

REGULAR MEETING - MANSFIELD TOWN COUNCIL

April 9, 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.

I. ROLL CALL

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

II. APPROVAL OF MINUTES

Mr. Paulhus moved and Mr. Schaefer seconded to approve the minutes of the March 26, 2012 special meeting as presented. Motion passed with all in favor except Ms. Lindsey who abstained. Mr. Paulhus moved and Ms. Keane seconded to approve the minutes of the March 26, 2012 regular meeting as presented. Motion passed with all in favor except Ms. Lindsey who abstained. Mr. Paulhus moved and Mr. Ryan seconded to approve the minutes of the March 27, 2012 special meeting as presented. Motion passed with all in favor except Ms. Lindsey who abstained. Mr. Ryan moved and Mr. Paulhus seconded to approve the minutes of the March 29, 2012 special meeting. Motion passed with all in favor except Ms. Keane, Mr. Kochenburger and Mr. Schaefer who abstained.

III. PUBLIC HEARING

1. Proposed Fiscal Year 2012/2013 Budget

Ric Hossack, Middle Turnpike, applauded efforts to present a responsible budget but decried the increase spending due to the extra employees needed on the Storrs Center Project. (Statement attached)

David Freudmann, Eastwood Road, commented on the increases in the Board of Education budget and the number of personnel for the Storrs Center Project. (Statement attached)

Betty Wassmundt, Old Turnpike Road, urged the Council to charge Region 19 for the use of the pool at the Community Center and asked what the life expectancy of such a pool is. Ms. Wassmundt asked the Council to remove the vending machines from the Town Hall; to not approve the classification change for the Assistant to the Town Manager and to not hire additional employees.

Richard Cowles, Meadowood Road, asked the Council to act frugally and compared the Town's budget to the Titanic. Mr. Cowles expressed outrage at the retroactive pay raises he heard were given to employees.

Pat Suprenant, Gurleyville Road, expressed concern with the use of reserve funds in the Board of Education's budget, as these funds may not be available in future years.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Richard Cheney, Highland Road and owner of Highland Ridge Golf Range, submitted a letter to the Council urging the Town to hire a lawyer to represent and protect the rights of residents with regards to the CL&P Reliability Project. (Statement attached)

Richard Civie, representing Mansfield Citizens United, also spoke in support of the hiring of a lawyer to represent the Town in front of the Siting Council. Mr. Civie spoke to a similar situation in another town which was appealed to the CT Supreme Court.

David Freudmann, Eastwood Road, asked the Council not to accept the 24 acres from the University stating that it is unnecessary and may be costly.

Bradley Wright, Willowbrook Road, presented a petition expressing the concerns of residents regarding the potential traffic impact associated with the opening of the parking garage. Mr. Wright spoke to the potential unintended consequence of the use of Willowbrook Road as a

throughway to the garage. (Petition and submitted materials to be included as a communication in the 4/23/2012 packet)

Ric Hossack, Middle Turnpike, spoke against the addition of employees to assist with the Storrs Center building project.

Jim Soroka, Willowbrook Road, asked the Council to listen to the residents and protect this neighborhood and its children.

Susan Singer Bansal, Willowbrook Road, asked the Council to take seriously the concerns of the neighborhood. Ms. Singer Bansal stated the community has had traffic issues before and is concerned for the many people who walk and play in the area. (Statement attached)

Alison Hilding, Southwood Road, questioned the proposal to increase the pay of the Town Manager and the Assistant to the Town Manager.

Arthur Smith, Mulberry Road, questioned why none of the lawyers in attendance at the last Personnel Committee meeting could answer his questions regarding the admissibility of evidence in front of the Ethics Commission.

Betty Wassmundt, Old Turnpike Road, objected to the proposed raise for the Town Manager and spoke against making it retroactive. Ms. Wassmundt does not think the Town should accept the acreage being given by UConn, asked who owns the land under the parking garage and questioned Mayor Paterson's commentary in The Chronicle regarding the Storrs Center Project.

V. REPORT OF THE TOWN MANAGER

In addition to his written statement Town Manager Matt Hart offered the following comments:

The one time and the ongoing expenses the Town is experiencing with the Storrs Center Project were included in the fiscal impact analysis and will be covered by revenue.

The public comments regarding the promotion of the Assistant to the Town Manager to Assistant Town Manager were unfortunate and violate the established rules of procedure established by the Council. The change in position is warranted and the person will make a tremendous Assistant Town Manager.

The land under the parking garage is owned by the Town.

VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Ms. Moran reported much of the information presented during public comment is untrue. No public employee received a zero increase in pay one year and then received a raise retroactively the next. The Town Manager's proposed raise is retroactive to the beginning of the year because the Town Council review process was delayed.

Mr. Ryan corrected the statement made during public comment which identified the Boards' of Education ranking with regards to expenditures as 29th. The K-8 expenditure ranking is 29th and the Region 19 expenditure ranking is 55th.

Mayor Paterson reported she and Attorney Stephen Bacon wrote the commentary in The Chronicle as members of the Downtown Partnership Board. In response to a question from the Mayor, the Town Manager noted the concerns of the Willowbrook Road residents will be discussed at the next Transportation Advisory Committee and will then be offered as a future agenda item.

Mr. Kochenburger stated that although the comments regarding the Assistant to the Town Manager are within the bounds of free speech it is his opinion the promotion is well deserved and that the employee has been working as an Assistant Town Manager but had been being paid as an Assistant to the Town Manager. Mr. Kochenburger also stated the Town has never taken

responsibility for the cost over runs at the garage, the majority of which were with regards to the foundation.

VII. OLD BUSINESS

2. Connecticut Light and Power Interstate Reliability Project

Ms. Moran moved and Mr. Schaefer seconded to authorize the Mayor to submit a revised letter to the Connecticut Siting Council in advance of the April 24, 2012 public hearing expressing the Mansfield Town Council's opposition to the proposed route and detailing a comprehensive list of mitigation measures, including those endorsed on January 23, 2012 and the following:

- Relocation of the Mount Hope Montessori School
- Exchange of land at 87 Bassetts Bridge Road (Green Dragon Daycare)
- Location of construction access roads in the least disruptive location for single-family homes along the route.

Director of Planning and Economic Development Linda Painter reviewed the conversations she has had with daycare providers in the affected area.

Members discussed the concerns of these businesses and other businesses in the path of the project.

Ms. Ryan moved and Ms. Keane seconded to amend the motion by removing the words, ".in advance of the April 24, 2012 public hearing." and to add the following points:

- Require mitigation measures including consideration of the concerns expressed by the owners of the Highland Ridge Golf Range
- Require mitigation of the effects of the Connecticut Light and Power Reliability Project on any and all other local business within the area affected by this project.

The motion to amend passed unanimously as did the amended motion.

The Mayor will present the revised letter at the April 24, 2012 meeting of the Siting Council. The Town Manager, Town Attorney and Director of Planning and Economic Development will also be present to assist.

Council members discussed the merits of hiring outside counsel and, by consensus, agreed not to do so.

Ms. Moran moved and Mr. Schaefer seconded to move Item 7 Lease Extensions for Town-owned Agricultural Properties, Item 8 Open Space Action Plan and Item 9 Community Farms Preservation Program as the next items on the agenda.

Motion passed unanimously.

3. WPCA- Benefit Assessment - Extension of Town Sewers to serve the College Mart Plaza

Ms. Keane moved and Mr. Shapiro seconded, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on April 23, 2012, to solicit public comments regarding the extension of town sewers to serve the College Mart Plaza.

Motion passed unanimously.

4. Storrs Center Update

Town Manager Matt Hart reported the recent article in Patch reflects old news about stop work orders. Tomorrow at 11:00 am Coach Auriemma will be making an announcement regarding a business in Storrs Center.

Mr. Shapiro requested an update regarding what contractors and subs did incorrectly, if anything, with regards to the stop work orders. The Town Manager will provide, to the best of his ability, an accounting of the events and process.

5. Community-Campus Relations

The Town/Gown Committee will be meeting on April 10, 2012 at 4:00 p.m. Planning for non Spring Weekend continues. Mayor Paterson reported on the efforts of members of the Town and University to visit students in the neighborhoods and talk to them about their responsibilities.

VIII. NEW BUSINESS

6. Fair Housing Policy & Resolution

Mr. Ryan moved and Mr. Paulhus seconded, effective April 9, 2012, to adopt the attached Fair Housing Policy Statement.

Motion passed unanimously.

Mr. Ryan moved and Ms. Keane seconded effective April 9, 2012, to adopt the attached Fair Housing Resolution.

Motion passed unanimously.

Mr. Ryan moved and Mr. Kochenburger seconded, effective April 9, 2012, to adopt the attached Compliance with the Title VI of the Civil Rights Act of 1964 Policy.

Motion passed unanimously.

7. Lease Extension for Town-owned Agricultural Properties

Mr. Kochenburger moved and Mr. Paulhus seconded, effective April 9, 2012, to authorize the Town Manager to execute the proposed extensions for the lease of Town agricultural properties. The form of such lease extension agreements shall be reviewed and approved by the Town Attorney.

Agriculture Committee Chair Al Cyr stated the leases are in the process of being reviewed and the Committee is requesting the current leases be extended which will give the Committee time to upgrade the terms of the leases.

Members discussed the benefits received by the Town by leasing these properties.

Mr. Shapiro called the question. Seconded, the motion to call the question passed unanimously as did the original motion.

8. Open Space Action Plan

Ms. Keane moved and Mr. Paulhus seconded, effective April 9, 2012, to endorse the open space action plan as proposed by the Agricultural Committee, the Conservation Commission, the Open Space Preservation Committee and the Parks Advisory Committee.

The Chairs of the Committees, Mr. Cyr, Mr. Kessel, and Mr. Morrow were available to answer any questions. Members discussed the merit and risk of including language recommending placing a protective easement, held by a second party, on Town parks and preserves.

The motion passed with all in favor except Mr. Kochenburger who voted no.

9. Community Farms Preservation Program

Ms. Moran moved and Mr. Shapiro seconded to approve the following resolution:

Resolved, to authorize the Town Manager, the Director of Finance and the Chair of the Mansfield Agriculture Committee, to enter into a cooperative agreement between the Town of Mansfield and the Connecticut Department of Agriculture for participation in the community farms preservation program.

Motion passed unanimously.

10. Open Space (Conservation) Parcel for Storrs Center

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

RESOLVED, that Matthew W. Hart, Town Manager, be, and hereby is authorized to sign the conservation agreement with the University of Connecticut entitled Reservation of Conservation Restriction, which agreement will allow the University of Connecticut to convey to the Town for conservation purposes a certain 24.3 acre parcel located along the easterly edge of the Storrs Center Development, and to accept on behalf of the Town the deed for said parcel.

Director of Public Works Lon Hultgren and Town Attorney Dennis O'Brien described the land under consideration and explained why the land is being transferred directly to the Town from the University. The legal description on page 67 of the packet will be the language used for Schedule A, referred to in the deed.

Council members discussed Section 2.4 Cost and while everyone was in agreement that the Town should not pay the court cost of other parties it was determined that in this particular unique case the risk is minimal and the cost of not approving the acquisition steep. Councilors agreed that in future contracts this language would reflect the principle that each party pays its own way, the American rule.

The motion to approve passed unanimously.

11. Compensation for Town Manager

Mr. Schaefer moved and Mr. Ryan seconded, to increase the Town Manager's annual salary by 1.5% retroactive to July 1, 2011 and by an additional 1.5% retroactive to January 1, 2012, for an annual salary of \$135,691.29 as of January 1, 2012.

Motion passed unanimously.

12. Historic Documents Preservation Program

Mr. Ryan moved and Ms. Lindsey seconded the following resolution:

Resolved, that Matthew W. Hart, Mansfield Town Manager, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

Motion passed unanimously

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered

X. REPORTS OF COUNCIL COMMITTEES

Mr. Ryan, Chair of the Finance Committee, reported the Director of Finance will be reviewing the fund balances of area towns to see how many meet the 10%-15% level recommended to the Town. Ms. Trahan will also begin to develop a policy for investing the Town's money in venues which might offer higher returns. Safety and liquidity are of the utmost importance.

XI. PETITIONS, REQUESTS AND COMMUNICATONS

13.V. Civie (3/26/12)

14.A. Hilding (3/5/12)

15.A. Hilding (3/8/12)

16.A. Hilding (3/26/12)

17.A. Smith (3/5/12)

18.Planning and Zoning Commission re: 2012-12 Capital Improvement Budget

19.Planning and Zoning Commission re: FY 2012-13 PZC/IWA Operating Budget

20.State of Connecticut Department of Public Health re: National Public Health Week

21.State of Connecticut Office of Policy and Management re: Local Capital Improvement Program

22.Congress of the United States re: Central Corridor Project

23.Citizen Budget Guide - 2012 Edition - This guide will not be mailed but is available electronically and as a hardcopy

24.Moving Forward in Mansfield

XII. FUTURE AGENDA

No additional items suggested

Ms. Moran moved and Mr. Paulhus seconded to move into Executive Session to discuss Strategy and Negotiations with Respect to Pending claims or Litigation, in accordance with CGS§1-200(6)9B). There will be two items under discussion the first will include Town Attorney Dennis O'Brien, Assistant to the Town Manager Maria Capriola, Director of Human Services Kevin Grunwald and Town Manager Matt Hart. The second item will include Town Attorney Dennis O'Brien, Director of Public Works Lon Hultgren and Town Manager Matt Hart

Motion passed unanimously.

XIII. EXECUTIVE SESSION

Strategy and Negotiations with Respect to Pending claims or Litigation, in accordance with CGS§1-200(6)9B)

Present: Keane, Kochenburger, Lindsey, Moran, Paterson, Paulhus, Ryan, Schaefer, Shapiro
Item 1

Also Present: Town Attorney Dennis O'Brien, Assistant to the Town Manager Maria Capriola,
Director of Human Services Kevin Grunwald and Town Manager Matt Hart.

Item 2

Also Present: Town Attorney Dennis O'Brien, Director of Public Works Lon Hultgren and Town
Manager Matt Hart

XIV. ADJOURNMENT

The Council reconvened the meeting. Mr. Ryan moved and Ms. Keane seconded to adjourn the
meeting.

Elizabeth C. Paterson, Mayor

Mary Stanton, Town Clerk