

REGULAR MEETING – MANSFIELD TOWN COUNCIL
September 23, 2013

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: Freudmann, Keane, Kochenburger, Moran (7:35 p.m.), Paterson, Shapiro
Excused: Paulhus, Ryan, Schaefer

II. APPROVAL OF MINUTES

Mr. Shapiro moved and Mr. Freudmann seconded to approve the minutes of September 9, 2013 meeting as presented. Motion passed unanimously.

III. PUBLIC HEARING

1. North Eagleville Road Walkway Easements

Following the reading of the legal notice by the Town Clerk, Project Engineer Tim Veillette explained the acquisitions noting that all property owners are in agreement with the proposed procedure. The easements still outstanding are for 188 and 202 North Eagleville Road.

Mayor Paterson noted the receipt of two letters in support of the project. (Letters will be included as communications in the October 14, 2013 Town Council Packet)

Alison Hilding, Southwood Road, expressed her appreciation for the Council's continued support for the North Eagleville Road sidewalks. Ms. Hilding stated the proposal would address both quality of life and safety issues in the area.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Anthony Kotula, on behalf of the Veterans' Committee of the Mansfield Senior Center, extended an invitation to Council members to the November 8, 2013 Veterans' Day Celebration. The event is open to all veterans and their spouses. Mr. Kotula thanked the Mansfield business community for their support. (Invitation for veterans attached).

Brian Coleman, Centre Street and a Republican candidate for Council, questioned the cost of snow removal in Storrs Center. (Statement attached).

Arthur Smith, Mulberry Road, urged Council members to know the facts and spoke to concerns he has with the adjustments to the easements for the North Hillside Road bikeway. Mr. Smith questioned whether the proposed amended contract with Pannone, Lopes, Deveraux & West LLC has already begun without Town Council approval and asked if the Town Manager has the right to discuss probable cause assessments with Sgt. Courmoyer.

Ron Baker, Storrs Road, thanked Council members for their service and commitment to the community.

Betty Wassmundt, Old Turnpike Road and Republican candidate for Town Council, questioned the reference to LAP deductibles paid by the Town on page 121 of the Council packet and references to the UConn Sewer Fund Budget on page 129 of the Council packet.

Mike Sikoski, Windham, spoke against the use of eminent domain and urged the Town to put up detour signs when main roads are closed for events.

V. REPORT OF THE TOWN MANAGER

September 23, 2013

The Director of Public Works Lon Hultgren, filling in for Town Manager Matt Hart, noted there would be no Town Manager report this evening.

VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mr. Freudmann moved to switch Item 3, North Eagleville Road Walkway Easements, and Item 5, Memorandum of Agreement (MOA) with UConn for North Eagleville Sidewalk. The motion was seconded by Ms. Keane and failed with Mr. Freudmann and Ms. Keane in favor and Mr. Kochenburger. Ms. Moran, Ms. Paterson and Mr. Shapiro opposed.

Ms. Keane moved to add a discussion regarding reworking the language in Item 5, Notice of Grant Award- Main Street Investment Fund Program, of the September 9, 2013 packet to reflect the discussion which took place that evening. The Item will be listed as 3a under Old Business.

The motion passed with all in favor except Ms. Moran who voted nay.

Mayor Paterson reported on the number of parade participants and vendors who helped make Celebrate Mansfield such a success. The Mayor thanked all who assisted with the organization and execution of the celebration, especially Kathleen Paterson, Sara Delia and Cynthia vanZelm. Mayor Paterson commented that it was a true community event.

Deputy Mayor Moran commented on the celebration of the Puppetry Program at UConn and the tour of the new museum which will be located in the new UConn Coop building in Storrs Center. Ms. Moran stated she attended the DEEP North Hillside Road Expansion hearing and was pleased to see that the new construction envelope will not impinge on Jensen's.

David Freudmann also attended the September 10, 2013 DEEP meeting and asked Mayor Paterson if her remarks noting the Council's support of the project were personal or as Mayor. Mayor Paterson stated her comments were as Mayor. Mr. Freudmann asked if the Council ever took a vote on the project.

Deputy Mayor Moran stated she believed the Mayor's statement at the DEEP hearing referred to a 2009 action of the Council.

In response to queries during public comment, Mr. Shapiro asked Mr. Hultgren to address questions about the UConn Sewer Fund and snow removal in Storrs Center. Mr. Hultgren stated that the UConn Sewer Fund is one of two sewer funds in the Town both of which are included in budget documents. The Town, as with all shared snowplowing responsibilities, will work out a plan with the State to address snow removal in Storrs Center. The State will continue to plow Rte. 195, but the parking areas, medians, etc., will be the Town's responsibilities.

Ms. Keane questioned which Town entity would be in charge of erecting detour signs when needed for future events. Mayor Paterson commented the Traffic Authority will be apprised of the problem and will address future events.

Mayor Paterson clarified a previously raised question regarding Council approval of the North Hillside Road Extension project. At a February 9, 2009 meeting the Council unanimously approved the 2009 draft letter of support for the North Hillside Road Extension.

Mr. Freudmann expressed his concerns with the opening of the Nash Zimmer Transportation Center. Councilor Freudmann questioned how this opening comports with the Clean Energy Communities Municipal Pledge passed by the Council on June 24, 2013.

Mr. Kochenburger raised a point of order noting that although Mr. Freudmann's questions deserve an answer he questioned whether this is the appropriate time to discuss an issue which is not on the agenda.

Mr. Freudmann agreed and withdrew his questions.

VII. OLD BUSINESS

2. Storrs Center Update

No comments offered.

3. North Eagleville Road Walkway Easements

Ms. Moran moved and Ms. Keane seconded effective September 23, 2013, be it resolved by the Mansfield Town Council that it finds that pursuant to Connecticut General Statutes 48-6 and 8-129 the acquisition of easements at 188 and 202 North Eagleville Road is required to establish, construct or maintain a public work or municipal purpose to construct a public walkway along the North side of Eagleville Road. Having conducted the required public hearing and notified the property owners, the acquisition of these properties using the powers of eminent domain prescribed in the above referenced CGS sections is hereby authorized. Be it further resolved that if the easement acquisition process, including the subrogations by the mortgage holders on said properties, is completed by October 1, 2013 on any of these three properties, said condemnations will not be necessary and the easements shall be acquired through normal signatures and closings.

Motion passed unanimously

3a. Reworking the Language in Item 5, Notice of Grant Award- Main Street Investment Fund Program, of the September 9, 2013 Packet

Ms. Keane moved and Mr. Freudmann seconded to change the wording in the September 9, 2013 packet on the website to reflect that the Main Street Investment Fund Program does not require a local match but the Town will be providing in-kind services of approximately \$13,000.

Motion passed unanimously.

VIII. NEW BUSINESS

4. Council of Governments (COG) Consolidation

Kay Holt, PZC member and delegate to the Windham Regional Planning Commission, noted her agreement with the Town Manager's observations and analysis of the COG consolidation plans. WINCOG Executive Director Mark Paquette and Mansfield's Director of Planning and Development Linda Painter presented a brief history of the consolidation process.

Ms. Moran moved and Mr. Shapiro seconded to approve the following resolution: Resolved, effective September 23, 2013, to authorize Town Manager Matthew W. Hart to issue a letter to the Connecticut Office of Policy and Management on behalf of the Town of Mansfield, indicating Mansfield's preference to join the Capitol Region Council of Governments (CRCOG) as part of the state's consolidation process.

The motion passed unanimously.

Mr. Kochenburger thanked Ms. Holt for her many years of enthusiastic efforts on behalf of the Town of Mansfield.

5. Memorandum of Agreement (MOA) with UConn for North Eagleville Sidewalk

Mr. Shapiro moved and Ms. Moran seconded to approve the following resolution: Resolved, effective September 23, 2013, to authorize Town Manager Matthew W. Hart to execute the Memorandum of Agreement for the Construction, Inspection and Maintenance of a Sidewalk along North Eagleville Road, Mansfield, Connecticut.

Council members discussed the financing agreement.

The motion passed unanimously.

6. Adjustments to Easement for North Hillside Road Bikeway

Mr. Shapiro moved and Ms. Keane seconded to, to refer the proposed adjustment to the easement for the North Hillside Road Bikeway to the Planning and Zoning Commission for review under Connecticut General Statutes Section 8-24.

The motion passed with all in favor except Mr. Freudmann who voted nay.

7. Financial Statements dated June 30, 2013

On behalf of the Finance Committee Mr. Freudmann moved, effective September 23, 2013, to accept the Financial Statements dated June 30, 2013.

Motion passed unanimously.

8. Proposed FY 2012/13 Yearend Transfers

On behalf of the Finance Committee Mr. Freudmann moved to approve the following resolution:

Resolved, effective September 23, 2013, to adopt the Yearend Budget Transfers and Appropriation for FY 2012/13, as presented by the Director of Finance in her correspondence dated September 9, 2013.

Motion passed unanimously.

9. Proposed FY 2012/13 Capital Projects

On behalf of the Finance Committee Mr. Freudmann moved, effective September 23, 2013, to approve the adjustments to the Capital Projects fund as of June 30, 2013, as presented by the Director of Finance in her correspondence dated September 09, 2013.

Motion passed unanimously.

10. Amendment to Agreement with Pannone, Lopes, Deveraux & West LLC

Ms. Moran moved and Mr. Shapiro seconded, to authorize the Town Manager to add Tasks 3 and 4, as outlined in his agenda item summary dated September 23, 2013 and for a projected budget not to exceed \$150,000, as an amendment to the Professional Services Agreement between the Town of Mansfield and Pannone, Lopes, Deveraux & West LLC.

Council members discussed the need for professional assistance in defending the Town's interest, the existence of invoices for the expended amounts and the Town Manager's review of those invoices.

Motion passed with all in favor except Mr. Freudmann who voted nay.

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered

X. REPORTS OF COUNCIL COMMITTEES

Ms. Moran, Chair of the Personnel Committee announced the Committee will be making a presentation tonight in executive session regarding the Town Manager's evaluation.

Ms. Moran also noted the Ad hoc Committee on Responsible Contractors has met with the principal of Ellis Technical School to discuss how local educational facilities might assist the town with achieving a goal for local hires and will be meeting with local contractors at a future meeting.

Chair of the Nominating Committee Peter Kochenburger offered the following recommendations:

The appointment of Hemant K. Gupta to the Transportation Advisory Committee for a term ending November 30, 2015

The reappointments of David Vaughan, Anke Finger, Kim Bova Kaminsky, Scott Lehman and Thomas Bruhn to the Arts Advisory Committee for terms ending March 1, 2015

The appointment of Dwight Atherton to the Parking Steering Committee (ad hoc)

The appointment of Benjamin Wiles to the Mansfield Advocates for Children for a term ending June 30, 2016
The motion passed unanimously.

XI. PETITIONS, REQUESTS AND COMMUNICATONS

- 11.R. Favretti re: Downtown Callery Pear – Ms. Moran noted Mr. Favretti' s detailed analysis of the appropriateness of the Callery Pear in the Storrs Center Project.
- 12.J. Oliver re: Eagle Rank
- 13.Sustainability Committee re: Connecticut Water Company Proposal
- 14.Connecticut Light & Power re: Development and Management Plan Comments
- 15.CLEARscapes “Smartphones and GPS” - Fall 2013

XII. FUTURE AGENDA

Mr. Kochenburger requested the Town Manager present a quick summary review of the invoices received from Pannone, Lopes, Deveraux & West LLC.

Ms. Keane requested an explanation of the liability cases referred to on page 121 of the Council packet.

Mr. Freudmann requested 2 aspects of the Nash Zimmer Transportation Center be discussed: the consistency between the opening of the Transportation Center and the Town's Clean Energy Communities Municipal Pledge and the operational cost estimated for utilities.

Mr. Shapiro moved and Ms. Moran seconded to move into executive session to discuss the sale or purchase of real property, in accordance with CGS§1-200(6)(D). This session will include Director of Public Works Lon Hultgren, Town Attorney Dennis O'Brien and Natural Resources Coordinator Jennifer Kaufman. Additionally, Personnel in accordance with CGS§1-200(6)(a), Town Manager Performance review will be discussed in executive session.

Motion passed unanimously.

XIII.EXECUTIVE SESSION

Sale or purchase of real property, in accordance with CGS§1-200(6)(D)

Present: Freudmann, Keane, Kochenburger, Moran, Paterson, Shapiro

Also included: Director of Public Works Lon Hultgren, Town Attorney Dennis O'Brien and Natural Resources Coordinator Jennifer Kaufman

Personnel in accordance with CGS§1-200(6)(a), Town Manager Performance review

Present: Freudmann, Keane, Kochenburger, Moran, Paterson, Shapiro

XIV.ADJOURNMENT

Mr. Shapiro moved and Ms. Keane seconded to adjourn the meeting at 9:53 p.m.

Elizabeth Paterson, Mayor

Mary Stanton, Town Clerk