

REGULAR MEETING – MANSFIELD TOWN COUNCIL
January 11, 2016

Mayor Paul M. Shapiro called the regular meeting of the Mansfield Town Council to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Building.

I. ROLL CALL

Present: Kegler, Kochenburger, Marcellino, Moran, Raymond, Ryan, Sargent, Shapiro
Excused: Shaiken

II. APPROVAL OF MINUTES

Mr. Marcellino moved and Ms. Raymond seconded to approve the minutes of the December 14, 2015 meeting as corrected. The motion passed with all in favor except Mr. Kochenburger who abstained.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Charles Naumec, Riverside Road, spoke to the lack of Town Council action regarding changes to the PILOT formulae; on campus students voting on financial issues; Town Council members' adherence to the Ethics Code; and inclusion of his letters to the Secretary of the State as Council communications. (Submitted letter to the Secretary of the State will be included as a communication in the January 25, 2016 packet.)

Betty Wassmundt, Old Turnpike Road, expressed concern regarding the proposed local conservation fund and asked for additional information on the EB-5 program. (Statement attached).

David Freudmann, Eastwood Road, requested information on the net income realized by the parking garage and objected to consideration of a local conservation fund.

Theodore Panagopoulos of Manchester Connecticut and owner of properties in Mansfield requested additional discussions on the rental property parking plan and asked why in two of his rental properties four unrelated tenants may reside but only three unrelated persons are allowed in his most recent rental unit.

Michael Soares, Mansfield resident and member of the Conservation Commission, the Open Space Preservation Committee and the Water Advisory Board, reported that the Open Space Preservation Committee is in favor of the enabling legislation which would allow towns to impose a surcharge on land transfers to create a local conservation fund.

Jim Morrow, Hank Hill Road resident and Chair of the Open Space Preservation Committee, spoke of the Committee's support for the enabling legislation creating a local conservation fund noting that it will be up to each Town to decide whether or not to participate. (Statement attached)

Darby Pollansky of Coventry, Connecticut and owner of Pollansky Construction spoke to her company's work as a subcontractor for the Mansfield Community Playground and the steps they are taking because of nonpayment by the contractor. (Statement attached)

IV. REPORT OF THE TOWN MANAGER

In addition to his written report the Town Manager offered the following comments:

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- Concerns regarding handicapped parking at the Mansfield Community Center have been referred to the Traffic Authority
- Staff has reported that the parking citation issued to Mr. Panagopoulos's rental property was properly applied. The Ad hoc Committee on Rental Regulations and Enforcement will be reviewing all ordinances. Mr. Hart also explained that the Planning and Zoning Commission revised their occupancy regulations which grandfathered in older properties at the previous occupancy rates.
- The disagreement raised by Ms. Pollansky is between the contractor and subcontractor.
- Mr. Naumec's concerns will be addressed at the January 25, 2016 meeting. Mr. Kochenburger requested that in addition to state statutes, the state and federal constitutional provisions also be included in the discussion.

Ms. Moran moved and Mr. Ryan seconded to add discussion of the Budget Retreat as the first order of business in old business.

The motion passed unanimously.

V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

No comments offered.

VI. OLD BUSINESS

1. Budget Retreat

Ms. Moran moved and Mr. Ryan seconded to change the date of the Budget Retreat to February 6, 2016.

Motion passed unanimously.

2. Proposed Amendments to Ordinance Regarding Alcoholic Beverages

Mr. Kochenburger moved and Ms. Moran seconded, to approve the attached proposed amendments to the Ordinance Regarding Alcoholic Beverages, Chapter 101, Section 101-5, which amendments shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

Mr. Ryan moved and Ms. Moran seconded to add "...and the Mansfield Community Center..." to Section 101-5(B) (2) following "...and the Mansfield Public Library..." and to add "... and the Mansfield Community Center located at 10 South Eagleville Road, Mansfield, Connecticut 06268..." to Section 101-5(B) (1) following "...the campus of the Mansfield Public Library located at 54 Warrenville Road, Mansfield Center, Connecticut 06250..."

The motion to amend passed unanimously.

Mr. Kochenburger, in a friendly amendment asked that the newly added "and" be changed to "or". Both Mr. Ryan and Ms. Moran agreed with the change.

Ms. Raymond offered a technical amendment to Section 101-5(B) (2) changing "...it if..." to "...if it..." Members agreed to this technical change.

Mr. Sargent moved and Mr. Kegler seconded to include private functions by changing the wording in Section 101-5(B) (1) to read, "...any public or private function, public or private festival or public or private celebration..." and to remove "...whether the event is open to the public..." from Section 101(B) (2).

The motion to amend passed with Kegler, Kochenburger, Marcellino, Moran, Raymond, Sargent in favor and Ryan and Shapiro in opposition.

The original motion as amended twice passed unanimously.

3. Proposed Ordinance Regarding Dog Waste Control

Ms. Moran moved and Mr. Ryan seconded, to approve the proposed Ordinance Regarding Dog Waste Control, Chapter 102, Sections 102-13 et seq, which is attached to this agenda, said ordinance shall be effective 21 days after publication in a newspaper having circulation within the Town of Mansfield.

Ms. Moran clarified that her motion includes the alternate definition of Public Property which reads, "PUBLIC PROPERTY (alternate): shall mean public areas in the Storrs Center Special Design District, and sidewalks, recreation fields, playing field, school grounds and playgrounds owned, leased or maintained by the Town."

To be consistent, Ms. Raymond suggested a technical correction to the first line in Section 102-16 which would change the wording to, "If any dog shall defecate on Public Property, the..." Ms. Raymond's suggestion was accepted.

The motion, as clarified, passed with Kochenburger, Marcellino, Moran, Ryan, and Shapiro in favor and Kegler, Raymond, and Sargent in opposition.

VII. NEW BUSINESS

4. Proposed Ordinance Regarding Town Square

Mr. Kochenburger moved and Mr. Sargent seconded to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on January 25, 2016, to solicit public comment regarding the proposed Ordinance Regarding the Mansfield Town Square.

Motion passed unanimously.

5. Proposed Enabling Legislation for a Municipal Option to Create a Local Conservation Fund

Mr. Marcellino moved and Ms. Moran seconded to send the proposed enabling legislation establishing a municipal option to create a local conservation fund to the Agriculture Committee, Conservation Commission, Economic Development Commission, Parks Advisory Committee and Sustainability Committee for review and comment.

The Town Manager reported that the request to consider supporting this legislation was made by the Open Space Preservation Committee.

Members discussed the role of advisory committees, the best way to fund open space, the possible effect on the housing market and new residents, and the fact that an affirmative vote on the motion does not obligate the Town to enact any subsequent legislation.

The motion passed with Kochenburger, Marcellino, Moran, Ryan, and Shapiro in favor and Kegler, Raymond, and Sargent in opposition.

6. Comprehensive Annual Financial Report

Mr. Ryan, Chair of the Finance Committee, moved, effective January 11, 2016, to accept the Comprehensive Annual Financial Report and State and Federal Single Audit Reports for the year ended June 30, 2015, as endorsed by the Finance Committee.

Motion passed unanimously.

7. Proposed Fiscal Year 15/16 Salary Transfers
Mr. Ryan, Chair of the Finance Committee, moved, effective January 11, 2016, to approve the Salary Transfers for FY 2015/16, as presented by the Director of Finance in her correspondence dated January 5, 2016.

Motion passed unanimously.

8. 2015 Assistance to Firefighters Grant Application
Mr. Sargent moved and Mr. Kegler seconded, to authorize Town Manager Matthew W. Hart to execute and to submit the proposed Fiscal Year 2015 Assistance to Firefighters Grant application, seeking \$283,548.00 for the complete replacement of its Self-Contained Breathing Apparatus (SCBA) inventory. Upon submission, such application will be attached to and made a part of this record.
Motion passed unanimously.

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Ryan, Chair of the Finance Committee reported that the Town received an “unmodified” report from the auditors with no recommended changes and that the fund balance has increased from 7.3% to 8%. The Finance Committee is expected to review the final versions of the fraud prevention and whistleblowers policies at their next meeting.

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

X. PETITIONS, REQUESTS AND COMMUNICATIONS

9. Q. Kessel (12/14/15)
10. Mansfield Advocates for Children: Letter to CT Department of Transportation
11. November 9, 2015 Organizational Meeting of the Mansfield Town Council
12. M. Hart re: Agreement between Region 19 Board of Education and Region 19 Administrator’s Association
13. L. Painter re: Director’s Report – Mr. Hart commented on potential rail service through Mansfield noting that the PZC will be reviewing the proposal and will most probably ask the Council to co endorse a letter in response to the Northeast Corridor Tier 1 Draft Environmental Impact Statement.
14. Connecticut Conference of Municipalities re: Estimated Reductions in FY 16 Municipal Aid
15. CRCOG re: Benefits of CRCOG Membership
16. Connecticut Water re: Water Main Installation
17. Notice of Interstate Reliability Project Completion
18. The Mansfield Minute – January 2016
19. Mansfield Apts. are CT’s latest EB-5 project

XI. FUTURE AGENDAS

No items offered.

XII. ADJOURNMENT

Mr. Ryan moved and Ms. Raymond seconded to adjourn the meeting at 8:40 p.m.
Motion passed by all.

Paul M. Shapiro, Mayor

Mary Stanton, Town Clerk

January 11, 2016

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To: Town Council

From: Betty Wassmundt

Regarding Hart's proposed local conservation fund:

Please just dispose of this idea immediately. Connecticut has enough taxes and the public has always granted this town the right to bond for open space. Have pity on the poor CT taxpayers.

But, should you support this initiative and should such legislation pass, I expect I can predict what will happen in Mansfield. Remember what happened with the well thought out Housing/Rental Inspection ordinance –whatever you call that ordinance, it took but a few days for someone to find a means by which to foil it. Then the ordinance had to be reworked. This was after the Town Manager, also a credentialed attorney, had reviewed the document and, the then political appointee town attorney had reviewed the ordinance and, the Building Director had been given an \$8,000 increase in salary, not a one time \$8,000 bonus but a continuing \$8,000 per year payment, for doing such a good job. I recall the former Mayor saying, "Why who would think of such a thing?" My response to that was "DUHHHHHH"; it was obvious but not to all the professionals who reviewed the ordinance.

I expect the same thing would happen in this situation. Tell you what I'd do. Let's assume I sell my property for \$450,000, just an easy number to work with, I would sell my house and an appropriate lot for \$150,000; then I'd divide the balance of the land into two parcels and sell each for \$150,000 to the same person and pay no tax and there's nothing you could do about it.

I discussed this proposal with an acquaintance of mine and he suggested some new names for Mansfield. I'm sure you know that Connecticut is commonly called Corrupticut. He suggested we call Mansfield:

Mansfleece, or possibly
Mansfools, or possibly
Mulctfield.

We both decided Mulctfield the most appropriate, that is, after I got out the dictionary. Mulct means to deprive as by deceit or, to punish by imposing a fine.

Lastly, I call your attention to pages 145 and 146 in your packet about an EB-5 program for Mansfield. It would be nice to have town management provide information about this EB-5 program. For example, is this program appropriate for Mansfield, that is, what are the requirements for this program? What has been the experience where this program has been used? Is town involvement required?

Thank you and Good Evening, Mulctfield council.

Jim Morrow chair open space committee.

I would like to reinforce the Open Space Committee's support of the request to the General Assembly to pass *Enabling Legislation for a Municipal Option to Create a Local Conservation Fund* which is new business item 4 on today's agenda. This is enabling legislation so municipalities may have a charge on real estate transactions to help with an open space programs.

It is important to keep in mind this is enabling legislation not a mandate. It will be up to every municipality to balance the change in real estate closing cost with the improvement in quality of life from preserving the natural environment in a community.

We in Mansfield benefit from a history of strong tax payer support for our Open Space program. However many municipalities struggle to support open space and recreation lands. The General Assemblies passing of this act would allow the consideration of another method of funding. This does not mean a fee on real estate transaction is appropriate for all municipalities, but just another option.

Thank You

POLLANSKY CONSTRUCTION, LLC

92 ROSS AVENUE

COVENTRY, CT 06238

(860)742-9334

pollanskyconstruction@gmail.com

January 11, 2016

Hand Delivered

Matthew W. Hart, Town Manager

Mansfield Town Council

Audrey P. Beck Building

Four South Eagleville Road

Mansfield, CT 06268

RE: Unpaid Subcontractor/Mechanics Lien – Mansfield Community Playground

Dear Matthew and Council Members,

I am writing to you as the owner and member of Pollansky Construction, LLC. I spoke in front of the Council back in October of 2015 as a courtesy to inform the Council of the position my company had been put in with regards to the Mansfield Community Playground. I regret to say that my company has not received a dime of payment as of today. Despite the fact that my company, as the sub-contractor, financed all of our work involved in the project from its beginning and completed what was our responsibility and what had asked of us by Town Staff, we have been a victim of non-payment and are being forced to pursue

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Matthew Hart/Town Council

Legal action on the Mechanics Lien filed with the Town of Mansfield back on October 30, 2015.

In addition, upon reviewing the Contract between the Town and the Contractor who signed, it is obvious that several requirements have not been enforced by the Town nor fulfilled by the Contractor. This Contractor was paid by the Town for doing none of the excavation work. This Contractor was also paid for extra work above and beyond said Contract that my company did. More importantly is the fact that this job is a Prevailing Wage job and nothing was provided in reference to this by the Contractor or required by the Town.

Therefore, since the Contractor has refused to pay our bill, we are forced to continue forward with the legal action necessary. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in cursive script that reads "Darby Pollansky". The signature is written in black ink and is positioned below the word "Respectfully,".

Darby Pollansky, owner/member Pollansky Construction, LLC