



**TOWN OF MANSFIELD
TOWN COUNCIL MEETING
MONDAY, July 25, 2011
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING
7:30 p.m.**

AGENDA

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**EXECUTIVE SESSION
ADJOURNMENT**

REGULAR MEETING – MANSFIELD TOWN COUNCIL

July 11, 2011

DRAFT

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: Keane, Kochenburger, Lindsey, Moran, Paterson, Paulhus, Ryan, Shapiro
Excused: Schaefer

II. APPROVAL OF MINUTES

Ms. Moran moved and Mr. Shapiro seconded to approve the minutes of the June 27, 2011 meeting with corrections. The motion passed with all in favor except Mr. Kochenburger and Mr. Ryan who abstained.

III. PUBLIC HEARING

1. An Ordinance to Prevent Neighborhood Nuisances

Town Attorney Dennis O'Brien and Director of Building and Housing Inspection Mike Nintean reviewed the history of the proposed ordinance and noted its passage will send a message to the community that the Town is serious about addressing bad behavior in our neighborhoods.

Cynara Stites, Hanks Hill Road, thanked the Council for proposing the ordinance. As a neighbor to a problem rental unit, Ms. Stites is hopeful enforcement of the ordinance will bring peace to herself and her neighbors.

Judith Kucharski, Highland Road, commented that she is grateful for the Council's efforts and hopeful that enacting the proposed ordinance will be beneficial for all residents. Ms. Kucharski noted that noise and other disruptive behaviors are not strictly a student issue.

Jim Knox, Birch Road, expressed support for the ordinance and thanked Ms. Moran and the Community Quality of Life Committee for their work. Mr. Knox stated that for the last 20 or so years certain neighborhoods in Town have been under assault by rabble rousers and he is glad to see regulatory action enacted to curb some of this behavior.

Ric Hossack, Middle Turnpike, stated that while he is appreciative of the efforts to deal with student behavior he feels the proposed ordinance is misguided and he does not want it to affect him.

David Freudmann, Eastwood Road, is in agreement with the intent of the proposed ordinance but questioned why it is necessary as most of the items listed are already illegal under existing statutes.

Betty Wassmundt, Old Turnpike Road, spoke in opposition to the proposal as there is no provision for equitable enforcement. Statement attached.

Cynara Stites, Hanks Hill Road, responded to comments regarding enforcement of the ordinance stating that the State Police have the ability to judge the magnitude of a given nuisance.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Betty Wassmundt, Old Turnpike Road, raised a number of concerns. Statement attached.

Ric Hossack, Middle Turnpike, discussed his concerns with the proposed Ethics Ordinance. Statement attached.

July 11, 2011

By consensus the Council agreed to move Item 4, Neighbor to Neighbor Energy Challenge Presentation, as the next item of business.

V. REPORT OF TOWN MANAGER

In addition to his written report Town Manager Matt Hart noted Masonicare has purchased the property on Maple Road and a meeting with EDR is in the process of being scheduled for the second meeting in August. The Town Manager thanked all who attended the ground breaking for the Storrs Center Project and wished Mayor Paterson a very happy birthday.

In response to a question regarding the potential impact on the Town if the Bergin Correctional Facility is closed, Mr. Hart commented that while local job losses may negatively impact the community as long as the property is state owned and designated for use as a correctional facility there should be no significant short term impact.

Mr. Ryan requested a response to the petition submitted regarding other assisted living developers and possible sites be added to a future Council agenda.

VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mayor Paterson acknowledged the death of Matt Hurlock and extended the Council's condolences to the family. Mr. Hurlock was an EOSmith graduate and lived and coached in Coventry.

Mayor Paterson read a letter of congratulations from the National League of Cities regarding the Storrs Center ground breaking event.

Ms. Moran clarified that the proposed nuisance ordinance applies to all residents of Mansfield and even though many of the items listed are already illegal the ordinance provides a mechanism for quick and predictable enforcement. The proposed fines are the maximum allowed by law.

VII. OLD BUSINESS

2. An Ordinance to Prevent Neighborhood Nuisances

Mr. Shapiro moved to suspend the Town Council Rules of Procedures and proceed immediately to consideration of the Ordinance to Prevent Neighborhood Nuisances. Seconded by Mr. Ryan the motion passed unanimously.

Mr. Shapiro moved and Mr. Ryan seconded to adopt the Ordinance to Prevent Neighborhood Nuisances as presented at the July 11, 2011 meeting of the Council. Said ordinance shall become effective 21 days after publication in newspaper having a circulation in the Town.

Motion passed unanimously.

Council members acknowledged the efforts of the Community Quality of Life Committee and thanked the Town Attorney and the Director of Housing and Building Inspection for developing an ordinance which is enforceable.

3. Community/Campus Relations.

The Town Manager and staff are in the process of reviewing the draft police study with many of the stakeholders. Feedback from these meetings will be presented to the Council in early fall. An after action review of Spring Weekend 2011 will be conducted at the end of the month the results of which will be submitted to the Council for review. Preparations are underway for the fall semester with meetings with the largest rental land owners being planned and community visitations being organized by the Community Campus Partnership.

VIII. NEW BUSINESS

4. Neighborhood to Neighborhood Energy Challenge Presentation

Madeline Priest, Clean Energy Organizer, described the Neighbor to Neighbor Energy Challenge Program, their work in the Town of Mansfield and the rewards programs

July 11, 2011

available. A workshop will be held on September 14, 2011 in the Community Center. More information on the program is available at www.ctenergychallenge.com

5. Acceptance of Extension of Monticello Lane

Ms. Lindsey moved and Mr. Paulhus seconded, effective July 11, 2011, to accept the extension of Monticello Lane as part of the Town's road system.

The motion passed unanimously.

6. Revisions to Ethics Ordinance

Ms. Moran, Chair of the Personnel Committee, reviewed the history of the proposed changes to the Ethics Ordinance and discussed the provisions of §25-6 C.4 regarding employees of the University of Connecticut.

Attorney Dennis O'Brien summarized the definition of "political activity" added to the draft. The Personnel Committee agreed to review this addition at their next meeting.

Members discussed the necessity of referring the proposed ordinance to the Ordinance Development and Review Committee.

Ms. Moran moved and Mr. Ryan seconded, effective July 11, 2011, to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on September 12, 2011 to solicit public comment regarding proposed revisions to the Ethics Ordinance.

Motion passed unanimously.

7. Central Corridor Rail Coalition Resolution

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

WHEREAS, undue reliance upon particular modes of passenger transportation and the neglect of others leads to inefficiencies, delays and wasteful allocation of resources; and

WHEREAS, a modern national passenger train system is an essential element of a truly balanced transportation plan; and

WHEREAS, the low level or absence of passenger train service in certain areas of New England (including Mansfield) has resulted in an unbalanced transportation system in those areas, contributing to traffic congestion, air pollution, wasteful expenditures and growth control problems; and

WHEREAS, this municipality is gravely concerned with the disruption to this community caused by the traffic congestion, air pollution, wasteful expenditures and growth control problems; and

WHEREAS, the Mansfield Town Council believes that comprehensive Intermodal transportation planning is necessary to resolve the aforesaid problems and that involvement at the local, state and regional levels is necessary to the preparation and implementation of such planning; and

WHEREAS, the Mansfield Town Council believes that passenger train service is a necessary part of any comprehensive Intermodal transportation system:

NOW, THEREFORE, be it hereby resolved by the Town Council of the Town of Mansfield in the State of Connecticut that:

1. It is and shall continue to be the policy of the Town of Mansfield to support the commencement and/or expansion of passenger train service in and to Mansfield and other areas of Connecticut and the Northeast region.

2. The Town of Mansfield supports the efforts of The Central Corridor Rail Coalition/Palmer Rail Coalition to achieve the commencement and/or expansion of passenger rail service to the aforesaid areas.

July 11, 2011

Motion passed unanimously.

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments

X. REPORTS OF COUNCIL COMMITTEES

No reports

XI. PETITIONS, REQUEST AND COMMUNICATIONS

8. A. Smith re: Boy Scout bottle redemption and can drive site at Mansfield recycling/waste center

9. L. Hultgren re: 2011 Force Account Work Schedule

10. Connecticut State Library re: Historic Documents Preservation Grant

11. State of Connecticut Department of Transportation re: State Matching Grant Program Application – Town Manager Matt Hart will report on this item at the next meeting.

12. CCM: New Energy Efficiency Legislation Affecting Municipalities

13. Connecticut Water re: University of Connecticut Water System

14. COST. re: 2011 Legislative Session

XII. FUTURE AGENDAS

Mr. Ryan requested a discussion of the petition submitted to the Council regarding assisted living options be added to the next agenda.

Ms. Keane requested an opportunity to discuss the content of the Ethics Ordinance be added to the next agenda.

XIII. ADJOURNMENT

Mr. Paulhus moved and Mr. Shapiro seconded to adjourn the meeting at 8:40 p.m.

Motion passed unanimously.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk

July 11, 2011

July 11, 2011

To: Town Council
From: Betty Wassmundt

RE: Nuisance Ordinance

I am opposed to this ordinance because it is quite problematic in that there is no provision for equitable enforcement of said ordinance. It seems that it is the intent of this ordinance to allow for subjective determination as to whether a nuisance has occurred or not and this will provide for, and encourage, inconsistent application of this ordinance.

I expect that your goal is to take punitive measures against landlords in the hope that it will modify behavior and make the landlord control his tenants but this ordinance applies to all people of Mansfield. What will you do if some one complains about his neighbor who happens to love his backpack blower? That is a very annoying noise to many people; it is a noise that carries throughout a neighborhood. What will you do if someone signs a written complaint because his neighbor uses a table saw outside his home? That, too, is a loud and annoying noise. What will you do if someone signs a written complaint about a barking dog?

Finally, I urge you to require the Town Manager to make available to you and to the public all of the legal reviews he has referred to. He states that the Town Attorney, Attorney General's Office and the Connecticut State Police have concluded that this ordinance is legally sound. This is information which should be available for all to review before any vote is taken.

July 11, 2011
Ric Hossack
Storrs

I would like to talk about the proposed ethics ordinance. The ordinance as presented by the personnel committee is nothing like the code sent to them by the ethics board. After 2+ years of plodding through the revisions to our current code, the ethics board finally sent their work to the personnel committee in January of 2010. Kudos to the ethics board on completing this arduous task. After nearly a year and a half the personnel committee has now presented its version, which as it turns out was concocted by our town attorney and assistant town manager. Mr. O'Brien has stated in several meetings that he used the "Model Code", updated in March of 2009 by the state, as a basis for the code you have before you tonight. I have read the model code many times and I still cannot find the exclusions for town employees mentioned in section 25-6 Rules (g) or the exclusions for University of Connecticut employees mentioned in section 25-6 Rules(c).

The issue of town employees "borrowing" or using town resources for personal use is apparently acceptable to the personnel committee because they specifically allow for this practice to continue. By allowing this by use of "written policy" simply dilutes this complete section. The borrowing of equipment costs the taxpayers untold thousands of dollars in repair and replacement costs every year. Although the practice has continued for many years, it should be stopped immediately by town management or in lieu of management not doing the right thing, it can and should be stopped by an effective ethics code. The model code states... "No public employee or public official shall request or permit the use of municipal-owned vehicles, equipment, facilities, materials or property for personal convenience, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business". Simple, concise, and to the point. Please change our revision to reflect this.

The issue of excluding UConn employees from the provisions of the ethics code is fundamentally wrong. To specifically exclude the employee base from the towns largest employer is wrong on so many levels. If left remaining in our revised code, this single section will make Mansfield unique in the state, if not the country, as the most unethical town in America!!! In addition it will make regionalization of local ethics boards impossible.

Basically this section should cover the rules of disqualification in regards to voting. In the four years of attending council meetings I have only seen one current councilor excuse himself from discussions, and rightfully so. Kudos to councilor Shapiro. But as evidenced by the revised ethics code, condemnation to the Personnel Committee, the town attorney, and the assistant town manager for providing this extremely flawed ordinance for your approval. The purpose of an Ethics Code is to instill in the public eye the confidence of good government in the town and this revision certainly does NOT accomplish this and is an injustice to the public.

July 11, 2011

To: Town Council
From: Betty Wassmundt

1. At the last meeting, Ms. Keane requested information on the location of the electric car charging station and was told it will be located in the parking lot of the Town Hall campus. 1. Please define the Town Hall campus for me. 2. Who will pay for the electricity used to charge these cars?

2. I sent the following email to Mr Shapiro. I would like answers to my questions.

Dear Councilor Shapiro:

At the last council meeting you appointed James Raynor to the Ethics Board with a term to expire on June 30, 2013 and you appointed Mr. De Wolf to said Board with a term to expire on June 30, 2014.

At the last meeting of the Committee on Committees Mary Stanton was asked by Meredith Lindsey about appointments to said Board and she stated that appointments were effective when the Council made them and were effective for 3 years.

How do you reconcile making the two appointments as noted above with differing termination dates?

How do you justify requiring termination dates on June 30th when this is not a condition provided for in the Ethics Code?

How do you justify filling a vacancy for the remainder of that person's term when the Code of Ethics states clearly that all appointments shall be for 3 years?

I will appreciate hearing from you.

Betty Wassmundt

3. I request that you reinstitute Council Office Hours immediately so that the public may have some chance to get an answer to a question. As it now stands, a member of the public can ask a question and it just goes into the great Mansfield abyss and is ignored.

Thank you.

PAGE
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LEGAL NOTICE
TOWN OF MANSFIELD
PUBLIC HEARING July 25, 2011

The Mansfield Town Council will hold a public hearing at 7:30 PM at their regular meeting on July 25, 2011 to solicit public comments regarding the proposed sale of town-owned property on Maple Road.

At this hearing persons may address the Town Council and written communications may be received. Copies of said proposals are on file and available at the Town Clerk's office: 4 South Eagleville Road, Mansfield, Connecticut. Information is also available on the Town's website (mansfieldct.org)

Dated at Mansfield Connecticut this 12th day of July, 2011

Mary Stanton, Town Clerk

**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 the Town Manager; Linda Painter, Director of Planning and Development
Date: July 25, 2011
Re: Sale of Town-Owned Property on Maple Road

Subject Matter/Background

At Monday's meeting, the Town Council will conduct a public hearing regarding the sale of town-owned property on Maple Road. This item has been placed on the Council's agenda as old business to allow the Council to debrief the public hearing.

As you may recall, on February 16, 2011, I received a letter from Anthony Kotula requesting reconsideration of his request to purchase a 0.15 acre open space parcel that is adjacent to his property on Maple Road (Attachment 1). This request was originally considered by the Open Space Preservation Committee in 2008, which recommended that the request be denied. This recommendation was based on the belief that the sale would not provide a clear benefit to the Town, and would set a precedent of transferring open space dedications to an abutting lot in the subdivision (Attachment 2).

The parcel Mr. Kotula is interested in purchasing was originally conveyed to the Town as an open space dedication as part of the Maplewoods subdivision. The original intent was that the parcel be used for parking for the proposed trail along Old Bennet Road, which runs along the southeast boundary of Mr. Kotula's property (Attachment 3).

Section II.C of the Planning, Acquisition and Management Guidelines for Mansfield Open Space, Park, Recreation, Agricultural Properties and Conservation Easements addresses the sale of Town-owned properties (approved by the Town Council on November 13, 1995; revisions approved August 25, 1997 and August 24, 2009):

In general, it is the Town's policy not to sell land or conservation restrictions acquired by the Town through purchase, donation or as a result of a PZC/IWA subdivision application process. In some instances, a deed restriction may prevent the Town from selling Town-owned land. In the unusual instances where Town lands and easements may be transferred to private ownership, clear benefit to the Town must be demonstrated. In these instances, the Town Council shall refer the property to PZC pursuant to Section 8-24 of the Connecticut

General Statutes, and hold a Public Hearing to receive public comment regarding the proposed sale. In addition, staff shall notify neighboring property owners of the proposed sale.

Prior to bringing this request to the Town Council for official consideration, I referred the request to the Open Space Preservation Committee and for their review. The Open Space Preservation Committee subsequently referred the request to the Planning and Zoning Commission (PZC). The result of those referrals is as follows:

- o The Open Space Preservation Committee reviewed the request at their March 15, 2011 meeting and recommended that the request be denied (Attachment 4);
- o The Agriculture Committee reviewed the request at their April 6, 2011 meeting and recommended that the request be denied (Attachment 5); and
- o The PZC reviewed the request at their March 21, 2011 meeting and recommended that the request be approved subject to conditions that specify the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site. It should be noted that the PZC did not have the benefit of the Agriculture Committee's recommendation when they considered this request. Mr. Kotula submitted an email to the PZC with his responses to the concerns expressed by the Open Space Preservation Committee.

At this point, the Council has conflicting recommendations from the two advisory committees and the PZC regarding this request. The primary concerns noted by the Open Space Preservation Committee and Agriculture Committee in their recommendations to deny Mr. Kotula's request include the following:

- o The potential for setting a precedent to allow changes to open space dedications;
- o The parcel in question is not designated as prime farmland according to the Lands of Unique Value project;
- o The parcel in question is designated as part of the Dunham Forest interior forest tract;
- o The applicant owns several acres that could be used to expand his agricultural operation; and
- o Sale of the land would not add significantly enough to the scope of the applicant's agricultural operation to justify the sale of Town land to a private individual.

The Planning and Zoning Commission noted the following as part of their recommendation to approve the request:

- o An existing irregular lot configuration would be made uniform by the conveyance
- o Due to sightline issues, the subject parcel is not appropriate for parking for an old Bennet Road trail

In addition to the issues raised by the various committees, it must be noted that the proposed sale would increase the frontage of Mr. Kotula's property along Maple Road. This increase would give Mr. Kotula or future owners the frontage needed to create an additional lot, whereas currently the frontage is insufficient. While there is a prohibition against future subdivision of Mr. Kotula's property that was applied when the lot was

originally created, there is nothing preventing Mr. Kotula or a future owner from requesting that the PZC remove that restriction. This should be considered when determining value of the parcel to be sold unless a conservation easement is applied to the entirety of Mr. Kotula's property.

Financial Impact

There are various expenses associated with land sales, including legal, survey and appraisal fees. If the Council should decide to pursue sale of this property to Mr. Kotula, staff recommends that the purchaser assume responsibility for these costs. Due to the small size of the parcel in question, the increase in property tax revenue is expected to be nominal.

Legal Review

The Town Attorney reviewed this issue in 2007 and determined that the sale of land acquired through a subdivision open space dedication is legally permissible. Pursuant to Mr. O'Brien's December 14, 2007 letter, while a conveyance of the property is legally possible, the Town is "free to determine that any such transfer would be inconsistent with the intent of the state statutes and the rights that led to the conveyance of this land to the Town."

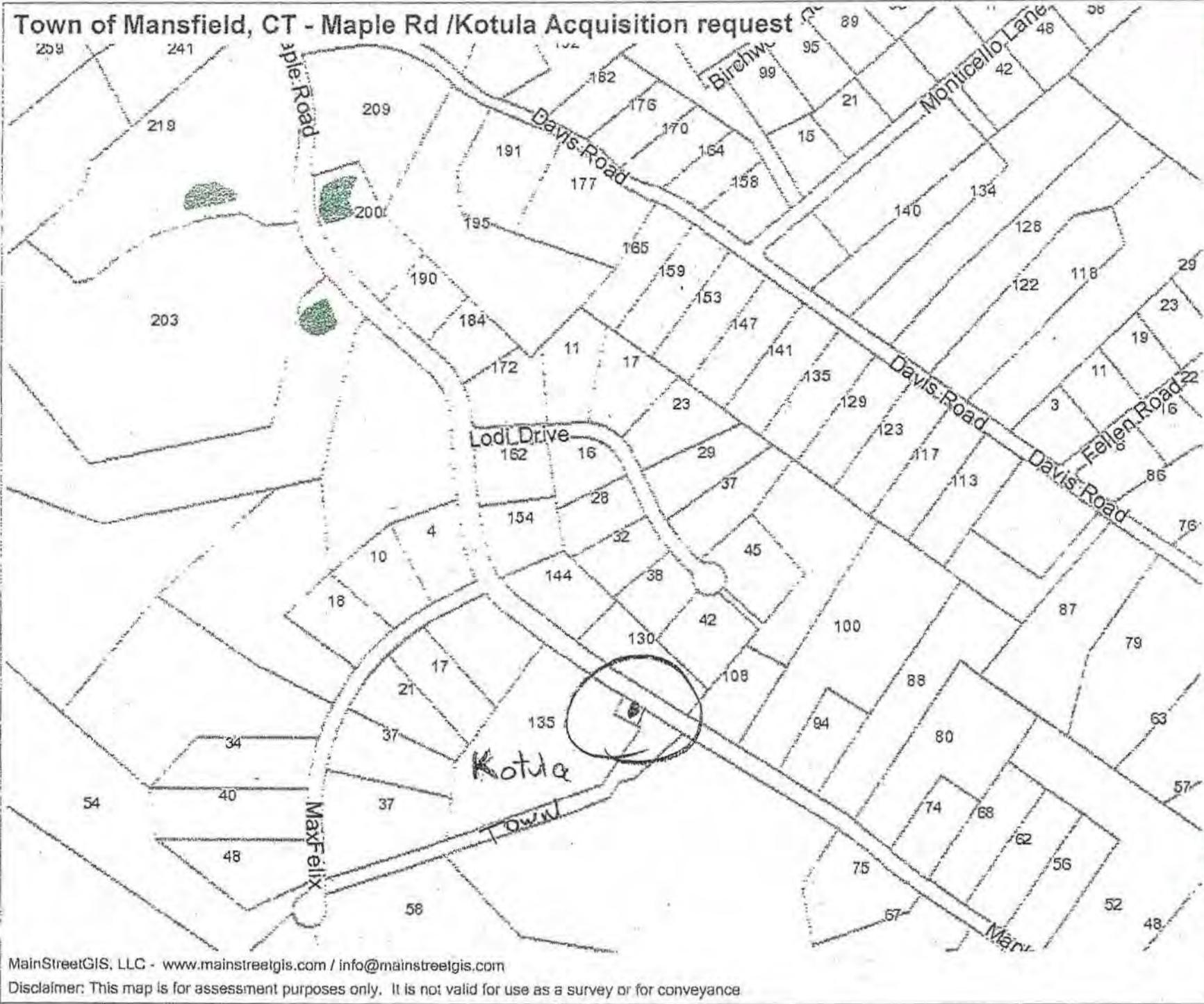
Recommendation

Staff recommends that the Council use this time on the agenda to debrief the public hearing and to discuss any potential next steps.

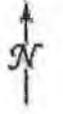
Attachments

- 1) Location Map showing parcel in question
- 2) June 6, 2007 Letter from A. Kotula to M. Hart
- 3) December 14, 2007 Letter from D. O'Brien to M. Hart
- 4) February 27, 2008 Letter from M. Hart to A. Kotula
- 5) February 16, 2011 Letter from A. Kotula
- 6) March 15, 2011 Open Space and Preservation Committee Referral to PZC
- 7) April 6, 2011 Agriculture Committee Memo to Town Council
- 8) April 25, 2011 Letter from A. Kotula to M. Hart
- 9) July 6, 2011 Letter from A. Kotula to M. Hart
- 10) July 14, 2011 Letter from M. Hart to A. Kotula
- 11) July 20, 2011 Letter to Owners of Property within or adjacent (500 feet) to parcel

Town of Mansfield, CT - Maple Rd /Kotula Acquisition request



- MapGrid
- towns
- Dimensions
- Address
- ParcelID
- Area
- Streets
- Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways



1 in = 465.09 ft

Printed:
3/28/2011



6 June 2007

Mr. Matthew Hart
Town Manager
4 South Eagleville Road
Storrs, Ct. 06268

Dear Mr. Hart:

We request that you, the Town Council, and the appropriate Mansfield Town Officers, consider our request to purchase .1548 acres which abut our property and appear to be no longer needed by the Town of Mansfield.

Enclosure Number 1 describes Lot 7A on Maple Road which is owned by Anthony W. and Joan R. Kotula. The land which we desire to purchase is coded in red, and represents an area of 65 feet by 103.74 feet, located at the East corner of Lot 7A. This parcel of land was obtained by the Town of Mansfield to serve as a parking lot to allow neighbors to use the "Old Bennet Road" as a hiking trail.

Enclosure Number 2 describes an additional parcel of land, coded in blue, which was deeded more recently to the Town of Mansfield. This deeded 1.91 acres provides adequate land for a parking lot if one is desired in the future.

The sale of the .1548 acres to Anthony W. and Joan R. Kotula will benefit the Town of Mansfield and us in the following manner.

1. The establishment of a parking lot on the .1548 acre parcel would require the stone wall shown on Enclosure Number 3 to be destroyed partially to gain access to the parcel, and that is not desirable.

2. The elevation of Maple Road changes from 660 feet at Lot 7A to 591 feet at the lowest level. "Old Bennet Road" is located on that steep hill and a large parking lot could become a safety hazard.

3. We have been planting fruit trees on our property and have appropriate concern now since some of the fruit trees have started producing fruit, that a large parking lot in this area would cause our fruit trees to be irresistible to vandals. While we were building our house, vandals repeatedly disrupted our landscaping by driving four-wheel-vehicles through our seeded lawn after rains. We were obliged to have costly regrading of the land each time.

4. To date, we have planted about 100 fruit and nut trees, 200 blueberry bushes, 250 linear feet of red raspberries, rhubarb, and other vegetables. We would welcome the additional .1548 acres because that would allow further development of our farm. We have no objection to placing a conservation easement on the parcel of land in question, as long as agricultural uses were permitted.

Sincerely,

Anthony W. and Joan R. Kotula
135 Maple Road
Storrs, CT 06268
Phone: 429-9264

N/F PATRICIA Q. PLAGE
130 MAPLE ROAD
22 / 98 / 19-1
MAIL: 306 HIGHCREST ROAD
WETHERSFIELD, CT. 06109

N/F DENIS J. & MEGAN
108 MAPLE ROAD
22 / 98 / 18-6

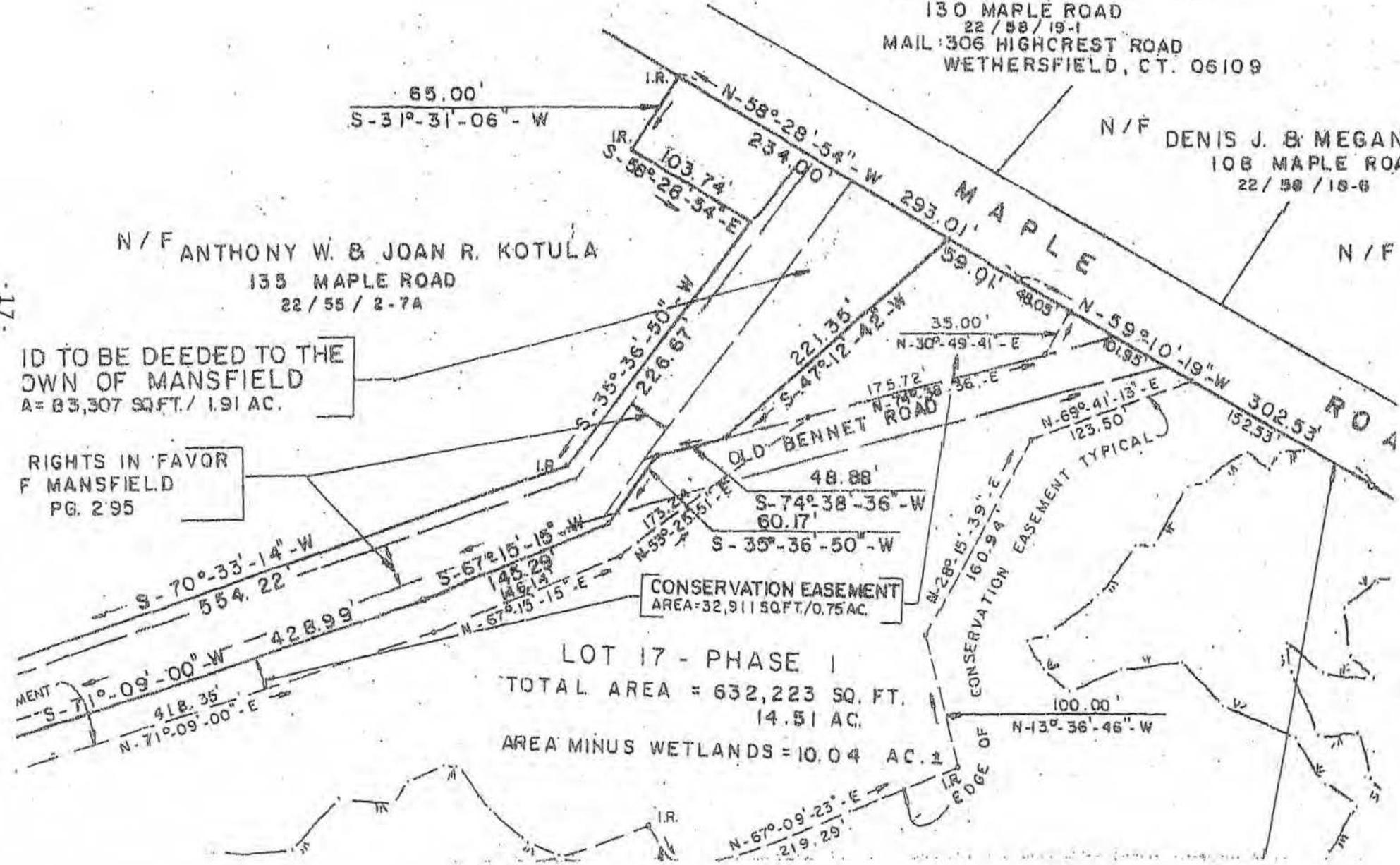
N/F ANTHONY W. & JOAN R. KOTULA
135 MAPLE ROAD
22 / 55 / 2-7A

TO BE DEEDED TO THE
TOWN OF MANSFIELD
A = 83,307 SQ.FT. / 1.91 AC.

RIGHTS IN FAVOR
OF MANSFIELD
PG. 295

CONSERVATION EASEMENT
AREA = 32,911 SQ.FT. / 0.75 AC.

LOT 17 - PHASE I
TOTAL AREA = 632,223 SQ. FT.
14.51 AC.
AREA MINUS WETLANDS = 10.04 AC.



17

CONN. GRID NORT.
1927 DATUM

LAND OF DEPOT ASSOCIATES

TREES

- STONE WALLS
- BLUEBERRIES
- FRUIT TREES
- RASPBERRIES
- RAISED BEDS
- RHUBARB
- STRAWBERRIES
- KNOTWEED
- TOMATOES
- CHICKENS

S-08°-23'-57"-W
270.00'

IRON ROD SET (TYR)

TREES

THIS LOT SHALL NOT BE
RESUBDIVIDED IN THE FUTURE
RAISED
BEDS

LOT 7A

228,311.88 SQ. FT.
5.24 AC.

554.22'

N-70°-33'-14"-E

RIGHT OF WAY TO BE DEEDED
TO THE TOWN OF MANSFIELD

APPROXIMATE LOCATION OF
OLD BENNET ROAD

LAND OF DEPOT ASSOCIATES

N-25°-51'-32"-W

MAPLE

5-57°-06'-28"-W
500.53'
EXISTING
FOOTINGS
40.9'
WELL 99.60'

LEACH FIELD
RESERVE
LEACH FIELD

65.00'
N-31°-31'-06"-E
FRUIT
TREES

103.74'

RASPBERRY

TREES

2500.00'
N-58°-28'-54"-W
ROAD

(A)

226.67'
N-35°-36'-50"-E

363.01'

BE
PH
SC
RE
SE
89
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PL

F
I
V
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S

December 14, 2007

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

Re: Sale of Town Land acquired by Open Space Dedication

Dear Matt:

You have informed me that local residents have inquired about the possibility of purchasing a small parcel of land adjacent to their property which was acquired by the Town of Mansfield via an open space dedication from a subdivision. You have asked me for an opinion whether any such transaction is legally possible.

In response to your request, I have reviewed State of Connecticut statutory and case law and the Town of Mansfield Subdivision Regulations, and did not find any provision barring a sale of open space land by a town. I also looked at the pertinent subdivision file with the assistance of Mansfield Director of Planning Gregory Padick and reviewed the legal documents by which the town obtained the subject open space parcel, and I found no prohibition against a sale.

My conclusion is that it is legally possible for the Town of Mansfield to grant the request of these residents and sell the adjacent open space parcel to them. Nevertheless, it is important to note that although a conveyance in this instance is legally possible, the Town of Mansfield is free to determine that any such transfer would be inconsistent with the intent of the state statutes and the rights that led to the conveyance of this land to the Town. Before any conveyance may happen, it would of course be necessary for the Town Council to approve the sale. Prior to acting on any resolution to sell this land, Connecticut General Statutes section 8-24 requires the Council to refer the matter to the Planning & Zoning Commission for a report. If the PZC report disapproves the proposed sale, a two-thirds vote of the Town Council would be necessary to approve it.

Please let me know if you need any more from me on this.

Very truly yours,

Dennis O'Brien
Town Attorney

TOWN OF MANSFIELD
OFFICE OF THE TOWN MANAGER



Matthew W. Hart, Town Manager

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

February 27, 2008

Anthony W. Kotula
Joan R. Kotula
135 Maple Road
Storrs, CT 06268

Dear Mr. Kotula and Ms. Kotula:

At its January 15, 2008 meeting the Open Space Preservation Committee considered your request to sell an acre of Town-owned land abutting your property on Maple Road. The committee understands that you would be willing to place a conservation easement on this land and that you are proposing to use this acre for agricultural purposes, such as Christmas Trees.

At the meeting, committee members recommended that Town lands and easements not be transferred to private ownership unless there is a clear benefit to the Town. Open space dedications in subdivisions are a special concern, because, once a transfer of Town open space takes place, a precedent has been set for other subdivision residents to make similar requests. The Open Space Preservation Committee views this type of transfer as a benefit to the private owner rather than to the Town.

After reviewing your request in great detail, the committee recommended against the sale of this Town-owned land. They did not see that this sale would provide a clear benefit to the Town and, as mentioned above, that this sale would set a precedent of transferring an open space dedication to an abutting lot in a subdivision. I hope that you can appreciate the committee's perspective on this matter.

We thank you for bringing this request before the committee. Should you have any further questions, please contact my office at 429-3336.

Sincerely,

Matthew W. Hart
Town Manager

CC: Gregory Padick, Director of Planning
Open Space Preservation Committee
Conservation Commission
Jennifer Kaufman, Parks Coordinator
Curt Vincente, Director of Parks and Recreation

16 February 2011

Mr. Matthew Hart
Town Manager
4 South Eagleville Road
Mansfield, CT 06268

Dear Mr. Hart.

Ms. Jennifer Kaufman and I spoke at a Farmer's Market about my previous unsuccessful attempt to purchase 0.1548 acres of Open Space that is adjacent, on two sides, to my property. She recommended that you, Gregory Padick, and she, meet with me, and my daughter Kathy, to discuss my continuing desire to purchase this parcel of land. Please advise me when such a meeting can be arranged.

Enclosed you will find a copy of:

1. My letter to you, with attachments, dated 5 June 2007, requesting the Town of Mansfield sell me a parcel of land adjacent to mine.
2. Your letter of 27 February 2008 indicating the Open Space Committee recommended against the sale.
3. A copy of a letter from Town Attorney, Dennis O'Brien, dated 14 December 2007, indicating the Town of Mansfield has the legal authority to sell me that parcel of land.

The Open Space Committee cited several reasons for not approving the sale.

- A. The Open Space Committee "recommended that Town land and easements not be transferred to private ownership unless there is a clear benefit to the Town". In response I suggest:

1. The Town Council repeatedly stated in 2010 that small farms are a valuable asset to Mansfield residents, and should be preserved at all costs. The 0.1548 acres is vacant land and if owned by me would allow me to increase the productivity of fruits and vegetables significantly, because I would be able to combine that parcel with my property and use my 24 horsepower Yanmar tractor to work the land, instead of using a rotospader, shovel and hoe. I will be 82 years old this June and seek means to continue to farm with less manual effort. My ownership of the parcel would provide Mansfield residents with farm fresh fruits and vegetables, "Grown in Connecticut".

2. The sale of this parcel of land would provide Mansfield with additional funds, a onetime benefit for the land, and an increase in property tax. Amounts are to be determined by the Assessor. Though miniscule by comparison with the Town budget, in these days of frugality, any increase is helpful.

3. In 2010, my USDA recognized farm, "The Maple Crest Farm" obtained Mansfield and state permits to sell products from our farm. We also obtained Liability Insurance. We were able to sell raspberries, rhubarb, and plants. Some farm produce that was available before the Liability Insurance came through, as well as some we were unable to sell, was donated to the elderly, sick, and others. Donated produce amounted to \$2,164.31. Our Liability Insurance does

not cover eggs because of the extensive recall from large producers. We have had to give them away freely. Truly, that is a benefit, particularly to the elderly.

4. The very strong endorsement of Sustainable Agriculture by the Town Council last year might justifiably lead one to believe they would act positively, to increase Sustainable Agriculture whenever possible.

B. They stated "Open Space dedications on subdivisions are a special concern, because once a transfer of Town Open Space takes place, a precedent has been set for other subdivision residents to make similar requests." We submit the following concepts of interest.

1. The parcel of land is adjacent only to my property, not other residents'.

2. The "Potter" property was sold last year instead of being dedicated to Open Space. Thus the precedent of selling land instead of creating Open Space, has been set.

3. If the Town is fearful that a developer may wish to purchase Open Space for building a residence or other structure, that concern does not apply to the present circumstances. I have 5.24 acres, thus I would not need additional land to sub divide my land. However, that is not our intention. My daughter Kathy will live on the farm after my wife Joan and I pass on.

4. The Town has the authority to decline the offer of any individual who they believe may wish to subvert the reason for the purchase. We previously said, and repeat, an easement can be placed on the purchased parcel to require it to never be utilized for the construction of any buildings.

5. Does the Town Council actually wish to support unequivocally, a policy that excludes resident purchase of any Town land, regardless how beneficial it is to the Town and the resident?

General:

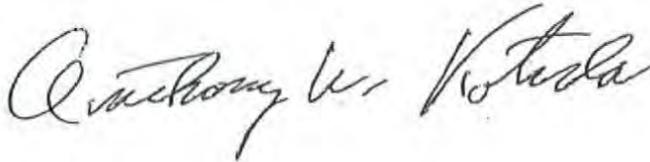
In your letter of 27 February 2008, you referred to the parcel of land as an acre. Indeed, it is only 0.1548 acres.

We believe we have provided ample, valid examples of the "clear Benefit" that will accrue to the Town and its residents, by the sale of this parcel to Anthony W. and Joan R. Kotula.

Hopefully, during our meeting my daughter and I will further resolve any additional concerns that might be raised.

Sincerely,

Anthony W. Kotula
135 Maple Road
Mansfield CT 06268
Phone: (860) 429-9264



cc: Gregory Padick ✓
Jennifer Kaufman

OPEN SPACE PRESERVATION COMMITTEE

Comments on Kotula Request

March 15, 2011

To: Mansfield Planning and Zoning Commission, Greg Padick

At the OSPC's March 15, 2011, meeting, Anthony Kotula presented a request that the Town sell to him 0.15 acres of Town land. Town ownership of this land resulted from an open space dedication along Old Bennett Road as part of the Maplewoods subdivision. Mr. Kotula proposed using the area for agricultural purposes.

COMMENTS

The committee discussed Mr. Kotula's request and is now referring it to PZC for the following reason. In 2010, PZC ruled on a request from the Weiss family to change part of the Old Bennett Road open-space dedication (in this case to remove a conservation easement located farther west along the road). PZC denied this request, and OSPC supports that decision. Mr. Kotula is also requesting a change in an open-space dedication. We recommend that PZC review Mr. Kotula's request with reference to their decision in 2010.

OSPC recommends that his request be denied because it would set a precedent to allow changes to open-space dedications. Many subdivision residents throughout town have land abutting Town-owned open-space dedications. OSPC is concerned about the potential for these residents to attempt to annex these Town lands to their properties if Mr. Kotula's request is approved.

Additional notes:

The committee appreciates Mr. Kotula's interest in agricultural projects. However, several items should be noted.

The 0.15-acre parcel is not prime farmland, as stated in his request.*

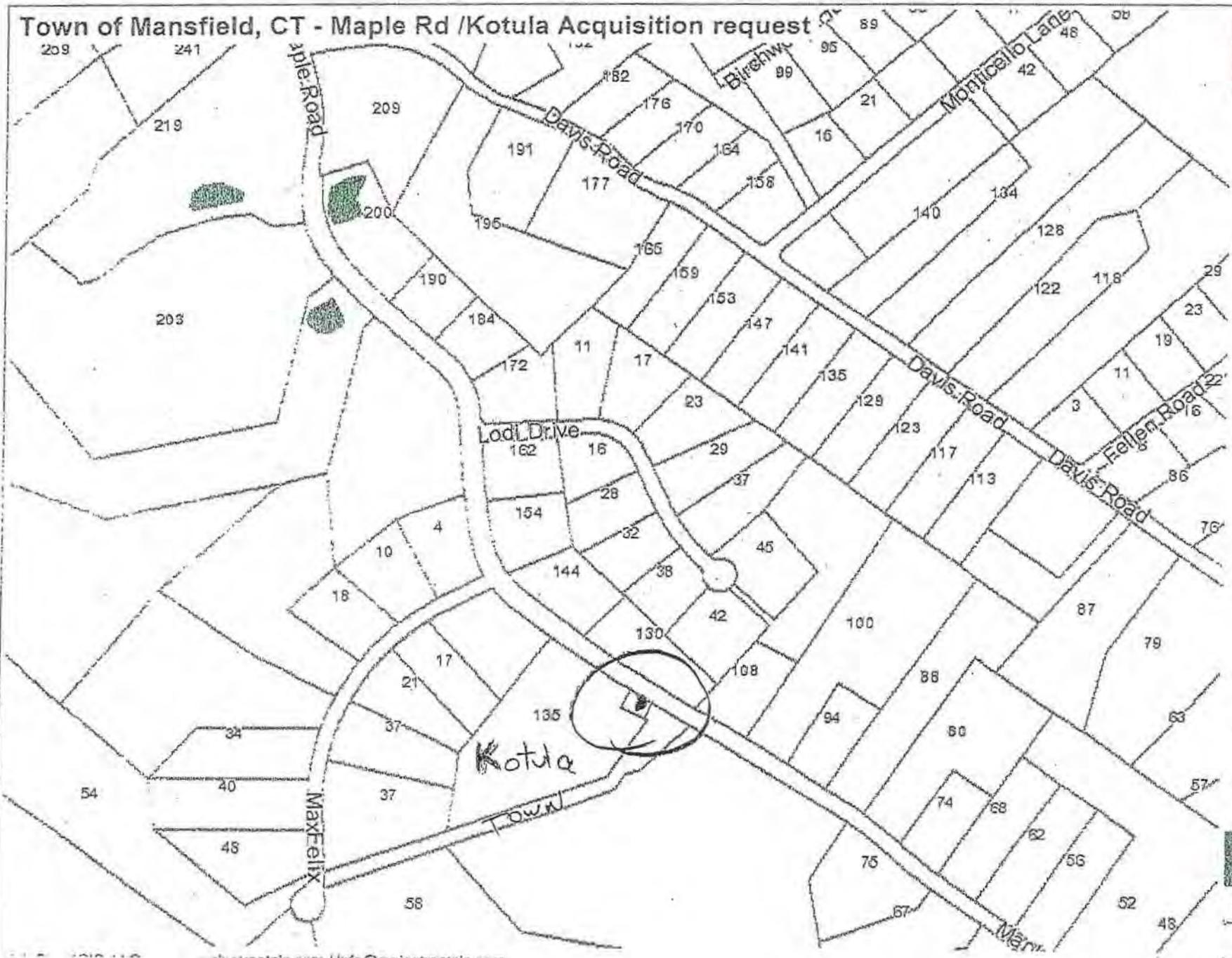
The Town Plan does not designate the 0.15-acre parcel as farmland, rather as part of the Dunhamtown Forest interior forest tract. Removing trees in this parcel would not be consistent with the interior forest designation.

Mr. Kotula owns several more acres that he could clear to expand his agricultural area, but he has stated that he does not wish to cut down more trees on his property.

The sale of the Potter property was cited as a precedent in his request. However, this property was conveyed to an abutter in a tax sale, in which the Town owned the land briefly as part of the tax sale process.

*According to the prime farmland map produced for the Lands of Unique Value project. Also, the Tolland County Soil Survey indicates the parcel's soil type as CrC (Charlton very stony fine sandy loam, rated VIs-1), which is "best suited for forestry and pasture".

Town of Mansfield, CT - Maple Rd /Kotula Acquisition request



- MapGrid
- towns
- Dimensions
- Address
- ParcelID
- Area
- Streets
- Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways



1 in = 465.09 ft

Printed:
3/28/2011



Date: April 6, 2011

To: Mansfield Town Council

From: Mansfield Agriculture Committee

Re: Request of A. Kotula to acquire existing Town land on Maple Road

Mr. Kotula presented his request to the committee at their April 5, 2011, meeting. The committee reviewed Mr. Kotula's presentation and materials. After discussion, Ed Wazer moved (Al Cyr seconded) that the committee recommend to the Town Council that they not approve Mr. Kotula's request to purchase 0.15 acres from the Town. The committee voted unanimously in favor of this motion:

The committee recommends against selling the 0.15-acre Town parcel to Mr. Kotula because his ownership of it would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual. The committee also notes that there is a sizeable amount of Mr. Kotula's land currently not in agricultural production that is available for expansion of his agricultural activities.

25 April 2011

Mr. Matthew Hart
Town Manager
4 South Eagleville Road
Mansfield, CT 06268

Dear Mr. Hart:

Please share this letter, including the accompanying enclosures, with the Town Council, in executive session, to inform them of my desire to purchase 0.1548 acres, (65 feet by 103.74 feet), of Town farmland. Enclosure 1, the Holmes and Henry diagram of Lot 7A, shows my property and the Town parcel marked "A" next to my property, at 135 Maple Road.

The parcel of land marked "A" was part of the original Gardner dairy farm. Enclosures 2 and 3 show that the parcel of land has a contiguous stone wall on Maple Road that extends onto Bennet Road trail. The whole Northern side of my Lot 7A is separated from Maple Road with a stone wall, except where the barn burned down. There is no wall on the South and West of parcel "A", Enclosure 4. Thus the 'Minutes' of the meeting of the Planning and Zoning Commission are accurate when they say "He distributed a map showing that this land was "carved" from his lot to accommodate parking for the old Bennet Road trail. However, parking was located elsewhere because of site-line issues." The Planning and Zoning Commission noted that with the sale of parcel "A", the irregular configuration of my lot would be made uniform. The Commission decided leasing the land is not practical when long-term plants such as rhubarb, asparagus and grapes are involved. The Commission listened, asked questions, discussed opinions, some changed their mind in favor of the sale and then the Planning and Zoning Commission adopted by a 7 to 2 margin, the following motion:

"That the Planning and Zoning Commission recommend that the Town Council authorize Mr. Anthony Kotula's proposed acquisition of a .15 acre portion of existing Town owned Open Space land on Maple Road subject to conditions that specify that the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site." Enclosure 5

This recommendation by the Commission satisfies the one condition for the sale by the Town Council, which was expressed by the Town Attorney. It states "Prior to acting on any resolution to sell this land, Connecticut General Statutes section 8-24 requires the Council to refer the matter to the Planning and Zoning Commission.

My correspondence to Mr. Padick dated 21 March 2011 (Enclosure 6) and 11 April 2011 (Enclosure 7), reply to the concerns of the Open Space and Agriculture Committees, respectively. Both committees made reference to the plethora of trees on my land. The Open Space Committee, suggested I cut down trees for more planting space. The Agriculture Committee mentioned I have "a sizeable amount of land not currently in agricultural production". Neither Committee understood, nor did they question, whether the "underutilized" land was suitable for agriculture. Had I been asked to discuss their concerns at that time, they would have learned that

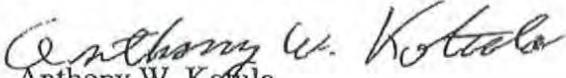
the topographical map shows most of my mature trees grow on a slope that drops 20 feet in 140 feet. The Chinese and Japanese grow crops on the side of mountains, but that takes generations of effort to accomplish. Further, I am blessed with ledge out croppings throughout my lot, which limit areas of productivity. The land South of my home contains my well and the land North of my home contains the leach field and the reserve leach field. Neither are suitable areas for planting of long-term plants. We do not wish to contaminate the aquifer with fertilizer by planting near our well, nor do we wish to move well-established plants if and when the leach field needs attention.

The report of the Agriculture Committee indicated "his ownership of it would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual". The parcel in question does indeed lend itself to the production of rhubarb, asparagus, and possibly grapes, all of which are important crops. It would be the lowest farmable land suitable for those crops, on my property. It has the highest amount of water throughout the year, and rhubarb requires abundant water for a profitable crop. Three hundred plants could produce 3,000 pounds of rhubarb annually. Water is so scarce in our aquifer that at least three newly constructed houses on MaxFelix Road, adjacent to us, have had to drill second wells within a year of occupancy. My well produces only ½ gallon per minute. We do not use well water for our crops. Rather, we use rain collected from the roof of our home. During the summer, when rain is not available, the crops suffer. Even some newly planted fruit trees do not survive the dry season, and need to be replaced.

The sale of parcel "A" will benefit Mansfield and its citizens. The Town Plans, as well as the Town Council, endorse sustainable agriculture. Converting this fallow land into productive agricultural land supports these goals. Locally produced fruits and vegetables are less likely to contain *Escherichia coli* O157-H7, *Toxoplasma gondii*, or other potentially pathogenic microorganisms. Local food supplies are very desirable in the event of storm or other damage. A productive farm provides a rural experience for all of Mansfield citizens and especially for the citizen/taxpayer who owns it, and for the many generations which will follow.

Hopefully, the Town Council will agree that I have justified the merits of the proposed sale and will schedule a public hearing so we can proceed with the transaction.

Sincerely,


Anthony W. Kotula

135 Maple Road
Mansfield, CT 06268
Phone: (860-429-9264
Email: awkotula@msn.com

cc: g. padick ✓

CONN. GRID NORTH
1927 DATUM

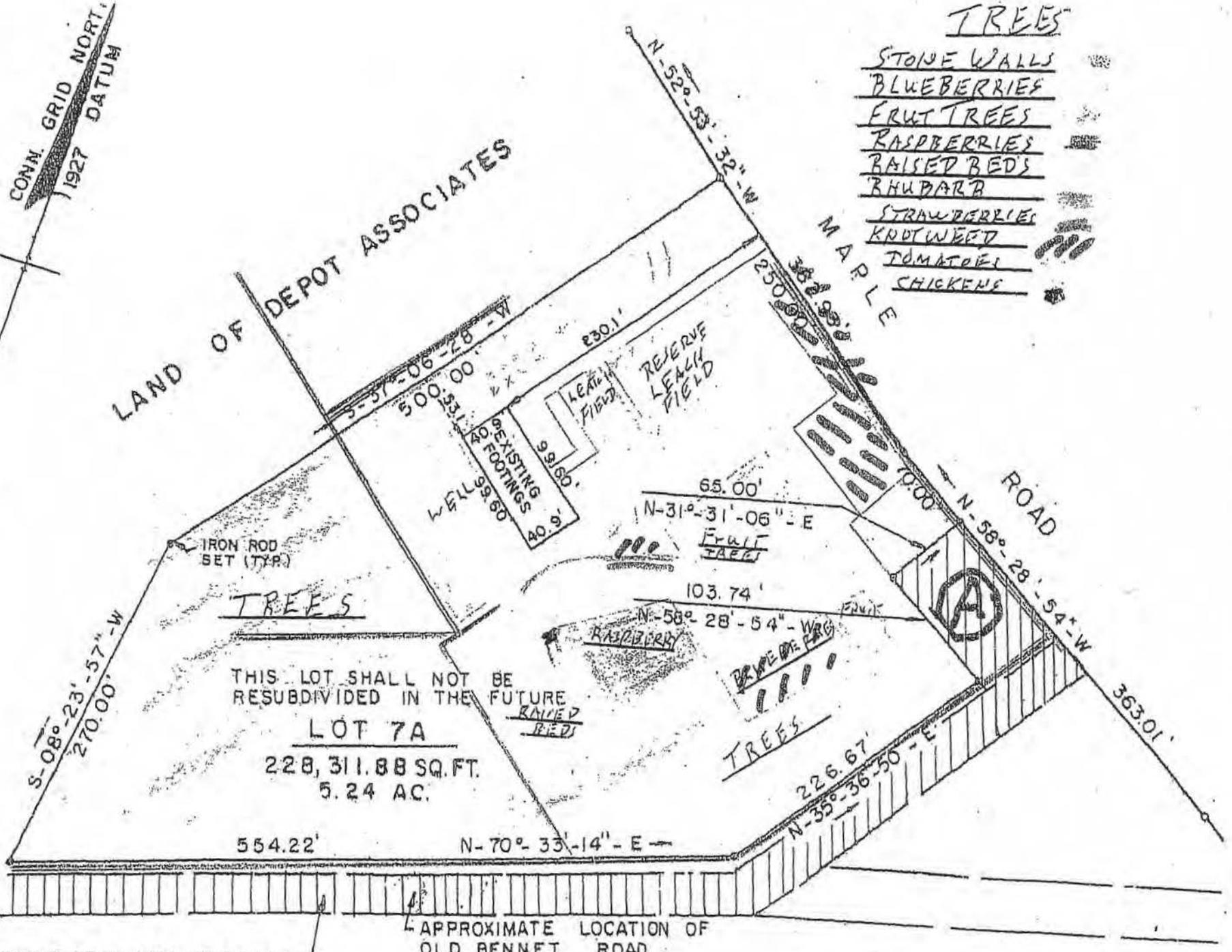
LAND OF DEPOT ASSOCIATES

- TREES
- STONE WALLS
- BLUEBERRIES
- FRUIT TREES
- RASPBERRIES
- RAISED BEDS
- RHUBARB
- STRAWBERRIES
- KNOTWEED
- TOMATOES
- CHICKENS

29

BE
PH
SC
RE
SE
89
HO
PL

F
I
V
E
S



TREES

THIS LOT SHALL NOT BE
RESUBDIVIDED IN THE FUTURE
RAISED
BEDS

LOT 7A
228,311.88 SQ. FT.
5.24 AC.

LEACH FIELD
REVERSE LEACH FIELD

FRUIT TREES

RASPBERRY

RAISED BEDS

TREES

MARPLE ROAD

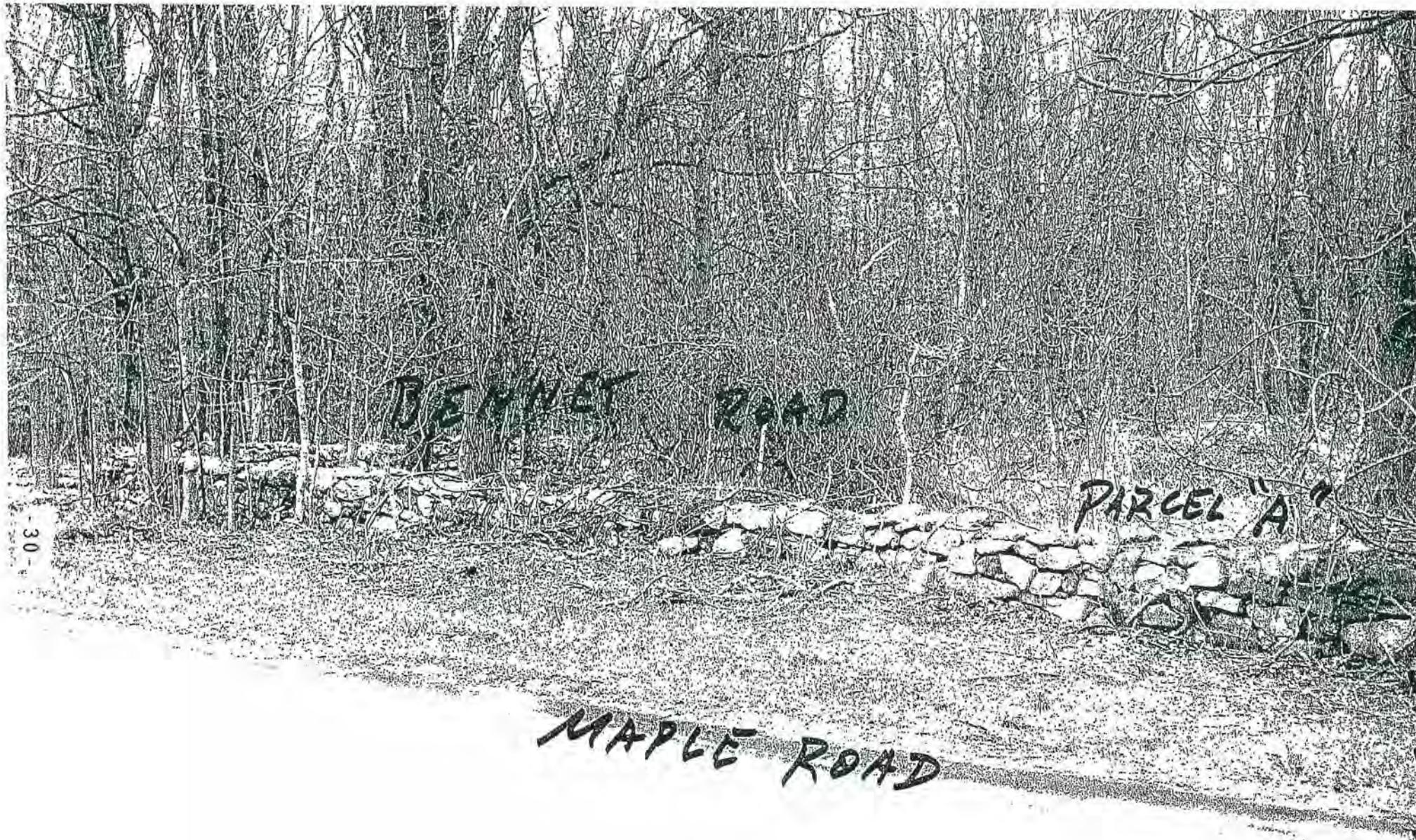
ROAD

APPROXIMATE LOCATION OF
OLD BENNET ROAD

RIGHT OF WAY TO BE DEEDED
TO THE TOWN OF MANSFIELD
FOR MIKING TRAIL.

LAND OF DEPOT ASSOCIATES





BENNET ROAD

PARCEL "A"

MAPLE ROAD

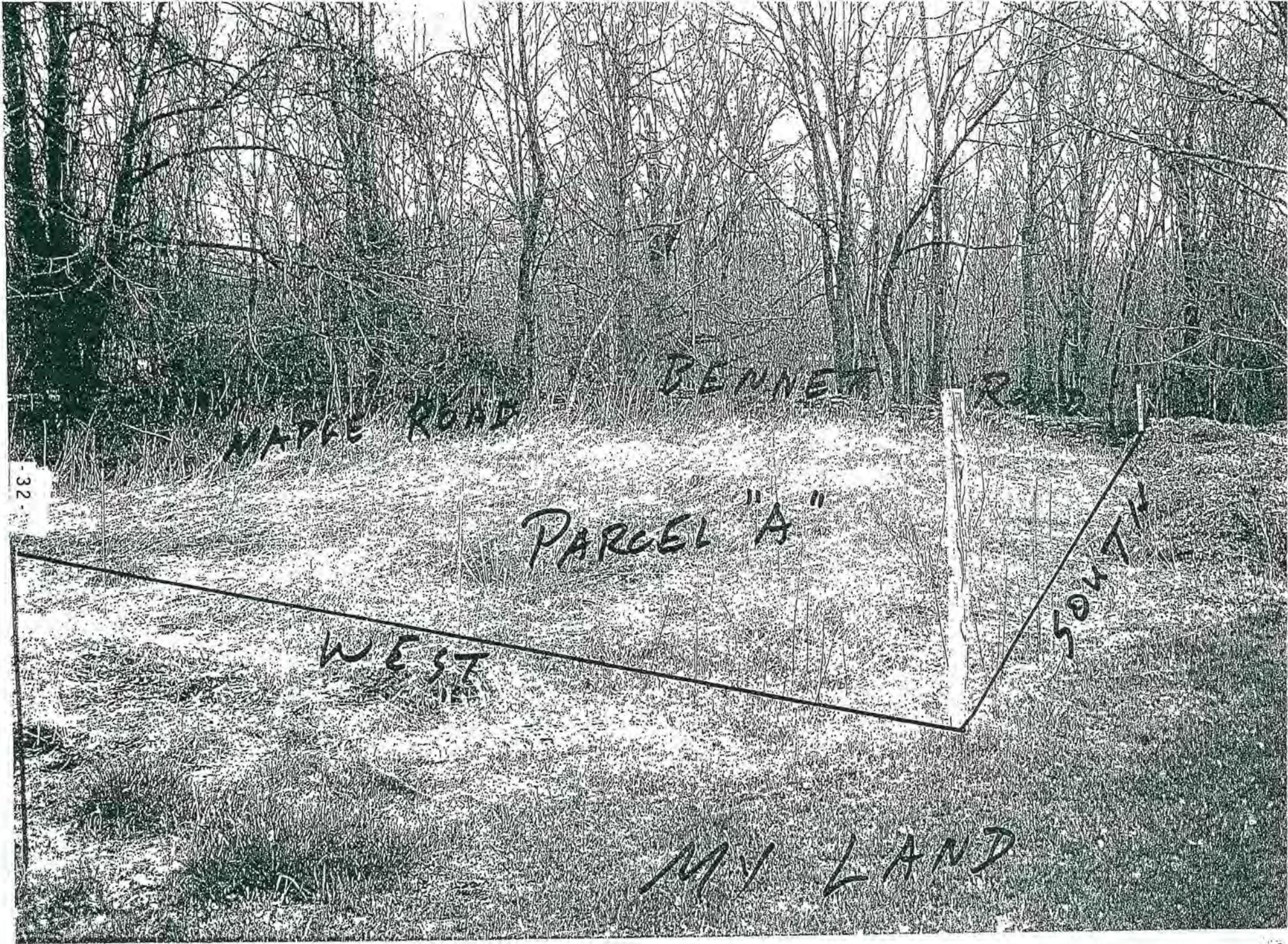
- 30 -

1921

BENNET ROAD

PARCEL "A"

MAPLE ROAD



MAPLE ROAD

BENNETT ROAD

PARCEL "A"

WEST

SOUTH

MY LAND

32



PLANNING AND ZONING COMMISSION
TOWN OF MANSFIELD

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CONNECTICUT 06268
(860) 429-3330

To: Town Council
From: Planning and Zoning Commission
Date: Wednesday, March 23, 2011
Re: Proposed Acquisition of a Mansfield Owned 0.1548 acres on Maple Road

At a meeting held on 3/21/11, the Mansfield Planning and Zoning Commission adopted the following motion:

"That the Planning and Zoning Commission recommend that the Town Council authorize Mr. Anthony Kotula's proposed acquisition of a .15 acre portion of existing Town owned Open Space land on Maple Road subject to conditions that specify that the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site."

This action was taken after considerable deliberation. The Commission noted that an existing irregular lot configuration would be made uniform by this conveyance and that the subject .15 acre area is not acceptable for parking for an old Bennet Road trail due to sightline problems.

If you have any questions, please contact Gregory J. Padick, Director of Planning at (860) 429-3329.

"Anthony Kotula" <awkotula@msn.com>
<PadickGJ@mansfieldct.org>
Monday, March 21, 2011 3:25 PM
Planning and Zoning Commission Meeting

Padick:

few hours I have to prepare a reply to the Open Space Committee report about my purchase of 0.1548 acres of land from the Town of Mansfield, I submit the following:

Expressed concerns of the Open Space Committee are presented in black type and my responses in blue.

The Zoning Commission is asked to refer to the 2010 request by the Weiss family to terminate the hunting and hiking rights in a portion of the Weiss' property.

Response: In our letter dated 6 June 2007 to Mr. Matt Hart we stated "We have no objection to placing a conservation easement on the parcel of land in question, as long as agricultural uses were permitted." Therefore our request is completely different from that of the Weiss family.

The Zoning Commission is requested to deny making a favorable decision to allow the sale of the parcel because it would set a precedent.

Response: The Town of Mansfield has the authority to deny proposals based on their merit thereof. Is it now the intent of the Town to deviate from the Plan of Development states in the Policy Goals and Objectives: "to discourage non-agricultural uses on prime farmland and prime agricultural soils."

Open Space Committee states the 0.15 acres is not prime land.

Response: When the Plan of Development was being prepared, a map on the wall outside the office of the Town Planner listed the land on both sides of MaxFelix Road as prime farmland. It included my Lot 7. The parcel in question may be listed otherwise, not because it is not prime farm land, rather because it was part of the forest of Lot 17. I have been able to use adjacent land for farming successfully, thus it is productive farm land.

Open Space Committee states that Removing trees in this parcel would not be consistent with the interior forest designation".

Response: I have no desire to remove any trees from the parcel in question. The trees primarily grow along Maple Road and Old Bennett Road. I invite representatives of the committees to visit the parcel. I am certain rhubarb and asparagus can be grown easily on the parcel of land.

It is suggested I destroy some of my trees.

Response: Probably all agree that trees, especially such mature trees add to the rural nature of the field and additionally provide benefits by themselves.

The sale of the Potter land is mentioned by the Open Space Committee as being similar to the sale of the parcel in question.

Response: We agree it was not open space, however we do suggest the Town had options they decided on one which was most beneficial to the Town.

I respectfully submit that the Town of Mansfield is capable of making educated decisions on the unique criteria surrounding each proposed sale.

11 April 2011

Mr. Gregory Padick
Director of Planning
Town of Mansfield
4 South Eagleville Road
Mansfield, CT, 06268

Dear Mr. Padick:

Enclosure #1 is the response from the Agricultural Committee concerning my desire to purchase 0.1548 acres of land from the Town of Mansfield.

I respectfully disagree with their unanimous decision to recommend that the Town deny my request for the purchase of the 0.1548 acres.

The Committee provided two reasons for their recommendation for denial of the sale.

1. "because his ownership would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual".

Response: The 0.1548 acres is 65 feet by 103.74 feet. In that space I can easily plant 300 rhubarb plants, some asparagus, and possibly some grapes. Once mature, as some of my other rhubarb plants, each plant will produce annually ten marketable stalks that are three feet long, about 1 1/4 inches in diameter, and each weigh at least one pound. At a sale price of \$1.00 per pound, the rhubarb will provide a minimum income of \$3,000 per year. My fruit trees are mostly immature and will require many years to become highly productive. In order to qualify for the State of Connecticut Farmer Tax Exemption Permit, I am required to produce farm products having a value of \$2,500. The rhubarb will provide that amount of produce much sooner than the fruit and nut trees. The asparagus and grapes will add to the income.

Of equal importance, the rhubarb bed will provide about 3,000 pounds of delicious, healthy rhubarb. The asparagus and grapes are also important crops. We have been planting fruits and vegetables that require care but need not be planted each year. Our farm is structured to provide crops that do not compete directly with most offerings at the Farmer's Markets.

We are recognized by the United States Department of Agriculture as an operating farm and have the ID Number 09300163140, and MUST complete periodically the United States Census of Agriculture. (see enclosure #2) The United States Department of Agriculture supports our farming efforts, as indicated by their interest in what we produce.

2. "The Committee also notes that there is a sizable amount of Mr. Kotula's land currently not in agricultural production that is available for expansion of his agricultural activities."

Response: We have planned the use of land frugally. Last week we received an additional shipment of 26 fruit trees, which we are in the process of planting (enclosure #3). We have additional plants on order. We are attempting to provide for our children, grandchildren, etc., a farm life experience in perpetuity.

When we met with The Agriculture Committee, they did not question how we are utilizing our land, nor did they indicate that our proposed use of the parcel we wish to buy, would conflict with the goals of The Agriculture Committee, the Town of Mansfield, nor any other entity. If questioned, we would have been pleased to provide further explanations of our agricultural initiatives.

We question why the Agriculture Committee denied our request. They are charged with enhancing agriculture in Mansfield. We have demonstrated how fallow land, which is of no use to the Town, and was carved out of Lot #7 (my lot), can become productive agricultural land without destroying trees, stone walls, or other agricultural structures. Their decision, conflicts with their charge as a Committee, the decision of the Planning and Zoning Commission, the stated goals of Mansfield Plans, and the stated goals of the Mansfield Town Council.

We respectfully request the Town Council abide by the recommendation of the Planning and Zoning Commission to sell the parcel of land in question, to Joan and Anthony Kotula.

Sincerely,

Anthony W. Kotula
135 Maple Road
Mansfield, CT, 06268
Phone: (860) 429-9264
Email: awkotula@msn.com

Mr. Matthew Hart
Town Manager
4 South Eagleville Road
Mansfield CT 06268

6 July 2011

Dear Mr. Hart:

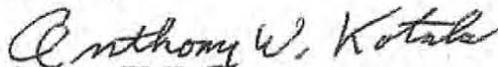
We appreciate your recommendation "that the Council schedule a public hearing to receive public comment regarding the proposed sale". Your recommendation undoubtedly was of great significance to the Town Council in their decision to schedule a Public Hearing of the proposed sale for 25 July 2011. Hopefully, we can work together to enable you to continue to support the proposed sale to fruition.

In your letter to the Town Council dated 27 June 2011 you referred to "various expenses associated with land sales including legal, survey and appraisal fees". What are the costs of each, the legal, survey, and appraisal, for the parcel? The parcel of land was surveyed by the Town a few years ago and the markers are in place, does the parcel require an additional survey? Purchase of the parcel will increase my property tax by what amount? How is the cost of the land determined?

I am unfamiliar with the procedures involved in Public Hearings. Please provide answers to the following questions.

1. The Town Council will use what specific facts in deciding whether to approve the sale?
2. When and where will the Public Hearing be publicized?
3. How thorough should I be in stating my desire to purchase the parcel? Since the Town Council is already aware of the particulars, is it beneficial to review my position for the public?
4. Will packets of descriptive material be provided to the public before the Public Hearing, as they were for the Town Council Meeting of 27 June 2011?
5. How much time will I be given?
6. When the public speaks, am I expected to respond?
7. Am I able to respond?
8. Will I be able to use the Town screen and projector if I wish to give a Power Point presentation for the public?
9. How long does the Public Hearing usually last?
10. If someone is unable to attend the Public Hearing, can they write a letter to the Town Council and will it be considered?
11. If there is such a letter should the Town Council receive the letter before the Public Hearing or may I read it and then present it to the Secretary during the Public Hearing?
12. How long can each public person speak?
13. What other questions should I ask to prepare for the Public Hearing?

Sincerely,


Anthony W. Kotula
135 Maple Road
Mansfield, CT 06268
Phone: (860) 420-9264
Email: awkotula@msn.com

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



Matthew W. Hart, Town Manager

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

July 14, 2011

Mr. Anthony W. Kotula
135 Maple Road
Mansfield, CT 06268

Dear Mr. Kotula:

I am in receipt of your letters dated July 6, 2011 and July 12, 2011. In consideration of your questions regarding the public hearing scheduled for July 25, 2011, please note that you will be afforded the same opportunity as everyone else during the public hearing. This means you will have five (5) minutes to address the Town Council during which time the Council may or may not ask you questions. Due to time constraints, the Council does not typically allow those speaking at a public hearing to provide a PowerPoint presentation.

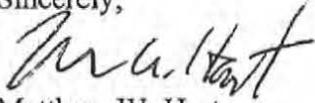
The total length of the public hearing will depend on how many members of the public speak and whether or not they use the five minutes allotted to them. The Council may ask you to respond to points and questions raised by other speakers. You will also have the ability to respond to comments from other speakers after everyone has had an initial opportunity to speak.

The public hearing will be noticed in the Chronicle July 14, 2011 & July 20, 2011 in accordance with Section 7-163e of the Connecticut General Statutes. The public hearing notice has also been posted on the property, on the Town Clerk's signboard located within town hall, placed on our website (www.mansfieldct.gov) and distributed through our Q-Notify email distribution system.

The Town Council will receive a thorough packet of information regarding the public hearing. Much of this information will be the same information as was distributed in advance of the Council's June 27, 2011 meeting. The public will have access to this same information in advance of the July 25, 2011 Council meeting. If someone is unable to attend the public hearing, they may submit their letter to the Town Clerk by July 20, 2011 for inclusion the Council's July 25, 2011 meeting packet. If they submit their letter to the Town Clerk after July 20, 2011 their letter will be distributed to the Council at the Council's meeting on July 25, 2011. During your five-minute public hearing comment period, you have the right to read aloud to the Council any letters in support or other material pertinent to the public hearing.

The Town Council will consider all the information presented regarding the sale of the town-owned property on Maple Road when making their decision. If after reading this letter you still require more information, please contact Linda Painter, Director of Planning and Development at 860-429-3330.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew W. Hart". The signature is written in a cursive style with a large initial "M".

Matthew W. Hart
Town Manager

Cc: Mansfield Town Council
Linda Painter, Director of Planning and Development
Mary Stanton, Town Clerk

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

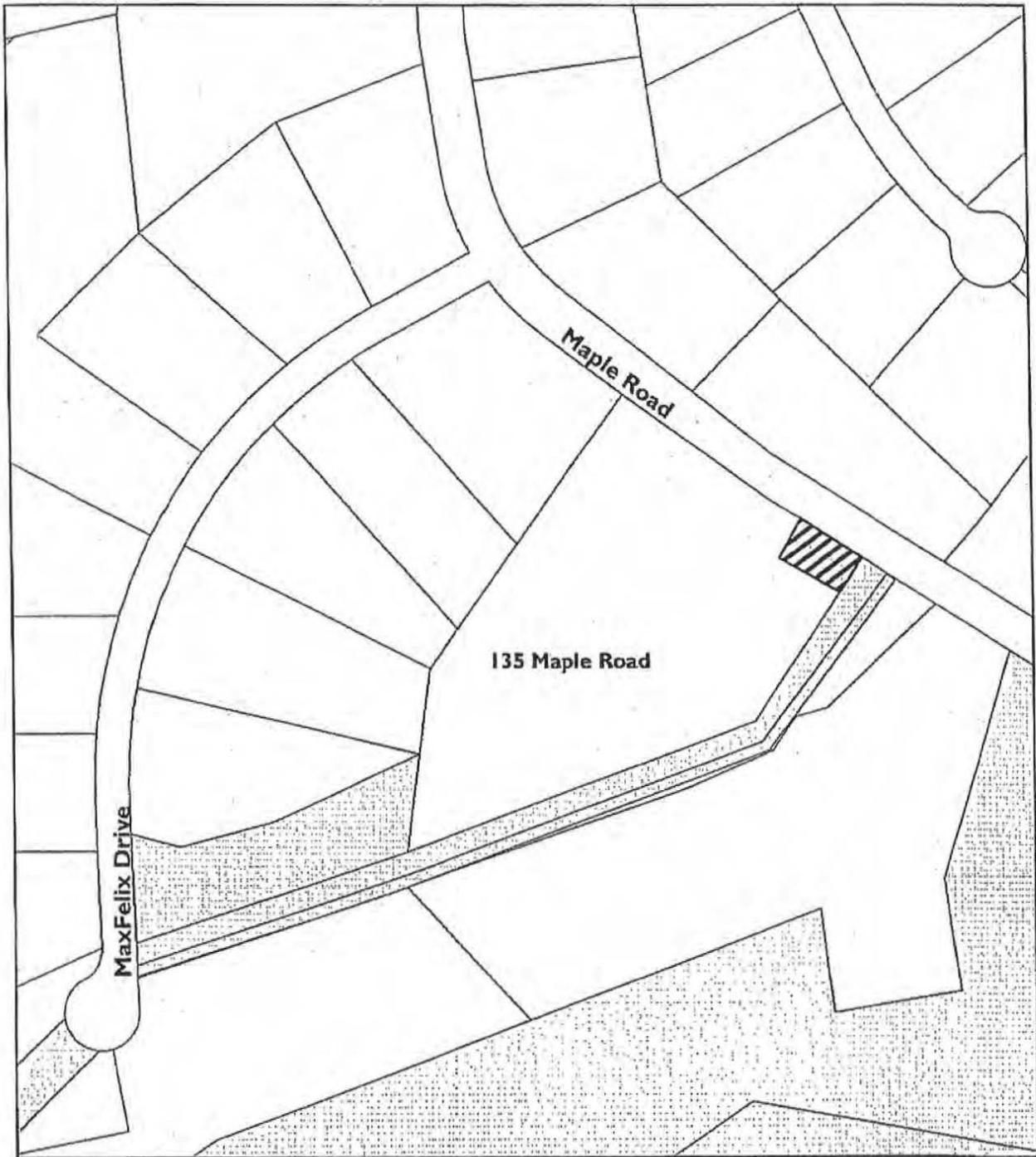
Memo to: Owners of Property within or adjacent (500 feet) to parcel
From: Linda M. Painter, AICP, Director of Planning and Development *LMP*
Date: Wednesday, July 20, 2011
Re: The proposed sale of town-owned property on Maple Road

The Mansfield Town Council will hold a public hearing at 7:30 PM at their regular meeting on July 25, 2011 to solicit public comments regarding the proposed sale of town-owned property on Maple Road.

At this hearing persons may address the Town Council and written communications may be received. Copies of said proposals are on file and available at the Town Clerk's office: 4 South Eagleville Road, Mansfield, Connecticut. Information is also available on the Town's website (mansfieldct.org)

The proposed parcel is a ±0.15 acre piece of Town owned land immediately south of the Kotula property located at 135 Maple Road. (Please see enclosed map).

Please call the Planning Office (429-3330) if you have any questions. All written or oral public comments must be received prior to the close of the Public Hearing on July 25, 2011.



Legend

-  Proposed Sale of Town Owned Land
-  OpenSpace
-  Parcels



**PAGE
BREAK**



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant to Town Manager; Ethics Board
Date: July 25, 2011
Re: Revisions to Ethics Ordinance

Subject Matter/Background

The Personnel Committee plans to continue its review of the Ethics Code at its meeting on July 22, 2011; in particular the Committee is looking to improve the definition and provision regarding "political activity." At Monday's meeting, the Personnel Committee will report on their discussion and may present revised language to the definition and provision regarding political activity.

At its last meeting, the Councilors recommended that we schedule a public hearing this September to solicit public input regarding the revisions to the Ethics Code. In advance of the public hearing, management still plans to review the proposed revisions with employees to solicit any feedback that they may have.

For your reference, staff has attached a copy of the most recent draft revisions to the Ethics Code, which indicates the proposed language designed to address political activity.

Legal Review

At the Personnel Committee's request, the Town Attorney has assisted in preparing the proposed revisions to the Ethics Ordinance.

Recommendation

Based on Council's previous discussions, a September date is desirable to conduct the public hearing. The following motion would be in order:

Move, effective July 25, 2011, to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on September 26, 2011, to solicit public comment regarding proposed revisions to the Ethics Ordinance.

Attachments

- 1) Personnel Committee Recommended Revisions to the Ethics Ordinance (Code), dated July 18, 2011
- 2) Existing Ethics Ordinance (Code)

Ethics Ordinance
Personnel Committee Draft – July 18, 2011

[HISTORY: Adopted by the Town Council of the Town of Mansfield 6-26-1995, effective 8-7-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Authorities — See Ch. 5.
Conservation Commission — See Ch. 11.
Economic Development Commission — See Ch. 17.
Housing Partnership — See Ch. 34.
Inland Wetlands Agency — See Ch. 40.
Personnel Appeals Board — See Ch. 63.
Planning and Zoning Commission — See Ch. 67.
Police — See Ch. 70.
Regional Planning Agency — See Ch. 82.
Zoning Board of Appeals — See Ch. 94.
Affirmative action — See Ch. A191.
Committees, boards and authorities — See Ch. A192.
Housing Authority — See Ch. A193.

§ 25-1 Title.

This chapter shall be known and may be cited as the "Code of Ethics."

§ 25-2 Authority

This Code is legally authorized by Connecticut General Statutes section 7-148h, and Town of Mansfield Charter section C304.

§ 25-3 Purpose.

Public office or employment is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decisions. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the town as a whole, without regard to personal gain. This process must be free from threats, favoritism, undue influence and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Town of Mansfield seeks to maintain and increase the confidence of our citizens in the integrity and fairness of their Town government. In pursuit of that goal, these standards are provided to aid those involved in decision making to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership, and uphold the respectability of our Town government.

§ 25-4 Definitions.

As used in this chapter, the following words or phrases shall have the meanings ascribed to them in this section:

ADVISORY BOARD

Any appointed board, committee, commission or agency of the Town of Mansfield without legal authority to finally and effectively require implementation of its

determinations, or to legally bind the Town, or to restrict or limit the authority of the Town to take action.

BOARD

The Town of Mansfield Board of Ethics established in section 25-5 of this ordinance.

BUSINESS

Any entity through which business for profit or not for profit is conducted, including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

BUSINESS WITH WHICH ONE IS ASSOCIATED

A business of which the person or a member of their immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class.

CONFIDENTIAL INFORMATION

Any information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not at the time of transmission a matter of public record per the Connecticut Freedom of Information Act, C.G.S. section 1-200, et seq., or public knowledge.

EMPLOYEE

Any person receiving a salary, wages or other compensation from the Town for services rendered.

FINANCIAL INTEREST

Any interest representing an actual or potential economic gain or loss, which is neither trivial nor shared by the general public.

GIFT

Anything of value, including entertainment, food, beverage, travel and lodging given or paid to a public official or public employee, to the extent that a benefit of equal or greater value is not received.

A gift does not include:

A political contribution otherwise reported as required by law or a donation or payment as described or defined in subdivision (9) or (11) of subsection (b) of Conn. General Statutes section 9-601a;

Services provided by persons volunteering their time;

A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

A gift received from an individual's spouse, fiancé or fiancée, the parent, brother or sister of such spouse or such individual, or the child of such individual or the spouse of such child;

Goods or services which are provided to the municipality and facilitate governmental action or functions;

A certificate, plaque or other ceremonial award costing less than one hundred dollars;

A rebate or discount on the price of anything of value made in the ordinary course of a business without regard to that person's status;

Printed or recorded informational material germane to governmental action or functions;

Items of nominal value, not to exceed twenty dollars, containing or displaying promotional material;

An honorary degree bestowed upon a public official or public employee by a public or private university or college;

A meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity;

A meal provided in the home by an individual who resides in the municipality;

Gifts in-kind of nominal value not to exceed \$25.00 tendered on gift-giving occasions generally recognized by the public, provided the total value of such gifts in any calendar year from all donors do not combine to exceed one hundred dollars.

A gift worth no more than \$500.00 made in recognition of a "life event" like a wedding, birth or retirement.

IMMEDIATE FAMILY

Any spouse, child, parent or sibling of any age or residence, or any other individual who resides in the household of the public official or employee.

INDIVIDUAL

Any natural person.

INDIVIDUAL WITH WHOM ONE IS ASSOCIATED

Any individual with whom the person or a member of their immediate family mutually has an interest in any business.

OFFICIAL RESPONSIBILITY

The direct administrative or operating authority, whether exercised personally or through subordinates, to approve, disapprove, or to otherwise direct Town government action.

PERSON

Any individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

POLITICAL ACTION

~~Publicly endorsing or publicly opposing any candidate for any Town office subject to the jurisdiction of the Board of Ethics per this Code, in a speech, public advertisement, political advertisement, a broadcast, campaign literature, or similar action or material; taking any part in managing the political campaign of any such candidate, or initiating or circulating a nomination petition, working as a driver transporting voters to the polls during an election, or directly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for any such candidate; placing a sign or sticker supporting or opposing a candidate for any such Town office on real or personal property owned by the placer of such sign or sticker; becoming a candidate for any such Town office.~~

POLITICAL ACTIVITY

~~Voting, making political contributions, buying a ticket to fundraising or other political events; being politically active in connection with a question such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participating in political affairs; endorsing or opposing any candidate for any public office; taking any part in managing the political campaign of any such candidate, or initiating or circulating a nomination petition, working as a driver transporting voters to the polls during an election, or directly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for any such candidate; placing or wearing a sign or sticker supporting or opposing a candidate for any public office; becoming or acting as a candidate for any public office.~~

PUBLIC OFFICIAL

Any elected or appointed official, whether paid or unpaid or full or part-time, of the Town or a political subdivision thereof, including members and alternate members of town agencies, boards and commissions, and committees, or any other board, commission or agency that performs legislative, administrative, or judicial functions or exercises financial authority (collectively hereinafter referred to as "body"), including candidates for any such office, except for any member of an advisory board. Town agencies, boards, commissions and committees that have sufficient authority to qualify as Public Officials subject to the requirements of this Code are the Town Council, Board of Education, Planning and Zoning Commission, Inland Wetlands Agency, Zoning Board of Appeals, Conservation Commission, Board of Assessment Appeals, Board of Ethics, Building Board of Appeals, Housing Code Board of Appeals, Historic District Commission, Personnel Appeals Board, the Advisory Committee on the Needs of Persons with Disabilities when it is functioning as the ADA Grievance Committee, and any hearing

officer appointed per section 129-4 of the Hearing Procedure for Citations Ordinance, or section 189-6A of the Zoning Violations Ordinance, of the Code of the Town of Mansfield.

§ 25-5 Board of Ethics.

A. There is hereby established a Board of Ethics consisting of five (5) members. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, except for the initial Board upon which two (2) members served for a term of two (2) years, and one (1) member served for a term of one (1) year.

B. Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members to serve in the absence of any regular member(s). The initial appointments were for a term that expired on June 30, 1996. Thereafter, all terms have been and shall continue to be for two years.

C. No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.

D. All members and alternates shall be electors of the Town. No member or alternate shall (1) hold or campaign for any public office; (2) hold office in any political party or political committees; (3) serve as a public official as defined in section 25-4 of this Code.

~~E. Although any member of the Board of Ethics shall have an unrestricted right to vote, make political contributions, attend or buy a ticket to fundraising or other political events, identify himself or herself as a member of a political party, be politically active in connection with a question that is not specifically identified with a candidate for any Town office subject to the jurisdiction of the Board of Ethics such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participate fully in public affairs, no member or employee of the Board of Ethics shall engage in political action, as that term is defined in Section 25-4 of this Ordinance.~~

Any member of the Board of Ethics shall have an unrestricted right to vote, make political contributions, attend or buy a ticket to fundraising or other political events, identify himself or herself as a member of a political party, be politically active in connection with a question that is not specifically identified with a candidate for any Town office subject to the jurisdiction of the Board of Ethics such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participate fully in public affairs. No member or employee of the Board of Ethics may, however, publicly endorse or publicly oppose any candidate for any Town office subject to the jurisdiction of the Board of Ethics per this Code, in a speech, public advertisement, political advertisement, broadcast, campaign literature, or similar action or material; take any part in managing the political campaign of any such candidate, or initiate or circulate a nomination petition, work as a driver transporting voters to the polls during an election, or directly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for any such candidate; place a sign or sticker supporting or opposing a candidate for any such Town office on real or personal property owned by the placer of such sign or sticker; or become a candidate for any such Town office.

§ 25-6 Rules

A. No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of their official responsibilities in the public interest or which would tend to impair their independent judgment or action in the performance of their official responsibilities.

B. (1) No public employee or public official shall solicit or accept any gift from any person which to their knowledge is interested in any pending matter within such individual's official responsibility. (b) If a prohibited gift is offered, the employee or official must refuse it, return it, pay the donor the full value of the gift, or donate it to a non-profit organization provided that the employee or official does not take the corresponding tax deduction. Alternatively, it may be considered a gift to the Town of Mansfield provided it remains in the Town's possession permanently.

C. (1) A public official or public employee shall not vote upon or otherwise participate to any extent in any matter on behalf of the Town of Mansfield if he or she, a business with which they are associated, an individual with whom they are associated, or a member of his or her immediate family has a financial interest in the transaction or contract, including but not limited to the sale of real estate, material, supplies or services to the Town of Mansfield. (2) If such participation is within the scope of the official responsibility of the public employee or public official, as soon as possible after they become aware of such conflict of interest, they shall submit written disclosure which sets forth in detail the nature and extent of such interest to their agency or supervisor as the case may be, and to the Board of Ethics. (3) Notwithstanding the prohibition in subsection (C)(1), a public employee or public official may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the Town of Mansfield. (4) Also notwithstanding the prohibition set forth in subsection (C)(1), a public employee or public official who is employed by the University of Connecticut may vote or otherwise participate in a matter if it involves the University of Connecticut and the interest is shared with a substantial segment of the population of the Town of Mansfield and also with a substantial portion of persons employed by the University outside of the department or unit in which the public employee or public official is employed.

D. (1) Except for a public official who receives no compensation for their service to the Town other than per diem payments or reimbursement of expenses, no public employee or public official shall appear on behalf of private interests before any board, agency, commission or committee of the Town of Mansfield. (2) Except for a public official who receives no compensation for their service to the Town other than per diem payments or reimbursement of expenses, no public employee or public official shall represent private interests against the interest of the Town in any litigation to which the Town is a party.

E. Nothing contained in this Code of Ethics shall prohibit or restrict a public employee or public official from appearing before any board, agency, commission or committee of the Town of Mansfield on their own behalf, or from being a party in any action, proceeding or litigation brought by or against the public employee or public official to which the Town of Mansfield is a party.

F. No public employee or public official shall disclose confidential information, as defined in section 25-4 of this Code, concerning Town affairs, nor shall such employee or official use such information for the financial interests of himself or herself or others.

G. No public employee or public official shall request or permit the use of Town funds, services, Town owned vehicles, equipment, facilities, materials or property for personal use, except when such are available to the public generally or are provided by official Town policy or contract for the use of such public employee or public official.

H. No public employee or public official, or a business with which they are associated, or member of their immediate family shall enter into a contract with the Town of Mansfield unless it is awarded per the requirements of prevailing law, and in particular, Chapter 76 of the Code of the Town of Mansfield, "The Ordinance for Obtaining Goods and Services."

I. No public employee or public official may use their position or office for the financial benefit of themselves, a business with which they are associated, an individual with which they are associated, or a member of their immediate family.

J. No public employee or public official acting in their official capacity shall accept a fee or honorarium for an article, appearance or speech, or for participation at an event.

K. No public employee or public official, or member of such individual's immediate family or business with which they are associated, shall solicit or accept anything of value, including but not limited to a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

L. Any public official or employee who presents or speaks to any board, committee, commission or agency during the time set aside during any meeting of any such body for public comment shall at that time disclose their name, address, and Town of Mansfield public affiliation, regardless of whether said affiliation is related to the matter being addressed by the speaker.

~~M. No public official or employee may request, or authorize any other official or employee to request that a subordinate employee of the Town actively participate in an election campaign or make a political contribution. No public official or employee may engage in any political activity as that term is defined in Section 25-4 of this Ordinance, while on duty for the Town, or with the use of Town funds, supplies, vehicles or facilities. Activity legally authorized by Connecticut General Statutes section 9-369b, regarding the preparation, printing and dissemination of certain explanatory materials pertaining to referendum questions and proposals, is exempt from such restriction.~~

No public official or employee may request, or authorize any other official or employee to request that a subordinate employee of the Town actively participate in an election campaign or make a political contribution. No public official or employee may engage in any political activity while on duty for the Town, or with the use of Town funds, supplies, vehicles or facilities. Political activity includes voting, making political contributions, buying a ticket to fundraising or other political events; being politically active in connection with a question such as a referendum or approval of a municipal ordinance, or any other question or issue of a similar character, and otherwise participating in political affairs; endorsing or opposing any candidate for any public office; taking any part in managing the political campaign of any such candidate, or initiating or circulating a nomination petition, working as a driver transporting voters to the polls during an

election, or directly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for any such candidate; placing or wearing a sign or sticker supporting or opposing a candidate for any public office; becoming or acting as a candidate for any public office. Activity legally authorized by Connecticut General Statutes section 9-369b, regarding the preparation, printing and dissemination of certain explanatory materials pertaining to referendum questions and proposals, is exempt from such restriction.

§ 25-7 Organization and Procedure.

A. The Board of Ethics shall elect a chairperson who shall preside at meetings of the Board, a vice-chairperson to preside in the absence of the chairperson, and a secretary. In the absence of both the chairperson and vice-chairperson, Board members shall elect a temporary chairperson. Three members shall constitute a quorum. Except for its final determination of a complaint after a hearing per section 25-8(G) of this ordinance, a majority vote of the Board shall be required for action of the Board. The chairperson, vice-chairperson in the absence of the chair, or any three regular members may call a special meeting of the Board.

B. The Board of Ethics shall (1) Compile and maintain a record of all reports, advisory opinions, statements, and memoranda filed with the Board to facilitate public access to such reports and statements in instances in which such public disclosure is legally permissible; (2) Issue advisory opinions with regard to the requirements of this Code of Ethics upon the request of any public official, employee or agency of the Town regarding whether their own present or potential action may violate any provision of this Code. Advisory opinions rendered by the Board of Ethics shall be binding on the Board and shall be deemed to be final decisions of the Board. Any advisory opinion concerning an official or employee who requested the opinion and who acted in reliance thereon in good faith, shall be an absolute defense in any subsequent matter regarding the same issue(s) brought under the provisions of this Code; The Board may make available to the public such advisory opinions which do not invade personal privacy and take other appropriate steps in an effort to increase public awareness of this Code of Ethics; (3) The Board of Ethics shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be careful to protect and uphold the confidentiality of all information regarding cases in which no final determination of violation has been made.

C. The Board of Ethics shall establish and from time to time amend its own rules and procedures, which shall be made available to the public at the Office of the Town Clerk.

D. The Board of Ethics may utilize or employ necessary staff or outside counsel within available appropriations and in accordance with existing rules and procedures of the Town of Mansfield.

§ 25-8 Powers and Duties. Complaints and Investigations. Confidentiality

A.(1) Upon the complaint of any person on a form prescribed by the Board of Ethics, signed under penalty of false statement, or upon its own complaint, the Board of Ethics shall investigate any alleged violation of this Code. Unless and until the Board of Ethics makes a finding of a violation, a complaint alleging a violation of this Code shall be confidential except upon the request of the respondent.

B. (1) No later than ten (10) days after the receipt or issuance of such complaint, the Board shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed, and shall provide notice of the receipt of such complaint to the complainant. (2) The Board of Ethics shall review and investigate the complaint to determine whether the allegations contained therein constitute a violation of any provision of the Code. This investigation shall be confidential except upon the request of the respondent. If the investigation is confidential, any allegations and any information supplied to or received from the Board of Ethics shall not be disclosed to any third party by a complainant, witness, designated party, or Board of Ethics member.

C. (1) In the conduct of its investigation of an alleged violation of this Code, the Board of Ethics shall have the power to hold investigative hearings, administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Board of any books and papers which the Board deems relevant in any matter under investigation. In the exercise of such powers, the Board may use the services of the Town police, who shall provide the same upon the request of the Board. Any such subpoena is enforceable upon application to the Superior Court for Tolland County. (2) If any such investigative hearing is scheduled, the Board of Ethics shall consult forthwith with the town attorney or outside counsel authorized per section 25-7 of this Code. The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

D. (1) If, after investigation, the Board of Ethics determines that the complaint does not allege sufficient facts to constitute probable cause of a violation, the Board shall dismiss the complaint. The Board shall inform the complainant and the respondent of its finding of dismissal by registered or certified mail not later than three business days after such determination of dismissal. (2) After any such finding of no violation, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent. No complainant, witness, designated party, or Board of Ethics or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint, which the disclosing party would not otherwise have known.

E. If, after investigation, the Board of Ethics determines that the complaint alleges sufficient acts to constitute probable cause of any violation, then the Board shall send notice of said finding of probable cause to the complainant and respondent by registered or certified mail within three business days and fix a date for the hearing on the allegations of the complaint to begin no later than thirty (30) calendar days after said issuance of notice. The hearing date regarding any complaint shall be not more than sixty (60) calendar days after the filing of the complaint. If any such hearing is scheduled, the Board of Ethics shall consult forthwith with the town attorney or outside counsel authorized per section 25-7 of this Code.

F. (1) A hearing conducted by the Board of Ethics shall be governed by the administrative rules of evidence. Such hearings shall be closed to the public unless the respondent requests otherwise. (2) In the conduct of its hearing of an alleged violation of this Code, the Board of Ethics shall have the power to administer oaths, examine witnesses, receive oral, documentary and demonstrative evidence, subpoena witnesses and require by subpoena duces tecum the production for examination by the Board of Ethics of any books and papers which the Board deems relevant in any matter under investigation or in question. In the exercise of such powers, the Board may use the services of the Town police, who shall provide the same upon the request of the Board. Any such subpoena is enforceable upon application to the Superior Court

for Tolland County. (3) The respondent shall have the right to appear, to be represented by legal counsel and to examine and cross-examine witnesses.

G. (1) If, after a hearing on a complaint for which probable cause has previously been found, the Board of Ethics finds by a vote of at least four of its members based on clear and convincing evidence that any violation of this Code of Ethics has occurred, the Board shall submit a memorandum of decision, which may include recommendations for action, to the Town Council, Town Manager, and any other appropriate Town agency. (2) The recommendations of the Board of Ethics may include, but not be limited to, any combination of the following: recusal, reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office, termination of contractual status, or the pursuit of injunctive relief. No such recommendation may be acted upon in violation of federal or state law or the Charter, ordinances, legally adopted policies, or collective bargaining agreements of the Town of Mansfield. Any discussion by the Town Council or other Town agency regarding any such memorandum of decision shall be in executive session, subject to the requirements of state law, unless the affected individual requests that such discussion be held in open session.

H.. The Board of Ethics shall make public any finding of a violation not later than five business days after the termination of the hearing. At such time, the entire record of the investigation shall become public. The Board of Ethics shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such finding by registered or certified mail not later than three business days after termination of the hearing.

I. No complaint may be made under this Code except within two years of the date of knowledge of the alleged violation, but no more than four years after the date of the alleged violation.

J. No person shall take or threaten to take official action against an individual for such individual's disclosure of information to the Board of Ethics under the provisions of this Code. After receipt of information from an individual, the Board of Ethics shall not disclose the identity of such individual without his consent unless the Board determines that such disclosure is unavoidable during the course of an investigation or hearing.

§ 25-9 Former Public Officials/Employees (NEW)

A. No former public employee or public official, as defined in section 25-4 of this Code, shall appear for compensation before any Town of Mansfield board, commission or agency in which they were formerly employed or involved at any time within a period of one year after termination of their service with the Town.

B. No such former public employee or public official shall represent anyone other than the Town of Mansfield concerning any particular matter in which they participated personally and substantially while in the service of the Town.

C. No such former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of their official duties in the service of the Town of Mansfield, for financial gain for themselves or others.

D. No such former public employee or public official who participated substantially in the negotiation or award of a Town of Mansfield contract obliging the Town to pay \$100,000.00 or

more, or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the Town of Mansfield for a period of one year after such contract is finally executed.

§ 25-10 Distribution of Code of Ethics.

Copies of this Code of Ethics shall be made available to the Town Clerk for filing and to the Town Clerk and Town Manager for distribution. The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every public official of the Town of Mansfield within thirty days of the effective date of this Code or any amendment thereto. The Town Manager shall cause a copy of this Code of Ethics to be distributed to every employee of the Town of Mansfield within thirty days of the effective date of this Code or any amendment thereto. Each new public employee and public official shall be furnished a copy of this Code before entering upon the duties of their office or employment.

§ 25-11 Severability; Conflicts with other Provisions.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.

Ethics Ordinance

[HISTORY: Adopted by the Town Council of the Town of Mansfield 6-26-1995, effective 8-7-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Authorities — See Ch. 5.
Conservation Commission — See Ch. 11.
Economic Development Commission — See Ch. 17.
Housing Partnership — See Ch. 34.
Inland Wetlands Agency — See Ch. 40.
Personnel Appeals Board — See Ch. 63.
Planning and Zoning Commission — See Ch. 67.
Police — See Ch. 70.
Regional Planning Agency — See Ch. 82.
Zoning Board of Appeals — See Ch. 94.
Affirmative action — See Ch. A191.
Committees, boards and authorities — See Ch. A192.
Housing Authority — See Ch. A193.

§ 25-1 Title.

This chapter shall be known and may be cited as the "Code of Ethics."

§ 25-2 Purpose.

- A. The purpose of these standards is to guide town officials, elected and appointed, town employees and citizens by establishing standards of conduct for persons in the decisionmaking process. It is intended to strengthen the tradition of government in the town.
- B. Good government depends on decisions which are based upon the merits of the issue and are in the best interests of the town as a whole, without regard to personal gain.
- C. In pursuit of that goal, these standards are provided to aid those involved in decisionmaking to act in accordance with the public interest, use objective judgment, assure accountability, provide democratic leadership and uphold the respectability of the government.

§ 25-3 Definitions.

As used in this chapter, the following words or phrases shall have the meanings ascribed to them in this section:

CONFIDENTIAL INFORMATION

Any information concerning the property, business or affairs of the town not generally available to the public.

EMPLOYEE

Any person receiving a salary, wages or compensation from the town for services rendered.

IMMEDIATE FAMILY

Any parent, brother, sister, child spouse or co-habiting partner of an individual as well as the parent, brother, sister or child of said spouse or co-habiting partner, and the spouse or co-habiting partner of any such child or any dependent relative who resides in said individual's household.

INTEREST IN A PERSONAL OR FINANCIAL SENSE

The same meaning as the courts of this state apply, from time to time, to the same phrase as used in §§ 8-11 and 8-21, C.G.S.

OFFICIAL

Any person holding elective or appointive town office, including members and alternate members of town agencies, boards and commissions, and committees appointed to oversee the construction or improvement of town facilities, or any other board, commission or agency that perform legislative or judicial functions or exercise financial authority (collectively hereinafter referred to as "body").

§ 25-4 Guidelines established.

A. Use of town assets. No official or employee shall use or permit the use of town funds, services, property, equipment, owned or leased vehicles or materials for personal convenience or profit, except when such services are available to the public generally or are provided in conformance with established town policies for the use of such officials or employees.

B. Fair and equal treatment. No official or employee shall grant or accept any special consideration, treatment or advantage to or from any person beyond that which is available to every other person.

C. Conflict of interest.

(1) Disqualification in matters involving a personal or financial interest. No employee or official shall participate in the hearing or decision of the body of which he or she is a member upon any matter in which he or she is interested in a personal or financial sense. The fact of such disqualification shall be entered on the records of such body. Nothing contained herein shall be construed as to prevent any elected official or employee from submitting a competitive sealed bid in response to an invitation to bid from any body of the town, provided that such person does not thereby violate Subsection C(2) of this section.

(2) Disclosure of confidential information. No official or employee shall disclose or use any confidential information obtained in an official capacity for the purpose of advancing his or her financial or personal interest or that of others.

(3) Gifts and favors. No official or employee or member of his or her immediate family shall solicit or accept any gift or gifts having a value of fifty dollars (\$50.) or more in value in any calendar year, whether in the form of service, loan, thing, promise or any other form, from any person or persons who to his or her knowledge is interested directly or indirectly in business dealings with the town. This prohibition shall not apply to lawful political contributors as defined in § 9-333(b), C.G.S.

(4) Use of influence. No official or employee shall solicit any business, directly or indirectly, from another official or employee over whom he has any direct or indirect control or influence with respect to tenure, compensation or duties.

(5) Representation of private or adverse interest. No official or employee shall appear on behalf of a private interest before any body of the town, nor shall he or she represent an adverse interest in any litigation involving the town.

(6) Disclosure of interest. Any official or employee who has a personal or financial interest in any matter coming before any body of the town shall make the same known to such body in a timely manner, and such interest shall be disclosed on the records of such body.

(7) First year after termination. No official or employee shall, during the first year after termination of service or employment with the town, appear before any body of the town or apply to any department in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

(8) Private employment. No official or employee shall engage in or accept private employment or render service that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties or give the appearance of impropriety, unless otherwise permitted by law.

§ 25-5 Board of Ethics.

A. There is hereby established a Board of Ethics consisting of five (5) members who shall be electors of the town. The members shall be appointed by the Town Council and shall serve for a term of three (3) years, except that, of the initial Board, two (2) members shall serve for a term of two (2) years, and one (1) member for a term of one (1) year.

B. Alternate members. In addition to the regular members, the Town Council shall appoint two (2) alternate members who shall serve in the absence of a regular member. The initial appointments shall be for a term to expire on June 30, 1996. Thereafter, all appointments shall be for two-year terms.

C. No more than three (3) members and no more than one (1) alternate member shall be of the same political party at any time.

D. No member or alternate shall contemporaneously be an employee or official of the town.

§ 25-6 Organization and procedure.

The Board of Ethics shall elect a Chairperson and a Secretary and shall establish its own rules and procedures, which shall be available to any elector of the town through the Town Clerk's office. Rules and procedures shall be established within six (6) months of the initial appointment of all members and alternates. The need to maintain confidentiality in order to protect the privacy of public officials and employees and citizens [including the provisions of § 1-82a(a) through (f), C.G.S.] shall be considered when establishing the rules and procedures. The Board shall keep records of its meetings and shall hold meetings at the call of the Chairperson and at such other times as it may determine.

§ 25-7 Powers and duties.

A. The Board of Ethics shall render advisory opinions with respect to the applicability of this Code of Ethics in specific situations to any body, or any official, employee or elector pursuant to a written request or upon its own initiative. The Board may also issue guidelines on such issues as, for example, ex parte communication. Such opinions and guidelines, until amended or revoked, shall be binding on the Board and reliance upon them in good faith by any officer or employee in any action brought under the provisions of this chapter. Any request or opinion the disclosure of which invades the personal privacy [as that term is used in C.G.S. § 1-19(b)(2)] of any individual shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public such advisory opinions which do not invade personal privacy and take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

B. The Board shall establish procedures by which the public may initiate complaints alleging violations of this Code. The Board itself may also initiate such complaints. The Board shall have the power to hold hearings concerning the application of this Code and its violation and may administer oaths and compel attendance of witnesses by subpoena. Such hearings shall be closed to the public unless the respondent requests otherwise. If the Board determines the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision which may include a recommendation for action, with the Town Council or other appropriate body. The recommended action may include reprimand, public censure, termination or suspension of employment, removal or suspension from appointive office or termination of contractual status, except that no action may be recommended which would violate the provisions of the state or federal law. In the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Town Council under the Charter of the town or under any ordinance, statute or any other law. Any discussion by the Town Council or other body of an individual affected by the memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.

C. Any complaint received by the Board must be in writing and signed under oath by the individual making said complaint, under penalty of false statement (C.G.S. § 53a-157b).

§ 25-8 Annual report.

Each year, at a time to be determined by the Board, it shall prepare and submit to the Town Council an annual report of its actions during the preceding twelve (12) months and its recommendations, if any. Additional reports, opinions and recommendations may be submitted by the Board to the Town Council at any time. In all such submissions, the Board shall be scrupulous in its avoidance of the undue invasion of the personal privacy of any individual.

§ 25-9 Distribution of Code of Ethics.

In order that all public officials and employees are aware of what constitutes ethical conduct in the operations of the government of the Town of Mansfield, the Town Clerk shall cause a copy of this Code of Ethics to be distributed to each and every official and employee of the town.

§ 25-10 Appeals.

A decision by the Board of Ethics may be appealed in the manner allowed by the general statutes.

§ 25-11 Severability; conflicts with other provisions.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter. Furthermore, should any such provisions of this chapter conflict with any provisions of the Personnel Rules of the Town of Mansfield, the collective bargaining agreements of the Town of Mansfield or the Connecticut General Statutes, the relevant provisions of the Personnel Rules, collective bargaining agreements and/or the Connecticut General Statutes shall prevail.



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant to Town Manager; Robert Miller, Director of Health
Date: July 25, 2011
Re: UConn Landfill, Long-term Monitoring Program

Subject Matter/Background

Attached please find information regarding the UConn Landfill. The Council is not required to take any action on this item.

Attachments

- 1) R. Miller re: UConn Landfill Long Term Monitoring Plan, Report dated June 2011
- 2) Excerpts from Long-Term Monitoring Plan June 2011



Eastern Highlands Health District

4 South Eagleville Road • Mansfield CT 06268 • Tel: (860) 429-3325 • Fax: (860) 429-3321

Memo

To: Matt Hart, Mansfield Town Manager
From: Robert Miller, Director of Health 
Date: 7/7/2011
Re: UConn Landfill Long Term Monitoring Plan, Report dated June 2011

Per your request, I have reviewed the above referenced report. The results reported do not suggest an imminent or immediate risk to public health. No material changes in the monitoring program were identified. The results are generally consistent with the historic body of data available for this project. This office will continue to monitor this situation. No action is recommended at this time.

**LONG-TERM MONITORING PLAN
SPRING 2011 SEMI-ANNUAL SAMPLING ROUND #14
UCONN LANDFILL
STORRS, CONNECTICUT**



by

**Haley & Aldrich, Inc.
Rocky Hill, Connecticut**

for

**University of Connecticut
Storrs, Connecticut**

**File No. 91221-665
June 2011**

Haley & Aldrich, Inc.
100 Corporate Place
Suite 105
Rocky Hill, CT 06067-1803

Tel: 860.282.9400
Fax: 860.721.0612
HaleyAldrich.com

**HALEY &
ALDRICH**

17 June 2011

Connecticut Department of Environmental Protection
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, Connecticut 06106-5127

Attention: Mark R. Lewis

Subject: Long Term Monitoring Plan
Spring 2011 Semi-Annual Sampling Round #14
UConn Landfill
Storrs, Connecticut

Ladies and Gentlemen:

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

- Long Term Monitoring Plan
Spring 2011 Semi-Annual Sampling Round #14
UConn Landfill
Storrs, Connecticut

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

Agreed and accepted as stated above:



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



Richard A. Miller
Director,
Office of Environmental Policy
University of Connecticut

C: Barry Feldman, UConn

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APPENDIX A - VOC CONCENTRATIONS & CONDUCTIVITY vs. TIME PLOTS

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Table No.	Title
I	Summary of Groundwater Analytical Results

LIST OF FIGURES

Figure No.	Title
1	Sampling Locations - Long-Term Monitoring Plan

1. INTRODUCTION

This Long Term Monitoring Plan (LTMP) was prepared pursuant to the Consent Order # SRD-101 between the State of Connecticut and the University of Connecticut (UConn) regarding the solid waste disposal area on North Eagleville Road (Landfill and Former Chemical Pits) and the former disposal site in the vicinity of Parking Lot F (F Lot). An Interim Monitoring Program (IMP) was performed in order to monitor shallow ground water, surface water and bedrock groundwater quality in nearby domestic water supply wells until the LTMP required pursuant to paragraph B.4.e of the Consent Order was implemented. In September 2005, the University transitioned from the IMP to the LTMP. As part of this process, samples were collected from both the IMP and LTMP locations for three sampling quarters. These quarters, referred to as "transition rounds" were conducted in September and December 2005 and May 2006. Beginning with the October and November 2006 monitoring quarter, samples were only collected from the LTMP locations.

The objectives of the LTMP are:

- To assess the effectiveness of the remediation
- To monitor groundwater and surface water quality and trends, and
- To act as sentinel wells to protect human health and the environment.

Groundwater, surface water and soil gas samples are being obtained to verify that the new remediation systems are working as planned. The Plan is also designed to protect human health and the environment by evaluating the concentrations of contaminants in groundwater and surface water over time. If increasing concentrations are observed, UConn and the Connecticut Department of Environmental Protection (CTDEP) will reassess the remediation system design, expand the monitoring program, and/or take additional measures to protect human health and the environment, if necessary.

The LTMP includes sampling of media at multiple locations as shown on Figure 1:

- (1) six surface water locations;
- (2) five shallow groundwater monitoring wells;
- (3) five deep bedrock monitoring wells;
- (4) six active domestic wells on Meadowood Road and Separatist Road; and
- (5) four soil gas monitoring locations.

Installation of the landfill cap and leachate interceptor trenches (LITs) was completed in the spring of 2007. To date, significant changes to the groundwater quality have not been observed. Analytical results continue to be evaluated and reported to the key parties and to the public.

This report documents the sampling round conducted in March 2011, also referred to as Round #14. In a letter to the University dated 16 April 2010, CTDEP approved a reduction in the LTMP sampling frequency from quarterly to semi-annually to be conducted in the spring and fall seasons. The next sampling event is planned for September 2011.

2. SCOPE OF PROGRAM

The following paragraphs describe the rationale for each sampling location for the Long Term Monitoring Program based upon the approved Comprehensive Hydrogeologic Investigation and Remedial Action Plan, Addendum No. 2, dated July 2004.

2.1 Shallow Groundwater Monitoring Wells

Three shallow wells [B401(MW), B403(MW) & B404(MW)] were constructed in the overburden south, southeast and north of the landfill respectively, and downgradient of the LITs in February and March 2007. These wells function to monitor shallow groundwater quality migrating out of the landfill area and to assess the effectiveness of the landfill cover and LITs.

Two previously existing shallow monitoring wells, MW-3 and MW-4, were reinstalled in August 2007 in the same general area in F Lot however; they were offset several feet from their original locations. They function to monitor shallow groundwater quality downgradient of F Lot.

2.2 Deep Groundwater Monitoring Wells

Five bedrock (125 to 300 ft) groundwater monitoring wells are included in the LTMP. Three existing wells, MW-105R, B201R(MW), and B302R(MW) are located south and west of the landfill and former chemical pits. These wells were selected because they are situated in the direction of either suspected historical or known bedrock groundwater flow. Since permanent packer systems for discrete fracture interval sampling are installed in B201R(MW) and MW-105R, two samples are collected from each well. Two former residential water supply wells, located at 156 Hunting Lodge Road and 202 North Eagleville Road, are included in the LTMP because of their locations and construction depths. The University has not received permission to access the well at 156 Hunting Lodge Road therefore; it continues to be excluded from sampling events.

2.3 Surface Water Monitoring Locations

Six surface water-monitoring locations (SW-A through SW-F) are selected to assess surface water quality migrating from the landfill, former chemical pits, and F Lot areas SW-A through SW-E are strategically placed at the primary surface waters north (wetland and Cedar Swamp Brook drainage) and south (western tributary of Eagleville Brook drainage) of the landfill and former chemical pits area. SW-F is located downgradient of F Lot on an eastern tributary to Eagleville Brook.

2.4 Active Residential Water Supply Wells

Six active residential water supply wells are included in the LTMP:

- 38 Meadowood Road
- 41 Meadowood Road
- 65 Meadowood Road
- 202 Separatist Road
- 206 Separatist Road
- 211 Separatist Road

These residential wells are the closest active bedrock wells to the landfill and former chemical pits in the direction of suspected historical and known groundwater migration pathways in the fractured bedrock aquifer.

2.5 Soil Gas Monitoring Locations

Four soil gas-monitoring points B501(GW), B502(GW), B503(GW) and B504(GW) were installed in the east, southeast, southwest and northwest quadrants of the landfill immediately outside the cap perimeter to monitor for potential gas migration away from the landfill. The monitoring points are 4-in. diameter PVC wells extending to depths ranging between 7.5 and 9.5 ft bgs with a slotted screen interval from the surface seal (approximately 2.5 ft bgs) to the depth of completion. The locations are lateral to the leachate interceptor trenches (LITs) where the likelihood of soil gas migration is presumed to be greatest.

2.6 Sampling Parameters

During the course of the Hydrogeologic Investigation, a comprehensive suite of analytical methods was selected to determine the nature of the contamination in the Study Area. A wide range of methods were used to ensure that any potential contaminant identified during review of historical records or interviews with knowledgeable personnel would be detected if present. Multiple rounds of groundwater and surface water sampling have shown that the contamination is confined to a few classes of compounds. Monitoring a select number of analytical methods accomplishes the objectives of the LTMP, that is, to assess effectiveness of remediation, monitor groundwater quality and trends and be protective of human health and the environment.

Groundwater and surface water samples were analyzed for the following parameters:

VOCs by EPA Method 524.2

Total metals by EPA Method 200 Series

Total mercury by EPA Method 7470/E245.1

Other Inorganic Parameters

ammonia, nitrate and nitrite, total phosphorus, total dissolved solids, total suspended solids, alkalinity, hardness, chloride, sulfate, chemical oxygen demand, total organic carbon, biological oxygen demand and cyanide

Field Screening Data

turbidity, conductivity, dissolved oxygen, ORP, pH, and temperature

Soil gas monitoring points were analyzed for methane and carbon dioxide using a multiple gas detection meter.

2.7 Sampling Frequency

As previously mentioned, to date, significant changes to the groundwater quality have not been observed. This round represents the Spring 2011 sampling and we anticipate Fall sampling to occur in or about September 2011.

3. SAMPLING PROCEDURES

Sampling procedures and analytical methods for the groundwater monitoring wells and surface water samples were conducted in accordance with the Comprehensive Hydrogeologic Investigation and Remedial Action Plan, Addendum No. 2, dated July 2004.

Sampling procedures for the residential water supply wells were conducted in accordance with procedures previously established by CTDEP and the DPH for the health consultation study completed in 1999. Samples were collected from the water supply system prior to treatment after running the tap for approximately eight minutes.

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

SUMMARY OF RESULTS

The analytical results from the March 2011 LTMP round #14 sampling are summarized in Table I. VOC Concentration and Conductivity vs. Time Plots for selected bedrock wells [MW105R, B201R(MW), and B302R(MW)] and selected overburden wells [B401(MW) and B403(MW)] are included in Appendix A. A discussion of the results below is organized by general sample types and locations.

3.1 Shallow Groundwater Monitoring Wells

Samples from monitoring wells B401(MW), B403(MW) and B404(MW) were collected and submitted to Phoenix Environmental Laboratories, Manchester, Connecticut for analysis of VOCs, total metals, and nutrients. Both LITs were in operation at the time of this sampling event.

As in previous rounds, 1,4-dichlorobenzene and chlorobenzene were detected in monitoring well B401(MW). As seen on occasion, concentrations of tetrachloroethene, cis-1,2-dichloroethene and vinyl chloride were detected in B403(MW). Since monitoring of B403(MW) began in April 2007 trichloroethene has not been detected however, in this round it was detected at a concentration (4.0 ug/l) below RSR action levels. VOCs were not detected in the sample collected from B404(MW). Concentrations of arsenic were above the surface water protection criteria (SWPC) but below the groundwater protection criteria (GWPC) in the sample collected from B403(MW). All other metal concentrations were below protective criteria.

VOCs were not detected in the samples collected from MW-3 or MW-4 and metal concentrations at both locations were below protective criteria.

For quality control purposes, duplicate samples were collected from B404-MW. Results were in general agreement.

3.2 Deep Bedrock Monitoring Wells

Samples from these wells were collected and submitted to Phoenix Environmental Laboratories, Manchester, Connecticut for analysis of VOCs, total metals, and nutrients. VOCs were detected in discrete samples collected from both fracture zones of MW-105R and B201R(MW). Concentrations of benzene exceeded GWPC in the upper fracture zone, and 2-dichloroethane, benzene, and

trichloroethene exceeded the GWPC in samples collected from the deeper fracture zone of MW105R. Concentrations of 1,2-dichloroethane and benzene exceeded the GWPC in both the upper and deeper fracture zones of B201R(MW). With the exception of a low concentration of trichloroethene being detected in shallow fracture zone of MW105R during this sampling event, analytical results of groundwater quality at MW105R and B201R(MW) appears to be generally consistent with previous sampling events. Monitoring wells 202-NERD (unused domestic well at 202 N. Eagleville Road) and B302R-MW which range in depths from 200 to 320 ft do not have a discrete sampling systems installed so, integrated samples were collected. VOCs were not detected in the sample collected from 202-NERD or B302R-MW. Metal and nutrient parameters were within typical groundwater water ranges in all of the bedrock well samples.

For quality control purposes, duplicate samples were collected from B302R-MW. Results were in general agreement.

3.3 Surface Water Samples

During this sampling event, surface water was collected from all six monitoring locations. The samples were submitted to Phoenix Environmental Laboratories, Manchester, Connecticut for analysis of VOCs, metals and nutrients. VOCs were not detected. Metal and nutrient parameters were within typical surface water ranges and consistent with previous sampling rounds for this location.

3.4 Active Residential Domestic Wells

All six active domestic wells were sampled as part of this quarterly event. Four of the six wells did not contain VOCs above the method reporting limits. Trace concentrations of chloroform were detected in the samples collected from 206 and 211 Separatist Road, consistent with previous sampling events. No other VOCs were detected above method reporting limits at these locations. In the sample collected from 65 Meadowood Road, copper was detected above surface water protection criteria; however the concentration is below drinking water criteria and is consistent with copper concentrations detected at this location in previous sampling rounds. Metal and nutrient concentrations at all locations were within acceptable drinking water ranges.

3.5 Soil Gas Monitoring

Landfill gas is the natural by-product of the decomposition of solid waste in landfills and is comprised primarily of carbon dioxide and methane. A GEM2000 Landfill Gas Meter was used to sample and analyze methane, carbon dioxide and oxygen content at soil gas monitoring locations B501(GW), B502(GW), B503(GW) and B504(GW). Oxygen concentrations ranged from 14.9% at B502(GW) to 20.7% at the other three locations. Carbon dioxide readings ranged from 0.1% at B501(GW) to 3.3% at B502(GW). Methane gas was detected at B502(GW) at 1.0%. Methane readings at the other three locations were 0%. These readings are generally consistent with previous monitoring events.

3.6 Consent Order SRD-101 Progress Report

From November 2010 through March 2011, the Leachate Interceptor Trench systems collected the following volumes of leachate which was pumped to the UConn Water Pollution Control Facility:

- South Trench: 428,846 gallons or approximately 2,767 gallons per day
- North Trench: 283,090 gallons or approximately 1,826 gallons per day

The North trench experienced a similar volume of leachate during this period while the south trench experienced a lower than normal volume of flow. Extreme winter conditions, including record-setting snowfall, during this period resulted in limited access to the wells and during storm clean-up, a well's cement casing on the south trench was damaged and subsequently addressed. There have been no major changes to related remediation systems since final construction. The 2010 Annual Wetlands Monitoring Report #3 has been submitted to the U.S. Army Corps of Engineers and to the CTDEP Inland Wetlands Resources Division.

**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; Linda Painter, Director of Planning and Development; Lon Hultgren, Director of Public Works; Fred Baruzzi, Superintendent of Mansfield Public Schools
Date: July 19, 2011
Re: Safe Routes to Schools Grant Application

Subject Matter/Background

The Connecticut Department of Transportation has issued a Request for Applications for the Safe Routes to School (SRTS) Infrastructure Program. SRTS is a federal program established in 2005 to accomplish the following objectives:

- Enable and encourage school children (Grades K-8), including those with disabilities to walk and bicycle to school
- Make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age
- Facilitate the planning, development and implementation of projects and activities that improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools

Staff has prepared an application on behalf of the Southeast Elementary School to construct a five-foot wide bituminous walkway along the east side of Warrentonville Road/Route 89 between Storrs Road/195 and the school property. This walkway would provide a safe pedestrian connection between Mansfield Center, the school, library, ball fields and Mansfield Hollow. This connection has been on the Town's priority list since the completion of the Mansfield Center walkway in 2003.

Financial Impact

The infrastructure program is a 100-percent federally funded cost reimbursement program; no funding match is required. Town staff would be responsible for design and construction engineering/management. The Town would be responsible for acquisition of easements and any unanticipated costs above the amount awarded; those potential costs are difficult to estimate at this time.

Legal Review

No legal review is required at this time.

Recommendation

As the Council is well aware, you plan to revisit the proposed school building project some time over the next several months and your review may include a decision to modify school siting. While Council's review of the school building project is pending, staff recommends that the Council authorize the submission of a Safe Routes to School Grant application for the Southeast Elementary School. If the grant is awarded, staff would suggest that the Town Council make a decision regarding school siting before expending any grant funds.

For the reasons highlighted above, staff recommends that the Council enact the following resolution authorizing the Director of Public Works to submit the grant application and the Town Manager to provide a letter of support for the project on behalf of the Town.

Move, effective July 25, 2011, to authorize the Director of Public Works to submit the Safe Routes to Schools Grant Application to the Connecticut Department of Transportation and the Town Manager to submit a letter of support on behalf of the Town.

Attachments

- 1) Draft Grant Application
- 2) Project Location Map
- 3) Project Concept Plan

Connecticut Department of Transportation



Safe Routes to School (SRTS)
Infrastructure Program
Federal Fiscal Years 2010-11



Application Form

Note: In order to qualify for funding, projects must be within a 1-mile radius of an elementary or middle school site.

I. Applicant Information (To be completed by project sponsor):

Applicant: (Project Sponsor) Town of Mansfield/Lon Hultgren, Director of Public Works

Address: A.P. Beck Municipal Building, 4 South Eagleville Road

City: Mansfield Zip Code 06268-2599

Phone: 860.429.3332 Ext.: _____ E-mail: HultgrenLR@mansfieldct.org

School Name(s): Southeast Elementary School

School District(s): Mansfield Public Schools

School Contact Name(s): Fred A. Baruzzi, Superintendent, Mansfield Public Schools

Phone: 860.429.3356 Ext.: _____ E-mail: BaruzziFA@mansfieldct.org

Eligible Project Classifications: (See Eligible Projects in Appendix A)

- Sidewalk Improvements
- Traffic Calming and Speed Reduction
- Bicycle Parking Facilities
- Traffic signals
- Crosswalks
- Warning Devices
- Signing
- Pavement Markings
- Other _____

**Connecticut Department of Transportation
Safe Routes to School
Infrastructure Program
FFY 2010-11**

*The applicant's responses to the following will be used to evaluate the proposed project.
Please limit text responses to each question to 2 pages.*

2. **Please submit a comprehensive pre-existing SRTS Master Plan with each copy of application. Color coded mapping should reflect true color (do not submit black and white copies).** A comprehensive SRTS Master Plan should include the 5 "E"s. Pre-existing SRTS Master Plan must contain at a minimum, the following information:
- Identification of SRTS Team
 - Community involvement meetings. Meeting notes and/or public comments should be provided in the plan
 - Evaluation through analysis of a school-wide travel survey to assess the various transportation modes students use to go to and from school; and attitudinal surveys administered to parents and students, identifying their concerns. Evaluation efforts are an essential part of a comprehensive SRTS Master Plan and a requirement for applying for infrastructure funding. Submitted applications without this information will be removed from further consideration.
 - Assessment of current conditions in vicinity of school, including but not limited to, street traffic, parent and bus drop-off locations, sidewalks, crossings, and the overall safety of existing routes to school
 - A list of planned infrastructure engineering improvement(s) for consideration by local government entity for funding. Financial support from government entity for funding construction is recommended, in case project is selected for funding by SRTS program.
 - Any existing or planned enforcement, encouragement and education activities for students. Some examples of activities are "walking school bus" programs, "bike train programs" and other bicycle and pedestrian "safety" initiatives. See Appendix B for sample Noninfrastructure Activities.

Please see attached SRTS Master Plan for Southeast Elementary School.

**Connecticut Department of Transportation
Safe Routes to School
Infrastructure Program
FFY 2010-11**

3. **Existing Conditions** - Provide a physical description of the current pedestrian/bicycling operations. Safety hazards (physical or perceived) or risks facing children who walk and/or bicycle to and from the school site(s) should be identified.



Southeast Elementary School is located along the east side of Warrenville Road/Route 89 in Mansfield Center. No sidewalks or bikeways exist either to the north or the south of the school. Approximately six tenths of a mile to the south, there is a Town walkway on both sides of Storrs Road /Route 195 which connects the houses and businesses along Route 195 in Mansfield Center (between Route 89 and Bassetts Bridge Road). The northern termination of this walkway is at the signalized intersection at Routes 195 and 89.

In addition to Southeast School, there are several other family attractions located along this section of Route 89, all on the east side of the road. The Town's Library is located on the same (east side) of Route 89 approximately four tenths of a mile to the south of the school. A playground is located on the northern side of the library.



Left: View of Mansfield Public Library from Route 89 northbound.



Right: Playground at Mansfield Public Library

To the immediate north of the school are the Town's major youth baseball complex (3 fields), a football practice field (used by both the high school and youth football groups) and an entrance to the Mansfield Hollow State Park via trails and parking areas.

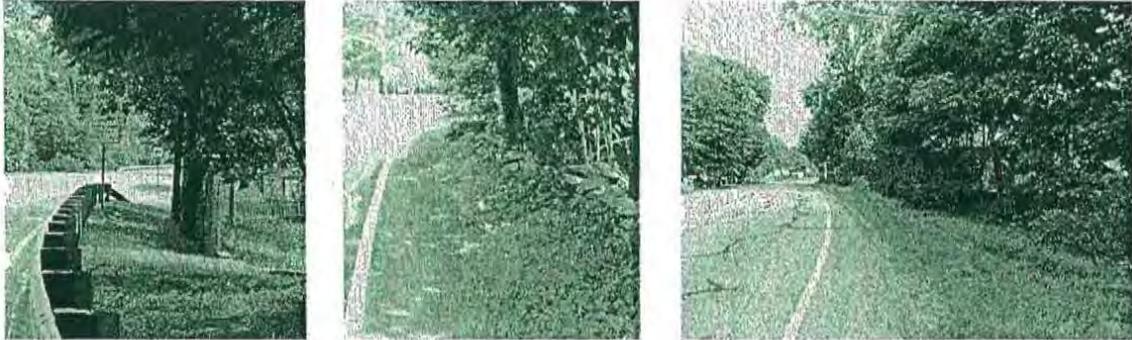


Ballfields adjacent to Southeast School



**Connecticut Department of Transportation
Safe Routes to School
Infrastructure Program
FFY 2010-11**

Route 89 itself is a 2-lane highway with moderate traffic. Due to the alignment and width of Route 89, traffic travels considerably faster than the 30 MPH posted speed limit, and as such walking or biking along the shoulder of the road is not advisable, particularly for elementary school-age children.



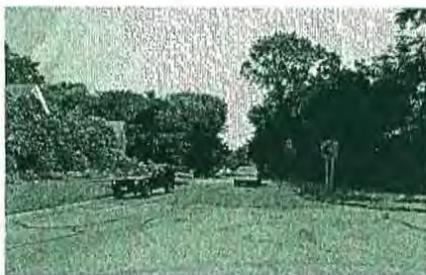
The photos above provide examples of the varying shoulder conditions along the east side of Route 89. As can be seen in the photos, due to the changing shoulder width and various obstructions along the edge of the right-of-way, there is no continuous safe zone for pedestrians or bicyclists to use.

Route 89 near Route 195 is bounded by wetlands to the east and south and has a 90 degree bend with very little shoulder making walking or biking through this area very dangerous. Because of the curve and the lack of shoulder, one cannot even walk off the road in this location.

There are two intersections between the school and Route 195 along Route 89: The first is at the intersection of Centre Street just past the above-mentioned curve, and the second is at Pinewoods Lane between the Library and the school. There are also several residential driveways along this stretch of road and the two driveways north and south of the Town's Library serving small parking areas on either side of the complex.



Looking north along Route 89 from intersection with Route 195



Intersection of Route 89 with Centre Street

Although the eastern side shoulder is minimal and adjacent to lower/wet areas at the south end of Route 89, the land along the road shoulder from the 90 degree curve up to the school is reasonably flat and "at grade" except for a section approximately two hundred feet long just south of the school which borders one residence.

Connecticut Department of Transportation
Safe Routes to School
Infrastructure Program
FFY 2010-11

4. **Purpose and Need** – Provide a brief description of how the project will resolve the existing safety hazards.

As noted under Existing Conditions, above, Southeast Elementary School is located on a winding two-lane highway with minimal shoulders and no off-road pedestrian facilities. While the traffic volume is considered moderate (4,100 ADT¹), many vehicles are traveling at speeds greater than the posted 30 MPH speed limit. **Add accident data.**

These conditions present very real safety challenges for all pedestrians, as evidenced by responses to the parental survey conducted by Southeast Elementary School. As shown below, safety was key factor for the 104 respondents in determining whether they would let their children walk to school.

- When asked what issues affect the decision to let children walk or bike to school, the top three responses were:
 - No sidewalks/pathways all the way to school
 - Cars go too fast along route
 - Too much traffic along route
- When asked to rate the safety of walking to school, 78.9% of respondents responded unsafe (40.2%) or very unsafe (38.5%)
- Specific comments received included:
 - Would love to have our child walk/bike to school, there is a great need for a sidewalk from 195 to Southeast
 - There is really no way for my kids to walk to school and be safe, there is no sidewalk for them to walk on the main road
 - I would fully support walking to school if there were sidewalks
 - I used to walk to school and wish my kids could be the same. It is healthy and great for the environment. The only reason they do not walk is the lack of safe sidewalks.
 - We go to the library from school rather frequently and it would be fun if we could walk there
 - Mansfield needs more walking routes that are safe, our town has no shoulders on the roads

The map to the right identifies students that live within close proximity to Southeast School (located by the Route 89 symbol) and could benefit from the addition of a safe pedestrian connection.



¹ Source: 2008 Traffic Count Map for Mansfield prepared by ConnDot (Station Number 38 just east of Rt. 195/Rt.89 intersection). Data collection period was July-September 2008.

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To address the issues identified above, the proposed project would add a 5-foot wide walkway along the east side of Route 89 from Route 195 to the Southeast School and crosswalks at the intersections of Route 89 with Centre Street and Pinewoods Lane. These improvements will allow Southeast School students and other pedestrians to walk between Route 195 and the school, where walking is now dangerous due to the conditions described in under Existing Conditions, above.

In addition to allowing residents and children who live along this stretch of Route 89, in the Centre Street/Edgewood Lane/Edgewood Extension/Clark Street Area and along Pine Woods Lane to walk to the school, the library, two playgrounds and the youth baseball campus, this walkway will connect to the existing walkway along Route 195 in Mansfield Center which fronts several businesses, homes, a general store, the Mansfield Center Post Office, and several apartments. The walkway along Route 195 is located on both sides of the street from Bassetts Bridge Road to Warrenville Road/Route 89; crosswalks are striped at key intersections along the route.

Upon project completion, one will be able to walk safely all the way from Bassetts Bridge Road to the Southeast School, a distance of approximately 1.1 miles. This project has been on the Town's walkway priority list since the Mansfield Center Walkway was constructed in 2003 (DOT Enhancement Project #77-189). The walkway will also provide a pedestrian connection to the trail that currently terminates at Mansfield Hollow State Park, located just to the north of the ballfields.

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5. **Project Description** - Provide a detailed description of the proposed improvements.

- Provide project location plan.
A **Project Location Map** is attached as **Exhibit 5A**.
- Provide conceptual plan of project. Recommended conceptual plan size limit is 11" x 17"; however, if detailed conceptual plans are available, 24" x 36" plans can be submitted.
A **Preliminary Concept Plan** is attached as **Exhibit 5B**.

A five (5) foot wide, bituminous walkway will be constructed along the east side of Route 89 from its intersection with Route 195 to the Southeast Elementary School property (total distance ±3,300 feet). The preliminary engineering assessment noted the following features that will be incorporated into the design:

1. Fill along the wetlands between Rt 195 and the first curve on Rt 89. This will also require that a 36" culvert be extended. The roadside swale approaching the first curve will also need to be relocated to allow for the pathway.
2. A mature Arborvitae hedge and an old rubble wall (not in pristine shape) just to the north of Clark Street will have to be relocated.
3. A similar hedge just south of Pinewoods Lane will have to be replanted to make room for the walkway.
4. A brick landscaping wall along a residential driveway just north of Pinewoods Lane will have to be altered to make room for the walkway.
5. The existing retaining wall just south of the school property will have to be rebuilt or at least extended to provide room at the level of the roadway for the new walkway.
6. Pedestrian crosswalks will be striped at the entrances to Clark Street/Centre Street and Pinewoods Lane which are on the proposed walkway routing.
7. A local wetlands permit will be required for work within 150 feet of wetlands
8. A DOT encroachment permit will be required for work within the State's Route 89 right-of-way.
9. Because the beginning of this walkway is within the Town's Mansfield Center Historic District, a review by the Historic District Commission will be required. (A similar review was required for the Mansfield Center Walkway along Route 195.)

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6. **Project Constructability/Potential Impacts** - Describe if project will involve impacts to any of the following: wetlands, utilities, retaining walls, storm water drainage, bridges, culverts, historical properties and parks, traffic signals or railroad crossings.
- **Wetlands.** As noted under Project Description, above, there are wetlands along the first section of Route 89 that will require a local permit. The impacts to this area will be minor, and if necessary mitigated to satisfy the Inland Wetlands Agency.
 - **Culverts.** A DOT culvert on Route 89 near the first curve will have to be extended, and a short section of road's edge swale will have to be moved south and east as well. Neither is expected to be complicated.
 - **Fences/Walls.** A low-height (less than 2 feet) brick landscaping wall will have to be altered for the walkway to pass over a residential driveway; perimeter fencing along the road will also need to be relocated on the same property. A short section of rubble wall will also have to be moved near one residence.
 - **Landscaping.** Two mature arborvitae hedges will have to be relocated to provide room for the walkway. The Town has recently done a similar hedge relocation for its Separatist Road bikeway.
 - **Retaining Walls.** Up to 200 feet of a 6 foot retaining wall will either have to be rebuilt or extended along a residential driveway area that parallels Route 89 just south of the school property.
 - **Easements.** Up to 9 easements along the proposed walkway frontage may be required to accommodate the facility. As per the SRTS program guidelines, the Town will procure these easements in conformance with the Federal Relocation act. The Town has procured similar easements for many of its bikeway/walkway projects.
 - **Historic Properties.** Historic District Commission review will be required for the portion of the walkway within the Mansfield Center Historic District.
7. **Letters of Support** – Identify all partner organizations that will play a role in completing the project by providing letters of support.

Note: If your project is short listed for funding, a resolution of support will be required. See Appendix D.

Please see attached letters of support from the following organizations

- **Town of Mansfield:** Letter of Support from Town Manager Matthew Hart
- **Mansfield Public Schools:** Letter of Support from Superintendent Fred Baruzzi
- **Eastern Highlands Health District:** Letter of Support from Director Robert Miller
- **Connecticut State Police:** Letter of Support from Resident Trooper Sergeant James Kodzis
- **Mansfield Advocates for Children:** Letter of Support from Sandy Baxter

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8. Preliminary Construction Cost Estimate:

It is recommended that project costs range from \$150,000 to \$500,000.

Costs estimates may change during design and construction phases of project, and any final costs that actually exceed the estimate will be the responsibility of the municipality.

Contract Items**	\$ <u>412,500</u>
Contingencies (10% of Contract Items)	\$ <u>41,300</u>
Incidentals – State (10% of Contract Items)	\$ <u>41,300</u>
Right-of-Way/Easements	\$ <u>By Town</u>
Design	\$ <u>By Town</u>
Construction Engineering – Municipality (Inspection) (if applicable)	\$ <u>By Town</u>
Total Estimated Construction Cost	\$ <u>495,100</u>

**** The Department's Preliminary Cost Estimate Guidelines and Project Cost Estimating Worksheet is available at following link:**

<http://www.ct.gov/dot/cwp/view.asp?A=2303&Q=273364>

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Application Certification and Signatures:

Appropriate officials are to certify as to the completeness and accuracy of the application and sign and date the application.

By signing below, I certify that I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense under § 53a-157b of the Connecticut General Statutes.

Local Agency Official (Public Works, Town Engineer, etc.)

Name: Lon Hultgren Title: Director of Public Works
Phone Number: 860.429.3332 Email: HultgrenLR@mansfieldct.org
Signature: _____ Date: _____

School Official (Superintendent, Principal, etc.)

Name: Fred A. Baruzzi Title: Superintendent
Phone Number: 860.429.3356 Email: BaruzziFA@mansfieldct.org
Signature: _____ Date: _____

Local Law Enforcement Agency Approval

It is recommended that the applicant obtain a letter of support from its local law enforcement agency showing support for the project or obtain the official's signature on the application form.

Signature: _____ Date: _____
Sergeant James Kodzis, Resident Trooper

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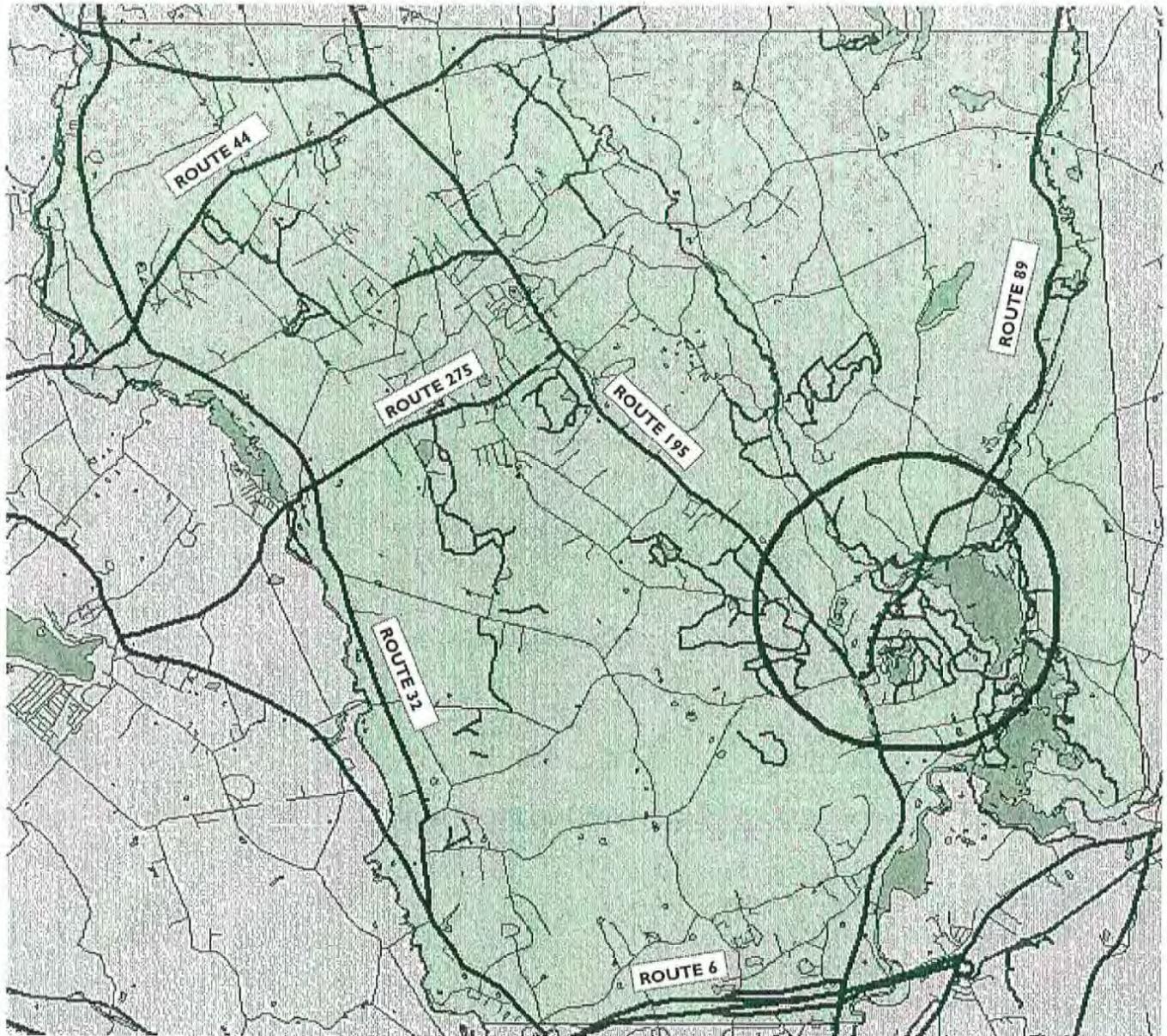
Application Submission Checklist

- Application form is completed; Questions 1-7 are answered in a concise narrative, no more than 2 pages per section; application signed by applicants.
- All appropriate documents are attached:
 - Safe Routes to School Master Plan (required)
 - Mapping and/or photographs
 - Letters of agreements from project partners (school districts, principal, municipalities, etc.)
 - Letters of support (Parent Teacher Association, neighborhood associations, community, etc.)
 - Construction Estimate (Question 8)
- Applicant: Submit three (3) copies of applications and attachments to Regional Planning Organization by August 1, 2011. (See Appendix C.)
- Regional Planning Organization: Submit application packages to SRTS State Coordinator by August 29, 2011.

Forward written or emailed inquiries about application or funding awards to:

Sharon Okoye, SRTS State Coordinator
Connecticut Department of Transportation
Bureau of Policy and Planning
Office of Strategic Planning, Room 2136
2800 Berlin Turnpike
Newington, CT 06111
Email: sharon.okoye@ct.gov

Town of Mansfield
Southeast Elementary School Walkway
 Location Map (Exhibit 5A)



Map Legend

- | | | | |
|---|--|---|---|
|  | Southeast Elementary School |  | Existing Trail System |
|  | One Mile Radius from Southeast Elementary School |  | Existing Walkway within 1 mile radius of Southeast School |
| | |  | Proposed Walkway |



Town of Mansfield
Southeast Elementary School Walkway
 Preliminary Concept Plan (Exhibit 5B)

★ Southeast Elementary School

★ Mansfield Public Library

— Property Lines/Existing Right-of-Way boundaries

■■■■■ Proposed Walkway (±3,300 Feet)
 A 5-foot wide bituminous walkway will be constructed along the east side of Route 89/Warrenville Road from its intersection with Route 195/Storrs Road to Southeast Elementary School. Where possible, the walkway will be constructed within the existing right-of-way; easements will be obtained when needed.

■■■■■ Existing Walkway (±2,330 Feet)
 A 5-foot wide bituminous walkway currently exists along the east side of Route 195/Storrs Road from the southeast corner of Route 195 and Route 89/Warrenville Road south to Bassetts Bridge Road (see Exhibit 5A ■ Location Map)

Key Design Features
 As identified in Preliminary Engineering Assessment

- ① **Route 195/Storrs Road to Centre Street**
 Fill along the wetlands between Rt 195 and the first curve on Rt 89. This will also require that a 36" culvert be extended. The roadside swale approaching the first curve will also need to be relocated to allow for the pathway.
- ② **34 Warrenville Road (NEC Warrenville Road and Clark Street)**
 A mature Arborvitae hedge and an old rubble wall (not in pristine shape) just to the north of Clark Street will have to be relocated.
- ③ **100 Warrenville Road**
 A similar hedge to the one located at 34 Warrenville Road will have to be replanted to make room for the walkway.
- ④ **118 Warrenville Road**
 - A brick landscaping wall along a residential driveway will have to be altered to make room for the walkway.
 - The existing retaining wall just south of the school property will have to be rebuilt or at least extended to provide room at the level of the roadway for the new walkway.
 - An existing fence will need to be relocated and landscaping re-established.
- ⑤ **Crosswalks**
 Pedestrian crosswalks will be striped at the entrances to Centre/Clark Street and Pinewoods Lane.

PAGE
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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MH*
CC: Maria Capriola, Assistant to Town Manager; Linda Painter, Director of Planning and Development
Date: July 19, 2011
Re: Transit Oriented Development Grant Application, Central Corridor Rail Line

Subject Matter/Background

The Connecticut Department of Transportation (ConnDOT) and the Office of Policy and Management (OPM) have jointly issued a Request for Applications for a Transit-Oriented Development (TOD) pilot program. Transit-Oriented Development is defined as:

The development of residential, commercial and employment centers within one-half mile or walking distance of public transportation facilities, including rail and bus rapid transit and services, that meet transit supportive standards for land uses, built environment densities and walkable environments, in order to facilitate and encourage the use of those services.

Cities and towns can submit requests in the amount of \$250,000-\$1,000,000 for TOD planning or facilitation projects.

Overview of Grant Application

The Town of Mansfield has been asked to join New London, Norwich and Windham to submit a joint application for \$825,000 to plan for transit-oriented development along the proposed Central Corridor passenger rail route. The addition of passenger rail along the New England Central Railroad would connect key destinations from New London to Brattleboro, including three of the five flagship state university campuses in New England (UConn, UMass, and UVT) and the Mohegan Sun and Foxwoods Casinos in southern Connecticut. New London and Palmer, Massachusetts would become key east/west rail hubs, allowing passengers access to Amtrak's Northeast Corridor (serving Boston, Providence, and New York) and planned future service between Boston, Worcester and Springfield.

The scope of work would include:

- o Identification of potential TOD sites generally located within ½ mile of the corridor that could support higher density development

- Recommendations for mix of uses at each identified site based on analysis of various opportunities and constraints
- A feasibility study for the addition of passenger rail to the New England Central Railroad between New London and Stafford¹

Financial Impact

The grant application will be for the full amount of the study (estimated at \$750,000) and project administration costs for the Southeast Connecticut Council of Governments (\$75,000). The TOD grant does not require any local match, as such; there will be no direct financial impact on the Town. However, one of the rating criteria involves the extent to which the application leverages other funding. As this funding can include past or future projects, we will include in the leverage calculations funding for projects such as the Storrs Intermodal Center and other town/university projects that are related to transit-oriented development.

Additionally, we have estimated the amount of time staff would dedicate to the project over the life of the grant to determine an in-kind match as part of the leverage amount.

Legal Review

No legal review is required at this time. Staff will consult with the Town Attorney will be secured if needed in the preparation of the memorandum of understanding between the cities, towns and councils of government involved in the application.

Recommendation

Staff recommends that the Council approve the following resolution authorizing the Town Manager to: 1) execute the grant application on behalf of the Town; 2) negotiate and execute a memorandum of understanding with the Windham Regional Council of Governments (WINCOG) and the Southeastern Connecticut Regional Council of Governments (SECCOG); and 3) execute any other required documents if the grant is awarded.

WHEREAS, the Towns of Mansfield, New London, Norwich and Windham have met to discuss collaboration on a Transit-Oriented Development (TOD) Grant opportunity, and

WHEREAS, these and other towns, as well as universities and a tribal nation would benefit from transit-oriented development along an enhanced rail line from New London, Connecticut to Brattleboro, Vermont, and

WHEREAS, the Connecticut Office of Policy and Management (OPM) has advertised a grant opportunity for funding a feasibility study of transit-oriented development.

Now, therefore, the Town Council of Mansfield, Connecticut, HEREBY RESOLVES, effective July 25, 2011 that Town Manager Matthew W. Hart is authorized on behalf of the Town of Mansfield to:

¹ While the application will identify the goal of connecting to Palmer, Amherst and Brattleboro, it is doubtful that the OPM will fund a feasibility study in Massachusetts and Vermont.

Work with other affected towns to prepare, sign and submit a joint application containing a planning grant proposal in accordance with the OPM TOD Pilot Program Request for Applications;

Enter into, and if necessary, amend a Memorandum of Understanding (MOU) with Windham Council of Governments), SCCOG (Southeastern Connecticut Council of Governments) or any successor organization, which incorporates the requirements outlined in the TOD Pilot Program Request for Applications; and

Do such acts as are necessary and appropriate to obtain and expend TOD grant funds from OPM.

Attachments

- 1) ConnDOT/OPM Request for Applications
- 2) Draft Memorandum of Understanding between participating cities, towns and regional councils of government
- 3) Central Corridor Project Description prepared by the Town of Amherst
- 4) Central Corridor Map-prepared by Town of Amherst

Request for Applications

Transit-Oriented Development Pilot Program

On February 24, 2011, the State Bond Commission approved the allocation of five million dollars (\$5,000,000) for the Transit-Oriented Development (TOD) Pilot Program, which was previously authorized under Section 67 of Public Act 07-7 of the June Special Session (the Act).

The Connecticut Department of Transportation (ConnDOT) and the Office of Policy and Management (OPM) hereby jointly issue this Request for Applications (RFA) in order to generate a pool of prospective transit-oriented development pilot projects for consideration of funding under this competitive grant program. ConnDOT and OPM, in consultation with the Department of Economic and Community Development (DECD), the Department of Environmental Protection (DEP), the Connecticut Development Authority (CDA), and the Connecticut Housing Finance Authority (CHFA), shall review applications and select TOD Pilot Program grant recipients in accordance with the provisions of this RFA and the rating criteria established in Attachment A incorporated herein.

A. What is "Transit-Oriented Development"?

Section 13b-79kk of the Connecticut General Statutes defines "Transit-Oriented Development" as "the development of residential, commercial and employment centers within one-half mile or walking distance of public transportation facilities, including rail and bus rapid transit and services, that meet transit supportive standards for land uses, built environment densities and walkable environments, in order to facilitate and encourage the use of those services."

B. What are the goals of the TOD Pilot Program RFA process?

- (1) To identify which proposals best meet the definition of "Transit-Oriented Development" and the rating criteria established in Attachment A of this RFA, in order to be awarded grants under the TOD Pilot Program; and
- (2) To identify which proposals include TOD-related elements that might be suitable for other state agency-administered programs in the future.

C. What types of grants are available?

- (1) TOD Planning Grants; and
- (2) TOD Facilitation Grants.

Activities eligible for funding under both types of grants are summarized in Section I of this RFA.

D. Who may submit an application?

Only Connecticut municipalities (i.e., cities and towns) may apply for TOD Planning Grants and/or TOD Facilitation Grants.

E. What are the funding limits?

Grant awards under this program shall be not less than two hundred fifty thousand dollars (\$250,000) and not more than one million dollars (\$1,000,000). A proposal that seeks both types of grants (i.e., TOD Planning Grant and TOD Facilitation Grant) shall be considered a single application for purposes of these funding limits. Nothing in this RFA shall preclude two or more municipalities from submitting a joint application, such as to combine their individual proposals to attain the minimum grant level.

F. What constitutes a complete application?

In order to apply for a grant under this program, a municipality must provide all of the following:

- (1) A formal written proposal submitted by the chief executive officer of the municipality, as outlined in Section H of this RFA;
- (2) A fully executed memorandum of understanding (MOU) between the municipality and the respective regional planning organization (RPO), as required by the Act and outlined in Section J of this RFA; and
- (3) Certified Resolutions of the municipality's legislative body authorizing the chief executive officer of the municipality to:
 - a. Apply for a TOD Planning Grant and/or a TOD Facilitation Grant for a specific project(s); and
 - b. Enter into an MOU with the respective RPO, as required by the Act.

G. What are the key milestone dates?

- (1) June 9, 2011 (4:00 p.m.) – Deadline to submit written questions on the RFA.
- (2) June 23, 2011 – Deadline for OPM to post responses to RFA questions on its website.
- (3) August 4, 2011 (4:00 p.m.) – Deadline for municipalities to submit formal written proposals and associated Certified Resolutions. Municipalities that need additional time to complete the Certified Resolution requirement, especially those where a Town Meeting constitutes the legislative body, must submit a draft resolution along with their formal written proposal on August 4, 2011. In order for the application to be deemed complete, Certified Resolutions must be received by no later than 4:00 p.m. on September 15, 2011. In no event shall the content of any proposal be modified after August 4, 2011.
- (4) August 4, 2011 (4:00 p.m.) – Deadline for municipalities to submit fully executed MOUs and associated Certified Resolutions. Municipalities that need additional time to execute their MOUs and complete the Certified Resolution requirement, especially those where a Town Meeting constitutes the legislative body, must submit a draft MOU and a draft resolution along with their formal written proposal on August 4, 2011. In order for the application to be deemed complete, fully executed MOUs and Certified Resolutions must be received by no later than 4:00 p.m. on September 15, 2011.
- (5) October 6, 2011 – Deadline for OPM approval of MOUs.
- (6) October 6, 2011 – Deadline for ConnDOT and OPM to designate eligible TOD Pilot Projects.
- (7) October 13, 2011 – Deadline for ConnDOT and OPM to complete the rating and selection of TOD Pilot Projects and to announce grant awards.

H. What is the format for the written proposal?

- (1) A narrative description of current conditions in the existing or proposed TOD zone (i.e., transportation facilities, parking, employment, residential, commercial/retail, brownfields, building vacancy rate, parking spaces, zoning regulations, etc.);
- (2) A statement of the municipality's vision for future housing and economic development in the existing or proposed TOD zone to support access to and ridership on the existing or planned public transportation system;
- (3) A detailed description of the proposal (e.g., work plan, budget, site map, etc.) and how it relates to both the existing conditions and the future vision;
- (4) A timeline for implementing the specific grant proposal and, to the extent possible, an estimate of the time needed to advance the proposed project to full build-out (i.e., construction);
- (5) A description of how the proposal will support transit use and ridership growth; and

- (6) A brief assessment of what is considered to be the most critical hurdle(s) to overcome in order to realize the municipality's vision, and to what extent, if any, state agencies might be needed to facilitate a coordinated solution.

Note: Formal written proposals should be no more than 10 pages in length, excluding necessary attachments.

I. What activities are eligible for funding under each grant?

- (1) TOD Planning Grants are eligible for:
 - a. Completion of a TOD plan or station area plan of development;
 - b. Development or adoption of a TOD overlay zone; or
 - c. Preparation of a development strategy and selection of a preferred development approach.
- (2) TOD Facilitation Grants are eligible for:
 - a. Implementation of a TOD plan and overlay zone;
 - b. Market analysis to determine the economic viability of a project;
 - c. Financial assessment and planning related to implementation of a TOD plan;
 - d. Analysis of the economic benefits, revenue or expense projections of a project;
 - e. Preparation of environmental assessments and plans for brownfield remediation;
 - f. Preparation of infrastructure studies and surveys;
 - g. Preparation of requests for development proposals;
 - h. Preparation of development or joint development agreements; or
 - i. Other activities as deemed appropriate.

J. What are the MOU requirements?

The MOU must incorporate each grant proposal submitted by a municipality or municipalities within a planning region, and shall include the following:

- (1) A work plan for each proposal;
- (2) A budget for each proposal;
- (3) Anticipated work products for each proposal;
- (4) A regional-scale map depicting any existing or proposed TOD zones;
- (5) A time frame for completion for each proposed TOD Planning Grants and/or TOD Facilitation Grants;
- (6) The identity of the administering entity for each prospective grant recipient; and
- (7) The identity of the participating municipalities and regional planning organization(s).

K. How will proposals be rated and selected?

Proposals that meet the definition of "Transit-Oriented Development" and are part of a complete application shall be rated and selected in accordance with the criteria and weighting set forth in Attachment A of this RFA.

L. To whom must applications and related questions be submitted?

Applications and any questions related to this RFA shall be submitted in writing to: Mr. Daniel Morley, Office of Policy and Management, 450 Capitol Avenue MS# 54ORG, Hartford, CT 06106-1379, as well as in a Portable Document File (PDF) to: Daniel.Morley@ct.gov.

Attachment A

Transit-Oriented Development Pilot Program

Criteria and Weighting

I. INITIAL SCREENING CRITERIA

- A. Did the applicant submit a complete application in accordance with the key milestone dates noted in Section G of this RFA?
- B. Does the proposal meet the definition of "Transit-Oriented Development", in accordance with Section 13b-79kk of the Connecticut General Statutes?

Any application that does not pass the Initial Screening Criteria will not be rated.

II. RATING CRITERIA

Each application that passes the Initial Screening Criteria will be designated as an eligible TOD Pilot Project and reviewed and scored on a 10-point scale relative to the following rating criteria and associated weights:

RATING CRITERIA	SCORE	WEIGHT	VALUE
A. Local & Regional Supporting Actions	0.0 – 10.0	15%	0.0 - 1.5
B. Leverages Other Funding	0.0 – 10.0	20%	0.0 - 2.0
C. Economic & Market Viability	0.0 – 10.0	20%	0.0 - 2.0
D. Timeline to Implementation	0.0 – 10.0	10%	0.0 - 1.0
E. Supportive of Transit & State C&D Plan	0.0 – 10.0	35%	0.0 - 3.5
TOTAL SCORE			0.0 – 10.0

Guidelines for Rating Eligible TOD Pilot Projects

A. Local & Regional Supporting Actions

The applicant should provide evidence of local and regional commitment to advancing TOD goals and their specific proposal(s). Any actions previously taken in support of TOD goals and proposal-specific objectives should be provided. Such actions can include, but are not limited to, zoning that encourages an appropriate scale for housing density and mixed uses to support alternative modes of travel other than automobile, property assembly, remediation activities, CEDS, etc.

B. Leverages Other Funding

The applicant should indicate if the TOD funds requested will help leverage other past or future proposed public or private funding to provide a larger economic and development impact. These can include, but are not limited to, investments or financial commitments made by private, municipal, state, federal or non-governmental organizations.

C. Economic & Market Viability

The applicant should describe the economic and market viability of TOD in the proposed project area, as well as the viability of their specific project proposal. This should include, but is not limited to, an assessment of the proposed project's potential to progress as envisioned, and to ultimately be successful.

D. Timeline to Implementation

The applicant should provide a realistic project schedule or timeline that includes, but is not limited to, the amount of time needed to implement the planning and/or facilitation grant and, to the extent possible, an estimate of the time needed to advance the project to full build-out (i.e., construction).

E. Supportive of Transit & State C&D Plan

The applicant should: 1) Describe the transit-supportive qualities of the proposed project, including how the proposal will encourage use of the transit system and help grow ridership; and 2) Describe how the proposed project supports key elements of related state plans; in particular, Growth Management Principles #1-3 of the Conservation & Development Policies Plan for Connecticut (State C&D Plan).

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
CITY OF NEW LONDON,
CITY OF NORWICH,
TOWN OF MANSFIELD,
TOWN OF WINDHAM,
SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS, AND
WINDHAM REGION COUNCIL OF GOVERNMENTS**

**REGARDING A TRANSIT-ORIENTED DEVELOPMENT PILOT PROGRAM
GRANT APPLICATION**

This Memorandum of Understanding (MOU) is made by and between the City of New London, City of Norwich, Town of Mansfield, Town of Windham, Southeastern Connecticut Council of Governments (SCCOG), and Windham Region Council of Governments (WINCOG) for the purpose of making application for funding under the Transit-Oriented Development Pilot Program.

The parties to this MOU agree to the following:

1. Purpose of Agreement: The purpose of this MOU is to demonstrate the agreement of the before-mentioned municipalities and regional planning organizations to participate in a joint application to the Connecticut Office of Policy and Management (OPM) for a Transit-Oriented Development Pilot Program Grant and furthermore to define the role of the two involved councils of government.
2. Work Plan:
3. Budget: An application is being submitted to OPM for a grant in the amount of \$825,000 to be used to prepare a Transit-Oriented Development Pilot Program Plan for the area of jurisdiction of the participating municipalities. It is planned that \$750,000 of these grant funds will be used to engage a consultant to prepare the Plan, and \$75,000 will be used to cover the cost of managing the project and administering the grant by the staff of the SCCOG.
4. Anticipated Work Products: The work product that will be prepared should this grant be awarded will be a report that determines the feasibility, makes recommendations, includes a schedule of activities, and projects the capital and operating costs associated with the creation of TOD zones in the four participating municipalities after initiation of passenger rail service on the New England Central Rail line.
5. Time Frame for Completion of Project: It is expected from notice of grant award it will take 21 months to complete this project, with 3 months allotted for consultant selection and 18 months to actually complete the necessary analysis and report.

6. Administering Entity: The parties to this MOU hereby agree that the Southeastern Connecticut Council of Governments (SCCOG) shall serve as the administrative agent for any grant funds received as the result of this application, and that SCCOG will manage the project with possible assistance from WINCOG which would sub-contract with SCCOG for this purpose.
7. Participating Municipalities and Regional Planning Organizations (RPOs): The participating municipalities and RPOs are City of New London, City of Norwich, Town of Mansfield, Town of Windham, Southeastern Connecticut Council of Governments (SCCOG), and Windham Region Council of Governments (WINCOG).
8. Term of MOU: This MOU shall be effective upon signature by the parties hereto, and shall remain in effect until the end of grant period for which Transit-Oriented Development Pilot Program Grant funds are received.

In witness whereof, the parties hereto have executed this Agreement as of the last date below.

City of New London

City of Norwich

Denise Rose, City Manager
Date:

Alan Bergren, City Manager
Date:

Town of Mansfield

Town of Windham

Mathew Hart, Town Manager
Date:

Neal Beets, Town Manager
Date:

SCCOG

WINCOG

James Butler, Executive Director
Date:

Mark Paquette, Executive Director
Date:

CENTRAL CORRIDOR RAIL PROJECT

THE ADVANTAGES

- **Central New England Connections** – Provides multiple freight and passenger connections to major population centers and destinations, connecting all major (Class I) east-west rail lines and several smaller lines. Provides links to Boston—the principal destination for most of southern New England—and to Amtrak’s Northeast Corridor along the CT and RI coast linking to New York, New Haven, Providence, Boston, and Portland. Serves areas of southern New England currently ignored by the New England Regional Rail Plan. The Central Corridor is the next logical step in “filling in the gaps” in New England’s passenger rail planning.
- **A Knowledge Web** – Provides direct rail service between the three of the five flagship state university campuses in New England (UVT, UMass/Amherst & UConn/Storrs), including the two largest campuses (neither of which will have passenger rail service in the New England Regional Rail Plan), linking them to other state universities, colleges and New England urban centers. Campus users are among the most frequent and dependable groups of rail riders. A hub at Palmer would connect 90,000 students within 30 miles.
- **Freight, Freight, Freight** – A critically important north-south freight connection for New England, and for Canada and Europe via the deep water port at New London. Improvement of the NECR line is a priority in the *Massachusetts State Freight & Rail Plan*. Freight rail service is an essential foundation for a sustainable ‘green’ economy, and freight rail improvements support the viability of expanded passenger rail service.
- **Tourism & Recreation** – In addition to cruise ships docking at New London, the many historic and tourism destinations along the Central Corridor, and collegiate sports and cultural events at its universities and population centers, only the Central Corridor has the potential to connect three of the region’s existing and future casinos—important venues for internationally significant cultural and sports events.
- **Local & Regional Benefit** – Improved freight and passenger rail service along the Central Corridor will provide numerous opportunities for economic development and transportation alternatives for long-neglected communities in the center of southern New England—communities completely ignored by the New England Regional Rail Plan.

PRINCIPAL ISSUES

- **Use the NECR Line During Construction of the Knowledge Corridor** – Short-term improvement of the Central Corridor (the New England Central Railroad (NECR) line) could increase the speed and lower the cost of existing Amtrak Vermonter passenger rail service during the multi-year period of construction for the Knowledge Corridor line(s) along the CT River. Recent use of the NECR line for both Vermonter and Boston connections when flooding in southern CT made the Connecticut River lines and coastal Northeastern Corridor lines impassable demonstrated the viability and value of this line. The cost of upgrading the NECR line in Massachusetts to continuous welded rail (CWR) with a bearing capacity of 286,000 lbs. is estimated at about \$18 million, a much lower investment than the \$70 million construction of the Massachusetts sections of the Knowledge Corridor, and an investment that would reap much more rapid dividends in ridership and lowered operating costs.

- **Connect New England with Boston** – Rail passenger service north-south along the CT River corridor is critically important now and in the future. That is why Amherst, which otherwise stands to lose direct rail access as a result of the associated changes, has nonetheless supported the Knowledge Corridor project. But potential passenger rail ridership demand for New England, especially southern New England (including UMass/Amherst and UConn/Storrs) is most strongly oriented east-west, to and from the Boston area. Upgrading the Central Corridor NECR line between Brattleboro and New London and establishing selected passenger stops will create the following opportunities for connections to and from Boston:
 - Western MA** – Stops at Millers Falls and especially Palmer connecting to the extensions of improved MBTA passenger rail proceeding westward from Gardner and Worcester.
 - Connecticut** – Stops at Mansfield/Storrs, Willimantic, and Norwich connecting to Worcester via Palmer or improved sections of the Providence & Worcester lines in CT; stops at New London connecting to New Haven, Providence and Boston via Amtrak’s Northeast Corridor.

- **Connect UMass & UConn with UVT, URI, and the Region** –The current regional rail plan (“New England Vision for High Speed and Intercity Passenger Rail”) will remove and significantly worsen access to passenger rail service for the largest state university campus in New England (UMass/Amherst, 26,000+ students) and provides no passenger rail access at all for the second largest campus (UConn/Storrs, 23,000+ students). Together, these two campuses account for over 35% of the total student population attending state universities in New England, and by far the greatest concentration of that population. Every other flagship campus (including UVT/Burlington and URI/Kingston) or large campus of a state university in New England is either on or within 5-10 minutes travel of an existing rail line or planned rail line. Ignoring the need for rail connections to and from the two biggest campuses in New England makes no sense. It is at odds with the “Knowledge Corridor” concept of using rail service to link population centers with institutions of higher learning for regional economic benefit. Passenger rail service via the Central Corridor could make these connections and fill this gap.

- **Create a New England “Knowledge Web”** – The Central Corridor passes through communities whose colleges and universities serve approximately 70,000 students. By improving the NECR line at modest cost and adding appropriate stops at Palmer, Millers Falls, Mansfield/Storrs CT and other communities, direct passenger rail connections could be established between the two largest state university flagship campuses in New England and UVT, and with the rest of southern New England. In addition to the Knowledge Corridor, east-west rail lines in Massachusetts are being improved and knit together:
 - ~ The east-west B & M/Pan Am/Guilford Transportation line that runs from Williamstown/North Adams to Gardner is currently being improved. Federal ARRA funds have been granted for an extension of the MBTA line from Fitchburg to Gardner. A passenger stop in Millers Falls on the NECR line could be a passenger rail route between southern VT and Boston.
 - ~ The east-west “Inland Route” from Boston through Worcester to Springfield is slated for improvement. A study has been funded to plan for a “high speed” rail line from Boston to Springfield to New Haven, with the possibility of an important passenger stop at Palmer.

The north-south NECR line crosses both of these lines and could, with passenger stops, provide southern VT, central western MA, and north-central CT with rail service to and from Boston. A central passenger hub at Palmer would facilitate easy transit between UMass/Amherst, UConn/Storrs, and colleges and universities in Springfield and Worcester—an area within a 30 mile radius of Palmer that includes nearly 90,000 students. A north-south NECR connection at the existing Union Station passenger stop at New London could provide connections between UMass/Amherst, UConn/Storrs and URI/Kingston, colleges in New Haven and Providence (25,000+ students) and on to Boston. Creating direct connections between state universities, regional colleges, and nearby urban centers will increase communication and economic development activity through the establishment of a genuine New England “Knowledge Web” facilitated by passenger rail service.

- **Students and Campus Travelers as Ridership** - Along with work-related commuters, college students and academic travelers are the most frequent and reliable users of passenger rail service, and are a primary source of ridership. Additionally, wherever rail service is available, students, academic professionals and regular citizens travel by rail to attend major sports or cultural events being held at other campuses. To provide context, consider Kingston, Rhode Island, population about 6,000. It is the home of the University of Rhode Island (URI), which had 15,904 students enrolled in Fall 2009. The Kingston rail stop on Amtrak's Northeast Corridor line had over 150,000 "boardings and alightings" in 2009. UMass/Amherst had 1.7 times the enrollment (26,259) and Amherst, MA has a population of more than 36,000. UConn/Storrs had 1.5 times the enrollment (23,692) and Mansfield, CT has a population over 20,000. Compared to Kingston, what kind of rail passenger ridership could they generate with regular service?

For many campus-related riders along the Central Corridor, the Boston metropolitan area is the primary urban destination. For example, nearly 57 percent (11,500) of the 20,210 undergraduate students enrolled at UMass/Amherst in fall 2009 listed a home mailing address in eastern Massachusetts (Worcester, Boston and its suburbs, southeastern Mass., and the Cape). Many of these students grew up using the MBTA lines—train travel is second nature to them. The demand is clearly there. Every Friday afternoon, the Peter Pan Bus Lines operates five, one-way express runs from Amherst to Boston.

- **Improved Freight Service = Economic Development** – Freight rail traffic generates most of the economic benefit for rail line owners, rail service operators and the regions through which railroad lines pass. When completed, the Connecticut River "Knowledge Corridor" line will benefit the communities along that line and along the connecting east-west CSX and B&M lines. But these lines leave long-neglected areas of west-central Massachusetts and east-central Connecticut without access to modern freight rail service. Upgrading the existing NECR line between New London and Brattleboro will provide economic development opportunities for communities in these areas. The Massachusetts *State Freight & Rail Plan* identifies the NECR line as a priority for upgrading.

New London is an important deep water New England port for rail freight service via the NECR line between New London and Canada via Burlington, VT, with shipments to and from Europe. New London serves as a winter port—an open-water alternative to ice-bound Canadian ports along the St. Lawrence River. The \$50 million ARRA grant recently awarded for the NECR line in VT will upgrade that portion to CWR (continuous welded rail) with a 286,000 lb. capacity. Making similar, low cost improvements to the NECR line in MA and CT would allow all four Class I railroads serving New England to access this region at the new 286,000 lb. standard. Increased rail freight activity would have a greater impact on traffic levels and vehicle emission-related environmental impacts than even a significant shift from personal automobiles to rail passenger service.

- **Improved Freight Service = Improved Passenger Service** – In a region as densely populated as New England, all significant freight line improvements should be accompanied by passenger rail improvements. The recent experience of developing the Massachusetts *State Freight & Rail Plan* made this clear. In every community where MassDOT representatives held meetings to discuss freight rail service, local officials and citizens asked about improving passenger rail access.
- **Improved Tourism Access** - Tourism and travel are the second largest economic activity in the world, and rail travel is a preferred method of transport for international visitors and tourists. The port at New London serves passenger cruise ships. The Central Corridor is replete with historic sites and tourism destinations. Connecting New London and the Connecticut coast of Long Island Sound to central CT, western MA, Brattleboro, Burlington and St. Albans, VT, would markedly improve the opportunity for passenger rail tourism in New England and tourism-related economic development along this line. The NECR line passes through some of the most historic and culturally-rich sections of New England. The universities themselves serve as a draw for regional and international tourists.

- Recreational Connections** – University and college sports and on-campus cultural events are major draws throughout New England and beyond. Outdoor recreation is a significant local and regional economy for the portions of central CT, western MA, and VT through which the Central Corridor passes. With casino gambling in Massachusetts close to becoming a reality, Palmer is a leading contender as a casino site. The Mohegan Sun casino in Uncasville and Foxwoods casino in Ledyard serve as important venues for major cultural and sports events. The Mohegan Sun casino is directly on the NECR line, and the site Mohegan Sun has proposed for a Palmer casino is just under a mile from the Palmer depot. The Foxwoods casino is within easy reach of the NECR rail line by bus. An improved NECR line with passenger service could connect these cultural and recreational destinations with the rest of New England and Canada.

ASSORTED STATISTICS

Population

Total population of VT/MA/CT communities (Brattleboro to New London) on the Central Corridor: **305,559**
 Plus abutting communities in CT & MA: **528,330**

<u>Vermont</u> (source: VT State Data Center)	
Brattleboro	12,005
Vernon	<u>2,141</u>
	14,146 VT subtotal
<u>Massachusetts</u> (source: MassBenchmarks; PVPC)	
Northfield	3,026 (2008)
Erving	1,542 "
Montague	8,319 "
Sunderland	3,710 "
Leverett	1,772 "
Amherst	35,962 (2009)
Belchertown	14,103 (2006)
Palmer	12,926 "
Monson	<u>8,792</u> "
	91,934 MA subtotal
<u>Connecticut</u> (source: CT State Data Center, UConn/Storrs)	
Stafford	11,786 (2007)
Willington	6,139 "
Tolland	15,035 (2010 est.)
Mansfield	24,884 (2007)
Coventry	12,192 "
Windham	26,678 "
Franklin	1,891 "
Norwich	36,432 "
Montville	19,744 "
Waterford	18,775 "
New London	<u>25,923</u> "
	199,479 CT subtotal
Total	305,559 – Minimum population served by the Central Corridor

Potential College Ridership/Populations

	<u>"Central Corridor"</u>	<u>"Knowledge Corridor"</u>
Number of univ./colleges	11	15
Univ./colleges with more than 20,000 students	2	0
Total student population	68,869	78,169
Student population of three largest institutions	55,478	36,990
Student population of five largest institutions	61,278	50,856

College Population* in the Central Corridor

Amherst

UMass Amherst	26,359	fulltime students
Amherst College	1,683	"
Hampshire College	1,350	"
	29,392	MA total

Mansfield

UConn Storrs	23,692	"
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Willimantic

Eastern CT State Univ.	5,427	"
Quinebaug Valley Community College	1,045	" (est.)

Norwich

Three Rivers College	3,900	"
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New London

Connecticut College	1,900	"
Mitchell College	1,000	" (est.)
Coast Guard Academy	963	"

Groton

UConn Avery Point	748	"
	38,675	CT total
	68,069	Corridor Total

NOTE: The college population in the Brattleboro, VT area is not included because it is accessible via the Knowledge Corridor. *Fall 2009 student population figures from university/college websites.

State University Campuses - Rail Connections under the New England Regional Rail Plan*

<u>Connected Campuses (Existing or Proposed)</u>		<u>Disconnected Campuses (Existing or Proposed)</u>	
<u>Students</u>	<u>Campus</u>	<u>Students</u>	<u>Campus</u>
15,904	URI Kingston	26,359	UMass Amherst
14,000+	UMass Boston	23,692	UConn Storrs
935	UMass Medical Worcester	400	UConn Torrington
12,471	UMass Lowell	50,451	Total (37%)
9,155	UMass Dartmouth		
2,030+	UConn Greater Hartford		
1,270	UConn Stamford		
748	UConn Avery Point (Groton)		
2,480	UConn Waterbury		
14,704	UNH Durham		
1,514	UNH Manchester		
12,800	UVT Burlington		
86,741+	Total (63%)		

* "New England Vision for High Speed and Intercity Passenger Rail." Fall 2009 student population figures from university websites.

College Town Rail Ridership Comparisons

Kingston, Rhode Island

Population of catchment area (South Kingston, North Kingston, Charleston, Narragansett, Richmond, Exeter) = **Approx. 92,000 (91,733).**

Student population (University of Rhode Island) = **Approx. 16,000 students (15,904).**

Passenger Rail Access - The Kingston rail stop on Amtrak’s Northeast Corridor line has nine (9) stops per day for regional transit (the Acela Express line does not stop there)

Ridership - Over 150,000 “boardings and alightings” in 2009.

Amherst, MA

Population of catchment area (Amherst, Sunderland, Shutesbury, Leverett, Hadley, Pelham, Belchertown, Granby, South Hadley) = **approx. 87,000 (86,962, or 95% that of Kingston)**

Student population (UMass, Amherst College, Hampshire College) = **Approx. 29,000 (29,392, or 1.7 times the enrollment of URI)**

Passenger Rail Access – The Amherst Depot has two (2) stops/day, one north, one south, of Amtrak’s Vermonter line.

Ridership - 13,581 “boardings and alightings” in 2009.

Mansfield, CT

Population of catchment area (Mansfield, Tolland, Willington, Ashford, Chaplin, Windham, Coventry) = **Approx. 92,000 (91,902)**

Student population (UConn/Storrs) = **Approx. 24,000 (23,692, or 1.5 times the enrollment of URI).**

Passenger Rail Access – None.

Ridership – Currently none.

	Catchment Area		Comparative	Actual
	Population	Student pop.	Rail Access	Ridership
Kingston	91,733	15,904	9 stops daily; 3,276 stops/year	150,000/year
Amherst	86,962	29,392 (x1.7)	2 stops daily; 728 stops/year	13,581/year
Mansfield	91,902	23,692 (x1.5)	- none -	- none -

Conclusion: The catchment area populations for Amherst and Mansfield are comparable to Kingston’s. Their student populations are considerably larger. Their potential rail ridership is greater. The obstacle is relative access to passenger rail service.

Other Ridership Information

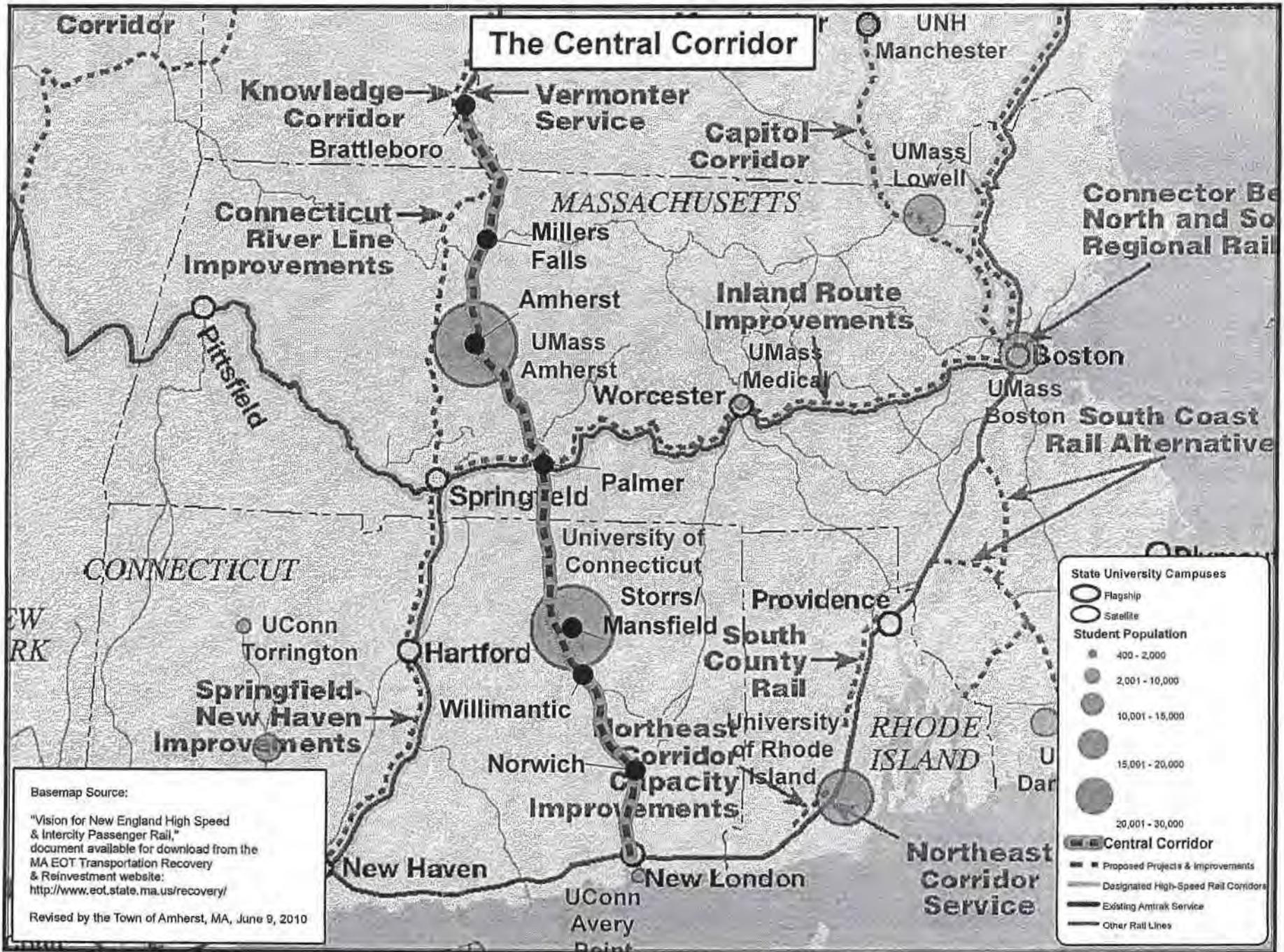
Western Massachusetts Amtrak Ridership Patterns:

	2007	2008	2009	2010	△2007-08	△2008-09	△2009-10	2007-2010
Amherst	11,432	12,679	13,581	14,600	+1,247 (+10.9%)	+ 902 (+7.1%)	+1,019 (+7.5%)	+2,149 (+18.8%)
Springfield	112,413	113,955	111,215	130,790	+1,641 (+1.5%)	- 2,740 (-2.4%)	+19,575 (+17.6)	+ 18,377 (+16.3%)
Worcester	5,406	6,183	6,701	7,398	+ 777 (+14.4%)	+ 518 (+8.4%)	+697 (+10.4%)	+1,992 (+36.8%)
Pittsfield	5,311	6,893	6,700	7,979	+1,582 (+29.7%)	-193 (-2.8%)	+1,279 (+19.1%)	+2,668 (+50.2%)

Since 2006, Amherst’s Amtrak (Vermont) ridership increased from 8,928 to 14,600, an increase of 64%, with only two stops per day, each in a different direction. In 2009, Amtrak ridership was down 6.5% statewide (-183,479 riders). Among the six MA communities whose ridership increased, Amherst led the way with an increase of +902. Amherst’s ridership has consistently been twice that of Worcester and Pittsfield.

Vermont Amtrak Ridership

“According to NECR figures, the Vermonter line from St. Albans to Amherst, Mass., has about 3,060 more travelers last year [2009] than in 2008, with the Brattleboro station seeing the largest gain. The numbers indicate that Amherst had the second best growth during 2009, with a solid 7.1 percent increase.” *Brattleboro Reformer*, Jan. 15, 2010.



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