

18 August 2011

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

Dear Mr. Hart:

**Re: The transfer of 0.1548 acres of unused Town parking lot (Parcel A), to Anthony and Joan Kotula of 135 Maple Road, Mansfield, CT.**

**GENERAL:**

Please share this letter with the Town Council.

In our continuing effort to respond to the concerns voiced by individuals and the Town Council, we offer the following comments.

At the Public Hearing on 25 July 2011, the Council raised several concerns about the proposed sale of Parcel A, to the Kotula family:

1. Is "The Maple Crest Farm" a farm or a backyard garden?
2. Is "The Maple Crest Farm" a business?
3. Shouldn't the Council base their decision on legal criteria rather than emotion?
4. Will the sale benefit Mansfield?

The Town Manager suggested that the pros and cons be listed as a means of making that decision. Dr. Kathryn L. Kotula addressed the benefits appropriately in her letter dated 13 August 2011, to the Council. The perceived cons were amply enumerated by the three advisory committees, which are The Open Space Preservation Commission, The Agriculture Committee, and the Conservation Commission. These perceived cons have been addressed in previous letters specifically responding to the Open Space Preservation Committee, and the Agricultural Committee. This letter addresses the Conservation Commission statements. Additionally, Kathy's letter comprehensively addresses the perceived cons from these Committees, and those brought up during the Town Council Open Hearing and Meeting on 25 July 2011.

This letter will address comments made at the Public Hearing and elsewhere. Additionally, to properly address the legal criteria as suggested by a member of the Council, aspects of the procedures followed by the committees do impact the validity of their recommendations and thus also requires evaluation.

**IS THE "MAPLE CREST FARM" A FARM AND A BUSINESS?**

In the letter from Kathy, dated 13 August 2011, you will note that the Mansfield Assessor classified and approved the property at 135 Maple Road as farmland, on 13 December 2000. Our

Lot 7A, is zoned rural. We produce agricultural products on our land. The State of Connecticut agreed the "Maple Crest Farm" is a farm, on 3 February 2003. The United States Department of Agriculture requires us, under penalty of the law, to complete a survey about our farm products each five years. The Internal Revenue Service of the United States has issued a farm number to our farm. Thus, let there be do doubt, the Maple Crest Farm is a recognized farm by local, state, and federal governments.

As defined in the dictionary, a business "specifically designates the activities of those engaged in the purchase or sale of commodities". We sell commodities. We have permits from the Town of Mansfield and the State of Connecticut, to sell commodities. We are required to report our earnings from our farm, so we must complete U.S. Tax Form 1040, Schedule F, Profit and Loss from Farming. Thus, the "Maple Crest Farm" is a business.

#### **LEGAL CRITERIA:**

**The Planning and Zoning Commission is the State Recognized Authority for determining whether this sale is legal, and appropriate!**

The Town Council, in their deliberations, is required to consider the action of the State Recognized Authority in such matters. That authority is The Mansfield Planning and Zoning Commission. The Planning and Zoning Commission met in open hearing on 21 March 2011 and submitted their report to the Town Council on 23 March 2011. "They 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 agricultural purposes and that there be no disturbance to the stone walls on site." This action fulfills the requirement of the Connecticut General Statutes, Section 8-24, which requires the Council to refer the matter to the Planning and Zoning Commission for their official evaluation and resolution of the merits, associated with the sale of Parcel A.

**The Planning and Zoning Commission unequivocally recommends the Town Council sell Parcel A to the Kotula family. We agree with their recommendation.**

#### **EMOTIONAL CRITERIA:**

The explanation of "emotional criteria" used by the Council, referred to the charitable giving by the Kotula family, of farm produce, to the needy. May I submit that donations of produce to institutions and individuals in need, **strengthen civil society?** This is not my original thought, but that of James Madison as interpreted by Dr. Charles Krauthammer in his column of 6 August 2011, in the Hartford Courant. Dr. Krauthammer quoted Madison thusly, "Charitable contributions that subscribe private charity are desirable. Donations to institutions chosen by the citizens, not the state, disperses power and strengthens civil society, which is the bulwark against state domination." Fortunately, farmers are very generous, donate farm produce to the needy, thereby benefit the citizenry of Mansfield, and I submit, should be supported by the Town Council as a distinct asset to the Town. We, at the "Maple Crest Farm", subscribe to this doctrine

of charitable giving to the needy, thus by James Madison's definition, we strengthen civil society.

### **ADVISORY COMMITTEES:**

The Town Council has additional Committees, which are advisory in nature, that are charged with studying all aspects of the proposed sale, and with providing the results of their study to the Council to help the Council better understand the intricacies of the proposed sale. Roberts Rules of Order indicate "It is usual in deliberative assemblies, to have all preliminary work in the preparation of matter for their action done by means of committees." The two committees that evaluated the sale of Parcel A to the Kotula family are: The Open Space Preservation Committee, and The Agriculture Committee. The Open Space Preservation Committee submitted their report on 15 March 2011. The Agriculture Committee submitted their report on 6 April 2011. The Kotula family responded to their comments on 21 March 2011 and 11 April 2011, respectively. You have copies of their comments and our responses.

After obtaining a copy of a letter submitted to the Town Council by a citizen on 21 July 2011, I learned on 8 August 2011, that my proposal to purchase Parcel A had been submitted to the Conservation Commission, a third advisory group. They discussed the proposal at their meeting on 20 July 2011. I had not received any notice of the referral, was not told who had referred my proposal, nor the reason for the Conservation Commission to discuss my proposal at the 20 July 2011 meeting. The issue was not listed on their agenda. Therefore, I was not able to be in attendance to answer questions, nor to describe the benefits of the proposed sale to the Town.

### **The Open Space Preservation Committee:**

From a legal perspective, one must inquire, how did the Open Space Preservation Committee study the proposed sale?

I did attend the meeting at which the proposed sale was to be discussed. I presented a five-minute overview of the proposed use of Parcel A, if the sale were approved. I was shocked to find my presentation was limited to five minutes. The Town Council has a five-minute limit, however, I imagined a study committee would require more time to ensure they were adequately thorough to satisfy their responsibility as an advisory committee to the Town Council. Why was I told to leave when the committee did not vote to continue in executive session?

One of the members of the committee questioned whether I had written, "This lot shall not be resubdivided in the future", as shown on Enclosure #1, that I used in my presentation. You have Enclosure #1. I indicated Holmes and Henry, the Surveyors, had inserted the statement into the original document. The committee member indicated he did not trust developers, and further did not believe me. A female member of the committee indicated my five minutes were up. I asked for one or two minutes more to produce an original document I had in my file, to demonstrate I was not lying and she, rather than the Chair, said no. I was dismissed from further attendance at the meeting, though the committee did not enter into executive session. **"A192-2 Meetings, Article 1 General Guidelines, Chapter A 192 Item B, of the Mansfield Charter states: All**

**committee meetings shall be open to the public except when a majority of the members of such body present and voting shall vote to hold the meeting in executive session.”**

I responded to the “The Report of the Open Space Preservation Committee” in an email dated 21 March to Mr. Padick, Planning Director. Only one of my responses was questioned, that being my reference to the Potter property. Concerning the Potter Land, I stated “We agree it was not open space, however, we do suggest the Town had options and they decided on one which was **most beneficial** to the town.” They sold the Town land to an abutting landowner. That is what we are seeking to have done in our proposal. The Town owned the land in each instance. We suggest the Town sell Parcel A, the proposed parking lot, to the Kotula family. It is a matter of semantics. The Town owned the Potter Land and sold it. **The Town owns Parcel A, the parking lot, and is able to sell it, based on the merits of the proposal, and for the betterment of the Town.**

The Open Space Preservation Committee, in their letter of 15 March 2011, referred my request to the Planning and Zoning Commission, with the statement “OSPC recommends that his request be denied”, together with other recommendations, and their notes. The Planning and Zoning Commission considered the information provided, together with my response, and after a long and extensive discussion, **recommended to the Town Council that Parcel A be sold to me.**

During the Public Hearing on 25 July 2011 the female member of both The Open Space Preservation and Agriculture Committees, indicated she had two additional reasons for the Town to deny sale of Parcel A to the Kotula family. She indicated that **if** the Open Space Preservation Committee had a quorum at the last meeting, the two other motions **would have passed.**

Reason 1. Parcel A now serves as a buffer to protect crops from being stolen from the Kotula farm and should remain as such.

Reason 2. Parcel A is needed as a “Trail head” for the trail that she is actively planning, and pursuing.

Answer 1. After the juncture where the stone wall that surrounds Parcel A, joins the stone wall that separates Bennet Road from my farm, the stone walls on my land have openings through which deer pass almost daily without any obvious obstructions. Therefore, Parcel A is not a buffer, nor could it logically be designated as such.

Answer 2. My letter to Mr. Hart, dated 6 June 2007 included Enclosure #2, which described an additional parcel of land, coded in blue, which had been deeded to the Town of Mansfield. The Council has this letter and Enclosure #2. This deeded land provides adequate space for a “Trail head” on the East side of Bennet Road, if the Town should desire to use it as such. Thus, the Council would be able to activate Bennet Road as a Town designated and maintained hiking trail, with an accompanying “Trail head”. **However**, the Town has discerned that sight lines are not adequate to use that location for vehicles. Would it then be safe for hikers? The Council might logically question the wisdom of approving Bennet Road as a hiking trail. Potential liability is of real concern since the Town already has determined and documented, that the sight lines are inadequate to ensure the safety of vehicles attempting to enter the Bennet Road “Trail

head”, from Maple Road. And people are more difficult to see than vehicles. The Town has recognized and provided Max Felix Road as a safe and desirable alternative to Bennet Road, for access to the interior hiking trails.

One may wonder why the individual presenting these additional two reasons could indicate, with such certainty, that the Open Space Preservation Committee would have made those additional observations if a quorum were present at their last meeting.

### **The Agriculture Committee:**

I attended the meeting of The Agriculture Committee when they considered the sale of Parcel A to the Kotula family. The female member, who is a member of the Open Space Preservation Committee, is also a member of the Agriculture Committee. They allowed me five minutes to describe the proposed sale. I was not asked even one question. I was summarily dismissed from listening to any further deliberations. The committee report shows two farmers were guests and were invited to be present for the entire committee meeting.

The two concerns raised were:

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”.
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.”

These two concerns were answered in a letter to the Director of Planning dated 11 April 2011, and extensively in the letter to you dated 13 August 2011 from my daughter, Kathy (sections : Farm Proceeds, and Usage of our land for planting). You have a copy of those letters.

Answer 1. An additional \$6000 worth of rhubarb per year would increase our farm proceeds and donations, substantially.

Answer 2. As good stewards of our farm there are places that should, and should not be planted. We have not and will not plant in those areas where planting would be detrimental, ill-advised, and contrary to sustainable agricultural practices.

### **The Conservation Commission:**

The Conservation Commission is an advisory group to study, evaluate, and recommend.

The concerns they raised are:

1. It would set a bad precedent.
2. The Town should retain the land and grant Mr. Kotula an agricultural easement on it.
3. He has plenty of unshaded space on his own property.

Answer 1. The Planning and Zoning Commission, which is the state recognized authority in these matters, did not consider precedent a problem in the decision they rendered. Several members of the Town Council indicated precedence is not of concern in the sale of Parcel A to the Kotula family. Those Council members expressed confidence that the Planning and Zoning

Commission, and the Town Council, were adequately secure in their authority to make appropriate determinations in the future, based on merit.

Answer 2. I have repeatedly indicated a Conservation Easement is not an acceptable option, and have discussed in detail why it is not.

A Conservation Easement devalues, and hampers the future sale of property. Lot 17, east of my property, has been on the market for at least ten years. In 2008, in an effort to help Depot Associates sell Lot 17, I wrote to the Town Manager and recommended the Town buy the lot as open space. The Open Space Acquisition Committee “determined that this parcel does not meet criteria for open space acquisition”. In a letter to me, dated 15 May 2008, the response was, and I quote “Our reasoning is based primarily upon the fact that 12 of the 14-acres of this lot are presently protected by a conservation easement, which obviates the need to purchase this parcel.” Protected from what? The owners pay taxes on the entire 14 acres and are able to utilize only two acres. That Conservation Easement interferes with business.

Easements may also be unfair. When Max Felix Drive was being developed, I discovered that my Western boundary was actually about twenty feet shorter than I had been led to believe. I had planted white pine trees and blueberry bushes on what was found to belong to adjacent land. The developers offered me an easement that would have allowed the plantings to remain on the neighbors’ lots, but I would control segments of their land with my plantings, until I died. That would have been **unfair**. I chose to transplant my blueberries and donate the pine trees to the neighbor.

Answer 3. Had the Conservation Commission reviewed my letter dated 9 March 2011, to the Director of Planning, and the accompanying Enclosure #1, which was readily available, they would have seen that we have been frugal in the use of our land, and have planned its use wisely. Additionally, as described in detail in Kathy’s 13 August 2011 letter (section: Appropriateness of Parcel A to grow Rhubarb cultivar: Sheldon) “space without shade” is inappropriate for the needs of this cultivar of rhubarb.

Had the Conservation Commission invited me to their meeting, I could have answered their questions. What factors did they use in their decision making process? Why was the proposed sale referred to them without my knowledge?

**Legal implications concerning the advisory committees might include:**

1. The Open Space Preservation and the Agriculture Committees imposed a five-minute time limit for my involvement with each committee. After five minutes, I was told to leave, though they had not discussed my proposal, and they were not in executive session. Is the five-minute limit appropriate for use by these Committees in this instance? The Mansfield Charter requires committees to have open meetings, unless they voted to be in executive session.
2. Two farmers from the Storrs Farmer’s Market were invited guests and attended the entire meeting of the Agriculture Committee, whereas my daughter and I were told to leave.

3. The reports of neither Committee cited even one potential benefit of the sale, even though the committee is charged to consider the pros and cons of each proposal.
4. Robert's Rules of Order indicate that a committee for deliberation and investigation, and that is descriptive of these **advisory** committees, should represent all parties. One may assume that refers to having members with differing opinions, not simply different political parties. On this basis, one might justifiably seek at least one potential benefit of the sale to have been recorded.
5. A member of the Open Space Preservation Committee was not allowed to receive an answer to his question, because I was told my time had expired. Robert's Rules of Order indicate, "After the floor has been assigned to a member he cannot be interrupted by calls for the question or a motion to adjourn or for any purpose by either the chairman or any member." Committees can act as assemblies in this case. He was not allowed to receive an answer to his question.
6. The female member, the most ardent opponent to the sale, should have recused herself from any discussions, in both committees, because she has an apparent conflict of interest. During the 25 August 2011 Open Hearing she said that she is actively seeking to have the Town designate Parcel A as a "Trail head" in a project with which she is involved. Robert's Rules of Order indicate, "No one can vote a question affecting himself".
7. The title of the committee evaluating the proposed sale, "The Open Space Preservation Committee", by its very name, precludes any recommendation other than one that would oppose the sale.
8. The Agriculture Committee is charged with "preserving farmland and agricultural activity in Mansfield". One may question why the Agriculture Committee would recommend against using fallow land for sustainable agriculture, which the Town advocates. The Committee ruled against their charge without providing an adequate reason. They recommended against the stated goals of the Town. Why?
9. The two reasons "The Agricultural Committee" provided are not relevant to the discussion of the sale. If they were relevant, how large would Parcel A have to be, to be of significance? And on what basis can they make that judgment? The Committee's statement that I have adequate land that is not in production, confirms the fact that the Committee has failed in their responsibility to provide "Due Diligence" in their evaluation of the sale of Parcel A. They lack adequate knowledge to provide any assessment of the agricultural value of my property, or our agricultural capabilities. Kathy and I have 93 years of education, experience, and accomplishments, in agriculture, and 15 years experience growing the Shelton cultivar of the rhubarb, which is intended to be the major crop on Parcel A. We have offers from two sources to buy all of the rhubarb we are able to produce. We estimate revenue of \$6,000 per year from that crop. We will also have additional rhubarb to donate.

How could anybody convince The Agriculture Committee to disregard the responsibility with which they are charged, namely, to support agriculture in Mansfield? How could the three Members of the Agriculture Committee, who are associated with the USDA NRCS, be convinced to vote against increasing agricultural production in Mansfield? The Town Representative to both the Open Space Preservation Committee and the Agriculture Committee, can answer that question for the Town Council. Who wields such

power, to be able to control the vote of both and possibly all three, entire committees? What was the true motivation for recommending against the sale? What are the legal implications of this example? How would the courts rule on this matter? For the benefit of Mansfield, does the Council have an obligation to address this concern?

10. Robert's Rules of Order indicate, "The Chair has a right to vote whenever his vote will affect the result". The chairs do not vote otherwise. The chairs of these two committees not only voted without that right, though their vote would not affect the outcome, but the Chair of the Agriculture Committee even seconded the motion. Section A192-4 Procedure A states "The chairperson should have the same privileges of voting as any other committee member." However, these are **advisory** committees, **they recommend but do not implement**, therefore, Robert's Rules of Order rightly says they do not vote.
11. Both Committees are committees for deliberation or investigation, (Robert's Rules of Order), but have no standing as a committee for action, in this instance. Does their report, or any other of their activities provide a legitimate degree of "Due Diligence", to justify any decision other than **the Council should approve the sale of Parcel A to the Kotula family**?
12. None of these three Committees can legally vote to deny the sale of Parcel A. They can legally make recommendations and provide notes, but they all voted to deny and reported that vote to the Council. (Please refer to Robert's Rules of Order)
13. I, as a taxpaying citizen of Mansfield, was denied my Constitutional Rights, to listen to the deliberations of both the Open Space Preservation, and Agriculture Committees, when they were not in executive session. I was excluded completely from the Conservation Commission meeting.

**Legal implications concerning the Conservation Commission might include many of the improprieties of the other two committees, but also include the fact that I was not even notified they would consider the sale.**

**We respectfully submit, for the reasons stated above, that the reports of The Open Space Preservation Committee, The Agriculture Committee, and the Conservation Commission, are tainted, and should be disregarded by the Town Council in their decision making process. Additionally, by voting to deny the sale, the Open Space Preservation Committee and the Agriculture Committee, each suggested a degree of authority it does not possess. That action alone, likely fostered, and inappropriately prejudiced some Council members, the Planning and Zoning Commission, and the public against the sale, though, to their credit, The Planning and Zoning Commission recommended the sale by a vast majority, as did the public. The report of the Conservation Commission lacks any introspective deliberation, is repetitive of the other two committees, and also fosters prejudice against the sale. In all likelihood, the action of each of these three groups also damaged the reputation of the Kotula family. We respectively request the Town Council provide restitution for the damage that has been caused by each of their three advisory committees.**

#### **THE PUBLIC HEARING:**

I presented about 40 letters of support from individuals representing business owners, citizens, and farmers at the Storrs Farmer's market. All letters favored the sale.

Only one individual from the Planning and Zoning Commission, one from the Agriculture Committee and about 3 from the Open Space Preservation Commission voiced opposition to the sale at the hearing. No one from the Conservation Commission voiced opposition at the hearing but the Chair of Open Space Preservation Committee indicated he was there to also represent the Conservation Commission. Neither of the two letters received from neighboring land owners recommended the sale be denied.

The individual who serves on The Planning and Zoning Commission, but “speaking for himself”, shared only one concern, that the sale would become a precedent. **You will recall members of The Planning and Zoning Commission and some members of the Council disagreed with that conclusion.**

One individual addressing the Town Council, “but not representing the Open Space Preservation Committee” failed to mention that she also sits on the Agriculture Committee. Is this a breach of “Full Disclosure”?

The members of the two Committees, but “speaking for themselves”, reiterated many of their previous objections, though they had been refuted. One might question whether they are disingenuous when statements like the following are made repeatedly, though it is known the statements are not true. (True statements are in parentheses.)

1. Parcel A is full of trees. (There are only a few large trees on the edge of Parcel A.)
2. There is no sun on Parcel A. (Sit on Maple Road and see the sun on Parcel A.)
3. The soil is too stony to grow produce. (We have added organic material to planting areas on our farm for 18 years and we grow crops successfully.)
4. Mr. Kotula will cut down trees, even those belonging to the Town. (Nonsense)
5. His total production in 2010 was \$2,164.31. (That is what we gave away, not what we produced.)
6. The newly planted trees will shade Parcel A. (At maturity they will be too small and too distant from Parcel A.)
7. Mr. Kotula wants to subdivide. (That statement questions my honesty. We do not want to subdivide.)
8. The hikers need Parcel A as a “Trail head”. (There is a “Trail head” on the East side of Bennet Road, and a true “Trail head” on Max Felix Drive, as designated by the Director of Planning.)
9. The lot will remain heavily shaded. (See item 2.)
10. “The Maple Crest Farm” is a “hobby farm”\*. (Not according to the Town, State, the Internal Revenue Service and the USDA of the Federal government.)

\*The exact quote is “The Council should ask itself what the benefit is of selling town land to a small hobby farm”. We have demonstrated that “The Maple Crest Farm” is a recognized legal farm. With that said, please allow an old man to explain to that individual, who is a member of the Agriculture Committee, about the importance of small agricultural businesses and even “Victory Gardens”. I believe his land on Maple Road is about five acres, thus similar to mine. But size does not necessarily matter. During the Second World War, there was food rationing.

Farmers were granted waivers from the draft because of their importance in feeding our nation, our military in foreign lands, and also countries devastated by the war. Even small "Victory gardens" in back yards helped these efforts.

The state of our present economy should signal the need for additional food production, even if some is from backyard gardens. Many small farmers, who contribute to the economy and provide quality food at reasonable prices, often use the slogans, "Fresh from the garden", "Locally grown", or "Connecticut grown". Even the White House has a garden. Why does this individual speak **against** the contributions of small farms, and then have a voice on our Agricultural Committee?

I was born in 1929 and lived through the depression. As city dwellers we relied on a cooperative agreement with two small farms of friends from the old country, to provide us with produce. Others waited in line each Saturday for a bag or two of welfare food for their families. We never accepted welfare of any kind. Have you ever heard of core-zies? When I went into the alley to play, any one of my friends who was there would ask for core-zies, of my apple. If a second boy were there, he would ask for seconds on core-zies. Each would ask that some apple remain on the core for them. That is probably why I have been planting fruit trees. I've tried planting trees with edible chestnuts because each mature tree will produce about 200 pounds of chestnuts. In Italy during the war, the people ground chestnuts to use as a substitute for flour, which was not available. Has anyone here ever been really hungry for a long time? We are from an older generation, attempting to produce crops that require years before they yield produce for us, the citizens of Mansfield, and the needy. Does Mansfield have an adequate base of farms to feed its citizens in a serious depression? Does the Agriculture Committee provide or demonstrate any encouragement to small farmers, by their recent denial of the sale of Parcel A?

The chair of the Open Space Preservation Committee suggested the Town provide a reoccurring five-year lease of Parcel A to me. One might interpret his statement to mean:

1. Hikers do not actually need Parcel A, because with such a lease, they could not use the land once it was planted.
2. Their intent appears to be for the Town Government to own Parcel A, in perpetuity.
3. People would then be able to look at it in perpetuity, but no one would be able to use it. This is how Parcel A has been "used" for at least the last 20 years.
4. Plans to use Parcel A as a "Trail head" and Bennet Road as a hiking trail, could make the Town liable for any accident that might occur at the Maple Road entrance of Bennet Road. The Town is on record that the sight lines do not allow Bennet Road to be utilized safely. The Director of Planning stated in a letter dated 7 January 1999, that the Town anticipates placing large stones to prevent the use of Bennet Road. The Town Engineer stated in his letter, though the speed limit is 30 miles per hour at that location, cars are often clocked at 40 miles per hour. Speeding tickets written throughout the year, can verify that individuals are routinely apprehended for speeding at that location. By allowing the Maple Road end of Bennet Road to be part of a hiking trail, the Town might be ruled negligent for approving an action that would result in a known hazard to its citizens. A jury might be required to recommend an inordinately excessive financial settlement to the family of anyone injured or killed by a car at that location.

5. By his suggestion of reoccurring five year leases, the Chair agrees Parcel A should be used for agricultural purposes. He simply does not agree to giving up what he thinks is his.

When I visited a dairy farm in Communist Soviet Union, the cows were sick because they were being fed moldy hay. I asked "Don't you have any of this year's hay?" He answered "We have much hay in the fields. The cows are not mine. They (Soviet government) make believe they pay us and we make believe we work." That is a true story of the Communist way. That is not our way. We know that **an individual's incentive drives success**. More land in Mansfield needs to be farmland. We currently would be hard pressed to feed our citizens in the event of a catastrophe.

Reading a paragraph entitled "Long-Term Perspectives" that was submitted to the Council, made me question whether the Open Space Preservation Committee is involved in "one of the open space goals in the Town Plan" that involves the proposed hiking trail on Bennet Road. **If so, it was inappropriate for that Committee to evaluate the proposed sale of Parcel A.** Robert's Rules of Order state "No one can vote on a question affecting himself". Certainly, they would oppose the sale, because it would conflict with their own potential initiative.

## **CONCLUSION:**

These are the facts:

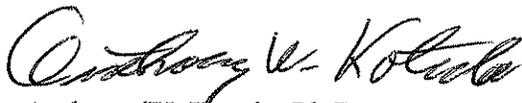
1. The Mansfield Planning and Zoning Commission recommended the sale.
2. A cross section of the town citizenry recommended the sale.
3. Most public comments, excluding those of advisory committee members, were positive.
4. Dr. Kathryn L. Kotula, in her letter of 13 August 2011, has provided ample justification for the sale, having listed numerous benefits to the town.
5. We have addressed the comments concerning transfer of Parcel A to us. The described benefits outweigh possible issues stated in the negative comments by the committees.
6. We have demonstrated The Maple Crest Farm is a Farm.
7. We have demonstrated The Maple Crest Farm is a business.
8. A court would require, minimally, a modicum of "Due Diligence" from the committees in their review of the sale. I submit none of these committees provided the required "Due Diligence" in this instance.
9. We have provided accurate, though sometimes provocative, thoughtful responses to each of the comments of the many views expressed concerning the sale.
10. The deliberations of The Open Space Conservation Committee are tainted because of procedural faults, lack of investigative integrity, and accuracy.
11. The deliberations of The Agriculture Committee are tainted because of procedural faults, lack of investigative integrity, and accuracy.
12. The deliberations of the Conservation Committee are tainted because of procedural faults, lack of investigative integrity, and accuracy.
13. Should the Council consider retaining Parcel A as a parking lot, the citizenry of Mansfield would be due an equally introspective explanation for that decision, by the Council, as was provided by the Kotula family, recommending the sale.

14. The citizens of Mansfield are entitled to no decision, other than one that approves the sale.
15. It appears unbelievable that anyone would object to our desire to create a more productive farm for my children, grand children, future generations, and the current and future citizenry of Mansfield.

**THE KOTULA FAMILY POSITION:**

1. We offer to **PURCHASE** Parcel A at an equitable price.
2. If the Council agrees to the sale, Parcel A will become once again part of, and have the same agricultural zoning as Lot 7A, from whence Parcel A was cut.
3. We will not damage the stone wall that borders Parcel A, on Maple and Bennet Roads.
4. We concur with the report of The Planning and Zoning Commission, and certain members of The Town Council, that **the sale does not set a precedent.**
5. **We agree with the Director of the Planning and Zoning Department, that if the Town Council is not concerned about potential subdivision, neither is her office.**
6. Beyond these affirmations, we hold fast that none of our personal freedoms, nor those of our future generations, will be surrendered to any person, town, state, or federal, government. To do so would dishonor the many thousands of our military with whom I served in the Korean War, and where, in three years, fifty four thousand paid with their lives, to ensure our freedom.

Sincerely,



Anthony W. Kotula, Ph.D.  
135 Maple Road  
Mansfield, CT 06268