



**TOWN OF MANSFIELD  
TOWN COUNCIL MEETING  
MONDAY, January 28, 2008  
COUNCIL CHAMBERS  
AUDREY P. BECK MUNICIPAL BUILDING  
7:30 p.m.**

**AGENDA**

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**EXECUTIVE SESSION**

**ADJOURNMENT**

REGULAR MEETING-MANSFIELD TOWN COUNCIL

December 10, 2007

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

I. ROLL CALL

Present: Clouette, Duffy, Koehn, Nesbitt, Paterson, Paulhus

Absent: Blair, Haddad, Schaefer

II. APPROVAL OF MINUTES

Mr. Nesbitt moved and Mr. Paulhus seconded to approve the minutes of the November 26, 2007 meeting as corrected.

Motion passed unanimously.

III. MOMENT OF SILENCE

Mayor Paterson requested a moment of silence in honor of and respect for our troops around the world.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Cynara Stites, Chair of the Northeast Chapter of the Civil Liberties Union, urged Council members to support a resolution proclaiming December 15, 2007 as Bill of Rights Day (resolution attached).

Beverly Sims, 61 Northwood Road, inquired whether at the UConn Water and Wastewater Policy Advisory Committee meeting the request for a UConn water connection to Ponde Place would be considered as a new request. Town Manger, Matt Hart, stated that he believes it will be a new system request.

Betty Wassmundt, Old Turnpike Road, inquired as to the status of the Senior Citizen Center space study and asked, if it is complete, whether any money has been budgeted for the project. She asked the Council to consider the economic climate of the country before approving additional funding. Ms. Wassmundt shared comments she received from a municipal law attorney regarding questions on the Landlord Registration Ordinance and the Mansfield Housing Code (comments attached). Ms. Wassmundt questioned the actual amount of the Educational Cost Sharing Grant received by the Town. She also urged the Council to maintain the budget allocation for the police, fire department, and snow plowing because they are proper functions of government. She does not, however, feel that recreation expenditures are a

proper function of government. Ms. Wassmundt requested a clear accounting of the entire recreation budget.

## V. OLD BUSINESS

### 1. Community/Campus Relations

Matt Hart reported that the Community/Campus Partnership met last Friday. The group discussed the white paper being developed on Spring Weekend and how to better advertise the successes of the Partnership. The Partnership is also planning a presentation to the Town Council. He also announced that the Office of Off Campus Housing would soon be holding an open house. Members discussed how best to enforce the existing ordinances and laws, and reviewed the successes and failures realized this school year.

The Town Manger announced the appointment of Gregory Padick, Director of Planning, to the site placement committee for the UConn compost facility.

### 2. Community Water and Wastewater Issues

The UConn Water and Wastewater Policy Advisory Committee has scheduled a meeting for Thursday December 13<sup>th</sup> at 5:30 p.m. at the Bishop's Center.

## VI. NEW BUSINESS

Mr. Nesbitt moved and Mr. Clouette seconded to add to the agenda a discussion and possible action regarding a request for clarification to the Freedom of Information Commission.

Motion passed unanimously.

Ms. Koehn moved and Mr. Clouette seconded to add to the agenda the resolution regarding declaring December 15, 2007 as the Bill of Rights Day.

Motion passed unanimously.

Ms. Koehn moved and Mr. Clouette seconded to add to the agenda a discussion of the anti-Semitic act that took place in front of the Town Hall.

Motion passed unanimously.

### 3. Acceptance of Town Roads

Mr. Clouette moved and Mr. Nesbitt seconded, effective December 10, 2007, to authorize Town Manager, Matthew W. Hart, subject to the

conditions cited below, to accept as a Town road the extension of Monticello Lane as constructed in association with the Fellows Estate subdivision. Town acceptance shall be subject to the following conditions:

1. Confirmation that the developer has installed trail intersection signs on Storrs Road and Monticello.
2. Execution by the Planning and Zoning Commission Chairman, Mansfield Controller, and the developer of a one-year maintenance bond agreement that addresses all the regulatory requirements and approved conditions.

Motion passed unanimously.

Mr. Clouette moved and Mr. Paulhus seconded, effective December 10, 2007, to authorize Town Manager Matthew W. Hart, subject to the conditions cited below, to accept as Town roads the extension of Jonathan Lane and Blake Lane as constructed in association with the Wild Rose Estates Section 2 subdivision. Town acceptance shall be subject to the following conditions:

Execution by the Planning and Zoning Commission Chairman, Mansfield Controller and the developer of one-year maintenance bond agreement that addresses all regulatory requirements and approval conditions and the completion of minor work detailed in staff reports.

Motion passed unanimously.

Mr. Clouette moved and Mr. Paulhus seconded, effective December 10, 2007, to authorize Town Manager Matthew W. Hart, subject to the condition cited below, to accept as a Town road Beacon Hill Drive as constructed in association with the Beacon Hill Estates subdivision. Town acceptance shall be subject to:

Execution by the Planning and Zoning Commission Chairman, Mansfield Controller and the developer of one-year maintenance bond agreement that addresses all regulatory requirements and approval conditions and the completion of minor work detailed in staff reports.

Motion passed unanimously.

#### 4. Regional Performance Incentive Program

Mr. Paulhus moved and Mr. Nesbitt seconded to approve the following resolution:

Resolved, effective December 10, 2007, to endorse the Windham Region Council of Governments' application to the Regional Performance Incentive Program referenced in Section 8 of Public Act 07-239 (An Act Concerning Responsible Growth) and to specifically authorize

Mansfield's participation in the: 1) Windham Region GIS & Cadastral Data Center; 2) Regional Economic Development Program; and 3) Information Technologies Application Sharing and Development Program.

Motion passed unanimously.

5. Proposed Amendments to FY 2007/2008 Budgets

In the absence of Mr. Schaefer, Mr. Clouette reported for the Finance Committee. He explained the adjustments presented and noted that the Committee approved the amendments. Mr. Nesbitt inquired as to the status of the consultant's work at the Community Center and the impact on this year's budget. Finance Director Jeff Smith commented that the consultant will update his report and hopefully will have some good ideas for increasing revenues and keeping expenses down. The Town Manager noted that some recommendations may come in and that the issue will be addressed more fully in the major projects update.

Mr. Clouette moved and Mr. Paulhus seconded to approve the following resolution:

Resolved, effective December 10, 2007 to amend the Town of Mansfield FY 2007/2008 Budgets as recommended by the Finance Committee.

Motion passed unanimously.

6. Cancellation of December 24, 2007 Town Council Meeting

Mr. Paulhus moved and Ms. Koehn seconded, effective December 10, 2007, to cancel the December 24, 2008 regular meeting of the Mansfield Town Council.

Motion passed unanimously.

7. Major Projects and Initiatives Updates

Town Manager, Matt Hart, presented an update regarding major projects and initiatives. PowerPoint presentation attached.

The Town Manager will distribute a list of open space, as presented in the Plan of Conservation and Development, to the Council members.

8. Freedom of Information Request

Mr. Nesbitt moved and Mr. Paulhus seconded, effective December 10, 2007, to authorize the Town Clerk to request an advisory opinion from the Freedom of Information Commission as to how many members of the

Town Council of different parties may meet via direct contact, phone or e-mail without requiring meeting notice.

Motion passed unanimously.  
Mr. Paulhus left at 10:30 p.m.

9. Bill of Rights Day

Ms. Koehn moved and Mr. Clouette seconded to approve the attached resolution declaring December 15, 2007 as Bill of Rights Day.

Motion passed unanimously.

10. Defacing of Sign

Ms. Koehn moved and Ms. Duffy seconded that the Town Council hereby condemns the anti-Semitic act committed on a sign posted in front of the Mansfield Town Hall and directs the Town Manager to take whatever actions are available to identify those who committed this hateful act and bring them to justice.

Motion passed unanimously.

VII. QUARTERLY REPORTS

Distributed and will be discussed next meeting.

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

Mr. Clouette, speaking for the Finance Committee, stated the Committee has discussed the report on the Community Center with the finance staff and has reviewed the checks and balances in place to insure that all budget items all reported in the budget.

Following a discussion regarding the methodology used to allocate space to the membership or the community, members agreed to take another look at the report (page 109) before the next meeting at which time there will be an additional opportunity for discussion.

IX. REPORTS OF COUNCIL COMMITTEES

None

X. REPORTS OF COUNCIL MEMBERS

None

## XI. TOWN MANAGER'S REPORT

Attached

Mayor Paterson requested an effort be made to reach out to citizens in their 20's and 30's and make sure they are invited to the open houses in the next stage of the Strategic Planning Process.

Ms. Koehn requested the issue of transportation for seniors, as raised in a letter received by members, be discussed at the next meeting. The Town Manager will do so.

Ms. Koehn suggested the Beautification Committee consider a "green award" given for the use of LED holiday lights.

## XII. FUTURE AGENDAS

Town Manager, Matt Hart, reviewed a number of items that are slated as future agenda items including the noise ordinance and tax exemptions for use of alternatives fuels. He also will provide a complete list of pending issues to the Council.

Mr. Nesbitt expressed interest in reviewing both the noise and the special police ordinance.

Members also expressed interest in exploring the idea of a consent agenda and having one meeting a month for discussion and one for business. The public participation section of the meeting was also discussed. Jeff Smith asked Council members to look at the communication (page 97) from Denise Nappier, State Treasurer, regarding the STIF fund in which the Town has investments. He suggested this might be an item members would like to discuss at a future meeting.

## XIII. PETITIONS, REQUEST AND COMMUNICATIONS

11. Advocate, "Legislators Want State to Plan for Oil Shortage"
12. R. Lee re: Mansfield's Finance Department
13. D. Nappier re: An Open Letter to Investors and Connecticut Citizens
14. State of Connecticut Department of Transportation re: State Project Number 0188-0730-AG
15. State of Connecticut Office of Policy and Management re: Revised Estimates of State Formula Aid to Municipalities
16. C. Trahan re: Parks and Recreation Financial Statements
17. Washington Post, "The Carbon Footprint" 11/26/07

Ms. Duffy moved and Mr. Nesbitt seconded to move into Executive Session. Motion passed unanimously.

## XIV. EXECUTIVE SESSION

Personnel – Manager’s Performance Review  
Included – Matt Hart, Town Manager

XV. ADJOURNMENT

Ms. Duffy moved and Mr. Clouette seconded to adjourn the meeting.

Motion passed unanimously.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk

# Memo

To: Town Council

From: Matt Hart, Town Manager *MH*

CC: Town Employees

Date: December 10, 2007

Re: Town Manager's Report

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Below please find a report regarding various items of interest to the Town Council, staff and the community:

- **Mansfield 2020: A Unified Vision (Strategic Planning)** - The first search conference for "Mansfield 2020: A Unified Vision," was held on December 8-9, 2007. We had approximately 70 participants on Saturday, and 60 on Sunday. The steering committee will conduct Strategic Planning Visioning Fairs/Open Houses on January 7<sup>th</sup> at the Community Center and January 10<sup>th</sup> and the Mansfield Public Library. The open houses will serve as a forum for members of the larger community to provide feedback on a vision for the town's future. Additionally, our project facilitator will establish a web-based system to allow citizens to provide feedback about the outcomes of the first search conference.
- **UConn Compost Facility** - The University of Connecticut is considering alternate sites for its proposed compost facility. I have asked the University to add Gregory Padick, Director of Planning, to the site selection committee. We will keep the Town Council apprised of the status of this project.
- **Senior Transportation Services and Issues** - a local resident has asked that the Town Council discuss this important topic. With the Council's approval, I will ask staff to make a presentation in January regarding this item.
- **CL&P Transmission Project** - CL&P is planning a major upgrade to its transmissions lines. The project will impact Mansfield Hollow Park as well as various town and privately owned properties. The town will have an opportunity to comment at a public hearing that CL&P will

conduct in the area this coming February as well as during the Connecticut Siting Council review process later in the Spring. I will ask staff to work with our various advisory committees to prepare draft comments for Council consideration.

- **Holiday displays** - The Mansfield Beautification Committee will be evaluating holiday displays starting Tuesday evening, December 18, 2007. Judging will be based on originality and creatively designed lighting. Certificates will be awarded to the most outstanding displays. Any resident of Mansfield who wants to have a business, home or yard lighting display considered for the awards should call the Beautification Committee at 860-429-3855 before December 18th.
  
- **Mansfield Parks and Recreation:**
  - FREE Fitness Classes! In the true Holiday spirit, the community center will offer a series of free classes between 12/24 and 1/5. We'll have Boot Camp, Spinning, Yoga, Tai Chi and more! These classes are open to anyone age 14(+). We ask that all participants bring a canned good, non-perishable food item or cash donation to each class they attend. Space on a first come basis. Please stop by the Community Center for a schedule or call 429-3015 ext 202 to have one faxed to you. Happy Holidays!
  - Family Fun Nights! Bring the whole family down to the Community Center for games, swimming, giant slides and more! Friday 12/7 Family Fun and BINGO 6-9 pm. Friday 12/14 Tween Scene, a night of fun especially for kids in grades 5-8, 6-9 pm. Sunday 12/30 Family Fun 3-6 pm. Everyone is welcome for Family Fun nights; guests pay the regular day pass fee, off-peak members pay just %50 of the day pass fee, full-use members - just swipe your badge! Questions? Call 429-3015.
  - 9<sup>th</sup> Annual Nutcracker Ballet Saturday 12/15 at 6pm, Sunday 12/16 at 2pm, at E.O. Smith High school. Tickets on-sale at the Community Center - buy them while they last! Join us for this timeless holiday tale, a favorite for kids of all ages!
  - Parents Night Out! Get the shopping done! Have dinner with out the kids! (no offense kids) Saturday 12/15 4-9 pm for kids in grades K-5. We'll watch the kids here at the Community Center! Fun, pizza, games and age appropriate movies are just some of the possible activities! Residents pay just \$15 per child with a \$30 max per family. Questions? Call 429-3015 ext. 107.
  
- **Upcoming meetings:**
  - Youth Service Bureau Advisory Board, 11:30 AM, December 11, 2007, Conference Room B
  - Town/University Relations Committee, 4:00 PM, December 11, 2007, Council Chambers
  - Historic District Commission, 8:00 PM, December 11, 2007, Employee Lounge
  - Zoning Board of Appeals, 7:00 PM, December 12, 2007, Council Chambers

- Y UConn Water and Wastewater Advisory Committee, 5:30 PM, December 13, 2007, Bishop Center, Room 7 A/B
- Y Board of Education, 7:30 PM, December 13, 2007, Council Chambers
- Y Planning and Zoning Commission, 7:00 PM, December 17, 2007, Council Chambers
- Y Open Space Preservation Committee, 7:30 PM, December 18, 2007, Conference Room B
- Y Conservation Commission, 7:30 PM, December 19, 2007, Conference Room B



TOWN OF MANSFIELD

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2007/2008

Major Projects and  
Initiatives

December 10, 2007

## Municipal Projects & Initiatives: Assisted/Independent Living

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- Town Council has established advisory committee charged with identifying potential developer(s) to build and operate facility - Town Council to make final selection
- Committee has interviewed two nonprofit and one for profit developers and will ask all three to respond to formal request for proposals



## Municipal Projects & Initiatives: Capital Projects

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- Four schools renovation project – infrastructure needs for K-8 schools – preliminary design stage
- Hunting Lodge Road Bikeway – finalizing design and obtaining easements
- MMS fuel conversion – received state grant to fund 70% of cost – design stage
- School well project – secondary wells installed at K-8 schools, as required by state – construction stage complete
- Senior center space utilization study – architect conducting analysis of existing facility and needs
- Bridge replacements (Stone Mill Rd. & Laurel Ln.)
- Route 195 downtown streetscape improvements



Municipal Projects & Initiatives:  
Communications & Information Technology

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- Town, Mansfield Public Schools and Region 19 have created shared IT department

- Citizen request management system

- Email notification system

- Town Council media project

- Wireless internet service at town hall,  
EO Smith and Community Center



## Municipal Projects & Initiatives: Community-Campus Relations

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- Mansfield Community-Campus Partnership – serves as forum for discussion
- Housing code – staff has completed 1st year of enforcement; Town Council has expanded rental certification zone
- Off-campus services – university established office this past year. Key function is to serve as liaison between residents and students living off-campus
- Worked closely with owners of Carriage House Apartments to enhance public safety
- Continued issues with conversion of single-family homes to student rentals
- University Spring Weekend, other large off-campus parties and underage drinking remain significant concerns



## Municipal Projects & Initiatives: Energy Conservation and Sustainability

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- Town has a number of related initiatives underway

  - Town Council LEED resolution

  - Clean Energy Team and 20% X 2010 program

  - Solar installations

  - Climate change conference

  - Siemens project

  - Mansfield Community Center

    - Pool Covers

    - Co-Gen



## Municipal Projects & Initiatives: Fire & Emergency Services

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- Town has established consolidated department comprised of career and volunteer personnel
  - Work to fully consolidate at operational level ongoing
- Recruitment and retention of volunteers an important focus



## Municipal Projects & Initiatives: Intergovernmental Revenues

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- o Mansfield extremely reliant upon this revenue source
  - Only 53% of revenues derived from property tax
- o Due to structure of grant formula, Pequot/Mohegan grants has declined considerably within past few years – major impact upon town's capital improvement program



## Municipal Projects & Initiatives: Open Space & Farmland Preservation

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- Since 1990, the Town has expended in excess of \$2.5 million to acquire open space land.

The Town has purchased twenty-seven properties totaling over 743 acres of land since 1990.

The Town currently owns over 1,900 acres of open space land exclusive of schools and other municipal facilities.

- Committees

Parks Advisory Committee

Recreation Advisory Committee

Open Space Preservation Committee



Municipal Projects & Initiatives:  
Parks & Recreation/Community Center

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- o Center very popular but sustainability of recreation fund an issue

Staff has presented Council with recommendations to decrease expenditures and increase revenues

- o Park Improvements

River Park

Skate Park

Southeast Park



## Municipal Projects & Initiatives: Mansfield Downtown Partnership

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- Vision to create mixed-use downtown  
(civic, retail, commercial and residential  
components)
  
- Current focus on Dog Lane 1 Building,  
permitting and parking garage financing
  
- Public space
  - Planned squares
  - Preserved conservation area

## Municipal Projects & Initiatives: Water & Wastewater Issues

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- University has established advisory committee with municipal representatives
- Town and University commissioned master plan  
Completed in June 2007
- Advisory committee has prepared action plan for improvements to system
- Four Corners Sewer Project

REGULAR MEETING-MANSFIELD TOWN COUNCIL  
January 14, 2008

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

I. ROLL CALL

Present: Blair, Clouette, Duffy, Haddad, Koehn, Nesbitt, Paterson, Paulhus, Schaefer

II. APPROVAL OF MINUTES

Mr. Paulhus moved and Mr. Clouette seconded to approve the minutes of the November 1, 2007 Special Meeting as presented. The motion passed with Mr. Nesbitt and Mr. Schaefer abstaining.

Mr. Nesbitt questioned the wording of Item 5 of the December 10, 2007 minutes. He requested that the answer to his question be added to the minutes. The Clerk will review the meeting tape and make the necessary changes. Council members discussed the level of detail appropriate for the minutes. Some members would like more details, some members expressed a preference for less detail and some members feel the current practice has served the Town well. By consensus the Council agreed to further discuss the issue as the rules and procedures for Town Council meetings are developed. Mr. Clouette moved and Mr. Schaefer seconded to table the minutes to the next meeting. Motion passed.

MOMENT OF SILENCE

Mayor Paterson requested a moment of silence in honor of and respect for our troops around the world.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Michael Siskoski, 135 Wildwood Road, inquired as to why the agenda for tonight's meeting did not appear on the Town's website until noon today? He expressed disappointment that the petition to repeal the amendment to the Housing Code was not presented to the Council noting that if the Council had full confidence in the ordinance they would allow the voters a vote. Mr. Siskoski spoke in favor of Mr. Nesbitt's proposal for an ordinance on communication.

Betty Wassmundt, 54 Old Turnpike Road, expressed her disappointment in the process and the outcome of the petition effort and offered to provide copies of the petition to Council members. She questioned whether the

ordinance procedure as described in the Town Charter was adhered to in the introduction of this ordinance and whether the ordinance noticed was the same ordinance voted on. She requested the Council appoint 2 Council members to discuss her concerns with the Housing Ordinance with her and report back. Ms. Wassmundt requested an answer to the question of why all the pool use at the Community Center has been allocated as community use and requested a copy of the Community Center's consultant's letter of employment. She urged Town Council members not to limit public debate and expressed support for the No Freeze Shelter's request for additional funds.

David Freudmann, 22 Eastwood Road, urged caution in granting fee waivers, subsidizing rent or offering tax considerations to the Downtown Partnership, as it would set a precedent for other developers. He stated that the project should rise or fall on its own merits. Mr. Freudman also expressed preference for a parking lot instead of a parking garage.

Mayor Paterson clarified that the suggested considerations are only for the 1A Building and that both business owners and their customers have requested them.

#### IV. SWEARING IN OF DEPUTY FIRE MARSHAL

##### 1. Swearing in of Deputy Fire Marshal

The Town Clerk swore in Karin Lipinski as Deputy Fire Marshal. Chief David Dagon thanked Ms. Lipinski for her commitment noting the position required 255 hours of work on her own time.

Ms. Blair left the meeting at 8:20 P.M.

Mr. Schaefer moved to add a discussion of a financial retreat to the agenda under Old Business as item 9a. Seconded by Mr. Paulhus the motion passed unanimously.

Ms. Koehn moved to add the petition for the repeal of the amendment to the Housing Code to the agenda under Old Business as item 9b. Mr. Nesbitt seconded the motion. Ms. Koehn would like the communications between the Town Clerk and the Town Attorney to be a matter of public record. Mr. Clouette commented that since the petition was not presented to the Town Council it would not be appropriate to add it as an agenda item. In favor of the motion were Koehn, Nesbitt and Duff opposed were Clouette, Haddad, Paterson, Paulhus and Schaefer. The motion failed.

Ms. Koehn moved to add copies of the emails from the Town Attorney and Town Clerk to Council members regarding the petition for the repeal of the amendment to the Housing Code as a communication item. Mr. Schaefer

called the question, seconded by Mr. Clouette, the motion passed. The motion to add the items as a communication item passed with Mr. Haddad opposed.

Mr. Haddad moved to move Item 7, Employee Health Insurance, Broker's Report, as the next item of business. Seconded by Mr. Schaefer the motion passed.

## V. OLD BUSINESS

### 2. An Ordinance Providing a Tax Exemption for Farm Buildings

Mr. Schaefer moved and Mr. Paulhus seconded, effective January 14, 2008, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on January 28, 2008, to solicit public comment regarding the proposed Ordinance Providing Tax Exemption for Farm Building.

Ms. Koehn asked staff how they plan to address an offset to the cost of this program. Mr. Clouette requested a copy of the referenced statute.

Motion passed unanimously.

### 3. Community/Campus Relations

Town Manager Matt Hart reviewed his update on Community-Campus Relations. Ms. Koehn asked the Town Manager to provide her with a copy of the Office of Off Campus Housing's memo that summarized what other campuses are doing.

### 4. Community Water and Wastewater Issues

Town Manager Matt Hart reported the Committee is still looking for a user representative, but at the last meeting they did welcome new member, Dan Mullins. Tom Callahan updated the Committee on UConn's response to the most recent drought and new system connections were discussed. The Town Manager will provide minutes to the Council when they are available. Ms. Koehn requested that the assumptions regarding the projected savings from the conservation of water on campus noted in the Master Plan be examined. Mr. Schaeffer reiterated the need to look for external sources of water now.

### 5. Parks and Recreation Financial Statements

Council members continued their discussion on the cost and revenue allocations between community use and member use in the Parks and Recreation budget.

## VI. NEW BUSINESS

### 6. Transportation Services for Seniors

Kevin Grunwald, Director of Social Services, summarized transportation options available to the elderly and disabled. He will check to see if the determining radius for use of the ADA Dial-A-Ride as a paratransit is  $\frac{3}{4}$  of a mile or 1  $\frac{1}{2}$  miles. Mr. Clouette suggested that the International Transportation Network, which staff is researching, be looked at on a community-wide basis.

Mr. Schaefer left the meeting at 9:40 P.M.

### 7. Employee Health Insurance, Broker's Report

Steve May, the town's employee benefits broker and consultant, discussed the current employee health insurance situation in Mansfield and briefly compared the Town's programs with others in the state. He reviewed some of the pressures on the healthcare system and some of the potential options in the market place. He noted that while Mansfield's premiums are lower than some other towns our increases have recently been steeper, correcting them to the market. In response to a question, Mr. May commented that since Mansfield's program is self-funding it is important to review it annually and budget it at the recommended level. Historically it has been 5% to 7% less expensive to self-fund the program, but he will keep an eye on the cost. Mr. Haddad requested a comparison between the Mega MEHIP proposal and the discussed other plans. Mr. May will report back through the Town Manager.

### 8. Communication Advisory Committee

Mr. Nesbitt moved and Mr. Paulhus seconded, effective January 14, 2008, to refer to the Committee on Committees the proposal to establish a Communication Advisory Committee. The Committee of Committees shall review the merits and feasibility of the proposal and present a recommendation to the Town Council.

Mr. Nesbitt stated that he feels more communication is needed and this predominately citizen committee will coordinate, provide guidance and serve a monitoring function for communications in town. Mr. Haddad asked the Committee on Committees to review the provision that permits

only non-elected officials to serve as members of the public. He noted that PZC members and Board of Education members might be helpful as committee members. The Committee on Committees was also asked to review how any committees have been created by ordinance and to examine the merits of an ad hoc committee being formed to address the issue.

The motion passed unanimously.

9. Windham Region No Freeze Project

Mr. Haddad moved and Mr. Paulhus seconded, effective January 14, 2008, to make an additional appropriation of \$1,000 to the Windham Region No Freeze Project, for the current fiscal year.

Ms. Duffy, a member of the No Freeze Project Board, commented that the program provides a place to stay for homeless people from all surrounding communities and that with the increased costs this year the program is low on funds. Ms. Duffy will let the Council know the number of Mansfield residents who have used the program recently. Council members noted that a program evaluation is done at budget time.

Motion passed with all in favor and Ms. Duffy abstaining.

9a. Discussion of a Financial Retreat

By consensus the Council agreed to meet on a Saturday morning in February to hold the annual financial retreat. Mr. Haddad asked that weekends with holidays be avoided.

VII. QUARTERLY REPORTS

No comments

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

Mr. Nesbitt stated that as he was reading the minutes of the various boards he notice that there were two issues the Council was requested to discuss. The Housing Board of Appeals requested oversight of procedures regarding the clarification of the role of alternates. The Downtown Partnership minutes refer to a possible separate agreement with the Town suggesting the Council should discuss any potential agreement prior to the Town representative going back to the board. (See Town Manager's Report)

IX. REPORTS OF COUNCIL COMMITTEES

Mr. Paulhus noted that the Strategic Planning Open Houses were both well attended.

X. REPORTS OF COUNCIL MEMBERS

Mr. Nesbitt questioned why there were more housing inspections in July and August with three inspectors than there were in September with four inspectors. He would like an answer next meeting.

Ms. Koehn asked if a consultant's report analyzing the staffing requirements of the Building Department was ever done. The Town Manager will provide the report for the Housing Office, which was completed in 2005.

XI. TOWN MANAGER'S REPORT

Attached

The Town Manager commented that a subcommittee of the Board of Directors, of which he is a member, is looking at the development agreement with the Downtown Partnership. If the Town were to be a party to any of these agreements they would be submitted to the Council for approval. Discussion on the role of the Council in the development of plans and proposals ensued.

Mayor Paterson reported that Al Hawkins has recently resigned from the Downtown Partnership.

Mr. Clouette suggested the establishment of a holding tank for issues the Council would like to explore, a system for evaluating the effectiveness of programs and the creation of a volume of Town policy statements. The Town Manager commented that some of these are part of ongoing projects and suggested a legislative quarterly report to keep the Council aware of the progress of these items.

Mr. Nesbitt requested an update on the status of the audit report, the management letter and the official statement from bond counsel. Mr. Hart reported the audit report has been filed, but the management comments are not yet completed. A meeting with the auditors is being planned for the Finance Committee's meeting the first week in February.

Mr. Nesbitt requested an update on the development of the ordinances that are required as a result of the revisions in the Charter. The Town Clerk has presented a list to the Town Manager who is discussing it with staff and the Town Attorney.

Mr. Nesbitt requested a date for the completion of the Four Corners study. The Town Manager will provide the information.

## XII. FUTURE AGENDAS

Ms. Koehn would like all of The Chronicle articles, including editorials, which refer to Mansfield to be included in the Council's packet. The Town Manager will explore the cost of a service.

At a future meeting Mr. Nesbitt would like to discuss a policy for program evaluation and the community economic development framework including sewer, water and so on.

Mr. Haddad would like to discuss the membership of the Community Water and Wastewater Policy Advisory Committee.

The Town Clerk reported that the Freedom of Information Commission dismissed the request of the Council to review the issue of Council members from different parties discussing issues outside of a meeting and suggested the issue be referred to the Town Attorney. Mr. Nesbitt commented that at a meeting for new elected officials they were told that as long as there was not a quorum it would not be considered a meeting. The issue has been referred to the Town Attorney who will issue an opinion.

## XIII. PETITIONS, REQUEST AND COMMUNICATIONS

10. M. Capriola : Bergin C.I. Community Notification System
11. Chamber of Commerce, Inc. Windham Region re: Upcoming Events
12. Chronicle, "Storrs Downtown Plan Now at \$220M"
13. Eastern Highland Health District 2006-2007 Annual Report
14. Eastern Highland Health District Pandemic Influenza Response Plan
15. Eastern Highland Health District Proposed Fiscal Year 2008/2009 Budget
16. Economic Review
17. National League of Cities, "Performance Leadership: What's In Your Pocket?"
18. Sun Edison re: Town of Mansfield PV Solar System Fact Sheet
19. U.S. Department of Transportation – Roundabouts: An Information Guide

Mr. Paulhus moved and Ms. Duffy seconded to move into Executive Session. Motion passed unanimously.

## XIV. EXECUTIVE SESSION

Personnel- Manager's Performance Review

Included – Matt Hart, Town Manager

Legal Issues

Included – Matt Hart, Town Manager, Dennis O'Brien, Town Attorney

XV. ADJOURNMENT

Mr. Paulhus moved and Mr. Clouette seconded to adjourn the meeting.

Motion passed unanimously.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk

# Memo

To: Town Council  
From: Matt Hart, Town Manager *MH*  
CC: Town Employees  
Date: January 14, 2008  
Re: Town Manager's Report

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Below please find a report regarding various items of interest to the Town Council, staff and the community:

- **Assisted/Independent Living:** The Assisted/Independent Living Advisory Committee has interviewed the three developers who responded to our request for qualifications (RFQ), and will now invite all three to respond to a request for proposals (RFP). The committee plans to issue the RFP at the end of this month (January), and I will make sure to provide the Council with a copy.
- **Budget Retreat/Financial Overview:** The annual budget process is now underway, and we have conducted most of the initial departmental budget review sessions. I had hoped to complete the annual budget retreat/financial overview for the Town Council as part of one of your regular meetings this month. However, with the Council's workload, I do not think this is feasible. Consequently, I would like to suggest a Saturday retreat in February, as we have done in the past. If the Council is amenable, I will ask Sara-Ann to schedule the session on a day the works best for the majority of the members.
- **Legislative Program:** Staff is consulting with Representative Merrill and Senator Williams' offices to schedule the Council's annual meeting with our state representatives. In advance of the meeting, I will provide both our state representative and state senator with a copy of Mansfield's legislative program.
- **Mansfield Downtown Partnership:** I would like to schedule a special meeting at 6:00 PM in advance of your regular meeting on January 28, 2008, to discuss financing options and related issues for the Dog Lane 1 building. Part or all of this initial meeting may be held in executive session.

- **Mansfield Parks and Recreation:**

- Free Mansfield Days at the Community Center - Have you been wondering what all the excitement is about at the Mansfield Community Center? Well, if you're a Mansfield resident you can find out for FREE. Just bring proof of residency and you can use the entire facility, at no charge! Upcoming free Mansfield Days are Monday, January 21<sup>st</sup>, 1-4 p.m. and Saturday, February 2<sup>nd</sup>, 6-9 p.m. \* Saturday, February 2<sup>nd</sup> is also a Drive-In Movie night. Dates are scheduled monthly. Come with your family and swim, use the gym, fitness center (for those 14 and over), play games in the community room and more! Call 429-3015 for more information.
- Family Fun Nights at the Mansfield Community Center! - Enjoy some fun activities for the whole family at the Mansfield Community Center. Our next family fun night will be on Friday, January 18<sup>th</sup> from 6-9 p.m and we'll also have a family fun DAY on Monday, February 18<sup>th</sup>, from 11am-2pm. If you haven't been to one of our family fun nights at the Mansfield Community Center yet, you're missing out! We've got a HUGE inflatable slide, drop-in games in our Community Room, ping pong, inflatable animal floats, family use hours in our warm therapy pool, new tot toys, family track hours, open gym, poolside basketball and more! Bring the whole family. \*Family Fun Night is a qualifying event for our Passport to Family Fun. For more information on any Mansfield Parks and Recreation Department programs or specials events, please call 429-3015 ext. 0.
- Drive-In to Dinner and a Movie - The Mansfield Parks and Recreation Department is sponsoring a Drive-In to Dinner and a Movie night at the Community Center on Saturday, February 2<sup>nd</sup> at 7 p.m. What better combination is there than dinner and a movie? Join us on this night for just that! Break out the picnic basket, pack a dinner for the family and bring a blanket to the Mansfield Community Center. We'll serve free popcorn after you finish your dinner. Kids are encouraged to build their own cars (we suggest using a big box) and bring them along to REALLY make this a Drive-In movie experience. Use your imagination and make your car as detailed as you'd like! We'll see you at the drive-in! This event is free for members, and non-members can join in the fun by paying the daily fee. Call 429-3015 for more information. This is a passport to family fun activity.
- Annual Father/Daughter Valentine's Dance for all ages - The Mansfield Parks and Recreation Department is sponsoring the annual Father/Daughter Valentine's Dance at the Mansfield Middle School. Spend an evening of dancing and fun with that special girl in your life at this semi-formal event. Pre-registration is encouraged. Daughters are free! Fri., Feb. 8, 7-9 p.m. The fee is \$8 for resident fathers before Feb. 8 and \$12 on Feb. 8 or at the door. Non-residents should add \$10 to these fees. Call 429-3015 for more information. This is a passport to family fun activity.
- Parents' Night Out -- Drop off your children (grades K-5) on a Saturday night from 4-9 p.m. at the Community Center for an evening of supervised fun for the kids (and a night out for you parents) including games, crafts and age appropriate movies. Pizza and beverages served. Space is limited so register early. The next Parents' Night Out will be on Saturday, February 9<sup>th</sup>, 4-9 p.m. The fee is \$15 per night for residents of Mansfield and \$25 per night for residents of other towns. Please call 429-3015 for more information.

- **New hires:** I want to take a moment to congratulate and welcome the following individuals regarding their recent appointments:
  - Timothy Kussow and James Galey, previously volunteer Firefighters/EMTs with Mansfield Fire & Emergency Services, have become part-time Firefighters/EMTs effective December 10, 2007.
  - Brian Gagnon, Matthew Lyons, and Justin Risley will start as full-time Firefighters/EMTs on January 21, 2008.
  - Paula Jeffers will be re-joining the Finance staff in a new capacity as an accountant effective January 22, 2008.
  
- **Retirements:**
  - Sheila Thompson, social worker with our Department of Social Services has retired from town service effective December 10, 2007. Sheila served the town for 27+ dedicated years!
  - Keith Palmer, police officer with Mansfield Police has retired from town service effective January 10, 2008. Keith served the town for 28+ dedicated years!
  - Bill Farris, part-time accountant in our Department of Finance, is retiring with over 21 years of service with the town. Bill had previously served as Mansfield's controller.

We certainly are thankful to Sheila, Keith and Bill for their service to the town and wish them all the best in their new endeavors.

- **Strategic Planning Visioning Fairs/Open Houses:** The Strategic Planning Steering Committee and participants from the Mansfield 2020 search conference conducted open houses on Monday, January 7<sup>th</sup>, and Thursday, January 10<sup>th</sup>. Between the two dates, we had approximately 150 participants, which exceeded our expectations. Interested members of the community are also welcome to provide comments and suggestions via the project "wiki" located on the town's website. As a reminder, the final search conference is scheduled to run January 26-27<sup>th</sup> at the Mansfield Middle School.
  
- **Upcoming meetings:**
  - Open Space Preservation Committee, 7:30 PM, January 15, 2008, Conference Room B, Audrey P. Beck Municipal Building
  - Public Safety Committee, 3:00 PM, January 16, 2008, Council Chambers, Audrey P. Beck Municipal Building
  - Conservation Commission, 7:00 PM, January 16, 2008, Conference Room B, Audrey P. Beck Municipal Building
  - Board of Education, 7:30 PM, January 17, 2008, Council Chambers, Audrey P. Beck Municipal Building
  - Planning and Zoning Commission, 7:00 PM, January 22, 2008, Council Chambers, Audrey P. Beck Municipal Building
  - Board of Education, 7:30 PM, January 24, 2008, Council Chambers, Audrey P. Beck Municipal Building

## TOWN OF MANSFIELD

## TOWN COUNCIL ACTION ITEMS/REFERRALS

Meeting Date	No.	Item	Assigned to	Council and Staff Action	Status
9/24/2007	1	An Ordinance Providing a Tax Exemption for Farm Buildings	Sara-Ann	Refer item to PZC, and Agriculture and Open Space Preservation Committees	PZC and advisory committees support proposed ordinance. Will list item as old business on 1/14/08 agenda, and request that council send proposal to public hearing.
10/22/2007	2	Mansfield Troop/Volunteers Online	Matt/Jaime	Prepare draft web policy for review and approval by council	Assigned to intern, who has left town employ. Need to assign to another staff person.
11/26/2007	3	Future agenda - Communications	Matt	Review Council member Nesbitt's proposal	Listed under new business for 1/14/08 agenda - will recommend referral to committee on committees.
12/10/2007	4	Regional Performance Incentive Program	Sara-Ann	Process WINCOG grant applications, as approved by town council	Complete
12/10/2007	5	Proposed Amendments to FY 2007/08 Budgets	Jeff/Cherie	Amend budget as approved by town council	Complete
12/10/2007	6	Anti-Semitic vandalism on town sign	Matt	Refer to police for investigation	Investigation in process
12/10/2007	7	Future agenda - Rules of Procedure for town council meetings	Matt/Mary	Research and develop proposed rules of procedure for town council meetings. Consider a consent agenda and dividing the two monthly meetings, with one meeting reserved for more routine business items and the other to be used as a work session.	Research in process
12/10/2007	8	Future agenda - Tax exemptions to promote renewable energy and sustainability	Matt	Research various tax exemptions to promote renewable energy and sustainability	Research in process. Have collected some information from CCM.
12/10/2007	9	Future agenda - Nuisance abatement ordinances	Matt/SGT Kennedy	Critically review existing nuisance abatement ordinances and discuss w/town council	Will review at upcoming council meeting
12/10/2007	10	Parks and Recreation Financial Statements	Sara-Ann	List statements as old business for 1/14/08 council meeting	Item listed as old business

LEGAL NOTICE  
TOWN OF MANSFIELD  
PUBLIC HEARING JANUARY 28, 2008  
ORDINANCE PROVIDING A TAX EXEMPTION FOR FARM BUILDINGS

The Mansfield Town Council will hold a public hearing at 7:30 PM at their regular meeting on January 28, 2008 to solicit public comment regarding the proposed "Ordinance Providing a Tax Exemption for Farm Buildings." This hearing will be held in the Council Chambers of the Audrey P. Beck Building.

At this hearing persons may address the Town Council and written communications may be received.

Copies of said draft ordinance are on file and available at the Town Clerk's office: 4 South Eagleville Road, Mansfield.

Dated at Mansfield Connecticut this 17<sup>th</sup> day of January 2008

Mary Stanton  
Town Clerk

**PAGE  
BREAK**



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *Matt*  
**CC:** Maria Capriola, Assistant to Town Manager; Jeffrey Smith, Director of Finance; Irene LaPointe, Assessor; Jennifer Kaufman, Parks Coordinator  
**Date:** January 28, 2008  
**Re:** An Ordinance Providing a Tax Exemption for Farm Buildings

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**Subject Matter**

At Monday's meeting, the Town Council will conduct a public hearing regarding the proposed Ordinance Providing a Tax Exemption for Farm Buildings. Following a referral from the Town Council, the Planning and Zoning Commission, the Agriculture Committee and the Open Space Preservation Committee have all responded favorably to the proposal.

If adopted, the ordinance would exempt from local property taxation up to \$100,000 in assessed value for any building used actually and exclusively for farming purposes.

**Background**

Mansfield's 2006 Plan of Conservation and Development indicates that the preservation of existing and potential farmland and forest land has increasingly become a conservation priority in Mansfield (see pages 14-15). Local farms, including tree farms, provide scenic character and specialized plant and wildlife habitats, produce high-quality products and help mitigate rising prices associated with transportation costs. Local farms contribute to Mansfield's diversity and economy and help preserve an important link to the agricultural history and economy of the town and region. In the last two decades, a number of open field areas previously used for farming purposes have been subdivided and developed within Mansfield. These areas have been permanently lost for agricultural use. Arguably, a continuation of this pattern would have a serious and increasingly detrimental effect on Mansfield's economy and character. To address this issue in part, Mansfield's Open Space Preservation and Agriculture Committees have recently placed a greater emphasis upon farmland preservation.

Preserving farmland in Mansfield requires making farming financially feasible. Farming, particularly on a small scale, can prove financially difficult. To lower the financial burden on farmers, the state has mandated certain tax benefits for farmers. For example, pursuant to Public Act 490, farmland is taxed at a lower rate and under Connecticut General Statutes §12-91(a) farmers may apply for a tax exemption for farm machinery.

A tax exemption for farm buildings, such as the one proposed and supported by the Open Space Preservation and Agriculture Committees, would provide Mansfield's farmers an additional incentive to keep their land in agricultural production, thus maintaining Mansfield's rural heritage and providing our citizens with access to a local, sustainable food source. By establishing the tax exemption for farm buildings, Mansfield would contribute to the effort to support agriculture in Connecticut. The Connecticut Farmland Trust reports that Connecticut's farmland is disappearing at the alarming rate of 8,000 acres a year. Fertile, highly productive land is being converted to residential and commercial uses at one of the fastest rates in the country - in less than 20 years, we have lost 21% of our state's farmland. If this rate of conversion continues, all of our remaining farmland will be gone in less than two generations.

Furthermore, one can argue that the preservation of open space and farmland contributes to the quality of life for all Mansfield residents and serves to enhance property values. This is a benefit that is hard to calculate in concrete terms, but worth noting.

### **Legal Review**

Attached you will find a revised draft of the ordinance. Our Assessor has suggested that we include the phrase, "for a farmer who qualifies for the farm machinery exemption under Connecticut General Statutes § 12-91(a)," to clarify that only those who qualify for the farm machinery exemption would qualify for the new farm building exemption. The legal effect of the draft ordinance that the Town Council received previously was the same – in order to qualify for the farm building exemption a farmer would need to meet the same criteria required to qualify for the farm machinery exemption (i.e. the applicant must submit an affidavit certifying that he/she derived at least fifteen thousand dollars in gross sales from such farming operation or incurred at least fifteen thousand dollars in expenses related to such farming operation). The Assessor, however, thought that it would be helpful to the average citizen to provide this qualification.

Because the legal effect of the two drafts is the same, the Town Attorney does not see a need to conduct a second public hearing specific to the revision

### **Financial Impact**

If the ordinance were approved, the estimated revenue loss would be \$13,000 - \$21,500 per year. As with any tax exemption, the cost of the exemption would be passed on to other taxpayers.

### **Recommendation**

Staff has outlined above various policy reasons in support of the proposed ordinance. Yet, we realize that the decision to grant a tax exemption is never an easy one, particularly due to the regressive nature of the property tax and the fact that the burden to absorb the exemption is shifted to other taxpayers. However, when weighing the importance of providing financial incentives to promote farming against the expected revenue loss, staff does recommend that the Town Council adopt some variation of the proposed ordinance.

The public hearing may raise some additional issues that we have not considered and the Town Council may wish to make further revisions to the draft.

If the Town Council is prepared to vote in favor of the proposal, the following motion would be in order:

*Move, to adopt the Ordinance Providing a Tax Exemption for Farm Buildings, dated January 28, 2008, which ordinance shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.*

**Attachments**

- 1) Draft Ordinance Providing a Tax Exemption for Farm Buildings
- 2) Excerpts from Connecticut General Statutes
- 3) Excerpts from Assessor's Handbook
- 4) Mansfield Planning and Zoning Commission re: Proposed Tax Exemption for Farm Buildings
- 5) Mansfield Agriculture Committee re: Proposed Property Tax Exemption for Farm Buildings
- 6) Mansfield Open Space Reservation Committee re: Proposed Property Tax Exemption for Farm Buildings
- 7) Excerpts from Mansfield Plan of Conservation and Development
- 8) Connecticut Farmland Trust, Preservation
- 9) Working Lands Alliance, "A Call to all Farms"



**Town of Mansfield  
Code of Ordinances**

**“An Ordinance Providing a Property Tax Exemption for Farm Buildings”**

*January 28, 2008 Draft*

**Section 1. Title.**

This Ordinance shall be known and may be cited as “An Ordinance Providing a Property Tax Exemption for Farm Buildings.”

**Section 2. Legislative Authority.**

This Ordinance is enacted pursuant to the provisions of Section 12-91(c) of the Connecticut General Statutes, as it may be amended from time-to-time.

**Section 3. Findings and Purpose.**

The Town Council of the Town of Mansfield finds that the preservation of farming and farmland is vitally important to retaining Mansfield’s rural character and quality of life, as well as promoting economic and environmental sustainability. Therefore, pursuant to *Connecticut General Statutes* § 12-91(c), as amended, the Town of Mansfield seeks to protect, preserve and promote the health, welfare and quality of life of its people by providing a tax exemption for certain farm buildings.

**Section 4. Applicability and Benefits.**

- (a) **For a farmer who qualifies for the farm machinery exemption under Connecticut General Statutes § 12-91(a)**, any building used actually and exclusively in farming, as “farming” is defined in Section 1-1 of the Connecticut General Statutes, upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of one hundred thousand dollars.
- (b) This exemption shall not apply to any residence of any farmer but may be applied to a residence used to house seasonal farm workers.
- (c) Annually, within thirty days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make written application to the Assessor for the exemption provided in subsection (a) of this section, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the Assessor shall have the rights and remedies for appeal and relief as are provided in the general statutes

for taxpayers claiming to be aggrieved by the doings of the Assessor.

**Section 5. Effective Date.**

Following its adoption by the Town Council, this Ordinance shall become effective on the twenty-first day after publication in a newspaper having circulation within the Town.

**Sec. 12-91. Exemption for farm machinery, horses or ponies. Additional optional exemption for farm buildings or buildings used for housing for seasonal employees.** (a) All farm machinery, except motor vehicles, as defined in section 14-1, to the value of one hundred thousand dollars, any horse or pony which is actually and exclusively used in farming, as defined in section 1-1, when owned and kept in this state by, or when held in trust for, any farmer or group of farmers operating as a unit, a partnership or a corporation, a majority of the stock of which corporation is held by members of a family actively engaged in farm operations, shall be exempt from local property taxation; provided each such farmer, whether operating individually or as one of a group, partnership or corporation, shall qualify for such exemption in accordance with the standards set forth in subsection (d) of this section for the assessment year for which such exemption is sought. Only one such exemption shall be allowed to each such farmer, group of farmers, partnership or corporation. Subdivision (38) of section 12-81 shall not apply to any person, group, partnership or corporation receiving the exemption provided for in this subsection.

(b) Any municipality, upon approval by its legislative body, may provide an additional exemption from property tax for such machinery to the extent of an additional assessed value of one hundred thousand dollars. Any such exemption shall be subject to the same limitations as the exemption provided under subsection (a) of this section and the application and qualification process provided in subsection (d) of this section.

(c) Any municipality, upon approval by its legislative body, may provide an exemption from property tax for any building used actually and exclusively in farming, as defined in section 1-1, or for any building used to provide housing for seasonal employees of such farmer. The municipality shall establish the amount of such exemption from the assessed value, provided such amount may not exceed one hundred thousand dollars with respect to each eligible building. Such exemption shall not apply to the residence of such farmer and shall be subject to the application and qualification process provided in subsection (d) of this section.

(d) Annually, within thirty days after the assessment date in each town, city or borough, each such individual farmer, group of farmers, partnership or corporation shall make written application for the exemption provided for in subsection (a) of this section to the assessor or board of assessors in the town in which such farm is located, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms to be prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the assessors shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the assessors or board of assessment appeals.

(September, 1957, P.A. 18; 1959, P.A. 191, S. 1, 2, 3; 1961, P.A. 477; 1963, P.A. 510; 1971, P.A. 358, S. 1; P.A. 77-614, S. 139, 610; P.A. 79-610, S. 3, 47; P.A. 80-393, S. 1, 2; P.A. 85-572, S. 1, 3; P.A. 87-346, S. 3, 4; P.A. 92-64, S. 2, 3; P.A. 94-201, S. 5, 7; P.A. 95-283, S. 41, 68; June Sp. Sess. P.A. 01-6, S. 82, 85; P.A. 03-234, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 146(e); P.A. 04-189, S. 1; P.A. 05-228, S. 8; June Sp. Sess. P.A. 05-3, S. 113.)

History: 1959 act extended section's application to include farm machinery and removed limitation of application to assessment lists of 1957 and 1958; 1961 act extended section's application to include corporations, and added that subdivisions (38), (40), (41), and (42) of section 12-81 shall not apply to

groups of farmers; 1963 act deleted exception of fur breeders; 1971 act amended Subsec. (a) to include property held in trust; P.A. 77-614 substituted commissioner of revenue services for tax commissioner, effective January 1, 1979; P.A. 79-610 substituted Secretary of the Office of Policy and Management for Commissioner of Revenue Services, effective July 1, 1980; P.A. 80-393 changed maximum value exempted from three to ten thousand dollars, effective May 23, 1980, and applicable in any town to the assessment year commencing October 1, 1980, and each assessment year thereafter; P.A. 85-572 amended (1) Subsec. (a) so as to increase the amount of exemption for farm machinery from a value up to ten thousand dollars to a value up to one hundred thousand dollars and (2) Subsec. (b) by requiring that the farmer claiming the exemption submit a notarized affidavit certifying that the principal means of livelihood of such farmer is derived from such farming operation, effective July 3, 1985, and applicable in any town, city or borough for the assessment year commencing October 1, 1985, and each assessment year thereafter; P.A. 87-346 amended Subsec. (a) to allow complete exemption for any horse or pony used exclusively in farming and provided that Subdiv. (38) of Sec. 12-81, allowing exemption for farming tools to a value of five hundred dollars, shall not apply to any person or organization eligible for the exemption under this section for all farm machinery to the value of one hundred thousand dollars, effective June 10, 1987, and applicable to the assessment year commencing October 1, 1987, and each assessment year thereafter; P.A. 92-64 amended section to remove the requirement that the farmer's principal means of livelihood be derived from farming and inserted in lieu thereof monetary standards of fifteen thousand dollars in sales or expenses, effective May 20, 1992, and applicable to assessment years of municipalities commencing on or after October 1, 1992; P.A. 94-201 amended Subsec. (b) to change the officer responsible for administration of that subsection from the Secretary of Policy and Management to the Commissioner of Agriculture, effective July 1, 1994; P.A. 95-283 amended Subsec. (b) to replace board of tax review with board of assessment appeals, effective July 6, 1995; June Sp. Sess. P.A. 01-6 added new Subsec. (b) re option for a municipality to provide an additional exemption for machinery and redesigned former Subsec. (b) as Subsec. (c), effective July 1, 2001, and applicable to assessment years commencing on or after October 1, 2001; P.A. 03-234 made technical changes in Subsecs. (a) and (b), added new Subsec. (c) re authority for municipalities to exempt farm buildings to the extent of assessed value of one hundred thousand dollars from property tax and redesignated existing Subsec. (c) as Subsec. (d), effective July 1, 2003; June 30 Sp. Sess. P.A. 03-6 replaced Commissioner of Agriculture with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 05-228 amended Subsec. (c) by giving municipalities the option to provide an additional exemption for housing for seasonal employees, effective July 11, 2005, and applicable to assessment years commencing on and after October 1, 2005; June Sp. Sess. P.A. 05-3 changed effective date of P.A. 05-228 to October 1, 2005, effective June 30, 2005.

Cited. 156 C. 110.

Where principal means of livelihood of plaintiff and its shareholders was from the loam and gravel business, which court found not to be a farming operation, farm machinery was not exempt. 26 CS 163.

additional property between the dates on which a Quadrennial Report is filed.

§12-87a

Extension of Time for Filing Quadrennial Reports

Allows an assessor to grant, upon request and for just cause, an extension of the November 1<sup>st</sup> filing for the Quadrennial Report or the Supplemental Report. An extension cannot exceed 60 days and there is a \$35 late filing fee.

§12-88

Provides that the exemption under subdivision (7), (10), (11), (13), (14), (15) (16) or (18) of §12-81, may be granted even if the property is not being used for its stated purpose, if a building(s) is in construction. A property (or portion of a property) that a tax-exempt organization does not use exclusively for its stated purpose, or that the organization rents or from which it derives a profit is taxable. There is an exception for a property (or portion of a property) that another corporation organized exclusively for scientific, educational, literary, historical purposes, uses for that organization's stated purpose, pursuant to §12-81(7). If only a portion of a property qualifies for exemption, the remainder is subject to taxation; the exemption is then apportioned on the basis of the percentage of the property's exempt to non-exempt use.

§12-88a

Real property acquired by a quasi-public agency but not held or used for purposes of such agency

Allows for the taxation of income-producing real property owned by a quasi-public agency, as defined in §1-120, under certain circumstances.

§12-89

Assessor to Determine Exemption

Provides that the assessor is the sole determinant of exemption eligibility. Requires assessors to determine what portion of property owned by a scientific, educational, literary, historical, charitable or agricultural organization is exempt and to assess the remainder. Allows an organization aggrieved by the actions of the assessor to appeal to the BAA and the superior court for the judicial district in which the property is located.

§12-89a

Proof of IRS Exemption Required by Assessor

Allows an assessor to require certain organizations to provide proof of their exempt status for federal income tax purposes. This provision applies to any organization claiming an exemption under subdivision (7), (8), (10), (11), (12), (13), (14), (15), (16), (18) (27), (29), (49) or (58) of §12-81.

§12-90

Limit of One Veteran's Exemption Allowed

Provides a limitation regarding the number of exemptions a veteran may receive. Exceptions are provided for a surviving spouse of a veteran who is also a qualified veteran and for a disabled veteran. See *Property Tax Exemptions* chapter.

§12-91

Farm Machinery/Equipment and Buildings: Horses/ Ponies Used in Farming

Subsection (a) provides an exemption of \$100,000 applicable to machinery and equipment used exclusively for farming, and a total exemption for all

horses and ponies used in a farming operation. Such property must be owned by a farmer and kept in this state. The farmer must derive at least \$15,000 in gross sales from farming in the most recent taxable year, or must have incurred farm related operating expenses of at least \$15,000 in said year. The farmer must attest to meeting these income requirements and must file a claim with the assessor, annually, within 30 days after October 1<sup>st</sup>, on a form prescribed by DoAG. Failure to file the required annual exemption claim constitutes a waiver of the exemption for that year.

Subsection (b) allows a municipality to establish an additional \$100,000 property tax exemption for farm machinery, by local option.

Subsection (c) allows a local-option property tax exemption of up to \$100,000 (in an amount determined by the town) for certain farm buildings, for a farmer who qualifies for the farm machinery exemption under subsection (a). A farmer's residence cannot be exempt but any other building actually and exclusively used in farming is eligible (including a residence used to house seasonal farm workers). Approval of the municipality's legislative body is required.

§12-92

Proof of Blindness

Requires a person claiming an exemption under §12-81(17) to submit proof of blindness to the assessor and defines the required degree of blindness.

§12-93

Proof of Claim for Veteran's Exemption

Requires a veteran to file evidence of honorable discharge (generally, but not always on Form DD-214) on or before September 30<sup>th</sup> with the town clerk in order to receive an exemption. Also provides alternatives to filing discharge papers, in certain situations. Active duty service members, for example, cannot file discharge documents.

§12-93a

Veteran's Exemption on Leased Land or For Leased Motor Vehicles

Subsection (a) allows a veteran, active duty service member or certain survivors of deceased veterans to receive an exemption on a residential dwelling located on leased land, if the veteran is required to pay taxes and the lease is recorded on the land records.

Subsection (b) allows veterans, duty service member or certain survivors of deceased veterans the benefit of their exemptions with respect to leased motor vehicles. A veteran must file an application with the assessor by the December 31<sup>st</sup> of the year following that in which the property tax on the leased vehicle is paid; the municipality then issues the veteran a refund check.

The refund equals the veteran's exemption amount (or the remaining balance of the veteran's exemption) multiplied by the applicable mill rate, if said amount is less than the tax paid on the leased vehicle. If the tax paid on the leased vehicle is less than the exemption balance multiplied by the mill rate,

individuals as the principals or members of the limited liability company.

### **Use Values For Classified Farm, Forest and Open Space Land**

Every five years, the Office of Policy and Management, in consultation with the Department of Agriculture, issues recommended use value schedules for classified farm, forest, or open space land, pursuant to §12-2b. These schedules differentiate between different types of land and are based, in part on an analysis of rental and lease data from across the state. Recommended values were most recently issued for the October 1, 2005 assessment year, and will be updated for the assessment year commencing October 1, 2010. (See page 7-43.)

Assessors are not required to use the recommended values. However, if an assessor chooses to apply values for classified farm, forest and open space land other than those that are recommended, such values must be developed in compliance with §12-63. That is, they must reflect the present true and actual value of classified farm, forest and open space land based upon the land's current use without regard to neighborhood land use of a more intensive nature. This statute also provides that the present true and actual value of open space land cannot be less than the value of classified farm land.

## **The Classification of Land as Farm Land**

### **The Changing Nature of Farming**

In times past, it was fairly easy to recognize a farm: even a child could describe one. A person with no technical knowledge of the agricultural industry could identify a farm, just by driving by a property having scenic acres of gently rolling land, some tilled, some being used as pastures and some wooded. There were often numerous outbuildings (mostly red barns with silos) and seemingly countless cows and horses corralled in by miles of white fencing.

The historic farm (because it was self contained and self-supporting) had to consist of different types, or tracks, of land. The farm unit of the historic farm needed woodlands as a source of fuel for heating and production. Wasteland, ponds and streams provided drinking water, irrigation and power. Not all farms today, however, have (or need) all of these various types of land.

With the urbanization of America and the ever-changing character of agriculture, the face of farming has changed. Farming is no longer that historic (almost romantic) image of a truly self contained and self-supporting family business. In Connecticut and elsewhere today, there are fewer self contained and self-supporting historic farms and more gentleman farmers and corporate farmers.

The gentleman farmer usually concentrates on one activity (such as haying or pasturing) and the land used for that activity, whether owned or leased, does not have to be more diverse than necessary to support that single purpose. So if property is being hayed, the gentleman farmer's farm unit may consist only of the land that is being hayed.

Corporate farms can range in size from those on very large tracks of land, to highly specialized and technologically intense farms on relatively small tracks of land. In addition to the traditional raising or harvesting of agricultural or horticultural commodities and livestock, farming today can include such diverse activities as aquaculture and technologically advanced methods of production such as hydroponics.

Regardless of the type of farm, each must be viewed using the same standard: What commercial farming activity is taking place and what land is necessary to support that activity?

While the Connecticut General Statutes do not specifically use the phrase "commercial farming activity", the policy declaration in §12-107, states, in part "...in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state." Given this and the fact that assessors must, pursuant to §12-107c, take into account a land's productivity and the gross income of its owner in making a determination regarding an application for classification, it would appear that the legislators who framed these laws were not seeking to preserve casual backyard gardens, but rather to preserve the commercial farming activities necessary to feed the citizens of this state.

### **Definitions of Farm / Farmland**

There are various definitions in the Connecticut General Statutes related to agriculture, farm land and farming, some of the more important of which are reflected below.

#### **§1-1:**

(a) In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

(q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto,

nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

**§12-107b(a):**

The term "farm land" means any tract or tracts of land, including woodland and wasteland, constituting a farm unit...

Note: "Farm unit" is not defined.

**§14-49(q):**

...no farm [motor vehicle] registration shall be issued to any person operating a farm that has gross annual sales of less than two thousand five hundred dollars in the calendar year preceding registration...

Note: Although §12-107c requires the assessor to consider a farmer's gross income among other factors, the majority of such income does not have to be derived from a farming operation. Essentially, then, the absence of a farm vehicle registration plate does not disqualify a farmer for farm land classification. On the other hand, the fact that such a registration plate has been issued may indicate that the owner is a farmer.

**§22-3:**

(a) The Commissioner of Agriculture shall evaluate all information and statistics collected by the department with regard to agriculture for the purpose of recommending methods to be pursued, the needs and wants of practical husbandry and the adaptation of agricultural products to soil, climate and markets, and shall determine the policies best adapted to encourage and promote the development of agriculture within the state. The commissioner may appoint qualified persons to make studies and recommendations concerning matters of interest to the commissioner.

(b) As used in this section "agricultural land" means any land in the state suitable with reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors, for the cultivation of plants, for the production of human food and fiber or other useful and valuable plant products and for the production of animals, livestock and poultry useful to man and the environment and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas; "development rights" means the rights of the fee simple owner of agricultural land to develop, construct on, sell, lease or otherwise improve such land for uses that result in rendering such land no longer agricultural land, but shall not be construed to include: (1) The rights of the fee owner of agricultural land to develop, construct on, sell, lease or otherwise improve the

agricultural land to preserve, maintain, operate or continue such land as agricultural land, including but not limited to, construction thereon of residences for persons, farm buildings, roadside stands for retail sale of food products and ornamental plants, facilities for the storing of equipment and products or processing thereof or such other improvements thereon as may be directly or incidentally related to the agricultural operation or (2) the rights of the fee owner to provide for the extraction of minerals, gravel or like natural elements.

The following dictionary definitions of the term "farm" may also assist the assessor in determining what constitutes a farm or a farming activity.

*Black's Law Dictionary (Fifth Edition)*: A tract of land devoted to agriculture, pasturage, stock raising, or some allied industry. Includes dairy, stock and poultry farms.

*Webster's New Riverside University Dictionary*: Land cultivated for agricultural production...land devoted to the raising and breeding of domestic animals...an area of water devoted to the raising and breeding of a particular kind of aquatic animal...

### **Application for Classification**

The Commissioner of the Department of Agriculture prescribes the *Application To The Assessor For Classification of Land As Farm Land* (Form M-29) that appears on pages 7-31 and 7-32. A copy of §12-504a through §12-504e must be attached to Form M-29 when the assessor provides it to an applicant. (See attachment on page 7-39.) Except during a year of revaluation, a completed application (including the signatures of all owners) must be filed between September 1st and October 31st. During the year of a revaluation, the deadline is extended to December 30th. No other extension of the filing period is available and failure to file within the prescribed time period is a waiver of the right to the classification for the assessment year commencing on October 1st.

There is nothing prohibiting the applicant from providing the assessor with information in addition to that required on the application form. Considering the diverse nature of farming in the state, additional information may not only be desirable but necessary in order for the assessor to make a determination as to whether the land in question should be classified as farm land. Also, the Department of Agriculture may issue an advisory opinion as to whether or not a property's use is agriculture or farming, or regarding the classification of land as farm land.

### **Factors To Consider When Determining What is a Farm or Farmland**

The following list of six factors, as set forth in §12-107c, should be considered in order to determine what constitutes farm land. While each is important, no single factor should be used to either approve or reject a particular application for farm land classification, nor should they be viewed as the only factors to be considered when determining what is farm land.

#### **1. Acreage**

As mentioned earlier, farming can be quite diverse. This diversity can result in acreage varying in size for each type of farming activity. While a specific type of farming may

require a certain amount of acreage, there is no universally accepted standard of minimum acreage required in order for a property or parcel to be considered a farm.

State law sets no minimum acreage requirement for farm land classification, but some towns have established certain acreage provisions.

## **2. Portion Actually Used in Farming**

Because there are different types of farming, the acreage actually used will vary. Also, each farm product can have different acreage requirements. Once the assessor has determined that the land in question is farm land, the assessor must determine the portion actually used for a farming activity, in order to properly value the property.

## **3. Productivity of the Land**

Productivity does not have to mean that the land is employed to its maximum capacity. There can be legitimate reasons why farm land must lay fallow for a short period of time or why it is not being employed to its maximum capacity. As long as there is a bona fide commercial farming activity occurring, the degree of productivity may not be a controlling factor unless the diminished activity draws into question whether there is, indeed, a commercial farming activity occurring.

## **4. Gross Income Derived from Farming**

The income derived from any farm will vary with the size of the farm unit and the farm product(s) being produced. There is no simple guideline to judge what level of income is reasonable. When considering gross income derived from farming, only the income attributable to the land in question should be taken into account. Also, the majority of a farmer's income does not have to be derived from the farming operation.

## **5. Nature and Value of Equipment Used**

The type, quantity and value of equipment used will vary greatly from farm to farm. If a commercial farming activity is occurring, there is generally some equipment involved. Equipment used in farming may be either owned or leased by the farmer. Even if the owner of the land is leasing it to another for a commercial farming activity, equipment owned by the lessee may be used. If a commercial farming activity is occurring, the personal property (including leased items) used in the conduct of that activity should be declared to the assessor of the town where such personal property is located.

## **6. Extent to Which Tracts Comprising Farmland are Contiguous**

It is becoming increasingly rare to find a farm that is one large contiguous parcel. Frequently, separate parcels of land may be rented or leased from others for a commercial farming activity.

This list of factors is not all encompassing; there may be other factors to consider. And, while there is no one simple standard or single test to determine what constitutes a farm or farmland, an assessor should always start with the following question: What commercial farming activity is occurring on this parcel of land? A site visit to the property may provide additional information

or, at the least, may be a means of verifying information that was presented in the application for farm land classification.

The Department of Agriculture is authorized to provide an advisory opinion as to what constitutes agriculture or farming pursuant to §1-1(q), or regarding the classification of land as farm land or open space land. The agency's staff can issue such an opinion upon receiving a request from a land owner, an assessor, a municipality or a state agency. The Connecticut Agricultural Experiment Service may also be able to assist assessors in such determinations.

Also, the federal Internal Revenue Code has specific requirements regarding farm operations. An assessor may find helpful certain information that is contained on the Internal Revenue Services' web site ([www.irs.gov/individuals/farmers/display](http://www.irs.gov/individuals/farmers/display)). Click on individuals, then click on farmers, then click on chapter 3: examination techniques.

### **Determination of Eligibility**

The determination as to whether to classify land as farm land rests solely with the assessor. A person claiming to be aggrieved by the denial of a farm land classification may make application for a hearing before the board of assessment appeals.

The use of the property on October 1<sup>st</sup> of the year for which Form M-29 is filed should be the final determining factor as to whether the property in question should be classified as farm land.

Once classified, there is no statutory requirement that the property owner file another application in order to continue receiving the farm land classification. However, there is nothing to prevent the assessor from requiring additional information (after the initial filing) in order to clarify the status of a classified property's continued use as farm land.

### **Notice to Applicant**

While there is no deadline noted in the statutes, an applicant should be notified of the assessor's decision regarding Form M-29. Therefore, a copy of the application's section entitled "*Assessor's Verification*" should be completed by the assessor and provided to the applicant in a timely fashion.

Any person claiming to be aggrieved by the assessor's denial of a farm land classification may file an appeal of the assessor's decision with the board of assessment appeals. Similarly, a board of assessment appeals hearing request may be filed if the property owner disagrees with the assessor's decision regarding the size or value of the farm land the assessor approved for classification.

### **Classification and Valuation**

Once the assessor decides that a property for which Form M-29 has been filed qualifies for classification, the acreage actually used as farm land should be classified and valued at its use value. If the property has a house and/or commercial building, the house lot and/or commercial lot (as defined by zoning or local practice) should be valued as all other similar lots are valued. Only that portion of the land that is actually used for the commercial farming activity should be classified and valued at its use value.



**APPLICATION TO THE ASSESSOR FOR CLASSIFICATION OF LAND AS FARM LAND**

Declaration of policy: It is hereby declared that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state, to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state [and] that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land.

Please print. File a separate application for each parcel. Complete all appropriate sections, attaching additional sheets if necessary. See reverse for additional filing information and section to be completed if farm land is leased or rented.

Name of Owner(s): \_\_\_\_\_

Property Location: \_\_\_\_\_  
(Number & Street) (Town) (State) (Zip Code)

Mailing Address: \_\_\_\_\_  
(Number & Street or P.O. Box) (Town) (State) (Zip Code)

Check appropriate box:  New Application  Ownership Change  Acreage Change  Use Change

Total acreage of land: # \_\_\_\_\_ (Acres) Portion in actual use for farming / agricultural operations: # \_\_\_\_\_ (Acres)

Is total acreage located wholly within this town?  YES  NO If NO, name of other town: \_\_\_\_\_

Total gross income derived farm operation (Need not be majority of income): \$ \_\_\_\_\_

Type of farming operation (e.g., dairy, vegetable, horse, etc.) \_\_\_\_\_

Equipment used in the farm operation: \_\_\_\_\_

Enter number of acres in each land class below and attach a sketch of your farm land to this application, showing the number of acres in each such class. Assessor will complete Items 3 and 4 if application is approved.

1	2	3	4
Land Classes	# Acres	Use Value	Use Assessment
Tillable A - Excellent (Shade Tobacco and Ball and Burlap Nursery, Crop Land):			
Tillable B - Very Good (Binder Tobacco, Vegetable, Potatoes, Crop Land):			
Tillable C - Very Good, Quite Level (Corn Silage, Hay, Vegetables, Potatoes, Crop Land):			
Tillable D - Good to Fair, Moderate to Considerable Slopes (Hay, Corn Silage, Rotation Pasture, Crop Land):			
Orchard - Well Maintained Trees for the Purposes of Bearing Fruit:			
Permanent Pasture - Grazing for Livestock, Not Tilled Land:			
Woodland - Woodland in a Farm Unit:			
Wasteland - Swamp / Ledge / Scrub:			
<b>TOTAL ELIGIBLE ACRES:</b>			
	<b>TOTAL CLASSIFIED USE ASSESSMENT:</b>		

*Owner's Affidavit*

I DO HEREBY DECLARE under penalty of false statement that the statements made herein by me are true according to the best of my knowledge and belief, and that I have received and reviewed §12-504a through §12-504e, inclusive of the Connecticut General Statutes concerning a potential tax liability upon a change of use or sale of this land.

DATED: \_\_\_\_\_ /S/ \_\_\_\_\_

DATED: \_\_\_\_\_ /S/ \_\_\_\_\_

*Assessor's Verification Section*

Acquisition Date: \_\_\_\_\_ Map / Block / Lot: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Acreage Classified: \_\_\_\_\_

Vol. / Page: \_\_\_\_\_ Date Recorded: \_\_\_\_\_

Application approved:  YES  NO Reason for denial: \_\_\_\_\_

/S/ \_\_\_\_\_ Assessor \_\_\_\_\_ Date \_\_\_\_\_

OVER



**APPLICATION TO THE ASSESSOR FOR CLASSIFICATION OF LAND AS FARM LAND**

*The following section must be completed only if the land described in this application is leased / rented for farming.*

I, _____ residing at _____				
<i>(Name of Renter / Lessor)</i>	<i>(Number &amp; Street)</i>	<i>(Town)</i>	<i>(State)</i>	<i>(Zip Code)</i>
DO HEREBY DECLARE under penalty of false statement, that I am renting / leasing for farming purposes, the land located at				
<i>(Property Location)</i>		<i>(Town)</i>	<i>(State)</i>	
Pursuant to a written lease or agreement that I entered into				
With				
<i>(Owner's Name)</i>	<i>(Number &amp; Street)</i>	<i>(Town)</i>	<i>(State)</i>	<i>(Zip Code)</i>
On the _____ day of _____, 19____				
or _____ day of _____, 20____				the term of which commences on
On the _____ day of _____, 20____				and terminates on
The _____ day of _____, 20____				in the amount of
\$ _____	per acre	<input type="checkbox"/> month	<input type="checkbox"/> or	year <input type="checkbox"/> (Check appropriate box.)
/S/ _____	/S/ _____			
<i>Signature of Owner (Lessor)</i>			<i>Signature of Renter (Lessee)</i>	

ASSESSOR: FORWARD COMPLETED COPY OF APPLICATION TO APPLICANT AND  
FORWARD COPY OF RENTAL STATEMENT TO  
STATE OF CONNECTICUT  
DEPARTMENT OF AGRICULTURE  
765 ASYLUM AVENUE  
HARTFORD, CONNECTICUT 06105  
ATT: FRANK INTINO

**FILING INFORMATION**

The term "farm land" means any tract or tracts of land, including woodland and wasteland, constituting a farm unit. In determining whether land is farm land, the assessor shall take into account, among other things, the acreage of such land, the portion thereof in actual use for farming or agricultural operations, the productivity of such land, the gross income derived therefrom, the nature and value of the equipment used in connection therewith, and the extent to which the tracts comprising such land are contiguous.

An application for farm land classification must be filed on this form, as prescribed by the Commissioner of the Department of Agriculture, pursuant to §12-107c(b) of the Connecticut General Statutes. The property owner (or owners) must complete this form and file it with the assessor of the town where the farm land is situated. *If there is more than one owner, each must sign the application.* The filing period is between September 1<sup>st</sup> and October 31<sup>st</sup>, except in a year in which a revaluation of all real property is effective, in which case the filing deadline is December 30<sup>th</sup>.

Failure to file in the proper manner and form shall be considered a waiver of the right to such classification under §12-107c(c) of the Connecticut General Statutes as of the October 1<sup>st</sup> assessment date. *A separate application must be filed for each parcel of land.*

You are responsible for contacting the assessor to update your application if there is a change in use, acreage or ownership of this property after the assessor approves its classification. If there is a change of use or a sale of the classified land, the classification ceases (pursuant to §12-504h of the Connecticut General Statutes) and you may be liable for an additional conveyance tax. Please review attached copies of the statutes concerning the imposition of this tax (§12-504a through §2-504e, inclusive, of the Connecticut General Statutes).

Please be advised that the assessor may require information in addition to that contained in this application in order to make a determination regarding classification.

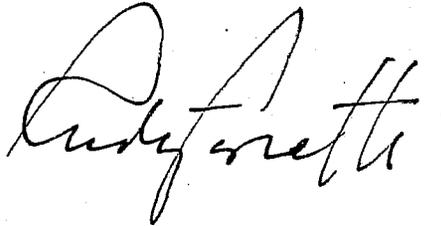
**TOWN OF MANSFIELD  
PLANNING AND ZONING COMMISSION**

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AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILL ROAD  
STORRS, CT 06268  
(860) 429-3330

Tuesday, December 04, 2007

To: Mansfield Town Council  
From: Rudy Favretti, Chairman  
Mansfield Planning and Zoning Commission  
Re: Town Council Referral  
Proposed Tax Exemption for Farm Buildings



At the Mansfield Planning and Zoning Commission's December 3, 2007 meeting, the draft ordinance to provide property tax exemptions for certain farm buildings was discussed. Members instructed me to communicate to the Town Council the Commission's support of the proposed ordinance. Preserving Mansfield's existing agricultural uses and promoting new agricultural activity are major objectives of Mansfield's Plan of Conservation and Development. Agricultural uses provide important open space and economic benefits to the Town and the proposed ordinance will promote these interests.

**Sara-Ann Chainé**

**From:** don wetherell [donvicweth@juno.com]  
**Sent:** Wednesday, January 09, 2008 12:29 PM  
**To:** Sara-Ann Chainé  
**Subject:** For Council packet 1of 2

**MANSFIELD AGRICULTURE COMMITTEE**

**To:** Mansfield Town Council

**Re:** Proposed Property Tax Exemption for Farm Buildings

At their November 7, 2007, meeting, the committee reviewed the Council's proposed "Ordinance Providing a Property Tax Exemption for Farm Buildings." The committee supports this proposed ordinance as a way for the Town to preserve farming and farmland in Town. The committee recommends that a notice be mailed to qualifying farmers about the availability of this exemption.

**Sara-Ann Chainé**

**From:** don wetherell [donvicweth@juno.com]  
**Sent:** Wednesday, January 09, 2008 12:29 PM  
**To:** Sara-Ann Chainé  
**Subject:** For Council packet 2 of 2

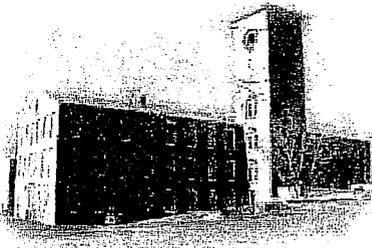
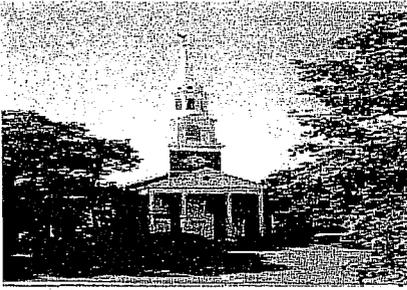
January 8, 2007

To: Town Council

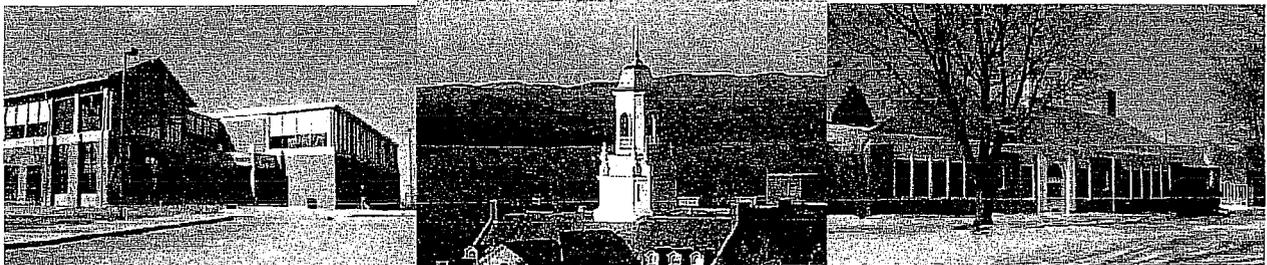
From: Mansfield Open Space Preservation Committee

Re: PROPOSED PROPERTY TAX EXEMPTION FOR FARM BUILDINGS

The committee reviewed this proposed ordinance at their October 16, 2007 meeting and voted to recommend that the Council pass this ordinance.



# MANSFIELD PLAN OF CONSERVATION AND DEVELOPMENT 2006



# PART I

## A. INTRODUCTION

Planning is a dynamic process of recognizing the past and anticipating and preparing for the future. This Plan of Conservation and Development for Mansfield, Connecticut, is adopted in accordance with the provisions of Section 8-23 of the Connecticut General Statutes, as amended. In formulating this 2006 revision, the Planning and Zoning Commission and Town Council have considered the information and findings contained in Mansfield's 1993, 1982 and 1971 Plans of Development, Mansfield's 2003 "Land of Unique Value Study" by the University of Connecticut's Landscape Architecture program, current State and regional land use plans, Connecticut's land use statutes, and the needs and desires of Mansfield residents as expressed through numerous public hearings and meetings.

The adoption and subsequent implementation of a municipal Plan of Conservation and Development is a continuous process of documenting a community's multi-faceted land use characteristics and establishing a consistent and coordinated land use philosophy and regulatory framework for managing the Town's future physical, economic and social environment. This plan specifies policy goals, objectives and land use recommendations designed to protect and promote the overall health, welfare and safety of existing and future residents, but it is primarily an advisory document and, to a significant degree, must be implemented through the creation or refinement of zoning districts, zoning, subdivision and inland wetland regulations and Town ordinances. In addition, this plan will influence capital expenditure decisions and the formulation of housing, transportation, sewer and water system priorities.

## B. POLICY GOALS

- **To strengthen and encourage an orderly and energy-efficient pattern of development with sustainable balance of housing, business, industry, agriculture, government and open space and a supportive infrastructure of utilities, roadways, walkways and bikeways and public transportation services**
- **To conserve and preserve Mansfield's natural, historic, agricultural and scenic resources with emphasis on protecting surface and groundwater quality, important greenways, agricultural and interior forest areas, undeveloped hilltops and ridges, scenic roadways and historic village areas**
- **To strengthen and encourage a mix of housing opportunities for all income levels**
- **To strengthen and encourage a sense of neighborhood and community throughout Mansfield**

## C. MANSFIELD HISTORY

(For a detailed account of Mansfield's history, see Appendix A)

Mansfield's history of land formation and land use has two distinct divisions and timelines: 1) prehistoric periods of land formation, and 2) historic periods of various and changing land uses. The prehistoric eras were dominated by two major geologic events. The first was the formation of the bedrock that underpins most of Connecticut. The second was a series of glaciers that ground down the bedrock, deposited till and generally rearranged the landscape to create the contours that the Native Americans knew and that we might recognize today. Appendix A includes an overview of Mansfield's geological development and pre-recorded history.

It is not surprising that the first settlers of Mansfield chose to establish their house lots on the relatively level and fertile land that we now know as Mansfield Center. Three large ridges virtually surrounded this vast acreage, and several rivers converged in Mansfield Center to supply water for powering the mills. Significant ponds added water for other purposes giving Mansfield Center its original name, Ponde Place. Mansfield was originally part of Windham, but in 1702 its inhabitants petitioned the Connecticut Legislature to become a town; in 1703 its charter was granted.

Most of the early citizens of Mansfield were engaged in agriculture. Their home places were in Mansfield Center, and they drew lots to obtain farmland in other parts of town. Cart paths were worn to these farms, emanating like spokes from a hub from Mansfield Center, a pattern still evident on modern road maps. The rockiest and wettest land was left as woodland, but the better land was cleared for fields and pastures. It is estimated that about two-thirds of the terrain in Mansfield was cleared for farming judging from the presence of stone walls made from this clearing process.

The first census of the United States in 1790 revealed that the population of Mansfield was 2,635 inhabitants, but throughout the 19<sup>th</sup> century the population hovered around 2,500. This decline probably occurred because many left Mansfield to settle towns in Vermont, New Hampshire, and New York, in hopes of finding better soils for farming and thus a better life. Also, in 1822 it was voted at Town Meeting to split off a portion of eastern Mansfield to form Chaplin. As Mansfield entered the 18<sup>th</sup> century, over 90% of its inhabitants were farmers. These farmers also needed mills to grind grains, saw logs into lumber, tan animal hides and perform other tasks necessary for survival. The rivers in town – Fenton, Mt. Hope, Natchaug, and the Willimantic – provided power for these mills. In the late 18<sup>th</sup> century, mulberry trees were introduced into Mansfield for the feeding of imported silkworms; thus began the silk industry and the establishment of the first silk mill in America, on Hanks Hill.

In the 19<sup>th</sup> century, Mansfield declined in total population as well as the number of persons engaged in agriculture. By 1820, farmers numbered 72% of the population, and by 1890, they numbered 43%. Mansfield became more industrial during this century with the establishment of mills not associated with agriculture, such as the manufacturing of optical equipment, organ pipes, silk and other textiles, surgical instruments, church bells, guns and gunpowder, and many other products. The railroad was laid along the Willimantic River in 1847 facilitating the importation of raw materials and the export of finished products.

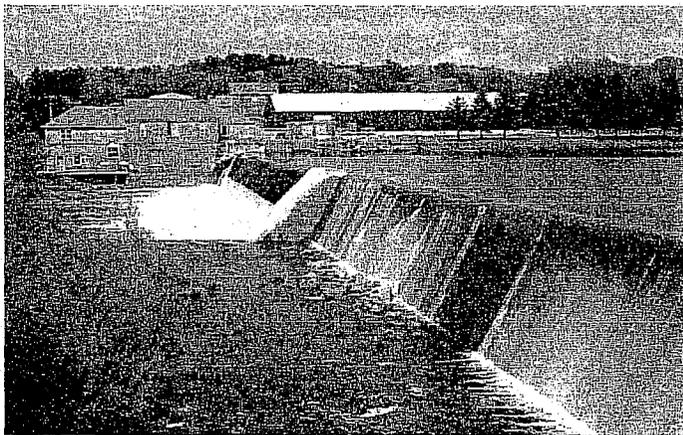
Following the Civil War, a soldiers' orphans home was established in what is now called Storrs. As the orphans matured and left, this home became the Storrs Agricultural School in 1881, through a legacy of land and some funds from Charles and Augustus Storrs. This school expanded over the years to become Connecticut's land grant college and eventually the University of Connecticut in 1939. Today, the University is Mansfield's "major industry." Also, in the second quarter of the 20<sup>th</sup> century, Mansfield began closing its one-

aquifer areas proximate to UConn's two wellfields. This Plan's Surface and Ground Water Resources Map (Map #10) includes State-designated wellfield aquifer areas, stratified drift aquifer areas, public water supply well locations and Willimantic Reservoir Watershed boundaries.

It is recognized that the precise boundaries and character of aquifer areas cannot be defined without site-specific borings and a hydrogeologic study, but the stratified drift areas mapped in this Plan are considered suitable for regulating aquifer areas in town. This map delineates three significant accumulations of stratified drift which could be significant sources of potable water. These three areas are located along the Willimantic River Valley, along the Fenton, Mount Hope and Natchaug River Valleys, and in the Pleasant Valley Road area. More information on each of these areas can be found in a 2002 report entitled "Mansfield Water Study", prepared by Milone & MacBroom, and from State and Federal agencies.

#### **d. Willimantic Reservoir Watershed**

Approximately one-half of the town of Mansfield is situated within the watershed boundaries of the Willimantic Reservoir. The reservoir is the source of potable water for approximately 25,000 persons in Windham and southern Mansfield. The reservoir has a large watershed with unused service capacity, and water service could be extended to additional users in the future. State, regional and local municipal land use plans have placed a high priority on protecting surface and ground water quality within the entire Willimantic Reservoir watershed. Protection of the Reservoir watershed will help ensure a good supply of potable water at low public cost for residents of Windham, Mansfield, and, potentially, other towns in our region. More information about the Willimantic Reservoir can be found in the Town of Windham's Water Supply Plan, which was updated in 2004.

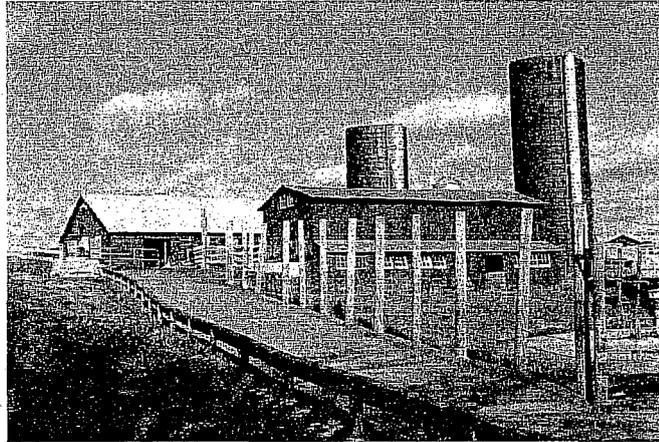


Windham Water Works Facility

#### **4. Agricultural and Forestry Resources**

The preservation of existing and potential farmland and forest land has increasingly become a conservation priority. Local farms, including tree farms, provide scenic character and specialized plant and wildlife habitats, produce high-quality products and help mitigate rising prices associated with transportation costs. Local farms contribute to Mansfield's diversity and economy and help preserve an important link to the agricultural history and economy of the town and region. In the last two decades, a number of open field areas previously used for farming purposes have been subdivided and developed within Mansfield. These areas have been permanently lost for agricultural uses. A continuation of this pattern would have a serious and increasingly detrimental effect on

Mansfield's economy and character. With the assistance of Mansfield's Agriculture Committee, Open Space Preservation Committee and Conservation Commission, existing and potential agricultural areas (based on use and soil characteristics) and existing areas of significant forest land, have been identified in this Plan. (See Agricultural/Forestry/Natural Diversity Resources Map, Map #11.)



Mountain Dairy Farm

## 5. Scenic Resources

### a. Introduction

"Nature... employs but four materials in the composition of her scenes: ground, wood, water, and rocks. The cultivation of nature has introduced a fifth species, the building requisite for the accommodation of mankind." This quote by Thomas Whately is as true today as it was when written in 1778.

Mansfield is rich in scenic resources because of its varied topography and abundance of waterbodies, such as rivers, streams, lakes and ponds, a preponderance of trees, and outcroppings of rocks and ledges. To these natural elements, people have added stonewalls, barns and bridges, agricultural land, and buildings of varied and historic architectural styles. Much research has been conducted on how the human eye perceives scenery, and which types of scenery invite the human eye to view this scenery. Water is the natural element that rates the highest, and when water is combined with trees and ledges and changes in topography, the visual impact becomes even more intense. Nature has combined its scenic resources in a variety of ways, much as an artist combines the paints in his palette to achieve varied effects.

In Mansfield, we are fortunate to have dramatic contrasts in topography (ranging from about 150 to 750 feet above sea level), thus creating many hills and ridges with intervening vales and valleys. On this undulating ground is an abundance of trees, as well as unusual rock formations, both natural and man-made. It is all of these factors, singly and combined, that create Mansfield's outstanding scenery, with numerous vantage areas from which to view it. Mansfield's many hilltops and ridges offer endless vantage points and vantage lines from which to view panoramic scenes or narrower vistas, but scenery is not a one-way street, in that a view can be observed from both ends of the view line. For example, though the view from Chestnut Hill to the valley below is impressive, the reverse view from the valley to Chestnut Hill is also impressive, but in a different way. Further, views from ridge top to ridge top can have a different quality when the line of vision is reverse.

## K. OPEN SPACE ACQUISITION PRIORITY CRITERIA

The following open space acquisition criteria, are provided to assist in the evaluation of potential sites for additional preserved open space. All open space acquisition decisions should be based on a comprehensive review of specific site characteristics, information contained or referenced in this Plan and information obtained through an active public notice and review process. The listed criteria are not weighted to help establish priorities, but in general, sites that address multiple primary categories or that would be of town-wide significance in addressing a goal or objective of this Plan would have a higher priority than sites that address fewer primary categories or do not have Townwide significance. It also is noted that land availability, acquisition costs and budgetary priorities will also significantly influence open space acquisition decisions.

1. Identified or specifically referenced as a potential conservation, preservation or recreational area within Mansfield's Plan of Conservation and Development, the WINCOG Regional Land Use Plan or the Connecticut Policies Plan for Conservation and Development
  - Identified as a potential conservation area on Map 21
  - Identified as within one of Mansfield's significant conservation and wildlife resource areas in Appendix J
2. Conserves or preserves historic or archaeological resources
  - Site is located within or adjacent to a Plan-identified village area (see Map #5)
  - Site contains historic structures, sites or features including, but not limited to mill sites, cemeteries, foundations, stone walls (see Map 2)
  - Site is a recorded archaeological site
3. Conserves, preserves or protects notable wildlife habitats and/or plant communities
  - Site includes species listed by State or Federal agencies as endangered, threatened or of special concern (see Map #11 for DEP Natural Diversity Data Base data)
  - Site contains or helps protect vernal pools, marshes, cedar swamps, grasslands, waterbodies or other notable plant or animal habitats
  - Site is within a designated large contiguous interior forest area (see Map #11)
  - Site includes a diversity of habitats
4. Conserves, preserves or protects important surface or groundwater resources
  - Site is located within or proximate to a State-designated wellfield aquifer area, potential stratified drift wellfield area or existing public water supply well
  - Site is proximate to the Willimantic Reservoir or tributary watercourses and waterbodies
  - Site contains or is adjacent to significant wetlands, watercourses or waterbodies and acquisition will significantly help to protect the water resource
  - Site contains a flood hazard area
5. Conserves, preserves or protects agricultural or forestry land
  - Site contains prime agricultural soils or agricultural soils of State-wide significance, (particularly important when in association with an existing agricultural use) |\*

- Site is located within an existing agricultural area such as the area in southwestern Mansfield along Mansfield City Road, Stearns Road, Browns Road, Crane Hill Road and Pleasant Valley Road
  - Site contains prime forestry soils (particularly important when located within a large contiguous interior forest area or within a site implementing a long-term forest management plan)
  - Site would provide a significant buffer for an existing agricultural use
6. Conserves, preserves or protects important scenic resources
- Site contains scenic overlooks, ridgelines, open fields, meadows, river valleys and other areas or features of particular scenic importance. (Information contained on Map 12 should be utilized in considering relative scenic importance.)
  - Site contains significant roadside features such as specimen trees and noteworthy stone walls
  - Site abuts a Town-designated Scenic Road
  - Site is visible from existing roadways, trails and/or readily accessible public spaces
  - Site contributes to the scenic quality of one of Mansfield's historic village areas
7. Creates or enhances connections
- Site is located along the Willimantic River, the Nipmuck Trail or other State-recognized greenway or a potential town-wide or multi-town greenway or trail system
  - Site would expand an existing park or preserved open space area and contribute to a continuous area of open space, protect a wildlife corridor, and/or provide a new trail access between open space properties or from existing roads or subdivisions to open space properties)
  - Site would provide a new linkage from an existing or proposed residential neighborhood to an open space/park area, school or commercial area
  - Site provides a buffer area for existing trails
8. Creates or enhances recreational opportunity
- Site is physically suitable for future ballfields and other active recreational use
  - Site abuts an existing school, playground or active recreational site
  - Site provides new boating or fishing access to the Willimantic River or other significant watercourses or waterbodies
  - Site abuts or is within the watershed of existing outdoor public swimming site, such as Bicentennial Pond in Schoolhouse Brook Park
  - Site is located within or proximate to existing areas of higher-density/residential development

### **AGRICULTURAL AND FORESTRY RESOURCES**

- Agricultural land in southwestern Mansfield, hillside vistas extending from Browns Road through Pleasant Valley Road and along Mansfield City and Crane Hill Roads;
- Agricultural land located along Rt. 32 north and south of Route 44. Important natural features and scenic beauty make this area significant.
- Agricultural land east and west of Route 195 behind Mansfield Supply and in the Horsebarn Hill area;
- Prime agricultural soils and agricultural soils of State-wide significance within active farming areas;
- Interior forest tracts as identified on Map #21 of this Plan

### **GEORGRAPHY AND EARTH RESOURCES**

- Coney Rock and adjacent steeply-sloped and hillside areas north of Mulberry Road and east of Chaffeeville Road;
- Fifty-foot Cliff and adjacent steeply-sloped areas west of Chaffeeville Road

## 2. Policy Goal #2-

To conserve and preserve Mansfield's natural, historic, agricultural and scenic resources with emphasis on protecting surface and groundwater quality, important greenways, agricultural and interior forest areas, undeveloped hilltops and ridges, scenic roadways and historic village areas.

### a. Objective

To protect natural resources, including water resources, geologic/topographic resources and important wildlife habitats and plant communities, by refining the Zoning Map, land use regulations and construction standards, considering new municipal ordinances and capital expenditures, and considering other actions

#### Recommendations:

- Revise Zoning Map to classify areas designated as low-density residential on this Plan's "Planned Development Areas" Map (Map # 22) as Rural Agricultural Residence 90-Residence.  
(A residential density based on one dwelling per 90,000 square foot lot is considered appropriate, due to the lack of public sewer and water systems, physical limitations due to Mansfield's soils, wetland and watercourses, steep slopes and bedrock characteristics, the need to protect the watersheds of the Willimantic Reservoir and public drinking water wellfields, the need to protect existing and potential agricultural land, the desire to protect existing hilltops and ridge lines and recommendations contained in Mansfield's Land of Unique Value Study, the Windham Region Land Use Plan and the State Policy Plan for Conservation and Development.)
- Encourage appropriate extensions of existing sewer and public water supply systems to help reduce residential development pressure in areas classified low-density residential.  
(In association with expanded opportunities for higher-density development in areas with public infrastructure, consideration should be given to a transfer of development rights program, to enhance the protection of natural, agricultural and scenic resources.)
- Refine Zoning and Subdivision Regulations to require, where physically possible, open space or cluster layouts with smaller lot sizes and a higher percentage of dedicated open space.  
(Particularly appropriate for larger subdivisions and all subdivisions within depicted "Existing and Potential Conservation Areas" on Plan Map # 1).  
(Frontage and minimum lot size requirements should be reviewed and revised as appropriate to encourage open space or cluster layouts.)  
(Regulations should not authorize overall densities greater than would be possible under a conventional layout.)
- Revise Zoning and Subdivision Regulations to require for each new lot in a designated low-density residential area an appropriate development area envelope without inland wetlands or watercourses, exposed ledge, slopes exceeding 15 percent or easements dedicated to other use.  
(Based on Mansfield's soils, slopes, bedrock geology and other physical characteristics, which collectively pose significant development limitations, a minimum area of 40,000 square feet should be considered to ensure adequate area for new structures, onsite septic systems and wells and other site improvements,

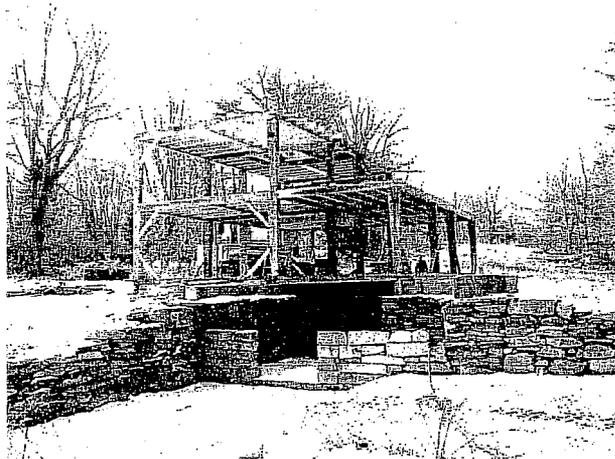
and to help ensure the protection of stone walls and other historic structures and other natural and manmade resources. Part I of this Plan documents or references the nature of Mansfield's physical limitations.)

- Strengthen existing Zoning, Subdivision and Inland Wetland Regulations to clarify existing provisions that require a landscape architect, soil scientist, land surveyor, engineer and, as needed, other qualified professionals to inventory and suitably protect important site features with site-specific building area envelopes, development area envelopes and other measures.  
(Mapping and other information in this Plan are designed to assist with the inventory of natural, historic, agricultural and scenic features and important wildlife habitats and plant communities, but, in most cases, a site-specific analysis is necessary for new land use applications.)
- Strengthen existing policy of discouraging extensive site-clearing, regrading and the removal or deposition of significant amounts of material for new subdivisions. (This policy is particularly applicable within or proximate to areas classified in this Plan as "Existing and Potential Conservation Areas.")  
(A site's original physical capabilities should be the prime determinant in establishing residential densities in non-sewered areas.)
- Strengthen existing policy of encouraging or requiring, in conjunction with a new land use application, the use of Best Management Practices for the use of fertilizers, pesticides and other chemicals.
- Strengthen Zoning, Subdivision and Inland Wetlands Regulations to incorporate more specific provisions for the submittal, approval and maintenance of stormwater management plans and erosion and sedimentation control plans to address potential water quality and water quantity impacts from a new development.  
(Comprehensive stormwater management and erosion and sedimentation plans are important elements of any land use project that significantly increases impervious surfaces such as subdivisions with new roads or steep driveways, multi-family housing and commercial development.)
- Continue existing policy of requiring new development proposals to comprehensively evaluate potential impacts to existing public and private water supply sources.
- Revise the town's Public Works road and drainage standards and specifications to ensure compatibility with the goal of protecting natural resources.
- Revise Zoning, Subdivision and Inland Wetlands Regulations to incorporate more specific requirements for retaining natural vegetated buffers along water resources and wetlands. (Based on the State's 2005 stormwater management guidelines and other information, a minimum buffer of at least 100 feet should be considered).
- Revise Zoning Map and Zoning Regulations to implement Aquifer Protection zones pursuant to State requirements.
- Revise Zoning Regulations to strengthen existing provisions regarding the protection of stratified drift aquifer areas and include consideration of buffer or setback areas for aquifers. Similar protections shall be considered for existing or potential community wells.  
(Data from State officials and from Mansfield's 2002 Water Study should be considered.)

- Consider the adoption of a municipal ordinance requiring mandatory septic system inspection and maintenance for high-risk land uses such as multi-family housing developments, restaurants and other uses which discharge non-domestic septage.
- Strengthen the Inland Wetland Agency policy of regulating all proposed land uses proximate to a wetland or watercourse.  
(The existing 150-foot regulated area should be retained and, as appropriate, extended for more significant wetland systems. Larger buffers should be considered for commercial developments and subdivisions where cumulative impacts may result in more significant impacts.)
- Continue existing policy of restricting any new development and limiting any land-disturbing activity within a flood hazard area
- Strengthen existing land use regulations to emphasize the importance of identifying and protecting notable wildlife habitats and plant communities, including vernal pools, marshes, cedar swamps, meadows/grasslands and large contiguous forest tracts.
- Continue implementing Mansfield's Invasive Species Policy (adopted by the Town Council in 2005), utilizing the list of invasive species banned by Public Act 04-203 of the State of Connecticut, with any subsequent revisions.

## b. Objective

To protect historic and archaeological resources by refining Zoning Map, Zoning and Subdivision Regulations and consider other actions.



Reconstruction of the historic Ash House on Cichowski property, Old Turnpike Road

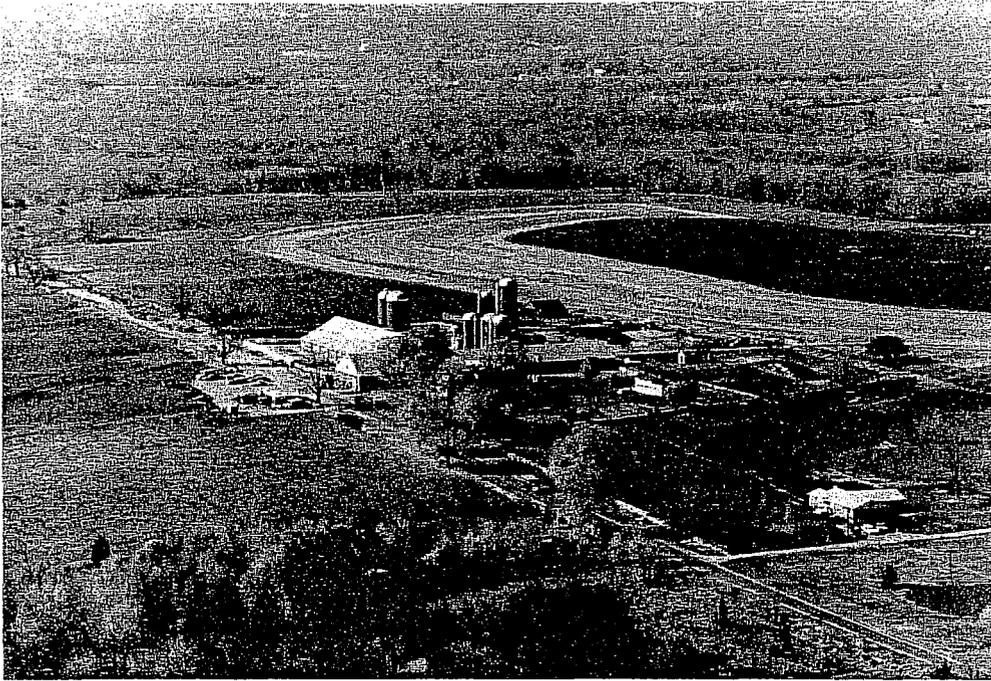
### Recommendations:

- Refine existing Zoning and Subdivision Regulations to ensure the identification and protection of all significant historic and archaeological resources, including: historic structures, historic and archaeological sites, cemeteries, stone walls, fences and roadside features and open space features. Protection shall extend to areas adjacent to or visually important to historic and archaeological resources. Buffers, setbacks, open space requirements and other regulatory provisions shall be considered.  
(Include provisions that authorize the submittal of a professionally-prepared historical or archaeological assessment report. Protection of historic and archaeological resources is particularly important in historic districts and other historic village areas.)
- Establish new village zoning designations, pursuant to statutory provisions or, alternatively, implement specialized village design standards for the historic village areas identified in this Plan.  
(Mansfield's historic villages are identified on Maps #5 and #22 of this Plan.)  
(Specific information on Mansfield's village areas is contained in Appendix B of this Plan.)
- Refine Zoning and Subdivision Regulations to incorporate more specific identification and preservation requirements for stone walls.
- Consider the adoption of a municipal ordinance that requires advance notice before an historic structure is moved or demolished or an historic site is disturbed.
- Promote the expansion of existing Historic Districts in Mansfield Hollow, Mansfield Center and Spring Hill to coincide with the village boundaries defined in this Plan.
- Consider new local and National Historic District designations for Atwoodville, Eagleville, Gurleyville (already a National Historic District), Hanks Hill, Mansfield City, Mansfield Depot, Mansfield Four Corners, Mount Hope and Wormwood Hill.

- Consider the establishment of a specialized town fund to help finance village improvements, including façade improvements, landscape improvements and pedestrian and public transit improvements.
- Preserve existing Town Meeting Notice signposts in Gurleyville, Mansfield Center, Mansfield City, Spring Hill and Wormwood Hill.

**c. Objective:**

To protect agricultural and forestry resources and to encourage retention and expansion of agricultural/forestry uses by refining Zoning Map and land use regulations and considering other actions.



Stearns Farm

Recommendations:

- Continue to utilize Mansfield's Open Space Acquisition Program and land use application dedication requirements to permanently preserve farmland and forest resources through ownership of land or development rights.  
(This Plan's Existing and Potential Conservation Areas Map (Map # 21) and the open space acquisition priority criteria in Appendix K should be utilized to help establish priorities.)
- Revise zoning and subdivision regulations to incorporate more specific requirements for buffering and screening new development from existing agricultural uses.
- Continue existing taxation policies which promote utilization of the State's 490 Program for agricultural land and for forest lands over 25 acres in size, and consider implementing the open space component of the State's 490 Program. \*
- Continue existing policy of leasing town-owned agricultural land at reasonable rates, for agricultural purposes. \*
- Continue and expand existing policy of managing forest resources on Town open space land.

- Consider revisions to the Zoning Map to designate special zone classifications and permitted use provisions for high-priority agricultural land and interior forest areas.  
(Special density provisions and design standards and a transfer of development rights program should be considered to promote retention of these areas and to discourage non-agricultural uses on productive farmland and prime agricultural soils. Within the designated medium to high-density residential area south of Pleasant Valley Road, special provisions should be enacted that require the preservation of at least fifty (50) percent of the designated agricultural or open space land, depending on site characteristics, and that address potential impacts for neighboring agricultural uses.)
- Revise road and driveway standards to help prevent inappropriate encroachments into designated interior forest or agricultural preservation areas or existing or potential open space preservation areas.
- Work with University of Connecticut officials to preserve State-owned farm land, prime agricultural soils and interior forest areas.
- Consider land use regulation revisions to provide more flexibility for agricultural property-owners to initiate or expand pick-your-own operations, retail farm stands and other commercial agricultural uses.
- Consider adoption of a municipal ordinance that supports and encourages agricultural uses and creation of agricultural districts.
- Support existing agricultural uses with active advice from Mansfield's Agriculture Committee.

**d. Objective:**

To help ensure protection of scenic resources by refining land use regulations and consider other actions.

Recommendations:

- Encourage use of this Plan's "Scenic Resources and Classifications" (Map # 12) to help identify and protect scenic overlooks and other areas of particular scenic importance.  
(This map should be specifically referenced in the Zoning and Subdivision Regulations and used in conjunction with the town's open space acquisition programs, but should not take the place of a site-specific analysis as required by current regulations.)
- Refine zoning and subdivision regulations to emphasize the importance of siting new structures and designating open space areas in a manner that preserves important scenic resources, particularly views and vistas to and from public roadways, parks and preserved open space areas, agricultural fields, forested ridges, river valleys, glacial features and historic village areas.
- Consideration should be given to incorporating special building height restrictions and requiring open space or cluster layouts in hilltop and ridgeline areas.
- Encourage expansion of Mansfield's Scenic Road Program: Particular attention should be given to roads or portions of roads that are within or abut designated "Existing and Potential Conservation Areas" (Map #21), historic village areas (Map #5) and other areas having scenic significance based on this Plan's "Scenic Resources and Classifications" (Map #12).

**e. Objective:**

To increase the amount of preserved open space land.

Recommendations:

- Continue Mansfield's Open Space Acquisition Program with local funds and, when available, State and Federal funds.  
(Consider periodic referendum allotments to a specifically-dedicated Open Space Fund)  
(Many studies have concluded that the preservation of agricultural land and open space areas can be economically advantageous to a municipality).
- Encourage State officials to identify and permanently preserve important natural, historic and agricultural and scenic resources on State land
- Work with Joshua's Tract Conservation and Historic Trust to preserve important open space properties
- Work with legislative representatives to revise State Statutes to enable municipalities to increase the State's real estate conveyance tax for municipal open space acquisition through a specifically dedicated open space fund.
- Evaluate potential open space acquisitions using comprehensive review standards, mapping recommendations contained in this Plan's Existing and Potential Conservation Areas Map (Map # 21) and information obtained by reviewing each site through an active public participation process.  
(Recommended open space acquisition priority criteria are contained in Appendix K.)  
(Specific attention should be given to linking existing preserved open space areas and for providing linkages from existing developed areas to larger tracts of preserved open space.)
- Refine and expand, as legally appropriate, required open space/recreation dedications associated with subdivisions and other land use applications.  
(Modify subdivision and zoning dedication standards to reflect criteria in Appendix K)

**f. Objective:**

To work with State, regional and local organizations to expand existing and establish new State-designated greenways and other greenways of local importance.

Recommendations

- Work with the Willimantic River Alliance to protect and expand public access to the intra-town Willimantic River Greenway as depicted on this Plan's "Existing and Potential Conservation Areas" Map #21.  
(Encourage continued development of public parks within the greenway, such as Merrow Meadow Park, off Merrow Road, and Plains Road Park.)
- Encourage establishment of a State-designated greenway encompassing the Fenton, Mount Hope and Natchaug Rivers and Naubesatuck Lake (Mansfield Hollow).
- Expand/improve trail systems within existing or planned greenways, including the inter-town Nipmuck Trail greenway, with emphasis on connecting existing trails and trail links to preserved open space areas.

- Encourage, through purchase or donation, public land and private conservation easements along existing and planned greenway corridors.

## Preservation

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[What is happening to Connecticut's farmland?](#)

[Preserving Connecticut's remaining farmland](#)

[How the Trust can aid landowners](#)

[Resources](#)

### **What is Happening to Connecticut's Farmland?**

Connecticut's farmland is disappearing at the alarming rate of 8,000 acres a year. Fertile, highly productive land is being converted to residential and commercial uses at one of the fastest rates in the country -- in less than 20 years, we have lost 21% of our state's farmland. If this rate of conversion continues, all of our remaining farmland will be gone in less than two generations.

Everyone in Connecticut reaps the benefits of farmland. From producing fresh, local food to providing pastoral vistas, farms are a vital part of our history, culture, and economy. Connecticut farms contribute \$2 billion annually to our local economy, provide a myriad of environmental benefits, and help balance town budgets. Studies have documented that farms require less than 50 cents in town services for every dollar they generate in local taxes -- while residential development costs towns more than one dollar for every dollar of revenue generated.

### **Preserving Connecticut's Remaining Farmland**

Connecticut's growth is placing significant development pressure on much of the state's prime farmland. Landowners throughout the state are seeking ways to protect their family's land and their community's heritage and sense of place. Surveys show that Connecticut residents are concerned about keeping working land available for present farmers, future farmers, wildlife habitat, and scenic enjoyment.

Landowners can take steps to permanently preserve their fields and forest while maintaining the farm, sustainably harvesting timber, and simply enjoying open land.

### **How the Trust Can Aid Landowners**

Landowners and estate holders should consider the family's overall, long-term objectives when planning for the legacy of their land. These objectives may include lowering income and estate tax burdens; conserving their land's agricultural, water, and natural resources; and ensuring that the family farm is kept in the family for present and future generations.

The Connecticut Farmland Trust assists landowners in determining how to best preserve their farmland. The Trust partners with federal, state, and local government agencies, as well as local land trusts (please see [the links page](#)), to provide matching

funds and technical assistance in preserving land.

Please contact the Trust to explore the voluntary preservation options available to you and your family. We are happy to meet with you in person at your farm or to discuss your goals over the phone. You can also print out an [inquiry form](#) to fill out and mail back to us. All information you provide to the Trust is confidential.

For more information, please contact Elisabeth Moore, Project Director at (860) 247-0202 or [emoore at ctfarmland dot org](mailto:emoore@ctfarmland.org).

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## Resources

**Info on 2007 Federal Tax Break:** Donating a conservation easement, or selling one at a reduced price, may qualify landowners for a federal tax deduction. The Trust's staff wrote this [summary of 2007 tax law](#) that can help landowners consider whether to donate a conservation easement this year. The tax incentive is currently set to be less generous in 2008 and beyond -- we'll let you know if that changes. Also, please be aware that the Trust cannot provide tax advice -- this summary is simply for your information, and we encourage you to talk with your own tax advisor.

**Conservation Options for Connecticut Farmland:** The American Farmland Trust, a national organization that conducts outreach in Connecticut, has published an updated version of its guide to help landowners and communities identify state and federal programs available to protect farmland and fund farm conservation practices. The updated version includes new detailed information on the Joint State-Town Farmland Preservation Program, the CT Agriculture Viability Grants program, and tax considerations specific to the 2006 Federal Tax Code. You can find a link to [download the PDF file of the guide here](#), on the AFT website, under the heading "Landowner Guides."

**Bibliography:** The Connecticut Farmland Trust has compiled a [bibliography for landowners](#) interested in learning about conservation options. The list describes several widely used publications that cover estate planning, tax strategies, and other land conservation tools, and provides information on where to purchase them.

**Sources of Land Information:** The Trust's staff compiled this [list of online and professional resources](#) that land trusts, landowners, and town officials may find useful for learning more about specific lands considered for conservation. The conservation process calls for details on numerous natural resources and the input of many professionals -- our list can help you know where to look.

**Preservation Map:** The [preservation map](#) (2 MB) illustrates the challenge involved in preserving Connecticut's remaining farmland. It shows agricultural land throughout the state and highlights the fraction that the Trust and other programs

protect. The information is courtesy of the Natural Resources Conservation Service and is current as of May 2006.

**Connecticut Farmland Statistics:** Check out A Call to Farms! A Mid-decade Look at Connecticut's Agricultural Lands on the Working Lands Alliance website for more information about the history and status of farming in Connecticut.

## PRESS RELEASE

3/30/05

FOR IMMEDIATE RELEASE

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[jmartin@hartfordfood.org](mailto:jmartin@hartfordfood.org)

[www.workinglandsalliance.org](http://www.workinglandsalliance.org)

### A CALL TO FARMS!

**Hartford, Legislative Office Building, room 1C.**

On March 31<sup>st</sup> at 11:30 a.m. a group of advocates and legislative leaders will gather in Hartford to introduce key farmland preservation legislation and release a new report titled *"A Call To Farms: A Mid-Decade Review of Connecticut's Agricultural Lands"* prepared by The Working Lands Alliance.

The Working Lands Alliance (WLA) is a state-wide coalition working to increase the state's commitment to farmland preservation. Regarding the new report, WLA chairman Terry Jones said "think of this document as our 'intelligence report,' both from the battlefield and behind lines. Use it to create strategy."

The report features a summary of key farmland data in the state of Connecticut, including land prices, land use, and farmland loss. The report also closely evaluates progress toward the state goal of protecting 130,000 acres of farmland (so far only 30,087 acres have been protected) through the state's Farmland Preservation Program. The target audience for this report includes public officials, land protection advocates, and municipal planning agencies. Copies of the report will be available online at [www.workinglandsalliance.org](http://www.workinglandsalliance.org).

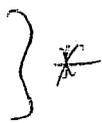
Thursday's event will feature Senate President Pro Tem Don Williams, Senator Len Fasano and other legislators representing the Environment Committee and the Planning & Development Committee.

"The preservation of our state's remaining farmland is important to both our economy and our communities," **Sen. Williams** said. "Farms provide jobs for our state's residents, produce products that help sustain our state's economy, and help sustain our open spaces. It is up to us to help Connecticut's farmers maintain their way of life, and in turn, help our state to continue to reap the many benefits that working farmlands provide."



WLA hopes that the "*A Call To Farms*" report will help inform the General Assembly, noting that farmland preservation and farm viability have already seen substantial bipartisan focus in recent months. Last year's release of the USDA Agricultural Census 2002 data galvanized leaders after the news that Connecticut had lost 12% of its farmland between 1997-2002, the highest percentage loss for any state in the nation.

"The preservation of farmland is critical to the balance of development here in Connecticut. Farmland has always been the backbone of Connecticut and we need to protect this farmland for now and in the future for many generations to enjoy" said **Sen. Len Fasano.**



**PAGE  
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**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant to Town Manager  
**Date:** January 28, 2008  
**Re:** Community/Campus Relations

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**Subject Matter/Background**

Per your request, attached please find the worksheet titled "What Other College Communities Have Done," which provides examples of initiatives taken in other college towns around the nation to help preserve the residential character of off-campus neighborhoods. As reported, staff is researching a number of these initiatives.

Also, the Town Council requested a copy of the consultant's draft report and the staff's recommendation regarding the staffing and implementation of the housing code. I have also attached this information.

In addition, I would like to reiterate some notes from my previous report:

- On February 13, 2008, the University's Office for Off-Campus Services will hold an off-campus housing fair. The town's Department of Building and Housing Inspection will attend to provide information regarding our enforcement programs.
- The next meeting of the Mansfield Community-Campus Partnership will be held at 3:00 PM on Friday, February 1, 2008. We will meet in the community center, and all are welcome.
- The Town-University Relations Committee will meet again at 4:00 PM on Tuesday, February 12, 2008. The committee will meet in the council chambers, and all are welcome.

**Attachments**

- 1) "What Other College Communities Have Done: Examples of Regulatory Actions to Preserve the Single-Family Residential Character of a Campus Neighborhood"
- 2) Randi Frank Consulting, LLC, Draft Report – Comparison of Housing Code Enforcement Recommendations
- 3) M. Ninteau, Housing Cost Comparison and overview

## What Other College Communities Have Done

### *Examples of Regulatory Actions to Preserve the Single-Family, Residential Character of a Campus Neighborhood*

West Urbana is not alone in trying to preserve its single-family residential neighborhood. The May 2002 issue of *Zoning News*, a publication of the American Planning Association, discusses "How Communities Address the Problems of Students Living Off-Campus." It lists effective strategies to reverse the "encroachment of student rental housing into nearby single-family neighborhoods and the negative effects of this encroachment."<sup>1</sup> Research by members of the West Urbana Neighborhood Association details solutions other college communities have implemented to achieve these goals.<sup>2</sup> What follows are examples from which we can extrapolate and learn.

**Restrict the Definition of Family** "The most common method of attempting to deal with over-occupation of rental properties in a single-family district."

Example of a "functional family" from Ann Arbor, MI: "... functional family means a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary."<sup>3</sup>

The restrictive family definition needs to be non-discriminatory and broad enough to include two unrelated partners and same-sex partners. Specific exceptions can be included in such an ordinance: e.g., in-home childcare; elderly care; sabbatical renters; exchange students, etc. Towns that have passed such an ordinance, and the year of passage include:

- ◆ Macomb, IL, 2001
- ◆ Ann Arbor, MI [Survived challenges at the State Supreme Court level, 2001]
- ◆ East Lansing, MI, 1997
- ◆ Burlington, VT, 2001
- ◆ Salisbury, MD, 2003
- ◆ Binghamton, NY, [Survived challenges at the State Supreme Court level, 2000]

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<sup>1</sup> Craig Raborn: "Coping with Colleges: How Communities Address the Problems of Students Living Off-Campus." *Zoning News*, May 2002, p1-6. [Quote, p.1] Other quotes from this article, unless otherwise indicated.

<sup>2</sup> Research was conducted over the last several years and may not be 100% accurate.

<sup>3</sup> Chapter 55, Zoning Code. Also at: <http://www.ci.ann-arbor.mi.us/Planning/codes/ch55-all.html>

**Reduce the Number of Unrelateds** [currently 4 in Urbana]. Provide a sunset provision which requires that any current rentals will have to conform to the new occupancy rate within a specified number of years. Examples of the number of permitted unrelateds in other communities and when current level enacted are:

- ◆ Carbondale, IL, 2, 1974
- ◆ Normal, IL, 2, long-standing
- ◆ Macomb, IL, 2, 2001
- ◆ Columbus, OH, 2, long-standing
- ◆ Madison, WI, 2, long-standing
- ◆ East Lansing, MI, 2, 1997
- ◆ Salisbury, MD, 2, 2003. Included a sunset provision of 3 years for existing rentals.
- ◆ Lawrence, KS, 3, 2003
- ◆ Provo, UT, 2, 2003
- ◆ Lincoln, NE, 2 [Survived challenges at the State Supreme Court level, 1997]
- ◆ Bloomington, IN, 3 [Survived challenges at the State Supreme Court level, 2003]
- ◆ Allentown, PA: Student overlay district, limiting the number of unrelateds permitted in this district compared to other parts of town. [Upheld in court challenges.]

**Enforce Codes and Standards** Ordinances to encourage compliance with existing codes include:

- ◆ Bethlehem, PA: Tenant & Landlord must sign supplementary agreement that stipulates an understanding of legal # of occupants; obligations of landlord for maintenance; obligations of decent conduct by tenants.
- ◆ Gainesville, FL: Requires rental occupancy permit to be maintained on premises.
- ◆ Iowa City, IA: Have info disclosure form on responsibilities and # occupants. Post legal # occupants for every rental property on the Web.
- ◆ West Lafayette, IN: Nuisance inspector who inspects key neighborhoods 3-4/x daily. Has resulted in a major change in appearance of area.

### **Issue Residential Parking Permits**

- ◆ Manhattan, KS: issues two permits per property at nominal fee. Overnight parking in neighborhoods near campus prohibited without a permit.
- ◆ Newark, DE: No more than 2 residential parking permits will be issued per address for any non-owner occupant single-family type dwelling requiring a rental permit.
- ◆ Columbus, OH: Limits number of 'stacked' cars in a driveway; also limits to area devoted to parking and maneuvering of vehicles in the University District Overlay to 35% of lot to prevent the "auto salvage yards" syndrome.
- ◆ Eugene, OR: One permit per address, with a limited number of additional permits for a 2-hour parking limit only.

- ◆ East Lansing, MI: 24/7 program in select neighborhoods, which limits number of permits [up to 3 or 4, depending on area] per address. No on-street parking 2am-5am. Grandfathered businesses exempted.
- ◆ Bloomington, IN: Limits number of permits issued to Greek houses in the neighborhood. Greek Houses do not receive visitor passes.

**Inspect Rentals and License Landlords** “Safe rental housing and a record of responsible parties for each property are additional benefits of such a program.”

- ◆ Columbia, MO: Requires certificate of compliance, HVAC inspection, and city inspection. Registration and inspection fees required.
- ◆ Gainesville, FL: Yearly fee for rental properties. Website promotion of licensed properties. Landlord point system, in which revocation of license possible for non-compliance [passed 2003].
- ◆ Iowa City, IA: requires rental permit [fee assessed every 3 years per structure and per number of bedrooms] and one-time Certificate for Structure Compliance [one-time fee].
- ◆ West Lafayette, IN: Requires certification of all rental housing. Annual fee of \$300 per structure in 2002, and additional per-unit fee. Different fees depending on whether owner-occupied, # of relateds and/or unrelateds, and multi-housing/single-family unit, etc.
- ◆ East Lansing, MI: Annual inspections.
- ◆ Boulder, CO: Baseline and safety inspections required. Fines up to \$2000 if unlicensed. Exempted properties include: owner-occupied or sabbatical rentals.

**Implement Rooming House Programs** These programs may be permitted in certain zones or overlay districts and may be prohibited in single-family districts.

- ◆ Adopt ordinance making a Student Rental Home a use by special exception
  - ◆ West Chester, PA
  - ◆ Merrion Township, PA
- \* ◆ Limits on density of student houses:
  - ◆ West Chester, PA: bans new student housing within 400’ of other such housing.
  - ◆ Newark, DE: student homes must be at least 10 lot-widths apart.

**Target Disorderly Houses** Minimizing nuisance and over-occupancy violations. Drafting ordinances to preserve the spirit of single-family zoning.

- \* ◆ East Lansing, MI: Landlord fined daily if over-occupied. Landlord must prove tried to evict. Can fine landlord or tenant. If there are too many noise violations, the landlord is notified and ultimately liable. \$1,000 fines and possible incarceration for serious repeat noise violations. Enforced twice and never needed subsequently, as of 2004.
- ◆ Columbus, OH: Owner liable for over-occupancy.
- \* ◆ West Lafayette, IN: Requires Occupancy Affidavit, which must be displayed on premises. Fines of \$1000-\$2500 imposed on landlord for over-occupancy. Owner and tenants must sign occupancy affidavit.

- \* ♦ Springfield, IL: Website of landlords with excessive violations.  
[http://www.springfield.il.us/CITY\\_GOV/ComServ/TopTen.htm](http://www.springfield.il.us/CITY_GOV/ComServ/TopTen.htm)
- ♦ Ames, IA: Aggressive enforcement of over-occupancy. Landlords and tenants found in violation of the occupancy limit for their area will be fined \$500 for the first violation and \$750 for additional violations.
- ♦ Carbondale, IL: Second offense for over-occupancy: fine owner and tenants. Burden is on the owner to inform tenants of legal occupancy rate. Burden of proof on residency is on the tenant.
- ♦ Bloomington, IN: Everyone on lease gets a ticket if there is a noise complaint, whether present or not at party.
- ♦ Boulder, CO: violation for over-occupancy and nuisance violations can be up to \$2,000 and 90 days in jail.
- \* ♦ Manhattan, KS: If tenants get more than 2 serious violations within a year, the city can shut down the rental house.
- ♦ Normal, IL; Boulder, CO; Ft. Collins, CO; Ames, IA; Tuscaloosa, AL; and Blacksburg, VA: ban of indoor [upholstered] furniture outside, "based on national fire safety standards and tragedies that have occurred with fires on porches or with waterlogged furniture causing collapse of the structure. Couches outdoors also attract vagrants who may find them a nice place to sleep and smoke."
- ♦ Eugene, OR: Requires bike storage – number depending on type of building and number of units.
- ♦ West Chester, PA: For drinking offenses, can impose the maximum state penalty – loss of driver's license.

## Other Solutions

### Encourage Owner-Occupancy and Responsible Management

- ♦ East Lansing, MI: Occupancy limits based on dwelling size and whether owner-occupied.
- ♦ West Lafayette, IN: rental registration program assigns different category of fees and fines for rental properties, depending on whether or not it is owner occupied. Properties with out-of-town owners must have a local manager if property owner lives outside of designated area [e.g., city or county limits].
- \* ♦ Carbondale, IL, Ann Arbor, MI, and Boulder, CO: Must have a local agent to manage property, even if owned by out-of-town parent.
- ♦ Ann Arbor, MI: UMich has Website listing of approved landlords.
- ♦ East Lansing, MI: Considering buying back rental licenses and converting rentals back to single-family, owner-occupied properties [as of 2004].

### Limit Occupancy Based On Parking Availability

- ♦ East Lansing, MI. Under consideration.

## Reverse Grandfathered Non-Conforming Uses

- ◆ Tallahassee, FL: Elimination of non-conforming status for properties that have had three or more violations of a rental housing ordinance during a six-month period.
- ◆ Bloomington, IN: Require all owners to register, and rescind non-conforming status if they do not register.
- ◆ Utah: Abandonment and Amortization of Nonconforming Uses: "The right to continue a nonconforming use may be lost if the use is abandoned for a period of time. State law does not define the period of time so it must be done by municipal ordinance. Most municipal zoning ordinances allow six months to one year of non-use, after which the property cannot be used except in conformity with the current zoning ordinance." Elsewhere, applies towards abatement of nuisances.
- ◆ Mason County, IL: "Whenever a nonconforming use has been discontinued for a period of 12 months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance."
- ◆ Elgin, IL: "Multi-Family Conversion Program" with funding to encourage conversion of grandfathered properties back to single-family.

**Establish A Conservation District Or Overlay Zones to Discourage Demolition Of Historic Properties** and insure new development is architecturally compatible with existing fabric of the neighborhood.

- ◆ Portland, OR, 1977
- ◆ Cambridge, MA, 1983
- ◆ Raleigh, NC, 1988
- ◆ Lake Forest, IL, 1990
- ◆ Arlington, VA, 1998
- ◆ Palos Verdes, CA, 1998
- ◆ Austin, TX, 1999
- ◆ Arlington, VA, 1999
- ◆ Boulder, CO, 2002
- ◆ Chapel Hill, NC

**Develop Deed Restrictions and Covenants** for specified neighborhoods

- ◆ Newark, DE: Limits on number of student homes permitted: "A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the zoning district in which the proposed student home is located."<sup>4</sup>

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<sup>4</sup> <http://www.udel.edu/towngown/HousingRentalGuide.html>

Draft Report  
Comparison of Housing Code Enforcement  
Recommendations

Introduction:

The Town of Mansfield requested that Randi Frank Consulting, LLC assist with a draft of a Housing Code Enforcement Ordinance and review how housing code enforcement is handled in other communities. A draft ordinance was developed from the international code and language from other towns. A survey was done through telephone calls to other towns that had a housing code enforcement function. Listed below is a summary of each of the towns surveyed and some comparison data. This report ends with some recommendations on staffing and organizational set up.

Summary of Town Housing Code Enforcement Functions:

**New London** has a division of housing code enforcement within the Building Inspection Division within the Community Development Department. They do have a certification program, which was only started recently (they sold the idea to property owners as a way to assist with evictions). A certification is required every 2 years and cost \$10. Because the program is new they are playing catch-up and are moving through neighborhood by neighborhood. They send letters to advice of certification program and then setup appointments. They have been handling complaint inspections for a while. The staff includes 2 inspectors and a shared clerical person. One employee is paid by CDBG funds. They also have the ability to hand out citations as well as send issues to the court.

**New Britain** has a housing code enforcement division within their Building Inspection Department. They do not have certification program but have been handling complaints for a long time. They have a staff of 4 inspectors and secretaries are shared with Building Inspectors. The inspectors do their own paperwork, and handle about 500 inspections plus follow up visits per year. The follow-up visits take the longest. The Division handles about 2000 complaints a year. Two of the inspectors are paid by the CDBG funds. New Britain also has a college in town but has not had too much difficulty with the students and housing issues. They do get a list from the University of students living in New Britain, which helps to know where they are renting.

**Meriden** has a housing code enforcement program, which started in 1969. They have a certification program, which requires renewal every 2 years. They have data on the landlord especially a daytime telephone number. The certification only cost \$10. Tenants also can request inspections by completing a written complaint form that provides permission to enter the property. The city handles about 3500-4000 certification inspections per year. They estimate they have maybe up to 800-complaint inspections per year. They have seen a drop in complaint inspections due to the certification program being in place for so long. Each of their 4 inspectors handle about 1000 inspection per year. Of the 4 Housing Code Enforcement Inspectors one serves as the supervisor and 2 are paid by CDBG funds. They also issue fines for smaller items or go to court for major items if they are not resolved. Before a fine/citation can be issues a certified letter must be sent which usually get compliance.

Waterford has a housing code enforcement code but has not implemented any special program. The Building Inspector and his 2 assistants handle complaints as they are received.

East Haven has a housing code enforcement code but has the health district handle the complaint system so no further information was gathered since it is very different from what Mansfield is trying to develop.

Hartford has a housing code enforcement program, which includes lead inspection, rodent inspection and rehab loan inspections besides a certification and complaint inspection program. The division has 12 staff members including: 1 Supervisor, 4 Housing Code Inspectors, 4 Rodent Control Inspectors, 2 Senior clerk Typist, 1 Administrative Clerk. They do not collect any fines but do use Public Works to clean up areas and charge the landlord for that cost, if not paid a lien is put on the property, other types of cases go to court.

#### Data Comparison of Town Housing Code Enforcement Functions:

See the attached chart for data comparison on whether a town has a certification program, cost of certification certificate, number of employees and types of employees, number of inspections per year and per inspector, etc.

#### Summary of Findings:

The data comparison shows each town handles the program slightly differently depending on their needs. Most of the Cities surveyed receive CDBG funding. The salary for an inspector is shown to average between \$40,000 and \$50,000. Some inspector's handle their own paperwork others have assigned support staff. Some communities issue fines/citations but all of them send their large cases to court. It was clear that the initial inspection whether recertification or complaint based take about 10- 30 minutes depending on the need and experience of inspector. However, the time consuming aspect of the position is the follow-up, letters, due process, court cases, and making arrangement to get inside the housing unit as well as travel time. Many of the communities do not have exact numbers of housing units, rentals and different types of inspections. The numbers listed are only estimates. Housing Authority properties were not inspected due to the State Regulations, which handle the monitoring of such properties. However, if a Housing Authority Resident called with a complaint then an inspection is made.

#### Recommendations:

Based on my discussion with the four communities that have a full housing code enforcement program, I would recommend the following:

- If the Town of Mansfield has 1500 rental units then they will need a least one housing inspector if not more depending on staff support.
- A support staff person will need to handle calls, letters, record keeping, reports, follow-up letters, files for court, etc.

- To implement the certification program that is part of the draft ordinance should be done in two phases so that half of the units are done the first year and half the second so the renewal will not be all at the same time. A 2 year certificate is recommended since it will take that long to get everyone done.
- Letters should be sent out in phases to Renters/Landlords so inspections can be done neighborhood by neighborhood to save travel time
- The Town should work with the University to get a list of student addresses, which are located in Mansfield to assist in finding the rental units. After that list is exhausted and cross-checked with the Assessor's files then letters can be sent to anyone whose address is not the same as the housing unit location. If it is not a rental the owner will be able to send back a form stating that fact.
- Form letter can be developed to standardize the process for certification, complaints inspections, follow-up repairs, etc. Discussions with other towns may provide copies of letters used.
- A complaint form should be developed which gathers information on the Landlord, tenants, and provides permission for entry to property. Complaint inspections should only be done with a written complaint either mailed or completed at office.
- The Certificate application should include detail information about housing unit, location, address, landlord telephone numbers and contact information, and possibly current tenant information. May not be reasonable with student turnover. A Certificate needs to be developed that can be displayed and given to Landlord.
- A system should be put in place to keep track of types of inspections and possible time to complete inspection and follow up to determine if more staff is needed.
- The Salary of the inspector is suggested at \$45,000. Building Inspectors or persons in the housing construction trade would be the type of people to recruit and be trained by the Building Inspector. A vehicle will also be needed and cell phone for the inspector along with a computer for tracking inspections. The support person's computer and inspectors computer should be connected so files can be shared and updated easily
- The issue of space in your current office will need to be addressed since there is no extra room for another employee or two.
- The recommended fee of \$50 for a certification will bring in \$75,000 over a two-year period. This of course will not cover the budget. Researching the ability to receive CDGB funds for the initial program to clean up the housing may be worthwhile. It may also allow you to hire a second person for the first two years to do a through job.
- I do not recommend the citation system since it does not provide much income but it does provide compliance and threat of court will also do the same with less paperwork since you intend to have a small staff.

In conclusion, I am available to discuss all of these ideas and develop them in more detail if they meet the Town's needs.

Housing Code Enforcement Data Comparison				
Description	New London	New Britain	Meriden	Hartford
Certification Program	Yes	No	Yes	Yes
Complaint Inspections	Yes	Yes, written form	Yes, must be in writing	Yes
Gather data on Landlord	Yes	Yes	Yes, daytime Phone	Yes
Gather data on Tenant	No	No	Tenant must fill out complaint in writing	Each time tenant changes and inspection is done
Total Housing Units/City	N/A	27000	N/a	40133
Rental Housing Units/City	N/A	N/A	7-8000 est	N/A
# of Rental Certification Inspections/yr	Do about 3-5 per day until catch up	none	3500- 4000 est	N/A
# of Complaint Inspections/yr	Est 2/day	est. 2000	400-800 est.	20000 est
# of Housing Inspector	2, one is supervisor	4	4, one is supervisor	4 housing, 4 rodent Insp.
Housing Inspector Salary Range	\$30-\$40,000, Senior \$45-49,000	\$42-\$48,400	\$40-\$50,000	\$36,400-\$41,600
Other Inspection Staff	No	no	no	Supervisor
# and Type of Support Staff	Shared Adm Asst	Shared Sec with Bld Insp	1.5 Secretaries	2 Senior Clk, 1 Adm Clerk
Support Staff duties	Reception, letters, follow-up, sometimes inspectors do own paperwork	Reception, complaints, Inspectors do own paperwork	Reception, complaint, letters, reports, follow-up letters	Reception, complaint tracking, data entry, reports, customer service
Additional Inspection Staff duties	Rehab work, demolition work, asst Bld Dept.	N/A	Some CDBG work	Lead Inspection, Rehab loan inspection, Prevention
# of Inspections per inspector/yr	Unknown, handled 302 initial certification inspections in 2004	est. 500	1000 est	2500 est
Certification Inspection Fee	\$10	N/A	\$10	\$10
Fine/Citations	Yes \$50-100, \$50 hearing fee	no	Yes \$50-90 state statues	No - charge for Public Works Clean up
Revenue	CDBG for one position, certification fee	CDBG for 2 inspectors	CDBG for 2 position, \$35,000 certifications	\$13,000 for Certification, currently 1 person covered under CDBG
Expenses	Salary, car, phone, etc	Est \$60,000 inspector plus car and phone	Salary, car, phone, etc	N/A
Total Budget	N/A	N/A	\$225 - \$250,000	N/A
Other Notes	10-30 minutes per inspection	List of student addresses from CCSU	Range from 12-35 court cases at a time.	C.A.O - Certificate of Apartment Occupancy

TOWN OF MANSFIELD  
OFFICE OF THE BUILDING OFFICIAL



Michael E. Nintean, Building Official

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268-2599  
(860) 429-3324 TELEPHONE  
(860) 429-3388 FACSIMILE

Housing Cost Comparison and Overview

I have compiled the following information with regard to the possible implementation of the housing code. I submit the following analysis for review and consideration.

The following cost estimate is for a proposed overlay zone including all rental dwelling units within approximately 15000 feet from the center of the UCONN campus. I have not included Juniper Village, Glen Ridge, Wrights Village or Jensen's Park, as it is my understanding these areas are not within the parameters we are trying to address.

I have created flow charts to track the possible departmental enforcement activity and assigned an estimated time to each step. Using this data I averaged the amount of time an inspector could expect to spend per inspection with varying degrees of owner cooperation and site conditions. I have incorporated the data received from the Planning and Zoning department regarding the number of rental units as well as the number of complaints that may be expected on an annual basis.

Overlay Zone

This scenario would include the hiring of one full time inspector, one part time inspector, one full time secretary and incorporating an additional 7 hours weekly of current clerical staff time. Under this proposal the Housing code could be applied throughout the overlay zone and complaints could be investigated town wide. The inspectors would implement a certificate program on a 2-year rotating basis per rental unit. The owner of the unit would be granted a 2-year Certificate of Compliance upon the unit passing inspection and payment of a \$100 fee. This proposal is based on 965 rental units within the zone and 68 initial complaint inspections per year.

I estimate the net cost to the town of \$112,594 the first year and \$103,162 in subsequent years. This cost takes into account the expected \$48,250 of certificate income per year. It does not include the cost of the two required inspection vehicles, any cost of living or inflation increases beyond the second year. This does include the proposed salaries with benefits to the new employees as well as the operating budget including new furniture, communication equipment and computers.

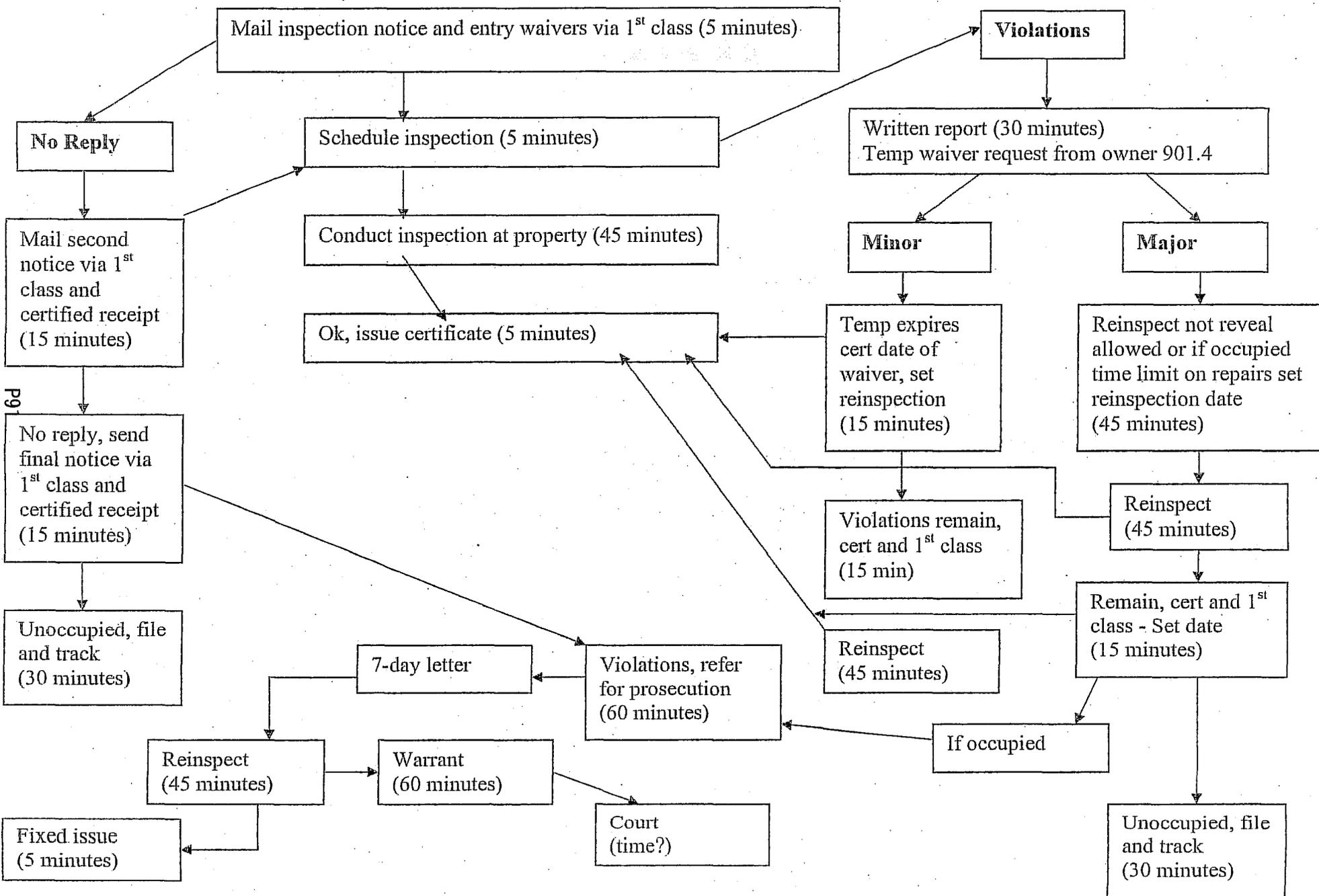
### Conclusion

It is my belief that I have considered all aspects of setting up and running the housing department. The hours above reflect down time for limited training. We may want to consider an exemption for one or two certificate cycles for new or substantially renovated properties to reduce workload.

The physical location of the department must also be considered. The larger the staff becomes the harder it will be to find a location for them to work from. Inspectors hired will also need a vehicle at their disposal throughout the working day. These are potentially costly issues, which have not been addressed in my calculations.

In closing I would like to reiterate that I believe the model document will suit the needs of the town well and editing should be kept to a minimum. Please feel free to contact me to review my back-up data or if you have any further questions in regard to this matter.

# CERTIFICATE FLOW



PER UNIT (refer to Certificate Flow chart)

**Certificate No Issues**

5 minutes	Mail inspection notice and entry waivers 1st class
5	Schedule inspection
45	Inspection
5	Issue certificate
<hr/>	
60 minutes	TOTAL

**Certificate No Reply (occupied)**

5 minutes	Mail inspection notice and entry waivers 1st class
15	Mail second notice 1st and certified
15	No reply final notice 1st and certified
60	Violations refer for prosecution
<hr/>	
95 minutes	TOTAL

**Certificate No Reply (unoccupied)**

5 minutes	Mail inspection notice and entry waivers 1st class
15	Mail second notice 1st and certified
15	No reply final notice 1st and certified
30	Unoccupied, file and track
<hr/>	
65 minutes	TOTAL

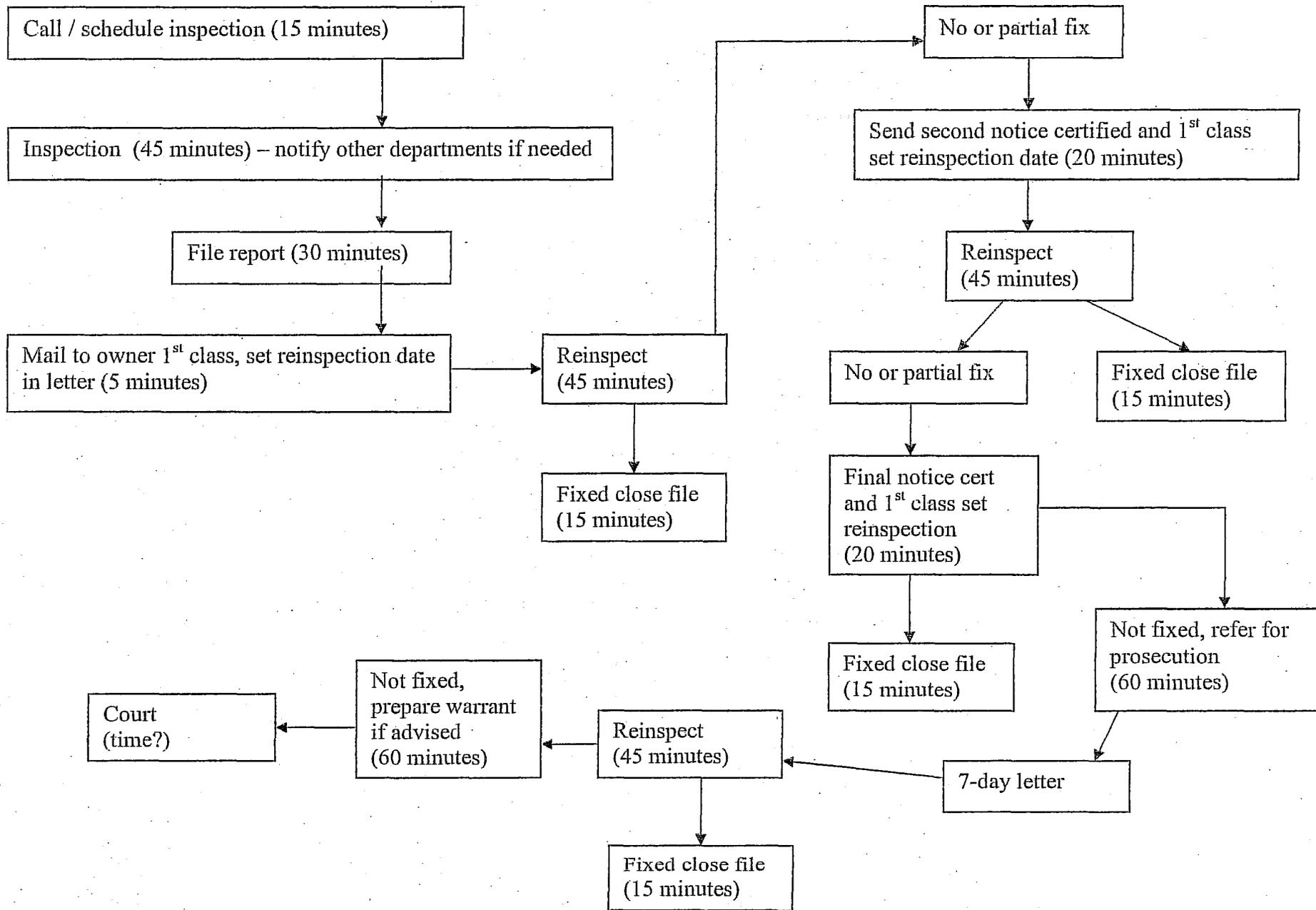
**Certificate Minor Issues**

5	5	5	5	5
5	5	5	5	5
45	45	45	45	45
30	30	30	30	30
15	15	15	15	15
5	5	5	5	5
<hr/>	15	15	15	15
95	5	5	5	5
	<hr/>	45	45	45
	125	<hr/>	60	60
		170	45	45
			5	60
			<hr/>	court
			280	<hr/>
				335 plus court

**Certificate Major Issues**

5	5	5	5
5	5	5	5
45	45	45	45
30	30	30	30
45	45	45	45
5	45	45	45
<hr/>	15	15	15
135	5	5	5
	<hr/>	60	60
	195	45	45
		5	60
		<hr/>	court
		305	<hr/>

# COMPLAINT FLOW



COMPLAINT (refer to Complaint Flow chart)

15	15	15	15	15
45	45	45	45	45
30	30	30	30	30
5	5	5	5	5
45	45	45	45	45
15	20	20	20	20
<hr/>	45	45	45	45
155	15	20	20	20
	<hr/>	15	60	60
	220	<hr/>	45	45
		240	15	60
			<hr/>	court
			345	<hr/>
				390 plus court

261 min per complaint

you loose 1.3 units on average per complaint

- 23 Health
- 10 Zoning (\*est)
- 10 Fire (\*est)

---

43

TRAINING

2 hours per month

limit complaints to overly regions?

exempt new construction and substantial renovate at building official's sole discretion / or 2 permit cycles

NOTES

1500 units per Randi 35 hours x 24 weeks = 840

35 hours x 24 weeks = 840 hours - 24 training = 816

816 hours x 60 min = 48,960 min / 60

816 units per year no issues

1500 units average of flow chart time

48,960 / 199 min = 246 units per year

- high 816 units
- low 246 units
- aver 531 units

500 units per year per inspector

part time

12.5 x 24 = 420 hours - 12 = 408 x 60 = 24480



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager  
**CC:** Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works; Gregory Padick, Director of Planning  
**Date:** January 28, 2008  
**Re:** Community Water/Wastewater Issues

---

**Subject Matter/Background**

At the previous meeting, two issues were raised by council members that staff wishes to address:

1. *Does the 2007 UConn/Town Water and Wastewater Master Plan rely on future conservation measures in calculating UConn's water system supply and demand projections?*

Yes and no. While the University's efforts to conserve water are documented in the plan, and given credit for the water system's declining current water demand, no specific conservation measures (other than continuing best practices) are included in the water demand projections. The report does note, however, that at least 260,000 gpd of wastewater could be reused for cooling purposes. (In more recent meetings this reuse figure has been reported to be higher,  $\pm$  400,000 gpd.) The University is now studying this reuse as one of the implementation measures it has undertaken from the plan's recommendations. Referring to the projected demand charts on page 2-36 of the plan, in a dry year with all the system's existing and committed demands realized, the projected peak monthly demand (September) will exceed the existing supply by about 140,000 gpd. The report concludes that before this happens either new supplies will be needed OR the difference will have to be made up by conservation/reuse measures such as noted above. The University has identified and is in the process of implementing a number of conservation measures that are expected to reduce water usage for the system's existing uses. Additionally, the Master Plan's conclusions and recommendations are being restudied in light of the information generated through the 2007 drought.

2. *Was the 2007 UConn/Town Water and Wastewater Master Plan prepared with little to no data on the Willimantic wellfield?*

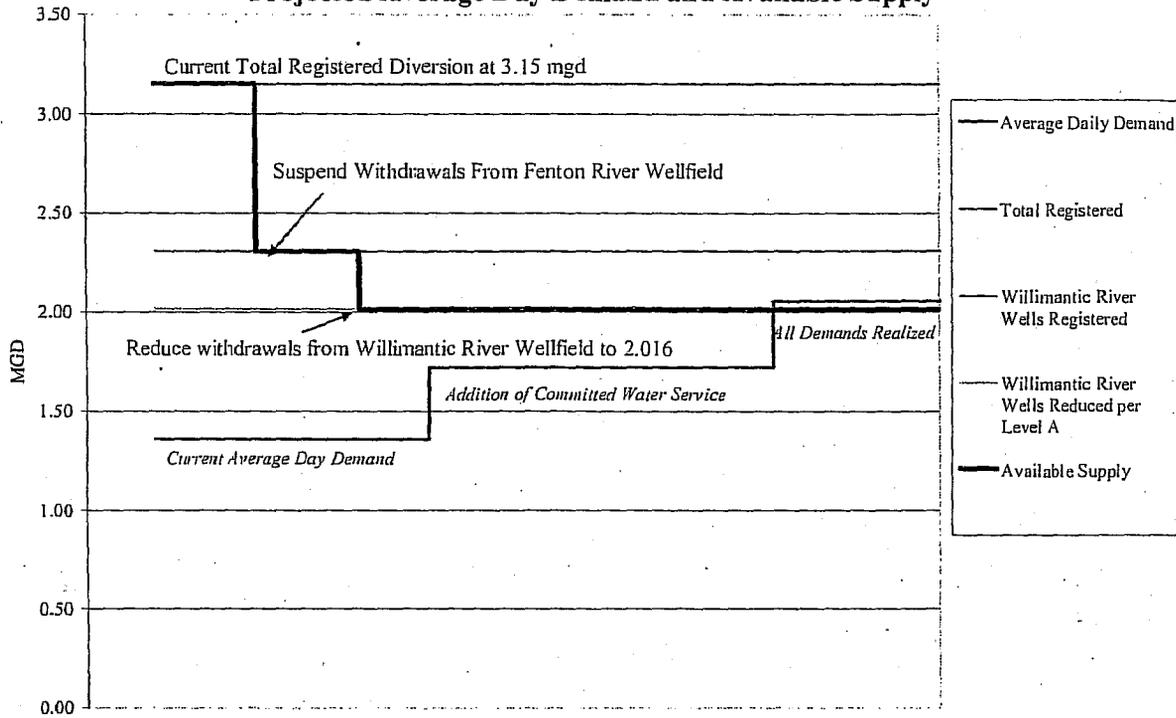
No. In addition to the pumping records in recent years, the plan utilizes data from the two most recent UConn water supply plans (1999 and 2002) and the modeling studies done as part of the Level A Aquifer mapping study for the Willimantic wellfield completed in 2007. UConn is now in the process of analyzing their pumping and operating data through the 2007 drought, the conclusions of which should be available early in 2008. The study of the Willimantic River system (another Master Plan recommendation) is now in the procurement stage and will hopefully be completed in 2009.

For more information, please see the attached fact sheet regarding water and wastewater, which has been prepared by staff for the strategic planning search conference.

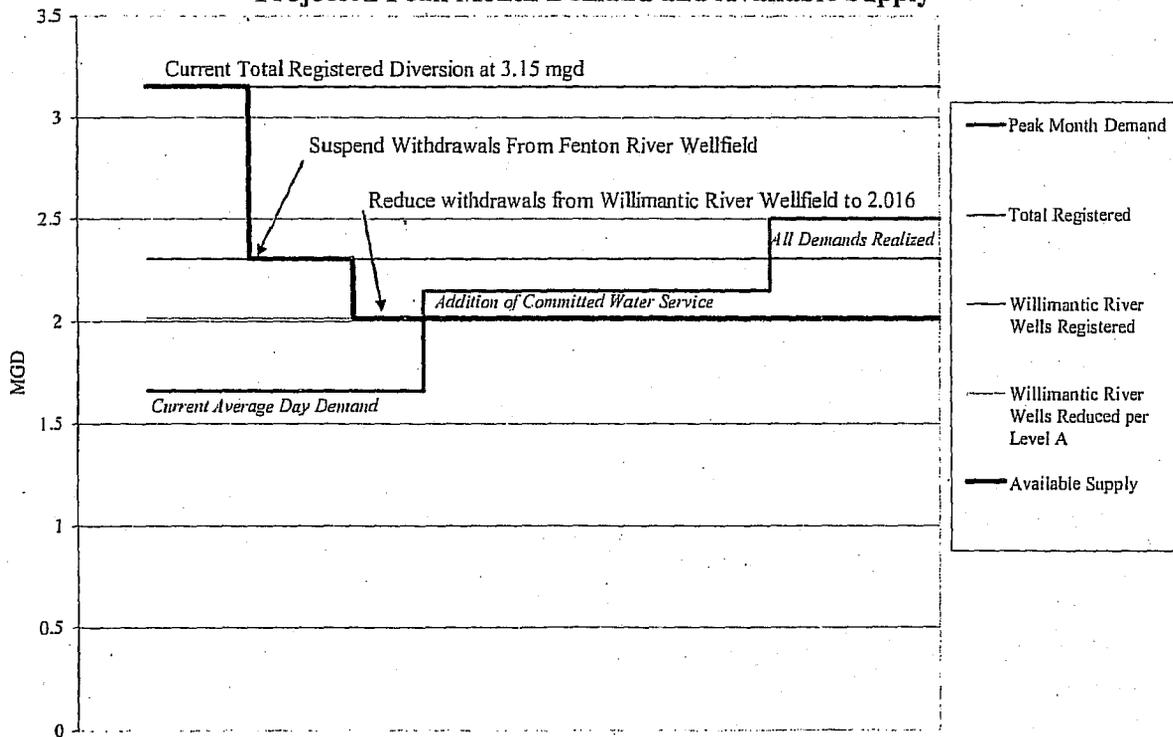
**Attachments**

- 1) University of CT Water and Wastewater Master Plan, p. 2-36
- 2) Town of Mansfield Fact Sheet – Water and Wastewater

**Figure 2-7**  
**Projected Average Day Demand and Available Supply**



**Figure 2-8**  
**Projected Peak Month Demand and Available Supply**



January, 2008

Town of Mansfield Fact Sheet - Water & Wastewater

Prepared by Lon Hultgren and Gregory Padick

Most land uses in Mansfield are served by private wells and septic systems. Portions of the Town within or proximate to UConn's Storrs and Depot campus areas are served by the University's water and sewer systems. Portions of southern Mansfield are served by the Windham Water Works (WWW) water system and/or sewers owned by the Town of Mansfield which discharge into the Town of Windham collection and treatment system.

Facts:

- There are approximately 550 houses and businesses (about 1,900 residents) served by public water and/or sewer systems in southern Mansfield. The current wastewater flow from this area is about 125,000 gallons per day, which is significantly less than Mansfield's reserved wastewater capacity of 500,000 gallons per day.
- Windham is in the process of upgrading their sewage treatment plant. Mansfield will be responsible for a share of the upgrade costs. The amount of contribution is being arbitrated.
- Windham Water Works' system has excess capacity and a moderate expansion of the service area in southern Mansfield has been planned. However, major infrastructure costs, a change in operations and a new diversion permit would be needed to supply water to the greater UConn area. For these reasons an expansion of the WWW system is not considered a first alternative to supply Northern Mansfield with additional water.
- The UConn water system currently provides about 10% of its water to off-campus users.
- A comprehensive Water and Wastewater Master Plan, jointly funded by Mansfield and UConn, was completed in June, 2007. This master plan concluded that UConn's wastewater system has adequate capacity for existing and anticipated uses but that additional water supply would be needed to serve all potential uses. Of particular importance, the master plan concluded that even if the Fenton River wellfield was unavailable due to drought conditions, the Willimantic wellfield was expected to have adequate capacity to serve all existing and committed uses including the Storrs Downtown project. All of the conclusions and recommendations in this master plan are being re-evaluated with respect to new information generated during the recent summer/fall 2007 drought period.
- The master plan includes potential ownership alternatives for the Storrs-area water and wastewater systems that may be considered in the future.
- To confirm master plan assumptions and conclusions regarding the safe and environmentally sound capacity of the Willimantic River wellfield during drought conditions, UConn has funded a new low-flow study of the Willimantic River and wellfield. This study will begin in the spring of 2008 and is expected to be completed in 2009.
- Additional sources of potable water for the UConn system may be available with new stratified drift wells in Mansfield or connections to water systems in Tolland.
- UConn has embarked on a wastewater reuse study that could save 250,000 or more gallons of its potable water per day. This anticipated reuse would primarily be for UConn's industrial (cooling) water needs.
- The Town is completing a sewer feasibility study for the Four Corners (195/44) commercial area. Capacity to sewer this area was built into the last UConn sewage treatment plant upgrade. Public/Council review of this study and financing alternatives will take place this spring.



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *Matt*  
**CC:** Maria Capriola, Assistant to Town Manager; Curt Vincente, Director of Parks and Recreation; Jay O'Keefe, Assistant Director of Parks and Recreation; Dennis O'Brien, Town Attorney  
**Date:** January 28, 2008  
**Re:** Art Display Policy for Municipal Buildings

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**Subject Matter/Background**

As requested by the Town Council, the Mansfield Arts Advisory Committee has prepared the attached draft Art Display Policies for Municipal Buildings. The first policy is specific to the Mansfield Community Center, while the second is designed for other town buildings.

I thank the committee and staff for their work preparing the draft policies.

**Recommendation**

I recommend that the Town Council schedule a public hearing to solicit public comment regarding the proposed policies.

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

*Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on February 11, 2008, to solicit public comment regarding the proposed Mansfield Community Center Art Display Policy and the Art Display policy for Mansfield Town Buildings (Other than Schools).*

**Attachments**

1) Arts Advisory Committee re: Art Display Policies for Municipal Buildings

To: Mansfield Town Council

From: Mansfield Arts Advisory Committee (Jay Ames, Anita Bacon, Leon Bailey, Kim Bova, Scott Lehmann, Joan Prugh, Blanche Serban)

Re: Art Display Policy for Municipal Buildings

Date: 12/05/07

**Background.** For several years (beginning January 2004) the Arts Advisory Committee (AAC) has arranged for exhibits by local artists at the Mansfield Community Center (MCC). At its 12/04/06 meeting, the AAC approved an application from George Jacobi to display photographic collages in the MCC sitting room from 01/15/07 to 04/15/07. On 02/06/07, MCC staff removed one of these works, in response to verbal complaints by several citizens that it made a political statement. The AAC objected to the removal (letter of 02/15/07 to MCC Director Curt Vincente), as did a number of citizens, who protested to the Town Manager and Town Council.

At its 02/26/07 meeting, the Council requested that the AAC “develop a policy concerning local art displays in municipal buildings (exclusive of school buildings) for review and approval by the Council.” In doing so, the AAC was to “consult with and solicit comment from various advisory committees, staff and other interested members of the community.” (03/05/07 memo from Town Manager Matt Hart)

**Process.** The AAC decided to proceed by drafting a policy for the MCC – the venue with which it was familiar – which, it was hoped, could then be generalized to other municipal venues. Town Attorney Dennis O’Brien reviewed the Constitutional status of art for the AAC at its May meeting (05/07/07). The AAC then drafted a display policy for the MCC, which was e-mailed for comment to the MCC staff, the Recreation Advisory Committee, the Town Manager, the Town Attorney, the Mansfield Library, and the Senior Center. Two written replies were received:

1. An acknowledgment (07/05/07) from Patricia Hope, who outlined the Senior Center’s procedures for selecting artwork for display there.
2. A revised draft incorporating suggestions from the Town Attorney and others, distributed at the AAC’s September meeting (09/11/07).

At its October meeting (10/09/07), the AAC agreed to certain revisions of its own draft in light of 2. and other considerations, including suggestions from MCC staff; wording was approved at the November meeting (11/06/07). At its December meeting (12/04/07), the AAC approved a slight modification of the MCC display policy, as well as a more general display policy for Town buildings (other than schools) and this report.

**Proposed Art Display Policies.** The AAC is proposing (A) an art display policy specific to the MCC – at present, the only Town building with regularly scheduled art displays – and (B) a less specific display policy derived from it for Town buildings (exclusive of schools) in general.

**A. Mansfield Community Center Art Display Policy.** To recognize local artistic endeavor and to enrich the lives of community members, the Arts Advisory Committee (AAC) invites local artists to apply to exhibit their works at the Mansfield Community Center (MCC). An application form is available at the MCC reception desk; applications may be left at the desk or sent to AAC, c/o MCC, 10 S. Eagleville Rd., Storrs, 06268. Note that:

- Exhibitions will generally run for 3 months (e.g., January 15 to April 15).
- Exhibiting artists assume responsibility for loss or damage and must sign a waiver to that effect.
- The MCC will not handle sales of displayed art, and prices may not be posted.
- Exhibiting artists may prepare a letter-size sheet with information about their works, including how purchases can be arranged, for posting during the exhibit.

**Application process.**

- a. The AAC shall consider any application to exhibit art at the MCC. An application consists of a completed application form and photos (or samples) of the type of works proposed for display.
- b. The AAC shall judge applications, and approve or disapprove them, on the basis of the guidelines below, after consulting with MCC staff. However, Mansfield artists shall be given priority.
- c. An application that does not include photos of *all* the works to be displayed may be approved provisionally. However, final approval shall not be given before all the works or photos thereof have been viewed by the AAC.
- d. If an application to exhibit is disapproved, the AAC shall explain why, in writing, to the applicant.
- e. If an application to exhibit is approved, the AAC shall negotiate the display area and period with the applicant and arrange for the exhibit's installation.

**Guidelines.** Applications to exhibit will be judged by the AAC on the basis of originality, artistic quality, and suitability for a family setting. While it is difficult to be very precise about these notions, the following considerations and examples are intended to suggest their meaning and scope, as employed by the AAC.

- a. *Originality.* A work need not be something new under the sun (few works of art can claim as much), but the artist's contribution to design and execution should be substantial. Paint-by-numbers paintings or fabrics woven according to someone else's pattern would not qualify as original in this sense. Jewelry merely assembled from ready-made materials (beads, settings, stones, etc.) is less original in this sense than jewelry in which these elements are designed and made by the artist.
- b. *Artistic quality.* The AAC takes a liberal view of artistic quality, but it may reject work that, in its judgment, falls short of acceptability for this reason. Poor draftsmanship, badly composed or printed photographs, muddy watercolor, and the like, can put works into this category. Commercial crafts, though original and well-executed, may nonetheless lack the expressive and aesthetic qualities associated with art, and for this reason be judged wanting in terms of artistic quality. Different standards of artistic quality may be appropriate for special exhibits (for example, of children's art).

- c. *Suitability for a family setting.* Works will not be accepted for display if the AAC judges that they are very likely to upset children or would likely trigger a warning that some viewers may find them offensive, were they to be exhibited in an art museum. These include:
  - Graphic depictions of sexuality or violence.
  - Works that appear designed to ridicule deeply held beliefs or to disparage others for their race, gender or sexual identity, ethnicity, nationality, etc. Since works of art are generally open to interpretation, it may be difficult to determine whether a work belongs in this category. Nonetheless, the AAC may reject works that it considers offensive for this reason.

#### **Removal of art.**

- a. The artist is expected to remove his or her work at the end of the agreed-upon display period. Should the artist fail to do so, the AAC may remove the work. In such a case, the AAC shall take reasonable steps to reunite artist and work but assumes no responsibility for loss or damage. The MCC does not have facilities for storing art.
- b. Courts have ruled that works of art accepted by a public agency for public display are forms of expression protected from censure by the 1<sup>st</sup> Amendment. Accordingly, no work accepted for display shall be removed from display for reasons related to its expressive character. Works may, of course, be removed for other reasons, such as repainting walls.
- c. With the approval of the AAC and proper notice to the MCC staff, the artist may remove his or her works before the end of the display period or substitute other works for those displayed. The AAC shall view the new work or a photo thereof before approving a substitution.

**Comments.** Comment cards are available at the MCC reception desk for those who wish to comment on works displayed or on display policy.

- a. Comments relating to works may be shared with the artist.
- b. The AAC shall respond to signed written comments relating to policy with an invitation to their author(s) to appear before the AAC and elaborate. The AAC shall then consider the issue and report the result of its deliberations in writing to the author(s).

#### **B. Art Display Policy for Mansfield Town Buildings (Other Than Schools)**

1. Artists interested in exhibiting their work in Town buildings (other than schools) are invited to discuss options with the Mansfield Arts Advisory Committee.
2. Applications to exhibit in such a building must be approved by a Committee, which shall be the Arts Advisory Committee unless otherwise designated by the Town Manager.
3. Exhibits shall not be approved until all the works proposed for exhibit (or photos thereof) have been viewed by the Committee.
4. The Committee may give preference to exhibits by Mansfield residents, or to exhibits of

special interest to users of the facility (e.g., work by seniors at the Senior Center, book illustrations at the Mansfield Library).

5. Applications may be rejected if, in the judgment of the Committee, the work falls short in terms of originality, design, or execution.

6. Applications shall be rejected if, in the judgment of the Committee, the work is unsuitable for the venue. Exhibits suitable for an art gallery may be inappropriate in Town buildings, to which people come on other business. Such works include graphic depictions of sexuality or violence, and those that appear designed to ridicule deeply held beliefs or to disparage others for their race, gender or sexual identity, ethnicity, nationality, etc.

7. Should an application to exhibit be rejected, the Committee shall explain why, in writing, to the applicant.

8. Should an application to exhibit be approved, the Committee shall negotiate with the applicant the display area and the start- and end-dates of the exhibit, and shall arrange for its installation.

9. Exhibiting artists assume responsibility for loss or damage and must sign a waiver to that effect before installation.

10. The artist is expected to remove his or her work at the end of the agreed-upon exhibit period. Should he or she fail to do so, the Committee may remove the work. In this case, the Committee shall take reasonable steps to reunite artist and work but assumes no responsibility for loss or damage.

11. Courts have ruled that art accepted by a public agency for public display is a form of expression protected by the First Amendment. Accordingly, no work approved by the Committee shall be removed for reasons related to its expressive character. Work may be removed as necessary for unrelated reasons, such as building maintenance.

12. With the approval of the Committee, the artist may remove work before the end of the display period or substitute other works for those displayed. Before approving any substitution, the Committee shall view the new work (or photo thereof).

13. The public is invited to comment to the Committee on exhibits. Comments related to works may be shared with the artist. The Committee shall respond to signed, written comments relating to policy with an invitation to the author(s) to appear before the Committee and elaborate. The Committee shall then consider the issue and report the result of its deliberations in writing to the author(s).

{With respect to 2., the Arts Advisory Committee recommends that the Senior Center negotiate its own Committee with the Town Manager.}

**PAGE  
BREAK**



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant to Town Manager  
**Date:** January 28, 2008  
**Re:** 2008 Child Daycare Application

---

**Subject Matter/Background**

Attached please find excerpts from the town's Child Day Care Contract Application to the Connecticut Department of Social Services to provide funding for the Mansfield Discovery Depot. The 2008 application is based on a funding allocation of \$319,199. As detailed in the contract application, the Discovery Depot is seeking funding to provide five slots for full time infant and toddler care, and 35 slots for full time preschool care.

**Recommendation**

Staff requests that the Council authorize the Town Manager to execute the contract application, which grant award provides the bulk of the funding for the operation of the Mansfield Discovery Depot. If the Council supports this recommendation, the following resolutions are in order:

*Resolved, that the Town Manager, Matthew W. Hart, is empowered to enter into or amend contractual instruments in the name and on behalf of the Town of Mansfield with the Department of Social Services of the State of Connecticut for a Child Day Care program if such agreement is offered and to have the corporate seal affixed to all documents required as part of any offered agreement.*

*Resolved, that the Town of Mansfield hereby adopts as its policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes 4a-60(a)(1) and 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and section 9(a)(1) of Public Act 07-142, as those statutes may be amended from time to time.*

**Attachments**

- 1) Excerpts from the 2008 Child Day Care Application



**DEPARTMENT OF SOCIAL SERVICES  
BUREAU OF ASSISTANCE PROGRAMS - DIVISION OF FAMILY SERVICES  
CHILD CARE UNIT**

**CHILD DAY CARE CONTRACT  
APPLICATION RETURN CHECKLIST**

Please be sure that you have included the following when returning your application:

- Application/Data Form that has been signed and dated
- DPH licenses<sup>1</sup> for each child care facility listed in the Application/Data Form
- Copy(ies) of NAEYC Accreditation Certificate<sup>1</sup>(s) for facility(ies) listed as meeting the Accreditation Contract Requirement, **OR**
- Accreditation documentation for facilities not accredited by NAEYC, except for facilities providing services exclusively to children of school age, which are exempt

and return your completed package to the:

**Department of Social Services  
Bureau of Assistance Program - Division of Family Services  
Child Care Unit - 10<sup>th</sup> Floor  
25 Sigourney Street  
Hartford, CT 06106-5033  
ATTN: Neil Newman**

Please contact Neil Newman at (860) 424-5861 or by email at [neil.newman@ct.gov](mailto:neil.newman@ct.gov) if there are questions about completing the Application/Data Form, about the application process, about the contracting process or about any other aspect of funding for calendar 2008.

**AUTHORIZATION**

The attached document is an application for funding of the **Town of Mansfield's** Child Day Care program for calendar year 2008, known to the Department of Social Services as contract number **078-CDC-35**.

This application is based on a funding allocation of **\$319,199.00**. It is acknowledged that no commitment on the Department of Social Services to fund this specific request is created by this application. Further, we understand that a commitment on the Department of Social Services shall only exist upon acceptance of this application through the offer by the department of a contract and that contract's execution by all relevant parties.

For: **Town of Mansfield**

\_\_\_\_\_  
**Matthew W. Hart, Town Manager**

\_\_\_\_\_  
**Date**

For: **Mansfield Discovery Depot, Inc.**

\_\_\_\_\_  
**Mary Jane Newman, Director**

\_\_\_\_\_  
**Date**

<sup>1</sup> please be sure that the number and expiration date are legible on the copy(ies)

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information )*

Contractor's Name: Town of Mansfield (hereinafter referred to as Mansfield)

Street Address: Four South Eagleville Road

City: Mansfield

State: CT

Zip: 06268-2574

Telephone Number: (860) 429-3336

Fax Number: (860) 429-0646

FEIN Number: 06-6002032

Fin. Mgmt. Id: 08DSS3001QT

Name of Authorized Signatory: Matthew W. Hart

Title of Authorized Signatory: Town Manager

Authorized Signatory e-mail address: townmanager@mansfieldct.org

Name, Title and e-mail address of  
Mansfield's Contract Contact: \_\_\_\_\_

Name of Mansfield's Finance Director: Jeffrey Smith

Title of Mansfield's Finance Director: Finance Director

The Town of Mansfield wishes to provide the following number of child care slots for the service "categories of care" identified:

- |    |           |   |           |            |
|----|-----------|---|-----------|------------|
| a. | <u>5</u>  | slots of full time infant and toddler care  | <u>52</u> | # of weeks |
| b. | <u>35</u> | slots of full time preschool care           | <u>52</u> | # of weeks |
| c. | <u>0</u>  | slots of wraparound infant and toddler care | _____     | # of weeks |
| d. | <u>0</u>  | slots of wraparound preschool care          | _____     | # of weeks |
| e. | <u>0</u>  | slots of full-time school age care          | _____     | # of weeks |
| f. | <u>0</u>  | slots of part-time school age care          | _____     | # of weeks |

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

	DPH Lic Number center	Infant/Toddler		Preschool		School Age		Meets Acc. Req. <sup>1</sup>	Contracted for in 2007	Accreditation Stage <sup>2</sup>
		No. <sup>3</sup>	CR <sup>4</sup>	No. <sup>3</sup>	CR <sup>4</sup>	No. <sup>3</sup>	CR <sup>4</sup>			
1.	13856 mdd	36	4	80	4	-	-	Accredited	<input type="checkbox"/>	
2.								<input type="checkbox"/>	<input type="checkbox"/>	
3.								<input type="checkbox"/>	<input type="checkbox"/>	
4.								<input type="checkbox"/>	<input type="checkbox"/>	
5.								<input type="checkbox"/>	<input type="checkbox"/>	
6.								<input type="checkbox"/>	<input type="checkbox"/>	
7.								<input type="checkbox"/>	<input type="checkbox"/>	
8.								<input type="checkbox"/>	<input type="checkbox"/>	
9.								<input type="checkbox"/>	<input type="checkbox"/>	
10.								<input type="checkbox"/>	<input type="checkbox"/>	
11.								<input type="checkbox"/>	<input type="checkbox"/>	
12.								<input type="checkbox"/>	<input type="checkbox"/>	

<sup>1</sup> is accredited by the National Association for the Education of Young Children (NAEYC)  
<sup>2</sup> has begun Self-Study (S), has filed an application with NAEYC (A), has filed Candidacy materials with NAEYC (C) or Not Applicable (N/A)  
<sup>3</sup> No. - number of children  
<sup>4</sup> CR - number of classrooms with DSS-supported children

## CHILD DAY CARE CONTRACT APPLICATION/DATA FORM

(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)

	C COLUMN	A WEEKLY	B WEEKLY	C	D
CATEGORIES OF CARE		MAXIMUM RATE	CONTRACT RATE	UNITS	TOTAL
1 Infant/Toddler (Std) (ft)		444.231	147.40	5	737-
2 Infant/Toddler (Title 1) (ft)					
3 Infant/Toddler (Accredited) (ft)					
4 Preschool (Std) (ft)		369.692	154.33	35	5401.55
5 Preschool (ua)					
6				Weekly Total	\$ 6,138.55
7				Number of Weeks	x 55
8				SUBTOTAL	\$ 319,204.60
9 Infant/Toddler (Std) (wa)					
10 Infant/Toddler (Title 1) (wa)					
11 Infant/Toddler (Accredited) (wa)					
12 Preschool (wa)					
13 Preschool (ua) (wa)					
14				Weekly Total	\$
15				Number of Weeks	x
16				SUBTOTAL	\$
17 Infant/Toddler (Std) (wa) (ft)					
18 Infant/Toddler (Title 1) (wa) (ft)					
19 Infant/Toddler (Accredited) (wa) (ft)					
20 Preschool (wa) (ft)					
21 Preschool (ua) (wa) (ft)					
22				Weekly Total	\$
23				Number of Weeks	x
24				SUBTOTAL	\$
25 School Age (Std) (ft)					
26 School Age (Title 1) (ft)					
27 School Age (Accredited) (ft)					
28 School Age (Unaccredited) (ft)					
29				Weekly Total	\$
30				Number of Weeks	x
31				SUBTOTAL	\$
32 School Age (Std)					
33 School Age (Title 1)					
34 School Age (Accredited)					
35 School Age (Unaccredited)					
36				Weekly Total	\$
37				Number of Weeks	x
38				SUBTOTAL	\$
39		<b>GRAND TOTAL (lines 8+16+24+31+38) round total to the nearest whole dollar</b>			<b>\$ 319,199.00</b>

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information )*

*If Mansfield proposes to provide full-time wraparound infant and toddler care:*

Identify, in the spaces provided below, the weeks, from Sunday through Saturday, not to exceed twenty (20), that such slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)*

*If Mansfield proposes to provide full time wraparound preschool care:*

Identify, in the spaces provided below, the weeks, from Sunday through Saturday, not to exceed twenty, that such slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
5		
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7		
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19		
20		

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information )*

*If Mansfield proposes to provide full time school age care:*

Identify, in the spaces provided below, the weeks, from Sunday through Saturday that said full time slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

*If payments to Mansfield are to go to an address other than that shown on the first page, indicate that address below:*

\_\_\_\_\_  
*Street Address 1*

\_\_\_\_\_  
*Street Address 2*

\_\_\_\_\_  
*City, State and Zip Code*

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

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*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)*

*If a contract is offered and one party be required to give notice to another, notices to Mansfield shall be addressed as follows:*

Town of Mansfield

---

Four South Eagleville Road

---

Mansfield CT 06268-2574

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Attn: Matthew W. Hart, Town Manager

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## CHILD DAY CARE CONTRACT APPLICATION/DATA FORM

(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)

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

The SUBCONTRACTOR will be:

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

*Subcontractor Legal Name*

50 Depot Road

*Subcontractor Street Address*

Storrs, CT 06268-5106

*Subcontractor City, State and Zip Code*

Mary Jane Newman, Director

*Subcontractor Child Care Contact and Title*

(860) 487-0062

*Subcontractor Contact Telephone*

newmannj@mansfieldct.org

*Subcontractor Contact e-mail address*

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

- |    |    |   |       |            |
|----|----|---|-------|------------|
| a. | 5  | slots of full time infant and toddler care  | 52    | # of weeks |
| b. | 35 | slots of full time preschool care           | 52    | # of weeks |
| c. | 0  | slots of wraparound infant and toddler care | _____ | # of weeks |
| d. | 0  | slots of wraparound preschool care          | _____ | # of weeks |
| e. | 0  | slots of full-time school age care          | _____ | # of weeks |
| f. | 0  | slots of part-time school age care          | _____ | # of weeks |

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

DPH Lic Number center	<i>please mark each box that applies</i>						Meets Acc. Req. <sup>1</sup>	Contracted for in 2007	Accreditation Stage <sup>2</sup>
	Infant/Toddler		Preschool		School Age				
	No. <sup>3</sup>	CR <sup>4</sup>	No. <sup>3</sup>	CR <sup>4</sup>	No. <sup>3</sup>	CR <sup>4</sup>			
1. 13856 mdd	36	4	80	4	-	-	<input type="checkbox"/>	<input type="checkbox"/>	
2. _____							<input type="checkbox"/>	<input type="checkbox"/>	
3. _____							<input type="checkbox"/>	<input type="checkbox"/>	
4. _____							<input type="checkbox"/>	<input type="checkbox"/>	
5. _____							<input type="checkbox"/>	<input type="checkbox"/>	
6. _____							<input type="checkbox"/>	<input type="checkbox"/>	
7. _____							<input type="checkbox"/>	<input type="checkbox"/>	
8. _____							<input type="checkbox"/>	<input type="checkbox"/>	
9. _____							<input type="checkbox"/>	<input type="checkbox"/>	
10. _____							<input type="checkbox"/>	<input type="checkbox"/>	
11. _____							<input type="checkbox"/>	<input type="checkbox"/>	
12. _____							<input type="checkbox"/>	<input type="checkbox"/>	

<sup>1</sup> is accredited by the National Association for the Education of Young Children (NAEYC)

<sup>2</sup> has begun Self-Study (S), has filed an application with NAEYC (A), has filed Candidacy materials with NAEYC (C) or Not Applicable (N/A)

<sup>3</sup> No. - number of children

<sup>4</sup> CR - number of classrooms with DSS-supported children

## CHILD DAY CARE CONTRACT APPLICATION/DATA FORM

(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)

BUDGET	COLUMN	A (Weekly)	B (Weekly)	C	D
	CATEGORIES OF CARE	MAXIMUM RATE	CONTRACT RATE	UNITS	TOTAL
1	Infant/Toddler (Std) (ft)	444.231	147.40	5	737-
2	Infant/Toddler (Title 1) (ft)				
3	Infant/Toddler (Accredited) (ft)				
4	Preschool (Std) (ft)	369.692	154.33	35	5401.55
5	Preschool (Title 1) (ft)				
6	Preschool (Accredited) (ft)				
7				Weekly Total	\$ 6,138.55
8				Number of Weeks	x 52
9				SUBTOTAL	\$ 319,204.60
10	Infant/Toddler (Std) (wa)				
11	Infant/Toddler (Title 1) (wa)				
12	Infant/Toddler (Accredited) (wa)				
13	Preschool (Std) (wa)				
14	Preschool (Title 1) (wa)				
15	Preschool (Accredited) (wa)				
16				Weekly Total	\$
17				Number of Weeks	x
18				SUBTOTAL	\$
19	Infant/Toddler (Std) (wa) (ft)				
20	Infant/Toddler (Title 1) (wa) (ft)				
21	Infant/Toddler (Accredited) (wa) (ft)				
22	Preschool (Std) (wa) (ft)				
23	Preschool (Title 1) (wa) (ft)				
24	Preschool (Accredited) (wa) (ft)				
25				Weekly Total	\$
26				Number of Weeks	x
27				SUBTOTAL	\$
28	School Age (Std) (ft)				
29	School Age (Title 1) (ft)				
30	School Age (Accredited) (ft)				
31				Weekly Total	\$
32				Number of Weeks	x
33				SUBTOTAL	\$
34	School Age (Std)				
35	School Age (Title 1)				
36	School Age (Accredited)				
37				Weekly Total	\$
38				Number of Weeks	x
39				SUBTOTAL	\$
40				SUBTOTAL	\$ 319,199.00

GRAND TOTAL (lines 9+18+27+33+39) round total to the nearest whole dollar

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information)*

**If MDD proposes to provide full-time wraparound infant and toddler care:**

- Identify, in the spaces provided below, the weeks, from Sunday through Saturday, not to exceed twenty (20), that such slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
5		
6		
7		
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9		
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11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information )*

***If MDD proposes to provide full time wraparound preschool care:***

Identify, in the spaces provided below, the weeks, from Sunday through Saturday, not to exceed twenty, that such slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
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**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

*(PLEASE SIGN AND DATE AS APPROPRIATE – correcting incorrect and adding missing information )*

***If MDD proposes to provide full time school age child care:***

Identify, in the spaces provided below, the weeks, from Sunday through Saturday that said full time slots shall be provided:

	<b>Sunday of Week Beginning</b> <i>(month, day and year)</i>	<b>Saturday of Week Ending</b> <i>(month, day and year)</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

***If a contract is offered and one party be required to give notice to another, notices to MDD shall be addressed as follows:***

Mansfield Discovery Depot, Inc.

50 Depot Road

Storrs CT 06268-5106

ATTN: Mary Jane Newman, Director

**CHILD DAY CARE CONTRACT APPLICATION/DATA FORM**

	FACILITY LICENSE #	CLASSROOM NAME OR #	REGISTRY ID # <sup>1</sup> OF REGULAR COVERAGE PERSON	HOURS from - to	REGISTRY ID # <sup>1</sup> OF RELIEF COVERAGE PERSON	HOURS from - to
1	13856	Big Room - mixed group	100000992	7-8:30		
2						
3						
4		Yellow	100000990	8-3	1000002623	3-5
5						
6		Blue	100000812	8:30-5		
7						
8		Red	100000801	8-9:30	100000998	3-5
9						
10		Green	100000803	7:30-3	100000995	3-5
11						
12						
13						
14						
15						
16						
17				*	100000811	8-3
18				*	100000992	8:30-2
19				*	100000801	9:30-2:30
20				*	100000803	8:30-3
21				*	100000820	10-3
22				*	100000802	9-5
23						
24				*	as needed	
25						

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<sup>1</sup> if the CT Charts-A-Course Professional Registry Identification Number is unknown, please provide the individual's first and last names and Social Security Number



# National Association for the Education of Young Children

Having demonstrated substantial compliance  
with nationally recognized Criteria for high-quality  
early childhood programs

*Program ID: 291071*

*Mansfield Discovery Depot  
50 Depot Road  
Storrs, CT 06268*

is hereby awarded

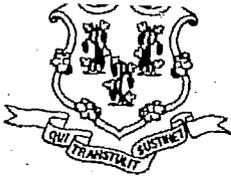
## Accreditation

by the National Academy of Early Childhood Programs  
*A division of the National Association for the Education of Young Children*  
1509 16th Street, N.W., Washington, DC 20036-1426 202-232-8777 800-424-2460



# State of Connecticut

## Department of Public Health



In Accordance with Connecticut General Statutes 19a-77 to 19a-87 inclusive,  
the Department of Public Health issues this license, which is non-transferable, to:

**MANSFIELD DISCOVERY DEPOT, INC.**

**50 DEPOT ROAD**

**MANSFIELD, CT 06268**

to operate a

**CHILD DAY CARE CENTER**

at

**MANSFIELD DISCOVERY DEPOT**

**50 DEPOT ROAD**

**MANSFIELD, CT 06268**

License Number: **13856**

Expiration Date: **05/28/2008**

Approved for the Following Services:

**\*Children Under 3 \*Preschool \*Kindergarten \***

Maximum Children at One Time: **116**

Children Under 3 Years of Age : **40**

410 Capitol Avenue, P.O. Box 340308, Hartford, CT 06134-0308  
Telephones: 1-800-282-6063, 1-800-439-0437

*J Robert Galvin M.D., M.P.H.*

J. Robert Galvin, M.D., M.P.H., Commissioner



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Jennifer Kaufman, Parks Coordinator; Gregory Padick, Director of Planning;  
Curt Vincente, Director of Parks and Recreation  
**Date:** January 28, 2008  
**Re:** Greenways Small Grant Application

---

**Subject Matter/Background**

Staff proposes to submit an application not to exceed \$5,000 to the Connecticut Department of Environmental Protection's Greenways Program to improve public information about the preserved open space, parks and trails along the Willimantic River Greenway. The Town is proposing to install an interpretive sign at Merrow Meadow, River Park, and Eagleville Preserve, which are all along the Willimantic River Greenway. In addition, small signs viewable from the river will be developed and installed to inform paddlers that they travelling through a greenway and to direct them to canoe landings. A goal of this project is to improve information concerning the preserved open spaces and to put these preserved properties into the larger context of the Willimantic River Greenway. The signs will contain trail information, points of interest, rules and regulations, information about the Greenways program, and will direct viewers to additional resources about this program.

**Financial Impact**

The total project cost would not exceed \$5,000. If funded, the grant would contribute the full \$5,000 or 100% of the project.

**Recommendation**

For the reasons listed above, staff recommends that the Town Council authorize the Town Manager to submit the proposed application to the Connecticut Department of Environmental Protection's Greenways Program seeking funding to improve public information about the preserved open space, parks and trails along the Willimantic River Greenway.

*Resolved, effective January 28, 2008, to authorize the Town Manager, Matthew W. Hart to submit an application not to exceed \$5,000 to the Connecticut Department of Environmental Protection's Greenway Program to improve public awareness about the preserved open space, parks and trails along the Willimantic River Greenway. In furtherance of this resolution alone, the Town Manager is duly authorized to enter into*

*and sign said contracts on behalf of the Town of Mansfield. The Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, rescissions and revisions thereto.*

**Attachments**

- 1) Greenways Small Grant Application



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF OUTDOOR RECREATION  
860-424-3578

## Greenways Small Grants Program Application

Print or type unless otherwise noted.

### Part I: Applicant Information

1. Project Manager (will receive all correspondence):

Name: **Jennifer Kaufman**

Business Address: **10 South Eagleville**

City/Town: **Mansfield**

State: **CT**

Zip Code: **06268**

Business Phone: **860-429-3015**

ext. **204**

Fax: **860-429-9773**

Email: **KaufmanJS@MansfieldCT.org**

2. List each consultant or other independent contractor:

Name:

Business Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

Fax:

Contact Person:

Email:

Name:

Business Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

Fax:

Contact Person:

Email:

- Check here if there are more consultants or independent contractors. If so, label and attach additional sheet(s) to this sheet with the required information.

## Part II: Project Information

1. Provide digital maps of the project location as Attachment A to this application. (Digital photos taken of hard copy maps are acceptable). Show project boundaries and connections to open space and/or areas if applicable, as requested in items (8) and (9) of this Part.

2. Provide a brief description of the geographical location.

**The Willimantic River Greenway is located along the 25-miles of the Willimantic River, which flows between the historic mill towns of Stafford Springs and Willimantic, where the river joins the Natchaug River to form the Shetucket River.**

3. Describe the purpose(s) of the project (check all that apply):

to be utilized as a corridor for wildlife or fish migration.

Name species likely to utilize it:

preserve scenic values;

protect or enhance biological or habitat values of watercourse, wetlands, or other natural resource;

protect a significant geological or historical feature;

other: (please specify)

**Improve public awareness about the preserved open space, parks and trails within the greenway and improve public awareness about the greenway itself.**

4. Will the subject project allow public access?  Yes or  No

If Yes, describe the activities allowed such as bicycling, walking, and horseback riding. If No, describe why public access is not allowed.

**The subject project will improve public information about the Willimantic River Greenway, thus improving responsible public access.**

5. If the applicant is a municipality, describe how the proposed project is consistent with the municipal conservation and development plan.

**Mansfield's 2006 Plan of Conservation and Development (POCD) identifies the Willimantic River Greenway a significant conservation and wildlife resource. The POCD includes recommendations to protect and expand public access and continued development of public parks within the greenway. The proposed project will promote responsible public access and is therefore consistent with the Mansfield's POCD. Relevant excerpts from the POCD are attached.**

## Part II: Project Information (continued)

6. Is this project extending an existing greenway?  Yes or  No
7. Has the greenway been officially designated by the CT Greenways Council?  Yes or  No  
If Yes, provide the name of officially designated greenway.

**Willimantic River Greenway**

8. Does the proposed project connect existing preserved open space (*preserved open space is land or water legally and irrevocably dedicated to use in its natural state or a greenway*)  Yes or  No  
If Yes, show the connection on the digital map provided as Attachment A to this application.
9. Does the proposed project area physically connect an urban area to a greenway or other open space?  
(*an urban area is a regional center or neighborhood conservation area as shown on the Locational Map of the most recent Connecticut Conservation and Development Policies Plan*  
[www.ct.gov/opm/cwp/view.asp?A=2990&Q=383182](http://www.ct.gov/opm/cwp/view.asp?A=2990&Q=383182))  
 Yes or  No  
If Yes, show the connection on the digital map provided as Attachment A to this application.

- Check here if additional sheets are necessary to answer any items in this Part. Please label and attach them to this sheet.

## Part III: Educational Component(s)

1. Describe any proposed trail guides, maps or signage to be created that may describe biological, scenic geological, or historical features, within or in the vicinity of the project area.  
**The Town of Mansfield proposes to develop and implement a public information system highlighting the preserved open space, trails and parks along the Willimantic River Greenway, specifically at the Mid River Trail (see attached map). A GIS base map will be modified by a graphic artist to be user friendly and engage park users.**
2. Will the project include the provision of educational materials or outreach, such as planning, design or policy studies or workshops which would have a positive impact on greenways statewide.  
 Yes  No  
If Yes, please describe provisions: **The goal of this public information system is to raise awareness about the Willimantic River Greenway, promote responsible use of greenway trails, publicize the parks and preserved open space along the Willimantic River Greenway, and to refer the public to additional resources about the greenway. Visitors will the park they are visiting as only a small portion of the larger Willimantic River Greenway.**

## Part IV: Scope of Work and Budget Information

Provide the following information as Attachment B to this application.

1. **Scope of Work:** Provide a general list of expected accomplishments. A list format is preferred as shown in the example below:

Scope of Work:

- a. Determine the area of our resource protection greenway.
- b. Update our town plan of Conservation & Development to include the greenway.
- c. Prepare outreach materials for stakeholders.

2. **Project Tasks and Time Line:** Describe tasks and time frames expected to complete each task. List those who will administer/manage the project as well as those who will do the work. Include job titles of those involved and whether they are contractor staff, subcontractor or state agency staff. If using a contractor, list business name and address. A table format is preferred as shown here in this example:

Project Tasks (list location, if applicable)	Person Administering & Performing Work (include address if applicable)	Anticipated Time Frame of Task
Hold 2 planning meetings to determine greenway corridor. Items 1a and 1b.	Facilitated by Town Planner	March – April 2008
Update plan of C&D. Item 1b.	Town Staff and volunteer commissioner (will keep list of names, dates work performed and time spent)	April – June 2008
Prepare maps and fact sheets. Hold informational meetings for commissioners and town residents. Item 1c.	Volunteers.	July – January 2008

3. **Project Budget:** Provide a project budget as shown in the example below:

Greenways Project Budget for <i>Name of Grantee</i>	
Project Cost Estimates	
Items (should match your scope of work and may have more detail)	Cost \$
Outcome Item 1a	500.00
Outcome Item 1b	800.00
Outcome Item 1c	1,000.00
<b>TOTAL Grant Amount</b>	<b>\$2,300.00</b>

Note: Please submit this completed application and all supporting documents preferably by email to Laurie Giannotti:

[laurie.giannotti@po.state.ct.us](mailto:laurie.giannotti@po.state.ct.us) or mail them to:

RECREATIONAL TRAILS & GREENWAYS PROGRAM  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 79 ELM STREET  
 HARTFORD, CT 06106-5127

**Part IV: Scope of Work and Budget Information**

**1. Scope of Work:**

The Town of Mansfield proposes to develop and implement a public information system highlighting the preserved open space, trails and parks along the Willimantic River Greenway, specifically at the Mid River Trail (Attachment 1). The goal of this public information system is to raise awareness about the Willimantic River Greenway, promote responsible use of greenway trails, publicize the parks and preserved open space along the Willimantic River Greenway, and to refer the public to additional resources about the greenway.

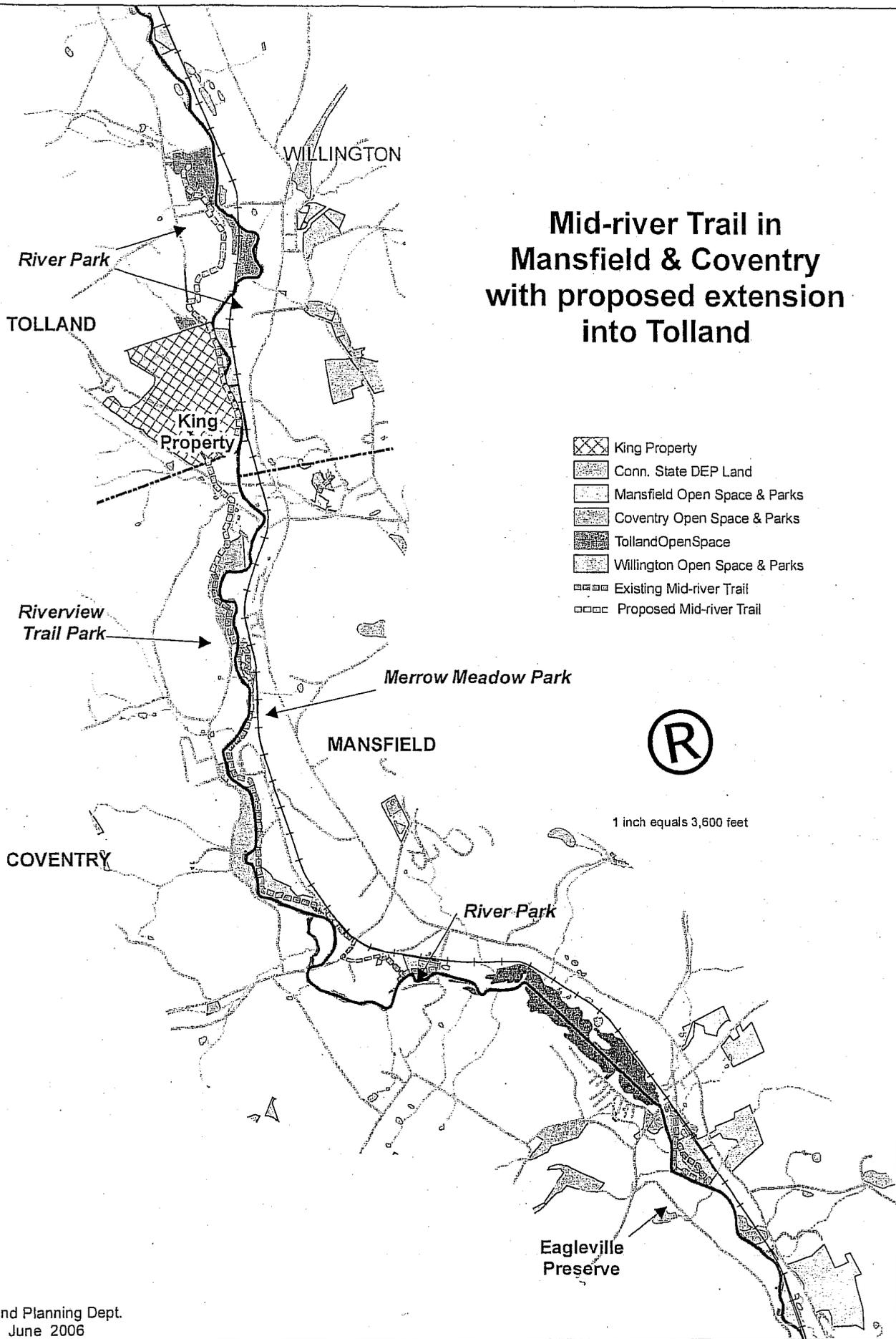
**Project Tasks and Time Line**

Project Tasks	Person Administering & Performing Work	Anticipated Time Frame of Task
1. Develop a GIS Map of the Mid River Trail along the Willimantic River Greenway for 3 parks along the Willimantic River (Merrow Meadow, River Park, Eagleville Preserve)	Town of Mansfield GIS Staff	June 2009
2. Make Sign Cameral Ready for Sign Company	Graphic Artist	August 2009
3. Purchase three sign bases	Pannier Graphics	September 2009
4. Install signs	Mansfield Department of Public Works Staff	September 2009
5. Develop and Install Signs indicating canoe landing	Mansfield Department of Public Works Staff	September 2009
6. Project Coordination	Jennifer Kaufman, Parks Coordinator	June 2009 to October 2009

**Project Budget**

Greenways Project Budget for the Town of Mansfield	
Project Cost Estimates	
Outcome 1	\$ 500.00
Outcome 2	\$1,200.00
Outcome 3	\$2,000.00
Outcome 4	\$ 700.00
Outcome 5	\$ 200.00
Outcome 6	\$ 400.00
Total Grant Amount	\$5,000.00

# Mid-river Trail in Mansfield & Coventry with proposed extension into Tolland



Tolland Planning Dept.  
June 2006



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant to Town Manager  
**Date:** January 28, 2008  
**Re:** Proclamation Designating February 1, 2008 as National Wear Red Day

---

**Subject Matter/Background**

Friday, February 1, 2008, is the fifth annual National Wear Red Day. On this day, Americans nationwide will take women's health to heart by wearing red to show their support for women's heart disease awareness. Although significant progress has been made increasing awareness, most women fail to make the connection between risk factors and their personal risk of developing heart disease.

Attached please find a proposed proclamation designating February 1, 2008 as *National Wear Red Day*. The *National Wear Red Day* is part of the American Heart Association's campaign to increase the awareness and proper treatment of heart disease in women.

**Recommendation**

Staff recommends that the Council adopt the proclamation as presented. If the Council supports this recommendation, the following motion is in order:

*Move, effective January 28, 2008, to designate February 1, 2008 as National Wear Red Day in the Town of Mansfield and to authorize the Mayor to issue the proclamation as presented by town staff.*

**Attachments**

- 1) Proclamation Designating February 1, 2008 as National Wear Red Day



**Town of Mansfield**  
**Proclamation**  
**National Wear Red Day**

*Whereas*, National Wear Red Day celebrates the extraordinary progress in women's heart health and recognizes that more needs to be done in Mansfield to safeguard women's health for generations to come; and

*Whereas*, Heart disease is the #1 killer of women and one in four American women dies of heart disease; and

*Whereas*, Most women do not know that heart disease is a women's problem and they do not take it seriously; and

*Whereas*, The risk factors for heart disease are smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, diabetes, a family history of early heart disease, and age; and

*Whereas*, Women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors; and

*Whereas*, Keeping women healthy and promoting awareness of women's health issues, including heart health, is an important responsibility and depends on the actions of many organizations and groups in our community; and

*Whereas*, Women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever; and

*Whereas*, The Heart Truth campaign and its Red Dress symbol are building awareness of women's heart disease risk and empowering them to reduce their risk and prevent heart disease; and

*Whereas*, Mansfield women need to take action to make heart health a priority for themselves and their families, become aware of their personal risk factors for heart disease, and take action to lower their risk:

**NOW, THEREFORE**, I, Elizabeth C. Paterson, Mayor of the Town of Mansfield, Connecticut, do hereby proclaim February 1, 2008, as National Wear Red Day in Mansfield and encourage all citizens to wear red to unite in the national movement to give women a personal and urgent wake-up call about their risk of heart disease.

**IN WITNESS WHEREOF**, I have set my hand and caused the seal of the Town of Mansfield to be affixed on this 28th day of January in the year 2008.

---

Elizabeth C. Paterson  
Mayor, Town of Mansfield



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MH*  
**CC:** Maria Capriola, Assistant to Town Manager; Cynthia van Zelm, Executive Director, Mansfield Downtown Partnership  
**Date:** January 28, 2008  
**Re:** Appointment of Municipal Representative to Mansfield Downtown Partnership

---

**Subject Matter/Background**

As you know, former Council member Hawkins has resigned from the Board of Directors for the Mansfield Downtown Partnership. Deputy Mayor Gregory Haddad has expressed an interest in completing the remainder of Mr. Hawkins' term, which runs through June 30, 2009. If appointed, Deputy Mayor Haddad would join Mayor Paterson, Council member Clouette and I as the town's representatives on the board.

In addition, I would like to thank former Council member Hawkins for his fine service to the board.

**Recommendation**

The following motion is suggested:

*Move, to appoint Deputy Mayor Gregory Haddad to the Board of Directors for the Mansfield Downtown Partnership, for a term commencing on January 28, 2008 and expiring on June 30, 2009.*

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**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Elizabeth Paterson, Mayor; Gregory Haddad, Deputy Mayor  
**CC:** Matt Hart, Town Manager  
**Date:** January 28, 2008  
**Re:** Compensation for Town Manager

---

**Subject Matter/Background**

As you know, we have recently completed the Town Manager's performance review for his first year. The consensus view of the Council members who participated in the review was very positive in regards to the Town Manager's performance.

During the review process, we discussed a wage increase for the Town Manager, consisting of a 3.5% percent increase in his annual compensation retroactive to July 1, 2007. The 3.5% increase is consistent with what was awarded to nonunion personnel. In addition, the Town Manager's health insurance cost share did increase to 13% of premium, consistent with what is paid by nonunion staff.

**Financial Impact**

If the wage increase is approved, the Town Manager's annual salary would increase from \$110,000 to \$113,850.

**Recommendation**

We recommend that the Town Council authorize a 3.5% wage increase to the Town Manager's annual salary, retroactive to July 1, 2007.

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

*Move, to increase the Town Manager's annual salary by 3.5% retroactive to July 1, 2007.*

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**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *MWH*  
**CC:** Maria Capriola, Assistant to Town Manager  
**Date:** January 28, 2008  
**Re:** Discussion of Future Agenda Items

---

**Subject Matter/Background**

Over the past several months the following items have been suggested by Council members and staff for discussion at a future agenda:

- Revise rules of procedure for Council meetings and annual town meeting
- Establish an ad hoc committee to address off-campus housing issues
- Develop a program evaluation or program review process to evaluate programs and services, particularly code enforcement programs and town ordinances. Consider National league of Cities' performance leadership GPA in this context.
- Town Manager and Resident Trooper Supervisor to review nuisance abatement ordinances
- Review tax exemptions to promote renewable energy and sustainability
- Review fare-free transportation program
- Discuss a community and economic development framework
- Review membership of UConn Water and Wastewater Policy Advisory Committee
- Clarify the role of alternates on the Housing Code Board of Appeals
- Establish a holding tank for issues the Council would like to explore
- Create a volume or index of town policy statements (current project)
- Review establishment of energy improvement district (submitted via email by Council member Koehn)

This list was prepared through a review of my notes, the Town Council Action Items and the Town Council minutes. Consequently, I believe that it is fairly comprehensive. In light of our current projects and initiatives and within the context of the strategic plan, I would like the Town Council's assistance with prioritizing these items for future discussion.

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## MINUTES

AQUIFER PROTECTION AGENCY  
Special Meeting, Monday, January 7, 2008  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, G. Zimmer  
Members absent: P. Kochenburger, B. Ryan  
Alternates present: M. Beal, L. Lombard, B. Pociask  
Staff present: G. Padick (Director of Planning)

### Call to Order:

Chairman Favretti called the meeting to order at 9:44 p.m. He appointed Alternates Beal and Lombard to act in member's absence.

### Minutes: 12/17/07

Hall MOVED, Holt seconded, to approve the minutes of the 12-17-07 Special Meeting as written. MOTION PASSED with all in favor except Goodwin and Gardner who disqualified themselves.

### Scheduled Business:

#### Proposed Revisions to Mansfield's Aquifer Protection Regulations

Plante MOVED, Holt seconded, that the Mansfield Aquifer Protection Agency adopt, pursuant to the Connecticut General Statutes and State regulations, the attached Mansfield Aquifer Protection Area Regulation revisions. The adopted regulation revisions were presented as an 11/5/07 draft at the Agency's 12/17/07 Public Hearing.

The adopted regulation revisions are subject to final approval by the State Department of Environmental Protection. Upon receiving State approval, the Agency shall establish an effective date and file the regulation revisions in the office of the Mansfield Town Clerk. This action has been taken to comply with Aquifer Protection Area requirements contained in the State Statutes and State regulations. The regulation revisions will help protect State-designated Aquifer Protection Areas in Mansfield.

MOTION PASSED UNANIMOUSLY.

### Adjournment:

Favretti declared the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

**ARTS ADVISORY COMMITTEE**  
Meeting of Tuesday, 04 December 2007  
Mansfield Community Center (MCC) Conference Room

MINUTES (draft)

1. The meeting was called to order at 7:10p by Acting Chair Jay Ames. Members present: Jay Ames, Scott Lehmann, Joan Prugh, Blanche Serban. Members absent: Anita Bacon, Leon Bailey, Kim Bova. Others present: Jay O'Keefe (staff).

2. The minutes of the 06 November 07 meeting were approved as written.

3. **High School arts.** Jay A. has spoken with art teachers at E.O. Smith and reported some interest in putting together an exhibit of ceramics and jewelry by students for the display cases for the 15 Apr to 15 Jul.

4. **Non-visual arts at the MCC.** Joan P. reported that Joan Sidney will be too busy next semester to organize another poetry reading, but might be able to participate in one. Joan P. will contact Curbstone Press to see if it might be interested in organizing a reading by its authors. She will also speak with the director of the UConn choral group in which she sings about possibly presenting an informal choral concert at the MCC. Blanche suggested that a Winter Festival at the MCC could have an arts component.

5. **Art Display policy.** Scott extracted a general art display policy for town buildings from the MCC display policy approved at the November meeting, which he included (along with the MCC policy) in a draft report to the Town Council, which was circulated by e-mail in advance of this meeting. Pursuant to suggestions by Jay O'K, the following changes were agreed to:

- a. In MCC policy, second sentence, replace "c/o Jay O'Keefe, MCC" by "c/o MCC".
- b. In MCC policy, add to the end of the first sentence of b. under application process "... guidelines below, after consulting with MCC staff."
- c. In Process section of Report, alter "Two replies..." to "Two written replies...."
- d. In Process section of Report, alter 2. to "2. A revised draft incorporating suggestions by the Town Attorney and others, distributed...."
- e. In Process section of Report, add to end of first sentence of paragraph 2, "...considerations, including suggestions made by MCC staff."

Jay O'K also suggested deleting the first paragraph of the Background section of the report, arguing that it was incomplete in not mentioning the Easton sculpture incident or the MCC staff's view that both incidents indicated the need for reconsidering display policy. However, extended discussion did not persuade the AAC that a paragraph intended merely to remind the Council what this was all about should be dropped or expanded, and it unanimously approved the report, altered as agreed to in a. – e. above. The Town Manager would like to put the proposed policy on the agenda for the Council's 14 Jan 08 meeting. The AAC will suggest the 28 Jan 08 meeting instead, as several members have conflicts on the earlier date.

6. **MCC art displays.**

- a. Before the November meeting, **Sarah Winter** did in fact submit photos of all the mixed-media works she wants to display, but they were not passed along to the AAC. After viewing them, the AAC approved her application to use the hallways and sitting room display areas for the winter quarter (15 Jan – 15 Apr).
- b. Does **Irmgaard Rees** understand that we'd like her to organize an exhibit of her own work in the display cases for the winter quarter? Scott will e-mail her and again propose this, reminding her that we would need to see all the works (or photos thereof) in advance.
- c. Scott told **John Manfred** that the AAC had approved his show of photos of Toddy Pond (ME). The summer quarter (15 Jul – 15 Oct) might be a problem, since Mr. Manfred is usually up at Toddy Pond in the summer.
- d. **Faith Montaperto** has applied to exhibit works in a variety of media – acrylics, oils, photographs, digital art; she submitted 50 photos. Jay A. will call and suggest that she propose a coherent show of about 20 works. The summer quarter is possible, if Mr. Manfred prefers the fall.
- e. **Judith Meyers** hasn't returned Blanche's call about whether she wants to display more oils than the AAC has seen; Blanche will try again.

Exhibit Period	Entry cases		Sitting room		Hallway	
	Double-sided	Shelves	Upper	Lower	Long (5)	Short (2)
Fall 15 Oct – 15 Jan	<i>Patty Vinsonhaler</i> (ceramics)		<i>Laurie Smolin</i> (watercolors)			
Winter 15 Jan – 15 Apr	<i>Irmgaard Rees?</i> (found-object art)		<i>Sarah Winter</i> (mixed media)			
Spring 15 Apr – 15 Jul	<i>E.O. Smith ceramics &amp; jewelry?</i>			<i>Judith Meyers?</i> (oils)		
Summer 15 Jul – 15 Oct				<i>Faith Montaperto?</i> (various media)		
Fall 15 Oct – 15 Jan				<i>John Manfred?</i> (photos)		

7. Adjourned at 8:36p. Next meeting: Tuesday, 08 January, 7:00p.

Scott Lehmann, Acting Secretary, 07 December 07

# Mansfield Board of Education Workshop

December 19, 2007

## Minutes

**Attendees:** Mary Feathers, Vice Chair, Christopher Kueffner, Secretary, Dudley Hamlin, Mark LaPlaca, Shamim Patwa, Katherine Paulhus, Board Clerk, Celeste Griffin,

**Absent:** Martha Kelly, Min Lin, Gary Bent,

**I.** Call to Order

The meeting was called to order at 5:35 p.m. by Ms Feathers, Vice Chair.

**II.** Robert Rader, Executive Director, CABE, facilitated a workshop on conducting a superintendent search.

**III.** Adjournment - **MOTION** by Dr. Patwa, seconded by Mr. Hamlin to adjourn at 7:15pm.  
**VOTE:** Unanimous in favor.



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Celeste N. Griffin, Board Clerk

# Mansfield Board of Education Meeting

## December 20, 2007

### Minutes

**Attendees:** Mary Feathers, Vice-Chair, Christopher Kueffner, Secretary, Dudley Hamlin, Martha Kelly, Mark LaPlaca, Min Lin, Shamim Patwa, Katherine Paulhus, Superintendent Gordon Schimmel, Board Clerk, Celeste Griffin,

**Absent:** Gary Bent

#### I. Call to Order

The meeting was called to order at 6:35 p.m. by Ms Feathers, Vice Chair.

#### II. Executive Session – School Security Procedures with CT State Troopers, town and school administrative staff – **MOTION** by Mr. Hamlin, seconded by Dr. Patwa to move into Executive Session at 6:36 p.m. **MOTION** by Dr. Patwa, seconded by Mr. Kueffner to return to open session at 7:55 p.m.

#### III. Election of Officers – **MOTION** by Mrs. Paulhus, seconded by Dr. Patwa to nominate Ms Feathers as Chair. **VOTE:** Unanimous in favor. Ms Feathers appointed Dr. Patwa as Vice-Chair. **MOTION** by Mrs. Paulhus, seconded by Mr. Hamlin to nominate Mr. Kueffner as Secretary. **VOTE:** Unanimous in favor.

#### IV. Approval of Minutes – **MOTION** by Mr. Kueffner, seconded by Mr. Hamlin to approve the minutes of the 11-8-07 meeting. **VOTE:** Unanimous in favor.

#### V. Hearing for Visitors – None

#### VI. Communications – Thank you notes from Beth Latino, 2008 Teacher of the Year for the Board's support at the annual Teacher of the Year Ceremonies.

#### VII. Addition to Present Agenda – None.

#### VIII. Committee Reports – Ms Feathers reported that the Board Workshop with Robert Rader, Executive Director, CAFE was successful and the Board was requesting RFP's from search consultants for the superintendent search.

#### VII. Report of the Superintendent

A. **Language Arts Curriculum** – **MOTION** by Mr. Kueffner, seconded by Dr. Patwa to approve the Language Arts curriculum that was presented by Judy Shay, Reading/Language Arts Consultant and Debra Adamczyk, Goodwin School Principal. **VOTE:** Unanimous in favor.

B. **SSP Discussion** – The Superintendent, Mr. Baruzzi and Dr. Leclerc reviewed the 2006-2007 Strategic School Profile.

C. **Class Size/Enrollment** – The building principals reported no significant change in school enrollments.

D. **Personnel** – **MOTION** by Mr. Kueffner, seconded by Mr. LaPlaca to accept retirements effective the end of the 2007-2008 school year of Eliana Bar-Shalom, Speech Pathologist, Vinton School; Robert DeBari, School Psychologist, Goodwin School; Katherine Facchinetti, Support Services Teacher, Southeast School; Sharon McGrath, Grade Three Teacher, Goodwin School; Shirley Reilly, Grade Three Teacher, Goodwin School and to approve requests for leave from Rochelle Marcus, Mansfield Middle School for maternity and

unpaid childrearing leave beginning in March 2008 for the remainder of the school year and from Laura Toffenetti for a leave of absence for the 2008-2009 school year.

**VOTE:** Unanimous in favor.

- VIII. Hearing for Visitors - None
- IX. Suggestions for Future Agenda - None
- X. Adjournment - **MOTION** by Mr. Kueffner, seconded by Mr. Hamlin to adjourn at 9:15 p.m. **VOTE:** Unanimous in favor.

*Celeste N. Griffin*

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Celeste N. Griffin, Board Clerk

# Mansfield Board of Education Meeting

## January 17, 2008

### Minutes

**Attendees:** Mary Feathers, Chair, Gary Bent, Dudley Hamlin, Martha Kelly, Mark LaPlaca, , Katherine Paulhus, Superintendent Gordon Schimmel, Director of Finance Jeffrey Smith, Comptroller, Cherie Trahan, Board Clerk, Celeste Griffin

**Absent:** Christopher Kueffner, Min Lin, Shamim Patwa

#### I. Call to Order

The meeting was called to order at 7:35 p.m. by Ms Feathers, Chair.

II. Approval of Minutes - **MOTION** by Mr. Hamlin, seconded by Mr. LaPlaca to approve the minutes of the 12-19-07 and 12-20-07 meetings. **VOTE:** Unanimous in favor.

III. Hearing for Visitors - Dr. Palmer, Principal, Vinton School, thanked the Board, Central Office Staff, and Administrators for their contributions to the Vinton School Library in memory of his mother.

IV. Communications - None.

V. Addition to Present Agenda - Ms Feathers asked for an Executive Session to discuss the superintendent job search.

VI. Committee Reports - Ms Feathers reported the Building Committee received an existing conditions analysis from Lawrence Associates. Rick Lawrence, architect, is meeting with each school parent association to discuss the Four Schools' Renovation Project.

#### VII. Report of the Superintendent

A. **Update on Security Grant** -Dr. Schimmel reported that we have not received grant notification from the State. The administrators will present options once more is known concerning state funding.

B. **Salary Budget Transfers 2007/2008** - **MOTION** by Mr. Hamlin, seconded by Dr. Bent to accept the salary budget transfers for the 2007-2008 school year. **VOTE:** Unanimous in favor.

Dr. Patwa arrived at 7:54 p.m.

C. **Budget Review - Regular Programs/Middle School/Elementary Schools** - The principals and administrators reviewed the Regular Instructional Program portion of the proposed 2008-2009 budget.

Mr. Kueffner arrived at 8:30 p.m.

D. **Class Size/Enrollment** - The building principals reported no significant change in school enrollments.

E. **Personnel** - **MOTION** by Dr. Patwa, seconded by Dr. Ben to accept the retirement of Ricardo Moraga, Spanish Teacher at Vinton and Mansfield Middle School, effective the end of the 2007-2008 school year. **VOTE:** Unanimous in favor.

#### VIII. Hearing for Visitors - None

- IX. Suggestions for Future Agenda – Dr. Patwa asked for a demonstration of a math lesson with the proposal to adopt a K-5 mathematics program.
- X. Executive Session – Superintendent Search - **MOTION** by Mrs. Paulhus, seconded by Mr. Kueffner move into Executive Session at 9:00 p.m. **VOTE:** Unanimous in favor. **MOTION** by Dr. Patwa seconded by Mrs. Kelly to return to open session at 9:40 p.m. **VOTE:** Unanimous in favor.
- XI. Adjournment - **MOTION** by Mr. Kueffner seconded by Mr. Hamlin to adjourn at 9:41 p.m.. **VOTE:** Unanimous in favor.

  
Celeste N. Griffin, Board Clerk

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Mansfield Commission on Aging Minutes

2:30 PM – Senior Center

Monday, December 10, 2007

**PRESENT:** K. Grunwald, M. Thatcher, B. Gouldsbrough, C. Phillips, T. Quinn (Chair), A. Holinko, S. Gordon, J. Quarto, K. Doeg, W. Bigl, P. Hope (staff), J. Brubacher, C. Pellegrine  
**REGRETS:** M. Ross

- I. **Call to Order:** Chair T. Quinn called the meeting to order at 2:30 PM
- II. **Appointment of Recording Secretary:** K. Grunwald agreed to take minutes for the meeting.
- III. **Acceptance of Minutes:** the minutes of the November 13, 2007 meeting were accepted as written.
- IV. **Correspondence – Chair and Staff:** none.

**V. New Business**

-Transportation Issues: K. Grunwald reported that some residents of Glen Ridge have raised concerns about the fixed route bus schedule, along with general concerns about the lack of transportation options for seniors. He has suggested that they get involved in the COA's long-term plan as it relates to transportation. This will be discussed further as part of the long-range plan and strategic planning initiative.

- Discussion of meeting time: T. Quinn asked the group to consider if this is the optimal time for the Commission to meet; members may be more alert and active in the morning. That would be an option at the Senior Center in terms of location.

- "Other": none.

**VI. Optional Reports on Services/Needs of Town Aging Populations**

**A. Health Care Services**

Wellness Center and Wellness Program – J. Kenny was not present, no report.  
Mansfield Center for Nursing and Rehabilitation - Jean Kenny: no report.

**B. Social, Recreational and Educational**

Senior Center – P. Hope distributed copies of her monthly report. She identified the Veteran's Day celebration as one of the major events for the month, which was almost entirely supported by donations. Our graduate student intern (Shari Zwick) has started a group on "Brain Aerobics."

Senior Center Assoc. – John Brubacher (for Tom Rogers): no report.

### C. Housing

Juniper Hill: R. Gouldsbrough reported that they had a successful Bazaar. They are also in the process of developing a survey on transportation.

Jensen's Park: W. Bigl reported that their Christmas celebration will be held this coming weekend.

### D. Related Town and Regional Organizations such as:

Advisory Committee on the Needs of Persons with Disabilities, Senior Resources of Eastern CT: no reports.

Strategic Planning Initiative: T. Quinn attended the Search Conference this weekend, and reported that the role of this group is to develop a vision for Mansfield 2020. There were 80 participants who worked on this over the past weekend. He explained that there will be public sessions to review the proposed vision. Some concern was raised about the use of the term "seniors." Several issues were raised at the conference including housing, government, the Community Center, etc. W. Bigl worked with C. Phillips and T. Quinn and talked about their perception of the need for a new Senior/Social Center. They identified the following Priority Issues: New Senior Center, listing of homecare services, and a town wide coordinated public transportation system. T. Quinn pointed out that the issue of regionalization was also addressed at the forum. He would like to see Mansfield serve as the center for the region, and promote this expertise to some of the smaller towns around us. C. Phillips reported that there will be a "Vision Fest" on January 7<sup>th</sup> and 8<sup>th</sup> that will invite public comment from all residents. She feels that is essential for the community to comment on this before the planning group reconvenes. M. Thatcher raised a concern about posting information online for seniors, as many do not have computer access.

### VII. Old Business

- Long Range Plan for 2007- 2010: Action Plans – Small group discussion: The four priority issues were identified. There was some discussion as to whether or not healthcare should be on that list as well. Members were asked to each identify one of these issues that they are interested in working on. P. Hope displayed proposed plans for the Senior Center renovation.

### IX. Adjournment

Next meeting: **Monday, January 14, 2007** at 2:30 pm at the Senior Center:  
agenda for next month: Eastern Highlands Health District presentation and review of potential morning meeting time.

Meeting adjourned at 3:50 PM.

Respectfully submitted,

Kevin Grunwald

## Approved Mansfield Commission on Aging Minutes

2:30 PM – Senior Center

Tuesday, November 13, 2007

**PRESENT:** K. Grunwald (staff), C. Pellegrine, C. Phillips, M. Thatcher, M. Ross ,  
T. Quinn (Chair), S. Gordon, J. Quarto, Cynthia Van Zelm (guest), W. Bigl, J.  
Kenny (staff), P. Hope (staff)  
**REGRETS:** K. Doeg

- I. **Call to Order:** the meeting was called to order by Chairman T. Quinn at 2:30 PM.
- II. **Appointment of Recording Secretary:** K. Grunwald agreed to take minutes for the meeting.
- III. **Acceptance of Minutes:** The minutes of the October 9, 2007 meeting were accepted as written.
- IV. **Correspondence – Chair and Staff:** none.

### V. New Business

-Update on the Storrs Downtown Project: Cynthia Van Zelm from the Mansfield Downtown Partnership distributed copies of their newsletter, concept plan and timeline. They have been working on creating a special design district, which has been approved by the Planning and Zoning Commission. The Inland Wetlands Agency approved an inland wetlands license. They have submitted permit requests to the CT DEP for a storm water control system and the US Army Corps of Engineers. Another permit application needs to be submitted to CT DOT for changes to Storrs Rd. Over a year ago a permit was submitted for a building on Dog Lane for "DL 1" which has been proposed for relocated businesses. Right now they are working on a financing plan to transition them to this new building. It is likely that construction on that building will start in the Spring; they are hoping to start construction on Phase I some time next year, and looking for state and federal funding for the parking garage. All of the remaining approvals are concurrent, and are currently in process. The proposed garages (2) would be 3-4 stories high with no underground parking. The Market Square area could include some underground parking. C. Phillips raised concerns re: space for service vehicles to come in and out, and if the view from residences would be compromised in any way. There will be "urban" elements of the design to accommodate service vehicles. Most views from the residential buildings would be oriented towards open space, with the exception of residences above commercial space. Apartments would have no age limitations, and rents would be "market rate." Most of the commercial buildings would be 3-4 stories, with access via elevators. There is a need to clarify a question re: handicap accessible toilet facilities. One main goal is to make the development pedestrian-oriented, including space for buses to come through. The parking garage would include bike racks, and cross-walk improvements are planned in changes to Storrs Rd.

Road design is focused on not impeding the neighborhood (Dog La.) with excessive traffic. Property owners or a business association will be responsible for maintenance of property in front of their buildings. The Town will probably become responsible for the maintenance of Village St., the Town Square and Market Square. Not sure where the property will come from to widen Storrs Rd. There will be a fee for parking, which is intended to be affordable. There will be accessible parking designated on the Village St. Phase I is the area around the Town Square, Phase II is the area on Village St., Phase III is the area for housing. Cynthia will get back to T. Quinn or K. Grunwald with answers to questions and updates.

- "Other": none

## VI. Optional Reports on Services/Needs of Town Aging Populations

### A. Health Care Services

Wellness Center and Wellness Programs – J. Kenny distributed copies of her report. She noted that rules for Medicare are changing re: hospitalization and visiting nursing care. Patients must request visiting nurse services if they are being discharged from a hospital or nursing home.

Mansfield Center for Nursing and Rehabilitation – J. Kenny: no report.

### B. Social, Recreational and Educational

Senior Center – P. Hope distributed copies of her report, and noted the continued increase in the TVCCA lunch program. The State Dept. of Social Services had a van here in October to assist with a review of Medicare Part D benefits. Atty. George Bickford presented on reverse annuity mortgages on estate planning.

Senior Center Assoc. – John Brubacher (for Tom Rogers) was not present; no report.

### C. Housing

Assisted Living Advisory Committee: no report.

Wrights Way, Juniper Hill: no report

Jensen's Park: W. Bigl reported that they held a successful Veteran's Day supper; residents attended "Jensen's Day" lunch at the Senior Center.

Other: none.

### D. Related Town and Regional Organizations such as:

Advisory Committee on the Needs of Persons with Disabilities: M. Ross came to Town Hall to look at assistive hearing technology in the Council Chambers, and apparently there are funds designated to update the sound system. He is making recommendations for a specific system that can be used for people who use hearing aids; he believes that the system would cost approximately \$1000 and could be easily installed. The Commission agreed to adopt this as a continuing issue.

Senior Resources of Eastern CT: no report

## VII. Old Business

- Long Range Plan for 2007- 2010: Action Plans – K. Grunwald reminded members that they had been asked to review the proposed action plans for the issues identified in the Long Range Plan. K. Grunwald will explore whether or not there is funding that has been designated to upgrade the sound system in Council Chambers. There is also an ongoing discussion re: taping meetings to be seen on public access TV. M. Ross agreed to follow-up on the new strategy of exploring what is being done re: taping of Council meetings. T. Quinn asked members to advocate with other organizations that they belong to as a source of information around the needs of seniors. Senior Center Facility: W. Bigl and C. Phillips agreed to work on the issue of a new Senior Center Facility. C. Pellegrine and M. Thatcher agreed to take responsibility for the issue of information dissemination. These are the three issues that the Commission will focus on at this time, and members will provide monthly updates. Transportation: P. Hope provided an update on the ITNA model of transportation, and they are in the process of developing software for smaller communities. They will keep us informed of their progress. T. Quinn asked if there is a brochure that describes all of the transportation; not at this time.

## VIII. Additional New Business

- Motto: T. Quinn suggested that the Commission adopt the motto of “Independence.” Suggestion: “Independence for the Aging Population” was adopted as a motto for the Commission.
- Strategic Planning: the Town is looking for more participants for the Future Search Conference as part of the Strategic Planning process (2 weekend commitment). You can apply online, or the Senior Center will print out applications. The Steering Committee is looking particularly for participants in the 25-46 year old age group. They are also looking for participants who represent different cultural backgrounds.

## IX. Adjournment: the meeting adjourned at 3: 40PM.

Next meeting: **Monday, December 10, 2007** at 2:30 pm at the Senior Center

Respectfully submitted,

Kevin Grunwald

Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 19 December 2007  
Conference B, Beck Building  
**MINUTES**

*Members present:* Robert Dahn, Peter Drzewiecki, Quentin Kessel, Scott Lehmann, John Silander, Frank Trainor. *Members absent:* Rachel Rosen, Sherry Roy (alt).

1. The meeting was **called to order** by Chair Quentin Kessel at 7:37p.
2. The **minutes** of the 28 November 07 meeting, with the addition of Lehmann's report on the 13 November 07 IWA Field Trip, were approved.
3. **Arthur's Pond revisited.** The Commission discussed the revised proposal for the Arthur's Pond subdivision (IWA 1383) and Kessel's draft comment on it. A larger conservation easement along Eagleville Brook (including steep slopes) addresses one of the Commission's concerns about the original proposal. However, the Commission remains critical of the yield plan, which calls for development with a significant impact on wetlands: a town road across the linear wetland, and town right-of-ways and set-backs that would push the proposed houses even closer to wetlands. It is true that wetlands impacts are mitigated in the proposal, but that is not legally relevant, since acceptability of the yield plan is a necessary condition for approving any proposal based on it. If the subdivision is to be approved despite these reservations, the Commission recommends that the linear wetland be protected by a conservation easement that prohibits tree-cutting and construction of private access roads across it. The Commission unanimously approved an amended version of Kessel's comment to this effect (motion: Dahn, Drzewiecki); see Attachment 1.
4. **Public hearings.** Kessel reported that he had attended the 03 December public hearing on Arthur's Pond in order to get the Commission's previous comments into the public record. The Commission wondered if it could arrange with PZC/IWA to have its comments on a submission automatically entered into the public record of any public hearing on it.
5. **Torrey property name.** The Commission unanimously approved Kessel's letter supporting designating open space land obtained from the Torrey family as the "Torrey Preserve"; see Attachment 2. Parks and Recreation Director Curt Vincente prefers not to name Town-acquired land after previous owners unless the land was donated, but the Commission agreed that naming this parcel the "Torrey Preserve" was an appropriate way to honor the Torrey family's contributions (in particular, those of G. Stafford Torrey) to the Town.
6. **Bylaws update.** Kessel's draft update of the Commission's bylaws was approved unanimously (motion: Silander, Dahn); it will be submitted to the Town Manager.
7. **Recognition of charter members.** At most two charter members of the Conservation Commission could now attend a Council meeting to be recognized, so Kessel suggested that

recognition be broadened to members from the 1960s. The Commission agreed that this would be a good idea. Jennifer Kaufman will suggest to the Town Manager that recognition of such 'pioneering' members be on the agenda for the 28 January 08 Council meeting.

**8. Adjourned at 8:39p.**

Scott Lehmann, Secretary  
21 December 07  
Approved 16 January 08

### **Attachment 1**

TO: MANSFIELD IWA/PZC  
FROM: MANSFIELD CONSERVATION COMMISSION  
DATE: 12/20/07  
SUBJECT: ARTHUR'S POND SUBDIVISION (WRITTEN TESTIMONY FOR THE PUBLIC HEARING)

The Mansfield Conservation Commission has reviewed the latest plans for the Arthur's Pond subdivision (map dated 12/13/07) and the reports on this project from Highland Soils (dated 12/11/07) and the Eastern Connecticut Conservation District (dated 11/29/07). The Conservation Commission remains concerned that the seven lots to be carved out of this marginal 22.4 acres represents an intensive use that may have a significant negative impact on the wetlands and the Eagleville Brook.

The first issue, of which we would like remind you, is that of the yield plan upon which this project is based. The Conservation Commission recommends against its approval. The primary reasons for this are the wetland crossing of the proposed Town Road branching off Separatist Road and its negative impact on the wetland to be crossed and the likely impact of the runoff from this road (and the house lots bordering Eagleville Brook) on Eagleville Brook.

Eagleville Brook is on the State 303 (d) List of Impaired Waters, and the DEP is obligated to work toward removing it from this list. The University (the primary cause of the brook's difficulties) and the Town have agreed to work toward this goal. In view of these existing problems, the Conservation Commission believes that either a Town road or a common driveway would have a significant negative impact on both the wetlands and Eagleville Brook. The road will add roadside runoff, sometimes concentrated storm road runoff, to the brook. The proximity of lots 4,5,6,and 7 to Eagleville Brook poses additional risks.

Another issue with the yield plan is that it is not clear to the Conservation Commission that the developer used the full width of the required right-of-way for local roads. If they did not, would the setbacks and building envelopes used on the yield plan push the building envelopes still further toward the wetlands (on the road to be constructed from North Eagleville Road) and toward Eagleville Brook (on the road to be constructed from Separatist Road)? We

request that this be checked. Approval based upon an inadequate yield plan would be inappropriate. It may be that the proposed driveways would be less detrimental to the environment than full-width Town Roads might be; however, that is not upon which the approval of a subdivision is to be based.

With regard to the recent changes made to the plan by the developer: The Conservation Commission appreciates that the easement has been increased in width to include the steep slopes along Eagleville Brook and the partial easement along the linear wetland. We would like to see this easement extended along the linear wetland resulting in easements on lots 1,2 and 3, to further protect this wetland. Particular note was taken that the easement on lot 2 should restrict access to pedestrian access and any tree cutting should be done only with the approval of the Town IWA agent. We agree that rain gardens and the proposed check dams are good ideas and should lessen the impact of the proposed development; however, these proposed modifications do not address the important question of whether this development should be permitted in the first place, e.g., is the yield plan a realistic one?

## **Attachment 2**

TO: JENNIFER S. KAUFMAN, PARKS COORDINATOR, TOWN OF MANSFIELD  
FROM: MANSFIELD CONSERVATION COMMISSION  
DATE: DECEMBER 19, 2007  
SUBJECT: TORREY PRESERVE

At its December 19, 2007 meeting, the Conservation Commission voted unanimously that the open space purchased from the Torrey estate should continue to be associated with the Torrey name.

Without the cooperation of the Torrey family, this property would probably have gone to development. We are in complete agreement with the December letter from Vicki Wetherell to you supporting the retention of the Torrey name, e.g., to call it the Torrey Preserve. She notes that as early as 1979, Mrs. Torrey had informed Byron Janes (then chair of the Conservation Commission) of her wish to preserve public access to the Nipmuck Trail portion of the property.

The Conservation Commission considers it appropriate to honor the Torrey family, especially G. Safford Torrey in this way. This honor is justified not only because of their faithful stewardship of this property, but in recognition of a unique individual, G. Safford Torrey. Harvard educated with an advanced degree earned in France, you have to wonder what brought him to a small school in Storrs. (Actually he was recruited about 1915 by another Harvard-trained botanist, Edmund Sinnott.) He reached the age of 100 years, and during his tenure in Mansfield he made numerous contributions to the Town and the University. His remains are located on the property.

**Eastern Highlands Health District  
Board of Directors Special Meeting  
Coventry Town Hall – Annex  
Wednesday, December 19, 2007**

**Chairman E. Paterson called the meeting to order at 4:30 p.m.**

**Present:** R. Fletcher (Alternate Seated), E. Paterson, J. Stille, D. Cameron, P. Schur, M. Kurland, S. Werbner, R. Skinner, M. Hart

**Staff Present:** R. Miller, M. Remy, J. Smith, L. Hogarty (arrived at 5 p.m.), Dr. Dardick (arrived at 5:35 p.m.)

**Absent:** C. Anderson (Alternate), S. Chace (Alternate), L. Eldridge (Alternate), C. Johnson, A. Teveris, T. Tully, J. Elsesser, Andover Rep. (Vacant), Coventry Rep. (Vacant)

**Election of Officers (Chair, Vice Chair, Assistant Treasurer):** A MOTION was made by D. Cameron, seconded by S. Werbner to elect B. Paterson as Chair, J. Elsesser as Vice Chair and J. Stille as Assistant Treasurer. The MOTION was PASSED unanimously.

**Approval of October 18, 2007 Minutes:** A MOTION was made by J. Stille, seconded by S. Werbner, to approve the minutes of the October 18, 2007 meeting as presented. The MOTION was PASSED unanimously.

**Public Comments:** None

**Old Business:** None

**New Business**

**1. Proposed FY08/09 Budget & Fee Schedule – Set Public Hearing Date:**

R. Miller reported the Finance Committee recommends moving the proposed FY08/09 budget forward as presented. Budget highlights include 6% increase in total spending for a total budget of \$791,310 to be funded by a 26.1% increase in the State Per Capita Grant and a 5.1% increase in the Member Town Contribution rate. Major factors impacting the FY08/09 proposed budget include increases in salary and benefit costs of 4.4% and 9.4% respectively; 11.6% increase in operational costs; and, 4% decrease in service fee revenues.

S. Werbner expressed concern regarding the disparity in benefits between health district staff and Town of Tolland staff. A discussion ensued regarding the proposed increase in employee health insurance premium cost share. By consensus, the Director working with the Personnel Committee is to task a personnel consultant with surveying member towns and other health districts for comparison data.

A MOTION was made by M. Hart, seconded by J. Stille to set a public hearing date of Thursday, January 17, 2008 at 4:30 p.m., Coventry Town Hall Annex, to hear the public's comments regarding the Proposed Fiscal Year 2008/2009 EHHD operating budget and associated service fee schedule. The MOTION was PASSED unanimously.

2. **Quarterly Financial Report – Period Ending September 30, 2007:** R. Miller presented report.

**3. Pandemic Influenza Response Plan:**

Lucinda Hogarty, Emergency Preparedness Coordinator, for EHHD was introduced by R. Miller to field any questions.

EHHD received additional funding the last two years to focus on Pandemic Influenza Planning and Response. EHHD conducted a drill last April in which we operationalized an alternate care facility and have been actively engaged in a community wide campaign. EHHD has been training staff in various issues so the health district can be properly prepared.

A discussion ensued regarding 1.) Authority to enforce controls to prevent disease spread, and 2.) Response Plan content to be posted to the website.

A MOTION was made by R. Skinner, seconded by M. Kurland to adopt the EHHD Pandemic Influenza Response Plan as an attachment to the EHHD Public Health Emergency Preparedness Plan, dated November 2007, subject to updates. The MOTION was PASSED unanimously.

**4. Public Health Preparedness Grant Contract FY07/08 – FY08/09:**

R. Miller reported the contract has been signed and submitted for execution.

A MOTION was made by J. Stille, seconded by R. Skinner to ratify the Public Health Preparedness Grant, Contract #2008-1073, as signed and submitted by the Director of Health to the CT Dept. of Public Health. The MOTION was PASSED unanimously.

**5. Healthy Eating Active Living Grant Application:**

R. Miller reported we are still waiting to hear on the award. The funding will improve our existing collation of partners in the community to promote healthy behaviors in the community.

A MOTION was made by M. Hart, seconded by J. Stille to ratify the Healthy Eating Active Living Grant Application – DPH RFP# 2008-0912, as signed and submitted by the Director of Health to the CT Dept. of Public Health. The MOTION was PASSED unanimously.

(E. Paterson left meeting at 5:25 p.m. J. Stille acted as Chair in her absence)

**6. Women's Healthy Heart Grant Application:**

R. Miller reported EHHD was awarded this grant (\$89,000) and it will allow EHHD to target women 55 and older in the early detection of cardiovascular disease. Funding will allow purchasing exercise equipment for senior centers in the district (regional resources), creating campaign for cardiovascular disease and provide additional health screenings at senior centers.

A MOTION was made by M. Hart, seconded by R. Skinner to ratify the Women's Healthy Heart Program Grant Application – DPH RFT# 2008-0914, as signed and submitted by the Director of Health by the CT Dept. of Public Health. The MOTION was PASSED unanimously.

## 7. Coventry Employee Wellness Contract for Services:

R. Miller reported EHHD will provide a limited scope of services for a short period of time as a starting point for expanding our program into the Town of Coventry.

A MOTION was made by R. Fletcher, seconded by D. Cameron to authorize the Director to execute the agreement titled, "Town of Coventry/EHHD Employee Wellness Service Agreement" as presented to the Board of Directors on December 13, 2007. The MOTION was PASSED unanimously.

**Town Reports:** None

**Directors Report:** No Discussion

### **Communications:**

Coventry Middle School re: Chickenpox Outbreak: R. Miller reported no further case/s reported since 11/30/07 breakout.

**Adjournment:** A MOTION was made by D. Cameron, seconded by R. Skinner, to adjourn the Board of Director's Meeting at 6 p.m. The MOTION PASSED unanimously.

Respectfully submitted,



Robert Miller  
Secretary

## **HISTORIC DISTRICT COMMISSION MEETING**

Minutes from Meetings of Tuesday, November 13 and Tuesday December 11, 2007

### **November 13**

The Meeting was called to order at 8:00 p.m. in Conference Room C of the Mansfield Town Hall

Attending: Members: Gail Bruhn, Isabel Atwood, Anita Bacon and Jason McGarry

Minutes from the September meeting were approved.

Discussion centered on reviewing the status of projects which were brought before the Commission during the past year. These included the Prewitt garage conversion in Mansfield Hollow, the bridge and pathway proposals submitted by Lon Hultgren for Mansfield Centre and the Shed construction by Susannah Richards at 974 Storrs Rd., Spring Hill. It was agreed that members would drive past these to check the current status.

The meeting was adjourned at 8:30 pm.

### **December 11**

The Meeting was called to order at 8:00 p.m. in Conference Room C of the Mansfield Town Hall

Attending: Members: Gail Bruhn, Isabel Atwood, Anita Bacon, Jason McGarry and David Spencer

In response to our prior meeting proposal to review the status of projects brought before the commission in 2006, members commented on the following:

Prewitt garage conversion in Mansfield Hollow – project appears to be complete and comments by neighbors have been favorable.

Bridge and pathway proposals submitted by Lon Hultgren for Mansfield Centre – no action has been taken

Shed construction by Susannah Richards at 974 Storrs Rd., Spring Hill – the shed cannot be seen from the road, and is therefore not a concern.

The Crain house was briefly discussed, as it appears that work continues on the house without Historic District Commission involvement. Kurt Hirsch will be contacted.

The new meeting schedule for 2008 was submitted by Mary Stanton.

The meeting was adjourned at 8:30 pm.

Respectively submitted,

Gail Bruhn  
Chairman

## MINUTES

MANSFIELD INLAND WETLANDS AGENCY  
Regular Meeting, Monday, January 7, 2008  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, G. Zimmer  
Members absent: B. Ryan  
Alternates present: M. Beal, L. Lombard, B. Pociask  
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed Alternate Beal to act in Ryan's absence.

### Minutes:

12/3/07 - Hall MOVED, Holt seconded, to approve the minutes as written. MOTION PASSED with all in favor except Gardner who disqualified herself. Beal noted that he had listened to the tapes.

12/17/07- Hall MOVED, Holt seconded, to approve the minutes as written. MOTION PASSED with all in favor except Gardner and Goodwin who disqualified themselves.

### Old Business:

#### **Continued Public Hearing:**

W1383 - Bobb - Separatist & N Eagleville R - 7 lot subdivision

Chairman Favretti opened the continued Public Hearing at 7:03 p.m. Members present were R. Favretti, B. Gardner, J. Goodwin, K. Holt, P. Kochenburger, P. Plante, G. Zimmer, and Alternates M. Beal acting in Ryan's absence and L. Lombard acting for Hall who disqualified himself. Meitzler listed the following communications received and distributed to all members of the Agency:

- 11-16-07 memo from E.H.H.D.
- 12-18-07 Letter from Mary-Ann Haverstock, CT. DEP
- 12-20-07 Written Testimony re: Arthur's Pond from Mansfield Conservation Commission
- 1-2-08 memo from Patricia Young, Natural Resource Specialist, Eastern Connecticut Conservation District
- 1-3-08 Letter from Dilaj of Datum Engineering
- 1-3-08 Set of revised plans from Datum Engineering
- 1-4-08 Memo from Grant Meitzler, Assistant Town Engineer
- 1-6-08 Letter from Towne Engineering
- 1-7-08 Letter from A. Hilding
- 1-7-08 Letter from Hilding & Salario

Michael Dilaj, Datum Engineering, discussed in detail the items that were raised in Grant Meitzler's 1-4-08 memo. Dilaj reviewed the inclusion of rain gardens to address run-off issues.

Favretti asked Dilaj who would be responsible for maintaining the rain gardens, and noted that if they are not cared for regularly, they will not perform properly. Dilaj did not have a response but added that P. Young of E.C.C.D. endorsed the use of rain gardens as well as check dams for the stream bed.

John Ianni, Professional Soil Scientist, discussed in detail the submitted yield plan.

Dilaj reviewed Director of Planning Gregory Padick's memo and addressed key components. Dilaj also discussed the relocation of the Hilding property drainage pipe.

Favretti asked if Agency members had any questions.

Holt felt the yield plan may not be viable or acceptable to the PZC. She asked the applicant to consider alternatives to crossing and filling the wetland, such as bridging the wetland or by building an access road/driveway off North Eagleville Road and not crossing the wetland at all. Holt questioned if the Hilding drainage pipe is presently draining directly into the wetland and if the proposed footing drain will drain within the D.A.E, noting that the plans show it draining outside the D.A.E. She also expressed concern for the maintenance of the rain gardens proposed for this plan.

Zimmer questioned staff if the homeowners are responsible for maintaining the rain gardens, and does the town have the right to inspect them, and furthermore, would the town take on such a responsibility.

Favretti asked Dilaj if the proposed plan isn't overly dependent on "crutch" solutions in order to make it function properly. He also asked Meitzler to check on the legality of the town enforcing homeowners to maintain the rain gardens.

Zimmer questioned Dilaj if the future owners of lot 2 can access the pond on their property without going through the wetland. He also inquired as to the benefit of not installing basements on lots 1 and 2.

Donald Aubrey, Towne Engineering, expressed his concern about installing rain gardens. He stated that from his experience with rain gardens they are not as effective as time goes on due to lack of maintenance and proximity to houses. Aubrey reviewed his memo that he had sent to his client, and he presented a copy to members and for the record. He noted the significance of the filling of the wetland and stated that a road accessing the lots off North Eagleville Road would be a feasible and prudent alternative to the proposed common driveway.

Kochenburger wondered if the Agency could proceed without a legal decision on the drainage pipe from the Hilding property since a conflict about its location still remains. Padick said the IWA can act without a resolution to the drainage pipe issue.

Alison Hilding, 17 Southwood Road, discussed in length her concerns. She referred to the pictures that were submitted this evening and that are to be included in the record. Dilaj responded about her concerns, and reiterated his plans to relocate her drainage pipe.

Favretti noted that there were no further comments or questions from the applicant, public or Agency.

Holt MOVED, Plante seconded, to close the IWA Public Hearing at 8:43 p.m. MOTION PASSED with Hall disqualified. Favretti declared that the Agency will discuss the application at a Special Meeting in mid-January (1/22/08) in preparation for draft motions to be ready for the February 4th meeting.

**New Business:**

None.

**Communications:**

The Wetland Agent's Monthly Business report was noted.

**Reports of Officers and Committees:**

None.

**Other Communications and Bills:**

Noted.

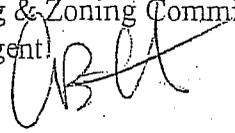
**Adjournment:**

The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: January 17, 2008



Re: *Monthly Report of Zoning Enforcement Activity*  
*For the month of December, 2007*

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	9	15	7	114	108
Certificates of Compliance issued	13	11	11	104	109
Site inspections	30	136	63	472	464
Complaints received from the Public	1	5	5	18	29
Complaints requiring inspection	1	2	2	13	15
Potential/Actual violations found	1	2	8	12	62
Enforcement letters	13	15	11	91	57
Notices to issue ZBA forms	1	1	1	9	8
Notices of Zoning Violations issued	2	5	5	29	21
Zoning Citations issued	3	6	0	19	11

Zoning permits issued this month for single family homes = 1, multi-fm = 0  
 2007/08 fiscal year total: s-fm = 9, multi-fm = 11

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, January 7, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, G. Zimmer  
Members absent: P. Kochenburger, B. Ryan  
Alternates present: M. Beal, L. Lombard, B. Pociask  
Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 8:49 p.m. He appointed Alternates Beal and Lombard to act in members' absence.

Holt MOVED, Gardner seconded, to add to the agenda under New Business Item #5, Packet Delivery.  
MOTION PASSED UNANIMOUSLY.

Minutes: 12/17/07- Hall MOVED, Holt seconded, to approve the 12/17/07 minutes as written. MOTION PASSED with all in favor except Plante, Goodwin and Gardner who disqualified themselves.

#### Public Hearing Continuation:

#### Subdivision Application (Arthur's Pond) 7 Proposed lots off of N. Eagleville and Separatist Roads.

#### File #1266

Chairman Favretti opened the continued Public Hearing at 8:51 p.m. and noted that the information presented during the Inland Wetlands Agency Public Hearing for Arthur's Pond will be entered into the record for this PZC Hearing. Members present were R. Favretti, J. Goodwin, K. Holt, P. Plante, and Alternates M. Beal, L. Lombard, B. Pociask. Favretti appointed Lombard to act because Hall disqualified himself, Pociask to act in the absence of Kochenburger and Beal to act in the absence of Ryan. Padick noted the following communications received and distributed to all members of the Commission:

- 12-18-07 Letter from Mary-Ann Haverstock, CT. DEP
- 12-18-07 Supplementary comments on Arthur's Pond from O.S.P.C.
- 12-20-07 Written Testimony re: Arthur's Pond from Mansfield Conservation Commission
- 1-2-08 memo from Patricia Young, Natural Resource Specialist, Eastern Connecticut Conservation District
- 1-3-08 Letter from Dilaj of Datum Engineering
- 1-3-08 Set of revised plans from Datum Engineering
- 1-4-08 Memo from Gregory Padick, Director of Planning
- 1-4-08 Memo from Grant Meitzler, Assistant Town Engineer
- 1-6-08 Letter from Towne Engineering
- 1-7-08 Letter from A. Hilding
- 1-7-08 Letter from Hilding & Salario

The applicant stated that he had no further comments since the IWA record will be entered into this Hearing.

Donald Aubrey, Towne Engineering, pointed out that it would be difficult to enforce many aspects of Dilaj's plans; and restated his client's stand on the relocation of her drain pipe.

Alison Hilding, 17 Southwood Road, maintained that she has a legal right to the drain location. She added that she does not think Dilaj's proposal will lessen the impact of water on the adjacent properties, and that if a common driveway is installed and she has any problems, she will have to contact all 3 of the property owners, noting if it were a town road, she would contact only the Town.

With no further comments or questions, Plante MOVED, Lombard seconded, to close the Public Hearing at 9:08 p.m. MOTION PASSED with all in favor except Hall who disqualified himself.

## Scheduled Business:

### Zoning Agent's Report

Padick noted that no activity has taken place at the Hall site, and none is expected until the spring. Gardner questioned if any trailers remained, Padick noted that some have been removed but others remain.

## Old Business:

### 1. Special Permit Application, Efficiency Unit, 141 Gurleyville Rd., J. Catalano, o/a File #1268

MAD: 1/23/08

Favretti appointed Alternates Beal, Lombard and Pociask to act due to member absence and for Gardner and Goodwin who disqualified themselves. Plante MOVED, Beal seconded, to deny the special permit application (file #1268) of Jeff Catalano for an efficiency unit at 141 Gurleyville Road, in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearings on 11/5/07 and 11/19/07. This denial action is taken for the following reasons:

1. Efficiency units are not permitted by right and require Special Permit approval (see Article V, Section B.1). Applicant submissions and Public Hearing testimony indicate that the subject application was submitted in order to obtain approval to increase to 6 the number of unrelated persons who may occupy the subject dwelling. Accordingly, to approve this application, the Commission must determine that all applicable regulations have been met for this intended occupancy.
2. After considering all applicant submissions and testimony, staff reports and Public Hearing testimony, the Commission has determined that many provisions of Mansfield's Zoning Regulations have not been met and that the proposal would result in health, safety, and welfare problems. The proposed occupancy is not consistent with the intent provisions for efficiency units as specified in Article X, Section M and the proposal is not consistent with many provisions of Article I, including Sections B.1, 3, 6, 8 and 10.
3. The subject site is located in close proximity to a number of single family homes. The proposed use is expected to result in inappropriate noise, nuisance, lighting and traffic safety problems for neighboring residences. The proposal is not considered to be in compliance with Article V, Sections B.5.b, c or d, or with Article V, Sections A.5.e, f, g or j.
4. Zoning Regulations necessitate that an applicant make adequate provisions for parking in order to address vehicular and pedestrian safety and neighborhood impact approval criteria. Acceptable parking spaces must be adequately sized and appropriately located. In the subject situation, the Commission has determined that an existing parking area west of the loop driveway is unsafe due to sightline and access problems which necessitate a backing up movement onto Gurleyville Road. Furthermore, the Commission has determined that only 3 spaces along the loop driveway would meet zoning standards. The number of safe parking spaces provided are not considered adequate for the proposed use and accordingly, the proposal is not considered to be in compliance with Article I, Section B.5, Article V, Section A.5.b, e and f or Article X, Section M.2.a.3 and other sections of the Zoning Regulations related to parking and vehicular and pedestrian safety.
5. The applicant has not adequately documented that the proposed efficiency unit meets the requirements of Article X, Section M.2.a with respect to providing a safe and adequate kitchen or kitchen area for the efficiency unit. Although a portion of the submitted floor plan for the efficiency unit is labeled kitchen area, inadequate evidence was submitted to document the nature of kitchen amenities. A 2007 multiple listing for this property, indicated that the house had 1 kitchen and a wet bar in a den/study area which appears to be the efficiency unit area. There have not been any recent building permits indicating kitchen alterations have taken place and the property has not been inspected pursuant to the Town's Housing Code requirements. No interior photographs have been submitted. The provisions of Article V, Section A.5.a have not been met. MOTION PASSED with all in favor except Gardner and Goodwin who had disqualified themselves.

2. Request for Site/Use Modifications, 1029 Storrs Rd. (Stix 'n' Stones LLC, applicant/P. Hammer, owner) File #727

Item tabled, awaiting supplemental information from the applicant.

3. Request for Site Modification, Paideia Amphitheatre Project, 28 Dog Lane, File # 1049-2

Padick summarized his memo and questioned the PZC if they felt the office should informally notify the abutters of the requested modification, or should a public hearing be held at this point. By consensus, the PZC agreed that abutters should be notified, and that a public hearing not be held at this point, but that the PZC retain the right to do so if it is determined later that one is needed.

4. Subdivision Completion/Bonding update

a. Baxter Road Estates Bond Reduction Request, PZC File #1229

Holt MOVED, Plante seconded, that based on work completed, the Planning and Zoning Commission authorizes its Chairman with staff assistance to reduce bonding requirements for Baxter Road Estates to \$7,500 plus accumulated interest. A new bond agreement shall be executed in association with this reduction. MOTION PASSED UNANIMOUSLY.

New Business:

1. Request for Certificate of Compliance, Regional School District 19 Alternative High School Project, 85 Depot Road, File # 1251

Padick summarized his memo, Holt MOVED, Lombard seconded, that the Planning and Zoning Commission authorize the issuance of a Certificate of Compliance for the Regional School District 19 Alternative High School project on Depot Road based on the completion of health and safety components of the project and assurances referred to in an attached 1/3/08 letter from project architect, Richard Lawrence. This action does not eliminate the requirement for a certified as-built plan upon completion of all site work. This action is contingent upon the installation of railings on exterior stairways and ramps. MOTION PASSED UNANIMOUSLY.

2. Request for B.A.E. Revision, Lot 29, Wild Rose Estates Phase II, 11 Blake Lane File# 1113-3

Item was tabled consensus pending communication from neighbor.

3. Request for filing extension, Woodland Road Subdivision, Lukas, PZC File #1261

Goodwin disqualified herself. Gardner MOVED, Hall seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Woodland Road Subdivision (File #1261). MOTION PASSED with all in favor except Goodwin who disqualified herself.

4. 2008/2009 Budget

Padick summarized the minor changes he made to the draft budget proposal for 2008/09. The PZC unanimously agreed by consensus to the draft budget proposal.

5. PZC/IWA Packet Delivery

Padick indicated that due to several factors, it is no longer cost effective to hand-deliver packets. He proposed mailing the packets to members, but noted that they will receive them either Friday or Saturday depending upon how quickly the office receives all the information for collation. Members expressed concern for larger packets not fitting in mail boxes, and Padick assured the members that the larger packets would be hand-delivered, noting that the office will accommodate any members who need them early for any reason on a case by case basis. The consensus of the PZC was to agree to this on a trial basis.

Reports of Officers and Committees: Favretti noted a Regulatory Review Committee Meeting, January 9, 2008 at 1:30 in Room C. Holt noted that WINCOG has moved to 700 Main Street, Willimantic.

Communications and Bills: Items were noted.

Adjournment: Favretti declared the meeting adjourned at 9:43 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary



**TOWN OF MANSFIELD/MANSFIELD PUBLIC SCHOOLS  
SCHOOL BUILDING COMMITTEE  
Wednesday, November 14, 2007  
Audrey P. Beck Municipal Building  
Conference Room B**

MINUTES

Present: Anne Rash, Mark Boyer, Gordon Schimmel, Anne Willenborg  
Absent: Bill Simpson, Chair, Elizabeth Paterson, Matt Hart  
Staff: Jeff Cryan, Eric Ohlund, William Hammon, Jeff Smith, Jaime Russell,  
Cherie Trahan  
Guest: Mike Callahan, Fuss & O'Neill, Rick Lawrence, Rick Lawrence Associates

**1. Call to Order/Roll Call**

Mr. Simpson called the meeting to order at 5:02 p.m.

**2. Meeting Minutes**

The minutes of October 3, 2007 were moved, seconded and approved unanimously.

**3. Opportunity for the public to address the Committee**

No one came forward.

**4. Report from Fuel Conversion Project Subcommittee**

Mr. Callahan provided the Committee with an updated regarding the three issues regarding the fuel conversion (see previous minutes for explanation). He then stated that both he and Mr. Smith had discussions with the gas company. Mr. Callahan regarding the technical side and Mr. Smith regarding the financial side.

Mr. Callahan stated that although he would like to see confirmation in writing, it sounded like the gas company had committed to providing the Middle School with gas. Preliminary dollars appear to be \$175,000 if there is no co-gen and \$0 if there is co-gen. The caveat would be that the Town would have to dig the trench for the pipe. Mr. Smith reported that in all likely would Public Works would not want to dig the trench (minimum 18 inches to a maximum of three to four feet). Mr. Smith defers to Mr. Callahan's expertise. Mr. Callahan stated that the specifics needed to be solidified on the first phase of the design and if the issues of installing gas prevent it from going forward the option of #2 fuel oil is available.

Mr. Callahan then brought up an issue regarding air conditioning which was brought up by Mr. Cryan as this will affect the heating system. Mr. Callahan wanted the Committee to know that the project did not include air conditioning the Middle School and that supplemental funding would be needed for this part of the project.

Mr. Callahan also mentioned that the Town and Fuss & O'Neill do not have a signed contract as of yet due to legislation regarding that engineering services be bid out.

Due to another appointment, Mr. Lawrence requested that he could report on the status of his work.

## **5. Architect's Report**

Mr. Lawrence distributed the some documentation of the existing conditions regarding the electrical portion to the Committee. Drawings have been completed of the buildings which helps pinpoint square footages to use as a baseline.

On October 30th a meeting was held with the school principals, the head of the library system, Jaime Russell, Mike Callahan's office, Gordon Schimmel and Fred Baruzzi to discuss the library media centers. The idea is to have as much consistency as possible between the schools.

Attendance at the public workshop was low. Comments were made from the attendees to try to assist in getting a better turnout. The next workshop on the Wednesday following Thanksgiving will be focusing on the alternatives at the elementary schools held at the middle school. Thursday, December 6th will be only for the middle school.

## **6. Other**

Dr. Schimmel and Mr. Lawrence requested that the Building Committee be switched to 5:30 due to a conflict with another project in Town.

## **7. Adjournment**

Mr. Schimmel adjourned the meeting at 6:03 p.m.

Respectfully submitted,

Linda Patenaude  
Capital Projects and Personnel Assistant

PAGE  
BREAK

# A STATE-MANDATED PROPERTY TAX CAP ON MUNICIPAL REVENUE: A CURE WORSE THAN THE DISEASE

JANUARY 2008



**CCM PUBLIC POLICY REPORT**

**A STATE-MANDATED PROPERTY TAX CAP  
ON MUNICIPAL REVENUE:  
A CURE WORSE THAN THE DISEASE**

**JANUARY 2008**



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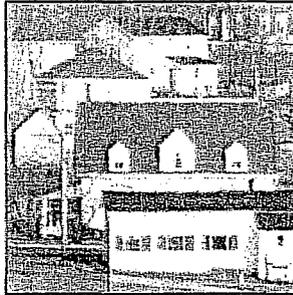
## OVERVIEW

Governor Rell is again proposing — and some state legislators are supporting — a State mandated cap on the revenue municipalities can raise from property taxes.

While attractive at first blush, a property tax cap by itself does not constitute property tax relief or reform. A cap would have dire adverse consequences for towns and cities and the state as a whole.

Further, a cap is simply not appropriate in Connecticut: local residents have ample ability to decide the sizes of their local budgets — a state-imposed cap would be the ultimate “nanny-state” act; it would tell local taxpayers that the State knows better than they how much their town should tax and spend.

A cap on local property tax revenues could hurt the state and local economies. It could hamstring municipalities as they seek to make investments or



grant tax incentives that would encourage economic growth.

There is no question that the property tax is too high in too many of our communities. It's inherently unfair and regressive. It's a tax from yesterday that is no longer up to doing all of the jobs it's being asked to do today — including carrying the lion's share of education costs. But an artificial, state-mandated cap on local revenue would make things worse.

Property tax caps take various forms, for instance they can limit (a) property tax rates, (b) property assessments, or (c) growth in local revenue. While many states have property tax caps, there is a wide variety of ways in which they are applied, for example in Maine the cap can be exceeded by a simple majority vote of a municipal legislative body.

This Public Policy Report examines the impacts that a property tax cap could have on our state — and why it's wrong for Connecticut.

## THE SITUATION IN CONNECTICUT

### Local Budgets Should Be, And Are, Determined By Local Taxpayers

Municipal budgets in Connecticut should be, and are, decided by local taxpayers — the people who have to live with the decisions they make, and the impacts those decisions have on the quality of life in their communities.

**Residents in at least 144 municipalities have the opportunity to hold a referendum on their budgets either automatically (52) or by citizen petition (92). Further, the legislative body is a town meeting in 106 municipalities.<sup>1</sup>** Through the democratic process the residents of their communities vote directly on their budgets. Why should the State dictate to them that they have to abide by some arbitrary limit?

The remaining municipalities have representative legislative bodies that decide on their budgets, **just as the General Assembly and Congress do.** They are directly accountable to the voters in their communities for the decisions they make, most run for re-election every two years. Given that 53 municipalities changed leadership in 2005 and 45 did in 2007, the public seems perfectly capable of deciding when they want a change in leadership and direction.

Moreover, some of the towns without referendum fall into one or more categories of municipal fiscal distress. They are less-affluent communities with high service needs. For the State to put an artificial cap on them would be to dictate fewer services (whether police, fire, social services, education or others) than the people of that town deem necessary or desire.

Citizens are more than able to hold their local budgets in check when they see fit. The Connecticut Advisory Commission on Intergovernmental

<sup>1</sup> CCM survey, 160 responding municipalities, 12/07.

Relations (CACIR) found that **of 73 municipalities that held budget referenda this year, only 45 budgets were approved on the first vote.**

“Considering multiple budget referenda in numerous towns, **there has been a total of 160 budget referenda held this year, fifteen more than [2006] and thirty-three more than in 2005.**” The report also found that 17 municipalities adopted their budgets after the start of the fiscal year, compared to 12 in 2006 and 14 in 2005.<sup>2</sup> (emphasis added)

Towns and cities are the most accountable and accessible level of government in Connecticut.

### State Aid Levels Directly Affect Property Tax Rates and Service Levels

Property taxes account for, on average, 69% of local government revenues in Connecticut. Federal aid and user fees, two revenue streams that seldom fluctuate, account for only about 8%. The remaining 23% comes from State aid.<sup>3</sup>

**Some Connecticut municipalities are almost totally dependent on property taxes to fund local government.** Nine towns depend on property taxes for at least 90% of all their revenue. Another 48 municipalities rely on property taxes for at least 80% of their revenue.

Simply put: when state aid goes down, property taxes go up.

Without increased state aid, the ability of local governments to provide necessary public services, including education, will be strangled.

The combination of inadequate state aid and high property taxes already hurts the ability of towns and cities to provide needed services. For example, little more than half of the municipalities have full-time police departments (53%, or 90

of 169). Just 13% (22 of 169 municipalities) have full-time fire departments, while another 18% (30 towns) have combined volunteer and full-time fire departments.

History shows that state aid increases that are enacted in good fiscal times may not last during tough times. In 2003 the General Assembly and the Governor dramatically cut aid to municipalities in several areas — in the middle of the budget year. In some areas, such as the Town Aid for Roads and Pequot-Mohegan grants, the levels of aid have never returned to pre-2003 levels.

GRANT PROGRAM	FY 2001-02	FY 2007-08
Town Aid Roads	\$35 million	\$30 million
Pequot-Mohegan Grant	\$135 million	\$93 million
PILOT state property	48% reimbursement	35% reimbursement <sup>4</sup>
PILOT colleges and hospitals	81% reimbursement	55% reimbursement

Experience in other states with property tax caps shows this same pattern. In Massachusetts “there were significant increases in public education funding during the 1990s, [but] general local aid has been stagnant for more than a decade and non-school expenditures have been flat.”<sup>5</sup>

It’s true that in dollar terms state aid has grown in several areas — and local officials appreciate that. But state aid increases have not kept up with local cost drivers: energy, health insurance, energy, personnel and other areas (see the next section).

Moreover, historically, the state’s Education Cost Sharing (ECS) aid for the public schools has failed to keep pace with the rising costs of education or ever to meet the goal of funding 50 percent of total statewide education costs. When all types of state aid are included (for operating expenses, payments to the teachers’ retirement fund, school construction, and more) the State is paying 43.1% of all statewide costs in FY 07-08.

The state’s FY 05-06 ECS grant (the last year for which data have been released) represented a 2.7% decline in the state’s share of schools’ net operating costs (shown in parentheses in the chart on page 5),

<sup>2</sup> “Municipal Budget Adoption Experiences,” FY 2007-08, Connecticut Advisory Commission on Intergovernmental Relations, November 2007.

<sup>3</sup> “Municipal Fiscal Indicators,” Office of Policy and Management. Figures are for 2006, latest available.

<sup>4</sup> PILOTs are payments-in-lieu-of-taxes for certain real estate property mandated by the State to be property tax exempt. The statutory reimbursement for state property is 45%, for colleges and hospitals it is 77%. This does not even take into account the personal property of these institutions, for which there is no reimbursement.

<sup>5</sup> “Local Communities At Risk”, Municipal Finance Task Force, (Massachusetts) Metro Mayors Coalition, Sept. 2005.



### Total Education Aid (share of statewide cost)

	FY 01-02	FY 05-06
Regular programs	\$1,315 million (31%)	\$1,449 million (29%)
Special education	\$357 million (35%)	\$412 million (31%)
Pupil transportation	\$55 million (30%)	\$60 million (26%)
Total of above	\$1,727 million (31.8%)	\$1,921 million

failing to even keep pace with inflation over the previous four years.<sup>6</sup>

It must also be noted that the State has committed to a substantial increase in the FY 07-08 ECS allocations, followed by a 4.4% increase in FY 08-09 and promises of additional increases over the following three years (to fully phase in changes to the ECS formula enacted this past legislative year, an increased 5-year investment by the state of some \$1.1 billion). However, the Connecticut Coalition for Justice in Education Funding points out that even if/when the revised formula is "fully funded" according to the new changes, the State will only then be investing what it should already have been investing in the public schools as of 2007 according to the old, broken ECS formula. Moreover, no legislative provision was made to index state funding to inflation or overall rising school district expenditures.

<sup>6</sup> Connecticut State Department of Education, Bureau of Grants Management, Connecticut Public School Expenditures Report, Table 2, "Current Expenditures for Regular Education, Special Education and Pupil Transportation by Source," available at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2635&q=320576>.

<sup>7</sup> note that this is of 'net operating costs' and does not include certain state contributions mentioned above (e.g. school construction, teachers' pension that are included in the 43.1% figure).

<sup>8</sup> Connecticut Public Sector Healthcare Cost & Benefit Survey, 2006 Edition, Ovation Benefits (survey of 57 municipal governments and board of education contracts). The previous (04-05) edition found that "the average cost increase for FY 2005 was 13.5%, with 37% of survey participants experiencing an increase of 15% or more..."

<sup>9</sup> CCM survey, partial results, survey is ongoing.

<sup>10</sup> Electricity Price Trends in Deregulated vs. Regulated States, Marilyn Showalter, Power in the Public Interest, November 7, 2007.

<sup>11</sup> 81% in CT Natural Gas and Southern CT Gas service areas, 75% in Yankee Gas service areas.

### State Mandates

Beyond lower-than-needed financial aid, the State continues to pass unfunded and under-funded mandates on towns and cities. The 2007 General Assembly passed, and the Governor signed, over 30 new ones — adding to an ever-growing list that has a large cumulative impact. **The Connecticut Advisory Commission on Intergovernmental Relations reports that there are 1,203 such state mandates on towns and cities in our state.**

Included are 75 state-mandated property tax breaks codified in the Connecticut General Statutes. The great majority of these mandated exemptions are not even partially reimbursed by the State.

When Massachusetts passed its property tax limitation, "Proposition 21/2", it also passed a constitutional amendment prohibiting new unfunded mandates. The Connecticut General Assembly has repeatedly refused to pass even a statutory prohibition on such enactments.

Towns and cities will again face many proposals for new state mandates in the 2008 General Assembly session, including costly special workers compensation benefits for local public safety personnel.

### Municipal Costs Are Rising

Connecticut's municipal cost-drivers don't go away because there is a property tax cap. For example,

➤ **Health insurance** costs rise each year — 6.3%, on average, in FY 06-07, 8.3% in FY 05-06 and 13.1% in FY 04-05. Municipal health insurance costs are 46% higher than private sector norms.<sup>8</sup> Many municipalities are reporting cost increases of between 10% and 20% over last year.<sup>9</sup>

➤ **Energy costs:** The cost of **electricity** in Connecticut has gone up almost 60% in Connecticut since 1999.<sup>10</sup> In the past year the price of **natural gas** increased between 75% and 81%.<sup>11</sup>

The price of **heating oil** in Connecticut has risen from \$2.51 per gallon to \$3.31 per gallon in one year. Five years ago (December 2002) it was \$1.29 per gallon.<sup>12</sup>

➤ **Special Education** costs have risen from \$1.04 billion in 2001-02 to \$1.3 billion in 2005-06.

➤ **Employees' salaries** rose 6.3% from 2002 to 2003, another 7.6% in 2004, 8.5% in 2005 and 2% in 2006.<sup>13</sup>

Property tax caps don't magically make these types of cost increases go away: in Massachusetts, municipal spending for health insurance increased 63 percent between 2001 and 2005.<sup>14</sup>

A cap also doesn't stop the growth in post-employment benefits, such as pensions. Municipalities now face strict new rules for accounting for those post-employment benefits issued by the Government Accounting Standards Board ("GASB



45"). These rules mean that municipalities must record liabilities for retiree health coverage on an accrued basis — i.e., they must be recorded and counted as they are earned rather than as they are collected.

**Credit-rating agencies will rate local governments according to the size of this liability and their plans to address it.** Unless costs for retirees are brought under control, the size of this



liability will drive up the cost of borrowing, hurting other sections of town budgets.

Rising pension obligations have become a problem in states where there are property tax caps. In Illinois, for example, rising pension costs for police and fire personnel are consuming a larger portion of the amount municipalities can effectively levy under the cap. Municipalities have gone to the state legislature to exempt those pension costs from the cap.<sup>15</sup>

### Bond Ratings Could Be Affected

A property tax cap could have negative impacts on municipal bond ratings.

Moody's Investor Services recently issued a document concerning New Jersey's new property tax cap in which it stated the cap

*"will increase fiscal pressure on municipalities with larger reliance on property tax revenues and further reduce financial flexibility of municipalities already faced with an existing cap on expenditure growth...Moody's expects many communities will budget use of more fund balance. Budgets may be prepared in a less conservative manner than in the past with some municipalities assuming a higher rate of tax collections than they have before-again leading to less opportunity to replenish any use of fund balance. Overall, Moody's expects the Property Tax Reform Act to reduce municipal financial flexibility and to create challenges for municipalities' efforts to balance their budgets."*<sup>16</sup>

<sup>12</sup> U.S. Energy Information Administration, 12/12/07.

<sup>13</sup> Local Public Employment Data for Connecticut, US Census (local governments only).

<sup>14</sup> John Hamill, "Communities At Risk", MassBenchmarks Volume 8 cited in "Property Tax Cap The Wrong Solution To Connecticut's Rising Property Taxes", Iris Lav, Center for Budget and Policy Priorities.

<sup>15</sup> Illinois Municipal League.

<sup>16</sup> "New Jersey Property Tax Reform Expected to Place Fiscal Pressure on Some New Jersey Municipalities", Moody's Investor Services Special Comment, April 2007.

## THE EXPERIENCE IN OTHER STATES

### Municipalities Have Other Sources Of Revenue

Most of the states with strict property tax caps allow local governments other sources of revenue. Connecticut's municipalities only have the property tax and the real estate conveyance tax — and in recent years have had to fight to protect existing levels of the conveyance tax.

For example, at least 32 states now authorize local option sales taxes, including our neighbors Vermont and New York.<sup>17</sup> Ten states allow at least some municipalities to levy income taxes.<sup>18</sup> Local taxes on motor vehicle fuels, such as gasoline, are authorized in 15 states, and have been adopted in ten.<sup>19</sup> Some states allow towns to assess franchise fees on public utilities and excavation fees for utility damage to roadways. Others allow restaurant and lodging taxes to be levied by local governments.

The following chart below shows a comparison of the types of taxes that can be levied in Connecticut by the State and municipalities:

TAXES THAT CAN BE LEVIED BY:	
THE STATE	MUNICIPALITIES
<ul style="list-style-type: none"> <li>• Personal Income Tax</li> <li>• Sales and Use Tax</li> <li>• Corporate Income Tax</li> <li>• Public Service Corporation Tax</li> <li>• Inheritance/Estate Taxes</li> <li>• Insurance Companies Taxes</li> <li>• Cigarette Tax</li> <li>• Petroleum Companies Tax</li> <li>• Alcoholic Beverage Tax</li> <li>• Admissions, Dues, and Cabaret Taxes</li> <li>• Motor Fuels Tax</li> <li>• Real Estate Conveyance Tax</li> <li>• Nine Other Miscellaneous Taxes</li> </ul>	<ul style="list-style-type: none"> <li>• Property Tax</li> <li>• Real Estate Conveyance Tax</li> </ul>

Although it may be tempting to consider local-option taxes for Connecticut municipalities, caution must be used. Those options may work best on a regional, rather than town-by-town basis, or it may be best to impose alternative taxes on a statewide basis. The National Conference of State Legislatures found that:

*Just as states compete with one another on the basis of tax policy, local option taxes may lead to competition among local governments. This competition may create an adversarial relationship between cities and suburbs, as both try to use a competitive tax policy to lure businesses and residents. Such competition does not improve the state's overall economic performance and may divert resources from more productive uses. Competition also may place poorer localities and inner cities at a disadvantage in relation to their wealthier neighbors because property wealth usually is correlated with income and consumption. Thus, local governments with strong property tax bases may have less need for revenue and can levy local option taxes at lower rates than their poorer neighbors.<sup>20</sup>*

### Growth in Fees and Bonding

When property tax growth is capped, local governments in other states have also turned to non-tax methods to finance vital services — for example, user fees go up and municipalities increasingly use bond funding to pay for operations (causing a subsequent increase in interest on bonded indebtedness).

A tax cap would encourage towns to expand their non-residential grand lists (e.g., “big box” developments, etc.) — and discourage towns from attracting housing for families. This will exacerbate intermunicipal competition for economic development. This is the *opposite* of what Connecticut should be doing as it seeks to embrace “Smart/Responsible Growth” principles and to expand affordable housing opportunities across the state.



<sup>17</sup> National Conference of State Legislatures, “Local Option Sales Taxes”, September/August 1998.

<sup>18</sup> National League of Cities.

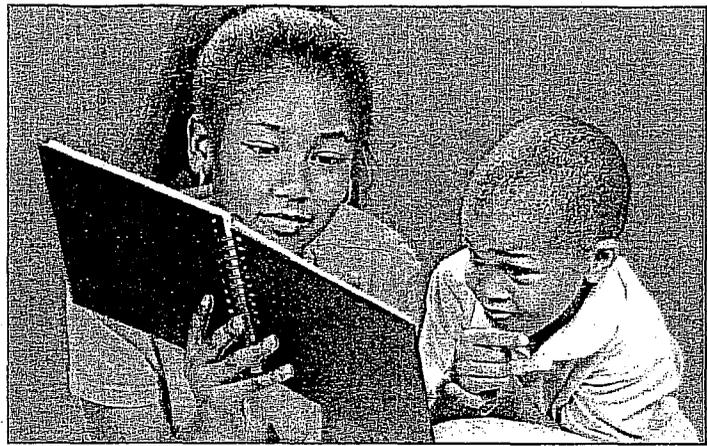
<sup>19</sup> “Local Option Transportation Taxes in the United States,” Goldman, Corbett and Wachs, University of California Institution of Transportation Studies, March 2001.

<sup>20</sup> *A Guide To Local Option Taxes*, National Conference of State Legislatures, November 1997.

## Disparities Increase

In states with tax caps, disparities between municipalities get worse. Affluent communities are more likely to override the cap to get better quality public services. The residents of poorer communities simply cannot afford to do so. The result is that schools, parks, public safety and other services improve in wealthier towns — and deteriorate in poorer places. The more-affluent towns become more attractive places to live and do business, while the less-affluent municipalities become less attractive.

A recent report by the Center on Budget and Policy Priorities found that in the neighboring state of Massachusetts (a) more affluent towns passed more overrides, (b) smaller municipalities passed more overrides than larger ones and (c) municipalities with more school-age children were more likely to approve overrides than those with fewer children.<sup>21</sup> In Connecticut — a state that has been fighting disparities between affluent and less-affluent school systems — a similar outcome would only hurt efforts to bridge gaps in education opportunities and would cement the reality that where a child lives will determine his or her education opportunities.



## Services Hurt

Several Massachusetts communities, after passage of Proposition 21/2, closed schools, libraries and firehouses.

A recent study in Massachusetts found that  
*...municipal workforces lost 14,200 jobs, or 5.2% of all municipal employees, between February 2002 and August 2004. According to Economy.com, a Pennsylvania research firm, municipalities in Massachusetts cut their workforces more steeply than in any other state in the nation between 2001 and 2005. That reduction in staff often has translated directly into service cuts, such as shortened library hours, fewer health and human services offered to residents, closed fire houses, or fewer police patrols in neighborhoods.*<sup>22</sup>  
(emphasis added)

In the wake of passage of Proposition 21/2 Springfield (a city similar in size and demographics to several Connecticut cities) closed four schools, cut athletic programs by 60 percent, stopped all textbook purchases, and increased the cost of school lunches by 24% (among other things).<sup>23</sup>

In a survey conducted in Collar County, Illinois 121 of 145 (83%) responding schools reported problems due to that state's property tax cap, including increased class size (80 schools), cuts in equipment purchases (70), cuts in library services and materials (69), reductions in teachers (49) and more.<sup>24</sup>

<sup>21</sup> "The Problem With Property Tax Revenue Caps", Karen Lyons and Iris Lav, Center on Budget and Policy Priorities, June 2007.

<sup>22</sup> "Local Communities At Risk", Municipal Finance Task Force, (Massachusetts) Metro Mayors Coalition, Sept. 2005.

<sup>23</sup> *Proposition 21/2, Its Impact on Massachusetts*, Massachusetts Institute of Technology, Lawrence Susskind, 1983.

<sup>24</sup> "Tax Cap: Expect Diminished Local Services in the Future," Nick Greifer, reported American Federation of State, County and Municipal Officials, 2007.

## OTHER CONSIDERATIONS ARGUING AGAINST A CAP ON LOCAL PROPERTY TAX REVENUE

There are other issues raised by a property tax cap that need to be considered as well.

**Emergencies:** municipalities could be hamstrung in responding to emergency situations. The proposal before the General Assembly in 2007 would have allowed them to seek a waiver in such instances, but would municipal leaders be forced to wait for approval from the State about what constitutes an emergency before they could respond?

**New Spending Needs:** Sometimes local governments find they must spend money to tackle new or growing problems — the need to confront homeland security issues is a recent example.

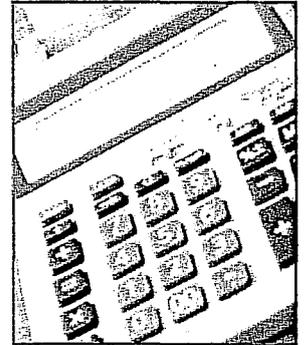
**Hurts the State and Local Economies:** A recent article in *Governing* magazine discussed the impacts a proposed property tax cap could have on the Florida economy, but would have similar impact in Connecticut — in particular the loss of millions of dollars for “infrastructure, technology updates, public amenities and all the things that attract business.” One academic expert said, “Local governments are a key local economic actor — not just an extension of state government... They need to be nimble in the face of economic circumstances — just like a company does.” Another pointed out that “Any restriction on their ability to raise the money to invest... can harm them,” as well as the entire state.<sup>25</sup>

**Starving The Beast Doesn't Work:** There are some who have argued that only if there is a property tax cap would local government pare itself down. But there are several reasons that is flawed logic.

➤ First, local officials must run for re-election, most every two years, and the last thing they want to do is raise taxes — they do it when they feel they have no choice, or when public needs or demands for services (and inflated costs) require it. They don't needlessly “feed the beast.”

➤ Second, local government budgets are much more accessible and understandable than are state or federal budgets — the citizens know what they include and they debate them. As discussed above they often defeat budgets in referenda.

➤ Third, ‘starving the beast’ doesn't necessarily result in more efficient service delivery. In 2007, the legislature's Finance Committee was told that the Massachusetts property tax cap resulted in virtually no move towards more regional cooperation and shared services. Only financial incentives and strong regional organizations can do that.



### SUMMARY

**Who should get to decide what it is their hometowns value — the people who live there or the State?** A property tax cap is an artificial contrivance that would deny the will of the voters in a town to enact budgets as they see fit.

A state-local partnership to govern Connecticut requires that local government have the ability to

obtain sufficient resources and authority to contribute to — and invest in — maintaining and expanding a reasonable quality-of-life for all the residents of our state. A state mandated cap on property tax revenues would hurt that ability.

Such a property tax cap would hurt municipalities in many ways. It is an easy non-solution to property tax pressures. It would damage Connecticut's towns and cities and the quality-of-life valued by the people who live and work in our state.

For more information, please contact Jim Finley or Gian-Carl Casa of CCM at (203) 498-3000.

<sup>25</sup> “Breathing Room,” Katherine Barrett and Richard Greene, *Governing*, January 2008. The quotes are from, in order, Michael Pagano, Dean at the University of Illinois at Chicago and Barry Bluestone, director of the Center for Urban and Regional Policy, Northeastern University.



The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities. CCM represents municipalities at the General Assembly, before the state executive branch and regulatory agencies, and in the courts. CCM provides member towns and cities with a wide array of other services, including management assistance, individualized inquiry service, assistance in municipal labor relations, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers' compensation and liability-automobile-property insurance, risk management, and energy cost-containment. Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.

CCM is governed by a Board of Directors, elected by the member municipalities, with due consideration given to geographical representation, municipalities of different sizes, and a balance of political parties. Numerous committees of municipal officials participate in the development of CCM policy and programs. CCM has offices in New Haven (the headquarters) and in Hartford.

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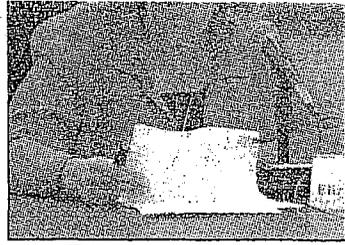
**THE VOICE OF LOCAL GOVERNMENT**

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property tax increases and deep cuts in public services.

"If there was ever a time for state and local officials to work together, this is it," said Mansfield Mayor Elizabeth "Betsy" Paterson, president of the Connecticut Conference of Municipalities.

Rell and lawmakers are going to consider changes to the second year of the state's current two-year, \$36 billion budget in legislature's upcoming three-month session. The Connecticut Conference of Municipalities contends the scheduled \$99 million increase in town aid for the upcoming 2009 fiscal year isn't



Elizabeth Paterson

"I know in my community 90 percent of revenues come from local property taxes. We are ranked No. 14 in the state for our reliance on property taxes, and that is a list you don't want to be on," Simsbury First Selectman Mary Glassman said.

Conference of Municipalities. "Many of them have good public policy motivations, but the state often passes those without giving funding or any other resources to local government to implement them," he said.

The conference isn't planning to seek any changes to binding arbitration or other municipal labor laws. But Finley said the group will push for changes to the prevailing wage law.

The law sets wage and benefit standards for state and local construction projects. It applies to contracts for new construction projects costing \$400,000 or more.  
**(Towns say, Page 6)**

1/17/08

Item #13

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Roxanne Pandolfi

Mansfield Middle School Latin teacher Gayle Hightower, who also teaches part time at E.O. Smith, volunteered her time Wednesday night helping freshman Emily Welden, Emily Westa and Haley Hamlin. E.O. Smith High school held its first "Cocoa and Cram" a program for freshman where older students help them to study for exams.

# Cocoa comforts student study

By HEATHER LAKE LOTTIER  
Chronicle Correspondent

STORRS — Deric Zhang, a freshman at E.O. Smith High School, doesn't have any idea which college he would like to be attending four years from now.  
What Zhang does know is every grade he gets from here on out could make a difference as to which one he attends.  
For high school students, good grades mean scoring well on mid-term and final exams but the transition from middle school to high school test taking can catch some students off guard.  
To help ease the transition, a group of students and staff at the E.O. Smith organized what they called a "Cocoa & Cram" session Wednesday night.

The concept was borrowed from a program at Middletown High School and brought to E.O. Smith by Vice Principal Sheila Riffle.  
It brought together senior students willing to share their expertise and freshman students ready to absorb it.  
Parents and teachers provided sustenance by way of baked goods and, of course, cocoa.  
When it came to getting the event organized, Riffle said the credit goes to the students who polled their peers to find out where they needed the most help, recruited volunteers and marketed the event.  
About 30 seniors belonging to either the Peer Natural Helpers Club, the National Honor Society

time. He was a member of the Local Federation of Musicians. Over the years several local bands, orchestras, and brass bands. Another love and interest was nature and forestry at Humboldt State University for 10 years and considered a career in that field captured him. He leaves his wife, Sharon; two sons, Danny and Ronald of California, and a daughter, A Memorial Service will be held at the First Lutheran Church at 199 Valley Street, Eureka, on Tuesday, January 2, 2008 at 1:00 p.m. Contributions may be made to Joshuas Tract, P.O. Box 4, Eureka, CA 96504.

**Card of Thanks**  
**Fred Rose**  
 Fred Rose wishes to express appreciation for the prayers, comforting words, cards, floral tributes & attendance at the service. A special thank you to the family of Barbara Jean, Karen & Sue.

**Living Memory Of**  
**Edward Messier Sr.**  
 2002 - January 17, 2008  
 Dearest Ed,  
 I am with you by my side. The loneliness of our strength and protection and the love of God has you in his keeping, we will love you in our hearts always.  
 Love, Your family

**My state has to live with taxes**  
 Last month, Rell floated the idea of capping how much towns and cities can raise local property taxes from year to year. The governor unsuccessfully proposed a 3 percent cap last year. It remains to be seen whether

that teach teens about contraception.

# Cocoa session helps students adapt

(Continued from Page 1)  
 or Future Educators of America volunteered two hours of their time Wednesday evening to offer tutoring in multiple subjects for freshmen preparing for mid-term exams. School social worker Shannon Cartier, instrumental in helping the students put it all together, said the goal was to alleviate anxiety, help freshman develop good studying tactics and let them know they aren't alone. "It will help them understand every other freshman is in the same boat they are," Cartier said, adding if the event was a success, school officials would like to make it an annual affair.

Riffle said she expects the program to make a difference come test time for those freshmen who weren't really prepared for the rigors of high school curricula. "A lot of freshmen feel that jolt at the end of their first marking period and say to themselves 'I thought I was doing better, what happened?'" Riffle said. Although Riffle admits Middletown school officials didn't see a big difference in test scores after their first time using the program, she said she had high hopes for the freshmen at E.O. Smith. "There's something very unique about this place," said Riffle, a newcomer to the school. "Kids care about each other. I think it's a very caring community." Chuck Leavens, a school counselor who

# Housing prices continue to decline

(Continued from Page 1)  
 second and third quarters). In both 2005 and 2006, the local housing market experienced price declines in the fourth quarter, though the reductions were only around 1 to 2 percent. "It was a cooling-off year, which was necessary after five to six years of boom with

to a shift in "socio-cultural mores" — in other

couldn't hide his excitement over the turnout at the event, agreed. "When you see kids extend to other kids, that's just a good thing," he said. Students attend E.O. Smith from Mansfield, Ashford and Willington. Danielle King, a senior and one of the volunteer tutors, remembered what it was like coming to E.O. Smith from Ashford. She said there wasn't much in her experience to prepare her for the two-hour exams or the concept of being tested on everything she had learned since the beginning of the school year. Judging from how quickly the school's cafeteria filled with freshman looking for help, King wasn't the only one surprised by what awaited her when she started high school. "Whether you're A level (college prep) or B level (general education), you are jittery about exams," King said. Aside from help in specific subjects, the tutors also addressed concerns about organization and offered basic tips on how to study, such as making flash cards and studying old tests. They were instructed to ask teachers about their testing methodology and to pay attention to what areas teachers spent more time on in the classroom. "If a teacher spent a week going over something and a month going over something else,

you have to use your head," King said, adding that getting organized is half the battle. "That's what I had a problem with," King said. "It's not just another test." Ninth-grader Morgan Ridzon came looking for help in political science. Ridzon, a Mansfield resident, said she found high school very different from eighth-grade. "It was a real wake up call to some of the kids," she said. "There's a lot that we need to know." Madeline Malloy and Hannah Rudd were looking for tips to help them on their physical science exam, a test they said they expected to be longer and much more in depth than what they were accustomed to. Malloy, a Mansfield resident, said while she was used to taking two mid-terms at the middle school level, she was now preparing for six exams that begin next week. Rudd, also from Mansfield, said the classes themselves are harder in general. "They expect more from you," she said. While some students said they came because their friends were coming, Zhang, and others with their sights set on a college education, figured anything that could increase the likelihood of success was worth the time. "I thought it would help to get some seniors' perspective on what it's like to study," Zhang said. "Colleges start looking at grades from the ninth-grade. I want to make sure ..."

they feared reprisals from protesters.

were off nearly 10 percent. The median price for commercial real estate rose from \$250,000 to \$319,000 in the past year, an increase of 27.6 percent. Loomis said much of the increase could be tied to big-box stores dis-

## Get a horse

1/21/08

Al Malpa

An alternative form of transportation was on someone's mind recently when they placed this fake horse beside the price sign at a Coventry gas station. With gas prices exploding, horse power may be the cheapest way to move.

# Early school budget unveiled

By ZACHARY JANOWSKI  
Chronicle Staff Writer

MANSFIELD—Superintendent Gordon Schimmel presented his proposed budget to the board of education last week, beginning the board's four-week review leading toward a townwide vote in May.

The proposed budget calls for \$21.27 million for 2008-2009, a 7.2 percent increase — or \$1.43 million, more than the current year.

Salaries and benefits, which make up 81 percent of the budget, increased \$959,060 or 5.9 percent. Other expenditures went up \$469,630 for a 13.1 percent requested increase.

School board Chairman Mary Feathers said the board starts with an "honest and complete" statement of what the schools need "with an understanding that we may have to defer" some of the expenses.

She said the board will review the budget and set priorities.

"That's really the test we will be doing over the next month," Feathers explained.

Last week, for example, the

board reviewed the instructional portion of the budget and will continue its budget discussions each Thursday for the next three weeks at 7:30 p.m. in the Audrey P. Beck Municipal Building council chambers.

More than one-fifth of the non-salary increase comes from the expected purchase of a new kindergarten through fifth-grade math textbook series.

Beginning this month, the schools will conduct a pilot program to determine which of two textbook lines to purchase.

Some of the non-salary increases come from investments in technology, including \$24,980 for a new middle school computer server and SMART boards and \$6,200 for the installation of classroom projectors to replace televisions.

Feathers said the purchases are part of a larger technology plan.

Jeff Cryan, principal of Mansfield Middle School, has also requested nearly a doubling of the budget for field studies.

He said as field trip costs go up, more families need help from the school and it costs the school

more.

In the proposed budget, the line item for field trips at the middle school increases from \$13,500 to \$26,000.

The board will approve a budget and forward it to the town council in February. It will formally present it to the town in March.

The council can then make recommendations about the total amount spent on education.

Feathers said the board has to help the town "balance the whole package."

The residents will vote on the budget at a town meeting in May.

The board elected Feathers, a Democrat, as chairman at its December meeting.

Former Chairman William Simpson chose not to run for reelection in November. Feathers previously served as vice chairman.

"I appreciate the confidence of my fellow board members and I look forward to doing the work we have to get done this year," Feathers said.

She appointed Shamim Patwa, a fellow Democrat, to serve as vice chairman.

Patwa said she is excited to continue planning the school renovation projects.

The board re-elected Republican Christopher Kueffner to continue as secretary.

"I am pleased to serve again," he said.



## Weather Report

### FORECAST

Tonight: Partly cloudy. Low 14;  
Tuesday: PM rain/snow. High 39.

Wednesday: Partly cloudy. High 29.  
Thursday: Snow showers. High 27.

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the Chronicle-Willimantic, Conn., Wednesday, January 16, 2008 3

## Failed petition raises ire of some residents

By ZACHARY JANOWSKI  
Chronicle Staff Writer

MANSFIELD — A failed petition sparked extended debate at the town council meeting Monday, despite the fact the town clerk rejected the petition last month.

Resident and landlord Michael Sikoski voiced his opposition to the rental inspection program at several council meetings and then organized a petition when the town council expanded the inspection area.

Sikoski had hoped the petition would put the question of expanding the inspection zone before the whole town at a town meeting.

Town Clerk Mary Stanton said she compared the petition to a voter registry list and the last completed grand list and found that 12 of the 209 names submitted were not allowed.

She said she rejected the petition because it fell short of the required 200 certified names.

Mayor Elizabeth Paterson said the housing code is "one of the best things we have done as a council" because it protects the health and safety of young families and students who rent.

She said "the same two or three people" come to council meetings to oppose the housing code.

"I don't think it's as big an issue as the handful of people that are coming to the council meetings are making it into," Paterson explained.

Paterson questioned the significance of the petition.

"It shows me that people signed a petition," she said. "I don't know how it was circulated or what was said when it was circulated."

Sikoski said council members have discussions with the town manager and appear visibly uninterested while residents are addressing them during

audience of citizens. "They're arrogant," he said.

Paterson disagreed. "If we don't agree with what he's saying it doesn't make us arrogant, it's just that we don't agree," Paterson explained.

She did acknowledge the need for more consistency during council meetings.

"I think we are respectful of allowing people to come in and speak. We're going to have to stick to Roberts Rules of Order. Otherwise we don't get the business of the town done," Paterson said.

Councilman Helen Koehn argued the petition and related communications from the town clerk and town attorney should be added to the record as communications.

"I thought that it was important to include it in the town's history. If it weren't in the town council minutes in some form, it's as if it didn't happen," she said.

"The rules have been followed. Even if we wanted to, I don't think there is anything we could do," said council member Gene Nesbitt.

He said it was "prudent" to include the petition in the council's communications because they were already public documents.

"We are a democracy. Even if I may not have agreed with the substance of the petition, you have to respect the efforts they made," Koehn explained. "In my opinion, the town clerk followed the charter. It's unfortunate for them that it turned out this way."

Stanton said the expansion of the rental inspection area went into effect Dec. 24.

"We have discussed, because the whole housing inspection program is about a year old, we have actually requested that the staff provide a review of the program," Koehn said. "I voted for it, but I think it's always good to see what the effect is."

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a grades 7-8 team.  
game the coach asked the referee to  
ee seconds." The referee came over to  
h and said right in front of the bench,  
just because I am not calling 3 sec-  
not the reason your kids are losing."  
children on the bench heard him and  
hem started to cry. They were trying  
dest. The coach was thrown out of the  
cause he came to the defense of his  
e felt that the referee had no right to  
a statement like that. The coach was  
t there was an executive board meet-  
per CIAC rules the coach will receive  
me suspension.

asked what happened to the referee,  
d agreed to do nothing.

s recreation ball and it is to be a learn-  
erience. Well thank you. executive  
f Columbia. The only thing my son  
teammates learned that day was his  
stinks." I am thinking of pulling my  
n this league. I have always raised my  
1 to play hard but sportsmanship is  
you represent yourself and that is the  
portant thing in sports.

I tried to get an explanation, the  
gnbers said they had a meeting an the  
or were not informed about it or they  
p the phone. The bottom line is the  
ve board of basketball for Columbia  
at it is OK for a referee to belittle  
1 and only the children and coaches  
follow a code of conduct. Shame on  
rd for not supporting the children of  
ia.

**Patricia Miele**  
Columbia

or:  
oton has scheduled a town meeting and  
dum on a petition seeking "to institute  
dure for withdrawal of the Town of  
on from Regional School District No.  
outlined in state law.

buttall, I want to speak on behalf of  
enting the broad-reaching plans inter-  
erintendent Ken Henrici has developed  
putting the energy of all three district  
people and administrations into build-  
the educational opportunities every  
Hill student deserves every day.

motivation for this petition appears to  
'bottom line.' Right now, it costs a lot  
ev to educate each student because

the premature demand for withdrawal.

**Barbara Andersen**  
Hampton

**Editor:**

I am writing this letter in hopes that all  
Mansfield residents will read this and pass  
it on to their neighbors and friends. Monday  
night I went to the Mansfield Town Council  
meeting in support of a dear friend who was  
to speak to the council about a petition deal-  
ing with the housing code which she helped  
to circulate. The petition was denied by the  
town clerk and the town attorney. The peti-  
tioners were held to a very strict adherence  
to the town charter but it seems that the council,  
in passing the ordinance in question, did not  
bother to follow the charter at all. Is this a  
case of do as I say; not as we do?

As I sat and listened to Mayor Betsy  
Paterson, I was shocked by her reaction and  
rudeness to a town resident who came to  
speak to the council. Moreover, our mayor  
would like to limit the right of our citizens  
to speak at council meetings. This is outra-  
geous.

On more than one occasion I have spoken to  
the council and I tell you, it is very intimidat-  
ing. I strongly feel that limiting any time that  
people speak starts to damage the democratic  
process this country stands for.

We, the people of Mansfield, vote our coun-  
cil members into office and I think our mayor  
should actively listen to whoever is speaking  
for whatever time they would like to speak. I  
have never seen anyone take an unreasonable  
amount of time.

There are council members who do actively  
listen to the people and I commend them on  
their participation and thank them for the  
many long and hard hours they put into this  
job.

Perhaps our mayor could learn from her  
peers on the council as to how to listen to  
the community members. Perhaps, then, the  
council would run more effortlessly and not  
be as dysfunctional as I have seen.

**Joyce Crepeau**  
Storrs

**Editor:**

Mary Rogers should relax.

She questions the possibility of this coun-  
try accepting a biracial man yet not ready to  
accept a female. Who is to say America is not  
ready for either/or?

I have not seen this survey and I do not know  
its entire contents.

As a parent of a child not yet in the sixth  
grade, and a taxpayer in the town of Scotland,  
I am concerned about the survey not being  
broader in its scope.

At the BOE meeting on Jan. 8, I was  
informed that the parents of 10 children (half  
of the class) are interested in this option. If  
this plan goes ahead, the town of Scotland  
will be paying tuition for the seventh grade  
students who attend Parish Hill and the  
increased cost at Scotland Elementary to start  
a seventh grade, under the guise of being  
something else.

I asked if there has been any consultation  
with legal counsel as to this matter, due to the  
possibility members from the other two towns  
might be interested in recouping any lost  
funds that Regional School District 11 will  
lose due to the Scotland BOE actions.

The response that I got was, no, there has  
not been any thought to a legal response. The  
board chairman admitted that D11 would  
have the law on its side, but does not think  
it will be a problem due to it being only 10  
children.

I do not know what funds D11 receives per  
pupil, or where all the funds come from, but  
when added up, it just might be worth going  
after.

At the very least I would expect this to have  
been considered, as well as the cost of defend-  
ing against such action, and what we stand to  
lose if Scotland were to be found liable.

I have heard arguments ranging from safety,  
quality of education and local control as rea-  
sons for this move.

In my opinion, however, this is just bad  
politics despite good intentions. I believe  
taxpayers will ultimately pay a high price for  
these actions.

**John Clark**  
Scotland

**Editor:**

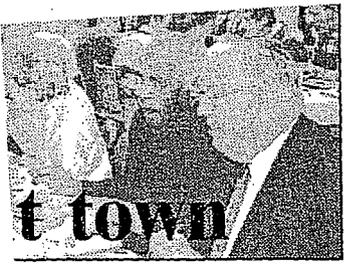
It's the new year and RSVP (Retired Senior  
Volunteer Program) of Windham/Tolland  
Counties is celebrating another very success-  
ful "Santa Anonymous" project.

This was our sixth year to run the project  
and with the help of so many local organiza-  
tions and individuals, we were able to match  
642 children with new warm boots. Special  
thanks to the Danielson Exchange Club for

1/17/08

Item #16

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# Days Anniversary?

avid Lyon at the Chronicle  
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ed to 423-7641, or e-mailed to  
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il person or persons.  
weeks in advance.

# dar

Jan. 20

**WALK**  
sponsors its full moon walk at  
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thers. Information: 928-4948.

**FIVE**  
a.m. to 2:45 p.m. at Dunkin  
c-ins welcome after 1:30 p.m.  
d of Dunkin Donuts coffee.

**ECITAL**  
h, 325 Route 87, Columbia,  
atures Ryan Ford, double bass-  
m of classical pieces.

Jan. 21

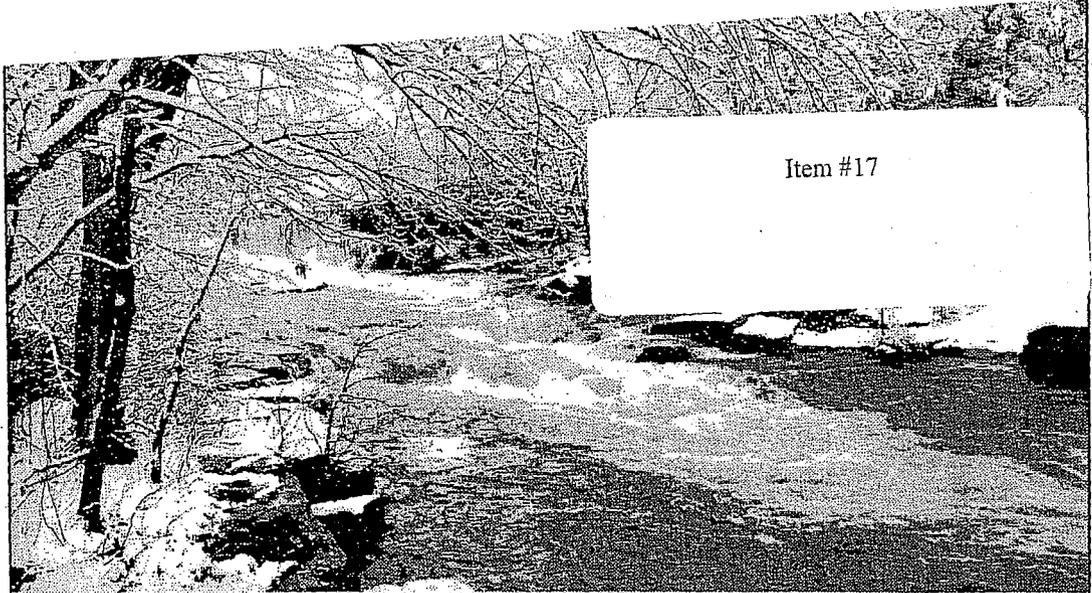
**HALLENGE**  
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CPR. Written and skill tests.  
mation: (877) 243-5727, ext.

**ORT GROUP**  
ospital, 112 Mansfield Ave.,  
oport group from 7 to 8:30  
Information: 456-6896.

**DAY**  
uth Eagleville Road, Storrs,  
p.m. Free use of facilities  
required. Information: 429-

Jan. 22

INFANT/CHILD CPR



## The river wild

1/19/08

Al Malpa

The recent winter weather has turned area rivers and streams into boiling cauldrons of angry water. Here, a brook below the Mansfield Hollow Dam angrily churns its snow-fueled waters alongside the Kirby Mill.

# Mansfield mulls tax breaks for farmers

By ZACHARY JANOWSKI  
Chronicle Staff Writer

MANSFIELD — The town will conduct a public hearing Jan. 28 to consider a tax exemption for buildings used exclusively for farming.

The ordinance under consideration would exempt from property taxes buildings used solely for agricultural purposes up to \$100,000 in assessed value.

Town officials estimate the exemption would cost the town \$21,500 if implemented.

"We want to encourage the preservation of farmland, which is open space. We're hoping to help farmers in that way to hang onto their land and not sell it to developers," said Mayor Elizabeth Paterson.

The town council voted unanimously Monday to schedule the public hearing for consideration of the exemption.

"I think it goes hand-in-hand with our open space and farmland preservation program," Town Manager Matthew Hart explained, referring to ongoing efforts by the town to make land purchases.

Assessor Irene LaPointe said farmers currently pay the same mill rate on farm buildings as on other property, although they do benefit from reduced assessments on farmland under Public Act 490.

She said about 10 farms will benefit from the exemption and barns, coops and residences for sea-

sonal farm workers qualify for the exemption.

Hart said the tax exemption would go into effect in 2009 if the council approved it.

The open space preservation committee, agriculture committee and planning and zoning commission endorsed the proposal.

"We have a goal to preserve our agricultural soils and to preserve the rural character of Mansfield," said Jennifer Kaufman, the town parks coordinator and a member of the agriculture committee.

"In order to preserve farmland as farmland, you have to preserve farming. The tax exemption will help to ensure that farming activity continues," explained Vicky Wetherell, a member of the open space preservation committee and the agriculture committee.

Local food production, she added, is "an important part of ensuring a sustainable community."

LaPointe said farmers would have to apply for the exemption each year and farmers must qualify for the farm machinery exemption in order to qualify for the building exemption.

She said the cost to the town would depend on how many farmers take advantage of the exemption.

"Mansfield does not have a lot of farms, so we need to make sure the ones we have will continue to exist," Wetherell said.

## Baldo



## Hector Cantu and Carlos Castellanos



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at the corner  
Valley Streets, &  
Jr. will present  
lass: In the Sh  
Tickets are \$10

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is precious and to be cherished, lived and enjoyed to the fullest. It is tragic when a young person dies from an illness or disease, but it is a senseless loss when they are taken from us by one of their own.

Partying on college campuses has gone on for as long as one can remember. The decision to drink and drive, however, can, and in this case did, result in the loss of an innocent and beautiful young woman of tremendous potential. Somehow, we all need to be more effective.

are appreciated.

In November, in an effort to curb teen driving accidents, Gov. M Jodi Rell appointed a "Teen Driving Task Force," to study the problem of accidents caused by inexperienced drivers making poor choices and to offer recommendations to address the issue. If anything positive can come from the loss of this wonderful young woman, perhaps it will come in the form of a recommitment from adults to impress upon our young people, in some lasting way, the long-term consequences of their

for his crimes. What we must do next is work together to prevent these tragedies. Sure, Alvino will go to jail and be on probation

Item #18

Jainchill, a Hartford attorney, represents the family of Carlee Wines.

# Rental ordinance deserves another, closer look

By BETTY WASSMUNDT

1/24/08

## Commentary

I was one of the people who helped circulate the failed petition asking the Mansfield Town Council to put the question of expanding the rental inspection zone to town meeting.

First, I thank all 72 people who signed the petition for me. I regret that your voices will not be heard and that technicalities allowed 12 people to be disqualified, three of whom are legitimate voters in town.

Next, I must tell you that I own no rentals; I have no financial interest in this ordinance.

I read the existing landlord registration ordinance last July and realized it was poorly written. This got me interested. Since, I have found:

- That the ordinance lacks proper definitions. Measured against specific examples, it is not always clear whether said ordinance applies or not.
- The landlord and housing ordinances are inconsistent and improperly administered.
- The ordinance imposes unreasonable costs on the landlord.
- The cost to us, the taxpayers is unreasonable.

I brought some of these issues to the council last July. They told the town manager to investigate them, he handed it to the building director, he passed in on the town attorney.

The building official dismisses the discrepancies by saying "common sense would dictate." Town Attorney Dennis O'Brien says there is no problem.

Citizens of Mansfield, this is a law. When a law is vaguely or poorly crafted, should we be subject to the dictates of "one person's definition of "common sense"?"

I continued to find problems and to bring them to the council. Just last week, Town Manager Matthew Hart, in the presence of the town attorney, agreed that there is a problem.

Do you remember the Democratic Party platform last November: "Listening to concerns and finding solutions"? This has not been my experience. I understand that the council must rely on the town manager who must rely on his staff and town attorney. But, there comes a point when the people at the top have to recognize a problem and demand

accountability.

Finally, let's consider the tax burden to the taxpayers. The housing ordinance in its initial form, in my opinion and the opinion of a town-hired consultant, should require a 1-person department. The town hired 2.25 people and the building director got a 10 percent raise for the extra work with benefits that comes to about 13.5 percent. If you ask for the cost of the Housing Department, you will be given the cost of 2.25 salaries and a small budget. No mention is made of the cost of transportation and the building director's raise. And then, the town just hired another accountant. Surely, this is due to increasing demands for the housing department, Downtown Partnership and general financial mess with the community center. The costs do grow and we pay the bill. With \$100,000 here and \$100,000 there, it soon adds up to real money. It is your tax dollar citizens; come to the council meetings. The next one is Monday, Jan. 28 at 7:30 p.m.

I shall be happy to discuss any of my findings with you; just phone me.

Betty Wassmundt live in Storrs. Her phone number is 429-8300.

## Editor:

Noise pollution is getting bad everywhere, but really bad in this town. I read in the *Chronicle* that one of the selectman wants to see an excessive noise ordinance which I — and I hope a lot of other Windham citizens — would support and promote.

The main issue is loud music. Well, we don't enjoy having wall hangings shaking or being awakened when we are trying to get some sleep when we work nights. Or how about if you just got your baby to sleep when someone decides that everyone should listen to their

## Readers' forum

music and the baby starts to cry again.

While waiting outside the hospital emergency entrance a guy parks right in front, in a no-parking area with his sound system blasting, and drops off two people. He continued to sit there with the noise blasting. The last I knew, a hospital is a quiet zone.

Any sound above 85 decibels will damage your hearing, damage which can't be repaired. Forcing you child to ride in a car with the

sound system blasting is basically child abuse in my opinion. You see it all the time.

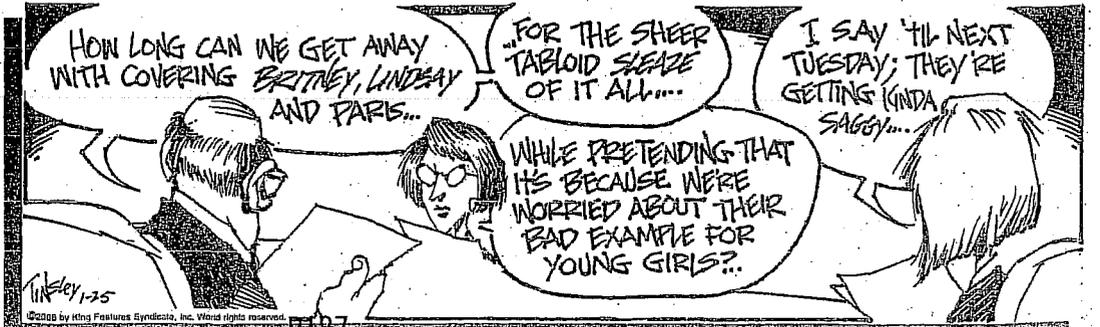
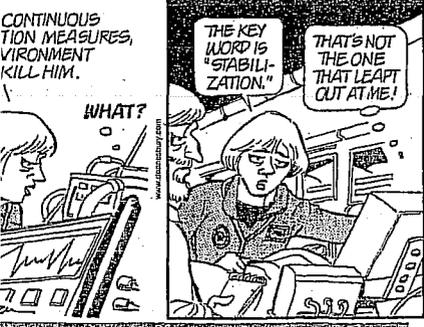
Let us get a noise ordinance and enjoy the quiet times again. Until then, if you have a neighbor that does not respect your peace and is playing loud music call the police and file a complaint because they are disturbing the peace. It is hard to file a complaint against a moving vehicle, but if we get an ordinance then that will take care of loud exhaust systems also.

Rich Taylor  
Willimantic

Gary Trudeau

Mallard Fillmore

Bruce Tinsley



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# Smith to host state forum on high schools

By ZACHARY JANOWSKI  
Chronicle Staff Writer

STORRS — The state education commissioner will host a public forum Wednesday at E.O. Smith High School to discuss the future of high school in Connecticut.

The forum will start at 7 p.m. in the E.O. Smith auditorium and is open to all residents in the area. It is one of several forums happening statewide on the topic.

"We're very happy to be hosting. I commend the commissioner for conducting these listening forums. We've contacted our sending school districts and some neighboring school districts and invited them to attend," said Smith Principal Louis DeLoreto.

He said the school has also invited parent groups to come.

"I think its important for people to attend to be more informed on the issue," he explained.

Education Commissioner Mark McQuillan's presentation will show how Connecticut students are performing compared to other states and how proposed changes at the state level will improve their relative performance.

McQuillan will respond to questions and accept input from the public.

The proposed changes to the state's high school curriculum include: increasing minimum credits for graduation to 24, requiring a core curriculum, implementing state end of course exams and adding senior projects.

The changes call for the creation of a student success plan for each student when they begin ninth-grade and course-end projects graded according to state rubrics.

The state board of education also included an emphasis on "21st century learning skills" which include communication and teamwork.

"Connecticut has joined a growing number

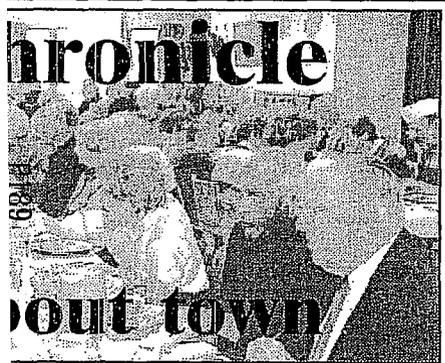
of states that are taking steps to bring the high school experience into the 21st Century," McQuillan said in a statement.

"Higher education, government and business leaders have been calling for more rigor and more engaging programming at the high school level to assure that our students develop the skills necessary to compete on the college campus and in the international workplace."

The state board of education plans to ask the General Assembly to fund a study this year to determine the costs associated with the changes.

Then the board expects to make recommendations for adoption by the General Assembly in 2009.

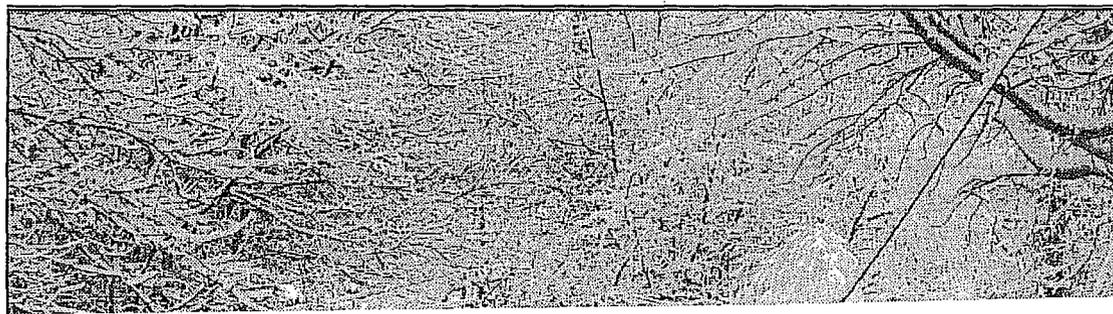
If the changes are enacted according to this schedule they will affect students entering high school in 2011.



*Special Days*    
 Anniversary?  
 Call David Lyon at the Chronicle  
 1000 Road, Willimantic 06226.  
 or faxed to 423-7641, or e-mailed to  
 david@thechronicle.com  
 Call your phone number and  
 for special person or persons.  
 at least two weeks in advance.

**Calendar**  
**Jan. 17**

**FOOD DRIVE**  
 from 8 a.m. to 12:45 p.m. at the H. Ellis



**News in brief**

**Ex-UConn student will see jail time**

ROCKVILLE — A former University of Connecticut sophomore was sentenced Friday to five years in prison, suspended after 18 months, and five years of pro-

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# Chronicle

An Independent Newspaper Since 1877

Thursday, January 17, 2008

Newsstand 50 Cents



Marie Brennan

...st trim  
...mantic, gets his very first haircut  
...was a very good boy and sat still  
...at New Look Barbershop on Main

## Tougher standards eyed for high school

By ZACHARY JANOWSKI  
Chronicle Staff Writer

STORRS — The state commissioner of education brought his high school reform road show to E.O. Smith High School Wednesday to make the case for serious changes to the way Connecticut teaches its kids.

The state's reform proposal released in November calls for increased and more specific graduation requirements, state end-of-course exams and required senior projects.

Mark McQuillan, who took over as commissioner last April, said the reforms are necessary because the conventional wisdom that Connecticut was "leading the pack" turned out to be wrong.

"In fact, the reality of it is, we have begun to slip," he explained.

If there aren't adequate standards in schools, McQuillan said, "the quality of life is at peril" in Connecticut.

"It's a challenge to our identity as a state," he added.

The plan emphasizes "21st century skills" the state will "embed" into the courses it designs.

McQuillan said 21st century skills are a combina-

tion of critical thinking skills and attitudes, such as problem solving, the ability to work in groups and a strong work ethic.

The state will make a "model curricula" available to districts unable to afford making their own.

McQuillan said some high quality programs in high schools would need no changes for students to pass the proposed state tests.

McQuillan made a brief case for the proposal and then heard concerns from the crowd of about 75.

Speakers raised concerns the reforms would become unfunded mandates and reform would better serve the state if it began at the earliest levels of education.

When one audience member pushed him to guarantee state funding for the reforms, McQuillan said he couldn't.

Matthew Kozachek, a Storrs resident, UConn freshman and Smith graduate, said he wanted the reform to include changes to kindergarten through eighth-grade.

"I think I'm a little bit more positive," he said after seeing the commissioner take his suggestions and others from the audience.

(Tougher standards, Page 6)

## Towns say state has to help them with taxes

By PAUL HUGHES  
Republican-American

HARTFORD — Mayors and first selectmen are again asking Gov. M. Jodi Rell and the state legislature for more state aid for property tax relief.

If state leaders don't come

enough.

The lobbying group is asking for increased funding for education and general government grants to ease reliance on local property taxes.

The conference is also seeking full reimbursement for state-mandated property tax exemptions and a prohibition against additional state mandates on municipalities unless full state funding comes with them.

By the state's count, there are

range.”

Richard Loomis, owner of Putnam-based Loomis Real Estate, said the downward trend in Windham County can be tied partly to the loss of value in Massachusetts and Rhode Island real estate.

He said people from those states had been moving to Windham County because of its lower prices, but now that the neighboring states' prices are down — and gas prices have risen exponentially — many people are relocating closer to work.

Loomis added that investors who had targeted Windham County as prices in New London County skyrocketed have pulled out of the market as well.

Loomis and Bolduc pointed out that New London County received a boost when about

Overall, 21 percent fewer units were sold last year compared to the year before, and prices were about \$4,600 less, closing the year at a median of \$179,900, down 2.5 percent. As with single-family home sales, condos in Windham County were hit harder than units in New London County.

Mobile homes, which had a median sales price last year of \$50,000, were down 8 percent to \$46,000, while multifamily prices were off 7.6 percent, the median being reduced from \$238,000 to \$219,900 in the past year. Residential land prices felt a major impact in the past year, with the median reduced from \$119,450 to \$97,500, a drop of more than 18 percent.

Commercial property, however, experienced a boom year, despite the fact that total sales

the country, notably California, Florida and Nevada.

Overall, he said, 2007 looked a lot like 2000 in the local real estate market, with 3,518 single-family sales this past year compared to 3,459 in the earlier market. In between, the local market sold 4,000 to 4,300 units a year, a boom that was destined to lead to last year's soft landing.

Now, he said, sellers have adjusted to the cooling market and are starting to set their asking prices at more down-to-earth levels, another factor in last quarter's reduction in the median price.

“It takes six to nine months for sellers to realize a change in the market,” he said. “Sellers finally have it right.”

## Tougher standards eyed for high school students

(Continued from Page 1)

None of the questioners disputed the need for reform, but many questioned whether the commissioner's plan was the right one.

Some questioned whether the improvements, scheduled to take full effect in 2015, would come too late.

“How do we make our school systems more nimble?” asked Barbara Casey of Storrs.

She worried aloud the reforms, like some public construction projects, could be obsolete by the time of completion.

“I have a point of view of the nature of public schools and how quickly they can move,” McQuillan explained.

He said schools would need time for professional development and recruiting additional teachers in key areas.

Audience members also questioned whether the new curriculum, clearly targeted at preparing students for college, would serve students who pursued careers without college either out of necessity or by choice.

“I think it represents some significant changes, potentially,” said Bill Powers, a history and social science teacher at Windham High School.

Powers said he would like to see some things done differently, but agrees something needs to be done.

“It's more favorable to me now because he explained some of the complexities,” he said.

McQuillan said other audiences were more concerned if every student could learn Algebra II, but at Smith the audience wondered if the proposed reform is the “right solution.”

At least one audience member was convinced the local districts have better solutions.

“We don't want to be Communist Russia,” said Frank Krasicki, a Regional School District 19 Board of Education member. D19 oversees E.O. Smith, which serves high school students from Mansfield, Ashford and Willington.

“Let the regions do something on their own. We think we can do it better,” he said.

ry (funeral homes only): Jodi at 423-1629, or 423-8466, extension 3337 after 5 p.m. on Fridays

V17/08

"I think I'm a little bit more positive," he said after seeing the commissioner take his suggestion and others from the audience.  
(Tougher standards, Page 6)

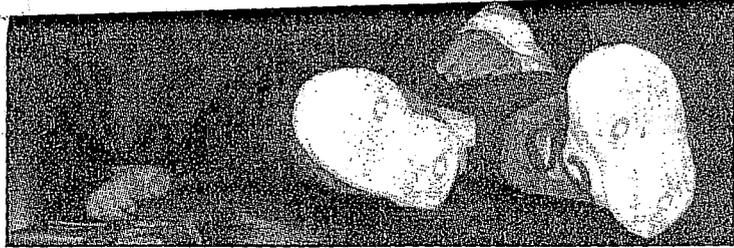
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Marie Brennan

### First trim

*Yasier Lopes, 1, of Willimantic, gets his very first haircut Saturday afternoon. He was a very good boy and sat still for barber Jose Santiago at New Look Barbershop on Main Street in Willimantic.*

### Inside today's Chronicle

<b>National</b>	Abby.....8
<i>Report says unfavorable drug studies get buried. See story on Page 9.</i>	Classified.....15-17
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	State.....9
	Sports.....13-15
	Television.....9
	Time and Again.....10
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### Lotteries

**WEDNESDAY**  
 Mid-Day 3: 1-6-6  
 Mid-Day 4: 8-7-5-6  
 Play 3: 6-1-4  
 Play 4: 1-8-4-5  
 Cash 5: 8-17-24-33-34  
**Powerball**  
 9-18-19-38-47/11

### Around town

The Mansfield League of Women Voters holds its Legislative Breakfast Friday at 9 a.m. in the community room of the First Church of Christ, 549 Storrs Road, Mansfield. See more calendar on Pages 2 and 3.



# Towns say state has to help them with taxes

By **PAUL HUGHES**  
Republican-American

**HARTFORD** — Mayors and first selectmen are again asking Gov. M. Jodi Rell and the state legislature for more state aid for property tax relief.

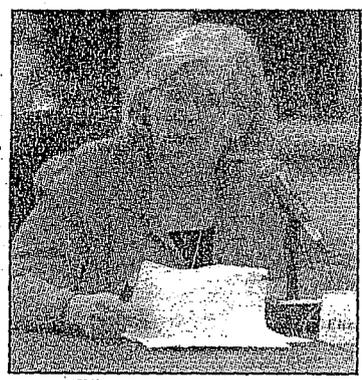
If state leaders don't come through, a statewide association of cities and towns warns, local taxpayers potentially face hefty property tax increases and deep cuts in public services.

"If there was ever a time for state and local officials to work together, this is it," said Mansfield Mayor Elizabeth "Betsy" Paterson, president of the Connecticut Conference of Municipalities.

Rell and lawmakers are going to consider changes to the second year of the state's current two-year, \$36 billion budget in legislature's upcoming three-month session. The Connecticut Conference of Municipalities contends the scheduled \$99 million increase in town aid for the upcoming 2009 fiscal year isn't

enough.

The lobbying group is asking for increased funding for education and general government grants to ease reliance on local property taxes.



Elizabeth Paterson

"I know in my community 90 percent of revenues come from local property taxes. We are ranked No. 14 in the state for our reliance on property taxes, and that is a list you don't want to be on," Simsbury First Selectman Mary Glassman said.

The conference is also seeking full reimbursement for state-mandated property tax exemptions and a prohibition against additional state mandates on municipalities unless full state funding comes with them.

By the state's count, there are 1,200 mandates on local government, said James Finley, executive director of the Connecticut Conference of Municipalities.

"Many of them have good public policy motivations, but the state often passes those without giving funding or any other resources to local government to implement them," he said.

The conference isn't planning to seek any changes to binding arbitration or other municipal labor laws. But Finley said the group will push for changes to the prevailing wage law.

The law sets wage and benefit standards for state and local construction projects. It applies to contracts for new construction projects costing \$400,000 or  
(Towns say, Page 6)

## Company claims it has

Item #21

Barbara Jean, Karen & Sue

In Loving Memory Of  
Edward Messier Sr.

January 17, 2002 - January 17, 2008

Dearest Ed,

Six lonely years without you by my side. The loneliness never ends. I miss your strength and protection and the happy days we had. God has you in his keeping, we have you in our hearts always.

All our love, Your family

## Towns say state has to help them with taxes

(Continued from Page 1)

more. The threshold for renovation work is \$100,000.

Finley said the conference will propose a new threshold of \$1 million for new construction and renovations.

The group's legislative agenda also includes proposals to promote regional cooperation among towns and cities on economic development, land-use planning and delivery of some local services.

The Connecticut Conference of Municipalities is opposed to a property tax cap.

Last month, Rell floated the idea of capping how much towns and cities can raise local property taxes from year to year.

The governor unsuccessfully proposed a 3 percent cap last year. It remains to be seen whether Rell proposes new legislation this session.

Senate President Pro Tem Donald E. Williams Jr., D-Brooklyn, reiterated his opposition to a property tax cap on Wednesday.

Williams said he believes that a cap would leave towns and cities pressed to raise revenues through development.

## Company claims it has cloned human embryos

(Continued from Page 1)

work and derive embryo stem cell lines," Ian Wilmut, who led the team that cloned Dolly and who is now at the University of Edinburgh, said in an e-mail.

The field is controversial for several reasons.

President Bush opposes the use of human embryos to make stem cells and has vetoed bills from Congress that would expand federal funding of this research.

South Korean scientist Hwang Woo-suk made headlines when he was found to have faked key parts of a report that his team had used cloning technology to make human embryos in 2004.

"We need to be ultra-cautious

after the Hwang scandal and not make the same mistake all over again," said Dr. Robert Lanza of Advanced Cell Technology, a Massachusetts company that is also trying to make human embryonic stem cells. "I'd really like to believe it, but I'm not sold yet," Lanza said.

Other teams have made stem cells they believe are similar to embryonic cells using a variety of techniques, including reprogramming a human egg cell alone, reprogramming ordinary skin cells into what are called induced pluripotent stem cells, or by taking one cell from a human embryo without harming the embryo.

But most stem cell experts agree it is important to continue trying to make stem cells from embryos too.

**the Chronicle**  
Classified 423-1629

To place an obituary (funeral homes only) Jodi at 423-1629

... weren't high school that jolt at the and say to the better, what h: Although R officials didn' scores after the she said she ha at E.O. Smith.

"There's some place," said Riff. "Kids care about caring communit Chuck Leavens

## How

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second and third qu 2006, the local hou price declines in the reductions were only

"It was a cooling-c essary after five to double-digit inflation; 2008 to be another est price appreciation range."

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FOI  
I  
DERP  
January 17, 2008

# Connecticut Climate Coalition

*The Citizen Campaign to Reduce Global Warming Pollution in CT*

Coordinated by Clean Water Action, 645 Farmington Ave. Hartford 06105 860-232-6232 [rsmith@cleanwater.org](mailto:rsmith@cleanwater.org)

## Timeline of Progress

- **August 2001**– New England Governors and Eastern Canadian Premiers pledge to combat global warming
- **Fall 2002**– CT Climate Coalition launch prompts citizens to send over 3500 letters to Governor Rowland asking him to take action
- **April 2003**– Governor convenes "climate stakeholders" from business, academia, agencies and non-profits to recommend policies for the state climate plan
- **December 2003**– Climate stakeholders release 55 recommended policies with strong public participation
- **May 2004**– With broad public support the CT Legislature passes global warming legislation that commits the state to create a global warming plan by early 2005
- **February 15, 2005**– Connecticut releases near-term global warming plan and begins to put the policies into action
- **December 2005**– Governor Rell officially joins CT to landmark regional initiative to cut carbon dioxide pollution from power plants
- **Spring 2007**– One quarter of CT towns have joined the 20% by 2010 clean energy campaign
- **June 2007**– Energy bill requires power plants to pay for global warming pollution and mandating a new energy plan prioritizing energy efficiency over more power plants and transmission lines
- **June 2007**– New state budget includes \$10 million to reduce diesel soot from school buses by 2010.
- **July 2007**– DOT begins transit bus diesel pollution retrofits.

## New England States Lead the Way!

In 2001 President Bush announced that America, responsible for a quarter of the world's global warming pollution, would not participate in a binding international agreement to reduce this pollution. Later that same year, the New England Governors and Eastern Canadian Premiers acknowledged the threat of global warming and committed the region to reduce greenhouse gas pollution to 1990 levels by 2010, an additional 10% reduction by 2020 and make long-term cuts of 75-85%. Scientists estimate we need to reduce pollution approximately 80% by 2050 to stabilize the atmosphere and avoid dangerous global warming.

To ensure action on the governors' promise, citizens formed the New England Climate Coalition (NECC) in 2002. In Connecticut, Clean Water Action coordinates the Connecticut Climate Coalition, a coalition of over 90 organizations whose memberships represent more than 500,000 Connecticut residents.

## The citizen-based Connecticut Climate Coalition stands for reducing greenhouse gas emissions prioritizing:

- 1.) Clean energy
- 2.) Clean transportation
- 3.) Government lead by example

## Groundbreaking Progress In Connecticut

The debate over the science on global warming has shifted to a debate about how best to address the problem. Since 2002 Clean Water Action and Connecticut Climate Coalition supporters have been working to demonstrate public support to make a state global warming plan a reality.

In 2003, after thousands of letters from citizens asking the governor to create a plan to reach these goals, the governor began a process to identify policies to address global warming. The resulting 55 recommendations included policies to **reduce pollution from cars and trucks, increase energy efficiency, reduce "black carbon" diesel soot, protect open space, double the recycling rate and invest in clean energy.**

To keep the momentum going, Clean Water Action, with Environment Northeast and other allies, worked to **pass global warming goals legislation** in the spring of 2004. The legislation created a framework for action on global warming by putting the governors' pollution reduction goals into state law and mandating that the plan to hit the short and medium-term goals be completed by early 2005. The long-range plan is due in 2008.

**The state climate plan is available at [www.ctclimatechange.com](http://www.ctclimatechange.com)**

With the release of the state climate plan in 2005, our focus shifted to actually implementing climate policies which have the largest global warming impacts, as well as significant health and economic benefits. In 2007 and 2008 we are working with citizens across the state to **support a mandatory state limit on global warming pollution, prevent new coal plants from being built in Connecticut, reduce diesel pollution, pass clean energy 20% by 2010 resolutions in more towns, and improve home efficiency programs for heating**

**oil and natural gas.**

For updates about how to become involved, please call Roger Smith at (860) 232-6232, or send an email to [rsmith@cleanwater.org](mailto:rsmith@cleanwater.org), and visit [www.cleanwateraction.org/ct](http://www.cleanwateraction.org/ct) and [www.newenglandclimate.org](http://www.newenglandclimate.org)

## Key Actions to Implement the State Climate Plan

To continue setting an example for the nation by showing that the solutions to global warming are here, we need to put the state climate plan into action! In 2007 the Connecticut Climate Coalition is focusing on **supporting a mandatory global warming cap, keeping new coal plants out of Connecticut, reducing diesel pollution, improving home energy efficiency, and supporting clean energy:**

### Mandatory limit on global warming pollution

Connecticut can regain its national lead on global warming by adopting a mandatory, enforceable statewide cap on global warming pollution. Making the 2001 New England Governors' pollution reduction goals mandatory would send a strong message to Washington, and pave the way for similarly tough standards in other states.

### Diesel Pollution

Diesel pollution is implicated in childhood asthma, and associated with asthma attacks, heart attacks, and cancer and Connecticut is among the worst affected states. See how diesel pollution affects your community here:

<http://catf.us/projects/diesel/dieselhealth/> Diesel pollution is also a major global warming pollutant as "black carbon" soot traps heat and warms the atmosphere.

While the Federal government set strict standards for new diesel engines starting in 2007, these standards do not apply to existing diesel vehicles. Commercially available pollution controls can reduce harmful diesel emissions from current vehicles by up to 90 percent.

**Victory:** In 2007 we helped pass legislation requiring and funding pollution controls for school buses. Now we are asking the governor and DOT to **prioritize the clean-up of all state transit buses and state construction equipment**, as these vehicles pollute heavily near where people live and work. Visit [cleanwateraction.org/ct](http://cleanwateraction.org/ct) for updates.

### No new dirty coal plants

The construction of a single new coal-fired power plant could make it impossible to meet the state's climate goals, locking us into high emissions for decades to come. Connecticut should protect its progress by joining Washington state and California and adopt a stringent emissions rate for any new baseload power plants built to serve Connecticut.

### Energy Efficiency- the solution to high oil, gas, and electricity costs

Increasing demand for oil and gas are raising energy prices here in Connecticut. While there is little we can do to control the supply of energy, we can control how much energy we use. The state climate plan indicates oil and gas conservation programs will reduce the most global warming pollution of any policies in the plan while saving consumers an estimated *\$5 billion dollars* in energy costs over the next 15 years.

In 2007 we helped pass legislation to put all cost-saving electricity efficiency before more fossil fuel power plants and power lines and which restored money to the Energy Efficiency and Clean Energy Funds. We must make sure these changes are properly implemented.

We need your help to overcome opposition from oil and gas dealers to **strengthen programs for heating oil and natural gas to provide education and incentives to consumers to upgrade their appliances and weatherize their homes.**

### Clean Energy 20% by 2010 campaign

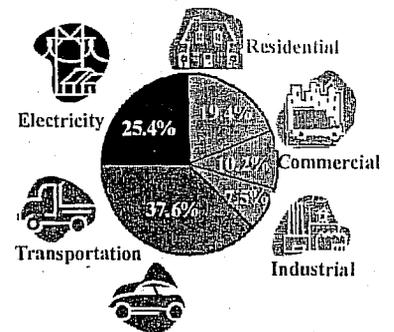
Citizens are working to encourage towns to commit to 20% clean electricity by the year 2010, and so over 60 towns have joined the 20% by 2010 campaign! <http://www.cleanwateraction.org/ct/energy2.html>

Individuals also have the opportunity to support power generated from clean energy sources like wind and water. **Sign up for either of the CT Clean Energy Options** on your electricity bill or at

[www.ctcleanenergyoptions.com](http://www.ctcleanenergyoptions.com) and ask your friends, neighbors, and town to support clean energy.

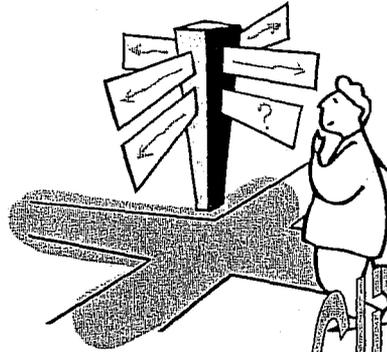
Through an incentive program if 100 people sign up for clean energy in a 20% by 2010 town, the town can receive a solar PV system worth over \$10,000! Learn more at <http://www.ctcleanenergy.com/communities/>

### Connecticut's CO<sub>2</sub> Pollution Sources



# Overwhelmed by

Global Warming



Climate Change

## Want to explore Green ways?

Join your neighbors for

### Conversations for a Green CT

Thursday, February 7, 7 – 8:30 PM

Willington Library Community Room

Corner Rte 74 & Ruby Rd

- Watch Rachel Carson Returns, in which Lillith Rogers portrays Carson's difficult, but never defeated journey to confront health and environmental hazards in the early 1960s. Facing threats and oppositional actions from chemical companies, Rachel Carson's book, Silent Spring, and her public speeches, implored people to examine impacts of increased chemical use.
- **Discuss** how Carson's work can inform and inspire our efforts - as individuals, businesses, schools and towns - as we transition to healthier, Greener, communities.
- **Register to win a compact fluorescent lightbulb.**

**Free and open to all.** Co-sponsored by Ashford Conservation Commission. For info about Conversations for a Green CT, contact: Carol Springer, 860-487-5506.

**PAGE  
BREAK**

Courant.com  
Don't Buy Into Biofuel Boondoggle

By RONALD BAILEY

December 16, 2007

Congress is finalizing an energy bill that should come to a vote before the end of 2007. Although all the details of the newly negotiated bill are not yet public, an earlier draft mandated that refiners annually blend 20.5 billion gallons of ethanol into transport fuels by 2015, with 5.5 billion gallons of that coming from non-food sources such as cellulosic ethanol.

The mandate would rise to 36 billion gallons by 2022. This more than quadruples the 2005 directive of 7.5 billion gallons by 2012.

Promoters of the ethanol mandate assert that it would help the United States achieve energy independence and slow the accumulation of greenhouse gases that are driving climate change. Evaluating the scientific and economic claims being made for bioethanol can be vexing, but a few urgent questions come to mind: If bioethanol is such a good energy deal, why must refiners and consumers be forced to use it? Again, if it's such a great idea economically, why does the federal government offer a tax credit of 51 cents per gallon for blending ethanol into gasoline?

In fact, the subsidies are probably higher than that. For example, a 2006 report by the International Institute for Sustainable Development estimated that if one took into account state renewable fuel tax breaks and direct agricultural subsidies that reduce other costs, the total amount of the ethanol subsidy rises from \$1.05 to \$1.38 per gallon of ethanol.

Another big concern is that fuel is now competing with food. A new study from AEI/Brookings Joint Center points out that in 2005, the ethanol program consumed about 15 percent of U.S. corn production but displaced less than 2 percent of gasoline use. The International Food Policy Research Institute just issued a report projecting that if countries simply pursue their current biofuel expansion plans, the global price of corn will increase by 26 percent and the price for oilseeds will rise by 18 percent.

The Food Policy Research Institute report notes that "The increase in crop prices resulting from expanded biofuel production is also accompanied by a net decrease in the availability of and access to food."

Even cellulosic ethanol produced using waste products such as wood chips and corn stalks, or fuel crops such as switchgrass or hybrid poplars, do not solve the food/fuel conundrum. "The trade-offs between food and fuel will actually be accelerated when biofuels become more competitive relative to food and when, consequently, more land, water, and capital are diverted to biofuel production," concludes the Food Policy report.

The most vexing question: Does corn bioethanol actually reduce greenhouse gas emissions? A study last year by Cornell University biologist David Pimentel and University of California at Berkeley engineer Ted Patzek says no.

According to the study, "Ethanol production using corn grain required 29 percent more fossil energy than the ethanol fuel produced." And the news was even worse for cellulosic ethanol using switchgrass, which requires 50 percent more fossil energy than it displaces; woodchips, needing 57 percent more; and biodiesel, burning 27 percent more fossil fuel than it displaces.

On the other hand, the researchers at University of Minnesota offer a much sunnier analysis of the net energy benefits of bioethanol: "Ethanol yields 25 percent more energy than the energy invested in its production, whereas biodiesel yields 93 percent more."

Meanwhile, a new study from Oregon State University finds that biofuels are commercially viable in Oregon if one takes current government incentives into account.

Translation: Biofuels are not really commercially viable without subsidies. In addition, the Oregon study analyzes the effectiveness of biofuels in promoting energy independence. The researchers find "for all three biofuels evaluated, energy independence is achieved at costs that are 6 to 28 times higher than for other policy options such as raising the gas tax or increasing corporate average fuel economy standards."

Biofuels are commercially questionable, do not materially advance energy independence, and may not even

help reduce greenhouse gas emissions. Naturally, Congress wants to mandate them.

Why? Well, Iowa caucus voters win; Archer Daniels Midland wins; and special-interest contributors to political campaigns win. Bioethanol is just a subsidy boondoggle masquerading as a solution to America's energy problems. But it does help get some politicians elected.

Ronald Bailey is Reason Magazine's science correspondent. His new book, "Liberation Biology: A Moral and Scientific Defense of the Biotech Revolution," will be published in early 2008.

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# O'Brien and Johnson

## Attorneys at Law

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Attorney Dennis O'Brien  
dennis@OBrienJohnsonLaw.com

Attorney Susan Johnson  
susan@OBrienJohnsonLaw.com

January 25, 2008

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

Dear Matt:

As you know, in a letter to the State of Connecticut Freedom of Information Commission dated December 11, 2007, Town Clerk Mary Stanton, acting for the Town Council, requested an advisory opinion from the FOIC regarding a number of questions pertaining to meetings of the Council under the Freedom of Information Act of the State of Connecticut. The FOIC responded by inviting town officials to come to Hartford for a session, but the town clerk later told me that meeting ended with the FOIC advising town officials to refer their questions to their town attorney.

On January 14, 2008, I attended a meeting of the Council and heard Councilman Gene Nesbitt capably and accurately answer most of the questions raised in the town clerk's December 11, 2007 letter to the FOIC, based on an FOIA seminar he had recently attended. You have asked me as town attorney to officially respond.

Essentially, as publicly noted by Gene Nesbitt on January 14, 2008, any Council members may meet or communicate in any way to discuss anything as long as there is not a quorum present or involved. If all Councilpersons who get together, even a quorum, are members of the same political party it is permissible under the FOIA as that would be a "caucus," which is exempt. Also exempt is any "chance meeting" or a "social meeting" neither planned nor intended for the purpose of discussing official business.

As Gene Nesbitt seemed to say in my presence on January 14<sup>th</sup>, this is really all fairly simple and should not be problematic for the Council members. The one element of all this that I believe still needs to be noted by me as town attorney is email messaging by Council members. As I am sure you know, "any communication by or to a quorum of a multimember public agency, whether in person or **by means of electronic equipment**, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power," is a "meeting" for purposes of the FOIA. See, Connecticut General Statutes section 1-200(2) and (3). (Emphasis added).

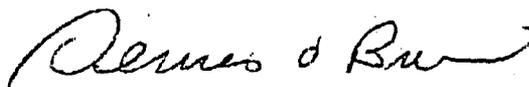
Matthew W. Hart  
Town Manager  
Town of Mansfield  
January 25, 2008

As far as I am concerned, the upshot about emailing among a quorum of Council members other than a "caucus" regarding any official business, is that it should not be done without a **very** good reason, if at all, since any "meeting" of the Council is supposed to be preceded by an officially published notice and agenda per C.G.S. section 1-225. Though one could conceive of an emergency situation in which you as Town Manager or Betsy Paterson as Mayor may need to convene and hold an emergency session via email, in almost any instance in which this might be necessary an emergency meeting of the Council could be quickly convened at town hall and noticed after the fact as permitted by C.G.S. section 1-225(d).

As you know, the answers to most questions regarding meetings of the Council or any public agency may be found in the state statutes cited herein, C.G.S. sections 1-200(2) and (3), the statutory definitions of "meeting" and "caucus," and 1-225, the basic FOI provisions regarding meetings.

I hope this answers everyone's questions, but please let me know if you need any more from me on this.

Very truly yours,



Dennis O'Brien  
Town Attorney

cc: Mary L. Stanton  
Town Clerk

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Attorney Susan Johnson  
susan@OBrienJohnsonLaw.com

January 24, 2008

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

## Rental Certification Zone Expansion Ordinance Procedures

Dear Matt,

As you know, at a Town Council meeting on January 14, 2008, resident Betty Wassmundt expressed concerns during public comment time about the process leading up to the recent passage by the Council of the ordinance expanding the rental housing certification zone in the Town of Mansfield. Ms. Wassmundt asked if official town action leading to the passage of the ordinance by the Council sufficed to comply with the process required by sections C307 and C308 of the Town Charter. You have asked me for a legal opinion on that question.

First, section C307 provides in pertinent part that the "one subject" of all ordinances ". . . shall be clearly stated in the title. . . [and] filed with the Town Clerk." In this instance, due I am sure in part to the nature and scope of the initiative, the Town of Mansfield took the unusual approach of filing with the town clerk an October 17, 2007 memorandum from Mike Ninteau, Director of Building and Housing Inspection to you "Re: Proposal for Certification Zone Expansion," offering the Council two options to accomplish the proposed expansion. It was Mr. Ninteau's memorandum that was "filed with the town clerk as the "proposed ordinance."

The customary and very precise approach of the Town of Mansfield when submitting proposed ordinances to go to public hearing by the Council before potential eventual enactment is to provide the Council and the public with a fully developed single proposed ordinance which could conceivably be ready for passage verbatim. Nevertheless, since the public hearing process may and sometimes does result in changes by the Council to the initial proposal in response to public input or the ideas of Council members themselves, there is absolutely nothing legally wrong with the submission by the Town of two or more options to the Council and the public as in this instance, to be

Matthew W. Hart  
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addressed at the public hearing, which is, after all, only a preliminary step in the process per Charter sections C307 and C308.

As to the section C307 requirement that the "one subject" of the proposed ordinance be clearly stated in the title, the title set forth in Mike Nintean's memorandum, which in this case sufficed to constitute the "ordinance" contemplated by that particular Charter section, i.e., "Proposal for Certification Zone Expansion," was clearly enough to satisfy the "title" standard of C307.

As to the rest of section C307, which requires the town clerk to take certain public action in response to the filing with her of a proposed ordinance, there is no question that the required action was taken. There is a problem, however, in that the legal notice of the public hearing to be held on November 13, 2007 is flawed in that it refers to "Proposed Amendments to the Landlord Registration Ordinance." In my opinion, this flaw was sufficiently cured when the notice immediately thereafter very accurately gave official notice that "The Mansfield Town Council will hold a public hearing at 7:30 PM at their regular meeting on November 13, 2007 to solicit public comment regarding the **proposed revision to the Mansfield Housing Code to expand the rental certification zone.**" (Emphasis added), thereby fully complying with the section C308 requirement to give "notice of the public hearing . . ." including timely publication in a newspaper and on the public signposts. The records maintained by the town clerk demonstrate that all that was accomplished by her, and I therefore conclude that compliance with section C308 was secured.

In the final analysis, the only mistake in the process was the erroneous inclusion of reference to the "Landlord Registration Ordinance" in the public notice, an error that was rectified by the fully accurate statement of the subject of the proposed ordinance in the text of the published notice. This minor flaw is not sufficient to negate the entire legislative process and result in the ordinance later enacted by the Council, the duly elected representatives of the people of Mansfield, being legally void. There is no question that despite its error, the legal notice did in fact fully inform the public of the subject matter of the public hearing held on November 13, 2007, and that though town officials did not do an absolutely perfect job of following the requirements of section C308 of the Charter, their level of compliance was legally sufficient.

Finally, I recall that either at the January 14, 2008 meeting of the Town Council or at a January 18, 2008 meeting with Ms. Wassmundt and the town clerk in your office, she referred to my December 21, 2007 and December 31, 2007 legal opinions concluding that a series of petitions circulated by her, among others, were insufficient to require a town meeting per Charter section C309. Ms. Wassmundt said, I believe, something to the

Matthew W. Hart  
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Town of Mansfield  
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effect that I as town attorney had held the petitioners to a higher standard of compliance with the Charter than I may be prepared to hold the Town of Mansfield in this situation.

It is true that in the foregoing paragraphs I have concluded that a minor flaw in the public hearing process is insufficient to negate final action by the Town Council on the subject ordinance, and that previously, in recommending that the town clerk decline to certify the petitions I may have held the petitioners to a somewhat higher standard of compliance in their efforts to overturn passage by the Town Council of this apparently controversial ordinance, but I had a very sound basis for doing so.

For one thing, as noted in my December 21, 2007 opinion letter to Town Clerk Mary L. Stanton: "Sections C309 and C311 are in derogation of the power granted by the duly and democratically enacted Charter of the Town of Mansfield to the duly and democratically elected Town Council. Section C303 of the Charter of the Town of Mansfield provides in pertinent part that: **The Council shall be the governing body of the town . . . The legislative power of the town . . . [is] vested exclusively in the Council except as otherwise provided in this Charter.** (Emphasis added)."

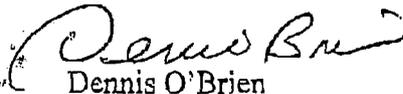
Also, like this particular opinion, my legal opinion on the petitions was *not* a close call. In my view, the strongest argument the petitioners appeared to have in the previous instance was their claim that the town clerk should have investigated the qualifications of three particular disqualified petition signers beyond just looking at the latest voter list for their information. You may recall that certification of those three citizens as qualified voters could have resulted in certification of the petition, but for another major problem with the petitions. Nevertheless, a glance at the plain language of the Charter readily revealed to me that this particular contention of the petitioner was obviously lacking legal sufficiency. Clearly, Charter section C309 required no such investigation by the town clerk or anyone else, as the qualifications of putative "voters" to effectively sign a section C309 petition are based only on: "the revised registry list last completed," as set forth in that very section of the Charter.

In conclusion, Ms. Wassmundt has raised cognizable issues regarding Town of Mansfield compliance with the legislative processes required by Charter sections C307 and C308, and I have found that administrative perfection was not attained in this instance, but only error made in the process was *de minimis* and the official actions of the Town were in fact and in law sufficient to fully justify the result eventually effected by the Town Council.

Matthew W. Hart  
Town Manager  
Town of Mansfield  
January 24, 2008

Please let me know if you or the Council needs any more from me on this.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dennis O'Brien".

Dennis O'Brien  
Town Attorney



# Mansfield Community Center

*Article and photos from this weeks Reminder News*

## WINDHAM-MANSFIELD JAN. 4, 2008 Reminder News

IN COVENTRY

### VACATION WEEK CAMP

Held by Recreation Dept. PAGE 10



Don Wesson of Ashford plays games with his children John, 4, and Becca, 6, in the smaller therapy pool at the Mansfield Community Center. Photo by Susan Dziedzic.

### HEALTHY NEW YEAR RESOLUTION

PAGE 8

### SPEAK OUT

#### A WORD TO THE WISE

...the city of Mansfield is looking for ways to improve its public safety and security. The city is currently reviewing the possibility of installing more cameras in public areas and is seeking input from the community. If you have any suggestions or information, please contact the Police Department at 508-848-2200.

PAGE 4

#### MANSFIELD LOOKING AHEAD TO YEAR 2020

PAGE 2

#### REGION DESHEFFY BIDS FOR CONGRESS

PAGE 12

LOCAL NEWS

MANSFIELD

# Healthy resolutions encouraged

By SUSAN DZIEDZIC  
ReminderNews

Americans are famous for making New Year's resolutions and they're also famous for breaking them.

One of the items most likely found at the top of the list of most common resolutions is a determination to exercise, diet and get in shape. Mansfield Community Center makes that an easy resolution to keep, with a wide choice of ways to stay in shape. Not only does it have the latest in cardiovascular exercise equipment, weights, a walking and jogging track and a large pool, but it also offers a myriad of class offerings in healthy activities like Pilates, Yoga and Tai Chi. But, unlike most commercial health clubs, the Community Center lets you "try before you buy" during its "Mansfield Free Days."

"We hold the 'Mansfield Free Days' for Mansfield residents about once a month; the dates are listed in the *ReminderNews*," said Sherry Benoit, administrative services manager for Mansfield Parks and Recreation. "This gives local residents a chance to come in and try out the club and see if it's something they would like to join. They can spend several hours here trying out the exercise equipment, shooting basketballs in the gym or going for a swim in our pool. The Mansfield Community Center is always adding new equipment and classes," she added, as she pointed out the new elliptical machines complete with cable TV. "Just bring your earphones."

Dec. 27 was the date of the most recent Mansfield Free Day, so from 9 a.m. to noon, local residents stopped by to visit the center. The winter break from school brought local youngsters in to "shoot hoops" with their friends and go for a swim.

For those who are really serious about their new physical fitness resolutions, Mansfield Community Center also offers the additional services of personal trainers who will work with individuals on a one-on-one basis. In addition to the regular hours that the center is open, there are also "Family Fun Nights" on a regular basis. These nights offer something for everyone in the family, like movies and games.

For residents of other towns, there are day passes available for those who do not want to make a year-long com-



Eliza, 12, Morgan, 11, and Nicky, 12, try out the gym at the Mansfield Community Center during their winter break from school. Photos by Susan Dziedzic.



Keller, 9, swims laps at the Community Center's pool, while the temperature hovers around freezing outside.



Larry Oswald 'shoots some hoops' and enjoys the exercise machines at the Mansfield Community Center.

mitment to a health facility. Residents of Ashford and Willington are offered a discount off the non-resident pricing.

There's also a specially discounted membership for "off-peak" time for members who would be using the club between 9 a.m. and 3 p.m. The Mansfield Community Club opens at 6:30 a.m. Monday through Saturday and stays open until 10 p.m. On Sundays the club is open from 8 a.m. to 9 p.m.

In addition to getting a tour of the facilities, the new guests were able to enjoy the many pieces of artwork by local artists being displayed in the common areas. The center also hosts a kitchen-equipped community room that can be used for parties and meetings.

"At the present time, we have about 2,000 memberships, or about 5,500 members," said Benoit. "We are not at capacity and welcome new members."

The club also has a teen center and is a popular spot after school. The teen center offers a separate membership for a young person that doesn't have a traditional membership. The teen center also has its own room, complete with air hockey, pool table and ping pong table.

The next Family Fun Nights are planned for Jan. 4, 12 and 18. For more information, visit the Mansfield Community Center's Web site at [www.mansfieldct.org](http://www.mansfieldct.org).

WINDHAM

# ECSU airs 12-part series on Martin Luther King, Jr.

By BRENDA SULLIVAN  
Staff Writer

As part of the celebration of Dr. Martin Luther King Jr.'s birthday, Eastern Connecticut State University will present a 12-part series looking back on the life and times of one of the most influential Civil Rights leaders of our time.

The series begins with a look at the forces that brought this humble Baptist preacher out of his pulpit and pushed him into the forefront of the Civil Rights Movement.

It also reveals how Dr. King reacted to the many threats on his life, as well as his response to the trials that said he was moving too fast, and to Christian clergymen who said he was a communist troublemaker.

The series was researched, written and produced by ECSU Public Relations Officer Dwight Bachman.

It will be produced all day on Jan. 21, which is Martin Luther King, Jr. Day, on Channel 22, Eastern's cable channel. It will air on even hours all day, beginning at midnight and ending at 10 p.m.

The series originally aired in 1983, the Stamford-based Satellite New Channel (SNC). Bachman was a new producer for SNC at the time. ECSU Director of Media Services, Nicole Messina, and Multimedia Production Technician in Media Services, Craig Naumec, recreated the series for the Eastern Connecticut State University cable broadcast.

"Dr. King changed the course of history for the entire world," said Bachman. "In the series, the debate between Dr. King and Black Power advocates Stokely Carmichael and H. Rap Brown, along with the Nobel Prize for Peace awards ceremony, are powerful moments in Dr. King's life. His tragic death in Memphis in 1968 is something most of us will never forget."

Had he lived, Dr. King would have been 70 years old this year.

# Chronicle



## about town

Dec. 29

### BOOK SWAP

Library, 25 Pompey Hollow Road, Route 44, Ashford, open from 11 a.m. to noon. Readers of all ages may bring books to exchange for six others. Information: 487-4420.

Dec. 30

### FAMILY FUN DAY

Community Center, 10 South Eaglevine Road, family fun night from 3 to 6 p.m. Drop-in games, ping-pong, basketball, inflatable slide and animal floats. Daily fee for others. Information: 429-3015, ext. 10.

Dec. 31

### NEW YEAR'S EVE POTLUCK

Senior Center, 14 Stonecroft Drive, Hebron, sponsors New Year's Eve potluck luncheon at noon. Sign-up with your name and list of 10 people. Information: 228-1700.

### NEW YEAR'S EVE LUNCHEON

Senior Center, 303 Maple Road, Storrs, sponsors a New Year's Eve luncheon at 11:30 a.m. Toast at noon. Choice of ham, turkey or roast beef. Price: \$5. Payable at the door. Information and reservations: 429-0262, ext. 104.

### NEW YEAR'S EVE MASS

Church, 99 Jackson St., Willimantic, holds a vigil of the mass at 7 p.m.

Local Calendar on Page 3

## Model train show is back in Chaplin

CHAPLIN — The Natchaug River Model Railroad steams into town once again for its annual display at the Chaplin Public Library next week.

The display runs over two weekends, on Saturday, Jan. 5, and Saturday, Jan. 12, from 1 to 5 p.m., both days at the public library located on Chaplin Street.

"This is the eighth consecutive season the railroad has set up its display in Chaplin," said Jack Collins, a member of the Natchaug River Model Railroad club. "The NRMR is inviting all train enthusiasts to come on down and take part in what has become Chaplin's winter tradition."

The display features an "O" gauge layout and vintage Lionel trains with custom-made rolling stock with scenes representing eastern Connecticut. "The scenery is ever-changing with new additions each year," Collins said.

Visitors can bring their own model trains to the exhibit, and those that need a little bit of work will be examined and, in most cases, repaired on site and then included in the display.

Children are also allowed to run the trains, with supervision.

Additionally, the event features live music, with performances by the band "The Electric Trains." The band plays a selection of train-themed songs.

Admission is free, but donations to the Chaplin Public Library are welcomed at the door.



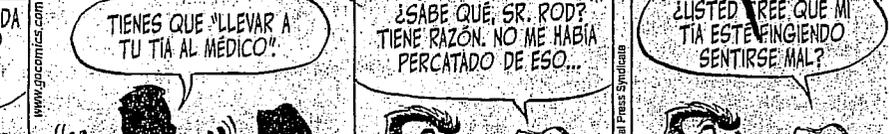
Al-Malpa



## Reunited for the holidays

Home for the holidays are five friends gathering for a very early morning workout and chat at the Mansfield Community Center. From the bottom, clockwise: Sue Andrews from Columbia going to school in Philadelphia studying medicine; Jaime Pina from the University of Washington studying biomedical informatics; Hannah Gilbert from Columbia now going to graduate school in Montreal studying anthropology; Devan Ganeshanathan, a vice principal in New Rochelle, N.Y., and his wife, Chrissy Wilt, who is also from Columbia and is working as an HBO producer in New York City.

## Hector Cantu and Carlos Castellanos



TIENES QUE LLEVAR A TU TIA AL MEDICO?

¿SABE QUE, SR. ROD? TIENE RAZÓN. NO ME HABIA PERCATADO DE ESO...

¿LISTO? ¿VE QUE MI TIA ESTE PINGIENDO SENTIRSE MAL?

www.gocomics.com

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**PAGE  
BREAK**



## Town of Mansfield Office of the Town Clerk

**To: Town Council**

**From: Mary Stanton, Town Clerk**

**CC: Matt Hart, Town Manager, Dennis O'Brien, Town Attorney**

**Date: December 21, 2007**

**Re: Petition to Repeal Amendment to Mansfield Housing Code per Section 901.1, Expansion of Rental Certification Zone Map**

On December 14, 2007, a series of petitions pursuant to sections C309 and C311 of the Charter of the Town of Mansfield seeking the referral of the recent passage of an amendment to the Mansfield Housing Code to a town meeting, were filed in this office. Charter section C309 requires that any such ordinance may be "submitted to a town meeting...if the (Town) Clerk certifies to the Council that such petition has been validly signed by at least two hundred (200) of the qualified voters of the town as determined by the revised registry list last completed..."

After careful review of the several petitions, I have determined that fewer than 200 of the 209 signatures on the petitions are validly signed. The signatures were reviewed with respect to the 11/02/2007 certified voter registry list, the 2006 Real Estate Grand List and the 2006 Motor Vehicle Grand list. All electors as determined by the revised registry list last completed are eligible to sign the petition, as are all property owners liable to the town for taxes on property assessed at not less than one thousand dollars per Connecticut General Statute section 7-6.

In addition to the fact that the total number of valid signatures on the several petitions is 197 (three less than the required number) our town attorney has submitted an opinion to me that the petitions are not in compliance with Charter section C311. Section C311 begins by saying that, "petitions under §§C309 and 310 shall be in the following form." (*emphasis added*) The petitions were submitted in three different forms. Previously, the town attorney made a decision allowing the petitioners to append a copy of the subject ordinance to the petition. That was done, but a variety of additional verbiage was also added, some of which was opinionated and could be misleading to the people who were approached to sign the petition. For example, on several of the petitions it is stated, among other things, in the appendix that "our purpose in petitioning for appeal is: stop the increasing tax burden on the townspeople".

Charter section C309 requires me, as Town Clerk, to certify to the Council any petition that has been validly signed by at least 200 voters. As I have determined, after careful review, that there are less than 200 valid signatures on the petitions, I therefore cannot certify these petitions to the Council.

December 21, 2007

Mary L. Stanton  
Town Clerk  
Town of Mansfield  
Four South Eagleville Road  
Mansfield, CT 06268

Re: Ordinance Repeal Petitions

Dear Mary:

As you know, on December 14, 2007, some local residents timely filed with the Office of the Town Clerk of the Town of Mansfield a series of petitions pursuant to sections C309 and C311 of the Charter of the Town of Mansfield. The petitions apparently seek the referral by the Town Council to a town meeting of an ordinance published on December 3, 2007, after its passage by the Council. To aid you in making the final determination required of you by said section C309 whether to certify these petitions to the Town Council, Mansfield Town Manager Matthew W. Hart has asked me as town attorney to provide you with my opinion whether the petitions are legally valid.

I have examined the petitions submitted to the Office of the Town Clerk by the circulators. I have also discussed the petitions with you and met with you in the course of your detailed and careful review of the documents. In my opinion, two legal issues are presented by the petitions. The first question is whether the petitions contain a sufficient number of valid signatures to require you to make the certification to the Town Council for a town meeting that the petitions appear to seek. The second issue is whether the petitions are in legally sufficient form as required by Town Charter section C311.

Charter section C309 requires that any ordinance passed by the Town Council may be "submitted to a town meeting . . . if the [Town] Clerk certifies to the Council that such petition has been validly signed by at least two hundred (200) of the qualified voters of the town as determined by the revised registry list last completed . . ."

As you know, previously, at your request and in reasonable anticipation of the circulation and submission of a petition, I issued to you my informal opinion that the term "voters" in section C309 includes all persons eligible to vote per Connecticut General Statutes section 7-6. C.G.S. section 7-6 provides in part that a voter is "any person who is an elector of such town . . . and any citizen of the United States of the age of eighteen

Mary L. Stanton  
Town Clerk  
Town of Mansfield  
December 21, 2007

years or more who, jointly or severally, is liable to the town . . . for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed grand list of such town . . . “

Per Charter section C309, it is the duty of the Town Clerk to determine whether a sufficient number of registered voters or electors and property owners have signed a petition. You have informed me that the several petitions included a total of 209 signatures, but that after a very careful review, you are of the preliminary opinion that twelve of the signatures must be invalidated, leaving a total of 197, three less than the number necessary to certify the petitions.

Of the twelve apparently invalid signatures, you have informed me that nine signatories were not found to be either electors or property owners eligible to vote per section 7-6. Two signatures appear to be invalid because the addresses the signers wrote on the petitions were not the same addresses they had on the “revised registry list last completed,” i.e., the November 2, 2007 certified voter registry list. One signature is presumably invalid because it was written in pencil contrary to the clear requirement of Charter section C311 that all signatures be in ink: “WARNING: ALL SIGNATURES SHALL BE IN INK.”

Of the nine petition signers you found to be neither electors nor qualified property owners, two were apparently attempting to qualify to sign as representatives of local property owning limited liability companies. The plain language of section 7-6 makes it clear that the law only grants the voter privilege to living, breathing owners of property, not to business organizations represented by a person. Realistically, an LLC cannot, for example, be “a citizen of the United States of the age of eighteen years or more.”

One non-electoral owner of property is apparently subject to disqualification because the property he owns, an automobile, is assessed at only \$501.00. As you know, the names of the other six persons whose signatures have been preliminarily deemed invalid by you do not appear on either of the public documents by which eligibility must be determined, the November 2, 2007 voter list or “the last completed grand list.”

As noted above, names which are the same as those signed by two petition signers do appear on the November 2, 2007 voter list, but at different addresses than those written beside the names on the petitions. These signatures may be disqualified due to questionable addresses. As previously stated, the only tool required to determine the validity of an elector’s signature is the voter list. Without a separate investigation, which is not mandated or intended by the governing law, Section C309 of the Charter, it is impossible for you as Clerk to sufficiently determine if these two persons are the same

Mary L. Stanton  
Town Clerk  
Town of Mansfield  
December 21, 2007

ones whose names appear on the voter list, but at different addresses from the ones written on the petitions. As these two persons are also not entitled to vote as property owners, I conclude that you are justified to invalidate these two signatures.

As town attorney, I therefore concur in your preliminary determination that you may not certify the petitions due to an insufficient number of valid signatures. There is, in my opinion, still another reason why these petitions should not be certified. Sections C309 and C311 are in derogation of the power granted by the duly and democratically enacted Charter of the Town of Mansfield to the duly and democratically elected Town Council. Section C303 of the Charter of the Town of Mansfield provides in pertinent part that: **The Council shall be the governing body of the town . . . The legislative power of the town . . . [is] vested exclusively in the Council except as otherwise provided in this Charter.** (Emphasis added).

The message of Charter section C303 is clear. It is the Council's responsibility to make policy for the Town of Mansfield "except as otherwise provided in this Charter." Anything "otherwise provided in this Charter" **must be strictly construed** as it has the potential to take away some of the comprehensive legislative power of the Town Council, **the elected representatives of the people**, as mandated by the Charter.

Section C311 of the Charter of the Town of Mansfield is one of two "as otherwise provided in this Charter" provisions under scrutiny here, the other being section C309. Section C311 is entitled "Form of petition for referendum or initiative." It begins by saying that "Petitions under sections C309 and C310 **shall be in the following form: WARNING: ALL SIGNATURES SHALL BE IN INK.**" (Emphasis added). In clear violation of section C311, not one of the several petitions filed by the petitioners in this situation contains this required warning.

The petitions prepared by the circulators and submitted to the Office of the Town Clerk came in three different forms. As you know, previously, as town attorney, I made a decision permitting the circulators of the petition to append a copy of the subject ordinance to each page of the petition. The circulators did that, but they also included in the appendix a variety of additional verbiage not included in the ordinance or prescribed by either Charter section C309 or section 311. Some of this additional language is opinionated and possibly misleading to anyone to whom the petition was presented by the circulators. For example, on many of the petitions it is stated in the appendix, among other things, that "our purpose in petitioning for repeal is: stop the increasing tax burden on the townspeople."

Mary L. Stanton  
Town Clerk  
Town of Mansfield  
December 21, 2007

Rather than simply reprinting the challenged ordinance verbatim in the appendix authorized by me as town attorney, the circulators clipped the public notice they are responding to from the Chronicle where it was published, which is all well and good. But rather than carefully trim the article out of the publication, the circulators cut it out in ragged fashion, leaving segments of other unrelated legal notices published that same day in the appendix to the petitions, potentially confusing many people.

Finally, and perhaps most important, both sections C309 and 311 of the Charter speak in terms of a single petition or **the** petition. As the circulators have submitted petitions styled in three separate formats, it appears to me to be proper and legal for the Office of the Town Clerk to have accepted the documents as three separate petitions rather than one, all of which have obviously fallen far short of the legally required minimum number of valid signatures needed for certification.

Former Chief Justice Cotter of the Supreme Court of the State of Connecticut has written that “. . . where the town charter prescribes a particular procedure by which a specific act is to be done or a power is to be performed, that procedure must be followed for the act to be lawful. **Miller v. 8<sup>th</sup> Utilities District**, 179 Conn. 589, 594 (1980). By varying their petitions far from the particular mandate of the Charter of the Town of Mansfield, the petitioners have fallen short of the mark in this case, and their actions are insufficient to require you as Town Clerk to certify their flawed submissions to the Town Council.

For all of the foregoing reasons, based on the facts as presented to me by you as Town Clerk of the Town of Mansfield, it is my opinion that you would be acting within your authority under the Charter of the Town of Mansfield and the laws of the State of Connecticut if you were to confirm and finalize your preliminary determination to decline to certify the subject petitions to the Town Council for the further action of its membership, as you are legally empowered to do by section C309 of the Town Charter.

Please let me know if you or the Town Manager require any more from me on this matter.

Very truly yours,

Dennis O'Brien  
Town Attorney

cc: Matthew W. Hart, Town Manager

Town of Mansfield  
Town Clerk Mary Stanton  
Town Attorney Dennis O'Brien  
Town Manager Matt Hart  
Town Council

Petition filed on December 14, 2007

I have reviewed your reasons for not accepting this petition. The Charter states what MUST be included in a petition. The signatures and addresses of signors and that these signatures must be in ink. It states who is eligible to sign such petition and this is confirmed with Mr O'Brien prior to circulation. This petition was not accepted for 3 (three) reasons as noted by Mr O'Brien. I address these one at a time.

can find nowhere, that the Town clerk cannot use all means available to verify signatures of electors. It states everywhere that he/she must use and that he/she has sole determination of the eligibility of each signor. The fact that the address opposite signatures on the petition does not match tax list or voter registry list, to be eligible to vote on referenda they must have \$1000 taxable property, regardless of residence, DOES NOT make them an ineligible voter. PA 88-48 states if the registrars receive reliable information that a voter has a change of address within the municipality he will change the voter list to show new address and send notice to resident. Anyone who moves within the town does not lose voting privileges and their NAME remains on the list. Of the 12 signatures rejected 2 are registered voters who moved within the town and are still electors in Town of Mansfield (Jennifer Moore)(Bob Lee). One is and registered voter and Taxpayer (Ethal Mantzaris)(Athanasia). Thus making total of 200 signatures.

The petition is one and only one, not 3 separate items. Each page contains all items required on them, as in signature and current residential address, a copy of the ordinance subject, with a reference that complete amendment is attached on each page, all three persons circulating this petition had their signatures notarized as required. As all required information was on each page and any additional "opinion" should not invalidate this petition per CT statute Sec 7-189c

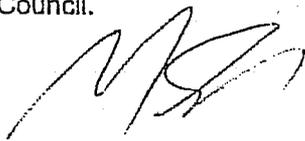
Such petition may also include, immediately after the statement provided in subsection (a) of this section, a list of general or specific recommendations for consideration by such commission.. Any and all petitioners opinions would be made to anyone approached to sign this petition, in writing or verbal. As all REQUIRED information was contained in the signature page, the attachment is only reference for review by those being approached. Circulators had the actual cutout from The Chronicle with them at all times.

The warning statement was addressed prior to circulation in an e-mail from the town clerk stating that the warning should be on separate pages, but would be ok if signatures were in ink, as all petition pages were printed and in circulation there were no "future pages" (e-mail from Mary Stanton 12/6 @ 12:20 PM)

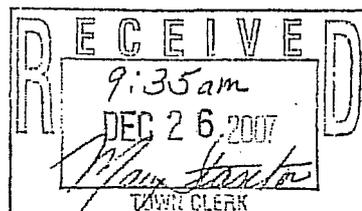
Also Sec 310 b of the Mansfield Charter gives the Town Attorney the authority to CORRECT the petition, not change the effect of such.

The Town Attorney shall have authority to correct its form for the purpose of avoiding inconsistencies, repetitions, obscurities, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clarity and precision in its phraseology. The Town Attorney shall not substantively change the meaning and effect of the petition.

Therefore I ask that you review your decision to not accept the petition as submitted on December 14, and present it to the Town Council.

  
Michael Sikoski

12/26/07



December 31, 2007

Ms. Mary L. Stanton  
Town Clerk  
Town of Mansfield  
Four South Eagleville Road  
Mansfield, CT 06268

Ordinance Repeal Petitions II

Dear Mary,

As you know, on December 21, 2007, I wrote a letter advising you that in my opinion a series of petitions timely filed by some local residents were insufficient to require you as town clerk to certify them to the Town Council for further action per section C309 of the Charter of the Town of Mansfield. The result was that you declined to certify the petitions, and so notified the Council.

In essence, in my December 21, 2007 legal opinion I noted that the several petitions failed to meet the legal requirements in three separate ways. First, even if deemed to be only one petition, the documents submitted by the circulators contained an insufficient number of valid signatures. Also, the petitions were submitted in three different forms, which in my view justified your treatment of them as three separate insufficiently signed petitions. If that were not enough, at least one of the three petition formats included opinionated and possibly misleading statements unauthorized by the provisions of the Town Charter under which they were submitted to your office.

You have informed me that on December 26, 2007, Mr. Michael Sikoski, one of the petition circulators, submitted a letter addressed to you, Town Manager Matthew W. Hart, and me, in which he has taken issue with my legal opinion regarding the petitions. You have provided me with a copy of Mr. Sikoski's letter.

First, Mr. Sikoski has claimed that you, as town clerk, should have used "all means available to verify signatures of electors." In support of this proposition, he has cited P.A. 88-48. You have informed me that you have reviewed section 88-48, codified in C.G.S. section 9-35(e). You have noted that the section mostly refers to the elector canvass procedure and the process for registrars of voters to use when they are comparing the registry list against the National Change of Address System of the Postal Service.

Ms. Mary L. Stanton  
Town Clerk  
Town of Mansfield  
December 31, 2007

Mr. Sikoski seems to be directly relying on that part of section 9-35(e) that says that: "In any case in which **the registrars** have obtained reliable information of an elector's change of address within the municipality, they shall enter the name of such elector on the registry list at the place where the elector then resides, provided, if such reliable information is the National Change of Address System of the United States Postal Service, **the registrar** shall change the registry list and send the elector a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the elector may verify or correct the address information." (emphasis added). As you of course know better than anyone, though you used to be one of the registrars, you vacated that position when you became town clerk.

Further on in section 9-35(e), it is stated that ". . . any elector, upon change of residence within the municipality may cause the elector's registration to be transferred to the elector's new address by presenting to the registrars a signed request therefore, stating the elector's present address, the date the elector moved to such address and the address at which the elector last registered." Rather than supporting Mr. Sikoski's claim, the statute he has cited militates against his position. If the persons who signed as "Bob Lee" and "Jennifer Moore" intended to effectively sign the petition circulated by Mr. Sikoski and others, each should have presented to the registrars a signed request stating his or her address to be the one s/he affixed to the petition, **prior to signing the petition.**

As noted in my opinion letter dated December 21, 2007,

". . . the only tool required to determine the validity of an elector's signature is the voter list. Without a separate investigation, which is not mandated or intended by the governing law, Section C309 of the Charter, it is impossible for the Clerk to sufficiently determine if these two persons are the same ones whose names appear on the voter list, but at different addresses from the ones written on the petitions. As these two persons are also not entitled to vote as property owners, I conclude that you are justified to invalidate these two signatures."

I continue to stand by my prior opinion and conclusion that there is no requirement for you as town clerk to make the extensive investigation Mr. Sikoski wanted before you made your determination whether or not to certify the petitions.

As to the person who signed as "Ethel Mantzaris," you have confirmed that there is no person by that name included on either the list of electors or the Grand List or records of the assessor. You have found that the only listing for anyone whose last name is Mantzaris is for "Anastasia Mantzaris." As to "Bob Lee" or "Jennifer Moore," you have checked the current files of the registrars to see if there is a Bob Lee listed at Chaffeeville or a Jennifer Moore listed at 526 Woodland, and there is not.

Ms. Mary L. Stanton  
Town Clerk  
Town of Mansfield  
December 31, 2007

In his letter, Mr. Sikoski also disputes my finding that the petitions are actually three separate petitions in three different forms. He bases his opinion on C.G.S. section 7-189c, but that section is inapplicable as it is included in the Home Rule Act and applies only to the creation or amendment of municipal charters. As to this particular claim of Mr. Sikoski, I firmly disagree as fully set forth in my letter to you dated December 21, 2007. Please redirect Mr. Sikoski's attention to page 3 of my letter and my rationale for determining that the pertinent sections of the Charter must be strictly construed as they are in derogation of the comprehensive legislative power of the Town Council, **"... the elected representatives of the people."**

Finally, citing Charter section C310.B., which is **technically** apparently inapplicable to this section C309 petition, Mr. Sikoski has made a seemingly vague claim that I, as town attorney, had the authority to correct the form of the petitions and failed to properly do so. As you know, via a series of written communications to you as town clerk and to Mr. Sikoski, I made every effort to set Mr. Sikoski on the right track prior to circulation of the petition(s), but I am certainly not responsible for the inconsistencies among the three petitions, as all three versions of the document were never presented to me for my review.

In conclusion, for all of the foregoing reasons and for those expressed in my aforementioned December 21, 2007 letter to you, I continue to stand firmly behind my original legal opinion as well as your decision to decline to certify the subject petitions to the Town Council for further action.

Very truly yours,

Dennis O'Brien  
Town Attorney

cc: Matthew W. Hart, Town Manager

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**From:** Virginia D. Walton  
**Sent:** Friday, January 18, 2008 10:30 AM  
**To:** Sara-Ann Chainé  
**Subject:** Town Council Invitation to Ribbon Cutting

Town Council,

You are invited to attend a ribbon-cutting ceremony at E. O. Smith High School on Monday, February 11, 2008 at 3:00 pm. The ceremony acknowledges the three photovoltaic solar panels that have recently been installed on the High School's rooftop.

The Town was awarded these three panels through the Connecticut Clean Energy Fund for the almost 300 Mansfield ratepayers that have selected clean electric energy sources through the CleanEnergyOptions program. Each time the Town meets a certain benchmark, it is awarded a 1 kilowatt solar panel. This is made possible through the Town of Mansfield's participation in the 20% by 2010 program.

Mansfield Clean Energy Team

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