

## MEETING NOTICE AND AGENDA

### TOWN OF MANSFIELD ■ FOUR CORNERS WATER AND SEWER ADVISORY COMMITTEE

Special Meeting

Tuesday, January 10, 2012 ■ 7:00 PM

Audrey P. Beck Municipal Building ■ 4 South Eagleville Road ■ Council Chambers

1. Call to Order
2. Approval of Minutes: November 15, 2011
3. Old Business
  - a. **UCONN/Town Joint EIE Status**  
Update on progress to-date; overview of proposed amendment to project scope (Jason Coite)
  - b. **Bond Referendum**  
Update on bond referendum voting procedures for non-resident commercial property owners (Matt Hart)
4. New Business
  - a. **Committee Staff Assignments and Responsibilities**  
Overview of roles of Lon Hultgren and Linda Painter as related to Committee business (Lon Hultgren/Linda Painter)
  - b. **Economic Development Commission**  
Overview of roles/responsibilities and relationship with Four Corners Committee (Matt Hart)
  - c. **HUD Community Challenge Grant**  
Summary of recent grant award, scope of work, and impact on Four Corners (Linda Painter)
  - d. **Cumberland Farms Proposed Development (NEC)**  
The Cumberland Farms proposal for the NEC of Routes 44 and 195 has been resubmitted for PZC and IWA approval (Linda Painter)
  - e. **UCONN/Connecticut Water Company Provision of Water to Town of Mansfield**  
Town Council response to questions raised by Kurt Heidinger regarding the UConn/CWC Agreement and the provision of water to Town of Mansfield (Matt Hart)
5. Correspondence and Meeting Reports
  - a. 12/15/2011 Email from Carl Mohrbacher regarding Eagleville Preserve Pumping Test
  - b. 10/31/2011 Letter from Kurt Heidinger to Town Council
  - c. 12/14/2011 Letter from Kurt Heidinger to Town Council
  - d. 12/27/2011 Letter from David Morse
6. Future Meetings
  - a. **Adoption of CY2012 Meeting Schedule**
  - b. **Agenda items for next meeting (February 7, 2012)**
    - Four Corners Project Guide-Final Draft based on Committee review comments
7. Adjourn

Draft

**TOWN OF MANSFIELD ■ FOUR CORNERS WATER AND SEWER ADVISORY COMMITTEE**  
**Meeting Minutes ■ November 15, 2011**

Present: Rawn (chair), Paulus, Reich, Ferrigno, Lennon, Tussing, (UConn), Coite (UConn), Hart, Plante, Hultgren (staff), Painter (staff), Sebonik – guest, Georgio – guest, Jacobs --guest

The meeting was called to order at 7:04 p.m. by chair Rawn.

Adoption of the minutes was moved to the end of the agenda to allow committee members to review a printed version.

Old Business

- **EIE Status/UConn Coordination Update.** Jason Coite gave a presentation of progress made to date by Milone and McBroom on the joint EIE. Hultgren noted that Environmental Partners is drilling test wells at Eagleville Preserve as previously discussed, and reviewed basic data available from 11/14/11 and 11/15/11. Observation wells were due to be installed on 11/17/11, with yield estimates expected within 3-4 days and water quality data anticipated within 2 weeks. The next site for testing would be determined by revised EIE consultant rankings as they continue to evaluate the different groundwater sites for various environmental concerns.

New Business

Chairman Rawn asked the Committee if there were any new items they wished to discuss or add to the agenda.

- **Bond Referendum.** Hultgren informed the committee that the bond referendum failed to meet the minimum requirement of 15% of eligible voters voting in favor by 7 votes; as such the measure failed even though it was supported by a 3:1 margin. Impact is expected to be minimal at this time as the town still has funds remaining from the previous bond issue and design costs are expected to decrease due to the participation with UConn in the water supply EIE. The Town Council will be looking into the potential of a charter revision with regard to bond referendum requirements. The measure could be added to the July 2012 Town Meeting if the Town Council determines that this is a higher priority than other potential capital projects. Plante asked whether there could be a separate ballot provided for non-resident property owners on future referendums that would allow them to vote on capital project/bond expenditures but not candidates for office. Hart agreed to research and report back at the next meeting.
- **Livability Solutions Technical Assistance Application.** Painter provided an overview of the Technical Assistance Application that the town was planning on filing with Livability Solutions. If awarded, the technical assistance would consist of either a mini design charrette for the Four Corners area or a workshop on green infrastructure. Reich MOVED, Paulus SECONDED, that staff draft a letter of support for signature of the Chair. The motion passed unanimously.
- **Project Guide.** Painter distributed a draft project guide for committee review and requested comments by one week prior to the next committee meeting. Hart requested that headings be searchable when the document is posted on-line.

Correspondence and Meeting Reports

There were no changes to Town Council members assigned to the Four Corners Committee.

Next Meeting and Agenda Items

The next meeting is scheduled for Tuesday, December 6, 2012 at 7:00 p.m. , location to be determined. Staff will prepare a meeting calendar for 2012 for adoption at the next meeting, with regular meetings scheduled for

the first Tuesday of the month unless there is a conflict with another meeting, in which case the meeting will be moved to the second Tuesday. Meetings will start at 7:00 p.m.

The following agenda items were identified for the next meeting:

- Old Business
  - Bond Referendum
  - UCONN EIE update
  - Project Guide
- New Business
  - Economic Development Commission

Approval of Minutes

Reich MOVED, Paulus SECONDED to approve the October 5, 2011 minutes as written. The motion passed unanimously; Plante and Paulhus abstained.

Adjournment

Paulus MOVED, Plante SECONDED to adjourn the meeting at 8:03 p.m. The motion passed unanimously.

Respectfully submitted,

Linda Painter, AICP  
Director of Planning and Development

# PROJECT ACTIVITY

Prepare a Sustainable Design and Green Building Action Plan using the Toolkit for Local Governments (EPA 2010)

LONG TERM OUTCOMES		MEASURE OF SUCCESS		EVALUATION TOOLS		REPORTING	
Eliminate barriers to sustainable design/green building in ordinances and regulations adopted by the Town	Changes to regulations recommended in action plan adopted by responsible entity	Track regulatory changes for conformance with Action Plan recommendations	Monthly updates to Sustainability Committee	Document progress in Town Council Quarterly and Annual Reports	Enhance town sustainability website and prepare annual report on sustainability initiatives		
Reduce impact of new construction on natural resources through low impact development, energy efficiency and conservation	Number of projects incorporating sustainable design/green building techniques	Survey of green design features as part of permit application process					
Expand support for sustainable development and green design, particularly in the local building community through education and involvement	Increased knowledge of the benefits of sustainable development and willingness to incorporate green design features into future projects	Survey of permit applicants to determine knowledge sustainable development benefits and impact on current future projects					
PROJECT TASKS & MILESTONES		DELIVERABLES		RESPONSIBLE ENTITY		TIMEFRAME—YEAR 1	
Engage consultant to assist with preparation of Action Plan	Executed Contract	Town Planner, Town Manager	Q1	Q2	Q3	Q4	
Evaluate current regulations for barriers to sustainable design	Completed assessment	Town Planner, Building Official, Town Engineer	Q1	Q2	Q3	Q4	
Prioritize areas for improvement based on need, capacity, and resources	Priority List	Sustainability Committee		Q1	Q2	Q3	Q4
Assess current permitting process through workshops with internal and external stakeholders	Report identifying current barriers and needed organizational changes	Consultant, Town Planner, Building Official, Sustainability Coordinator	Q1	Q2	Q3	Q4	
Identify recommended changes to town regulations by working with stakeholders from the development community	Sustainable Design/Green Building Action Plan	Consultant, Town Planner, Building Official, Sustainability Coordinator	Q1	Q2	Q3	Q4	

## PROJECT ACTIVITY

Prepare a Housing and Economic Development Strategy that focuses on areas with existing or future infrastructure and identifies strategies to strengthen existing businesses and neighborhoods

LONG TERM OUTCOMES	MEASURE OF SUCCESS	EVALUATION TOOLS	REPORTING	
Eliminate barriers to business growth and workforce housing in ordinances and regulations adopted by the Town	Recommended changes to regulations adopted by responsible entity	Track regulatory changes for conformance with recommendations	<ul style="list-style-type: none"> <li>Monthly updates to Planning and Zoning Commission (PZC)</li> <li>Document progress in Town Council Quarterly and Annual Reports</li> <li>Create annual housing and economic development report</li> </ul>	
Increase supply of affordable and workforce housing units	Increase number of affordable units (total number and percentage of total units)	Track progress through annual state affordable housing appeals list		
Increase owner occupancy in older single-family neighborhoods to restore ownership/rental balance	Reduction in single-family homes on town rental certification list	Track changes through bi-annual rental recertification applications		
Prioritize pedestrian, bicycle and transit improvements to connect higher density residential neighborhoods to job centers, downtown and the intermodal center	Increase in number of housing units with transportation options or job center within a 5 minute walk	Map permits for new residential construction in relation to sidewalks, bikeways, transit stops and job centers		
Increase employment opportunities	Increase in number of jobs	Track employment data		
PROJECT TASKS & MILESTONES		DELIVERABLES	RESPONSIBLE ENTITY	TIMEFRAME: YEARS 1-2
Engage consultant to prepare Housing and Economic Development Strategy	Executed Contract	Town Planner, Town Manager	Q1	Q2 Q3 Q4
Identify vision and goals for UConn Technology Park	Technology Park Master Plan	University of Connecticut	Q1	Q2 Q3 Q4
Acquire community engagement software that expands opportunities for the community to be involved in the project	Project website up and running	Town Planner, IT Manager, Consultant	Q1	Q2 Q3 Q4

SUSTAINABLE MANSFIELD = 10

## PROJECT ACTIVITY

Prepare a Housing and Economic Development Strategy that focuses on areas with existing or future infrastructure and identifies strategies to strengthen existing businesses and neighborhoods

CONTINUED

PROJECT TASKS & MILESTONES		DELIVERABLES		RESPONSIBLE ENTITY		TIMEFRAME: YEARS 1-2							
						Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8
Conduct visioning process for planned development areas through a charrette that engages a variety of stakeholders	Master Plan for planned development areas including TOD locations/connections	Consultant, Town Planner, Planning and Zoning Commission (PZC)											
Identify best practices and strategies for: <ul style="list-style-type: none"> <li>Increasing availability of mixed-income and workforce housing</li> <li>Restoring home ownership/rental balance in established neighborhoods</li> <li>Minimizing impacts of off-campus housing on surrounding neighborhoods</li> </ul>	<ul style="list-style-type: none"> <li>Workshops with landlords, apartment managers, residents of neighborhoods with a high percentage of rental housing and affordable housing developers</li> <li>Best Practices Report</li> </ul>	Consultant, Town Planner, Planning and Zoning Commission, Community Quality of Life Committee, Town-University Relations Committee				Q5	Q6	Q7	Q8				
Identify best practices and strategies for strengthening agricultural enterprises and protecting agricultural land	<ul style="list-style-type: none"> <li>Workshop with local agricultural businesses</li> <li>Best Practices Report</li> </ul>	Consultant, Town Planner, Agriculture Committee				Q5	Q6	Q7	Q8				
Identify regulatory barriers to business growth and development of workforce housing	<ul style="list-style-type: none"> <li>Workshops with business owners, affordable housing developers and development consultants</li> </ul>	Consultant, Town Planner, Planning and Zoning Commission				Q5	Q6	Q7	Q8				
Identify use, density, and design standards for planned development areas based on master plan and best practices reports	Updated Master Plan with proposed development standards	Consultant, Town Planner, Planning and Zoning Commission				Q5	Q6	Q7	Q8				
Prepare comprehensive Housing and Economic Development Strategy that incorporates recommendations from best practices reports and workshops	Housing and Economic Development Strategy	Consultant, Town Planner, Planning and Zoning Commission				Q5	Q6	Q7	Q8				

## PROJECT ACTIVITY

Develop new zoning and subdivision regulations that incorporate the recommendations contained in the Housing and Economic Development Strategy and Sustainable Design and Green Building Action Plan in a user-friendly format

LONG TERM OUTCOMES	MEASURE OF SUCCESS	EVALUATION TOOLS	REPORTING
Expand community understanding and support of zoning and subdivision regulations	Significant community participation in regulation updates representing broad range of interests	Number of workshop/on-line participants in that are not actively involved in town government/committees	Document progress in Town Council Quarterly and Annual Reports
Increase predictability of development review process	Reduction in average time from receipt of application to final decision	Track review time with permitting software	
PROJECT TASKS & MILESTONES	DELIVERABLES	RESPONSIBLE ENTITY	TIMEFRAME—YEAR 3
Engage consultant to develop new zoning and subdivision regulations	Executed Contract	Town Planner, Town Manager	Q9 Q10 Q11 Q12
Launch project website using community engagement software	Project website that allows for public comment	Consultant, Town Planner, Town IT Manager	Q9 Q10 Q11 Q12
Engage residents and stakeholders to identify how regulations can better address livability and sustainability goals	Stakeholder workshops and community charrette	Consultant, Town Planner, Planning and Zoning Commission	Q9 Q10 Q11 Q12
Prepare draft regulations incorporating recommendations from Housing and Economic Development Strategy, Sustainable Design and Green Building Action Plan, and stakeholder workshops/community charrette	Draft regulations published for public review and comment online and at library	Consultant, Town Planner, Planning and Zoning Commission Regulatory Review Committee	Q9 Q10 Q11 Q12
Revise regulations based on community comment and schedule public hearings for adoption	New zoning and subdivision regulations adopted	Consultant, Town Planner, Planning and Zoning Commission	Q9 Q10 Q11 Q12













Town of Mansfield  
Agenda Item Summary

To: Town Council  
From: Matt Hart, Town Manager *Matt H*  
CC: Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works; Linda Painter, Director of Planning and Development  
Date: January 9, 2012  
Re: Community Water/Wastewater Issues – K. Heidinger Correspondence

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**Subject Matter/Background**

Attached please find the previously distributed October 31, 2011 letter from Mr. Kurt Heidinger as well as a new letter dated December 14, 2011. As discussed at the December 12, 2011 meeting, I have prepared a draft response to Mr. Heidinger's October communication, should you choose to respond. Staff has not had an opportunity to review the concerns raised in the December correspondence.

Among other matters, in his December 2011 correspondence Mr. Heidinger notes his concern regarding the regulation of the UConn water system. While the state Attorney General has ruled that UConn is not considered a "water company" under state statute, the University is subject to the state's water quality regulations.

There are a host of issues regarding the future of the Town's water supply that we will address over time as we move forward with the Four Corners water and sewer project and our collaborative effort with UConn to bring additional water supply to Mansfield to serve both university and municipal needs. These issues include the regulation of the water supply system, as noted by Mr. Heidinger in his October correspondence, the issue of governance and other items. With respect to the existing governance model, the Town has two representatives (Town Manager and Director of Planning and Development) that serve on the UConn water and wastewater policy advisory committee. At a staff level, we have informed our University counterparts that the Town would most likely seek changes in the governing structure to provide the municipality with a greater say in water and wastewater policy issues if Mansfield were to make a substantial investment in a shared water and wastewater system.

In staff's view, we need to continue to work through these policy issues in a deliberative way in partnership with the University. We see the first major step as

completing the environmental impact evaluation (EIE) to determine whether we have feasible alternatives to bring additional water supply to serve university and municipal needs. Assuming that we are eventually able to identify this additional water supply source, we would be in a better position to address these other policy matters such as governance and the regulatory framework.

Staff will be available at Monday's meeting to address any potential response to Mr. Heidinger's communications as well as the additional points that I have highlighted.

**Attachments**

- 1) K. Heidinger correspondence dated 10/31/11
- 2) K. Heidinger correspondence dated 12/14/11
- 3) D. Morse & J. Hall correspondence dated 12/27/11
- 4) Draft response to K. Heidinger 10/31/11 correspondence

Kurt Heidinger  
1 Stage Rd.  
Westhampton, MA  
01027

Mansfield Town Council  
Audrey P. Beck Municipal Building  
4 South Eagleville Road  
Mansfield, CT 06268

10.31.11

Dear Mansfield Town Council,

I have attached the Attorney General's formal opinion of 2000, that says the University of Connecticut is not a water company. This opinion is of importance to the Council, because it organizes the legal responsibilities and obligations of government agencies empowered by statutes to regulate the management of public water systems, like the one that provides water to Mansfield Town Hall, and private businesses and citizens in Storrs.

The opinion is of importance to the Council, also, because the Attorney General acknowledged that it placed the publicly-owned water system in Storrs into a nebulous legal and regulatory status, that has no parallel in the state. A result of the opinion is that the publicly-owned water system in Storrs lies outside of some or all of the water company statutes, all alone by itself—which creates regulatory confusion, as each agency is acting without surety of the empowerment those statutes provide. For this reason, he and Representative Denise Merrill supported legislation raised by Senator Donald Williams to return the publicly-owned water system in Storrs to the regulatory regime standard and normal for every other public drinking water source, urban or rural, in the state. This legislation, and another similar bill raised by Senator Williams, failed to pass and become law.

Because of this, the Town of Mansfield and significant group of private business owners and citizens are buying a water product that is not regulated according to the norms enjoyed by water consumers everywhere else in the state.

Moreover, the nebulous legal and regulatory status of the publicly-owned water system in Storrs remains nebulous, as can be ascertained by the next two documents I have attached.

In 2000, the University formalized the water service it provides to Mansfield—"the town will pay the University"—in document "B" which, as the most recent agreement held in Mansfield's town records, has legal bearing. The next document ("C") plainly reveals UConn is *not* supplying, or being paid for, the water Mansfield gets from the publicly-owned water system in Storrs. The Connecticut Water Company is. Is UConn not in breach of contract, in at least two ways, then?

For this reason—and in the political context of the planning for, and institution of, a much larger, vastly more expensive & complex, publicly-owned water system in Storrs—it is the Council's responsibility to its constituents to know exactly what entity is supplying Mansfield with water, and under what regulatory regime—and where the paperwork is for all of this.

Without the paperwork, anything goes—and that's no way to manage an absolutely vital large public water system, whose short- and long-term economic value exceeds that of any infrastructure.

These questions are answerable, and the Council must honorably exercise the powers vested in it to get them answered:

1) The final attached document "D," states the "UNIVERSITY shall bill the TOWN."

Does the University bill the town?

If so, can these billing records be produced for the Council's perusal?

Does the University "establish unit water service, rates and charges to recover water system operation, maintenance, administrative, and overhead costs on an annual basis...prior to the first billing of each fiscal year"?

If so, can these records be produced for the Council's perusal?

Does the University "establish unit sewer service rates and charges to recover their sewer system operation, maintenance, administrative, and overhead costs on an annual basis...prior to the first billing of each fiscal year"?

If so, can these records be produced for the Council's perusal?

Is the water and sewer agreement, "renewed on an year-to-year basis"?  
If so, can these records of agreement authorizing the annual renewals be produced for the Council's perusal?

2) If UConn has sub-contracted Connecticut Water to sell water to Mansfield, does the Town of Mansfield have a legal record—a signed contract—that authorizes this sub-contracting, and that clearly delineates the services Connecticut Water is providing?

If so, can it be produced for the Council's perusal?

3) If UConn has sub-contracted Connecticut Water to sell water to Mansfield, is the constellation of statutes that apply to water companies now applicable, and if so, is there an authorized statement—a signed contract—that confirms this?

Can it be produced for the Council's perusal?

4) If the town of Mansfield and a significant group of private business owners and citizens in Storrs are being directly billed by, and buying water from, the Connecticut Water Company, does Mansfield have a signed contract with Connecticut Water Company in its records?

If so, can it be produced for the Council's perusal?

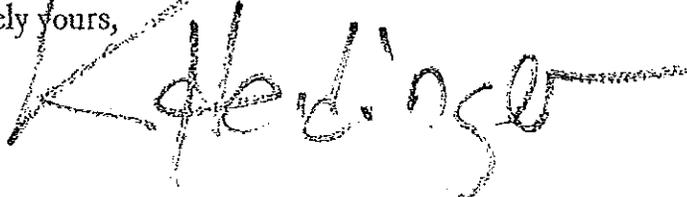
5) If UConn has vacated its title to the publicly-owned water system in Storrs, and conferred it to Connecticut Water Company, does the town of Mansfield have a record of this?

If so, can it be produced for the Council's perusal?

With the highest respect for the duties you ably shoulder,  
of honoring and protecting the rights, health and economic well-being  
of the businesses and citizens you serve,

I await your report that ascertains what entity is supplying Mansfield and a significant group of private business owners and citizens in Storrs with water, and ascertains under what regulatory regime (else there is no regime), and ascertains where in your town offices the paperwork is for all of this,

sincerely yours,





Governor Dannel P. Malloy | Search:



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**Attorney General's Opinion**

**Attorney General, Richard Blumenthal**

**November 29, 2000**

Phillip E. Austin  
President  
University of Connecticut  
352 Mansfield Road  
U-48  
Storrs, CT 06269

Dear President Austin:

Watershed lands are among Connecticut's most precious natural resources -- a legacy for future generations that we have a responsibility to preserve and protect. Besides their vital role in protecting the purity of the state's water supplies, the natural beauty of these lands, undisturbed and tranquil, provides a refuge and respite from development and commercialism. These pristine lands are irreplaceable; once developed they are forever lost.

For these reasons, almost 25 years ago the Connecticut legislature took direct and significant action to stop the loss of these lands, setting forth a primary policy and objective to preserve and conserve watershed land as open space. The State's policy was embodied in a moratorium on utility company land sales, a land classification system and a requirement of prior notification of proposed land sales to the State, municipalities and private conservation groups, providing them with a first option to purchase such property. Twice, this system was successfully defended against constitutional attack, all the way to the United States Supreme Court. The State's commitment to these lands has been consistently renewed yearly through significant appropriations made by the Connecticut legislature for their purchase and preservation.

As part of the program known as UConn 2000, a vital component of the State's commitment to higher education, the University of Connecticut has undertaken development and expansion of its campus to increase and enhance the educational opportunities that the University offers. This extremely important program has involved development of watershed land where the University is situated. As a consequence of the continuation of the UConn 2000 program, you have asked the Department of Public Health and this office whether, as a matter of law, the University is a "water company" as that term is defined in the General Statutes, subjecting the University's watershed land to the statutory protections and restrictions imposed on private utility companies.

According to the plain language of the law, the University is not a "water company" within the narrow definition contained in the statute, that is, for purposes of the State's watershed land development restrictions. A clear and long settled principle of law provides that the State is not subject to a statutory requirement or responsibility unless there is a specific reference to the State or its agencies in the statute. *State v. Shelton*, 47 Conn. 400 (1879); *Charter Communications Entertainment v. University of Connecticut*, 2000 Conn. Super. LEXIS 770. In this case, the definition of "water company" set forth in *Conn. Gen. Stat. § 25-32a* does not specifically refer to the State or its agencies and it is, therefore, inapplicable to them. In contradistinction, the State is specifically referenced in *Conn. Gen. Stat. § 25-32(a)*, as amended by *Public Act 00-90*, subjecting the University to the State's regulation of the purity and adequacy of the water that it supplies to its students.

While as a legal matter the University is not subject to the panoply of valuable protections established by the State to preserve watershed property, the University should carefully consider whether each step of continuing development at the University is consistent with the State's long and firmly established statutory policy to conserve and preserve watershed and open space land. I am confident that these significant state policies, designed to further both education and the environment, can be harmonized for the benefit of all Connecticut citizens. Indeed, protecting natural resources -- watershed areas specifically and the environment generally -- can enhance your educational mission by setting a good example of advancing the spirit of the law, as well as complying with its letter.

Very truly yours,

RICHARD BLUMENTHAL  
ATTORNEY GENERAL

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University of Connecticut  
Office of the President

11  
B

Thomas Q. Callahan  
Associate Vice President

July 5, 2000

Mr. Martin Berliner  
Town Manager's Office  
4 South Eagleville Road  
Mansfield, CT 06268

Dear Marty:

I write to respond formally to the Town of Mansfield's request to the University to provide water to the Town's proposed community center.

As you know, the University already provides water to several commercial, residential and municipal users in Mansfield. A partial list of the users who presently rely on the University's water system include: the Mansfield Town Hall, Region 19 E.O. Smith High School, the Mansfield Senior Center, Wright's Village Apartments, Glen Ridge Cooperatives, Holinko Estates Apartments and the Storrs commercial area. Over the past several years, the University's water capacity and supply plan has been of ongoing interest to Mansfield's elected officials, which is understandable in light of the University's presence in Mansfield and the reliance of so many of the town's residents and businesses on the University's water system. The importance of water supply may likely become more pronounced due to our recent agreement to work together to strengthen the commercial areas adjacent to the University or to undertake other projects under consideration such as assisted living facilities.

We are delighted that earlier this month the Town Council authorized you to prepare a comprehensive water supply plan that projects the demands of Mansfield's residential, commercial and municipal users over the next 10 to 30 years and evaluates the Town's options for meeting this demand. This is an important strategic issue for both Mansfield and the University. We will support your efforts in every possible way.

It is within this broader context that I am authorized to inform you that the University will provide water for the community center pursuant to following framework. It is our understanding that the community center will be located adjacent to Audrey Beck Municipal Building and that the projected water demand for this new facility is approximately 5,000 gallons per day. The town assumes sole responsibility for all costs incurred for connecting to the University's existing water lines. The plans for connecting must be reviewed and approved by the University. In addition, the town will pay the University the prevailing water rate based on actual metered usage. We expect the incremental demand placed on the University's water supply by the community center, as well as the ongoing demand of Mansfield's municipal, commercial and residential users presently connected to the University's water system, will be included in the Town's water supply analysis. We also expect that these users would be serviced in the future by whatever alternative the Town ultimately chooses to pursue.

An Equal Opportunity Employer

352 Mansfield Road, Gully Hall, U-48  
Storrs, Connecticut 06269-2048

Telephone: (860) 486-2927  
Facsimile: (860) 486-2627

Martin Berliner

-2-

July 5, 2000

The University recognizes that the community center is a priority for Mansfield's elected officials and residents. We are pleased that the University is once again able to assist you.

Sincerely,



Co: R. Austin, J. Petersen, D. Dreyfuss, L. Schilling;

Info: The Honorable Donald Williams, The Honorable Edith Prague,  
The Honorable Tony Guglielmo, The Honorable Denise Merrill



**Town of Mansfield**  
 4 South Eagleville Road  
 Storrs, CT 06268

**Purchase Order # 22362**

Please include this Purchase Order on correspondence  
 MUNICIPAL IS TAX EXEMPT

Page 1 of 1  
 PO Date: 27 Jul 2011

Send all  
 invoices to:  
 FINANCE DEPARTMENT  
 TOWN OF MANSFIELD  
 4 SOUTH EAGLEVILLE ROAD  
 STORRS-MANSFIELD, CT 06268-0000

Ship To:  
 FINANCE DEPARTMENT  
 TOWN OF MANSFIELD  
 4 SOUTH EAGLEVILLE ROAD  
 STORRS-MANSFIELD, CT 06268-0000

NEWUS  
 CONNECTICUT WATER COMPANY  
 PO BOX 9663  
 MANCHESTER, NH 03108-9663

00521501

*WC*

Item #	Description	Quantity	Unit Price	Amount	Tax	Total
234387	234 Building / 06/11/7/6/11	1	\$458.60	\$0.00	\$0.00	\$458.60
234388	234 Building / 06/11/7/6/11	1	\$458.60	\$0.00	\$0.00	\$458.60
234389	234 Building / 06/11/7/6/11	1	\$458.60	\$0.00	\$0.00	\$458.60
234390	234 Building / 06/11/7/6/11	1	\$458.60	\$0.00	\$0.00	\$458.60

AUG 16 2011

234387 / 88 / 42 / 55 / 4586.00  
 7 / 12 / 11

PO # 22362 \$4,586.04

Please send one copy of your invoice. Enter this order accordance with stated prices, terms, delivery method and specifications shown above. Please notify us if you are unable to ship as specified.

The balance in the above meter account(s) is sufficient to complete the amount of this order.

*Cheryl L...*

Internal Use Only  
 Dept Group: TOWN  
 PO Type: R  
 Fiscal Year: 2012  
 Entered By: ROWLEY

WHITE VENDOR GREEN ENCUMBRANCE PINK RECEIVING GOLD DEPT

"D"

TOWN OF MANSFIELD  
UNIVERSITY OF CONNECTICUT  
SEWER & WATER SERVICE AGREEMENT

This agreement shall become effective on the 1st day of January, 1989, between:

The TOWN OF MANSFIELD, acting by and through its Town Council, hereinafter referred to as "TOWN".

The UNIVERSITY OF CONNECTICUT, acting by and through its Board of Trustees, hereinafter referred to as "UNIVERSITY".

WITNESSETH:

WHEREAS, Special Act No. 78-79 and Public Act No. 85-544 of the State of Connecticut Legislature authorize the UNIVERSITY to enter into agreements with the Mansfield Retirement Community, Inc., the Town of Mansfield, and the Mansfield Housing Authority to provide sewer and water service to facilities for predominantly low and moderate income elderly persons, and

WHEREAS, extensions of the UNIVERSITY'S sewer and water systems have been made for these purposes, and said systems are now in place, complete and functional, and

WHEREAS, UNIVERSITY also supplies water to and collects sewage from the Audrey F. Beck Municipal Building, and

WHEREAS, TOWN and UNIVERSITY are now jointly interested in entering into a formal agreement with each other setting forth the terms and conditions of all said water and sewer services, and

WHEREAS, the terms and conditions of said sewer service have been set forth in the UNIVERSITY'S sewer operating ordinance, approved by the Connecticut Department of Environmental Protection and U.S. Environmental Protection Agency, attached hereto in part as Appendix A, and by reference made a part hereof, and

NOW, THEREFORE, in consideration of the above premises and the agreements and commitments hereinafter following, TOWN and UNIVERSITY do hereby agree as follows:

## I. WATER SERVICE TERMS AND CONDITIONS:

UNIVERSITY shall provide water service to: Mansfield Retirement Community, Inc., (Juniper Hill), the Town of Mansfield Senior Center, the Town of Mansfield Housing Authority's Wright's Village, Development and the Mansfield Cooperative's Glen Ridge for a maximum population of approximately five hundred (500) persons, and water service to the Audrey P. Beck Building and Mansfield Housing Authority's Holinko Estates, as set forth herein. In addition, water service shall be provided to a nursing facility of one hundred twenty (120) bed maximum when and if such facility is constructed. Said water service shall be in accordance with the quality, quantity and pressure standards for potable water as set forth in sections 19-13-B102 of the Connecticut Public Health Code, excepting that no fire hydrants shall be permitted in the distribution lines beyond the juncture with the UNIVERSITY'S 8" line at the intersection of Westwood and South Eagleville Roads.

UNIVERSITY shall maintain adequate sources of supply, treatment facilities, storage facilities, and distribution lines to provide said water service now and for the terms of this Agreement except that the TOWN shall maintain or cause to be maintained all distribution lines, meters and auxiliaries associated with the above referenced facilities beyond the juncture with the UNIVERSITY'S 8" line at the intersection of Westwood and South Eagleville Roads in accordance with the UNIVERSITY'S operation and maintenance methods and accepted standards for water distribution systems.

UNIVERSITY shall bill the TOWN for the water consumed by the above referenced facilities. Said billings shall be on a semi-annual basis based on meter readings located at or near these establishments.

*has  
not  
been  
done* UNIVERSITY shall establish unit water service rates and charges to recover water system operation, maintenance, administrative, and overhead costs on an annual basis. Said rates shall be communicated to TOWN as soon as possible after being established or revised, and prior to the first billing of each fiscal year.

## II. SEWER SERVICE TERMS AND CONDITIONS:

UNIVERSITY shall receive sanitary sewage generated only by the facilities named in the first paragraph of Section I above.

TOWN shall cause said sewage from these facilities to be delivered to the UNIVERSITY'S sewer system by means of owned and maintained system consisting of a pump station located on Eagleville Road and a 6" force main location on South Eagleville Road, Westwood Road, and Hillside Circle discharging into the UNIVERSITY'S gravity sewer system.

TOWN shall be responsible for the operation and maintenance of said pump station and force main in accordance with UNIVERSITY specifications and standard operation procedures at no cost to UNIVERSITY. To this end, TOWN shall permit UNIVERSITY inspection and approval of TOWN design, construction, maintenance and operation of these facilities whenever appropriate.

UNIVERSITY shall maintain, expand and enlarge, as necessary, any and all of its facilities so as to maintain adequate collection and treatment facilities for said sewage from the TOWN as described above now and for the term of this Agreement.

UNIVERSITY shall bill the town for the sewage accepted from the above referenced facilities.

UNIVERSITY shall establish unit sewer service rates and charges to recover their sewer system operation, maintenance, administrative, and overhead costs on an annual basis. Said user charges shall be communicated to TOWN as soon as possible after being established or revised, and prior to the first billing each fiscal year.

Where are these records?

III. TERM AND AGREEMENT:

This Agreement shall be binding upon the parties, their successors and assigns for a period of five years, and thereafter shall be renewed on a year-to-year basis unless otherwise terminated by either party sixty days in advance of the anniversary date.

Where are these records?

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

TOWN OF MANSFIELD  
STATE OR COUNTY

UNIVERSITY OF CONNECTICUT

Martin H. Berliner 6-27-89  
Martin H. Berliner  
Town Manager

Sallie A. Giffen 5/2/89  
Sallie A. Giffen  
Vice President for  
Finance and Administration

Recommended as to form  
and content.

Attest:

[Signature]  
Town Attorney

[Signature]  
Paul M. Shapiro  
Assistant Attorney General

Kurt Heidinger  
1 Stage Rd.  
Westhampton, MA  
01027

Mansfield Conservation Commission  
Mansfield Town Council  
Audrey P. Beck Municipal Building  
4 South Eagleville Road  
Mansfield, CT  
06268

12.14.11

Dear Mansfield Conservation Commission and Mansfield Town Council,

As the Mansfield Conservation Commission is "charged with advising the Town Council, the Planning and Zoning Commission, and other Town agencies and officials on policies and issues relating to the development, conservation, supervision, and regulation of natural resources (including water resources) within the Town of Mansfield," I am writing in the hopes of clarifying, by stimulating recorded discussion about, exactly what enforcement powers the CT Dept. of Energy and Environmental Protection has as in Storr's "Aquifer Protection Areas."

I have attached the Attorney General's formal opinion of 2000, that says the University of Connecticut is not a water company. This opinion is of importance to the Commission and the Council, because it organizes the legal responsibilities and obligations of government agencies empowered by statutes to regulate the management of public water systems, like the one that provides water to Mansfield Town Hall, and private businesses and citizens in Storrs.

The opinion is of importance to the Commission and Council, also, because the Attorney General acknowledged that it placed the publicly-owned water system in Storrs into a nebulous legal and regulatory status, that has no parallel in the state. As he pointed out:

A clear and long settled principle of law provides that the State is not subject to a

statutory requirement or responsibility unless there is a specific reference to the State or its agencies in the statute: State v. Shelton, 47 Conn. 400 (1879); Charter Communications Entertainment v. University of Connecticut, 2000 Conn. Super. LEXIS 770. In this case, the definition of "water company" set forth in Conn. Gen. Stat. § 25-32a does not specifically refer to the State or its agencies and it is, therefore, inapplicable to them.

A result of the opinion is that the publicly-owned water system in Storrs lies outside the "water company" statutes. For this precisely this reason, the Attorney General and Representative Denise Merrill supported legislation raised by Senator Donald Williams to return the publicly-owned water system in Storrs to the regulatory regime standard and normal for every other public drinking water source, urban or rural, in the state. This legislation, and another similar bill raised by Senator Williams, failed to pass and become law.

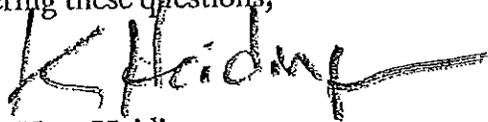
Given your capacities as representatives of Mansfield's interests in ensuring that the publicly-owned water it pays for & consumes is regulated according to state norms,

do you know if the University of Connecticut is specifically referred to in CT's Aquifer Protection statutes?

If it isn't, does that mean that the Attorney General is correct:

the DEEP has no statutory power to enforcement its regulations in or over the "Aquifer Protection Areas" in Storrs?

Please accept my thanks for your consideration in contemplating and answering these questions,

  
Kurt Heidinger



Governor Dannel P. Malloy |

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## Attorney General's Opinion

Attorney General, Richard Blumenthal

November 29, 2000

Phillip E. Austin  
President  
University of Connecticut  
352 Mansfield Road  
U-48  
Storrs, CT 06269

Dear President Austin:

Watershed lands are among Connecticut's most precious natural resources -- a legacy for future generations that we have a responsibility to preserve and protect. Besides their vital role in protecting the purity of the state's water supplies, the natural beauty of these lands, undisturbed and tranquil, provides a refuge and respite from development and commercialism. These pristine lands are irreplaceable; once developed they are forever lost.

For these reasons, almost 25 years ago the Connecticut legislature took direct and significant action to stop the loss of these lands, setting forth a primary policy and objective to preserve and conserve watershed land as open space. The State's policy was embodied in a moratorium on utility company land sales, a land classification system and a requirement of prior notification of proposed land sales to the State, municipalities and private conservation groups, providing them with a first option to purchase such property. Twice, this system was successfully defended against constitutional attack, all the way to the United States Supreme Court. The State's commitment to these lands has been consistently renewed yearly through significant appropriations made by the Connecticut legislature for their purchase and preservation.

As part of the program known as UConn 2000, a vital component of the State's commitment to higher education, the University of Connecticut has undertaken development and expansion of its campus to increase and enhance the educational opportunities that the University offers. This extremely important program has involved development of watershed land where the University is situated. As a consequence of the continuation of the UConn 2000 program, you have asked the Department of Public Health and this office whether, as a matter of law, the University is a "water company" as that term is defined in the General Statutes, subjecting the University's watershed land to the statutory protections and restrictions imposed on private utility companies.

According to the plain language of the law, the University is not a "water company" within the narrow definition contained in the statute, that is, for purposes of the State's watershed land development restrictions. A clear and long settled principle of law provides that the State is not subject to a statutory requirement or responsibility unless there is a specific reference to the State or its agencies in the statute. *State v. Shelton*, 47 Conn. 400 (1879); *Charter Communications Entertainment v. University of Connecticut*, 2000 Conn. Super. LEXIS 770. In this case, the definition of "water company" set forth in *Conn. Gen. Stat. § 25-32a* does not specifically refer to the State or its agencies and it is, therefore, inapplicable to them. In contradistinction, the State is specifically referenced in *Conn. Gen. Stat. § 25-32(a)*, as amended by *Public Act 00-90*, subjecting the University to the State's regulation of the purity and adequacy of the water that it supplies to its students.

While as a legal matter the University is not subject to the panoply of valuable protections established by the State to preserve watershed property, the University should carefully consider whether each step of continuing development at the University is consistent with the State's long and firmly established statutory policy to conserve and preserve watershed and open space land. I am confident that these significant state policies, designed to further both education and the environment, can be harmonized for the benefit of all Connecticut citizens. Indeed, protecting natural resources -- watershed areas specifically and the environment generally -- can enhance your educational mission by setting a good example of advancing the spirit of the law, as well as complying with its letter.

Very truly yours,

RICHARD BLUMENTHAL  
ATTORNEY GENERAL

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[Back to Opinions Page](#)

David Morse & Joan Joffe Hall  
64 Birchwood Hts.  
Storrs, Connecticut 06268

27 December 2011

Dear members of the Mansfield Conservation Commission:

This letter to apprise you of our efforts as customers of Connecticut Water Co. to obtain information as to whether our local water distribution system falls under the purview of those laws and regulations that govern public water elsewhere. That's the substance of a letter we addressed to Attorney General George Jepsen, dated 21 September 2011. (Please see attached.)

In subsequent phone exchanges with the Attorney General's office, we learned that our query was forwarded first to the A.G.'s Environment Protection office, given a File # 401017, and then ended up with the Health and Education Dept. Our correspondent, Cindy, was to get back to us. In a phone call earlier this month she explained that the A.G. did not offer rulings in response to inquiries from the public.

We feel a bit stymied. As customers of Connecticut Water Co. and citizens of Mansfield, we don't know whether our watershed and distribution system is afforded the same oversight, protections, and public governance that protect other systems. The situation seems murky and poorly understood by town authorities. The need for clarification is of special concern in light of (1) UConn's refusal last February to provide water for an assisted-living center in town, and (2) as UConn and/or the Town of Mansfield seek to expand the water supply to accommodate increased demand from the proposed industrial park and for development at Four Corners.

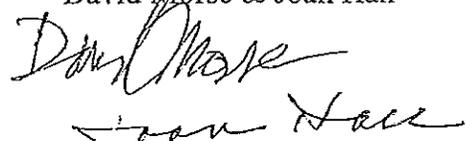
In addition, Mansfield, Coventry and Tolland have received a grant to coordinate regional development. Necessarily this will include cooperation around water resources. It is vital for planning purposes to determine whether any such expansion effort is undertaken in an environmentally and responsible manner, and whether Connecticut Water Co. is operating within the body of law that governs water companies.

Knowing that the Conservation Commission is charged with advising the Mansfield Town Council and the Planning and Zoning commission on issues pertaining to the development, conservation, supervision and regulation of water resources, we raise this concern with you and ask that this letter and the attached letter to the Attorney General become part of the public record.

Thank you for your consideration. We hope the issue can be resolved soon.

Sincerely,  
David Morse & Joan Hall

Cc: Linda Painter, Director Planning & Development



David Morse & Joan Joffe Hall

64 Birchwood Hts.  
Storrs, Connecticut 06268

21 September 2011

George Jepsen, Attorney General  
State of Connecticut  
55 Elm St.  
Hartford, CT 06106

Dear Attorney General Jepsen,

As you can see from the enclosed receipt, we live in Storrs, and are paying customers of Connecticut Water, Inc.

In your capacity as protector of the public interest, could you please give us a list of the drinking-water watershed land-protection statutes that, in the wake of Formal Opinion 2000-032, CT Water is required by law to follow?

I ask for this enumeration because we pay for a drinking-water product and would like to see, in writing, that our water is produced and protected in accordance with the same laws governing all other large drinking-water producers in Connecticut.

Thank you.

Sincerely,

David Morse and Joan Hall

**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

January XX, 2012

Mr. Kurt Heidinger  
1 Stage Road  
Westhampton, Massachusetts 01027

Dear Mr. Heidinger:

The Town Council has authorized me to respond to your correspondence dated October 31, 2011. While I cannot provide specific detail on several of your questions, I can provide some answers and guidance. I have responded below to each of your questions in the order in which you presented them.

- 1) In 1989, the Town and the University executed its sewer and water service agreement. The Town Council does not specifically authorize the renewal of the agreement on an annual basis as the contract automatically "rolls-over" each year. As set out in section III, either party may terminate the agreement within 60 days of the anniversary date (January 1<sup>st</sup> of each year).

The University does bill the Town for water and sewer service, using Connecticut Water Company (CWC) as its operator and manager. The University does periodically adjust its rates for these services. The Town's billing records are certainly available to the Town Council, and members of the public who wish to access these records may submit a request under the Town's Freedom of Information Act (FOIA) policy. The Town maintains these billing records for the length of the state-required records retention period.

- 2) The Town has a copy of the University's 2006 contract with CWC and you can obtain a copy of this document by filing an FOIA request with our Town Clerk's Office. The Town does not have a copy of the University's 2010 renewal or extension agreement with CWC and I would refer you to UConn or CWC to obtain a copy of that document.
- 3) My understanding is that UConn's contract with CWC has not affected the applicability of state statutes regarding water companies to the University. However, I would direct you to the University or other appropriate state agency for a more specific response to this question.

- 4) The Town contracts with the University and does not have a separate contract with CWC.
- 5) My understanding is that the University has not transferred ownership of any of its assets to CWC. CWC serves as the operator and manager of the University's water supply system and has not assumed ownership of any of the infrastructure.

I hope that this information is helpful to you.

Sincerely,

Matthew W. Hart  
Town Manager

CC: Town Council  
Barry Feldman, Chief Operating Officer, University of Connecticut  
Richard Orr, Executive Officer, University of Connecticut

**From:** Carl J. Mohrbacher [<mailto:cmohrbacher@charteroak.net>]  
**Sent:** Thursday, December 15, 2011 10:01 AM  
**To:** Lon R. Hultgren  
**Subject:** Unsolicited Comments on Eagleviller Preserve Pumping Test

Hi Lon,

I read (Town Council Minutes 12-12) the summary of the recent pumping test at Eagleville Preserve with interest. I have a few unsolicited comments to offer:

- Did your consultant look at the drawdown versus time data for the second test to see if recharge from the River was occurring? At a certain point the cone of depression will encounter the River and begin drawing water from it. Probably a 2 hour test was too short. Drawdown would stabilize and a higher pumping rate might be feasible. A line of wells paralleling the River would essentially be an infiltration gallery extracting river water.
- Given that the Eagleville Preserve is so far from Four Corners, could obtaining only part of your total requirement make economic sense? You will have double the piping infrastructure if you have two sources.
- The consultant's instinct to screen the wells deep was correct. Even if the shallow aquifer could yield what you need, it would be vulnerable to contamination.
- I don't know how your consultant made the jump to 290,000 gpd as a possible yield for a multi-well well field. Not enough information.

The Cedar Swamp source was a possibility when your requirement was about 50,000 gpd, but now that that it has increased 10-fold, it is not plausible. However, if all your other sources do not pan out and you are willing to scale back your plans (at least until CT Water Co. water reaches the area), it might be worth drilling a test well to see what is there.

Carl Mohrbacher  
Senior Project Hydrogeologist  
Charter Oak Environmental Services, Inc.  
33 Ledgebrook Drive  
Mansfield, Connecticut 06250  
Tel: (860) 423-2670  
Fax: (860) 423-2675

## **Mansfield Four Corners Sewer and Water Advisory Committee 2012 Meeting Schedule**

The Mansfield Sewer and Water Advisory Committee generally meets on the 1<sup>st</sup> Tuesday of the month at 7:00 p.m. in Council Chambers unless otherwise noted. The following are specific meeting dates for 2012. Agendas will be posted 24 hours before the meeting. This schedule is subject to change.

- January 10, 2012 (2<sup>nd</sup> Tuesday)
- February 7, 2012
- March 6, 2012 (in Conf. Room B)
- April 3, 2012
- May 1, 2012
- June 5, 2012
- July 10, 2012 (2<sup>nd</sup> Tuesday)
- August 7, 2012
- September 11, 2012 (2<sup>nd</sup> Tuesday)
- October 2, 2012
- November 13, 2012 (in Conf. Room C -2<sup>nd</sup> Tuesday)
- December 4, 2012