will be more than anticipated.

➤

- Eagleville Fire Dept Bunker – Decrease \$2,180 – Based on dollars spent to date for current fiscal year, Bunker hours will be less than anticipated.
- Eagleville Fire Dept Part-time – Increase \$4,160 – Based on dollars spent to date for current fiscal year, Part-time hours will be more than anticipated.
- Eagleville Fire Dept Overtime – Increase \$11,300– Based on dollars spent to date for current fiscal year, more Overtime hours will be required than anticipated.
- Road Services Regular – Decrease \$11,500 – Vacant Laborer position not filled until October.
- Road Services – Overtime – Time & ½ - Decrease \$2,500 – Less Overtime hours required than anticipated.
- Grounds Maintenance – Regular – Decrease \$12,200 – Vacant Laborer position not filled until October.
- Grounds Maintenance – Overtime Time & ½ – Increase \$8,000 – Due to the coverage by several grounds positions for snow and ice control.
- Grounds Maintenance – Temporary - Increase \$12,300 – Increase due to more Temporary hours than anticipated, this is offset by the anticipated decrease to Grounds Maintenance Regular.
- Equipment Maintenance – Overtime – Time & ½ - Increase \$2,000- Additional Overtime hours required due to storms.
- Engineering Part-Time – Decrease \$1,700 – Less hours required by Transportation Planning Assistant than anticipated.

- Building Inspection Regular – Increase \$5,570 - When budget was prepared it was anticipated that the Building Inspector would be retiring at the end of last fiscal year and the budget was decreased. The Building Inspector postponed retirement.
- Building Maintenance Regular – Decrease \$5,220 – Due to position changes, the Custodians paid for by the Town were paid at lower rates than the custodians that were budgeted.
- Social Services Regular – Decrease \$12,100 – Decrease due to Social Services Director vacancy not filled until December.
- Youth Services Regular CSEA – Decrease \$25,090 – Full time Secretary position was eliminated.
- Library Administration Regular – Decrease \$23,620 – Public Services Librarian vacant position is not anticipated to be filled until April.
- Library Administration Part Time – Increase \$8,640- Library Pages wage scale increased due to increase in minimum wage and additional hours required.
- Library Administration Substitutes – Increase \$12,600 – Additional Substitute hours required due to vacant Librarian position.
- Fire & Emergency Services Administration Regular – Increase \$25,070 – New position, not included in budget. This amount is being covered by a transfer in from the CNR fund.

Mr. Haddad moved and Mr. Hawkins seconded to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on March 10, 2003 to solicit public comment regarding the propose changes to the Mansfield Solid Waste Regulations.

So passed unanimously.

8. Proposed "Hearing Procedure for Citations Ordinance"

Mr. Haddad moved and Mr. Holinko seconded to schedule a public hearing for 7:45 p.m. at the Town Council's regular meeting on March 10, 2003 to solicit public comment regarding the proposed "Hearing Procedure for Citations Ordinance"

So passed unanimously.

9. Proposed AT & T Telecommunications Tower Between Baxter and Cedar Swamp Roads

Mr. Haddad moved and Mr. Holinko seconded to authorize the Mayor to co-endorse the Planning and Zoning Commission's letter to the Connecticut Siting council to express the town's appreciation for AT &T's cooperation in providing information and addressing various issues concerning its planned telecommunication tower between Baxter and Cedar Swamp Roads.

So passed unanimously.

VII. DEPARTMENTAL REPORTS

No comments

VIII. REPORTS OF COUNCIL COMMITTEES

IX. REPORTS OF COUNCIL MEMBERS

X. TOWN MANAGER'S REPORT

Municipal Action Day was cancelled at the State Capitol.

The Mayor met with Superintendent Schimmel and Chairman of the Board of Education Bill Simpson regarding the budget. Both parties understood the gravity of the budget and the Superintendent has issued a budget freeze.

Tuesday night there will be a meeting regarding the UConn Landfill at 7:00 p.m. in the Council Chamber.

The Task Force on Substance Abuse at the University of Connecticut meets every Wednesday night. The President of the University is expecting a report shortly.

The Town Manager handed out two handouts from the Republican Town Committee, one to recommend two Republicans to the vacancy on the Region #19 Board of Education and another regarding the Town Council's recent stand on the issue of possible war in Iraq.

Town Manager handed out Mansfield Community Center Inaugural Membership Registration Form.

Assistant Town Manager discussed the email addresses of the Council members.

XI. FUTURE AGENDAS

Mr. Hawkins inquired if the staff would review fire safety in places of public assembly, which serves alcohol.

XII. PETITIONS, REQUESTS AND COMMUNICATIONS

10. J. Gerdson re: Resolution on the War in Iraq
11. Regional School District No. 19 Salary Comparison Data
12. Council of Small Towns(COST) February 18, 2003 Legislative Alert
13. M. Beckert re: Resignation from Mansfield Conservation Commission

XIII. EXECUTIVE SESSION

Not needed.

XIV. ADJOURNMENT

At 8:40 p.m. Mr. Martin moved and Mr. Schaefer seconded to adjourn the meeting.

Elizabeth Paterson, Mayor

Joan E. Gerdson, Town Clerk

Mansfield Republican Town Committee
P.O.Box 32
Mansfield Center, CT 06250

February 20, 2003

To The Mansfield Town Council;

The Republican Town Committee recommend to you the names of two highly qualified persons to fill the vacancy on the Region 19 Board of Education due to the resignation of its Chairman Paul Brody. Knowing that this time of year is an extremely important time for members of boards of education (budget preparation time), we feel that both our recommendations come highly qualified in that particular respect.

The two people who have indicated to us an interest in serving on this Board are Stanley J. Miela and Virginia Raymond. A brief history follows for both of these people, although we are sure, they are capable of presenting their qualification before you.

Stanley J. Miela: Stan was an educator for 38 years, retiring after being principal of Brooklyn Elementary School for 24 years. Consequently, Stan has vast experience and knowledge of the educational budget process, along with the experience of dealing with and defending a budget. Over the years, Stan has had to examine and recommend reductions in budgets. As an administrator, Stan has the ability to understand the school system and its educational needs. Additionally, Stan has lived in Mansfield for 41 years, and had all 3 of his children graduate from E. O. Smith. Stan also has extensive coaching experience, both locally and in school systems. Stan received his BS and MS in Education from Eastern and his 6th year in Education from UCONN.

Virginia Raymond: Virginia's experience and knowledge of the budget process comes from a different perspective in that Virginia served on the Town Council for 3 years. Her knowledge and understanding of our local and state budgets has been demonstrated to you all through her ability to ask many pertinent questions. Virginia has a clear understanding of the fiscal conditions of the town and could help to craft a responsible budget. Virginia has lived in Mansfield for 15 years. She has been employed by CRRA since 1992 (10 ½ years) serving in various capacities including Education Specialist at the recycling education center for 2 years. Currently as an analyst she prepares and analyzes a wide range of spreadsheets and data related to CRRA's numerous facility operations, waste market conditions, contracts, and budgets. Virginia ran for state senator in 1996 and has extensive background in the state budget process.

Carol Pellegrine, chair

Martin H. Berliner

From: rpellegrine [rpellegrine@snet.net]
Sent: Thursday, February 20, 2003 9:41
To: Marty Berliner
Subject: war resolution

Please see that the council members receive this.

Mansfield Republican Town Committee

P.O.Box 32

Mansfield Center, CT 06250

February 20, 2003

To The Members of the Mansfield Town Council:

The Republican Town Committee take issue with your recent stand on the issue of war in Iraq on three points.

We do not believe that you allowed the general public an opportunity to respond to the request by the Democratic Town Committee to support this position. In the past when an issue such as this, or one requiring support of a position, has been presented to the Council, the Town Council has received such a request at one meeting and then publicized the issue and requested a response from citizens at a future meeting. The Council took no such action. Thus only the citizens involved in, and supporting the stated position, had an opportunity to react to such a statement. In essence, your response had to be only your own – you had no right to say that you were representing the citizens of the Town of Mansfield and should not have used a public Council meeting as your forum. With three members absent, you also gave limited member input.

2/24/2003

Second, we do not believe that the powers granted to you in our Town Charter extend beyond "local government." Section 303 of our Charter states that the Council will be the "governing body." The Charter then goes on to allow you the right to assign administrative powers to the manager, etc. and finally states that the Council is responsible for " the government of the town and the management of its business and for the preservation of good order, peace, health, safety and the general welfare of the town and its inhabitants." It does not say that you have a right to take a stand on an issue which is beyond the decision-making powers of this body.

Last, the Republican Town Committee feel that the Council's time would be better spent in addressing the needs of its citizens in the event of war, terrorist attack or biological or tactical warfare. We would like the Council to reactivate the Civil Preparedness Committee (which has not met for many years) so that we can begin to educate the citizens of Mansfield in preparation for "homeland defense."

Carol L. Pellegrine, chair

429-9598

2/24/2003

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PUBLIC HEARING

TOWN OF MANSFIELD

CHANGES TO THE MANSFIELD SOLID WASTE REGULATIONS

The Mansfield Town Council will hold a public hearing on March 10, 2003 at 7:30 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building to discuss and hear comment on the proposed changes to the Mansfield Solid Waste Regulations. At this hearing interested persons may appear and be heard and written communications received.

Packets with these changes are available with the Recycling/Refuse Coordinator, Virginia Walton.

Dated at Mansfield, Connecticut, this 26th day of February, 2003

Joan E. Gerdson
Town Clerk

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INTENTIONALLY

PUBLIC HEARING

TOWN OF MANSFIELD

“HEARING PROCEDURE FOR CITATIONS ORDINANCE”

The Mansfield Town Council will hold a public hearing on March 10, 2003 at 7:45 p.m. in the Council chamber of the Audrey P. Beck Municipal Building to discuss and hear comment on the proposed “Hearing Procedure for citations Ordinance”. At this hearing interested persons may appear and be heard and written communications received.

The complete text of said procedure is available in the Town Clerk’s office, 4 South Eagleville Road, Mansfield.

Dated at Mansfield, Connecticut, this 26th day of February, 2003.

Joan E. Gerdson
Town Clerk

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER

Item #3



Martin H. Berliner, Town Manager

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

March 10, 2003

Town Council
Town of Mansfield

Re: Appointment of Member to Regional School District #19 Board of Education

Dear Town Council:

As the Council had requested at its last meeting, attached please find a follow-up opinion from the Town Attorney concerning the appointment to fill the vacancy on the Regional School District #19 Board of Education. We have also attached a communication from the Democratic Town Committee regarding this issue

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(11)

Mansfield Democratic Town Committee

PO Box 384
Mansfield Ctr., Ct.06250
1 860 423 5587
app.designs@snet.net

March 6, 2003

Mansfield Town Council
AP Beck Building
4 S. Eagleville Rd.,
Mansfield, CT 06268

Mayor Paterson and members of the town council:

Please be informed that the choice of the Mansfield Democratic Town Committee to fill the vacancy on the District 19 Board of Education created by the resignation of Paul Brody is Fran Archambault of Charles Lane.

Thank you in advance for your consideration of this recommendation.

Sincerely,

Richard L. Sherman, chair
Mansfield Democratic Town Committee

February 28, 2003

Alan R. Hawkins
242 Spring Hill Road
Mansfield, CT 06250

Re: Vacancy on Region 19 Board of Education

Dear Al:

This is in reply to your February 25, 2003 e-mail to me and is intended to supplement and to a very limited extent modify my opinion letter to Matt Hart dated February 17, 2003. I am therefore sending a copy to Matt along with a copy of your e-mail for distribution to all members of the Town Council.

Section C206 of the Town Charter provides in pertinent part that "If the person vacating the office shall have been elected as a member of a political party, the vacancy shall be filled by the appointment [by the Town Council] of a member of the same political party." In my letter to Matt Hart dated February 17, 2003, I concluded that this mandate is applicable to the Town Council's mission to fill the current vacancy on the Region 19 Board of Education.

In your e-mail to me of February 25, 2003, you concisely and persuasively contended that the foregoing requirement does not apply in this situation because the governing state law, Connecticut General Statutes section 10-46©, provides that the minority representation requirements contained in our state statutes are inapplicable to this situation, and that one of these two provisions, section 9-167a, includes a subsection (d) requiring that ". . . at such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member."

Please correct me if I am wrong, but you and I apparently agree that Charter section C206 generally applies to the Region 19 vacancy. We disagree, however, that the portion of section C206 that requires "the appointment of a member of the same political party," applies, in particular. You say it is preempted by section 10-46© and 9-167a(d) of the general statutes, read together. I say that you have made a cogent argument, but it is not a winner. More specifically, you have correctly pointed out that 10-46© and 9-167a(d) are "not silent" on the matter in question, but in this situation, they speak too softly to require the Town Council to ignore a duly enacted provision of the Mansfield Town Charter when you all appoint someone to fill the Region 19 vacancy.

Section C206 was enacted by the people of Mansfield under the authority of state law, namely, Connecticut General Statutes section 7-187, et seq., regarding “Municipal Charters and Special Acts.” When you read section 7-193 of the Act, it becomes readily apparent why it is popularly known as “the Home Rule Act.” In this law, the State has delegated enormous powers of self-government to towns, like Mansfield, which choose to enact their own charters. Towns which do not take advantage of this great opportunity to make their own rules, are generally governed by state statutes.

Section 7-193 of the Home Rule Act is entitled “Required provisions. Organization of Government.” Section 7-193(b) says, in pertinent part that:

Each municipality may have any municipal officers, departments, boards, commissions and agencies which are specifically allowed by the general statutes or which are necessary to carry out any municipal powers, duties or responsibilities under the general statutes. All such officers, departments, boards, commissions and agencies shall be elected, appointed and organized in the manner provided by the general statutes, except as otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter. Any municipality may, by charter or by ordinances or resolutions adopted pursuant to such charter, alter the method of election, appointment or organization of any or all of such officers, departments, boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the constitution or general statutes. (emphasis added).

So, with regard to election of local officials, in section 7-193, the State has given almost all of its authority to towns, like Mansfield, which have enacted charters. The portion of Charter section C206 relied on in my opinion letter must be applied to the Region 19 vacancy unless towns are “specifically prohibited from” enacting and applying such a rule “by the constitution or general statutes.” There is no such prohibition.

You are relying on C.G.S. section 9-167a, claiming in essence that since the governing statute, section 10-46©, says that section 9-167a is inapplicable to the election of regional board members, and section 9-167a includes a subsection (d) requiring “the appointment of a member of the same political party as that of the vacating member,” the section C206 requirement that “the vacancy be filled by the appointment of a member of the same political party” cannot be applied to the Region 19 vacancy under state law.

At first glance, your contention appears to be valid, but remember, in order to succeed in jettisoning this duly enacted provision of the Mansfield Town Charter, you are taking on a very heavy burden. In this instance, you must show that the subject Charter provision is “specifically prohibited” by section 10-46© as it interacts with section 9-167a of the general statutes. But the subsection you rely on, namely 9-167a(d) is merely a secondary part of 9-167a, intended to come into play only “At such time as the minority representation provisions of this section become applicable. . . .” The threshold, primary, and probably sole purpose of 9-167a is to ensure that a dominant majority party cannot

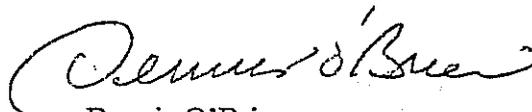
have every seat on most elected bodies. Probably for a variety of reasons, in section 10-46©, the legislature decided not to require minority party representation on regional boards of education. It does not follow that the legislature wanted to apply subsection (d) to situations like ours where the minority party representation rules are applicable.

The apparent purpose of subsection (d) is merely to ensure that in situations where this particular minority party representation law is in place, it cannot be subverted when an interim vacancy occurs. It is limited to that particular situation. Sections 10-46© and 9-167a cannot be read to "specifically" prohibit a town from requiring that a vacancy on a regional board of education "be filled by the appointment of a member of the same political party." (See, C.G.S. section 7-193(b), quoted above). In that case, for me as town attorney to say that the Town Council may not implement this legally enacted requirement of the Mansfield Town Charter in this situation would fly in the face of the principles of local self sufficiency that motivated the Legislature's enactment of the Home Rule Act, not to mention the Act itself, especially section 7-193(b). If the Legislature intended to bar a town from enacting and implementing a charter provision or ordinance like the C206 requirement under scrutiny, it surely could have said so in a much more direct and certain way.

You are absolutely right to "not want to place unnecessary restrictions upon the Town Council with respect of the search for the best candidate to fill that position." I am entirely sympathetic to your goal and your concerns, and I wish I could accommodate them. Nevertheless, as town attorney, I cannot recommend that the Town Council ignore what is in my professional judgment a duly enacted, apparently applicable provision of the Town Charter unless I am convinced it is illegal. The restriction we are addressing may be good or bad, wise or not, though it would seem to generally respect the will of the voters who elected the member who is about to be replaced until the municipal election this November, but it is not "unnecessary," because it is legal, and therefore, it should be applied in this case.

Please let me know if you or any other members of the Council or administration have any additional questions or concerns about this complex issue or my opinion as supplemented by this letter.

Very truly yours,



Dennis O'Brien
Attorney at Law

cc: Matthew W. Hart
Enclosure (1)

To: Dennis O'Brien

From: Al Hawkins

February 25, 2003

Dennis,

Thank you for your phone call today.

Although I am not intent on belaboring the selection process for the recently vacated seat on the Regional #19 Board of Education, I also do not want to place unnecessary restrictions upon the Town Council with respect of the search for the best candidate to fill that position.

I want to try to capture my question as concisely as possibly. As you indicated, this is a very technical legal issue because of several sections of the Connecticut General Statutes as well as portions of the Mansfield Town Charter that may apply.

I think that we both agree that Title 10 of the Connecticut General Statutes, Sec. 10-46 (c) outlines the procedure to be followed "If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election..."

Where our opinions differ is with respect to whether the vacated position must be filled with a member of the same political party as that of the person who vacated the position.

The "minority party representation" statute is under Chapter 146, Section 9-167a. That statute directs two separate requirements.

- First is the minority party representation section that uses a table to show the maximum number of members of the majority party that may be represented "...on any boards, commissions, legislative body, committee or similar body of the state or any political subdivision thereof..."
- Second is section (d) that requires that "...At such time as the minority representation provisions of this section become applicable to any board, commission, committee or body, any vacancy thereafter occurring which is to be filled by appointment shall be filled by the appointment of a member of the same political party as that of the vacating member."

Both of these statutory requirements are paraphrased in the Mansfield Town Charter. The first is under C203, the second is under C206.

C.G.S. 10-46 (c) states quite clearly that "section 9-167a...shall not apply,..." to this selection process. That would mean that neither the minority party representation section nor the requirement to select a person of the same party affiliation as the person vacating the position would be required. Since C.G.S. 10-46 (c) is *not* silent on either of these two requirements, I would argue that provisions of the Mansfield Town Charter, that basically paraphrase the two parts of Sec. 9-167a do not apply. I would contend that the requirements of the applicable state statutes supercede the provisions in the charter.

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

February 24, 2003

Town Council
Town of Mansfield

Re: Appointment of Member to Regional School District #19 Board of Education

Dear Town Council:

As the Council had requested at its last meeting, attached please find an opinion from the Town Attorney outlining the course of action that the Council may follow in appointing someone to fill the vacancy on the Regional School District #19 Board of Education.

Respectfully submitted,

Martin H. Berliner

Martin H. Berliner
Town Manager

Attach: (7)

Attorney Dennis O'Brien

120 Bolivia Street, Willimantic, Connecticut 06226 Tel (860) 423-2860 Fax (860) 423-1533

February 17, 2003

Matthew W. Hart
Assistant to the Town Manager
Town of Mansfield
Four South Eagleville Road
Mansfield, CT 06268

Re: Vacancy on Region 19 Board of Education

Dear Matt:

In your E-mail to me dated February 14, 2003, you asked me to "provide a recommendation to [the Town Council] outlining the appropriate course of action that they should follow in making the appointment [to fill a vacancy on the Region 19 Board of Education]."

The governing law is Connecticut General Statutes section 10-46 regarding "Regional board of education." A copy is attached hereto. Subsection (a) of that provision begins by mandating the administration of a regional school district by a regional board of education, and then requires that charter members of a newly constituted regional board be elected by the legislative body of each member town. Subsection (a) concludes by providing, "Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town."

The first option, C.G.S. section 10-46(b), provides for the election of board members by a town choosing this option by a town meeting. Under subsection (b), any vacancy that arises also has to be filled by a town meeting vote. The second option, stated in C.G.S. 10-46(c), calls for election of any town representative to the regional board of education by a vote of the electors of the town at the polls. It makes sense that a town like Mansfield, in which the legislative authority is vested in the Town Council rather than a town meeting, elects its representatives to the Region 19 Board of Education under subsection (c), in the biennial election held in November of each odd numbered year.

Subsection © also provides that "If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term . . ." The "Vacancies" section of the Mansfield Charter, section C206, follows the section 10-46© rule for filling a vacancy. It says that "Except as otherwise provided by statute, any vacancy in any elective office, except in the Board of Education and Planning and Zoning Commission, for whatever cause arising, shall be filled by appointment by the Town Council for the unexpired portion of the term or until the next biennial election, whichever shall be sooner."

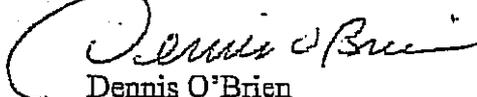
Matthew W. Hart
Assistant to the Town Manager
Re: Vacancy on Region 19 Board of Education
February 17, 2003

So, under state law and section C206 of the Mansfield Charter, the Town Council has the legal responsibility to choose an elector of the town to fill the current vacancy until the next municipal election this fall. Furthermore, as also required by section C206, the "Vacancies" section of the Town Charter, "If the person vacating the office shall have been elected as a member of a political party, the vacancy shall be filled by the appointment of a member of the same political party." Since, section 10-46© is silent on this type of local rule while expressly providing that the only two minority party representation requirements contained in our statutes are inapplicable, section C206 is controlling. As stated in Charter section C103 regarding "General grant of powers," In addition to all powers granted to towns under the constitution and general law, the town shall have all powers granted by this charter. . ."

The Council must fill the vacancy on the Region 19 Board of Education with an elector registered as a member of the same political party the member who resigned was enrolled in.

Let me know if you or any Council members have any questions.

Very truly yours,



Dennis O'Brien
Attorney at Law

§ 10-46

General Statutes

TITLE 10 EDUCATION AND CULTURE

CHAPTER 164

10-46

Sec. 10-46. Regional board of education.

(a) The affairs of the regional school district shall be administered by a regional board of education, which shall consist of not fewer than five members. Each member town shall elect at least one member. The committee report shall determine the number of members of such regional board and the representation of each town. The first members of such regional board of education shall be nominated and elected at a meeting of the legislative body of each town held within thirty days after the referendum creating the district. The regional board of education at its first meeting, called by the Commissioner of Education within ten days from the time the last member town to appoint members to the regional board has done so, shall organize and the members shall serve until their successors are elected and qualify. At such meeting, the board shall determine the term of office of each member according to the following principles: (1) The term of office of each successor shall be four years; (2) to establish a continuity of membership, a system of rotation shall be used; if the board has an even number of members, one-half of such number shall be elected every two years and if the board has an uneven number of members, no more than a bare majority or a bare minority shall be elected every two years, except when the unexpired portion of the term of a vacated office must be filled; (3) the same system of rotation shall be used for election of the representatives of each member town, if possible; (4) if necessary, it shall be determined by lot which of the initial members shall serve the short terms; (5) at the first election of members in accordance with subsection (b) or (c) of this section, no more than half the offices held by initial board members shall be filled; (6) the offices held by the remaining initial board members shall be filled at the second election held in accordance with subsection (b) or (c) of this section. Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town.

(b) (1) At least thirty days before the expiration of the term of office of any board member, a town meeting shall be held in accordance with chapter 90 to nominate and elect a successor. Any person who is an elector of such town may vote at such meeting. If a vacancy occurs in the office of any member of the regional board of education, the town affected, at a town meeting called within thirty days from the beginning of such vacancy, shall nominate and elect a successor to serve for the unexpired portion of the term in accordance with the above procedure. (2) Where members of the regional school board are to be elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-631, and approved under sections 10-63m and 10-63n, at least thirty days before the expiration of the term of office of any board member, a meeting of the voters of the entire regional school district shall be held to nominate and elect successors in accordance with subsection (e) of this section. Any person who is an elector of any member town may vote at such regional meeting. Vacancies shall be filled by a regional meeting called within thirty days from the beginning of such vacancy.

(c) Board members shall be nominated and elected in the same manner as town officers in accordance with the provisions of title 9 except that (1) section 9-167a and parts II and III of chapter 146 shall not apply, (2) the board members so elected shall take office in accordance with subsection (d) of this section and if members of the regional school board are elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-631, and approved under sections 10-63m and 10-63n, a caucus of the voters of the entire regional school district shall be

held to nominate candidates for election to the board in accordance with subsection (e) of this section. At such caucus, any person who is an elector of any member town may vote. If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term, except that if members are elected at-large, such successor shall be nominated and elected at a meeting of the entire regional school district held as provided in subsection (b) of this section.

(d) All members of a regional board of education, except those members regularly elected in the month of May, shall take office on the first day of the month following their election. Those members of a regional board of education regularly elected in the month of May shall take office on the first day of July. Such board shall hold an organizational meeting in the month following the last election of members thereof held in the member towns in any calendar year at which time the board shall elect by ballot from its membership a chairperson, a secretary, a treasurer and any other officer deemed necessary and may annually thereafter elect such officers. In the case of a tie vote in the balloting for any officer, such tie shall be broke by lot. The treasurer shall give bond to the regional board of education in an amount determined by the members thereof. The cost of such bond shall be borne by the district.

(e) Each regional school district meeting and caucus held pursuant to subsection (b) and (c) of this section shall be conducted in accordance with standard parliamentary practice. A moderator shall be chosen to preside over such meeting or caucus. A majority of those present and eligible to vote at such meeting or caucus shall determine the manner in which any vote shall be taken. The moderator shall certify all results of such meeting or caucus to the secretary of the state who shall then officially notify each town within the regional school district of the result.

(1949 Rev., S. 1376; 1951, 1953, 1955, S. 901d; February, 1965, P.A. 470; 1967, P.A. 333, S. 1; 1969, P.A. 698, S. 8; 1971, P.A. 679, S. 1; P.A. 75-644, S. 11, 14; P.A. 77-614, S. 302, 610; P.A. 78-124, S. 1−4; 78-218, S. 33; P.A. 82-184, S. 1, 2.)

History: 1965 act allowed initial regional board to serve until each member town has held a regular election rather than "until the first meeting in July next succeeding", deleted references to one and three-year terms of office, provided that not more than a bare majority of terms on odd-numbered board expire in any one year and made nomination and election the same as for town board of education members unless done in special town meeting by ordinance; 1967 act returned section to provisions existing before 1965 act except that provisions for two or four year terms were deleted as was provision for half of terms expiring in one year for even-numbered board memberships; 1969 act divided section into subsections, made size of board and representation of towns determined in final committee report rather than by joint vote of town boards comprising district, made secretary of state board responsible for calling first meeting rather than the chairman of the study committee, provided complex guidelines for determining terms of initial members and added Subsecs. (b) to (d) regarding election of members after first appointed members' terms expire; 1971 act amended Subsec. (d) to provide for annual election of officers; P.A. 75-644 deleted provision limiting boards to not more than nine members; P.A. 77-614 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 78- 124 amended Subsecs. (b) and (c) to allow nominations and elections of members at-large and added Subsec. (e) re meetings and caucuses for nomination and election of members at-large; P.A. 78-218 substituted "chairperson" for "chairman" in Subsec. (d); P.A. 82-184 provided that board members regularly elected in May shall take office in July, rather than one month following their election where previously all members, regardless of election date, took office one month following the election.

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TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

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

February 10, 2003

Town Council
Town of Mansfield

Re: Appointment of Member to Regional School District #19 Board of Education

Dear Town Council:

Mr. Paul Brody has resigned from the Regional School District #19 Board of Education. Since Mr. Brody is a Mansfield resident, the Mansfield Town Council has the responsibility to select his successor to the Region #19 Board.

Mr. Brody's term was due to expire in November 2003. Pursuant to state statute, whomever the Town Council appoints as Mr. Brody's successor will serve until the upcoming general election scheduled for this fall.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(2)

January 27, 2003



To Joan Gerdson
Mansfield Town Clerk

Please be advised that this letter shall serve as my resignation from the
Regional District #19 Board of Education, effective immediately.

Very Truly Yours,

Paul I. Brody

Mansfield Republican Town Committee
P.O.Box 32
Mansfield Center, CT 06250

February 5, 2003

To Members of the Town Council and Martin Berliner;

We do not believe that the vacancy on the Region 19 Board of Education should be filled in "the usual way" as Mr. Berliner was quoted in The Chronicle.

The Regional Board of Education is a statutory board (CGS 10-46). CGS Section 10-46(c) states that "if a vacancy occurs... the legislative body of the town... shall elect a successor to serve until the next general election...". There is no mention that the person replacing the resigned person belong to the same political party. The manner prescribed in our Town Charter (Section 206) is "the usual way" and does state that the person replacing the resigned person belong to the same political party. However, our Charter specifically excludes vacancies in positions created under the State Statutes.

It would appear that the intention of the legislature creating regional boards was to make them less political, thus the specific elimination of chapter 146 (minority representation).

The Mansfield Republican Town Committee recommend that the Council as a committee or the Committee on Committees, publicize the fact that there is a vacancy on Region 19, set a date to hear from persons interested in serving on this important board, and then elect the individual who would best serve the Town of Mansfield and District 19.

Thank you for your kind consideration.

Sincerely,



Carol L. Pellegrine, chair

429-9598

shall organize and the members shall serve until their successors are elected and qualify. At such meeting, the board shall determine the term of office of each member according to the following principles: (1) The term of office of each successor shall be four years; (2) to establish a continuity of membership, a system of rotation shall be used: if the board has an even number of members, one-half of such number shall be elected every two years and if the board has an uneven number of members, no more than a bare majority or a bare minority shall be elected every two years, except when the unexpired portion of the term of a vacated office must be filled; (3) the same system of rotation shall be used for election of the representatives of each member town, if possible; (4) if necessary, it shall be determined by lot which of the initial members shall serve the short terms; (5) at the first election of members in accordance with subsection (b) or (c) of this section, no more than half the offices held by initial board members shall be filled; (6) the offices held by the remaining initial board members shall be filled at the second election held in accordance with subsection (b) or (c) of this section. Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town.

(b) (1) At least thirty days before the expiration of the term of office of any board member, a town meeting shall be held in accordance with chapter 90 to nominate and elect a successor. Any person who is an elector of such town may vote at such meeting. If a vacancy occurs in the office of any member of the regional board of education, the town affected, at a town meeting called within thirty days from the beginning of such vacancy, shall nominate and elect a successor to serve for the unexpired portion of the term in accordance with the above procedure. (2) Where members of the regional school board are to be elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-63l, and approved under sections 10-63m and 10-63n, at least thirty days before the expiration of the term of office of any board member, a meeting of the voters of the entire regional school district shall be held to nominate and elect successors in accordance with subsection (e) of this section. Any person who is an elector of any member town may vote at such regional meeting. Vacancies shall be filled by a regional meeting called within thirty days from the beginning of such vacancy.

(c) Board members shall be nominated and elected in the same manner as town officers in accordance with the provisions of title 9 except that (1) section 9-167a and parts II and III of chapter 146 shall not apply. (2) the board members so elected shall take office in accordance with subsection (d) of this section and if members of the regional school board are elected at-large under a plan for reapportionment recommended under subdivision (2) of subsection (a) of section 10-63l, and approved under sections 10-63m and 10-63n, a caucus of the voters of the entire regional school district shall be held to nominate candidates for election to the board in accordance with subsection (e) of this section. At such caucus, any person who is an elector of any member town may vote. If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term, except that if members are elected at-large, such successor shall be nominated and elected at a meeting of the entire regional school district held as provided in subsection (b) of this section.

(d) All members of a regional board of education, except those members regularly elected in the month of May, shall take office on the first day of the month following

The resignation of Paul Brody from the District 19 Board of Education is an important position, which needs to be filled. In the Mansfield tradition, I sincerely hope that the Mansfield Town Council fills this vacancy with the best-qualified person. The quotation by Richard Sherman in *The Chronicle* was very distressful to me. To say that the democratic-controlled council will certainly appoint a democrat to fill this position is overlooking the opportunity the Council has to elect a new type of person to District 19. I think that the kind of representative to this Board that Mansfield needs at this time, is one who is able to juggle the perceived needs of the Secondary students with the fiscal limitations of Mansfield and the other sending towns. I think the replacement should be willing to be a liaison between District 19 and the Council and the elementary board of education. We don't seem to hear anything from Region 19 now, except at budget time. In addition, the selected representative should have a "real world" view about student accountability and should be willing to work to develop a student code of conduct that is applied fairly and uniformly.

In any rate, I think that the democratically controlled Town Council owes it to the citizens of Mansfield to interview any interested people and choose from that pool.

Richard Pellegrine

429-9598

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OFFICE OF THE TOWN MANAGER



Martin H. Berliner, Town Manager

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(860) 429-3336
Fax: (860) 429-6863

March 10, 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 for your information please find correspondence concerning the UConn landfill, including draft minutes from the Department of Environmental Protection's February 25, 2003 public meeting concerning the Draft Final Comprehensive Report. At present, the Town Council does not need to take any action on this item.

Respectfully submitted,

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

Martin H. Berliner
Town Manager

Attach:(5)

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**CTDEP Consent Order
Quarterly Progress Report – February 2003
February 28, 2003**

Technical Review Session Information

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 2003 *UConn Update* to mailing list individuals.
- Haley & Aldrich distributed minutes from Technical Review Committee (TRC) Meetings.

A Public Availability Session was held on Saturday, January 25, 2003 from 10 AM to 3 PM in Room 7 at the UConn Bishop Center, Storrs, CT. On Tuesday, February 25, 2003, at 7 PM in the Audrey P. Beck Town Hall, City Council Chambers, Mansfield, CT, a public meeting was held to discuss the Draft Final Comprehensive Report. The public meeting presentation outline was as follows:

- | | |
|--|---|
| ▪ Study Area Description | ▪ Main Conclusions |
| ▪ Consent Order Requirements | Landfill |
| ▪ Consent Order Requirements: Process | Former Chemical Pits |
| ▪ Consent Order Process/ Comprehensive Report | F Lot |
| ▪ Consent Order Process/ Plans and Specifications for remedial actions | ▪ Proposed Remedies: Landfill |
| ▪ Public Involvement Process | ▪ Proposed Remedies: Former Chemical Pits |
| | ▪ Proposed Remedies: F Lot |
| | ▪ Proposed Remedies: For all sites |
| | ▪ Schedule |

Hydrogeologic Investigation – UConn Landfill Project

To reiterate, Haley & Aldrich and other members of the technical team (team) have assessed the analytical data provided by the UConn's Environmental Research Institute (ERI) throughout the course of the hydrogeologic investigation. The data were assessed in accordance with the Scope of Work and Quality Assurance Plan submitted to the CTDEP per the requirements of Consent Order #SRD 101.

Data were qualified using standard procedures and noted on analytical result tables that accompanied reports. Haley & Aldrich and other members of the technical team are confident that the data from ERI is suitable for the purposes of this hydrogeologic investigation and for design of the proposed remediation.

CTDEP Consent Order
Quarterly Progress Report – February 2003
February 28, 2003

To provide continued confidence in the analytical data, UConn will have up to 20% of the samples for the next round of sampling analyzed by Phoenix Environmental Laboratories, Inc.(Phoenix) located in Manchester, Connecticut. Phoenix is a state certified laboratory (<http://www.phoenixlabs.com/Profile.html>), and Phoenix analyses will be in addition to the Environmental Research Institute (ERI) sampling analyses round. This will include the groundwater sampling and Interim Monitoring Sampling round started at the end of January.

As always, the results of the sampling analysis will be discussed with property owners, CTDEP, the Town of Mansfield and the Eastern Highlands Health District (EHHD). Any other future changes will be exchanged with the key parties, including CTDEP, the Town of Mansfield, EHHD and the U.S. Environmental Protection Agency.

Long-Term Monitoring Plan – A multi-year plan to continue sampling of soil gas, surface water, shallow monitoring wells and bedrock wells in the study area and several adjacent private properties to monitor water quality and protect human health and the environment. The results will be reported to DEP and property owners and evaluated on a long-term basis.

UConn's Technical Consultants - Hydrogeologic Team

Haley & Aldrich: Haley & Aldrich has completed fieldwork for the IMP and quarterly monitoring well samplings for the past quarter. Work also included the preparation and distribution of meeting notes, meeting attendance, and technical input. Haley & Aldrich have prepared and submitted the Comprehensive Hydrogeologic Report and Remedial Action Plan to CTDEP. Haley & Aldrich have assessed data from UConn's Environmental Research Institute (ERI) throughout the course of the hydrogeologic investigation in accordance with the Quality Assurance Project Plan submitted to the CTDEP. Data were qualified using standard procedures and noted on analytical result tables that accompanied the reports. Public meeting preparation and attendance by consultant.

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 SHI. Consultant assisted in the preparation of the Comprehensive Hydrogeologic Report and Remedial Action Plan. Public meeting preparation and attendance by consultant.

CTDEP Consent Order
Quarterly Progress Report – February 2003
February 28, 2003

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. Consultant assisted in the preparation of the Comprehensive Hydrogeologic Report and Remedial Action Plan. Public meeting preparation and attendance by consultant.

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. Public meeting preparation and attendance by consultant.

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. Consultant assisted in the preparation of the Comprehensive Hydrogeologic Report and Remedial Action Plan.

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. Public meeting preparation and attendance by consultant.

Discussion on Activities Completed in February 2003

UConn:

- Public Meeting Preparation and Attendance
- Reviewed and made comments on Responses to Comments on the Comprehensive Hydrogeologic Report and Remedial Action Plan, the Comprehensive Report Addendum, and TRC minutes

Haley & Aldrich:

- Prepared and submitted the Comprehensive Hydrogeologic Report and Remedial Action Plan to CTDEP
- Public Meeting Preparation and Attendance
- Reviewed analytical data from sediment samples in Northeast and South ecological assessment areas for selected parameters that exceed screening benchmarks

**CTDEP Consent Order
Quarterly Progress Report – February 2003
February 28, 2003**

USGS:

- Public Meeting Preparation and Attendance
- Reviewed and made comments on the Comprehensive Hydrogeologic Report and Remedial Action Plan

Mitretek:

- Public Meeting Preparation and Attendance
- Reviewed and made comments on Landfill Project WebPage
- Participated (by teleconference) in UConn/DEP meeting to discuss extension of water to residences and long term monitoring

ERI:

- Reviewed and made comments on the Comprehensive Hydrogeologic Report and Remedial Action Plan
- Public Meeting Preparation and Attendance

Epona:

- Reviewed and made comments on the Comprehensive Hydrogeologic Report and Remedial Action Plan
- Public Meeting Preparation and Attendance

RVA:

- Continued work on a UConn Landfill web site, drafting copy and working with web designer
- Distributed a Summary Fact Sheet for the Draft Final Report for public use
- Edited letter to citizen regarding correct well information and drafted cover letter
- Kept UConn associates informed of plans for events, responses, etc.
- Mailed "Save these Dates" post cards for the January/February meetings
- Prepared summary information on the Public Availability Session
- Public Meeting Preparation and Attendance for February 25, prepared ad, press release and other materials for public notice

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*):

CTDEP Consent Order
 Quarterly Progress Report – February 2003
 February 28, 2003

Schedule for Compliance (Revision No. 3) CTDEP Consent Order SRD-101, Hydrogeologic Investigation of UConn Landfill, F-Lot, and Former Chemical Pits, Storrs, Connecticut (completed items in italics):		
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) 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) 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 CTDEP and public review of remedial design</i>	<i>January 2003</i>
Remedial Action Design to include comprehensive interpretive design of the Landfill final cap	Detailed design drawings and specifications of the preferred remedial alternative(s)	Summer 2003 (Comprehensive Design Submittal)

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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 (Winter - Spring 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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UConn Landfill Closure

The Comprehensive Hydrogeologic Report and Remedial Action Plan have been submitted to CTDEP. A Public Availability Session was held on Saturday, January 25, 2003 from 10 AM to 3 PM in Room 7 at the UConn Bishop Center, Storrs, CT. On Tuesday, February 25, 2003 at 7 PM, a public meeting was held at the Mansfield, CT Town Hall to discuss the Draft Final Comprehensive Report.

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 will be conducted January/February 2003. All of the results will be reported to the property owners and CTDEP and summarized in the *UConn Update*.

Sampling, as part of the IMP, will continue until the Long-Term Monitoring Plan (LMP) is initiated in January 2004.

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



University of Connecticut
Division of Business and Administration

REC'D MAR 3 2003

Architectural and
Engineering Services

Larry G. Schilling
Executive Director

February 28, 2003

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)
PROGRESS REPORT - FEBRUARY, 2003
UNIVERSITY OF CONNECTICUT LANDFILL, STORRS, CT
PROJECT # 900748**

Dear Mr. Frigon:

The University of Connecticut (UConn) is issuing this 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 February 2003
- Schedule for Compliance (Revision No. 3)
- Certification

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

An Equal Opportunity Employer

31 LeDoyt Road Unit 3038
Storrs, Connecticut 06269-3038

Telephone: (860) 486-3116
Facsimile: (860) 486-3255
e-mail: larry.schilling@uconn.edu
web: www.aes.uconn.edu

**CTDEP Consent Order
Quarterly Progress Report – February 2003
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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,



Larry G. Schilling
Executive Director
Architectural and Engineering Services

LGS/JMP

**CTDEP Consent Order
Quarterly Progress Report – February 2003
February 28, 2003**

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
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
Peter McFadden, ERI
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

UConn Landfill Remediation Project

PUBLIC MEETING

on the

**Draft Final Report
Comprehensive Hydrogeologic Investigation
and Remedial Action Plan**

**CT Department of Environmental Protection
February 25, 2003**

AGENDA

- 1. Introduction and Groundrules – Moderator, Nancy Farrell, Regina Villa Associates**
- 2. Purpose of the Meeting – Elsie Patton, CT DEP**
- 3. Outline of the Conclusions and Remedial Actions Proposed – Rick Standish, Haley & Aldrich**
- 4. Comments from the Public**
- 5. Closing**

Please be sure to sign the attendance sheet.

Information on the progress of the Landfill Remediation is now available on a project web site: www.landfillproject.uconn.edu.

The site will be updated as new information is available. DEP's decision letter on the report will be posted on the web site and sent to everyone on the mailing list.

PUBLIC MEETING GROUND RULES for the UConn LANDFILL REMEDIATION PROJECT

Groundrules are guidelines and procedures that define how participants will work together during meetings or workshops, and they are designed to help guide members in productive communications through their deliberations.

- The purpose of this meeting is to present a brief summary of the conclusions and recommendations resulting from the final Comprehensive Hydrogeological Report and Remedial Action Plan and collect public comment for DEP's consideration.
- Participants are requested to stay focused on, and limit discussion to, the issues on the agenda. This meeting will not address technical issues associated with other UConn projects.
- The facilitator will not allow personal attacks, and will stop discussion that is not focused on the topics identified on the agenda. The meeting's chair, Elsie Patton of CT DEP, will determine if comments are not properly focused on the meeting topic.
- The facilitator will attempt to ensure that all participants have a chance to comment on and participate in the discussion of each agenda topic. Participants are asked to limit the time it takes to make comments to ensure that as many people can talk as want to at the meeting.
- All participants are requested to listen and consider the opinions of others in an effort to ensure a constructive discussion.
- The facilitator will capture the key points made during the meeting. The facilitator team will prepare a meeting summary. This summary will be disseminated to all participants and everyone on the project mailing list. There will be no formal transcript of this meeting.
- The facilitator will enforce all agreed upon groundrules, and will seek the support of the entire group to achieve this.

Adapted from the approved Public Involvement Public Meeting Ground Rules for the UConn Landfill Project, October 1998, for the 2/25/03 Public Meeting.

UConn Conclusions Landfill Remediation Project

Draft Final Comprehensive Hydrogeologic Investigation Report and Remedial Action Plan

MAIN CONCLUSIONS

On the sites:

- The landfill is a continuing source of contamination through leachate production to surface water, soils, sediments and groundwater; it also emits methane and other gases.
- At the former chemical pits, a continuing source of contamination remains in the bedrock.
- F Lot does not appear to be a continuing source of contamination; it has already been capped.

PROPOSED REMEDIES

- For the landfill: Consolidate outlying waste by placing it on top of the landfill; install a landfill cap; construct interceptor trenches to collect leachate and shallow groundwater from the landfill for treatment at the UConn Water Pollution Control Facility; construct a parking lot on top of the landfill as part of the final cap.
- For the former chemical pits: Extend the cap from the landfill; attempt to purchase downgradient property to prohibit future development; construct interceptor trenches (like the trenches used for the landfill remedy) to collect shallow ground water from the former chemical pits (this cap will be covered by vegetation); and request a technical impracticability variance for remediating groundwater in fractured bedrock.
- For F Lot: Maintain the current cap, which meets standards, and implement an Environmental Land Use Restriction, ELUR.

For all of the sites:

- Implement a Long-Term Monitoring Plan for well sampling to verify that the new remediation systems are working.
- Connect additional residences southwest of the former chemical pits to University water.
- Prepare and implement Operation, Maintenance and Monitoring Plans for each site

Draft

**Connecticut
Department of Environmental Protection**

PUBLIC MEETING

**Mansfield City Council Chamber
February 25, 2003**

on the

**Draft Final Report
Comprehensive Hydrogeological Investigation
and Remedial Action Plan
for the UConn Landfill**

Key Issues and Question Raised

The meeting was called to order at 7 PM in the City Council Chamber of the Audrey P. Beck Building, 4 South Eagleville Road, Mansfield. The meeting facilitator, Nancy Farrell, briefly reviewed the Ground Rules for the meeting (copy is attached). She noted that Elsie Patton, Assistant Director for Permitting, Enforcement and Remediation for the CT Department of Environmental Protection (DEP), served as the Chair of the meeting, and she would assess the relevance of questions as they relate to the agenda of the meeting.

Ms. Farrell introduced Ms. Patton to describe the purpose of the meeting. Ms. Patton said DEP was holding the public meeting to collect the public's comments on the proposed remediation of the University's closed landfill, former chemical pits disposal site and incinerator ash disposal area, now covered and known as F Lot. Ms. Patton gave a brief history of the project, including the negotiation of a Consent Order (CO) between the University of Connecticut and DEP. The CO laid out a scope of work for an investigation, and the University has now completed that work and proposed remedial actions. After hearing from the Town of Mansfield and its consultants and from the community, DEP can approve or disapprove the remedies or approve them with conditions. At the present time, based on its understanding, DEP is unlikely to disapprove the remedies. Ms. Patton noted that DEP wants to hear from the public one more time before making a final decision.

Ms. Patton introduced Ray Frigon, DEP's Site Project Manager, and Mike Harder, Director of Permitting, Enforcement and Remediation, who were also present to hear the public comments.

Presentation

Ms. Farrell introduced Rick Standish, Project Manager for the University of Connecticut's (UConn) technical team, for a brief summary of the report and remedial actions. A copy of Mr. Standish's Powerpoint presentation is appended to these minutes.

Mr. Standish listed the general goals of the Consent Order: to identify the nature and extent of contamination emanating from the sites, known as the Study Area. During the interim period of the investigation, water quality sampling and monitoring were undertaken to protect human health. Over the long term, remediation, protection of human health and the environment and monitoring are the goals and methods.

Mr. Standish listed the conclusions of the investigation relative to each part of the Study Area:

- Landfill: produces leachate by precipitation and has waste in contact with water; leachate affects surface water, groundwater and sediments and the waste emits methane and other gases.
- Chemical pits: contaminated soils were removed in the 1980s and in 2001; source of contamination remains in the bedrock; contamination in bedrock groundwater decreases with distance from the source.
- F Lot: this site is not a source of groundwater contamination; it is capped, paved and used for parking.

Mr. Standish used a site map to list the interpreted extent of groundwater contamination. Leachate discharges to the north and south and enters bedrock fractures, coming to the surface in the wetlands to the north and in the swampy area to the southwest. Although contaminated soils were removed from the chemical pits area in the mid-1980s and again in 2001, source contamination remains in the bedrock, presumably in the form of NAPL (fill in) and dissolved volatile organic contaminants (VOCs). The dashed line to the west of the site indicates the area where contaminants were historically found in drinking wells along Hunting Lodge Rd. Those homes were placed on public water, removing the pumping stresses that may have pulled contaminants from the chemical pits. Mr. Standish noted that very low and sporadic detections of VOCs were found in a well along North Eagleville Road, and that home was connected to public water.

Turning to the proposed remedies, Mr. Standish listed them by area:

- Landfill: move outlying waste to the landfill for compression; install landfill cap to reduce leachate generation; collect and vent landfill gases; construct interceptor trenches to collect leachate and shallow groundwater for treatment at the WPCF; removal of contaminated sediments; implementation of an Environmental Land Use Restriction (ELUR); and construction of a parking lot as part of the final cap.
- Landfill Leachate Interceptor Trenches: placed at the north and south toes of the landfill to collect shallow ground water and leachate for piping to the Wastewater Pollution Control Facility for treatment.

- Former Chemical Pits: cap the source are to reduce infiltration; use leachate interceptor trenches to collect shallow groundwater; request a technical impracticability variance (TIV) acknowledging that there is no way to remove contaminants from fractured bedrock with the use of current technology; implement an ELUR; and connect additional homes to UConn water.
- F Lot: maintain the current cap, repairing a drain line that shows some staining; implement an ELUR. (Mr. Standish showed a map of F Lot, including its gas vents, and photos of the cover materials installation.)
- Area-wide Remedies: implementation of a long-term monitoring plan for surface water, groundwater and domestic wells; and implementation of operation, maintenance and monitoring plans to support each remedy.

Mr. Standish noted that about a half-dozen active domestic wells would be sampled quarterly, with the results shared with CT DEP, the Eastern Highlands Health District and homeowners.

If DEP announces its decision on the report and proposed remedies by the end of March 2003, there should be a draft design for the remedies for public review this summer. Interim water quality sampling will continue on a quarterly basis until all of the remedies are in place and the long-term plan begins. Based on this schedule, construction will begin this fall, with estimated completed by the end of the winter, early spring 2004 (depending on the severity of the winter).

Comments and Questions

Ms. Farrell opened the meeting for audience comments. She reminded everyone that the purpose of the event was to collect their comments. Short questions could be answered, but the focus was on giving DEP public opinions on the report's conclusions and proposed remedies.

- Alison Hilding, Southwood Rd., asked if sediments identified to the north (and later, she added, to the southwest) of the landfill will be relocated with the outlying materials to the top of the landfill for cover.
- A questioner asked if the investigation takes into account the fact that EPA may lower the regulatory standard for TCE based on recent tests indicating human health risk at lower levels than previously understood.
- Ayla Kardestuncer, Storrs Rd., asked for clarification on the issue of the positioning of the leachate interceptor trenches. She asked why there is not a trench included on the eastern side to collect surface water coming down the hill.
- Who will perform the long-term well sampling in light of recent concerns about ERI?
- Another question was posed about the need for an interceptor trench on the east side of the landfill.
- What will happen to stormwater drainage from F Lot? The speaker said that water hits the impervious surface and gathers oil and other contaminants. How will that water be managed?

- What are the short-term impacts of consolidating outlying waste on the landfill?
- Helen Koehn asked the University to consider and discuss other options for the landfill instead of constructing a parking lot. She expressed concern about the maintenance issues associated with a parking lot. She would prefer to see the area treated as open green space.
- Will the University respond further to comments in the report's Addendum (this includes responses to comments made by the key parties on the draft final report)?
- A resident asked consideration to extend the area to be included in the long-term monitoring program southwest to Separatist Rd. and Lynwood Rd.
- A resident asked if Eagleville Brook carries contaminants from the landfill area and if proximity to the brook should qualify properties for inclusion in the long-term monitoring.
- Will the water quality of Eagleville Brook improve as a result of the proposed remedies?
- Ms. Hilding asked what kinds of compounds are included in the sediments to be placed on the landfill. She suggested that it is not a good idea to put contaminants on the landfill.
- With regard to bedrock contamination at the site of the former chemical pits, how can the neighbors be certain that the plume is not moving or will not move in the future? Should the presence of these contaminants restrict property development or zoning in this area?
- Greg Cichowski said that the report does not include an assessment of the public health impacts of the contaminants. Does this mean that the Consent Order was defective as to protecting human health?
- Mr. Cichowski asked if the investigation included an assessment of the cost and impacts of removing the landfill materials, and what would that cost be? He asked what the University has already spent on the study.
- Ed Smith asked if the investigation revealed violations of the MCL levels, and, if so, what they were. He asked if the manganese found in the wetlands was naturally occurring in the area.
- Mr. Smith asked if the former dry cleaners on North Eagleville Road was under investigation by DEP and if that site could be contributing to local contaminants. Mr. Smith also asked if chemicals commonly used for activities such as cleaning septic systems could be the source of some contamination.
- Alison Hilding and other speakers expressed concern that in a time of fiscal constraints, it is possible that the long-term maintenance for the study area sites could be deferred or ignored, resulting in damage to the remedies or failure to implement the monitoring program.
- Mr. Cichowski asked if the water pollution control facility has the capacity to accept the leachate from the trenches, if it will require a permit to do so, if it can treat this material safely, and where it is discharged.

Ms. Farrell noted that written comments submitted to DEP or at the meeting would be answered as part of the final response process.

(Copies of the comments are part of the public record. They are summarized on the attached sheets, and copies of the handwritten sheets are included.)

Ms. Farrell thanked the participants for their patience and contributions. The meeting was adjourned at approximately 8:35 PM.

Item #5

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

March 10, 2003

Town Council
Town of Mansfield

Re: Paperwork Reduction

Dear Town Council:

Council member Thorkelson had requested that we include this item as part of a future Council agenda. The item was tabled at your last meeting.

Respectfully submitted,

Martin H. Berliner

Martin H. Berliner
Town Manager

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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

March 10, 2003

Town Council
Town of Mansfield

Re: Proposed Amendments to Solid Waste Regulations

Dear Town Council:

Staff has prepared the attached proposed amendments to the solid waste regulations in order to address several issues. A summary of the proposed amendments is as follows:

- A196-1 and A196-11: eliminate references to the bulky waste landfill since it is no longer operating
- A196-5: Add microwave ovens as a mandated item for recycling. Historically, ovens have been recycled with scrap metal (a mandated recyclable) but it is less expensive to recycle it with electronics
- A196-8: Add clean lumber as an item to be kept separate from bulky waste since the town may acquire a recycling market for lumber in the future
- A196-12: Increase transfer station fees for stumps, tires and electronics to reflect true recycling costs
- A196-13: Streamline enforcement process to: 1) address persistent curbside trash, litter and illegal dumping; 2) raise fines to create a stronger incentive for compliance; and 3) expedite the process to correct violations in a more timely manner

The proposed new language is in **bold** and in [brackets]. We have also attached a copy of the current section A196-13, which is the focus of most of our proposed changes.

The Council has scheduled a public hearing for its March 10th meeting to solicit public comment regarding the proposed changes. If, following the public hearing the Council supports the proposed amendments, staff requests that the Council approve the changes in its role as the Mansfield Resource Recovery Authority (MRRA).

If the Council in its role as the MRRA concurs with this recommendation, the following motion is in order:

Move, to adopt the amendments to the Mansfield Solid Waste Regulations as presented by town staff in its draft dated February 24, 2003, and which amendments will become effective 21 days after publication in a newspaper having circulation in the Town of Mansfield.

Respectfully submitted,



Martin H. Berliner
Town Manager

Attach:(3)



TOWN OF MANSFIELD

Code of Ordinances/Regulations

Routing Procedure for Additions, Amendments and Revisions

Amendments to Solid Waste Regulations – February 24, 2003 Draft

Submitted to Town Attorney for review:	02/07/03
Submitted to Town Council for review:	02/24/03
Public hearing scheduled for:	03/10/03
Adopted by Town Council:	
Effective date:	
Submitted for codification:	

Chapter A196, SOLID WASTE REGULATIONS

[HISTORY: Adopted by the Mansfield Resource Recovery Authority of the Town of Mansfield 5-27-1994, amended 10-1-1995. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Solid Waste -- See Ch. 161.

§ A196-1. Facilities for use by residents and permitted collectors only.

All Mansfield solid waste facilities, including the Town transfer station, recycling area or other disposal or processing facilities are exclusively for and shall be used only by the residents and businesses of the Town, and upon request, the driver of any private or commercial vehicle must satisfactorily demonstrate to the person in charge that he or she is a resident of the Town of Mansfield or a permitted solid waste collector. The Town Manager may issue and require the use of vehicle stickers to be displayed by the Town residents (other than solid waste collectors) in lieu of the above.

§ A196-2. Proof of refuse; contractor delivery and transportation.

A. All persons employed by a resident of the Town of Mansfield to dispose of refuse must show dated proof of refuse source demonstrating that said refuse was generated in the Town of Mansfield.

B. Contractors (tree services, demolition companies, etc.) must make arrangements with the Town Department of Public Works in advance of delivering refuse or bulky waste to any Town solid waste facility; otherwise, a delay in unloading may result. Dated proof of refuse source and prepayment of disposal fees shall be required for everyone other than licensed collectors.

C. All vehicles must transport all refuse in a closed, covered or secure manner. Unless the vehicle is capable of being completely closed, all cans, barrels or other containers must be tightly covered. Littering of the highways, including the access road to any Town solid waste facility, shall be considered as a violation of Chapter 161, Solid Waste, and Chapter 179, Vehicles, Abandoned.

§ A196-3. All collectors to be licensed; Mansfield trash only.

All solid waste collectors must obtain and hold a current permit to collect solid waste in the Town. Application for a permit must be made to the Town Health Department. Solid waste collectors shall not deposit any solid waste that is not collected in Mansfield in any Mansfield solid waste facility.

§ A196-4. Facility use regulations and prohibitions.

A. The following materials are prohibited from any Town solid waste facility:

- (1) Dead animals of any kind.
- (2) Live ammunition.
- (3) Hazardous waste as defined by the United States Environmental Protection Agency pursuant to 42 U.S.C.S. Section 6903(5) of the Resource Conservation and Recovery Act of 1976, chemicals including large quantities of insecticides, paint, oil, etc., or radioactive waste.
- (4) Motor vehicles or equipment (cars, trucks, whole or otherwise).

- (5) Burning ashes.
 - (6) Liquid waste, including septic tank pumpings, sewage or sludge.
 - (7) Mercury batteries.
- B. The speed limit in all solid waste facilities is a maximum of 20 miles per hour.
 - C. Smoking is prohibited in all solid waste facilities.
 - D. Children under 12 years of age must remain inside vehicle at all times.
 - E. Pets of any kind are prohibited in Town solid waste facilities unless confined inside a vehicle at all times.
 - F. No scavenging, picking or salvaging operations are permitted at Town solid waste facilities.
 - G. All Connecticut State Department of Environmental Protection and Department of Health regulations regarding the use of the solid waste facilities must be complied with at all times.

§ A196-5. Designated materials for source separation and recycling.

The following major types of materials shall be separated from other refuse for recycling by all persons or establishments in the Town of Mansfield. These materials shall not be placed in the same garbage can as or otherwise mixed with other forms of solid waste for collection, removal or disposal.

- A. Newspaper and magazines.
- B. Corrugated cardboard.
- C. Glass and metal food and beverage containers.
- D. Scrap metal.
- E. Waste oil and oil filters.
- F. Yard waste.
- G. Storage batteries.
- H. Office paper.
- I. Antifreeze (automobile).
- J. Household cardboard.
- K. PETE No. 1 and HDPE No. 2 plastic containers.
- L. Fluorescent lights. [Added 9-24-2001, effective 11-1-2001]
- M. Computers. [Added 9-24-2001, effective 11-1-2001]
- N. Televisions. [Added 9-24-2001, effective 11-1-2001]
- O. [Microwave ovens]

§ A196-6. Residential recycling.

- A. It shall be mandatory for all persons, except those physically disabled, who are owners, lessees or

occupants of residential property, single-family or multifamily, to separate or cause to have separated from other solid waste all materials designated as recyclable in § A196-5 above. Cause to have separated for each rental property having collection service shall include:

- (1) Beginning 60 days after the effective date of this amendment, causing to have all lessees and/or principal occupants sign and date a document stating the lessee and/or principal occupant has received and read the Town's current recycling information, been informed of the day and place of recycling collection and has a recycling bin in their unit (if pertinent), and thereafter requiring notification of the responsibilities of Chapter 161, Solid Waste, and regulations to be included in each lease.
- (2) Providing for the collection and removal of recyclables.
- (3) Providing individual recycling bins for each unit for the term of the lease or providing centralized containers with a prominent description of mandated items on or near the containers.
- (4) Disseminating current recycling information, provided by the Town, to each unit no more than twice yearly.
- (5) Instructing on-site managers in recycling procedures.
- (6) Assisting and cooperating with Town enforcement personnel in determining recycling compliance.

B. Residential recycling collection of newspaper, magazines, household cardboard, glass and metal food containers and other paper shall be only as authorized by the MRRA utilizing the recycling/refuse collector under contract with the Authority.

C. Residential recycling collection shall be available to the owners of all single-family and multifamily residences only at such times, schedules, fees and service levels as shall be designated by the MRRA. At the owner's option, said collection may be refused in favor of self-hauling one's own recyclables to the Town's designated recycling facility.

D. Effective October 1, 1990, the provisions of this section shall apply to all residences in Mansfield, with the exception of multifamily residences (apartments and condominiums) where owners have current collection contracts that extend past October 1, 1990. The owners of said establishments shall, at their option, continue with their contract collection until such time as their current contract expires, at which time the full provisions of this section shall become effective.

E. Clean and unsoiled newspaper and magazines shall be tightly placed in standard grocery shopping bags, placed in corrugated boxes or securely tied in flat bundles, none of which shall weigh more than 35 pounds. Junk mail may also be included in said bags, boxes or bundles, provided that all plastics are removed. Plastic bags shall not be used to contain recyclables.

F. Corrugated cardboard and boxes shall have all packing materials removed and shall be collapsed and placed in paper grocery shopping bags or tied in bundles not weighing more than 35 pounds. Flattened household cardboard shall also be included in said bundles, provided that all plastic materials, inner liners and packing materials have been removed.

G. Unbroken glass and metal food and beverage containers shall be separated from other refuse and recyclables and combined in one or more upright containers used only for this category of recyclables and containing no paper or other rubbish. These recyclables should not be flattened or processed in any way, but should be rinsed. Labels, lids and neck rings need not be removed. Container(s) must be kept clean and in such a place as not to constitute a nuisance or be otherwise objectionable. PETE No. 1 and HDPE No. 2 plastic containers shall be included with said food containers as per Subsection M below.

H. Yard waste shall be separated from all other refuse and recyclable materials and either composted or disposed of on the property from which it was generated. Yard waste may also be taken to the Town's recycling area after first being further separated into brush and trees, leaves, grass clippings and stumps. Yard waste shall not be disposed of with other refuse or recyclables.

- I. Storage batteries shall be separated from all other refuse and recyclable materials and taken to the designated drop off area at the Town's solid waste/recycling area, or otherwise recycled, reused or sold for scrap in a manner consistent with these regulations and Connecticut DEP requirements.
- J. Waste oil, used oil filters and antifreeze shall be collected in clean, covered containers and taken to the designated drop off area at the Town's solid waste/recycling area or otherwise recycled, reused or sold to a state-licensed waste oil collector in a manner consistent with these regulations and Connecticut DEP requirements.
- K. Scrap metals shall be separated by type from all other refuse and recyclable materials and taken to the Town's solid waste/recycling area or otherwise recycled, reused or sold for scrap in a manner consistent with these regulations and Connecticut DEP requirements.
- L. For the purposes of these regulations only, multifamily residential establishments shall refer to apartments, trailer parks and condominiums which include three or more dwelling units owned or managed by a common entity as well as buildings or parts thereof containing three or more dwelling units, including apartments, row houses and townhouses. Dormitories (including fraternity and sorority houses) shall also be considered multifamily residential establishments.
- M. PETE No. 1 and HDPE No. 2 plastic containers excepting motor oil containers shall be separated from other refuse and included with the glass and metal food and beverage containers, provided that they are clean. Labels, lids and neck rings need not be removed.
- N. Unbroken fluorescent lights shall be separated from all other refuse and recyclable materials and taken to the designated drop-off area at the Town's solid waste/recycling area, or otherwise recycled in a manner consistent with these regulations and Connecticut DEP requirements. [Added 9-24-2001, effective 11-1-2001]
- O. Computer monitors, computer accessories, microwave ovens and televisions shall be separated from all other refuse and recyclable materials and taken to the designated drop-off area at the Town's solid waste/recycling area, or otherwise recycled or reused in a manner consistent with these regulations and Connecticut DEP requirements. [Added 9-24-2001, effective 11-1-2001]

§ A196-7. Commercial recycling.

- A. Effective October 1, 1990 it shall be mandatory for all persons who are owners, lessees or occupants of nonresidential establishments and public institutions or facilities to establish recycling programs and to separate from other solid wastes or arrange to separate, collect, transport and market all materials so designated as recyclable in § A196-5 of these regulations.
- B. This section shall also apply to multifamily residential establishments having a current collection contract that extends past October 1, 1990, until said contract expires.
- C. All solid waste collectors permitted to collect refuse and recyclables in Mansfield under Code § 161-11 who collect refuse or recyclables from nonresidential establishments or public institutions are required by this section to: [Added 9-24-2001, effective 11-1-2001]
- (1) Distribute the Town's current recycling brochure to each new customer.
 - (2) Report to the Town's Refuse/Recycling Coordinator recycling violations, including a lack of recycling and the mixing of recyclables with trash.
 - (3) Where the solid waste collector has assumed responsibility for providing recycling containers, provide clear, accurate labeling on containers.

§ A196-8. Separation of other materials for disposal at the Town solid waste facility.

The following other types of materials shall be separated from other refuse and deposited in the locations specifically designated for such materials:

- A. Demolition materials.
- B. Stumps.
- C. Mattresses, sofas, other furniture, tires, etc.
- D. Tires.
- E. [Clean lumber, with or without nails, but free from any dry-wall or other contaminants.]

§ A196-9. Residential refuse collection.

- A. Residential refuse collection shall be only as authorized by the MRRA utilizing the recycling/refuse collector under contract with the Authority.
- B. Residential refuse collection shall be available to the owners of all single-family and multifamily residences only at such times, schedules, fees and service levels as shall be designated by the MRRA. At the owner's or occupant's option, said collection may be refused in favor of self-hauling one's own refuse to the Town's transfer station in accordance with these regulations.
- C. The provisions of this section shall apply to all residences in Mansfield effective October 1, 1990, with the exception of multifamily residences (apartments and condominiums) whose owners have current collection contracts that extend past October 1, 1990. The owners of said establishments shall at their option continue with their contract collection until such time as their current contract expires, at which time the full provisions of this section shall become effective.

§ A196-10. Commercial refuse collection.

- A. It shall be the responsibility of all persons who are owners, lessees or occupants of nonresidential establishments and public institutions or facilities to arrange for the collection of refuse and its transportation to and disposal in the Town-designated refuse disposal facility in accordance with these regulations.
- B. This section shall also apply to multifamily residential establishments having a current collection contract that extends past October 1, 1990 until said contract expires.

§ A196-11. Designation of solid waste and recycling facilities.

- A. The Southeast Regional Resource Recovery facility located in the Town of Preston shall be the designated Mansfield refuse disposal area for all solid waste generated and collected in the Town of Mansfield.
- B. The transfer station located on Route 89 in Mansfield shall be the designated Mansfield refuse disposal area for residents hauling their own refuse in their own vehicles.
- C. The transfer station located on Route 89 in Mansfield shall be the designated Mansfield disposal area for residential quantities of bulky wastes.
- D. The Town recycling area located at the transfer station on Route 89 in Mansfield shall be the

designated recycling facility for residents hauling their own recyclables in their own vehicles.

E. The Willimantic Waste Paper Company located in Windham shall be the designated recycling facility for paper, corrugated and mixed cans and bottles collected in the Town of Mansfield.

§ A196-12. Fees and service levels.

A. The fee for a commercial collection vehicle permit for collecting, hauling or transporting refuse or recyclables within the Town shall be \$10 for each vehicle per year.

B. The application fees for filing an application for a solid waste collector's permit shall be:

- (1) Three hundred dollars for a new or renewed permit.
- (2) One hundred fifty dollars for a modification to an existing permit.

C. The tipping fees for dumping Mansfield refuse at any facility shall be the current charge per ton to the Town of Mansfield plus a \$4 per ton administrative fee, payable to the Town of Mansfield by all licensed solid waste collectors hauling refuse from Mansfield to said facility on a monthly basis based on the weight of refuse delivered to the facility as reported by said facility.

D. Fees and hours for the Town transfer station and recycling area.

- (1) Hours: Tuesday and Saturday, from 8:30 a.m. to 4:00 p.m. Thursday from 12:00 noon to 4:00 p.m.
- (2) Fees for refuse, effective July 1, 1994: [Amended 8-25-1997, effective 10-1-1997; 11-9-1998, effective 1-1-1999; 9-24-2001, effective 11-1-2001]

Item	Charge
Garbage bags	\$3.00 each
Up to 35-gallon garbage can	\$6.00 each
55-gallon drum (full)	\$8.00
55-gallon drum (less than 1/2 full)	\$4.00
Compact pickup (1 cubic yard)	\$30.00
Flat loaded pickup (2 cubic yards)	\$60.00
High loaded pickup (4 cubic yards)	\$120.00
All other garbage	\$30.00 per cubic yard, as measured on site
Stumps	\$12.00 [\$20.00] per cubic yard
Capacitor	\$2.00 each
Passenger car tires (up to 19 1/2" on or off rims)	\$1.50
Large truck tires (off rims)	\$3.50 [\$6.00]
Large truck tires (on rims)	\$3.50 [\$16.00]
Large off-road tires	\$7.00 [\$20.00]
Bulky waste/brush construction debris [Amended 12-11-2000, effective 4-1-2001]	\$20.00 per cubic yard

(3) Fees for recycling. [Amended 11-9-1998, effective 1-1-1999]

Scrap metal	\$2.00 per cubic yard
CFC appliances	\$10.00 each
Capacitors or	\$2.00 each

ballasts	
Stumps	\$12.00 per cubic yard
Wood grindings	\$5.00 per scoop (when available only)
[Computers/televisions (up to 19"screen)	\$5 each]
[Computers/televisions (20"screen and up)	\$10 each]
[Microwave ovens	\$10 each]

E. Other transfer station regulations and service levels.

- (1) A maximum of four cubic yards of refuse per vehicle is permitted for use of the transfer station.
- (2) A maximum of eight cubic yards of bulky waste per vehicle is permitted for use of the transfer station except under written permission from the Town's Department of Public Works.
- (3) No solid waste collector shall be permitted the use of the transfer station for the depositing of refuse or recyclables except under contract or written permission with the Town's Department of Public Works.

F. Fees and service levels for single-family refuse and recycling collection shall be as follows: [Amended 5-10-1999, effective 7-1-1999]

Level of Service	Description	Monthly Fee
Mini-mini	Weekly curbside pickup of 1 kitchen-size (15-gallon) garbage bag. Curbside pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers every week Unlimited curbside refuse pickup on the regular pickup day 1 week in the spring and 1 week in the winter, as designated by the Town.	\$10.50
Mini-service	Weekly curbside pickup of 1 small garbage can (up to 20 gallons) or 1 standard size (35-gallon) garbage bag. Curbside pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers every week. Unlimited curbside refuse pickup on the regular pickup day 1 week in the spring and 1 week in the winter, as designated by the Town.	\$ 13.50

1-can service	<p>Weekly curbside pickup of 1 standard size garbage can (35-gallon) or 2 standard size (35-gallon) garbage bags.</p> <p>Curbside pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers every week.</p> <p>Unlimited curbside refuse pickup on the regular pickup day 1 week in the spring and 1 week in the winter, as designated by the Town.</p>	\$19.00
Standard service	<p>Weekly curbside pickup of 2 standard size garbage cans (35-gallon) or 4 standard size (35-gallon) garbage bags.</p> <p>Curbside pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers every week.</p> <p>Unlimited curbside refuse pickup on the regular pickup day 1 week in the spring and 1 week in the winter, as designated by the Town.</p>	\$ 24.00
Maxi-service	<p>Weekly curbside pickup of 4 standard size garbage cans (35-gallon) or 8 standard size (35 gallon) garbage bags of refuse.</p> <p>Curbside pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers every week.</p>	\$ 30.00
Backyard service	<p>Additional cost to have 1 can, standard or full service, provided in the yard, adjacent to the house or location (other than curb) designated by the subscriber. (Maximum off-road distance: 100 yards.)</p>	\$ 5.50
Backyard service for long or unusual driveways	<p>Additional cost for service provided at a location designated by the subscriber for long (greater than 100 yards) or unusual driveways.</p>	As negotiated on a case-by-case basis
Extra bag tags	<p>Pickup of tagged standard sized garbage bags (33-gallon) over</p>	\$3.00

and above the selected level of service for the single-family residence

G. Fees and service levels for multifamily refuse and recycling collection shall be as follows: [Amended 4-24-2000, effective 7-1-2000; 9-24-2001, effective 11-1-2001]

Level of Service	Description	Monthly Fee
Mini-service	Weekly pickup of 1 small garbage can (up to 20 gallons) or 1 standard size (35-gallon) garbage bag per dwelling unit at a designated enclosure area for said can or bag. Pickup of tied or bagged newspaper and magazines, flattened cardboard and commingled glass and metal food containers at the same designated enclosure area every week.	\$13.00
Individual can	Weekly pickup of 1 standard-size garbage can (35-gallon) per dwelling unit at a designated enclosure area for said can. Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at the same designated enclosure, area every week.	\$16.75
1-cubic-yard container	Providing and emptying a 1-cubic-yard covered refuse container once per week. Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at or adjacent to the refuse container every week.	\$3.40 per residential unit per quarter, plus \$0.10 per pound of refuse collected
2-cubic-yard container	Providing and emptying a 2-cubic-yard covered refuse container once per week.	\$3.40 per residential unit per quarter, plus \$0.10 per pound of refuse

		collected
	Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at or adjacent to the refuse container every week.	
3-cubic-yard container	Providing and emptying a 3-cubic-yard covered refuse container once per week.	\$3.40 per residential unit per quarter, plus \$0.10 per pound of refuse collected
	Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at or adjacent to the refuse container every week.	
4-cubic-yard container	Providing and emptying a 4-cubic-yard covered refuse container once per week.	\$3.40 per residential unit per quarter, plus \$0.10 per pound of refuse collected
	Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at or adjacent to the refuse container every week.	
6-cubic-yard container	Providing and emptying a 6-cubic-yard covered refuse container once per week.	\$3.40 per quarter, plus \$0.10 per pound of refuse collected
	Pickup of tied or bagged newspaper and magazines, flattened corrugated cardboard and commingled glass and metal food containers at or adjacent to the refuse container every week.	
6-cubic-yard container (twice a	Providing and emptying a 6-cubic-yard covered refuse container twice per week.	\$3.40 per residential unit per

week)

quarter, plus
\$0.10 per
pound of
refuse
collected,
plus a
surcharge of
\$2.00 per
unit for
those units
receiving
pickup the
second time
during the
week

Pickup of tied or bagged
newspaper and magazines,
flattened corrugated cardboard
and commingled glass and metal
food containers at or adjacent
to the refuse container every week.

8-cubic-yard
container

Providing and emptying a
8-cubic-yard covered refuse
container once per week.

\$3.40 per
quarter, plus
\$0.10 per
pound of
refuse
collected

Pickup of tied or bagged
newspaper and magazines,
flattened corrugated cardboard
and commingled glass and metal
food containers at or adjacent
to the refuse container every week.

10-cubic-yard
container

Providing and emptying a
10-cubic-yard covered refuse
container once per week.

\$3.40 per
quarter, plus
\$0.10 per
pound of
refuse
collected

Pickup of tied or bagged
newspaper and magazines,
flattened corrugated cardboard
and commingled glass and metal
food containers at or adjacent to
the refuse container every week.

Containers
greater than
10 cubic yards

Providing and emptying a
greater-than-10-cubic-yards
covered refuse container once
per week.

As
negotiat-
ed on a
case-by-
case
basis

Pickup of tied or bagged
newspaper and magazines, flattened
corrugated cardboard and
commingled glass and metal food
containers at or adjacent to

the refuse container every week.

Extra bag tags	Pickup of tagged standard sized garbage bags (33-gallon) over and above the selected level of service for the multifamily residence.	\$3.00
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H. Fee waivers.

(1) Service fee waivers for curbside refuse collection and/or normal household quantities of refuse, recycling and bulky waste drop-off at the transfer station shall be available in fifty-percent and one-hundred-percent increments to residents based on their gross monthly family income. Applications for said waiver shall be made to the Town's Social Services Department. Fee waivers for greater than household quantities of refuse, recycling or bulky waste must be approved by the Town's Zoning Agent or the Director of the Eastern Highlands Health District.

(2) For persons who are physically impaired and have no household members able to make it feasible for them to get refuse to the curbside, fee waivers shall be available to enable them to subscribe to backyard service at curbside fees. Applications for waivers shall be made to the Town's Social Services Department. Medical documentation will be required.

§ A196-13. Enforcement provision.

Pursuant to § 161-12 of the Solid Waste Ordinance, enforcement of the ordinance and these regulations shall be as follows:

[A. The Director of Public Works, the Recycling/Refuse Coordinator and/or other individuals designated by the Town Manager are responsible for the enforcement of these regulations. Said individuals are hereby authorized to take such enforcement actions as authorized in these regulations.

B. The Town of Mansfield, through its designated enforcement officer, shall serve written notice of the violation(s) of this ordinance to any person responsible for the violation. The notice may be hand delivered or mailed by certified mail, return receipt requested, to the last known address of each responsible person.

C. Such notice shall state the violation(s) as outlined hereinafter and demand its correction within 10 calendar days or, if applicable, the next scheduled refuse/recycling collection date. If the person cited fails to correct the violation before the deadline the Town of Mansfield may issue a citation. Said citation shall inform the responsible person of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due, which shall be no later than 10 days after the date of the citation.

D. Citations shall be punishable with a fine ranging from \$50 to \$100 for each violation.

E. If any such fine is unpaid beyond the due date, the Town may initiate proceedings to collect such fine pursuant to the Hearing Procedure for Citations Ordinance enacted pursuant to Connecticut General Statutes section 7-152c.]

F. Recycling violations.

(1) Any person who fails to separate and recycle or cause to have recycled all designated recyclable materials from other solid waste, as defined by Chapter 161, the Solid Waste Ordinance, and these regulations [shall be subject to the following penalties:

(a) \$50 fine for the first citation; and

(b) \$100 fine for any second or subsequent citation.]

(2) The Town, or its agents or contractors, reserves the right to refuse to collect or accept for disposal refuse or recyclables that have not been separated and/or recycled in accordance with these regulations.

(3) [In addition to the penalties provided for in Subsection (f) of Section 22a-220a of the Connecticut General Statutes, any solid waste collector who mixes other solid waste with items designated for recycling in Mansfield (per § A196-5 of these regulations) shall be subject to the following penalties:

(a) \$100 fine for the first citation;

(b) 30 day suspension of his/her collector's permit for any second citation; and

(c) Revocation of his/her collector's permit for any subsequent citation.]

(4) [Any owner of a single-family or multifamily residential establishment who fails to cause to have separated and recycled all designated recyclable materials from other solid waste as defined in § A196-6A above shall be subject to the following penalties:

(a) \$50 fine for the first citation; and

(b) \$100 fine for any second or subsequent citation.]

G. Refuse violations.

(1) [The Town, or its agents or contractors, reserves the right to refuse to accept for disposal any refuse set out for collection that exceeds or otherwise does not comply with the requirements of the current service level for that specific location or establishment.

(2) Any person who, intentionally or unintentionally, places or allows the placement of persistent refuse or recyclables on their property creating an unsanitary or nuisance condition shall be assessed a \$100 fine for any first and/or subsequent citation.

(3) Any person who places or allows refuse and/or recyclables to be located at the curb for more than 24 hours before and/or after trash collection shall be assessed a \$50 fine for any first and/or subsequent citation.

(4) Any person who deposits or causes to have deposited in any designated Mansfield solid waste or recycling facility any refuse or recyclables not generated within the Town of Mansfield shall be subject to the following penalties:

(a) \$100 fine for the first citation; and

(b) Revocation of his/her dumping privileges and/or collector's permit for any second or subsequent citation.

(5) Any person who deposits or causes to have deposited in any designated Mansfield solid waste or recycling facility any commercial refuse or recyclables not so designated as commercial refuse, shall be subject to the applicable tipping fees and the following penalties:

(a) \$100 fine for the first citation; and

(b) Revocation of his/her dumping privileges and/or collector's permit for any second or subsequent citation.

(6) After October 1, 1990, except as provided for in §§ A196-6C and A196-9C above, any person who utilizes a vendor or source other than the Town's designated solid waste collector for residential collection shall be assessed a \$100 fine for any first and/or subsequent citation.

(7) Any person who throws or deposits any discarded, used or unconsumed substance or waste material (litter) in or upon any road or sidewalk, in any catch basin, drain or watercourse, or other public place within the Town, except in public receptacles, in authorized private receptacles for collection, or in any designated Mansfield solid waste or recycling facility, shall be assessed a \$100 fine for any first or subsequent citation.

(8) Any person who throws or deposits any household refuse, bulky waste or recyclables in or upon any road or sidewalk, in any catch basin, drain or watercourse, public place or unauthorized private property within the Town, or in unauthorized private receptacles for collection, shall be assessed a \$100 fine for any first or subsequent citation.]

§ A196-14. Recycling containers.

A. The Town will facilitate residential recycling by providing, at no cost, one recycling container for use by each residential household. Recycling containers can be obtained from the Town Department of Public Works. Containers shall be marked with a recycling decal and will remain the property of the Town.

B. The owner or occupant of each household shall label the recycling container or cause said container to be labeled with the address where the container shall be used. All containers must be so labeled by the first time they are set out at the curb for collection.

C. If the resident or occupant moves, the container shall remain at the address for use by the next occupant. Replacement containers shall be purchased for \$5 from the Town and are the responsibility of the owner of the residence.

D. Recycling containers must be kept clean and placed so as not to constitute a nuisance or otherwise objectionable condition. Recyclables shall not be placed in plastic bags.

E. Multifamily residences that have private refuse and recycling collectors under contracts existing prior to October 1, 1990 (as provided for in §§ A196-7 and A196-9 of these regulations) shall be provided with recycling containers when their existing private collection contracts expire and they begin refuse and recycling pickup with the Town's contracted collector.

F. Owners of multifamily residences will be required to sign recycling container agreements with the Town Department of Public works prior to receiving recycling containers.

G. After said recycling containers are available and distributed, residents shall have 90 days to claim their recycling container from the Town. After this ninety-day period (the date which shall be published in the local papers), residents will be required to purchase bins from the Town for \$5.

§ A196-13 — Current Section

Enforcement provision.

Pursuant to § 161-12 of the Chapter 161, Solid Waste, enforcement of the ordinance and these regulations shall be as follows:

A. Recycling violations.

(1) Any person who fails to separate and recycle or cause to have recycled all designated recyclable materials from other solid waste, as defined by Chapter 161, Solid Waste, and these regulations, shall be notified of his or her violation(s) and given an opportunity to correct said violation(s). Said notification may take the form of a verbal instruction, a written notice or a tag or sticker placed on the refuse or recyclables or the containers used for same by the responsible person.

(2) The Town, or its agents or contractors, reserve the right to refuse to collect or accept for disposal refuse or recyclables that have not been separated and/or recycled in accordance with these regulations.

(3) In addition, persons failing to separate and recycle or to have recycled all designated recyclable materials in accordance with these regulations shall be in violation of Chapter 161, Solid Waste, and shall be subject to the penalties and fines outlined therein, provided that notification has been given as given in Subsection A(1) above, and further provided that the fines for said violations shall be as follows:

(a) First offense or violation: notification as per Subsection A(1).

(b) Second offense: \$25 for each separate violation and each day of continuing violation. Collection/disposal services may be discontinued.

(c) Third offense or repeated offense or violation: \$50 for each separate violation and each day of continuing violation. Collection/disposal services discontinued.

(4) In addition to the penalties provided for in Subsection (f) of Section 22a-220a of the Connecticut General Statutes, any solid waste collector who knowingly mixes other solid waste with items designated for recycling in Mansfield (per § A196-5 of these regulations) shall be in violation of Chapter 161, Solid Waste, and shall be subject to the following penalties:

(a) First offense: notification as per Subsection A(1).

(b) Second offense: suspension of collector's permit for 30 days.

(c) Subsequent offense: revocation of collector's permit.

(5) Any owner of a multifamily residential establishment who fails to cause to have separated and recycled all designated recyclable materials from other solid waste as defined in § A196-6A above at said residences shall be notified of his or her violation(s) and given an opportunity to have said violations corrected. Said notification shall be by written notice. Subsequent and repeated violations shall be subject to the following penalties:

(a) Second offense or violation: \$25 for each separate violation and each day of continuing violation. Collection/disposal services may be discontinued.

3. Refuse violations. Any person violating sections of Chapter 161, Solid Waste, or regulations having to do with the collection of refuse shall be subject to the following penalties and fines:

- (1) Placing more refuse out for collection than allowed by current service level for that specific location or establishment: \$10 per occurrence.
- (2) Placing or allowing refuse to create an unsanitary or nuisance condition at the location specified for collection: \$25 for each separate occurrence and each day of continuing violation.
- (3) Depositing or causing to have deposited in any designated Mansfield solid waste or recycling facility any refuse or recyclables not generated within the Town of Mansfield: \$100 for each occurrence and each day of continued violation and revocation of dumping privileges and/or collector's permit.
- (4) Depositing or causing to have deposited in any designated Mansfield solid waste or recycling facility any commercial refuse or recyclables not so designated as commercial and subject to the tipping fees charged therefor: \$100 for each separate occurrence and each day of continued violation and suspension of dumping privileges and/or collector's permit. One hundred dollars for each subsequent occurrence and each day of continued violation and revocation of dumping privileges and/or collector's permit.
- (5) Utilizing other than the Town's designated solid waste collector for residential collection after October 1, 1990, except as provided for in §§ A196-6C and A196-9C above: \$25 for each occurrence and each day of continuing violation and suspension of collector's permit. Fifty dollars for each subsequent occurrence and each day of continued violation and revocation of collector's permit.

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

March 10, 2003

Town Council
Town of Mansfield

Re: Proposed Hearing Procedure for Citations Ordinance

Dear Town Council:

Except for zoning violations, the town currently does not have a uniform procedure in place to conduct hearings for citations issued for violations of town ordinances and regulations. Consequently, staff and the Town Attorney have prepared the attached proposed ordinance to correct this deficiency. If adopted by the council, the ordinance will be used to conduct hearings for persons who wish to appeal a citation such as a parking ticket or litter violation.

The Council has scheduled a public hearing for its March 10th meeting to solicit public comment regarding the proposed ordinance. If, following the public hearing the Council supports the proposal, staff requests that the Council approve the ordinance as presented by staff.

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

Move, to adopt the proposed "Hearing Procedure for Citations Ordinance" as presented by town staff in its draft dated March 10, 2003, and which will become effective 21 days after its publication in a newspaper having circulation in the Town of Mansfield.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(2)



TOWN OF MANSFIELD

Code of Ordinances/Regulations

Routing Procedure for Additions, Amendments and Revisions

Hearing Procedure for Citations Ordinance – March 10, 2003 Draft

Submitted to Town Attorney for review:	02/18/03
Submitted to Town Council for review:	02/24/03
Public hearing scheduled for:	03/10/03
Adopted by Town Council:	
Effective date:	
Submitted for codification:	

"AN ORDINANCE ESTABLISHING A HEARING PROCEDURE FOR CITATIONS
RESULTING FROM THE ENFORCEMENT OF MUNICIPAL ORDINANCES"

March 10, 2003 Draft

HEARING PROCEDURE FOR CITATIONS

§ 1. Title.

This chapter shall be known and may be cited as the "Hearing Procedure for Citations Ordinance."

§ 2. Legislative Authority.

This chapter is enacted pursuant to the provisions of Sections 7-148(c)(10)(A) and 7-152c of the Connecticut General Statutes, as such sections may be amended from time to time.

§ 3. Intent.

This chapter is designed to set a hearing procedure for the enforcement of fines, penalties, costs and fees for citations issued for violations of town ordinances.

§ 4. Appointment of Hearing Officers.

The Town Manager shall appoint one or more persons who are electors of the town to serve as citation hearing officers to conduct hearings concerning the violation of town ordinances. No police officer or any town employee or person authorized to issue citations for the violation of any town ordinance shall be permitted to serve as a citation hearing officer.

§ 5. Notice of Violation.

Within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any town ordinance for a violation thereof, the town shall send notice to the cited person. Such notice shall inform the cited person: (i) of the allegations against the cited person and the amount of the fines, penalties, costs or fees due; (ii) that the cited person may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof; (iii) that if a hearing is not demanded, an assessment and judgment shall be entered against the cited person; and (iv) that such judgment may issue without further notice.

§ 6. Admission of Liability.

If a cited person who is sent notice pursuant to section 5, above, wishes to admit liability for an alleged violation, the cited person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to the Collector of Revenue at the address specified in the notice. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the cited person or other person making the payment. Any cited person who does not deliver or mail written demand for a hearing with ten (10) days of the date of the notice provided for in section 5 above shall be deemed to have admitted liability, and the Town Manager shall certify the cited person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance and shall follow the procedures set forth in section 7 below.

§ 7. Hearing Procedure.

Any cited person who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days from the date of the mailing of the notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing municipal officer, agent or employee shall be filed and retained by the town and shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce a decision at the end of the hearing. If the hearing officer determines that the cited person is not liable, then the matter shall be dismissed and the hearing officer's determination shall be entered in writing accordingly. If the cited person is found liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against the cited person as provided by the applicable ordinance.

§ 8. Attendance at Hearing.

At the request of the cited person, the presence of the issuing municipal officer, agent or employee shall be required at the hearing. A designated town official, other than the hearing officer, may present evidence on behalf of the town. The cited person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The hearing officer may, however, accept by mail from the cited person copies of police reports, investigatory and citation reports and other official documents, and may determine thereby that the appearance of the cited person at the hearing is unnecessary. If the cited person fails to appear and such appearance has not been determined by the hearing officer to be unnecessary, the hearing officer may enter an assessment by default against the cited person upon a finding of: (1) proper notice; and (2) liability under the applicable ordinance.

§ 9. Notice of Assessment and Judgment.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the cited person and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court for Tolland County together with such entry fee as may be required by the Superior Court. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same cited person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs, against the cited person in favor of the town. Notwithstanding any other provision of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution of such judgment may issue without further notice to the cited person.

§ 10. Appeal.

A cited person against whom an assessment has been entered pursuant to this ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the Connecticut General Statutes, in the Superior Court at Tolland County, which shall entitle the cited person to a hearing in accordance with the rules of the judges of the Superior Court.

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Item #9

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

March 10, 2003

Town Council
Town of Mansfield

Re: Eagleville Fire Department – Public Recognition

Dear Town Council:

The Eagleville Fire Department has requested that this item be added to the agenda to allow the department to recognize two young children who assisted their mother during a recent medical emergency.

Respectfully submitted,

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

Martin H. Berliner
Town Manager

Attach:(1)

Martin H. Berliner

From: William A. Jordan
Sent: Saturday, March 01, 2003 8:46 AM
To: Elizabeth Paterson (home)
Cc: Martin H. Berliner; Willard S. Cornell; Matthew W. Hart; Michael G. Gergler
Subject: Public Recognition

Good Morning Mayor,

Just an update in regards to the Public Recognition for which I have requested to take place at the 03-10-03 Council meeting.

All is set to go on our end, as far as the proper notifications and the Certificates of appreciation. I am going to contact the Chronicle to try to do a little story on this as well.

Should anything change on your end please let me know ASAP, so I can make the proper adjustments.

Have a nice weekend

Chip.

Martin H. Berliner

From: William A. Jordan
Sent: Friday, February 14, 2003 8:42 AM
To: Elizabeth Paterson (work)
Cc: Martin H. Berliner; Town Council Members; EFD All members; Matthew W. Hart
Subject: Public Recognition

Good Morning Mayor,

On 01-30-03 at 5:58pm our Department responded to 3-A Eagle Ct for a Person in Respiratory Distress. Upon arrival our Personnel were meet by two young Children.Rebecca and Zacharia.

They directed our Personnel to their Mother,who was lying on the Kitchen floor suffering from a Siezure.

After the Mother was transported our Personnel were advised by Neighbors that Rebecca had called 911 and while doing so Zacharia was starting to preform CPR to the best of his ability as he felt that his Mother did not have a pulse. I spoke with the 911 Dispatcher who stated that Rebecca handled herself extremely well and answered all questions in detail.

As in the past we have recognized those that go above and beyond for their fellow man. I think you will agree that this is no exception.There for I am requesting that at the March 10th Council meeting that our Department and the Town honor these two outstanding Children for their acts. As in the past a certificate of appreciation would be presented to both.

Asst. Chief Willie Cornell and Myself interviewed them both and their Mom last evening and I am pleased to say that Mom is now doing fine.

Should you have any questions please do not hesitate to contact me at any time.

Chief Jordan...

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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

March 10, 2003

Town Council
Town of Mansfield

**Re: Proposed Amendments to Building Construction Ordinance – Chapter 107,
Mansfield Code of Ordinances**

Dear Town Council:

Staff has prepared the attached proposed amendments to the building construction ordinance in order to address several issues. A summary of the proposed amendments is as follows:

- § 107-2(G) – to allow the town to charge a fee to recover some of the costs for the inspection of solid fuel-burning appliances such as wood stoves and fireplaces
- § 107-2(H) - to clarify that applicants must purchase the permit in advance, and to ensure that the town collects its plan review fee
- § 107-2(I) – to allow for the collection of a nonrefundable plan review/administrative fee to recover some or all of the costs associated with the plan review process
- § 107-3(A) – to increase the amount of the nonrefundable plan review/administrative fee to recover some or all of the costs associated with the plan review process
- §107-3(B) – to establish a refund process where a building permit is denied

The proposed new language is in [brackets] and the recommended deletions are ~~crossed-out~~. We have also attached a copy of the current ordinance.

Following our customary procedure, staff recommends that the council schedule a public hearing at its next meeting to solicit public comment regarding the proposed amendments.

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

Move, to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on March 24, 2003 to solicit public comment regarding the proposed amendments to Chapter 107 of the Mansfield Code of Ordinances.

Sincerely,



Martin H. Berliner
Town Manager

Attach:(3)



TOWN OF MANSFIELD

Code of Ordinances/Regulations

Routing Procedure for Additions, Amendments and Revisions

Amendments to Building Construction Ordinance – March 10, 2003 Draft

Submitted to Town Attorney for review:	03/06/03
Submitted to Town Council for review:	03/10/03
Public hearing scheduled for:	
Adopted by Town Council:	
Effective date:	
Submitted for codification:	

Town of Mansfield
Proposed Amendments to Building Construction Ordinance – Chapter 107, Mansfield
Code of Ordinances

March 10, 2003 Draft

Amendments to Section 107-2 – Schedule of fees

- G. The fee for the inspection of any solid fuel-burning appliance is \$25 per unit, and must be submitted prior to the inspection. Applicants requesting an inspection should apply to the Building Department.
- H. Except as provided under subsection (I) of this section, all permit fees are due when an application is submitted to the Building department.
- I. A nonrefundable plan review/administrative fee of \$250 per dwelling unit must be submitted with the application for all new residential dwellings. The \$250 plan review/administrative fee will be subtracted from the total fee as calculated pursuant to the fee schedule set out in this section. The balance of the permit fee will be due upon the approval of the building permit.

Amendments to Section 107-3(A) - Refunds

- A. When a permit has been issued in accordance with the State Building Code and the owner/applicant abandons or discontinues the building project, or, if the permit is revoked by the Building Official, the owner/applicant can make a written request for a refund. That portion of the work actually completed shall be computed and any excess fee shall be returned, less a non-refundable plan review/administrative fee equivalent to ~~Also, an administrative fee will be charged as follows:~~ a minimum of \$40 or 15 percent [15 percent] of the cost of the permit, whichever is greater.
- B. [When a permit application submitted under this section has been denied in accordance with the State Building Code, the owner/applicant can make a written request for a refund. Any excess fee shall be returned, less a non-refundable plan review/administrative fee equivalent to a minimum of \$40 or 15 percent of the cost of the permit, whichever is greater.]
- C. The Building Official will calculate the refund due to the owner/applicant and forward it to the Finance Department for process.

CODE OF THE TOWN OF MANSFIELD, CONNECTICUT, v5 Updated 11-20-2002
PART II GENERAL LEGISLATION
Chapter 107, BUILDING CONSTRUCTION

Sewers and water -- See Ch. 159.

Storage tanks -- See Ch. 163.

Streets and sidewalks -- See Ch. 166.

Housing Authority -- See Ch. A193.

Road permit engineering standards and specifications -- See Ch. A195.

§ 107-1. Legislative authority.

Pursuant to Chapters 541 and 99 of the Connecticut General Statutes, as amended, the following penalties and schedule of fees are hereby established in accordance with the provisions of the State Building Code as amended.

§ 107-2. Schedule of fees.

A. The fee for signs, bill boards and other display structures for which permits are required under the provisions of the State Building Code, as amended, shall be at the rate of \$14 for each \$1,000 or fraction thereof of building value. A copy of the work contract shall be submitted for the purpose of determining permit fees. [Amended 6-22-1998, effective 7-15-1998]

B. The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of \$12 for each \$1,000 or fraction thereof of the estimated costs of moving, plus the cost of new foundations and all work necessary to place the building or structure in its completed condition and in a new location. A copy of the work contract shall be submitted for the purpose of determining permit fees. [Amended 4-8-2002, effective 6-4-2002]

C. The fee for a permit for the demolition of a building or structure shall be at the rate of \$12 for each \$1,000 or fraction thereof of the cost of such demolition. A copy of the work contract shall be submitted for the purpose of determining permit fees. [Amended 4-8-2002, effective 6-4-2002]

D. The fee for residential and accessory building permits issued in accordance with the State Building Code shall be at the rate of \$12 for each \$1,000 or fraction thereof of estimated building costs. Estimated building costs referred to herein shall be those costs set forth in the most recent edition of the Marshall and Swift Residential Cost Handbook. [Amended 4-8-2002, effective 6-4-2002]

E. The fee for commercial, industrial and similar building permits issued in accordance with the State Building Code shall be at the rate of \$14 for each \$1,000 or fraction thereof of estimated building cost. Estimated building costs referred to herein shall be those costs set forth in the most recent edition of the Marshall Valuation Service Manual.

F. All fees and costs related to the performance of special professional and technical services for "threshold limit" structures as defined in Public Act 89-255 shall be paid by the owner. ^{EN}

§ 107-3. Refunds.

CODE OF THE TOWN OF MANSFIELD, CONNECTICUT, v5 Updated 11-20-2002
 PART II GENERAL LEGISLATION
 Chapter 107, BUILDING CONSTRUCTION
 § 107-3. Refunds.

- A. When a permit has been issued in accordance with the State Building Code and the owner/applicant abandons or discontinues the building project, or if the permit is revoked by the Building Official, the owner/applicant can make a written request for a refund. That portion of the work actually completed shall be computed and any excess fee shall be returned; also an administrative fee will be charged as follows: a minimum of \$40 or 10% of the cost of the permit, whichever is greater.
- B. The Building Official will calculate the refund due to the owner/applicant and forward it to the Finance Department for process.

§ 107-4. Penalties for offenses.

- A. Any person who violates any provision of the State Building Code shall be fined not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in Public Act 88-359. ^{EN}
- B. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$200 nor more than \$1,000 or imprisoned not more than six months, or both, as provided in Public Act 88-359. ^{EN}
- C. Starting work prior to obtaining a building permit. [Added 6-22-1998, effective 7-15-1998]
- (1) A penalty of \$50 will be added to a permit fee for starting work without a permit.
 - (2) A penalty will not be assessed to emergency repair work.
- D. Repeat inspections. The fee for a repeat inspection over one return visit for the same code violation correction shall be \$10. [Added 6-22-1998, effective 7-15-1998]

§ 107-5. Agencies exempt from fees; exception. [Amended 4-8-2002, effective 6-4-2002]

Agencies of the Town of Mansfield and the Mansfield Board of Education are required to comply with the provisions of the State Building Code, as amended; but shall not be required to pay any permit fees required under said State Building Code, any amendment thereto or under any Town ordinance relating thereto; except that the Building Official shall assess an education fee on each building permit application, including any application filed by an agency of the Town of Mansfield or the Mansfield Board of Education, as required by Connecticut General Statutes § 29-263(b), as amended, and the regulations promulgated thereunder.

Chapter 111, BUILDINGS, NUMBERING OF

[HISTORY: Adopted by the Town Council of the Town of Mansfield 12-11-1973, effective 1-4-1973;

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

March 10, 2003

Town Council
Town of Mansfield

Re: Grant Application to Comprehensive Approach to Combating Underage Drinking Program

Dear Town Council:

Attached please find an application to the Office of Policy and Management's "Comprehensive Approach to Combating Underage Drinking Program." The application amount totals \$25,000, of which the majority of funds would be personnel expenditures. The program would be administered by existing town staff and there would be no required municipal financial match.

As explained in the grant materials, the grant would assist the town with building and maintaining a broad-based coalition to address the problem of underage drinking in our community. For example, the grant funds would be used to integrate existing prevention programs and to develop a series of community forums to educate the larger community regarding the nature and the prevalence of underage drinking.

Due to time constraints, staff has already submitted the application. Because we believe that the grant funds would assist our efforts to curtail underage drinking in our community, we request that the Council authorize the Manager to submit the grant on behalf the town.

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

Move, to authorize the Town Manager to submit an application in the amount of \$25,000 to the Office of Policy and Management's "Comprehensive Approach to Combating Underage Drinking Program" for fiscal year 2003/04.

Respectfully submitted,



Martin H. Berliner
Town Manager

Attach:(3)



TOWN OF MANSFIELD
DEPARTMENT OF SOCIAL SERVICES

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
Tel: (860) 429-3315
Fax: (860) 429-7785
E-Mail: SocServ@mansfieldct.org

March 3, 2003

Valerie LaMotte, Office of Policy and Management
State of Connecticut
450 Capitol Avenue—MS#52CPD
Hartford, CT 06106-6496

Dear Ms. LaMotte:

Enclosed please find one original and ten copies of the Town of Mansfield's application for funding a **Comprehensive Approach to Combating Underage Drinking Program**. Underage drinking is a serious problem for all communities, and officials and residents of the town of Mansfield are deeply concerned about how this issue is affecting our youth and the larger community. We are excited about this proposal, as we believe that it gives our coalition the impetus to address this problem collaboratively in a truly comprehensive effort.

Please feel free to contact me directly at 860 429-3314 if you have any questions concerning this proposal.

Sincerely,

Kevin Grunwald
Director of Social Services

FACE SHEET

OFFICE OF POLICY AND MANAGEMENT
 POLICY DEVELOPMENT AND PLANNING DIVISION
 PART II FORM
 WORKING WITH POLICE GRANT
 PROGRAMS
 Due: 3/3/03

FOR OFFICE USE ONLY:

2. Full Legal Name of Applicant Agency
 Name: Town of Mansfield

 Address: 4 South Eagleville Road
 Storrs, CT 06268

1. Project Title: Mansfield Coalition to Stop Underage Drinking

5. Name of Official Authorized to Sign for Applicant Agency
 Name: Martin H. Berliner

 Title: Town Manager

 Address: 4 South Eagleville Road
 Storrs, CT 06268

3. Proposed Period of Award
 July 1, 2003 to June 30, 2004
 4. Program Category (Check only one.)
 Police and Youth Programs _____
 Comprehensive Approach to Combating Underage Drinking X

7. Project Director
 Name: Kevin Grunwald

 Title: Director of Social Services

 Address: 4 South Eagleville Road
 Storrs, CT 06268

 Telephone Number: (860) 429-3314
 FAX Number: (860) 429-7785
 E-Mail Address: grunwaldk@mansfieldct.org

6. I, the undersigned, for and on behalf of the named applicant agency, do herewith apply for this grant, and attest that, to the best of my knowledge, the statements made herein are true.

 Signature Martin H. Berliner
 Date February 28, 2003
 (Please note signatures also required on pages 4, 6, 7, 8 and 11, and 10 if applicable)

9. Grant Funds Requested: \$25,000
 11. Application is for: New Project
7/1/03 - 6/30/04 Continuation of Grant #:

8. Financial Officer
 Name: Jeffrey H. Smith

 Title: Finance Director

 Address: 4 South Eagleville Road
 Storrs, CT 06268

 Telephone Number: (860) 429-3343
 FAX Number: (860) 429-6863
 E-Mail Address: smithjh@mansfieldct.org

12. Summary Project Description

 This grant seeks to reduce underage drinking in the Town of Mansfield by building and maintaining a broad-based coalition that will:

- Integrate existing prevention efforts aimed at alcohol and substance abuse by young people, including initiatives currently operating at the middle school and high school.
- Partner with the University of Connecticut to coordinate and support ongoing efforts to reduce underage drinking both on and off-campus.
- Utilize the existing Safe Homes Program to enlist parents in educating each other about existing efforts to stop underage drinking.
- Collaborate with the Heart Program at the University of Connecticut to enlist support for educational and mentorship activities aimed at stopping underage drinking.
- Work with local media to develop a series of Community Forums on the issue of underage drinking to educate the larger community regarding the nature and prevalence of the problem.
- Coordinate with existing programs and services that are aimed at positive alternatives for youth and that provide youth leadership opportunities, including the local prevention council (NECASA) and the Regional Coalition Supporting Youth.
- Work with the local, state, and University police departments to coordinate and strengthen enforcement activities.

10. Audit: Date of last audit: Summer 2002
 Time period covered: 7/1/01-6/30/02

PROJECT NARRATIVE

I. OBJECTIVES:

A. Introduction:

Despite a variety of efforts that have been undertaken to address the issue of underage drinking, this problem continues to present a significant challenge to most communities. Studies completed by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) consistently identify that: “(1) Alcohol is the drug most commonly used by youth— more than tobacco and far more than marijuana or any other illicit drug, (2) Alcohol is one of the most common contributors to injury, death, and criminal behavior among youth, and (3) Underage use of alcohol can have immediate and potentially tragic consequences as well as long-range harmful consequences, such as increased risk for chronic alcohol addiction.”¹ In addition to the acknowledged impact of underage drinking, it also appears that the prevalence of use amongst underage drinkers is continuing at an alarming rate. An article that appeared in the February 26 issue of the Journal of the American Medical Association (JAMA) reveals, “In 1999 (the most recent year for which the necessary data was available) underage drinking amounted to 19.7 percent of alcohol consumed (\$22.5 billion).”² The research conducted for this study goes on to confirm the serious impact of underage drinking that has been previously documented.

¹ Strategies to Reduce Underage Alcohol Use: Typology and Brief Overview; Pacific Institute for Research and Evaluation.

² Press release; The National Center on Addiction and Substance Abuse at Columbia University, 2/25/03.

Given these alarming statistics, and all indications that this problem continues to persist, it becomes critical for communities to create and implement a comprehensive approach to reducing underage drinking. The requirements of this funding opportunity provide a useful framework to design an approach that will maximize the likelihood of our success with this initiative. The following proposal identifies the steps by which the Mansfield Coalition to Stop Underage Drinking will accomplish this undertaking.

B. Building a committed, broad-based task force:

Effectively responding to a complex community problem like underage drinking requires a commitment from a broad representation of various elements of the community. The SAMHSA Model Program: “Communities Mobilizing for Change on Alcohol” (CMCA) was based on established research that showed the importance of the social and policy environment in facilitating or impeding drinking among youth. The CMCA model mobilizes a variety of community institutions to achieve changes in youth access to alcohol, including civic groups, faith organizations, schools, community groups, law enforcement, liquor licensing agencies, and advertising outlets. Reflecting this successful model, the Town of Mansfield proposes to utilize its local Alcohol and Drug Abuse Prevention Task Force (ADAPT) as a starting point for building a broad-based task force to implement this initiative. ADAPT has been in existence since 1985, with representatives from law enforcement, local government, the schools, and other interested members of the community. This group was instrumental in creating the Safe Homes Program, which has functioned as an effective prevention tool for many years. Safe Homes supports parents in pledging to cooperate with each other and the community to create a healthy atmosphere in which the use of alcohol and other drugs is considered to be unacceptable. Under this grant,

the Town of Mansfield Department of Social Services will serve as the lead agency and expand the membership of ADAPT to include the Ashford and Willington Youth Service Bureaus, the Mansfield Business Association/Package Store Owners, the Mansfield Middle School and E.O.Smith High School Parent Associations, the Northeast Coalition Against Substance Abuse (NECASA), the Regional Coalition Supporting Youth, the E.O. Smith Student Substance Abuse Council, the President's Alcohol Task Force and the Heart Program of the University of Connecticut, local law enforcement, Perception Programs/Right Turn, The Willimantic Chronicle, and Windham Community Memorial Hospital. Representatives of these organizations will come together to pool resources, examine the specific nature of the problem, and educate the larger community.

C. Ensuring that there is a local Combating Underage Drinking Program

Coordinator:

To manage this project we propose Janit Romayko, the Mansfield Youth Service Bureau Coordinator, as the project coordinator. In her position as YSB coordinator, Ms. Romayko was instrumental in the creation of both the Safe Homes program and ADAPT. She has worked with a wide array of youth groups and advisory committees in the Mansfield area for almost 30 years, and possesses the requisite skills to bring this coalition together to accomplish its objectives. Ms. Romayko will be committed for an average of 15 hours per week for the duration of this project.

D. Completing a comprehensive Needs Assessment:

The Mansfield Coalition to Stop Underage Drinking will complete a comprehensive needs assessment before any other activities take place. A needs assessment helps to define the problem, identifies potential barriers, and begins to catalogue resources that already exist in

the community that can be brought to bear on the problem. It also examines existing assumptions about the nature of the problem, and can serve to ensure that any subsequent intervention is supported by the data. The needs assessment will utilize surveys, focus groups and existing data sources, and will draw from a number of different areas including criminal justice, the school system, youth, and other community structures. One existing source of data that our group will utilize is the Northeast Communities Against Substance Abuse (NECASA) Substance Abuse Prevention Student Survey, which was released in September of 2000. This survey measures demographic variables, alcohol, tobacco, and other drug use, and the five domains of risk and protective factors: individual, family, peer, school, and neighborhood/community. We will utilize the data collected in this survey as a starting point for more detailed information that we will collect around the problem of underage drinking. This needs assessment represents a critical step for our project, as the data collected will be used to define the subsequent work of the coalition. The process of a needs assessment is ongoing, and as we continue to collect data we will utilize it to adjust our course and define our objectives.

E. Developing a Strategic Plan that clearly identifies strategies and commitments:

The development of a strategic plan follows from the needs assessment, and is an important task for this coalition as strategic planning provides a disciplined way of taking in new facts and bringing them to action. Strategic planning also will help us to define the objectives of the coalition, along with how we expect to accomplish those objectives. The Mansfield Coalition to Stop Underage Drinking will utilize a Logic Model of strategic planning to facilitate this process. A Logic Model utilizes a dynamic structure that will incorporate the data collected from the comprehensive needs assessment to identify resources and potential

barriers, develop strategies, define tactics, select outcomes and provide feedback to ensure ongoing strategic communications. The Mansfield Coalition to Stop Underage Drinking will draw upon the broad-based membership of this group to create this strategic plan through a group process that will challenge us to answer whether or not our actions will be sufficient to achieve the outcomes that we have identified. This strategic plan will also serve to function as a tool to hold the coalition accountable, as we continually evaluate whether or not we have accomplished the work that we set out to do.

F. Coordinating with, and participating in, the Connecticut Coalition to Stop Underage Drinking:

The Connecticut Coalition to Stop Underage Drinking (CCSUD) exists as an important resource to the Mansfield coalition for information, training and technical assistance. To take full advantage of this resource, the Mansfield coalition will send a representative to at least one of CCSUD's working groups/action teams. Additionally, Mansfield's coordinator will establish monthly contact with staff at CCSUD to provide updates and to access resources provided through CCSUD. This is a key relationship, as it is important for the local coalition to maximize its resources through establishment of a linkage to the larger statewide initiative.

G. Increasing Enforcement:

Law enforcement represents a critical member of this coalition, as any comprehensive initiative to stop underage drinking must include an enforcement imperative that supports consistent and effective enforcement of laws and policies affecting underage use and procurement of alcohol. The Mansfield coalition will work with the Town of Mansfield police, the resident State Trooper from Troop C, and the University of Connecticut campus

police to conduct enforcement activities focused on commercial and social access to alcohol. These activities will be conducted after educational and awareness activities for youth and retail establishments, and will follow all guidelines that have been established for such activities by CCSUD. As one element of enforcement, the coalition will work with the Town of Mansfield to explore the adoption of a local ordinance to prohibit underage drinking on private property. This may be an effective strategy to combat the large number of off-campus parties that are attended by many underage drinkers, including high school students. Additionally, the coalition will explore opportunities to provide training to law enforcement personnel on the importance of reducing underage access to alcohol.

H. Providing Youth Leadership opportunities incorporated into community initiatives:

The Mansfield Youth Service Bureau has previously sent representatives to the MADD Power Camps in 1999 and 2000, and we would hope to use this coalition to continue to do that. We believe that youth representatives on this coalition should be encouraged to take a major leadership role in the initiative, as we believe that they will be a critical element in changing community norms around underage drinking and communication of a consistent message on this issue. Training and technical assistance will be provided to youth representatives to encourage the development of leadership roles.

II. BACKGROUND:

Mansfield is a suburban/rural community of 21,710 that is dominated by the presence of the University of Connecticut, which has a significant impact on the prevalence of underage drinking within the town. UConn has earned the dubious distinction of being rated as “one of the top ten party schools” by Playboy magazine, and excessive underage drinking is a

significant part of the social culture of the university. As the university has increased enforcement efforts on campus, much of this drinking takes place at off-campus parties that are increasingly attended by high school students. It is clear that any effort to impact underage drinking in Mansfield, especially access, will have to involve collaboration with prevention and enforcement efforts that are currently taking place on campus.

In comparing the results of the NECASA survey with those of the Youth Risk Behavior Survey for 1999, alcohol use in Mansfield appears to be less than for other students throughout Connecticut. Thirty-six percent of students (9th and 10th graders) report use of alcohol in the past month, as opposed to 50% throughout Connecticut. While the NECASA survey did not ask specifically about binge drinking, 28% of the respondents reported having experienced hangovers, and 15% reported engaging in actions that they later regretted including physical injury or loss of consciousness. Statewide 28% of students reported binge drinking, which certainly correlates with hangovers and other “risky” behavior. Anecdotal evidence suggests that while teachers and counselors see underage drinking as a serious problem in Mansfield, the larger community does not share this perception. Other measures include:

- A. **Number of licensed establishments cited for sales to youth: none**
- B. **Number of underage youth cited for procurement or possession of alcohol: 50**
- C. **Number of youth cited for use of false identification in alcohol procurement:
none**
- D. **Number of youth arrested for driving under the influence of alcohol, including
zero-tolerance violations: 9**
- E. **Number of youth who died in alcohol-related motor vehicle crashes: none**

III. **OUTCOMES:**

The goal of this project is to begin the process of changing community standards around underage drinking by addressing a variety of factors simultaneously. Using the model developed by the SAMHSA Model Program: "Communities Mobilizing for Change on Alcohol", the Mansfield coalition will focus on increasing community awareness around the impact of underage drinking by developing and communicating a clear message to the community that underage drinking is inappropriate and unacceptable. This outcome will be measured by surveying a number of different parts of the community both pre and post the work of the coalition.

IV. **COLLABORATION:**

Collaboration is at the heart of this coalition, as the problem of underage drinking affects many parts of a community and cannot be successfully addressed by a single institution or program. Attached is a letter of support from Mansfield's resident State Trooper, indicating his support for this coalition and his willingness to be a member of this initiative.

APPLICANT: Town of Mansfield
 PROJECT TITLE: Mansfield Coalition to Stop Underage Drinking

GRANT #:

A. PERSONNEL			TOTAL PROJECT BUDGET	
			Federal Funds	Other Funds
SALARIES	ANNUAL SALARY	% OF TIME		
Coordinator	\$45,500.00	43%		\$19,500.00
Police Overtime	69,160.00	3%		2,075.00
SALARIES TOTAL				\$21,575.00
FRINGE BENEFITS				
CALCULATED AT _____ 7.5%				
FRINGE BENEFITS TOTAL				\$1618.00
B. TRAVEL				
	1200 miles @.25/mile			\$300.00
TRAVEL TOTAL				\$300.00
C. EQUIPMENT				
None				
EQUIPMENT TOTAL				-0-

APPLICANT: Town of Mansfield
 PROJECT TITLE: Mansfield Coalition to Stop Underage Drinking

GRANT #

D. SUPPLIES	TOTAL PROJECT BUDGET	
	Requested Funds	Other Funds
Refreshments for 12 meets @\$25.00 per meeting	\$300.00	
Survey materials: 1000 surveys @ .25	250.00	
SUPPLIES TOTAL	\$550.00	
E. CONSULTING & CONTRACTUAL		
Consultant for survey design (not identified)	\$1000.00	
CONSULTING & CONTRACTUAL TOTAL	\$1000.00	
F. FACILITIES		
None		
FACILITIES TOTAL	-0-	
G. OTHER		
None		
OTHER TOTAL	-0-	
GRANT TOTAL	\$25,043.00	

Prepared By Kevin Grunwald

Date 2/28/03

Signature *Kevin Grunwald*
 (PROJECT DIRECTOR OR FINANCIAL OFFICER)

BUDGET NARRATIVE

Applicant: Town of Mansfield

Project Title: Mansfield Coalition to Stop Underage Drinking

A. Personnel

Salary for a designated program Coordinator for 15 hours per week for the duration of the project, at the rate of \$25 per hour: \$19,500.00

Overtime for police enforcement activities for 55 hours at an hourly rate of \$38 per hour: 2,075.00

Fringe benefits calculated at 7.5% of salary: 1,168.00

B. Travel

Monthly trips to meetings of CCSUD on an average of 100 miles per trip at the rate of .25 per mile: 300.00

C. Equipment: none

D. Supplies

Refreshments for monthly coalition meetings @\$25 per meeting: 300.00

Survey instruments to be distributed to approximately 1000 respondents: 250.00

E. Consulting & Contractual

Estimated cost of hiring a consultant to assist with survey design: 1,000.00

F. Facilities: none

G. Other: none

Project Total: \$25,043.00



TOWN OF MANSFIELD
PUBLIC SAFETY

March 3, 2003

Office of Policy & Management
450 Capitol Avenue
Hartford, CT 06106-1308

Re: Underage Drinking Grant
Town of Mansfield Application

Dear Committee,

I am writing in support of the Town of Mansfield's application for the Underage Drinking Grant. I am the Resident State Trooper for the Town of Mansfield from Troop C in Tolland, CT.

I have worked closely with the Youth Service Bureau and with the Office of Health, Police and Student Services of the University of Connecticut. Our joint communication, attached, has warned parents in the towns of Mansfield, Ashford and Willington about the hazards of unsupervised drinking. Our Safe Homes Program of over 260 families is a model for the State. We have cooperated with Hartford Distributors in offering TIPS training for area restaurants, stores and permittees. Our efforts could become more efficient with the hiring of an underage drinking coordinator which this grant could fund. A coordinator would facilitate a larger advisory committee along with preexisting programs into a comprehensive plan. It is my hope that you will choose to fund the Town of Mansfield's application for this upcoming year. I endorse the work that has been done so far and I anticipate working with the coordinator and a committee in the future.

Sincerely,

Michael B. Darcy
for SGT. M. Darcy

Michael B. Darcy
Resident State Trooper
Troop C

darcyendorseopm2002

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

March 10, 2003

Town Council
Town of Mansfield

Re: CCM Amicus Curiae – *Board of Education of Naugatuck v. Town and Borough of Naugatuck*

Dear Town Council:

Attached please find a request from the Connecticut Conference of Municipalities (CCM) asking for our participation in its amicus curiae intervention in the *Board of Education of Naugatuck v. Town and Borough of Naugatuck* case currently before the Connecticut Supreme Court. This case will decide whether a municipal charter may allow separate referenda for the municipality's general government budget and education budget.

Because the Town of Mansfield and the Mansfield Public Schools share several functions and operate as a one organization in many areas, staff does not recommend the town's participation in this case.

Respectfully submitted,

Martin H. Berliner
Town Manager

Attach:(1)



CONNECTICUT CONFERENCE OF MUNICIPALITIES

900 Chapel St., 9th Floor, New Haven, CT 06510-2807 • Phone (203) 498-3000 • FAX (203) 562-6314

TO: Mayor Elizabeth C. Paterson
Town Manager Martin H. Berliner

DATE: February 26, 2003

FROM: Joel Cogen, Executive Director and General Counsel

REC'D FEB 28 2003

RE: *Board of Education of Naugatuck v. Town and Borough of Naugatuck* case

We invite your municipality to participate in the mutual financing of CCM's amicus curiae intervention to the State Supreme Court in *Board of Education of Naugatuck v. Town and Borough of Naugatuck*. This case 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*.

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.

We anticipate that your municipality's pro rata share for this case would be \$ 700 .

Enclosed is a return form to affirm your municipality's participation.

Enclosure

cc: City/Town Attorney

RETURN FORM

1. ___ My municipality will participate in CCM's amicus curiae intervention to the State Supreme Court in *Board of Education of Naugatuck v. Town and Borough of Naugatuck*.

[] Please send me an invoice in the amount of \$ 700 .

2. ___ I will seek approval of the appropriate local body authorizing my municipality's participation in *Board of Education of Naugatuck v. Town and Borough of Naugatuck*.

[] Please send me an invoice in the amount of \$ 700 .

[] I will request an invoice if the necessary approval is granted.

3. ___ My municipality will not participate in the financing of CCM's current amicus curiae intervention in this case.

Name of person completing form

Position

Municipality

Return to: CCM, 900 Chapel Street, 9th floor, New Haven, CT 06510-2807
Attn. Barbara Ryan
Fax to: (203) 562-6314

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INTENTIONALLY

TOWN OF MANSFIELD
Community Center Building Committee Meeting
February 03, 2003
MINUTES

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

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

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

1. Call to Order

A. Rash convened the meeting at 7:03 p.m.

2. Approval of Minutes

The minutes of the January 6, 2003 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 four weeks. A. Rash wanted to know if K. Boutin was happy with the progress. K. Boutin replied that he wasn't but is talking to all subcontractors for delivery, etc. through the rest of the project.

M. Berliner asked if K. Boutin thought the project would still be completed on schedule. Both D. Yoder and K. Boutin were confident that it will be done on time. As of now, they are concentrating on work in the filter room.

C. Kueffner asked if the subcontractors have suggested any way to save money. None have been reported at this time.

- b. Architect's Report – D. Harazim had nothing new to report. The office is working on the entrance flooring pricing.

6. Old Business

None.

7. New Business

C. Vincente stated that the Council had approved the fee schedule for memberships. At the present time there are 38 charter members and approximately 50 interested in the inaugural memberships thus far. There are two standard types of members; full use and off peak (9-3 seven days/week). Rates and brochures will be included in the next packet.

A. Rash suggested that with the progress of the building, the Committee meet on a monthly basis instead of bi-monthly. Committee members concurred.

M. Berliner relayed to the Committee that he had sent a communication to Industrial Construction about the schedule with regards to the roofers. The roofers had pulled off the site for a couple of weeks to complete another project. M. Berliner also expressed a concern about the water coming in from the pool roof area and damaging sheetrock below. He also wanted to warn the Committee that going ahead is fine, but not to rush in the event that work could get damaged and then have to be fixed at a later date with the money coming out of the Contingency account.

M. Berliner also pointed out that a mortar test in the gym wall had still failed after the 156 day test. The next step is for the engineer to evaluate the problem and to either approve it as is (there is horizontal and vertical supports in the walls) or come up with a possible fix.

C. Kueffner asked if E. O. Smith is going to be using the facility. M. Berliner is negotiating rates with the Superintendent which will have to go to the Council and Region Board for approval. The rates for Ashford and Willington residents will be somewhere between resident and non-resident fees. The teen center will be free to E. O. Smith students with an I.D. card.

C. Vincente brought up the issue that now would be the time to consider putting the kitchen equipment back into the project. M. Berliner suggested waiting until the March meeting. At that meeting the Committee can prioritize removed items with an estimate of the remaining contingency. M. Berliner asked about the colored walkway that was pulled from the front entrance. This will be added to the priority list. D. Hoyle suggested that an e-mail be sent to the Committee with the prices of the items for review before the next meeting.

The next regular meeting is March 3, 2003 at 7:00 p.m.

The meeting was adjourned at 7:56 pm.

Respectfully Submitted,

Linda Patenaude,
Capital Projects and Personnel Assistant

MINUTES

MANSFIELD INLAND WETLAND AGENCY
Regular Meeting, Monday, February 3, 2002
Council Chambers, Audrey P. Beck Municipal Building

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, G. Zimmer
Members absent: P. Kochenburger, 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 Alternates Mutch and Ryan to act as voting members.

Minutes – 1/6/03 – Favretti MOVED, Holt seconded to approve the Minutes as presented; MOTION PASSED unanimously.

1/13/03 field trip – Holt MOVED, Favretti seconded to approve the Minutes as presented; MOTION CARRIED, Holt, Barberet and Favretti in favor, all else disqualified.

Communications - Wetlands Agent's Monthly Business memo (1/28/03); Conservation Commission (1/30/03), re W1198, Silva

Old Business

W1198. Silva. house construction. Summit Rd. – Mr. Meitzler's 1/21/03 memo and one from the Windham Water Works dated 1/14/03 were noted. After discussion of the application, Holt MOVED, Favretti seconded to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Bruce W. Silva (file W1198) for the relocation and construction of a single-family residence on property owned by the applicant located at Lot 1, Summit Road, as shown on a map dated 12/20/02 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. A second row of silt fencing shall be placed to protect the excavated slope at the rear, on the side away from the wetlands;
3. No approval is given for the "possible alternative driveway" location shown on the plan, and, therefore, it shall be deleted;
4. The driveway intersection at Summit Road shall be shifted approximately 20 feet downhill to the left (when facing the lot), in order to improve sightlines. Staked haybales and silt fence shall be placed along the downhill side of the driveway to prevent erosion;
5. This approval is valid for a period of five years (until 2/3/08), 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 Wetlands Agent's 1/28/03 New Business memo discusses the items below.

W1201. Joshua's Trust. request for exemption. 2 trail footbridges off Dog Lane. – Mr. Meitzler described the proposed footbridges and after brief discussion Holt MOVED, Favretti seconded to exempt the proposed construction of 2 small footbridges that cross wetlands, as submitted by Samuel G. Dodd for Joshua's Trust (file W1201), on property owned by Joshua's Trust and Hope Lutheran Church, located in Storrs on the Whetten Preserve and the Lutheran Church's land, as shown on maps dated 11/13/02 and 1/23/03, because the proposal is

permitted as a non-regulated activity as per Section 3.4 of the Wetlands and Watercourses Regulations of the Town of Mansfield. MOTION PASSED unanimously.

W1200. Northeast Utilities notice of maintenance brush-cutting – Mr. Meitzler explained the change in scheduling of regular brush maintenance from once every 10 years to once every 3 to 5 years. Members questioned the use of pesticides and herbicides, and Mr. Meitzler was asked to contact the Windham Water Works and Army Corps of Engineers to establish what chemicals are to be used, since this location is within the floodpool area.

W1133A. Farrell. request for modification for deck renovations at 796 Stafford Rd. – Mrs. Farrell explained the proposed deck extension construction and submitted illustrations of the planned renovations. Holt MOVED, Favretti seconded to receive the request submitted by James and Rosemary Farrell for modification of an existing approval (4/2/01, file W1133A) for revision of renovations on property owned by them and located at 796 Stafford Road, as shown on a plan dated 3/23/01 and as described in other application submissions, and to refer it to the staff and Conservation Commission for review and comment. MOTION PASSED unanimously.

W1202. Quintana. 155 Coventry Rd., attached garage – Goodwin MOVED, Holt seconded to receive the application submitted by Benjamin Quintana (file W1202) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a 30-ft. by 30-ft. attached garage at 155 Coventry Rd., on property owned by Guy Major, as shown on a map dated 1/27/03 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED unanimously.

W1203. Sabrina Pools. inground pool application, 278 Storrs Rd. – During discussion, numerous deficiencies in the application were noted. Goodwin MOVED, Holt seconded to receive the application submitted by Sabrina Pools (file W1203) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the installation of a 19-ft. by 35-ft. inground pool at 278 Storrs Road, on property owned by Anthony Provatas, as described in application submissions, and to refer said application to the staff and Conservation Commission for review and comment, on the condition that the following application deficiencies are corrected and the required information is submitted to the Inland Wetland Agency on or before February 10, 2003:

1. Part E, "Alternatives", is completed
2. Part F, "Map/Site Plan", is completed
3. Part J, "Other Impacts", is completed
4. Statewide Reporting Form is completed

In the event the foregoing information is not provided to the IWA by the dated stated, the IWA reserves the option to deny the application. MOTION PASSED unanimously.

Field trip – Scheduled for Monday, Feb. 10th, 1:30 p.m.

Wetlands Regulations Review Committee – Meeting scheduled for Monday, 2/10/03, at 3 p.m.

Other Communications & Bills – As listed on the Agenda.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

MINUTES
MANSFIELD COMMISSION ON AGING
Meeting held on Tuesday , February 11, 2003

Present: Staff: Jean Ann Kenny, Marilyn Gerling, Kevin Grunwald

Commission Members: Robert Gouldsbrough, Rev. Phil Secker, Susanna Thomas (Chair), Carol Phillips, Phil Fichandler, Carol McMillan, Elizabeth Norris, Barbara Ivry

- I. **Call to Order:** Susanna Thomas called the meeting to order at 2:30 PM.
- II. **Appointment of Recording Secretary:** Staff will continue to be responsible for taking minutes at Commission meetings. The Chair will appoint a Recording Secretary, who will be responsible to review minutes prior to distribution and posting. At this time S. Thomas will assume that role.
- III. The minutes of the January 13, 2003 meeting were accepted as written.
- IV. **Correspondence:** - Chair and Staff
- V. **Optional Reports on Services/Needs of Town Aging Populations**

A. Wellness Center and Wellness Program - J. Kenny

Jean distributed copies of her report, along with a copy of the new brochure. Wendy Murakami, a nurse practitioner, has been providing health assessment services for a suggested fee of \$35; blood pressure is done for \$10. Staff are exploring funding possibilities for these services, including receiving money through the McSweeny Center through September of this year. The Town may apply to the Area Agency on Aging for funding, either separately or in partnership with the McSweeny Center. We will also be meeting with the President of Windham Hospital to discuss their interest and support of Wellness services in Mansfield.

A variety of programs are currently being offered, with active participation.

B. Social, Recreational and Educational- M. Gerling

Marilyn has two students who have been involved in helping out at the center. Howard Raphaelson has been providing assistance with transportation and was involved in the acquisition of a new freezer.

On March 26 the Senior Center will sponsor a program on retirement and planning for retirement. Kevin Grunwald will be doing a presentation, along with several retirees.

- On April 4 the Spring Fling will take place at the high school.
- Middle School students will be serving for the Valentine's Day lunch tomorrow.

C. Housing :

R. Gouldsbrough is looking for someone to explain Veteran's benefits to members; some questions have been raised recently about eligibility for prescription benefits. A suggestion was made to call the Veteran's Advisor at WRCC to have him come both to Jensen's and the Senior Center to do a presentation on what he offers and what the range of veteran's benefits are. Bob will follow-up with this and get back to the group. He will coordinate any possible presentation at the Senior Center with Marilyn.

D. Related Town and Regional Organizations: no reports.

VI. Old Business:

Dial-a-ride and Dial-A-Ride ADA (WRCC) – Mary Thatcher

Susanna spoke with Rose Kurcinik to answer questions that arose at the last meeting about their funding request. One question related to the number of Mansfield residents served being identified as NA. Rose explained that ADA service is a fixed route, and the number of residents who use the service does not determine cost. Towns that have a fixed route are required to provide ADA transportation services. Their total request is for more than \$62,000 for fixed route and ADA transportation combined. There was some feeling expressed that we would like to know how many residents use ADA transportation, even if it does not figure into the cost of the service. A motion was made and approved that the funding request be approved. Susanna will draft a letter and send it to the Town Manager supporting this request.

There was a suggestion made that Rose Kurcinik should be invited to speak to the Senior Center. Susanna will contact her to make arrangements to speak here.

VII New Business:

Carol Phillips suggested that someone could come from the telephone company to talk about how to understand your phone bill and to evaluate the services that are provided. She will follow-up to determine whether or not there is interest in this presentation.

Other Suggested Topics: Presentation by Rose Fowler on the services offered by McSweeny Center

VIII Adjournment:

Meeting adjourned at 3:12 PM

Next meeting set for Monday, March 10, 2003 at 2:30 PM, Senior Center

Respectfully submitted,

Kevin Grunwald

Director of Social Services

**MANSFIELD DEPARTMENT OF SOCIAL SERVICES
ADVISORY COMMITTEE
MINUTES**

Thursday, February 13, 2003; 2:30 PM

AUDREY P. BECK BUILDING, CONFERENCE ROOM A

PRESENT: B. Lehmann (Chair), J. Heald, M. Hauslaib, E. Passmore, J. Peters, K. Grunwald (Staff)

I. COMMUNICATIONS:

- A. Discussion with SSD Director, Kevin Grunwald:**
Transition and orientation to the new position continues to go well, despite funding reductions and program cuts in the community. Director is looking for ways of expanding services to a larger portion of the community; primarily around providing resources and education on issues of public interest.
- B. Review of Department activity and other items in packet**
Minutes of other advisory meetings provided, along with a copy of the second quarter departmental report. The report includes information on the activity of the counselor at E.O. Smith, which is funded by the department. Preliminary plans have been made to eliminate funding of that position and to explore alternative ways of providing services to high school age youth.
- C. Program funding updates**
- **Graustein Foundation:** We have received permission from Graustein to carry over unspent funds from 2002 through the balance of 2003. A revised budget and work plan will be submitted by 3/31.
 - **School Readiness Grant:** There is still no word from the State on whether or not Mansfield will be eligible for this grant after 6/30/03. The Center Directors have agreed to engage in fund-raising to cover a deficit of almost \$1700 that resulted in a reduction in funding for this year.
 - **Senior Services Nurse/Wellness Center:** The McSweeney Center has offered to cover these services through a grant from the Area Agency on Aging through September of this year. We are exploring the possibility of submitting a joint application with them to cover the program for subsequent years. K. Grunwald

will be meeting with representatives of Windham Hospital to explore their interest in supporting these services.

- General impact of State budget cuts/closure of Willimantic DSS office: While no immediate impact of the office closure has been seen, we will be tracking the impact on Mansfield residents.
- Report on the status of the Special Needs Fund and fund-raising activities: It was suggested that we look at using some regular publications (Mansfield Record, Senior Sparks) that go out to the community to publicize the existence of the fund and to request contributions. K.Grunwald will follow-up to explore possible ways of promoting the Fund and seeking contributions.

D. Other

II. MINUTES:

Minutes of January 7, 2003 meeting

A motion was made and seconded that the minutes be approved as written.

III. OLD BUSINESS:

A. Update on SSAC collaboration with Recreation Advisory Committee on Community Center fee waiver policy/schedule: There has not been a meeting scheduled with the Recreation Advisory Committee to adopt a fee waiver policy for membership in the Community Center. **E.** Passmore raised the question of whether or not this policy would apply to other Town services as well. He asked whether or not there is or should be a generic policy in place that applies to all Town fees. This is a complicated issue and needs to be addressed jointly by SSAC and Recreation Advisory Committee.

B. FY '04 Budget update: The budget for the department has been submitted and the Town is in the process of incorporating this into the FY '04 budget.

C. Other

IV. NEW BUSINESS:

A. Report on agency funding requests: The Town Manager has asked to receive the agency funding requests as soon as possible. K. Grunwald

reported that based on conversations with M. Berliner, it is likely that funding amounts will probably be reduced. B. Lehmann stated that she feels that this committee should advocate for services to the Town's neediest residents. M. Hauslaib stated that she feels that we need to take into account the Town's fiscal challenges and present balanced recommendations that appreciate that there is limited funding available.

Agency Funding Requests:

- United Services (M. Hauslaib): United Services reports approximately 7000 contacts per year, at a rate of \$1.22 per contact. It was recommended that they be funded at the level of \$8550. Approved.
- CT Legal Services (E. Passmore): Recommendation is to fund them at the level of \$7500, open to other possible reductions. Approved.
- Women's Center (J. Peters): recommendation is to fund at the same level as last year. The estimated cost is \$125-250 per client, for a projection of 36 Mansfield residents served. Some concerns were raised that this is a high cost per client. Approved by the committee.
- Holy Family Home and Shelter (B. Lehmann): This agency clearly meets all of the criteria established for agency funding requests. The recommendation is that we meet their request for \$2500. Approved.
- WAIM (J. Helad): Reported that what they do is not necessarily an "essential service". The recommendation was made and approved that they be funded for \$2000.
- Veteran's Advisory Center (E.Passmore): Recommended that they be funded at the level of \$4000. Approved.

B. Lehmann suggested that at the next meeting we take some time to review and discuss this process.

B. Review of the At Risk Program

- A reminder was given about calling new participants.
- K. Grunwald received a list from the VNA of "essential patients." He will call to see if they are responsible for following up with monitoring of these patients, or to see if they should be added to the At Risk Program.

C. Discussion of mission and purpose of social service advisory committee:

K. Grunwald handed out information to consider on the elements of an advisory committee for review prior to our next meeting.

V. PLANS FOR FUTURE MEETINGS

- March 6: Mission and Purpose of SSAC
- April 3: Assisted Living presentations
- May 1: Marilyn Gerling
- June 5: tbd

VI. ADJOURNMENT: meeting adjourned at 4:45 PM.

Respectfully submitted,

Kevin Grunwald
Director of Social Services

MANSFIELD SCHOOL READINESS COUNCIL
Wednesday, January 15, 2003
Conference Room C

PRESENT: J. Buck (Chair), S. Baxter (staff), S. Daley, S. Tucker, R. Leclerc (staff), M.J. Newman, J. Goldman, M. Brown, K. Talbot, P. Wheeler, B. Lehmann, L. Bailey (staff), D. McLaughlin, S. Walton (intern), K. Grunwald (staff).

I. INTRODUCTIONS

Kevin Grunwald, the new Director of Social Services, introduced himself to the members of the Council.

- II. MINUTES:** Reviewed minutes of the 9/5/02 meeting. Please note that Monique Brown was not present at that meeting. Under Section V., C. (Old Business), the minutes should read that Storrs community Nursery School is proceeding with accreditation.

Minutes of the 2-5 Year Task Force meeting of 11/12/02: accepted as written.

Minutes of the 2-5 Year Task Force meeting of 6/13/02: accepted as written.

III. COMMUNICATIONS

- A. Position Statement on Preschool Programs and Services (SBE)** (included in packet)
- B. Preschool CAN meeting schedule** (included in packet)
- C. Draft evaluation committee/centers calendar** (included in packet). S. Baxter will contact the State Department of Education to obtain their most recent evaluation form.
- D. Article on all-day Kindergarten:** (included in packet) R. Leclerc reported that implementation of the all-day kindergarten may be postponed for one year.
- E. Other**

IV. PROGRAM UPDATE

- A. Social Services Director:** K. Grunwald provided a preview overview of departmental activities and ongoing issues, including announcements in funding reductions from several sources.
- B. Current Enrollments:** S. Baxter handed out information on December enrollments; 16 spaces were filled in Oct. and Nov., one was added in Dec. Some questions were raised about whether or not there needs to be reporting to

the State on a space which is filled for only part of the time. Questions were also raised about the impact of funding reductions of the grant from the State Department of Education. These issues will be discussed in greater detail with the Center directors.

C. Report of Parent Education/Support Coordinator (Baxter): Sandy distributed a report on her program activities (included in packet).

Highlights:

- Workshop sponsored by the Connections Team on pre-writing skills
- Collaboration with the Parks and Rec. Dept. to offer a parenting course (concern raised that it not be reflected that the instructor is doing this as part of her job at the Library).
- Introduced UConn intern, Sarah Jane Walton
- Two workshops attended
- First meeting of Transition Team to be held on 2/6/03.
- Work begun on development of a flyer describing MSRC.
- Discussion with culinary arts teacher at E.O. Smith to use the culinary arts students to do catering for events offering refreshments.

It was noted that reports that are due from the Centers to MDSS are not being received in enough time to comply with reporting requirements for the State. A schedule will be made available to all Center Directors indicating reporting dates.

D. Discussion of Discovery 2003 Statement of Continuing Interest: K. Grunwald reported that we have received reduction in funding for this grant to \$10,000 for this calendar year. This appears to be related to lack of activity (unfilled positions), unspent monies over the course of the year and lack of alignment with Graustein's goals and values. Officials from Graustein are willing to come out to meet with signatories to discuss reduction in funding and initiatives for the coming year. Their interest is in collaboration, community building and building of the public will resulting in systemic change. Several representatives of the Town will be attending a Strategic Planning Conference on 2/4/03.

The consensus of the Council is that we come up with a statement addressing what the decision-making process is that Mansfield uses as a community to address needs of kids 0-8, showing how the Discovery grant is supporting that process. We also need to show how parents are brought into that decision-making process. Data collection also seems to be an important element for Graustein.

R. Leclerc mentioned that there seems to be enthusiasm around programs that use consultants to survey programs and focus on data collection rather than supporting programmatic activities. Questions were raised as to whether or not all of the work that has been invested in this grant is consistent with the goals of the Foundation. The questions raised were: "do we want to "discover" what the needs are of Mansfield's kids, and is there a "public will" to move those issues forward?" Do parents become more active as a result of becoming more aware of what the issues are; and would a ground swell of parent-empowered activists move those issues forward?

A meeting is being scheduled with representatives of Graustein to review our Statement of Continuing Interest and identify next steps.

E. Discussion of SDE letter: M.J. Newman proposed looking at a solution to the reduction in funding that has minimal impact on kids currently receiving services. S. Daley proposed that Center directors meet with Kevin to decide how to absorb this. K. Grunwald will have a current financial accounting for that meeting to identify what the actual deficit is that needs to be made up. Additional suggestions included looking at families whose income exceeds guidelines, or determining whether or not families are planning on discontinuing services before the end of the year. A motion was approved that the 4 Center Directors will meet with K. Grunwald to discuss budget reductions and get back to the Council by 2/13/03 with recommendations.

L. Bailey suggested that the Council respond to the letter from the State with a statement reflecting the impact of these changes on families; copies to local legislators, the Commissioner and the Governor. K. Grunwald will draft this letter and forward to J. Buck for her review.

F. Other:

- March 22: Pre-School Fun Fair at the Library Auditorium
- Next CAN meeting will be held 2/3/03; referrals due to R. Leclerc by 1/20.
- Rachel commented that she's had difficulty getting information from the Centers on potential kindergarten and first grade students coming in. She requested this information from CCC, Child Labs and Willow House.
- The Life Skills group at the Middle School has developed baking skills and can provide desserts for events.

V. OLD BUSINESS

A. Report from 9/25 Discovery meeting in Plainfield:
(included in the packet).

B. Discussion with legislators: B. Lehmann reported that the meeting with local legislators was cancelled due to weather. The question arises as to whether or not this meeting is a duplication of other regional meetings that are held prior to the start of a legislative session? The Northeast Caucus meets regularly, but this is a closed meeting. In general our local legislators tend to be knowledgeable about human service issues. All were reminded of the need to utilize e-mail to keep legislators informed of issues as they arise.

C. Other

- J. Goldman asked about the status of Storrs Community Nursery School. Sandy noted that they are interested, but are currently working towards NAEYC accreditation.

VI. NEW BUSINESS

A. Revised MSRC and Task Force meetings, 2003:

Discussion of proposed dates for all meetings through the remainder of the year. The calendar was accepted assuming that this group will continue as a Council through the remainder of the year.

B. Ways parents are helped to gain employment. Is there an issue we should address? The question was raised

as to whether or not this is something that the group should be addressing. It was pointed out that there are funding streams through the ACCESS Agency and the CT Works Centers that assist people with employment, job search, resume writing and Veteran's assistance. The question

was whether or not there is something in the SDE grant that requires this to be addressed. It is not clear that this is the job of the Centers; the directors indicated that they do provide some assistance in this area on an "as needed" basis, and they pass on information or refer to the Social Services office. It was determined that there is no reason to continue to have this on the agenda.

C. Other:

- J. Buck raised the issue of School Readiness eligibility. The question is whether or not communities that no longer have severe needs schools in the district are eligible for the school readiness grant. We have been told that there is a precedent set for priority districts, with legislation passed indicating that if the district was once eligible it will always be eligible. Legislation is being proposed by Denise Merrill to extend this eligibility to communities with severe needs schools that no longer meet the guidelines. K. Talbot made the point that the town should be made aware that there is still a need in Mansfield for school readiness, even if the student numbers are not concentrated in one district but are more evenly distributed. A motion was approved to get an update on Mansfield's school readiness eligibility. If Mansfield is no longer eligible then the Council will need to decide how to sustain its existence through the term of the Graustein grant.
- B. Lehmann distributed the Calendar of Events, which is being distributed throughout the Town.
- Update on CCC building plans: P. Wheeler reported that a deadline was missed in applying for supplemental funding from USDA, and contractor withdrew its bid. CCC is attempting to work collaboratively with a contractor to proceed with their building plans.

VII. NEXT MEETING: joint group 3/5, Task Force 2/13.

VIII. ADJOURNMENT: meeting adjourned 8:38 PM.

Respectfully submitted,

Kevin Grunwald, Director of Social Services

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MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, February 18, 2003

Members present: A. Barberet (Chairman), R. Favretti, B. Gardner, R. Hall, K. Holt, P. Kochenburger, P. Plante
Members absent: J. Goodwin, G. Zimmer
Alternates present: B. Ryan
Alternates absent: E. Mann, B. Mutch
Staff present: C. Hirsch (Zoning Agent)

Chairman Barberet called the meeting to order at 7:05 p.m., appointing Alternate Ryan to act as a voting member.

2/3/03 Minutes – p. 1 (Publ. Hearing), l. 5, replace “engineer” with “architect”. Favretti MOVED, Holt seconded to approve the Minutes as corrected; MOTION CARRIED, all in favor except Plante (disqualified).

Zoning Agent’s Report – January Enforcement Update was received.

Old Business

Proposed efficiency apartment at 45 Echo Rd. R. Shafer, file 1201 – Holt MOVED, Gardner seconded to approve with conditions the special permit application (file 1201) of Rebecca A. Shafer for an efficiency apartment on property located at 45 Echo Road, in an RAR-90 zone, as submitted to the Commission and shown on site, elevation and floor plans dated 1/2/03, and as presented at Public Hearing on February 3, 2003. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with a single-family home having three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Director of Health and the Planning and Zoning Commission;
2. This approval is conditioned upon continued compliance with Mansfield’s zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;
3. This special permit shall not become valid until it is filed on the Land Records by the applicant.

MOTION CARRIED, all in favor except Plante and Kochenburger (disqualified).

Request for modification of conditions 3 and 4 of the Stephen Estates subdivision approval, Mt. Hope/Warrenville Rds., Harakaly, file 1191 – A 2/12/03 letter from Att’y. S. Schragger and 2/14/03 memo from the Town Planner were noted. Att’y. Schragger’s letter outlines his clients’ objections to the above conditions and suggests an alternate proposal, which members discussed at length. While some members noted that conservation easements are usually granted by the PZC in good faith and therefore questioned the Commission’s seeming unwillingness to do so in this case, others expressed concern regarding the possible precedent-setting appearance of “bargaining” in Mr. Schragger’s letter, and questioned whether the new proposal would give the Town sufficient legal strength for any necessary enforcement. In the end, consensus was reached to refer the matter to staff for further review and to refer Attorney Schragger’s 2/12/03 letter and proposal, with particular attention to condition 3.D, to the Town Attorney and ask him to clarify the various elements of the proposal and express his opinion on whether the existing approval conditions are strong enough to withstand a legal challenge.

Proposed telecommunication tower between Baxter and Cedar Swamp Rds. – The Town Planner’s 2/14/03 memo was noted. After discussion, Ryan MOVED, Holt seconded that the PZC authorize its Chairman to submit a letter to the Connecticut Siting Council expressing the Town’s appreciation for AT&T’s cooperation in providing information to the Town about a planned telecommunication tower in Mansfield, considering alternative locations, and eliminating a potential tower site off Baxter Road that was objectionable to neighboring residents. MOTION PASSED unanimously.

Verbal Updates

2003 Plan of Cons. & Dev. Committee – Next meeting scheduled for Thursday, Feb. 27th.

Lands of Unique Value final report and mapping – Expected by the end of March

UConn Landfill Remediation project – A 2/25/03 DEP meeting to hear public comments on the final draft report will be held on 2/25/03 (Tuesday) at 7 p.m. at the Town Hall. The DEP public comment period ends on that date, so mailed-in comments must also be received by DEP by that date.

New Business

Replacement of Mt. Hope Rd. culvert – This work will not require PZC approval, and is a Town maintenance project. The Public Works Department is expected to apply for Inland Wetland Agency approval this spring. A public information session will be held during the Town Council meeting on 2/24/03.

Maplewoods, Sec. II subdivision tree-cutting, file 974-3 – A 2/6/03 letter from M. Taylor, representing Depot Associates, the developer, was noted. It apologizes for the inadvertent cutting of a 30" oak and a 36" oak at the planned cul-de-sac at Maxfelix Drive. In response to members' questions regarding possible punitive action, Mr. Hirsch said the Town has no legal recourse under the Zoning Regulations. Landscape architect J. Alexopoulos explained that in the future, trees to be retained will be clearly marked with "Caution" tape. He recommended replacement of the oaks with sweetgum trees, to be consistent with other proposed plantings. After discussion, it was agreed that sweetgums would be appropriate. The consensus was that staff would communicate to Depot Associates that sweetgum trees of at least the same size as the other proposed sweetgums along Maxfelix Drive would be acceptable.

Proposed telecommunication tower in Windham, east of Rt. 6 – The notice of this proposal is informational only, and no action was taken.

Four Corners Design Guidelines – Holt MOVED, Favretti seconded that the issue of formulation of Design Guidelines encompassing scale, materials and design be referred to the Regulatory Review Committee. MOTION PASSED unanimously.

Public Hearing (con't.), Windswept Manor, 4 proposed lots off East Rd., file 1198 – The Hearing was called to order at 7:50 p.m.. Members and Alternates present were Barberet, Favretti, Gardner, Hall, Holt, Kochenburger, Plante and Ryan. Since this was a continued Hearing, there was no legal notice; reports were noted from the Ass't. Town Engineer and Town Planner (both 2/13/03). In addition, draft conservation easement, deeds, a bonding estimate and revised plans had been submitted by the applicant's representatives. Project engineer S. Klimkoski noted that revised plans had been previously submitted, and reviewed comments contained in the memos from the Ass't. Town Engineer and Town Planner, saying the applicant would agree to almost all of them. Mr. Klimkoski reviewed revised drainage plans with additional sediment and erosion control safeguards along East Road, stating that the necessary DOT approvals have been obtained. Landscape architect J. Alexopoulos explained his landscaping plans, noting that the sugar maples proposed along Windswept Lane would be protected from salt and snow-plowing by their placement behind stone walls and a swale, and that there would be no unnecessary tree-cutting. The applicant has agreed to an approval condition prohibiting tree-cutting within the conservation easement, including the area within the proposed drainage swale. Mr. Alexopoulos agreed to revise the species to be planted at the cul-de-sac if the Commission requests it.

Mr. Klimkoski explained that the applicant does not wish to relocate the Lot 1 driveway, in order to preserve the scenic vista and to allow for privacy for the house to be constructed, as well as to provide an additional access option for future lot development.

The issue of overhead vs. underground utilities was discussed at length. Mr. Klimkoski said he has met onsite with representatives of both SNET and CL&P, and the current proposal for 4 poles from Rt. 195 and up East Road, then to go underground, was the recommendation of the representatives. Members, however, pointed out the benefits of all-underground utilities. Mr. Klimkoski distributed and submitted photos of trees near the East Rd./Rt. 195 intersection.

The applicant has agreed to a condition that all lighting fixtures, both for street lights and individual house lot lighting fixtures, would be as described and recommended in the 2/13/03 letter from the Director of the East Road Observatory. Mr. Hirsch, however, stated that the Commission could only strongly recommend this on the individual lots in any approval motion, as it could not be enforced under the Zoning Regulations.

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Mr. Klimkoski distributed some photos of piles of stones on Lot 1 which he said might be historic; however, he had found no evidence of former foundations or other structures. Mr. Favretti reported he had reviewed existing historic maps and found no historic houses in that area. (It was noted that the lot is within a Historic District.)

The applicant's representative stated that the present open space proposal meets the requirements of Secs. 13.1 and 13.2. Members questioned whether the percentage of dry land to wetlands in a proposed dedication refers to the percentage within the proposed dedicated area or the entire parcel. Mr. Padick will be asked to clarify this. The Hearing was closed at 8:52 p.m.

Communications and Bills - Reviewed as listed on the Agenda.

The meeting was adjourned at 9 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

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**MANSFIELD DOWNTOWN PARTNERSHIP
BOARD OF DIRECTORS MEETING
Mansfield Downtown Partnership Offices
Tuesday, February 4, 2003**

MINUTES

Present: Steve Bacon, Phil Barry, Martin Berliner, Tom Callahan, Al Hawkins, Philip Lodewick, Betsy Paterson, Dave Pepin, John Petersen, Steve Rogers, Phil Spak, Chris Thorkelson, Betsy Treiber

Staff: C. van Zelm

1. Call to Order

Philip Lodewick called the meeting to order at 4:00 p.m.

2. Opportunity for Public to Comment (occurred at end of meeting)

Penny Williams, of the Planning and Design Committee, asked whether the Looney Ricks Kiss consultant team was well versed in green building techniques. Ms. van Zelm said that Ed Wilson at Looney Ricks Kiss had been contacted about this and is familiar with green building techniques and the LEED rating system. Mr. Wilson indicated that Looney Ricks Kiss could discuss these issues further with the Planning and Design Committee. It was noted that the municipal development project plan work that Looney Ricks Kiss will do does not entail final architectural design where the inclusion of green building techniques would be most appropriate.

Helen Koehn expressed the need for the engineering team to have experience in stormwater management.

3. Approval of Minutes

Al Hawkins made a motion to approve the minutes. Betsy Treiber seconded. The minutes were approved unanimously.

4. Update on Municipal Development Plan

Phil Barry said the Finance and Administration Committee continues to work with Looney Ricks Kiss. A Scope of Work has been finalized and the contract between Looney Ricks Kiss and the Town of Mansfield is being negotiated.

5. Update on Environmental Impact Evaluation (EIE) for proposed Graduate Student Apartments and Downtown Mansfield Master Plan Projects

Tom Callahan said the University of Connecticut Board of Trustees reviewed the EIE at its Board meeting last month. The EIE will now go to the Office of Policy and Management (OPM) where it will be distributed to other state agencies for their review. Mr. Callahan expects that the University will hear back from OPM in 60 to 90 days.

6. Update on Hiring Partnership Attorney

Mr. Bacon reported that a Request for Qualifications for an attorney for the Partnership had been sent to firms the ad hoc committee had considered might be appropriate for legal services to the Partnership. The Partnership also advertised through the Connecticut Law Tribune. Cynthia van Zelm said she had received one phone call inquiring about the services thus far.

7. Discussion on Bulk Rate for Partnership

Betsy Treiber, Chair of the Membership Development Committee, said that Committee is seeking to do more mailings to increase membership and would like to take advantage of the bulk rate which would be less expensive. Betsy Paterson made a motion to approve applying for a bulk rate permit for the Partnership. Chris Thorkelson seconded. The motion was approved unanimously.

8. Report from Committees

Membership Development – Ms. Treiber said the Committee would be doing a membership mailing to the UConn Advocates list in Mansfield and UConn faculty and staff. She received confirmation from Dale Dreyfuss that the Partnership can have a drop box for returned memberships on campus. Ms. Treiber also said that Ms. van Zelm and Committee members would staff a Partnership information table at the open houses this fall at the elementary, middle and high schools. The Committee is also looking into meeting with UConn faculty. There are currently 158 members with about 40 of those members being businesses and organizations.

Nominating – Mr. Lodewick said the Nominating Committee met and was seeking to fill Phil Barry's position on the Board (Mr. Barry decided to step down after his term ends in June). Mr. Lodewick encouraged the Board and public to let him know if they have potential nominees to recommend.

Advertising and Promotion – Ms. van Zelm gave the Advertising and Promotion Committee report in Mr. Woods' absence. Ms. van Zelm said that Ananda Ames, a Mansfield resident and student at the University of Virginia, was applying for a grant to look at the administration of art space downtown. Ms. van Zelm and Mr. Woods had met with the Town's Arts Advisory Committee that was supportive of looking at ways to incorporate art into the downtown. With respect to the newsletter, Ms. van Zelm said she was pursuing working with local papers to publish a newsletter. The newsletter will include advertising space to defer the costs of the publication.

Planning and Design Committee – Steve Bacon referred the Board to the "Town And Gown" article in the Agenda packet noting that many of the design ideas in the article are similar to the ones developed by the Planning and Design Committee.

9. Other

Mr. Lodewick distributed an evaluation form for Ms. van Zelm's annual evaluation and asked Board members to return comments to him within the next week. The Board will discuss the evaluation at its March meeting.

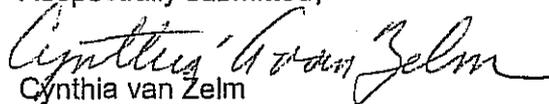
Mr. Callahan updated the Board on the positive changes in the downtown including the arrival of Starbucks, c.o. Jones, Husky Bean, and the renovation of Friendly's.

Ms. van Zelm said she had been contacted by Rusty Lanzit of Channel 14 to appear on his show, "Town Talk" to talk about the Partnership. She asked for volunteers from the Board to appear with her on the show.

10. Adjourn

The meeting adjourned at 4:35 PM. The next meeting is set for March 4 at 4 PM.

Respectfully submitted,



Cynthia van Zelm
Executive Director, Mansfield Downtown Partnership

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RECREATION ADVISORY COMMITTEE
MEETING MINUTES
January 22, 2003

ATTENDING: Sheldon Dyer, Donald Field, Mia John, Joe Soltys
STAFF: Curt Vincente

- A. Call to Order – Chairman S. Dyer called the meeting to order at 7:40p.m.
- B. Approval of Minutes – Approval of the minutes of December 18, 2002 was tabled to the next meeting due to a lack of a quorum.
- C. Co-Sponsorship Reviews – Bob Milvae, President of the Mansfield Little League (MLL), presented the MLL's application for co-sponsorship renewal. Diane Nadeau, President of the Tri-Town Youth Football and Cheerleading Association (TTYFCA), presented TTYFCA's application for co-sponsorship renewal. S. Dyer commended both organizations for their continued dedication and service to the youth of Mansfield. Approval of the both applications was tabled to the next meeting due to the lack of a quorum. The Mansfield Junior Soccer Association (MJSA) will present their application for co-sponsorship renewal at the February meeting.
- D. Old Business – C. Vincente briefly reviewed the Building Committee minutes, Job Meeting minutes No. 19 and the January 6 Construction Manager's report. C. Vincente updated committee members on the Community Center fee proposal, noting that the Town Council will consider the proposal at their January 27th meeting. RAC members reiterated their support for the recommended fees. S. Dyer indicated he plans to attend the Town Council meeting to express the committee's support. The draft fee waiver recommendations were discussed. C. Vincente suggested that a follow-up meeting with the Social Services Advisory Committee representatives be scheduled for a final review.
- E. Correspondence – None
- F. Director's Report – C. Vincente noted that most of his report was covered under Old Business or will be discussed under New Business items. He noted that initiation of the new web registration has gone well.
- G. New Business – C. Vincente gave a brief update on fall programs. He also noted that Winter/Spring programs have been well received. As an example, he compared December credit card sales in 2001 to 2002, noting an increase from \$7,000 to 18,000. He attributed the increase to the new internet registration and the increased distribution of the program brochure. C. Vincente reviewed highlights of the department's FY 2003-04 budget proposal. The next meeting is scheduled for February 26, 2003.

Having no other business, the meeting was adjourned at 9:37pm.

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TOWN OF MANSFIELD
Solid Waste Advisory Committee
Minutes of the Meeting
February 27, 2003

Present: Gogarten (chair), Kobulnicky, Hultgren (staff), Walton (staff).

The meeting was called to order by Chair Gogarten at 7:30 p.m. Minutes were not distributed with the Agendas so the approval of minutes was postponed to the next meeting.

Correspondence was reviewed.

The bulk of the meeting was spent editing the presentation for the pre-paid bag system proposal. Staff will make the changes and present it to the Town Council at a future Council meeting.

Walton announced that the solid waste regulation changes would have a public hearing before the March 10th Council meeting.

Rid Litter day was set for April 12th; the composting workshop for May 3rd.

The next meeting was set for March 27th.

The meeting was adjourned at approximately 8:45 p.m.

Respectfully Submitted,



Kon R. Hultgren
Director of Public Works

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

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TOWN OF MANSFIELD
TOWN COUNCIL

Item #13



Elizabeth C. Paterson, Mayor

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

February 26, 2003

Ms. Edith G. Prague
State Senator
Legislative Office Building, Rm. 3800
Hartford, Connecticut 06106-1591

Dear Edith:

I am in receipt of your letter dated January 31, 2003, requesting that the Town of Mansfield consider passing an ordinance to ban alcohol in the Storrs area in order to curb excessive drinking by University of Connecticut students. We have asked our town attorney for advice, and he has rendered an opinion stating that "the Town Council lacks the power to pass an ordinance to ban the sale of alcohol in town." The town attorney further explains that under state law "the sale of 'alcoholic liquor' must be allowed until the electors of the town at a regular or special election initiated by a petition to the town clerk and signed by 'not less than ten percent of the electors' of the town, vote to ban or limit the sale of alcoholic liquors in the town." Consequently, the Mansfield Town Council does not have the authority to accommodate your request.

However, please be assured that the town takes this matter seriously, and that we are working in cooperation with the University to address the issue of substance abuse by our young people.

Thank you for your suggestion and please feel free to contact me with any additional questions or concerns.

Sincerely,

Elizabeth C. Paterson
Mayor

CC: Mansfield Town Council
Martin Berliner, Town Manager

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YOU ARE CORDIALLY INVITED TO ATTEND
A RECEPTION TO WELCOME THE NEW
EMERGENCY SERVICES ADMINISTRATOR, DAVE DAGON
ON MONDAY, MARCH 10, 2003
FROM 6:30 – 7:30 P.M.
IN THE COUNCIL CHAMBERS
AT THE AUDREY P. BECK MUNICIPAL BUILDING

Refreshments will be served
Please RSVP Sue Landon
in the Town Manager's Office
at 429-3336 or by email at
landonsm@mansfieldct.org



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Plan of Conservation & Development Update From Town Planner March 4,2003

The Plan of Conservation and Development update process has shifted from a Citizen Committee input phase to a Planning and Zoning Commission review and initial draft phase. A subcommittee of the PZC began meeting with the Town Planner in January and will continue to meet on a weekly/bi-weekly basis over the next few months. The committee is in the process of analyzing the 1993 Plan with respect to new inputs and information and will soon begin to prepare a draft update for further review by the full PZC, the Town Council and the public. The committee hopes to have an initial draft of a 2003 Plan of Conservation and Development available for review before the summer. The committee's agendas and minutes are being posted on the Town's web page www.mansfieldct.org (linked via the Planning and Zoning Commission page) and Mansfield's 1993 Plan of Conservation and Development will soon be added. Upon completion, information from the Town's Lands of Unique Value study also will be accessible through the Town's web page.

New input and ideas will continue to be welcomed and all citizens are encouraged to participate in our efforts to plan Mansfield's future land uses. Mansfield's Town Planner, Gregory Padick serves as the primary contact and Mr. Padick can be reached at 429-3330 or padickgj@mansfieldct.org.

Please contact the Planning Office (429-3330) if you have questions or want to be added to our distribution list. Updated information regarding Mansfield's Plan of Conservation and Development is available on Mansfield's Web Page: www.mansfieldct.org

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United States Senate
WASHINGTON, DC 20510-0703

001-044-8463
TOLL FREE: 1-800-225-5605
INTERNET ADDRESS:
senator_lieberman@lieberman.senate.gov
HOME PAGE:
<http://lieberman.senate.gov>

February 27, 2003

Ms. Joan Gerdson
Town of Mansfield
Four South Eagleville Road
Storrs Mansfield, CT 06268

Dear Ms. Gerdson:

Thank you for contacting me on behalf of the Mansfield Town Council regarding the possibility of military action to disarm Iraq. I appreciate your concerns and want to assure you that Congress is not rushing into war. Deciding whether to authorize the President to send our sons and daughters into battle is the most fateful decision a Senator ever makes. Such a decision demands careful, serious, and exacting deliberations—which is precisely what Congress engaged in before voting.

Although I differ with President Bush on many other aspects of foreign and domestic policy, I believe deeply that he is right about Iraq. Since the end of the Gulf War, I have been convinced that every day Saddam Hussein remains in power is a day of danger for the people of Iraq, the region, and the world.

There are a number of reasons I came to this conclusion. First, Saddam already has enough biological and chemical weapons to kill millions, with more under development as we speak; has used those weapons repeatedly against civilians; is developing new means to deliver them, including unmanned aerial vehicles; is not far from building a nuclear weapon; and has stated, loud and clear, his ambitions of dominating the Arab world and exacting revenge on the United States. Finally, he has proven himself to be a highly destabilizing presence in the region.

Waiting is not a viable option. We have a duty to demand that Saddam disarm immediately, in compliance with the United Nations resolutions he signed more than a decade ago, or face grave consequences. That is why I co-sponsored the Senate resolution that would authorize the use of our military, if necessary, to enforce UN resolutions, disarm Iraq, and eliminate the ongoing threat to our security, and the world's, from Saddam Hussein's regime.

Your questions deserve answers. With that in mind, let me address a few of the doubts that constituents have raised with me—which I imagine also reflect your own reservations.

First, many suggest that we should give diplomacy a chance to work before sending our armed forces into battle. I agree, and the UN's unanimous approval of a resolution to disarm Iraq shows that our concern about Iraq's weapons of mass destruction and its violation of UN resolutions is shared by the world community. Now, if the Iraqi regime delays and deceives the

international community, as it has done time and time again, and we have no choice but to take action, it is clear that we will not have to act alone.

War should always be the last resort, and it would be in this case. For more than a decade now we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam to keep the promises he made, and the UN endorsed, to end the Gulf War. Saddam has not altered his ambition to achieve dominance over the Persian Gulf and the Arab world, investing vast amounts of his national treasure in building huge inventories of biological and chemical weapons and the means to deliver them to targets near and far. So, my answer to “Why now?” is, “Why not earlier?”

Second, many are concerned that taking military action against Iraq would slow or stop our more urgent war against terrorism.

To me, the two are inextricably linked. First, remember that Iraq under Saddam is one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between Al Qaeda and Saddam’s regime is a subject of intense debate within the intelligence community, we do have evidence of meetings between Iraqi officials and leaders of Al Qaeda, and some testimony that Iraqi agents helped train Al Qaeda operatives to use chemical and biological weapons. We also know that senior leaders of Al Qaeda have been and are now harbored in Iraq.

Indeed, if we remove Saddam’s pernicious influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region—and *advance* the war against terrorism, not set it back.

Third, many have expressed concerns about what they view as a dangerous and unprecedented policy of striking first against a sovereign nation.

We should and will soon have a larger debate about the President’s new doctrine of preemption, but not here and now—because the term does not apply to Iraq. The fact is, we have been engaged in an ongoing conflict with Saddam’s regime ever since the Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than \$1 billion a year. And this is not casual duty. Saddam’s air defense forces have shot at U.S. and British planes 406 times and counting in 2002 alone.

Besides, I find it hard to argue that, if we know that a madman is planning to unleash a weapon of mass destruction or pass it to terrorists, we must wait until the detonation to act.

Finally, I know that some believe that to encourage multilateral action, Congress should have passed two separate resolutions—one now encouraging the UN to respond to President

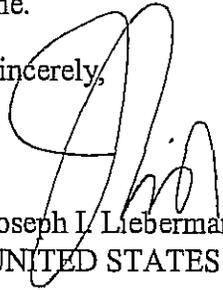
Bush's call for inspections without limits, and another one later authorizing U.S. military action if the UN had refused to act. But as I believed it would, our approval in Congress of the resolution giving the President the authority to use force against Iraq strengthened the U.S. hand at the international table, and it showed our allies how serious we are about dealing with Saddam.

My position is not, as you suggest, a betrayal of Democratic party ideals; to the contrary, it is a reconnection to the better parts of our party's heritage. Over the last half century, Democrats have realistically faced the gravest threats to our security: from Truman's Doctrine to prevent the expansion of Communism, to Kennedy's willingness to dispatch the U.S. Navy to "quarantine" Cuba to prevent Soviet missiles from remaining there, to Clinton's deployment of American forces to the Balkans to stop genocide and prevent a wider war in Europe.

Each of these Democratic presidents tried diplomacy, but when it failed, they were prepared to unleash America's military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America or Americans. That is precisely what we must empower our Commander-in-Chief to do now.

I am pleased to let you know that I am launching an e-mail newsletter, through my official Senate web site, to keep my constituents advised of my efforts on behalf of Connecticut. You can sign up for my e-mail newsletter by visiting <http://lieberman.senate.gov> and clicking on the "subscribe to e-mail newsletter" button. I hope this new feature will be helpful and informative. Thank you again for contacting me.

Sincerely,



Joseph I. Lieberman
UNITED STATES SENATOR

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David Arnold Kloss
72 Beech Mountain Road
Mansfield, CT 06250

Item #17

March 5, 2003

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Bush,

I am writing for several reasons.

First, let me tell you many American's respect you for your leadership role in these difficult times. The current problems in Iraq are very complicated. Iraq and also North Korea pose many difficult issues with many dangerous aspects: dangerous in a military way, but also dangerous in a political way. We all admire and respect your courage. Please keep up the good work.

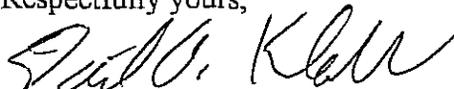
Secondly, however I am writing to "apologize" for my town council: the town of Mansfield, Connecticut. This predominantly democratic town council passed a resolution (which they subsequently mailed to you) opposing unilateral use of force in Iraq. More than that, however, this council passed this resolution (unanimously, as they told you) with little discussion, without any public forum and with only miniscule public support. This resolution "represented the town of Mansfield" according to these council members. I believe this resolution was sponsored by the National Democratic Committee and has been sent around the country to stir up political unrest. It represents only the willingness of the Democratic presidential hopefuls to play partisan politics during even these treacherous times.

I am enclosing the original news article regarding this resolution. I am also enclosing my own letter to the local newspaper and finally my "speech" to the town council "blasting" them for degrading your ability to lead our country. As I said to the council, *no one wants war*; but if it is necessary to disarm Saddam Hussein, then it must be done.

We pray for you, the other world leaders involved and for our troops every Sunday. We pray for wisdom and courage in these tough times. Hopefully God will grant us all an extra dose of these!

Keep up the good work.

Respectfully yours,



David Arnold Kloss

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Meredith Lindsey
72 Beech Mountain Road
Mansfield, CT 06250

Item #18

February 26, 2003

REC'D MAR 5 2003

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Bush,

Recently the Town Council of Mansfield, Connecticut wrote to inform you that the town of Mansfield had passed a resolution opposing: "a unilateral U.S. invasion of Iraq, but supports instead a genuinely multilateral diplomatic approach to the Iraq situation, sanctioned and directed by the United Nations; . . ." Unfortunately partisan politics are alive and well in Mansfield, Connecticut.

On February 10, 2003 according to the approved council minutes, six residents spoke in favor of the resolution against war with Iraq. Two residents suggested that additional discussion should be held to get a sense of how Mansfield citizens felt regarding this resolution. Instead of allowing the people of Mansfield to voice their opinions, the Mansfield Town Council unanimously passed the resolution. The whole issue was brought up, "discussed" and voted upon in one meeting with no advance notice; yet purports to represent the opinion of the Town of Mansfield.

This resolution was passed based on the personal sentiment and politics of a Democrat-controlled Town Council. In a town of approximately ten thousand, 99% of the population was denied a chance to voice their views. This Town Council was elected to govern the Town of Mansfield, rather than influence or direct national security or foreign policy. Obviously this was a political tactic.

I am deeply chagrined by the actions of my elected officials. Many brave Americans have given their lives to preserve democracy. On February 10, 2003, the Mansfield Town Council effectively negated the sacrifice of those courageous veterans when it became an oligarchy and began governing our town based on personal convictions and politics. I am outraged that my elected officials would stoop to such tactics during this time. Please accept my apology for their actions and disregard the resolution for what it is – an ugly example of partisan politics.

This blatant disregard of their constituents has motivated me to become active in local politics. My thoughts and prayers are with you as you face the many difficult decisions ahead.

Respectfully yours,

Meredith Lindsey

CC: Mansfield Town Council
Vice President Richard B. Cheney
Governor John Rowland
Senator Christopher J. Dodd
Senator Joseph Lieberman

Representative Robert R. Simmons
Representative Rosa DeLauro
Representative John B. Larson
Representative Nancy L. Johnson
Representative Christopher Shays

3/2/03

to: Members, Mansfield (CT) Town Council

Dear Town Council Members,

Please accept thanks for your courage and moral direction in your having recently passed a resolution against those aspects of the "Patriot Act" which defy our country's Constitution in terms of town employees' rights to have Congress pass no law abridging the right to free speech as well as in terms of people's rights to open due process if and when under governmental investigation. Your action helps our Federal representatives know that towns are paying attention , and may help to inspire other towns and organizations to also take public stands on the rights of U.S. residents.

And please accept thanks as well for your equally courageous and appropriate resolution taking a stand against our country breaking its history were it to become a first-strike aggressor against a country which has not declared war on us nor is engaging in country-to-country war with an ally who has asked for our armed assistance. This supports our soldiers by helping to make clear that human life - including theirs - is too important to be put at risk in an undertaking which is not necessitated by national defense and which lacks basic moral clarity. It also supports our civilians by counteracting bullying taunting from some in Washington which can only serve to "dare" potential terrorists rather than alarm them, and, added to similar expressions of concern from individuals and civic and religious bodies and organizations, may also help to reassure our alarmed usual allies as to the fundamental decency, maturity, and prudence of many, many Americans.



(Kenneth S. Clark)

†



(Sheila Quinn Clark)

REC'D MAR 9 2003

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APPLICATION REFERRAL

Mansfield Planning & Zoning Commission

- TO: Town Council
 Public Works Dep't., c/o Ass't. Town Engineer
 Health Officer
 Design Review Panel
 ~~Committee on the Needs of Persons with Disabilities~~ RECREATION ADVISORY COMMITTEE
 Fire Marshal
 ~~Traffic Authority~~ PARKS ADVISORY COMMITTEE
 OPEN SPACE PRESERVATION COMMITTEE
 Conservation Commission

The Planning and Zoning Commission has received a Subdivision application and will consider the application at a Public Hearing/~~regular~~ meeting on April 21st. Please review the application and reply with your comments to the Planning Office before April 17, 2003. For more information, please contact the Planning Office, 429-3330.

APPLICATION INFORMATION

Applicant: Chetham Hill LLC

Owner: SAME

Agent(s): Datum Engineering + Surveying

Proposed use: 13 lots

Location: East of Fern Road; west of Chetham Hill Rd + Derek Dr.

Zone classification: RAR-40

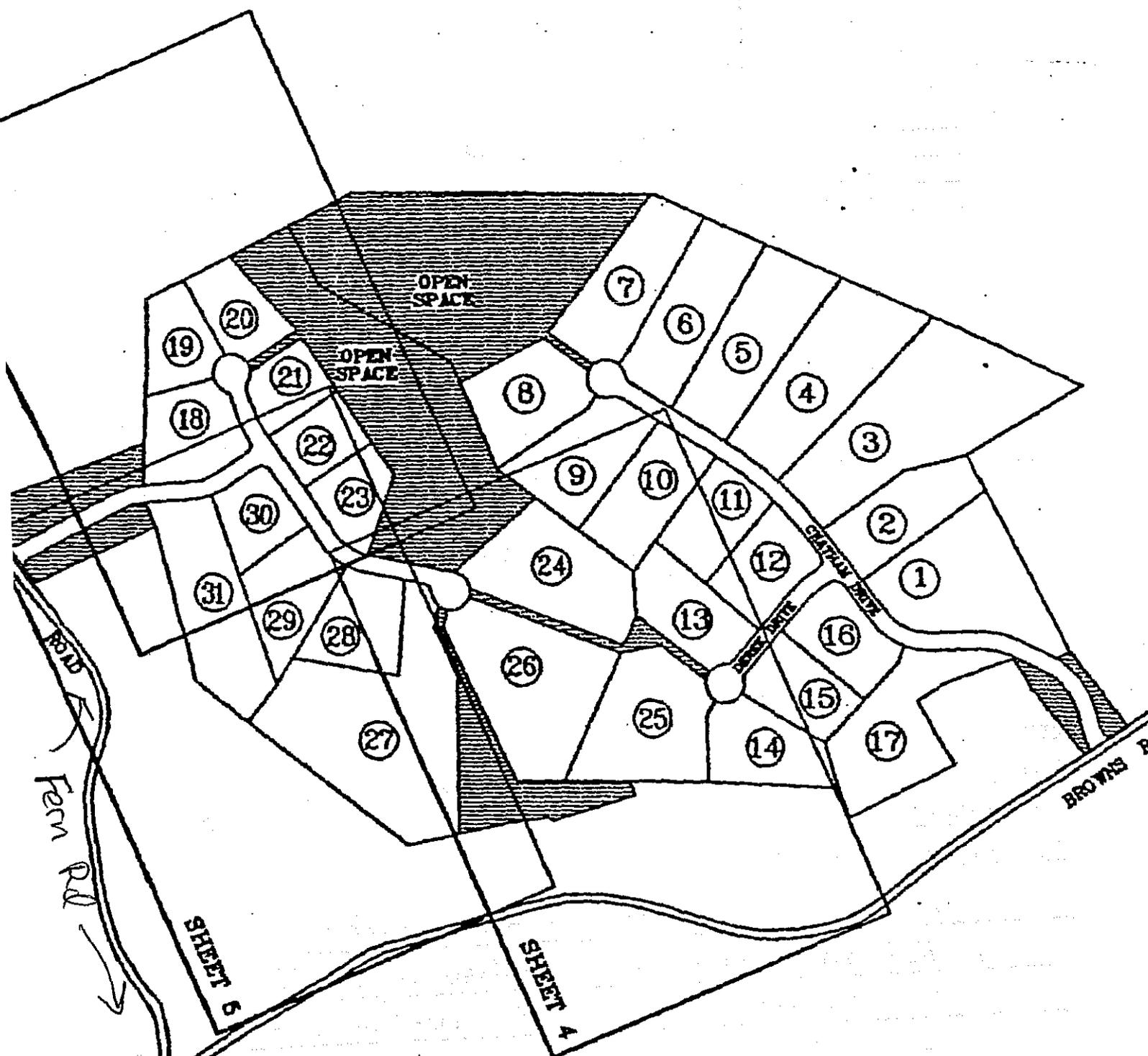
Other pertinent information:

- An Inland wetland License application also is pending.
- Full sized maps are available in the Planning Office
- The project includes new roadways to be dedicated to the Town, and open space parcels to be dedicated to the Town. A stone dust footpath is proposed to link the new roadways to Derek Drive and an existing trail linkage to Coventry Road.

signed
9/02



date 3-5-03



CHATHAM HILL INDEX MAP

SCALE : 1" = 400'

The new application involves phase 2, lots 18 to 31
P.164 =