

REGULAR MEETING – MANSFIELD TOWN COUNCIL
February 14, 2012

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

ROLL CALL

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

I. APPROVAL OF MINUTES

Ms. Moran moved and Mr. Ryan seconded to approve the minutes of the January 23, 2012 Special meeting as presented. The motion passed with all in favor except Mr. Paulhus who abstained. Mr. Ryan moved and Ms. Moran seconded to approve the minutes of the January 23, 2012 regular meeting as presented. The motion passed with all in favor except Mr. Paulhus who abstained. Mr. Paulhus moved and Mr. Schaefer seconded to approve the minutes of the January 30, 2012 Special meeting. Ms. Keane requested a clarification in the wording. The motion to approve, as amended, passed unanimously.

II. PUBLIC HEARING

1. Hawthorne Lane Conservation Easement Amendment

Scott Welden, Hawthorne Lane, has researched the effects of EMF's and stated that beyond about 300' the negative effects are lessened. Without the changes, which this amendment would allow, the new lines would be about 200' from residences.

Chris Duers, Hawthorne Lane, stated CL&P is willing to consider the change in plans if the Town is willing to approve this amendment. Mr. Duers thanked the Council for their consideration of the alternative plan.

Tom Mindeck, Hawthorne Lane, understands the need for the project but would like it to be done in a safe and responsible manner which would protect both the environment and property values. Amending the conservation easement would allow the alternative plan, which is a safer way to go.

Wayne Hawthorne, Hawthorne Lane, presented an overview of the process since 2008 and itemized the ways the residents have worked with CL&P and various Town agencies to mitigate the effects and protect the buffer. Mr. Hawthorne asked the Council to assist with the State Siting Council.

Stephen Bacon, attorney for Hawthorne Lane residents, noted the amendment has been review and approved by the Planning and Zoning Commission, the Conservation Commission and the Open Space Preservation Committee. Attorney Bacon requested the Council approve the proposed amendment.

Victor Civie, Beech Mountain Road, stated Citizen United supports the Hawthorne amendment.

2. Revisions to Ethics Ordinance

Personnel Committee Chair Toni Moran outlined the history of the process to date.

Mike Sikoski, Windham, stated his displeasure with the draft and offered suggestions. (Statement attached)

Robert Roberge, Woodland Road, would like the ordinance simplified and include provisions for the removal/suspension of employees who violate the Code.

Ric Hossack, Middle Turnpike, spoke against the Ethics Ordinance. (Statement attached)

Betty Wassmundt, Old Turnpike Road, would like to see the Board of Education included in the Code and presented an informal petition asking the Ethic Ordinance not be approved. (Statement and petition attached)

David Freudmann, Eastwood Road, spoke about the lack of whistleblower protections. (Statement attached)

David Morse, Birchwood Height Road, would like the draft ordinance to include whistleblower protection and would like to include financial disclosure information.

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Bill Thompson, Summit Road, spoke to the misuse of equipment he has seen in other working environments and wondered what the possible insurance consequences might be to the Town.

Pat Suprenant, Gurleyville Road, outlined her concerns with the proposed draft. (Statement attached)

Carol Pellegrine, Clover Mill Road, asked the Council to delay a decision and offered suggested new language. (Statement attached)

Nora Stevens, Chair of the Ethics Board but speaking as an individual, thanked the Board members for their work and spoke in support of the draft ordinance. (Statement attached)

April Holinko, Middle Turnpike, urged the Council not to vote and listen to their constituents.

Tulay Luciano, Warrenville Road, urged the Council to send the draft back to the Board of Ethics to address the need for financial disclosure and to clarify the listed exceptions.

Arthur Smith, Mulberry Road, suggested revisions to the draft. (Statement attached)

Thomas Nielsen, Birchwood Heights, expressed his agreement with the prior speakers stating the proposed Ethics Code is unethical.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Adam Rabinowitz, Chair of the Mount Hope Montessori Board of Directors, reported CL&P has not addressed the concerns of the school and asked the Council to keep these concerns in mind. (Statement attached)

Ric Hossack, Middle Turnpike, spoke in favor of the proposed Right to Farm Ordinance but against the proposed tax incentives.

David Freudmann, Eastwood Road, discussed the charge given to the Parking Steering Committee and the proposed plan. (Statement attached)

Mike Sikoski, Windham, asked for information on the alcohol policy in Town buildings and vehicles.

IV. REPORT OF THE TOWN MANAGER

In addition to his written report the Town Manager clarified that for years Public Works employees had limited access to Town owned small pieces of equipment. That policy has been rescinded. In response to a public comment, Mr. Hart stated that he believes alcohol is not permitted in town owned buildings nor in vehicles but will report back with details.

Mr. Ryan asked about rumors regarding the abundance of or lack of ledge at the parking garage and along Dog Lane. Mr. Hultgren reported the cost of removing the ledge found along Dog Lane is included in the contingency budget and the cost over runs as a result of lack of ledge under the parking garage is being looked at and will be discussed at the next Finance Committee meeting.

V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mayor Paterson announced the Youth Service Bureau will be holding a volunteer recognition event on March 6, 2012. The Mayor also announced a dance marathon, sponsored by Huskython, is being held on February 18th and 19th with proceeds going to the Children's Medical Center.

Mr. Shapiro, in response to remarks by Attorney Smith, stated he has and will continue to recuse himself in situations where his former job as an Assistant Attorney General presents a conflict.

Mr. Ryan noted the Region 19 production of "Pippin" was terrific!

VI. OLD BUSINESS

Ms. Moran moved to suspend the Town Council's Rules of Procedure in order to vote on the Hawthorne Lane Conservation Easement Amendment. Seconded by Mr. Schaefer the motion passed unanimously.

3. Hawthorne Lane Conservation Easement Amendment

Ms. Keane moved and Mr. Schaefer seconded, effective February 14, 2012, to amend the Conservation Easement Agreement granted by Wayne W. Hawthorne, Christine Hawthorne, Ryan Hawthorne and Patricia Hawthorne dated January 18, 2002 and recorded February 26, 2002 in Volume 468 at Page 420 of the Mansfield Land Records to modify the areas encompassed within the Conservation Easement as depicted on the map titled 'Conservation Easement Modification Plan for Subdivision Entitled Hawthorne Park Bassetts Bridge Road Mansfield Center Connecticut' as prepared by Datum Engineering & Surveying LLC and dated January 3, 2012. The Town Manager is hereby authorized to execute the Amended and Restated Conservation Easement Agreement subject to any revisions deemed necessary by Town Attorney. The Amended and Restated Conservation Easement Agreement shall be held in escrow by the Town Attorney, and may not be recorded until the 'Hawthorne Lane Alternative' is officially and finally approved to the satisfaction of the Town Attorney by the Connecticut Siting Council or a higher authority as part of the Interstate Reliability Project. If it is finally and officially determined by the Town Attorney that the 'Hawthorne Lane Alternative' is not approved, this approval shall become null and void.

Based on a request from CL&P, Town Attorney Dennis O'Brien suggested the motion be revised to remove the words, "...held in escrow by the Town Attorney..." and substitute the following, "...shall be placed in escrow under an arrangement satisfactory to the Town Attorney..." Ms. Keane and Mr. Schaefer accepted this revision as a friendly amendment and the motion, as amended, passed unanimously.

4. Revisions to Ethics Ordinance

Council members discussed the revisions to the Ethics Code including which entities are covered by the Code, the role and responsibility of whistleblowers, the definition of conflicts of interest, the tone and inaccuracy of some of the comments offered at the public hearing, the definition of gifts, the long history of UConn connected residents serving on boards and commissions, and the inclusion of "personal" interest conflicts. The Town Manager will research whether or not the Board of Education employees should be covered by the Code.

Council members agreed to return the Ethics Ordinance to the Personnel Committee for further review.

VII. NEW BUSINESS

5. Right to Farm Ordinance and Municipal Tax Incentives for Farms

Agricultural Committee Chair Al Cyr asked the Council to consider forwarding the Right to Farm Ordinance and the Municipal Tax Incentive Programs to the Council's ad hoc sub-committee for review and urged support for the Ordinance and one or more of the farm tax incentives.

Ms. Moran moved and Mr. Schaefer seconded to send the proposed Right to Farm Ordinance, the Property Tax Abatement, the Farm Machinery Exemption and the Farm Building and Structures Exemption Ordinances to the Ordinance Development and Review Subcommittee. The motion passed unanimously. Ms. Moran, Mr. Schaefer, Ms. Lindsey and Ms. Keane volunteered to serve on the Committee.

6. Storrs Center Parking Management Plan

Karla Fox, Chair of the Storrs Center Parking Management Committee, reviewed the makeup of the Committee, the challenges encountered and the process used to complete the proposed management plan. Allocation of parking resources and how to manage enforcement were two of the biggest obstacles. Ms. Fox stated the resulting plan is fair and meets the needs of the constituencies.

Mr. Paulhus moved and Ms. Lindsey seconded to approve the draft Storrs Center Parking Management Plan, dated February 7, 2012, as recommended by the Storrs Center Parking Steering Committee and the Mansfield Downtown Partnership Board of Directors.

Ms. Lindsey offered an amendment to the second paragraph of the Management section, removing the words, "...and contract with the firm."
Accepted as a friendly amendment the motion passed unanimously.

7. Proposed Revisions to Traffic and Parking Ordinance and Regulations

Director of Public Works Lon Hultgren commented that the proposed revisions codify the enforcement aspects of the Storrs Center Parking Management Plan.

Ms. Moran moved and Mr. Ryan seconded to refer the proposed Traffic and Parking Ordinance and Regulations to the Ordinance Development and Review Subcommittee. The motion passed unanimously.

Mr. Ryan, Mr. Paulhus and Mr. Shapiro agreed to serve on the Committee.

8. Transportation Enhancement Program Application

Mr. Paulhus moved and Mr. Shapiro seconded effective February 14, 2012, to support the Transportation Enhancement Program Application for the South Eagleville Walkway and Lighting Project as described in the application dated February 1, 2012 and executed by Matthew W. Hart, Town Manager.

Mr. Shapiro offered an amendment to the motion changing the word "support" to "ratify" as the application has already been submitted. Accepted as a friendly amendment the motion, as amended, passed.

9. FY 2012/13 Budget Review Meeting Schedule

By consensus the members agreed to the meeting schedule.

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

No comments were offered

IX. REPORTS OF COUNCIL COMMITTEES

Mr. Kochenburger, Chair of the Committee on Committees offered the following recommendations;

William Thorne to the Parks Advisory Committee;

Christopher Kueffner as a regular member of the Community Quality of Life Committee;

Stephanie Holinko to the Advisory Committee on Persons with Disabilities;

Lena Berry as an alternate on the Ethics Board.

Motion to appoint was passed unanimously.

Mr. Kochenburger will clarify Nora Stevens' terms on the Ethics Board.

Mr. Kochenburger moved to suspend the operations of the Communication Advisory Committee at the present time. The motion passed unanimously.

X. PETITIONS, REQUESTS AND COMMUNICATONS

10. Invitation to Mansfield's Agricultural Community

11. Legal Notice – Eastern Highlands Health District Audit Report

12. Legal Notice – Town of Mansfield Comprehensive Annual Financial Report

13. M. Hart re: Final Environmental Impact Study (FEIS) for North Hillside Road

14. M. Hart re: Interstate Reliability Project

15. C. Hirsch re: 1/10/12 Monthly Report of Zoning Enforcement Activity

16. L. Hultgren/V. Walton re: Resolution Supporting Extended Producer Responsibility for Mattresses – By consensus the Council approved this resolution with one change. In the fourth paragraph the phrase, "recovered for new feedstock..." will be replaced with "...reused."

17. Freedom of Information Commission of the State of Connecticut Notice of Final Decision: M. Sikoski v. S. Nesselroth; Board of Ethics, Town of Mansfield

18. CCM 2012 State Legislative Agenda

19. CCM re: 2012-13 Governor's Proposed Education Reforms

20. CCM Day on the Hill

21. CCM re: FY2013 Governor's Proposed Midterm Budget Impact on Mansfield

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22. CCM re: Governor's Mandates Relief Proposals
23. Windham Invitational Special Olympics Swim Meet

In response to an email to Council members, the staff will check to see if the assessor's return address is indicated on the tax assessment appeal letter.

XI. FUTURE AGENDA

No new items

Ms. Moran moved and Mr. Paulhus seconded to move into Executive session to discuss Personnel, in accordance with CGS§1-200(6) (A).
The motion passed unanimously.

XII. EXECUTIVE SESSION

Personnel, in accordance with CGS§1-200(6) (A)

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

XIII. ADJOURNMENT

The Council reconvened and a motion to adjourn was made by Mr. Paulhus, seconded by Mr. Schaefer and passed by all.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk