



6:45PM: Ceremonial
Presentation – Life
Saving Award

TOWN OF MANSFIELD
TOWN COUNCIL MEETING
Monday, October 24, 2016
COUNCIL CHAMBERS
AUDREY P. BECK MUNICIPAL BUILDING
7:00 p.m.
AGENDA

	Page
CALL TO ORDER	
ROLL CALL	
APPROVAL OF MINUTES	1
OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL	
REPORT OF THE TOWN MANAGER	
REPORTS AND COMMENTS OF COUNCIL MEMBERS	
OLD BUSINESS	
1. Tennis Courts at Mansfield Middle School (Item #4, 09-12-16 Agenda)	5
NEW BUSINESS	
2. Proclamation in Honor of Raymond Gergler	11
3. Proposed Eagleville Schoolhouse Project.....	13
4. Acquisition of Development Rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road (Mountain Dairy Farm IV).....	35
5. Proposed Revisions to the Code Enforcement Relocation Plan	43
6. Proposed Settlement Agreement between OAP Holdings, LLC and Town of Mansfield.....	77
REPORTS OF COUNCIL COMMITTEES.....	87
DEPARTMENTAL AND ADVISORY COMMITTEE REPORTS	
PETITIONS, REQUESTS AND COMMUNICATIONS	
7. B. Roe (10/13/16)	89
8. R. Shafer (10/13/16).....	93
9. N. Stevens (10/13/16)	103
10. M. Hart re: Central Region Water Utility Coordinating Committee (WUCC) Preliminary Water Supply Assessment Report.....	105
11. CCM Candidate Bulletin - 2016	107
12. Mansfield Historical Society Newsletter – September 2016: Looking Back: The History of Our Museum Buildings	131

FUTURE AGENDAS

EXECUTIVE SESSION

13. Sale or purchase of real property, in accordance with CGS §1-200(6)(D)
14. Personnel in accordance with Connecticut General Statutes §1-200(6)(a), Town Manager Performance Review

ADJOURNMENT

REGULAR MEETING – MANSFIELD TOWN COUNCIL
October 13, 2016
DRAFT

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: Keane, Kochenburger, Marcellino, Moran, Raymond, Ryan, Sargent, Shaiken, Shapiro

II. APPROVAL OF MINUTES

Mr. Sargent moved and Mr. Ryan seconded to approve the minutes of the September 20, 2016 special meeting. The motion passed with all in favor except Mr. Shaiken who abstained. Ms. Moran moved and Mr. Shaiken seconded to approve the minutes of the September 26, 2016 meeting. The motion passed unanimously.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Rebecca Shafer, Echo Road, presented several charts showing Mansfield Neighborhood Preservation Group's statistical look at student populations and off campus housing. (Documents will be included in the October 24, 2016 Council packet as a communication.)

Bill Roe, Echo Road, commented that he is pleased with the progress being made regarding the effect of off campus housing in Mansfield neighborhoods but noted that more work needs to be done. Mr. Roe provided Councilors with additional information including a recent letter to the editor. (Documents will be included in the October 24, 2016 Council packet as a communication.)

IV. REPORT OF THE TOWN MANAGER

In addition to his written report the Mr. Hart offered the following comments:

- Given the ongoing drought, Mr. Hart will continue to update Councilors regarding any reports of problems with private wells.

V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Ms. Moran commented that there was a large party in her neighborhood over the weekend and she, in subsequent conversations with the residents of the house, discovered that they were the ones that called the police once the party got too large.

Mayor Shapiro noted that he, Ms. Keane and Mr. Hart attended the ceremony in Veterans Park in honor of the efforts of Michael Beattie to increase awareness and garner funds in support of hungry veterans. At the event the Mayor read the proclamation recently endorsed by the Council and saluted Mr. Beattie's work.

VI. OLD BUSINESS

1. Crumbling Foundations in Eastern Connecticut

October 13, 2016

Mr. Hart, who serves as a member of CRCOG's Ad hoc Committee on Concrete Foundations, updated the Council on actions being explored which include a regionally consistent method of handling the assessment of affected properties and looking for grant opportunities for homeowners.

Members discussed the possible effects of the underreporting of the number of affected homes might have on the ability of the state to secure funds; the use of Q-Notify to make people aware of the problems and steps being made to address them; and providing a list of qualified contractors who could assess individual properties. The Town will add a link to Representative Courtney's webpage regarding the issue to Town's website.

2. Council Goal Setting

Mr. Ryan moved and Mr. Sargent seconded, effective October 13, 2016, to adopt the 2016-2017 Town Council Goals and Objectives as presented and to add the document to the Mansfield Town Council policy index.

The motion passed unanimously.

VII. NEW BUSINESS

3. Revisions to Town Parking Steering Committee Charge

Mr. Ryan moved and Mr. Shaiken seconded to approve the following motion:

Resolved, to amend the Resolutions to Establish a Parking Steering Committee for Storrs Center, and to Appoint Members of Parking Steering Committee for Storrs Center, as endorsed by the Committee in its draft dated July 26, 2016.

Karla Fox, Chair of the Parking Steering Committee and Cynthia vanZelm, Executive Director of the Mansfield Downtown Partnership explained the proposed changes which include a revision to the charge and the membership.

Ms. Raymond questioned the use of Storrs Center and Downtown Storrs in the proposed changes. Ms. Moran offered a friendly amendment changing references to Storrs Center to Downtown Storrs. The amendment was accepted.

The motion as amended passed unanimously.

4. Veterans Day Ceremonial Presentation Planning Subcommittee

Mr. Kochenburger, Ms. Moran and Ms. Keane volunteered to serve as the Veterans Day Ceremonial Presentation Planning Subcommittee. The presentation will take place at the November 14, 2016 meeting

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Ryan, Chair of the Finance Committee, reported that the Committee discussed who pays shared employee retirement benefits and noted that the answer is the benefits are paid by the entity who they worked for while employed. Mr. Ryan also reported the Committee is finishing up changes to the Finance Department Policy and Procedures Manual.

Ms. Moran, Chair of the Personnel Committee, noted that a discussion of the Town Manager's evaluation will take place in executive session at the next meeting.

October 13, 2016

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

X. PETITIONS, REQUESTS AND COMMUNICATIONS

5. M. Hart re: Town-University Relations Committee Appointment
6. L. Painter re: Central Corridor Water Utility Coordinating Committee
7. L. Painter re: U.S. EPA Building Blocks for Sustainable Communities - no funds are involved.
8. R. Sitkowski re: North Eagleville Road Improvement – this project includes water and sewer work
9. Van Zelm re: Celebrate Mansfield Festival
10. 2016 Municipal Equality Index – the Town Manager will let the Human Rights Campaign know that the town is Mansfield, not Storrs
11. Connecticut Green Bank re: Clean Energy Communities

XI. FUTURE AGENDAS

In addition to the future agenda items identified in the Town Manager's report, Mr. Sargent requested the issues raised in a September 22, 2016 Hartford Courant editorial regarding Section 8 Housing in the Town of Mansfield.

Mr. Kochenburger requested the feasibility/desirability of paperless Town Council minutes be discussed. Mr. Hart stated that a January presentation is planned.

XII. ADJOURNMENT

Mr. Shaiken moved and Ms. Moran seconded to adjourn the meeting at 8:25 p.m. The motion passed unanimously.

Paul M. Shapiro, Mayor

Mary Stanton, Town Clerk

October 13, 2016

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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MH*
CC: Maria Capriola, Assistant Town Manager; Kelly Lyman, Superintendent of Schools; Allen Corson, Director of Facilities Management; Curt Vincente, Director of Parks & Recreation
Date: October 24, 2016
Re: Tennis Courts at Mansfield Middle School

Subject Matter/Background

At the July 25, 2016 meeting, residents expressed concern regarding the Mansfield Public School District's plan to repurpose the Mansfield Middle School (MMS) tennis courts as a playing field. I offered to consult with Superintendent Lyman and to report back to the Town Council, which I did on September 12, 2016. On September 12th, the Council asked staff to provide updated cost estimates to restore the courts and to provide any other recommendations.

Staff has found that more and more municipalities are reconstructing tennis courts using the Post Tension Concrete (PTC) method. Two projects we specifically reviewed are underway in Cheshire and Monroe. While the upfront cost is higher with PTC, this method has proven to be the most cost effective in the long term due to a standard 25-year warrantee.

Our cost estimates average approximately \$270,000 for reconstruction in asphalt and approximately \$310,000 for PTC. These estimates include removal of the old fence; pulverizing the existing surface for re-use as a base; installation of new fencing, nets, and posts; and installation of a new surface according to specifications. Contractors have indicated that in approximately 5 +/- years, an asphalt surface will begin to crack and annual repair costs range from \$5,000 to \$15,000 once the cracks appear. By contrast, the PTC surface has a warranty against cracking for 25 years and will only require top coat repainting to freshen up the colors and lines every 10 +/- years.

Given the \$40,000 or approximately 15% difference in upfront costs versus an average of \$10,000 repair costs every five years or \$50,000 over a 25-year period, staff recommends pursuing the PTC method of repair. Most contractors have also indicated that it is likely PTC courts will survive without cracks well past 25 years and possibly as long as 50 years.

Recommendation

Staff recommends that the Town add the MMS tennis courts to the capital improvement program beginning in FY 2017/18, with a goal to provide sufficient funding to restore the courts over a two to three-year period. This recommendation is based on the following:

- Members of the community have clearly expressed an interest in restoring the courts;
- As indicated in Superintendent Lyman's September 6, 2016 memorandum, the School District would be comfortable with a decision to maintain the courts as long as the facility is properly restored;
- As detailed in my September 12, 2016 memorandum, preservation of the MMS tennis courts would help the Town meet National Parks and Recreation Association guidelines; and
- Restoration of the courts would be consistent with Goal 3.3 of *Mansfield Tomorrow*, the Town's Plan of Conservation and Development.

If the Town Council concurs with this recommendation, the following motion is in order:

Move, to direct the Town Manager to add the restoration of the Mansfield Middle School Tennis Courts to the capital improvement program (CIP) beginning with an initial installment in FY 2017/18, and with a goal to budget sufficient funding for the project over a two to three-year period. The Town Council shall ultimately make a determination regarding funding for the project as part of the annual budget and CIP process.

Furthermore, I believe that this discussion has indicated the value of commissioning a recreation master plan to help ensure that the Town's recreational assets are well-maintained and adequate to meet current and future program needs. I will plan to propose funding for a recreation master plan in a future CIP.

Attachments

- 1) M. Hart re Tennis Courts at MMS
- 2) K. Lyman re Tennis Courts at MMS



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Kelly Lyman, Superintendent of Schools; Allen Corson, Director of Facilities Management; Curt Vincente, Director of Parks & Recreation
Date: September 12, 2016
Re: Tennis Courts at Mansfield Middle School

Subject Matter/Background

At the July 25, 2016 meeting, residents expressed concern regarding the Mansfield Public School District's plan to repurpose the Mansfield Middle School (MMS) tennis courts as a playing field. I offered to consult with Superintendent Lyman and to report back to the Town Council.

Attached please find a memorandum from the Superintendent detailing the rationale behind the district's plan.

I have also asked Director of Parks & Recreation Curt Vincente and Director of Planning & Development Linda Painter for input. My questions for Mr. Vincente concerned the capacity of the Town's remaining tennis courts to meet the needs of our residents. The National Recreation and Park Association (NRPA) recommends one court per 2,000 population, in groups of 2-4 courts, with a service radius of .25 to .50 miles located in a neighborhood/community park or adjacent to a school.

Applying the NPRA metric to Mansfield, we would need 13 courts for the official population of approximately 26,000 people and 6-7 courts for the year-round population of 12,000-13,000 residents. Given the rural character of our community, we are not going to satisfy the service radius metric. Without the MMS courts, the Town has 8 courts available.

I asked Linda Painter to weigh in on the relationship of the MMS tennis courts to the parks and recreation items listed under *Mansfield Tomorrow*. In Ms. Painter's view (and I concur), this issue highlights the need for the completion of a parks/rec master plan as identified in *Mansfield Tomorrow*. Until such a plan is completed, we will continue to have to make decisions on individual facilities as issues arise.

Relevant excerpts from *Mansfield Tomorrow* are as follows:

Goal 3.3: Mansfield's park and preserve system, including natural and active recreation areas, provides access to residents and meets the needs of the population.

Strategy A: Identify park and recreation needs.

Action 2: Develop a Parks and Recreation Master Plan.

This plan should include an inventory and assessment of conditions in all parks and evaluation of all recreation programs; a vision for the Town's parks and recreation program; goals for parks and for programs; implementation and funding strategies; and a program of actions to implement the plan. Assessment of recreation needs and preferences should be based on current users as well as non-users to identify gaps in programming and facilities.

Action 4: Upgrade parks and recreation facilities in accordance with master plan.

Action 5: Consider alternatives to increase availability and sustainable maintenance of athletic fields.

Goal 5.1: Mansfield provides high-quality services that connect residents to each other and the community.

Strategy A: Integrate delivery of community services.

Action 1: Explore opportunities to provide services at multiple facilities.

Goal 5.4: Mansfield is a healthy, active community.

Strategy B: Promote active living.

Goal 5.5: Mansfield maintains high-quality public facilities that support town goals.

Strategy B: Identify facility improvements to meet service and sustainability needs.

Action 2: Identify short-term and long-term costs of any proposed facility improvements.

(Chapter 5) Outdoor Recreation Facilities. As described in Chapter 3, Mansfield also has an extensive network of outdoor recreation recourses at parks, preserves and sports facilities. Organized activities are provided by the Department of Parks and Recreation, youth sports leagues (including football, soccer, baseball, lacrosse and hockey), and nonprofit organizations. Current fields are at or near capacity based on existing demands. Improvements to existing fields will be needed to meet increased demand.

Recommendation

In her memo, Superintendent Lyman requests that the Council specifically allow the public another opportunity to provide input on the school district's plan to repurpose the courts. The Council could structure this forum as a public hearing, public information session, or focus group. I suggest that the Town Council discuss these options at Monday's meeting. As part of this meeting or at a subsequent discussion, I recommend that the Town Council also discuss the concept of a recreation master plan as well as the process for modifying, discontinuing or repurposing shared town/school district assets.

Attachments

- 1) K. Lyman re Tennis Courts at MMS
- 2) A. Hawkins re: Tennis Courts at MMS

MEMORANDUM

MANSFIELD PUBLIC SCHOOLS

KELLY M. LYMAN, SUPERINTENDENT OF SCHOOLS

Four South Eagleville Road

Storrs, Connecticut 06268-2599

(860) 429-3350 Telephone

(860) 429-3379 Facsimile



TO: Matt Hart, Town Manager
FROM: Kelly Lyman, Superintendent of Schools
DATE: September 6, 2016
RE: Tennis Courts at Mansfield Middle School

Last fall, Candace Morrell, principal of Mansfield Middle School asked the Mansfield Public Works department to examine the tennis courts located just off the "blacktop" area at Mansfield Middle School. Concerns about the courts in the past resulted in several attempts to repair them. Four years ago a project to reseal the cracks was completed. The repair was expected to last five years but after just a year the cracks reappeared and the overall condition of the courts has since worsened. Two years ago the facilities department received a call to repair the nets as they were falling down. It was discovered that the nets could not be simply repaired as the footings were loose and could no longer support the net polls. More recently, concerns have been raised about the surrounding fence which is unstable and presents a safety concern.

In their current condition the tennis courts cannot be used while the blacktop area is used for outdoor physical education, bus arrival and departure, and parking for school and community events after school hours. The request to examine the courts stemmed from the desire to provide more space to the blacktop area for these purposes and possibly to improve traffic flow for buses and parent drop offs.

Exploration of the area concluded that the space could not easily be repurposed to support bus or vehicle traffic but was large enough to provide additional playing field space if the tennis courts were removed. Estimates to repair the courts, net footings, and surrounding fence were estimated at \$150,000 to \$250,000.

After consultation with school and recreation department personnel, the Public Works Department determined that they could accomplish removal of the courts and construction of a playing field should this be desired. To further ensure this work could occur, they sought permits for the removal of the courts from the planning office.

At the Board of Education meeting on June 9, 2016 Curt Vincente, Director of Parks and Recreation, and Candace Morell, Mansfield Middle School Principal, asked for consensus from the Board to support removal of the tennis courts and addition of a playing field in its place. Curt Vincente expressed concern with the loss of a recreation facility but agreed that in their current condition the courts are not usable. He also shared that current demand for tennis courts appears to be met at other locations in town. Candace Morrell shared that additional field space would provide additional practice fields for afterschool sports when E. O. Smith uses the upper fields at Mansfield Middle School and would also provide field space adjacent to the blacktop for use during physical education classes. The Board supported this request.

Given the property in question is owned by the town of Mansfield, I request that the Town Council consider this request and allow the public another opportunity to provide input. If the tennis courts are to remain, we request they be repaired to allow for use and to prevent further deterioration and safety concerns.



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MHart*
CC: Maria Capriola, Assistant Town Manager; Fran Raiola, Fire Chief; George Thompson, III, Assistant Fire Chief
Date: October 24, 2016
Re: Proclamation in Honor of Raymond Gergler

Subject Matter/Background

Staff is working with members of the Mansfield Fire Department to prepare a proposed proclamation in honor of Raymond Gergler's contributions to the community, particularly his 70 years of service to the Eagleville and Mansfield Fire Departments. This is truly an amazing accomplishment! Mayor Shapiro intends to issue the proclamation at the annual awards dinner to be held by the Mansfield Volunteer Firefighter's Association on November 5, 2016.

Once finalized, staff will distribute the proposed proclamation to the Council via separate cover.

The following motion is suggested:

Move, to authorize the Mayor to issue a Proclamation in Honor of Raymond Gergler.

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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Curt Vincente, Director of Parks and Recreation
Date: October 24, 2016
Re: Proposed Eagleville Schoolhouse Project

Subject Matter/Background

The Eagleville Schoolhouse is a Town-owned building located at the corner of Routes 32 and 275. The facility is currently vacant and was previously rented to the Mansfield Historical Society and then Joshua's Trust for many years. Management has been considering re-use of the building for municipal purposes since the facility was vacated. Recently, staff was approached by potential donors who are interested in providing funding to extensively renovate the old schoolhouse to provide dedicated space for Community School of the Arts (CSA) activities, particularly music.

As you know, the CSA program is now under the direction of the Parks and Recreation Department. Staff sees this as a rare and unique opportunity for the Town and the CSA program. At Monday's meeting, staff plans to present the concept to you and to seek your approval to hire an architect at the donor's expense. The architect's report will provide concept plans, building renovation and expansion design plans, and cost estimates for construction. Once complete, staff would share the architect's report to the Town Council to determine if the Council wishes to move forward with a formal project to renovate the schoolhouse at the donor's expense.

Financial Impact

There are no upfront costs that would be incurred by the Town other than staff time necessary to retain an architect in accordance with the Town's purchasing procedures. In anticipation of an expanded facility for the CSA program, staff has prepared a draft Business Plan related to this project. The Business Plan includes two budget documents – the FY 2016/17 CSA budget estimates, and a pro forma CSA budget estimate if the Eagleville Schoolhouse project came to fruition. Staff projects that a larger facility would lead to an enhanced and expanded CSA program.

Legal Review

Staff contemplates that the Town would enter into two separate donation agreements with the donors, one for the initial architectural review and the second for the larger

renovation project, if approved. The Town Attorney is out-of-the-office this week, but should be able to finalize the initial donation agreement in short order upon his return.

Recommendation

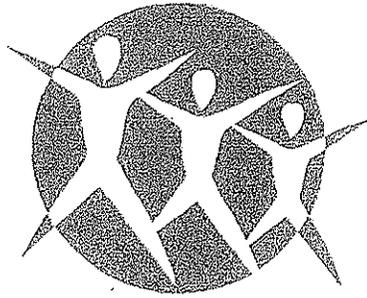
Staff recommends that the Town Council authorize me to retain an architect, at the donors' expense, to prepare the initial concept plans and related materials, and to execute an appropriate donation agreement with the donors, subject to the approval of the Town Attorney.

If the Town Council agrees with this recommendation, the following motion is in order:

Move, effective October 20, 2016, to authorize the Town Manager to retain an architect to prepare, at the donors' expense, the initial concept plans, building renovation and expansion design plans, and construction cost estimates for the potential Eagleville Schoolhouse project; and to execute an appropriate donation agreement with the donors, subject to the approval of the Town Attorney.

Attachments

- 1) CSA Business Plan



Mansfield

Parks & Recreation

Family, Fitness & Fun!

BUSINESS PLAN

COMMUNITY SCHOOL of the ARTS (CSA)

Proposed Eagleville Schoolhouse Project

Curt Vincente, Director of Parks & Recreation
Jay O'Keefe, Assistant Director of Parks & Recreation
Kim Rontey, Recreation Coordinator

October 2016

TABLE OF CONTENTS

- I. Introduction
 - II. Mansfield Parks and Recreation Existing Programs
 - III. Mission
 - IV. Opportunities and Challenges
 - V. MPRD/CSA Preliminary Business Plan
 - VI. CSA Facilities
 - VII. Start-up and Operational Costs
 - VIII. Summary/Conclusions
- Appendix

I. INTRODUCTION

The Community School of the Arts (CSA) has a long history of providing art and music education to the community. The Mansfield Parks and Recreation Department (MPRD) has always offered art and music programs at an introductory level. With the addition of the CSA to the wide array of existing offerings, MPRD can now expand music and art programs beyond the introductory level.

This fall season marks the first full season of CSA programs under MPRD direction. The CSA program had a long history of serving the greater Mansfield area. For many years, the program was housed at UConn's Depot Campus. Participation levels peaked at over 2,100 annually until UConn re-focused its community outreach programs and could no longer support the CSA program at the aging Depot Campus facilities. This coupled with high overhead costs made the program unsustainable under the UConn model.

Under a successful program model the MPRD deploys for all of its programs, overhead and program administration efficiencies have been realized that will enable the CSA to move in a positive direction. With adequate facility access and improved program oversight, CSA programming can provide a high level of service and increase participation levels to that which existed at its peak.

Currently this fall programming season has realized slow growth in CSA participation, however, facility constraints will minimize future growth and limit the ability to meet service demands.

Staff have secured a willing donor who desires for the CSA to have a central facility at a renovated and expanded Eagleville Schoolhouse, which will contribute to the goal of re-establishing CSA program offerings. The Eagleville Schoolhouse is owned by the Town of Mansfield and is currently vacant. CSA migration to the Eagleville Schoolhouse for accommodation of current and future programs is seen as a logical re-use of this historic building. A unique opportunity exists with the combination of a willing donor who desires to provide the CSA with the necessary centralized facilities to succeed and a vacant building owned by the Town.

This business plan will identify opportunities and challenges of operating the CSA at a new and improved schoolhouse where MPRD will seek to broaden its existing music and arts program offerings.

II. MANSFIELD PARKS and RECREATION EXISTING PROGRAMS

The Mansfield Parks and Recreation Department has a strong history of providing a broad range of programs to area residents. MPRD programs are managed within the Town's Recreation Program Fund and follow the Town's Fee Policy. MPRD programs are self-supporting, with direct costs and most indirect over-head costs covered by fees and charges. Limited subsidies are provided by the Town for fee waivers and facilities.

MPRD program participation in fiscal year 2015-16 exceeded 14,200, which included over 2,700 programs. There are approximately 68 percent residents and 32 percent non-residents participating in annual Parks and Recreation programs.

A sophisticated registration software system, entitled *VT Systems RecTrac*, is used to register participants both online and in office. This system allows for highly efficient management of programs by supervisors and the MPRD administration. Approximately 50 percent of MPRD registrations occur online. The following is a sampling of MPRD art and music related programs that have been offered in the past (list not inclusive of dance/exercise programs, some of which might be considered artistic related):

Acting Class	Introduction to Welding
African Music	Jewelry
Art Appeal	Junk Yard Artists
Basic Digital Photography	Knitting/Crochet
Basic Painting and Collage	Landscape Photography
Basket Weaving	Mosaics
Beginning Pastels	Music Together
Candle Making	Painting and Collage
Casual Portrait	Photography
Clay Jewelry	Pottery
Creative Theater	Pottery Camp
DaVinci Kids	Scrap Booking
Drawing	Theatrical Puppetry
Experimental Art	Theater Workshops
Family Music	Wacky World of Wire
Holiday Crafts	Water Colors
Introduction to Flute Play	Young Picassos

With the addition of higher level CSA programs and private music lessons, MPRD will be able to service area residents with a broad array of desired programs. Under the proposed Eagleville Schoolhouse project, all direct program costs and most indirect costs will be covered by user fees. A budget model in the Appendix of this document details a proforma budget.

III. MISSION

The current MPRD mission of, *“enhancing the quality of life for the total community by providing a variety of leisure opportunities, promoting health and wellness, increasing cultural awareness, protecting the natural resources, and developing the recreational needs and interests of area residents”* is consistent with the specific CSA mission of *“seeking to be a significant resource for high quality music and arts education by providing professional music and arts instruction for students of all ages and ability levels”*.

The proposed Eagleville Schoolhouse project, if seen to completion, will allow the CSA to regain its place in the community and allow area residents the opportunity to have a sense of place when it comes to community based music and arts programming.

IV. OPPORTUNITIES and CHALLENGES

The challenges that have been identified through an initial evaluation of existing and future programming include the hiring of quality program instructors and facility limitations. These challenges are manageable and can be minimized with proper planning, coordination, and consistent facility access.

Facilities: Although the MPRD has a proven successful program operation, there are facility limitations, which have caused some long-term concerns about future program growth. Current CSA programs are scattered around in several locations in order to find space to offer desired programs. Scattering of programs makes for inefficient program supervision. Currently CSA programs are being held at UConn's School of Fine Arts, E.O. Smith's music and arts wing and the Mansfield Community Center. Consolidating most of these programs at a single location at the Eagleville Schoolhouse will help to make the operation of CSA programs more efficient and ease the scheduling conflicts that occur at the other locations. Access to the facilities in the UConn School of Fine Arts building is limited. The E.O. Smith music and art facilities are being used to the extent allowable, however, access is also limited. School functions and events prevent daytime use and occasionally lead to inconsistency in scheduling. Music and art facilities at the Mansfield Middle School, which are rarely used by the larger community are also difficult to use due to important school security access points and the remote location in relation to other CSA programs in the Town center.

Marketing: The MPRD produces seasonal program brochures which are distributed both online through the Town and department websites and also via direct mail. The direct mail approach continues to be the most popular and successful method to market all programs and services of the MPRD. This brochure reaches over 22,000 households in Mansfield and surrounding towns. CSA marketing efforts benefit greatly from being included in the brochure. Cross-marketing to existing MPRD participants provides new opportunities to increase program participation. In addition, other traditional methods of marketing that have proven successful for MPRD will be utilized, including radio, website links, and email.

Training: The staff of the CSA are employed following standard Town and Department hiring practices. The MPRD conducts general orientation training and customer service training for all of its employees. Management will work closely with all CSA staff to ensure proper and thorough training.

Timing: The donor for the renovation and addition of the Eagleville Schoolhouse is eager to move forward as quickly as possible so that the CSA can re-establish services and programming that were sought out by so many in the past. This donation is a rare opportunity for the Town to improve services and add program space that is desperately needed. The donor desires for the project to be completed by the fall of 2017 and to the degree possible, an effort should be made to respect the desires of the donor.

V. MPRD/CSA BUSINESS PLAN

Product and Service Description

MPRD is well positioned to provide ongoing music and arts programming especially because of the consistency with existing program offerings. The delivery of CSA programs and services will remain the same under the MPRD model. Successful community based programs offer genuine customer service and deliver program services in a welcoming environment, for people of all ages, abilities and social economic classes. The MPRD has a proven record of delivering quality services and building a positive community atmosphere. Providing sustained services and programs that bring the community together and benefit the active lifestyles of area residents has added to the quality of life.

Dedicated spaces and programming for art and music education for both group and individual instruction will enhance opportunities for area residents to experience important lifelong learning and skills. Expansion of current space and services to meet existing and future art and music demands by area residents in the target market will allow the CSA to satisfy local needs while maintaining its core mission of providing community services.

To reflect the target market needs of children and adults, the CSA programs will include provision of an abundance of art and music program offerings. In addition to group classes, private instruction has been popular. An attractive advantage of the Eagleville Schoolhouse project is that it will allow the CSA a centralized location and specialized program space.

Management and Organization

Chief Executive Officers: Matthew Hart, Town Manager and Curt Vincente, Director of Parks and Recreation

Chief Financial Officers: Cherie Trahan, Director of Finance and Curt Vincente, Director of Parks and Recreation, Jay O'Keefe, Assistant Director of Parks and Recreation

Marketing Team – Curt Vincente, Director of Parks and Recreation, Jay O'Keefe, Assistant Director of Parks and Recreation, Kim Rontey, Recreation Coordinator, and Amanda Wilde, Member Services Coordinator

CSA Program Supervisor: Kim Rontey, Recreation Coordinator

Human Resource Team: Maria Capriola, Assistant Town Manager and Jay O'Keefe, Assistant Director of Parks and Recreation and Kim Rontey, Recreation Coordinator

Advisory Network

Mansfield Town Council

Mansfield Arts Advisory Committee (AAC)

Mansfield Recreation Advisory Committee (RAC)

Mansfield Parks and Recreation Department Administrative Staff

Partnering

Partners for potential program staff include E. O. Smith High School Music and Art Department, Mansfield Middle School Music and Art Department and UConn's School of Fine Arts, including the Music Department.

Trends

Research has indicated that art and music education at all ages facilitates learning other subjects and enhances skills that children inevitably use in other areas. According to researchers at the University of Michigan, *"The arts have a power to deepen and extend our understanding of ourselves and the world. Music plays a key role in the moral, as well as aesthetic formation of human virtue, character, and sensibility (Carr 2005). It has also shown to increase mental discipline, patience, cooperation (Johnson 2004). Often, study of the arts is seen as a means for increasing student performance in more legitimate skill and subject areas."*

Demands of Target Market

Previous CSA programming has indicated a continued demand for art and music programming by area residents. Classroom and workshop areas with dedicated spaces for group instruction and private lessons, previously available at the CSA facilities on the Depot Campus enabled peak participation. Although CSA participation numbers have fluctuated and declined in recent years, economic and staffing factors contributed to these fluctuations under the UConn model. None-the-less, interest in group and private lessons in art and music remain high in the area.

Company Description

The Town will collaborate on a team approach to operate the CSA. The success of the CSA depends upon quality instruction and adequate facilities. An MPRD satellite location will work to expand the existing MPRD mission by providing more opportunities for lifelong learning.

It is vitally important that a customer focused environment be maintained. This has been successfully created and extremely well received at the Mansfield Community Center where most of MPRD's programming occurs. This will be achieved through staff training, customer satisfaction surveys, implementation of a member feedback program and management's active involvement in the operations.

Marketing Plan

- Market Research - Limited local information is available on the potential market for participants in art and music education at the community level. CSA has recorded from 1,500 to over 2,100 participants per year in prior years from 2010 to 2013 in art and music specific programs. MPRD has recorded over 14,000 participants in fiscal year 2015-16 for a broad range of programming types. A detailed survey would need to be conducted to determine art and music specific interest levels at certain pricing levels. However, a scientific survey done by a professional research firm could be costly and might not prove to be useful in this case. Existing data on previous participation levels for the CSA program indicate strong interest in art and music education in the area.
- Economics – The local economy, while it may differ slightly from the national economy, continues to see slow recovery.
- Total market size - Using Mansfield and the surrounding towns of Ashford, Columbia, Coventry, Tolland, Willington, and Windham there is an approximate population of nearly 93,000. As indicated earlier, MPRD currently distributes its seasonal program brochure to over 22,000 households in most of these towns.
- Target market – Age 3 and over
- Current demand in target market - As indicated previously, CSA programming has indicated a continued demand for art and music programming by area residents.
- Target market trends – As indicated earlier, research has indicated that art and music education at all ages facilitates learning other subjects and enhances skills that children inevitably use in other areas. Communities such as Mansfield continue to desire a variety of options for lifelong learning. Art and music education remain high on the list of desired program options.
- Barriers to entry in the market - Cost may prove to be a factor that could prevent participation. Highly priced programs potentially limit the market. The CSA has a history of providing scholarships to participants with low income status. These scholarships were funded by donations. The Town has a long history of providing fee waivers to low income residents. Annual household caps for qualified Mansfield residents exist in the Fee Waiver program, which forces families to prioritize their use of fee waiver subsidies.
- Competition - There is very limited competition for art and music education in the area. It is expected that CSA and MPRD would dominate the market area for specific art and music programming. The following are the known private art and/or music programs:

- Mansfield Academy of Dance - Mansfield
 - Dance Express – Tolland
 - Can Dance Studio – Coventry
 - Saw Mill Pottery – Putnam
 - CT Art School – South Windsor
 - Summit Studios – Manchester
 - Music and Arts – East Hartford
-
- Planned Promotion Avenues – The CSA/MPRD combined program is promoted primarily through the broad distribution that currently exists with the MPRD seasonal program brochure. In addition, use of the MPRD website and email distribution lists are used for direct communication. MPRD maintains a radio advertising contract and would supplement advertising for memberships and programs with additional promotion for the CSA programs. Finally, cross marketing via existing program participants is mutually beneficial.

 - Registrations for all classes will be done through the existing MPRD software system. Scheduling of classes and day to day inquiries will be dealt with by assigned MPRD staff.

VI. COMMUNITY SCHOOL of the ARTS FACILITIES

The current CSA has utilized a number of instructional spaces, classrooms, and meeting rooms at three primary locations, E.O. Smith Music and Arts wing, Mansfield Community Center, and UConn's School of Fine Arts building. Additional spaces will be utilized on occasion to allow for events and recitals. Consolidation of as many programs as possible into a centralized space such as a renovated and expanded Eagleville Schoolhouse is critically important for the long-term growth and sustainability of the CSA program. The proposed Eagleville Schoolhouse project if seen to completion will allow the CSA to regain its place in the community and allow area residents the opportunity to have a sense of place when it comes to community based music and arts programming.

VII. START-UP AND OPERATIONAL COSTS

Currently the CSA programs will realize a modest profit for the fall 2016 season. Attached in the Appendix of this document is a fiscal year 2016-17 CSA budget. Also attached is a proforma budget for CSA programs at the Eagleville Schoolhouse beginning in the fall of 2017. The proforma budget includes additional direct program expenses such as building supplies, training, utilities, etc. In all of the projected budget scenarios, the CSA program shows a budget surplus, which will contribute positively to the Recreation Program Fund balance.

The drafted budget scenarios presume that typical Furniture, Fixtures, and Equipment (FFE) will be included within the Eagleville Schoolhouse project.

Not included in the standard operating costs are town-wide building and grounds needs that are typical at all town facilities (ie. Library, Senior Center, Town Hall). These items include grounds maintenance, snow plowing and routine/emergency building maintenance.

IX. SUMMARY/CONCLUSIONS

The Community School for the Arts has provided successful art and music programs to the community for many years. The program is well received by the community and has a positive reputation for providing a high level of programming and instruction. The Mansfield Parks and Recreation Department has a strong history of providing a broad range of programs to area residents.

The MPRD has an established foundation of programming and is well positioned to build upon the long tradition of CSA programs and continue to meet the music and art needs of area residents.

It is necessary for the CSA to have a business model approach to its operation in order to maintain its self supporting focus. The successful management of a business-like operation should always embrace opportunities to expand. Building upon CSA successes will allow MPRD the potential for new revenues and help to sustain a successful and popular program.

There is great value added to the over-all quality of life in the area when programs and services such as the CSA are available to residents. This report includes initial components of a business plan designed to operate the Community School for the Arts in a centralized location at the Eagleville Schoolhouse.

APPENDIX

A – CSA Projected Budget for FY 2016-17

B – CSA Proforma Budget Eagleville
Schoolhouse Facility

APPENDIX A

CSA Projected Budget for FY 2016-17

MPRD - Community School of the Arts Budget Estimates (updated 10/11/16)

BUDGET SUMMARY - YEAR ONE - Direct Costs		ESTIMATES BASED UPON:						
Estimated Participants	634	8 classes per season per class for art, dance, drama						
Estimated Revenues	117,480	10 classes per season per music class						
Estimated Expenses	74,022	On-going private music lessons						
Estimated Net Profit	43,458							
Estimated Recovery %	159%							
Fall 2016								
Program	Programs w/min +	Est. Participants	Est. Revenues	Est. Program Staff Expenses	Est. Supply Expenses	Est. Equipment Expenses	Net Profit	Recovery %
Suzuki (Group, private)	10	4	1,800	400	0	0	1,400	450%
Private Music	10	82	24,500	15,050	0	1,400	8,050	149%
Music Classes	1	5	375	225	0	0	150	167%
Art Classes	3	33	3,150	995	362	0	1,793	232%
Dance and Drama	0	0	0	0	0	0	0	
Camps	0	0	0	0	0	0	0	
		124	29,825	16,670	362	1,400	11,393	
Winter 2017								
Program	Programs w/min +	Est. Participants	Est. Revenues	Est. Program Staff Expenses	Est. Supply Expenses	Est. Equipment Expenses	Net Profit	
Suzuki (Group, private)	10	10	1,500	350	0	0	1,150	429%
Private Music	10	92	27,600	18,400	0	300	8,900	148%
Music Classes	2	10	750	400	0	150	200	136%
Art Classes	4	40	3,360	1,950	500	500	410	114%
Dance and Drama	0	0	0	0	0	0	0	0%
Camp (vaca/prof day)	2	20	1,000	410	300	0	290	141%
		172	34,210	21,510	800	950	10,950	

Spring 2017								
Program	Programs w/min +	Est. Participants	Est. Revenues	Est. Program Staff Expenses	Est. Supply Expenses	Est. Equipment Expenses	Net Profit	Recovery %
Suzuki (Group, private)	10	10	1,500	350	0	0	1,150	429%
Private Music	10	101	30,360	19,500	0	300	10,560	153%
Music Classes	3	18	1,110	780	0	100	230	126%
Art Classes	5	45	4,725	2,275	675	200	1,575	150%
Dance and Drama	1	10	750	305	0	0	445	246%
Camps (vaca/prof day)	3	30	3,150	1,000	810	0	1,340	174%
		214	41,595	24,210	1,485	600	15,300	
Summer 2017								
Program	Programs w/min +	Est. Participants	Est. Revenues	Est. Program Staff Expenses	Est. Supply Expenses	Est. Equipment Expenses	Net Profit	Recovery %
Suzuki (Group, private)	5	10	1,500	350	0	0	1,150	429%
Private Music	5	30	4,500	2,250	0	0	2,250	200%
Music Classes (6 class)	2	14	700	305	0	50	345	197%
Art (6 class session)	2	20	1,100	610	200	0	290	136%
Dance/Drama (6 class)	2	20	900	460	0	0	440	196%
Camp wks. Half day	3	30	3,150	1,000	810	0	1,340	174%
		124	11,850	4,975	1,010	50	5,815	
YEAR TOTALS		634	117,480	67,365	3,657	3,000	43,458	159%
NOTES:								
* Participant numbers based upon prior CSA participation and Fall 2016 MPRD registrations								
* Part-time employee payroll benefits not represented								
* No known facility rental expenses unless otherwise identified								
* No existing MPRD programs included in estimates								

APPENDIX B

CSA Proforma Budget
Eagleville Schoolhouse Facility

CSA Eagleville Schoolhouse Estimated Budget (year 1 draft as of 10/14/16) page 1 of 2

EXPENSE		ESTIMATE	NOTES
260-44300	Community School of the Arts		8 private lesson rooms, 1 pottery studio, 1 multi-purpose art
51201	Regular Payroll	0	
51601	Regular Payroll	0	
51132-23	Custodial (part time)	13,000	15 hours week X 17.00 hr X 51 weeks
51605	Part time staff (reception/supervisor)	40,950	62 hours wk @13/hr X 50 weeks, plus 50 misc. hours (3,150 hours total)
51608	Program Staff		
	Instructors	109,200	multiple positions, multiple pay rates
52202	Travel/Conference	150	
52203	Membership fees	300	
52210	Training - Part time staff	100	
53120	Prof/tech services - piano movers, tuners, accompanists		
	Piano movers	1,400	
	Piano tuning	1,500	
	Accompanists	1,200	
53921	Alarm Service	420	
52213	Refuse Collection	800	
52230	Water and Sewer	300	
53232	Building Maintenance Service	1,000	
53301	Building Repairs	1,000	
53302	Equip. repairs	600	
54214	Ref. Books	200	
54604	Electric	900	
54606	Natural Gas/Oil	900	
54701	Building Supplies		
	Paper and cleaning products	6,000	
54706	Non-capitalized equipment		
54907	Uniforms - aprons for art teachers, staff shirts	800	
54914	Rec Supplies	4,000	
TOTAL EXPENDITURES		184,720	
page 2 of 2			
REVENUES			
260-44300			
40680	Program Fees		
	Private Lessons	126,000	140 students x 30 weeks x \$30/week
	Music Classes	5,400	18 students /season x 4 seasons x \$75/class
	Visual Arts	22,320	62 students /season x 4 seasons x \$90/class
	Drama	4,800	12 students /season x 4 seasons x \$100/class
	Prof. Day Camps/Summer Camps	6,500	10 students per date x 7 dates x \$50 + summer camps \$3,000
	Suzuki	4,500	10 students/season x 3 seasons x \$150/season
40862	Fee Waivers	2,000	
40829	Rental/Party		
	Open Studio Space	18,000	240 hours (in individual slots with varying hours) x \$75
	Parties	6,000	60 @ \$100
	Venue Rental	3,000	\$250.00 per X 12- 4 hours per venue
40830	Contributions	2,000	
TOTAL REVENUES		200,520	
NET PROFIT/LOSS		15,800	
<u>Capital Items to be included with construction</u>		<u>Estimate</u>	
	Kiln	5,500	
	Lockers/Cubbies	3,000	
	Folding tables/chairs	3,000	
	Computers/Printers/Copiers	6,000	
	Pottery wheels	6,400	
	Office furniture	3,500	

PAGE
BREAK



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *Matt*
CC: Maria Capriola, Assistant Town Manager; Jennifer Kaufman, Environmental Planner; Linda Painter, Director of Planning and Development; Curt Vincente, Director of Parks and Recreation
Date: October 24, 2016
Re: Acquisition of Development Rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road (Mountain Dairy Farm IV)

Subject Matter/Background

In 2014, the Town entered into a cooperative agreement with the USDA's Natural Resource Conservation Service (NRCS) Agricultural Conservation Easement Program (ACEP) to investigate the purchase the development rights on 474, 504, and 519 Mansfield City Road, also known as Farm IV, owned by Willard J Stearns and Sons, LLC. (Mountain Dairy). The ACEP program is a cost share program whereby USDA NRCS works with towns and land trusts to contribute 50% of the appraised value of the development rights. Through this program, an agricultural conservation easement is placed on the land, permanently restricting residential, industrial, and non-agricultural commercial development. The farm would continue to be owned by Mountain Dairy and property taxes would continue to be collected.

The total area of the parcels is 57.6 acres. A two-acre parcel on the east side and a seven-acre parcel on the west side, have been excluded from the agricultural conservation restriction. These parcels can be sold by Mountain Dairy or subsequent owners as separate lots that would no longer be associated with the farm. A 4.4-acre "farmstead envelope" would stay with the remaining farm but the owners could make improvements to the house or develop buildings for agricultural uses. All of the improvements would be clearly articulated in the conservation easement that is placed on the property. In total, 48.3 acres of the two parcels would be restricted under the program.

This property is located in the largest area of prime agricultural soils and active farmland in Mansfield (more than 1,000 acres, over 900 acres of which are or soon to be permanently preserved). The property has 22 +/- acres of prime agricultural soils (per USDA soil scientist's report). Most of the prime acreage is in production for dairy support (hay and silage corn). A small area near the east boundary is being cleared to complete the cropland area. There is a 19th century house, a trailer, and various

outbuildings at the south end of the east parcel. Water supplies for domestic and livestock use are available. The property offers scenic views of fields from the roadside.

Supporting agricultural businesses and conserving farmland is identified as a high priority in the *Mansfield Tomorrow* Plan of Conservation and Development, specifically goals 3.1 and 6.4. The property has an adequate buffer from non-agricultural properties to avoid nuisance issues. The land has been farmed since the 1800's and perhaps earlier. In the past, it has been an independent farm, producing poultry, and beef cattle. Mountain Dairy previously used it for pasture, until conversion to the crops listed above.

Potential for future agricultural use is good because of the property's combination of agricultural soils and its location in a large agricultural area. The land's current use as cropland for Mt. Dairy is important to this largest agricultural business in Mansfield. Alternatively, the land could again support a small independent farm.

Both the Agriculture Committee and the Open Space Preservation Committee have conducted field trips to the site and reviewed this project in executive session. Their comments are attached.

In March 2016, the market value of the development rights on 48.3 acres was valued at \$210,000. The full appraisal can be viewed at www.mansfieldct.org/MtnDairyFarmIV. Staff has negotiated a price of \$231,000. USDA NRCS will contribute \$105,000 and the Town \$126,000 to the acquisition of development rights. The Town's contribution would be funded through the Open Space Fund.

Financial Impact

The Town's contribution to purchase the development rights would be funded through the Open Space Acquisition Fund.

Recommendation

Staff recommends that the Council schedule a public hearing for its November 14, 2016 meeting and refer this acquisition to the Planning and Zoning Commission for review and comment pursuant to Section 8-24 of the Connecticut General Statutes.

If the Town Council supports this recommendation, the following motions are in order:

Move, to schedule a public hearing for 7:00PM at the Town Council's regular meeting on November 14, 2016, to solicit public comment regarding the proposed acquisition of development rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road.....

Move, to refer the proposed acquisition of development rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road to the Planning and Zoning Commission for review and comment pursuant to Section 8-24 of the Connecticut General Statutes.

Attachments

- 1) A-2 Survey (www.mansfieldct.org/MtnDairyFarmIV)
- 2) Agriculture Committee Comments
- 3) Open Space Preservation Committee Comments
- 4) Maps

DRAFT MANSFIELD AGRICULTURE COMMITTEE

October 7, 2014

To: Mansfield Town Council for Executive Session

Re: Proposal to Purchase Development Rights on Stearns property

At their meeting on October 7, 2013 the committee reviewed a proposal for the Town to purchase development rights on farmland on Mansfield City Road about a half-mile south of the junction with Browns. The 59.3-acre property consists of two parcels: 40 acres on the west side of Mansfield City Road and 19 acres across from this parcel on the east side. The proposal is to purchase development rights (PDR) on about 50 acres of the property (excluding houses, outbuildings and a defined agricultural development area -- see map). The farm would continue to be owned by the Stearns family, who would continue to pay property taxes on the farm.

At this meeting, the committee reviewed the results of a field trip on September 7, 2014, and evaluated the property in several criteria areas. The committee then voted to support the Town's purchase of development rights.

Physical Features The property has 22 acres of prime agricultural soils (per USDA soil scientist's report). Stones have been removed from much of this land. Most of the prime acreage is in production for dairy support (hay and silage corn). A small area near the east boundary is being cleared to complete the cropland area. The wooded area in the west parcel is too stony for cultivation. There is a 19th-century house, a trailer and various outbuildings at the south end of the east parcel. A ranch-style house is located at the north end of each parcel. Water supplies for domestic and livestock use are available.

Location This property is located in the largest area of prime agricultural soils and active farmland in Mansfield (more than 1,000 acres). Conserving farmland in this area is a priority in the Town's Plan of Conservation and Development. The property has an adequate buffer from non-agricultural properties to avoid nuisance issues.

Potential for Sustainable Agricultural Use The land has been farmed since the 1800's and perhaps earlier. In the past, it has been an independent farm, producing poultry and beef cattle. The Stearns family had previously used it for pasture, until conversion to the crops listed above.

Potential for future agricultural use is good because of the property's combination of good soils and its location in a large agricultural area. The land's current use as cropland for Mt. Dairy is important to this largest agricultural business in Mansfield. Alternatively, the land could again support a small independent farm.

OPEN SPACE PRESERVATION COMMITTEE

Recommendation concerning acquisition of development rights
to the Stearns property on Mansfield City Road

September 16, 2014

To: Mansfield Town Council, Town Manager

At the Open Space Preservation Committee's September 16, 2014 meeting, the committee reviewed in executive session a 59-acre property on both sides of Mansfield City Road. Willard J. Stearns and Sons, Inc. is offering to sell development rights to the agricultural portion of this property to the Town. The Open Space Preservation Committee reviewed this property with reference to its location and to criteria in the Town's Plan of Conservation and Development (POCD). Committee members visited the property on September 7, 2014 during an Agriculture Committee field trip.

DESCRIPTION

The property has two parcels. The east parcel (19 acres) contains houses and farm outbuildings, as well as hay and corn fields sloping to the east. There is a seasonal brook crossing the property near the east boundary. The west parcel (40 acres) has a hay field, woodlands and some small wetlands. On the west boundary, it abuts Joshua's Trust's Goodwin Preserve

CRITERIA IN APPENDIX K of POCD

1. A Significant Conservation and Wildlife Resource

The parcel is part of a large agricultural area in southwest Mansfield, and it has prime agricultural soils in an active farming area (see Appendix J).

5. Conserves important agricultural land

- 22 acres of prime agricultural soils, all of which are being used to grow hay and corn by Mt. Dairy
- Property is located in the Town's largest agricultural area (see POCD Map 11)

6. Conserves scenic resource

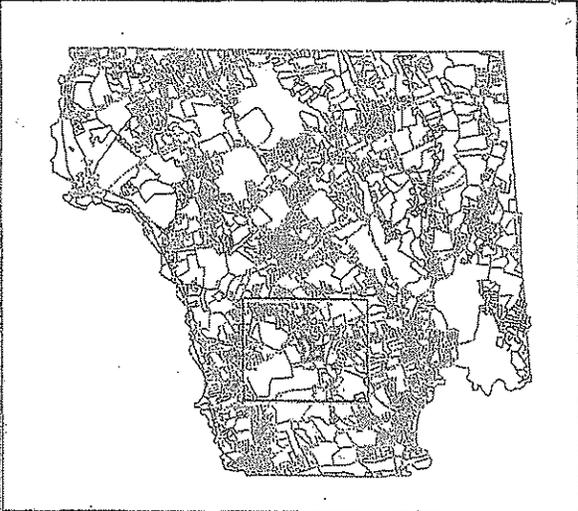
Property offers scenic views of fields from the roadside in a Viewshed Class II area (see POCD Map 2)

7. Creates or Enhances Connections Site would expand preserved protected open space areas:

- Expands area of preserved farmland from Twin Ponds Farm (See POCD map 20)
- Expands area of preserved woodland from Goodwin Preserve (See POCD map 20)

RECOMMENDATION

The committee supports Town acquisition of development rights to the undeveloped land on the Stearns property to expand protected areas of farmland and woodland.



Mansfield City Road

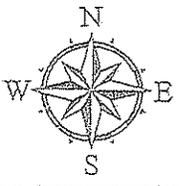
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Farm 4 - Agriculture Conservation Easement Program (ACEP)

474, 504 & 519 Mansfield City Road

Tract 909, Farm 816

Total area 59.3 acres

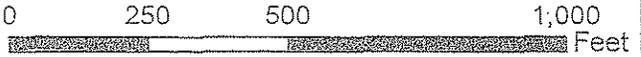
1) +/- 4.4 acres (Proposed)
(Farmstead Envelope)

2) +/- 2 acres (Proposed)
Separate building lot (90,000 sq ft, plus 200 ft of frontage)

3) +/- 7 acres (Proposed)
Separate building lot (90,000 sq ft, plus 200 ft of frontage)

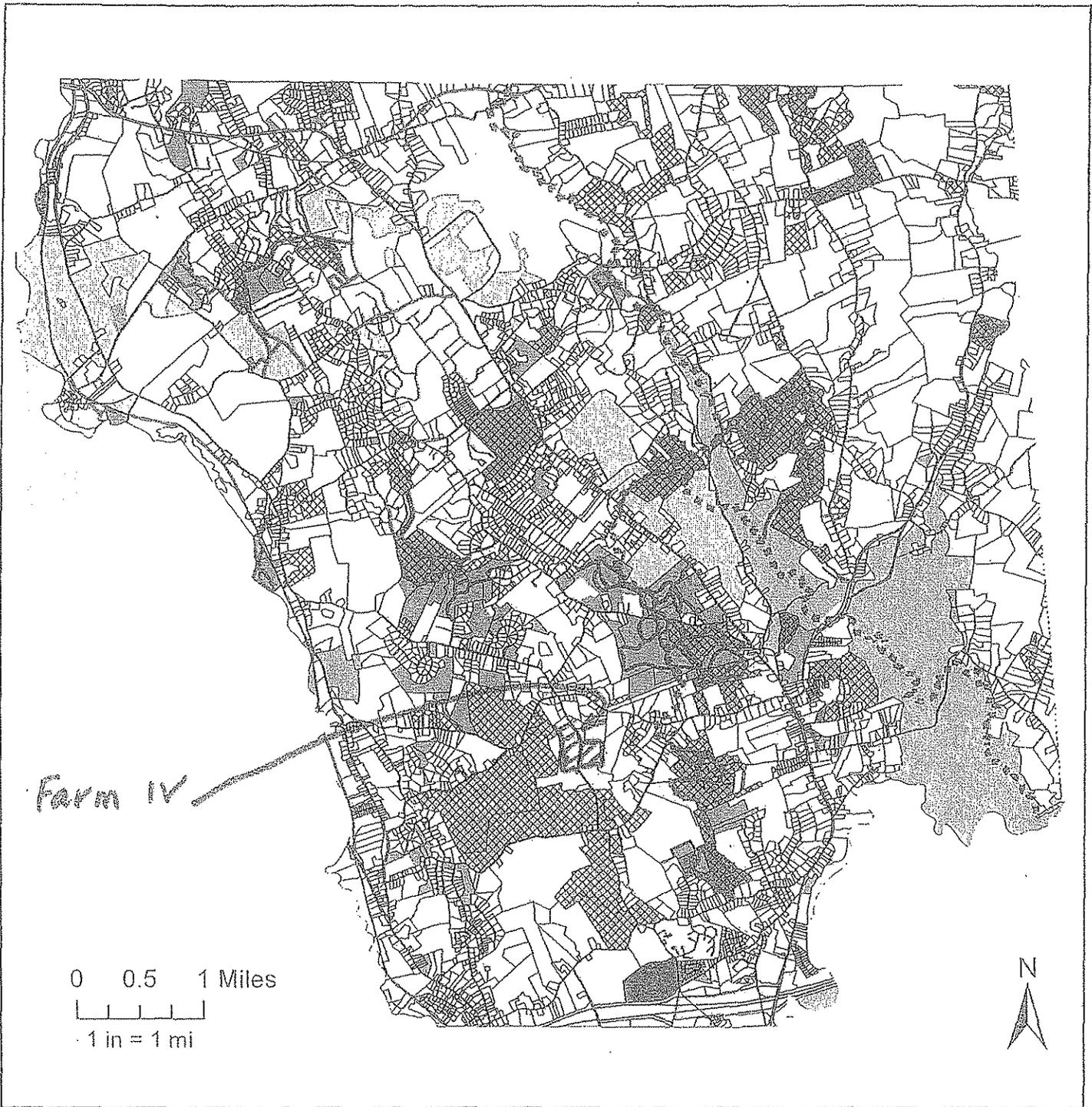


Locally Important Farmland Soils



40

Mansfield Public and Protected Open Space



Legend

 Town Trails	 Joshua's Trust
 Nipmuck Trail	 Joshua's Trust Conservation Easement
 Parcels	 Agriculture Easement
 Permanently Protected Open Space	 Federal
 Mansfield	 State
 Mansfield Conservation Easement	 University Managed Resource Area





**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Patricia Schneider, Director of Human Services
Date: October 24, 2016
Re: Proposed Revisions to Code Enforcement Relocation Plan

Subject Matter/Background

Under Connecticut's Uniform Relocation Assistance Act (URRA, CGS § 8-266), individuals and businesses who are displaced from their place of residence as a result of code enforcement activities are entitled to advisory assistance and financial compensation from the municipality or other state agency that caused them to be displaced.

As there have been some challenges with the use of the Town's current Code Enforcement Relocation Plan, staff is recommending the attached revisions to the plan.

The objectives of the proposed revisions would accomplish the following:

- The revisions to Section 3 of the Code Enforcement Plan would change the notice of occurrence to reflect that the application process is triggered by the action of a Code Enforcement Official. Current policy states that the occupant who "...believes that building is unfit for occupancy...." It is code enforcement activity that determines the municipality's responsibility under the URRA.
- The revisions to Section 4 would replace the language reflected in the Section 3 and add language indicating the action of a Code Enforcement Official is required to activate the plan: "If a Code Enforcement Official issues an order to vacate or a condemnation order...."
- The revisions in Section 5A would remove the language regarding submittal and approval of the plan as the State currently does not have a mechanism for this to occur.
- The revisions in Section 5B would remove the language regarding Town inspection of a permanent replacement dwelling. Town Code Enforcement Officials have no jurisdiction to enforce this and are unable to complete an inspection if the replacement dwelling is out of town or state. The revisions would

also remove confusing language regarding multiple individuals and families occupying the same dwelling.

Financial Impact

Under the Uniform Relocation Assistance Act, the municipality that causes the displacement must pay the displaced person or business:

- his/her actual and reasonable expenses in moving his family, personal property, or business;
- actual direct losses of personal property resulting from the move or from the closure of a business (up to the cost of relocating the property); and
- actual and reasonable costs in searching for a replacement business.

Where a person is displaced from a rental due to code enforcement violations, the law requires a landlord to repay reasonable expenses to the municipality where his/her property is located for assistance paid to the displaced tenant. The municipality may place a lien on any real property owned by the landlord to secure reimbursement. A municipality may sue a landlord to recover the assistance paid.

The current maximum financial liability for the Town providing relocation assistance under the Code Enforcement Relocation Plan is \$4000. Staff anticipates there should be little to no financial impact if the proposed changes are enacted.

Legal Review

The Town Attorney has reviewed and approved the form of the proposed revisions to the Code Enforcement Relocation Plan.

Recommendation

Staff believes the proposed changes are important to meet the intent of the URAA and to protect the interests of the Town, and recommends approval by the Council.

If the Town Council concurs with the proposed revisions, the following motion is in order:

Move, effective October 24, 2016, to approve the proposed revisions to the Mansfield Code Enforcement Relocation Plan.

Attachments

- 1) Proposed amended Code Enforcement Relocation Ordinance with track changes
- 2) Proposed amended Code Enforcement Relocation Plan
- 3) Unified Relocation Assistance Act

Town of Mansfield
Code Enforcement Relocation Plan
Draft dated October 13, 2016

I. PURPOSE

This Relocation Plan is adopted by the Town of Mansfield pursuant to the provisions of the Uniform Relocation Assistance Act ("URAA"), Connecticut General Statutes Sec. 8-266 et. seq., and URAA Regulations, Connecticut Agencies Regulations Sec. 8-273-1 through Sec. 8-273-41.

Connecticut General Statutes Sec. 8-266 states that the purpose of the URAA "is to establish a uniform policy for the fair and equitable treatment of persons displaced by . . . code enforcement activities. . ."

In furtherance of the stated purpose, the Town promulgates this Relocation Plan for the provision of URAA benefits and assistance to individuals and families displaced by the Town's code enforcement activities as a result of substandard conditions.

II. ADMINISTRATIVE STRUCTURE

Determination of displacement and provision of relocation benefits and assistance under this Relocation Plan shall be accomplished by cooperative effort of Town of Mansfield Code Enforcement Officials and the Human Services Official of the Town of Mansfield in consultation with all other appropriate Town agencies, including the Town Attorney.

III. APPLICATION PROCESS

~~Upon notice from any occupant of any building who believes that building is unfit for occupancy or~~
upon notice from a Town of Mansfield Code Enforcement Official, the Human Services Official shall immediately provide the occupant with an Application *for Relocation Assistance* (attached hereto as Exhibit A) and *Notice of Rights and Services* (Exhibit B). ~~At the same time, t~~ The Human Services Official shall also notify the owner of the property of the occupant's application and the owner's potential liability for relocation benefits (See Exhibit C, *Notice of Potential Liability*).

Along with a completed application, the occupant may file an inspection report by a Town agency in support of the occupant's claim for relocation benefits and assistance. If no such report is filed with the application, the Human Services Official shall forward a copy of the completed application to the appropriate Code Enforcement Official, ~~together with a request that an inspection of the property and written report be completed within five (5) business days.~~

IV. DETERMINATIONS OF DISPLACEMENT

- A. Any determination that a property constitutes a threat to the health and safety of the occupant is made by an appropriate Town Code Enforcement Official under the particular standards regulating the work of that appropriate Code Enforcement Official. Upon making such determination, the Code Enforcement Official will notify the Human Services Official. ~~If an inspection resulting in any such determination is completed on premises whose occupant has not filed an application, the Human Services Official will immediately invite the occupants to apply for benefits under the URAA. The Human Services Official will at the same time provide the occupant with *Notice of Rights and Services* and provide the owner with *Notice of Potential Liability* notify occupant of their rights under the URAA and the property owner of their potential liability.~~
- B. If, upon inspection by the appropriate Town Code Enforcement Official applying standards required to be used by that particular Official, it is found that the property is in such a condition as to constitute an immediate and serious threat to the health and safety of the occupant, the occupant shall be immediately determined by the Human Services Official to be a displaced person under the URAA. Within three (3) business days of the date of the determination, the Human Services Official shall provide an adult occupant and the property owner with *Notice of Displacement*, attached as Exhibit D.
- C. Procedure for property which does not constitute an immediate threat to health and safety:
1. If, the appropriate Town Code Enforcement Official, applying standards required to be used by that Official, determines that the property is in such condition that it does not constitute an immediate threat to the health and safety of the occupant, the Human Services Official shall proceed as follows:
 - a. Determine, in consultation with the appropriate Code Enforcement Official, on the basis of the totality of the circumstances, including but not limited to the seriousness of the condition(s), their effect on the occupant, and the owner's capacity to remedy them, a reasonable deadline by which the owner must complete the necessary repairs or incur the consequences of a determination that the occupant has been displaced under the URAA; and
 - b. Provide as soon as possible to the owner a written notice (*Notice to Owner* – Exhibit E) informing him/ her of any such deadline. This notice shall include a copy of any inspection report or key findings of that report. A copy of the notice shall be delivered to the occupant.
 2. Immediately following the expiration of any such deadline, in cooperation with the appropriate Code Enforcement Official, the Human Services Official shall cause the property to be reinspected. If the Code Enforcement Official issues an order to vacate or a condemnation order concludes that any of the identified unsafe conditions have not been remedied to the extent that the premises are habitable, the Human Services Official shall:
 - a. Determine the occupant to be displaced and notify the Human Services Official to provide an adult occupant and the property owner with *Notice of Displacement*; or

- b. Determine under the totality of the circumstances in consultation with the appropriate Code Enforcement Official that the necessary repairs will soon be made and offer the owner the option of temporarily relocating the occupant to adequate replacement housing until the conditions are remedied, by providing the owner with a *Temporary Relocation Proposal*, attached as Exhibit F.
 - (i) If the owner fails to either remedy the conditions or agree to a temporary relocation within three (3) business days thereafter, issue *Notice of Displacement* to the occupant and the owner;
 - (ii) If the owner agrees to temporarily relocate the occupant, the owner shall sign a *Temporary Relocation Agreement*, attached as Exhibit G and accomplish the temporary relocation at the owner's expense within a reasonable time frame established by the Town.
 - (iii) Once a reinspection shows to the Town's satisfaction that the conditions have been remedied, the owner shall restore the occupant to the building at the owner's expense.
 - (iv) If the Human Services Official in consultation with the Code Enforcement Official determines that it is in the best interests of the occupant, it may permit a temporary relocation of the occupant by the owner at any time after the Town issues Notice to Owner to the property owner.
3. If at any time after a Town of Mansfield Code Enforcement Official initially finds the existence of conditions which violate health and safety standards of the applicable local code, the owner informs the Town that s/he cannot or will not make the necessary repairs, the Town shall immediately issue a *Notice of Displacement* to the occupant and owner.
4. If it is determined by the Human Services Official in consultation with the appropriate Code Enforcement Official that it is in the best interests of the occupant, the Human Services Official may grant an extension of any deadline set in applying section IV.C. of the Plan.

V. RELOCATION OF DISPLACED PERSONS

A. General

~~1. The Town of Mansfield shall file this Relocation Plan with the State of Connecticut Department of Economic and Community Development, together with the information required by the Connecticut General Statutes Sec. 8-281, for the approval of the Commissioner of Economic and Community Development.~~

2-1. Town of Mansfield Code Enforcement Officials together with the Human Services Official shall administer a relocation program for persons displaced from property by the Town's code enforcement activities. The program shall include such measures as may be necessary to ensure that, prior to displacement by code enforcement activities, there will be available to every displaced person a replacement dwelling which is:

- a. "decent, safe, and sanitary," as that term is defined in URAA Regulations Sec. 8-273-4 (a);
- b. in an area not generally less desirable than the area in which the displacement dwelling is located in regard to public utilities and public and commercial facilities;
- c. reasonably accessible to the displaced person's place of employment; and
- d. available at a price or rental within the financial means of the displaced person.

~~3.2. The Human Services Official shall ensure that a copy of this Relocation Plan is provided to every appropriate Town agency or department. Upon request, a copy of this Relocation Plan shall be provided at no expense to any indigent person.~~

B. Relocation Benefits and Assistance

1. Within two (2) business days of issuing *Notice of Displacement* to any displaced person, the Human Services Official shall mail a *Request for Priority Admission* (attached hereto as Exhibit H) to the Mansfield Housing Authority.
2. Also within two (2) business days of issuance of *Notice of Displacement* to any displaced person, the Human Services Department shall move the displaced person and his or her family and personal property from the displacement dwelling to a permanent replacement dwelling. If no permanent replacement dwelling is then available, the displaced person and his or her family and personal property shall be moved from the displacement dwelling to a temporary replacement dwelling. If no temporary replacement dwelling is then available, the displaced person and his or her family shall be moved to emergency housing, normally the Holy Family Home and Shelter, 88 Jackson Street, Willimantic, CT, or if that is unavailable, to the Access Emergency Shelter, 51 Reynolds Street, Danielson, CT, and the personal property of the displacee(s) shall be placed in storage, if necessary.

Notwithstanding the provisions of the preceding paragraph, if a displaced person elects to receive the fixed cash payment described in Section V. (B) (4) in lieu of actual and reasonable moving and storage expenses, the Town shall be under no obligation to move or store personal property owned by the displaced person and his or her family.

3. The Human Services Official shall permit any displaced person who elects to have the Town move and store his or her personal property to choose a mover from a list of moving companies to be maintained by the Town. The moving company selected shall, at the sole expense of the Town, pack, crate, and transport the displaced family's personal property, including household appliances owned by the family. If a temporary or permanent replacement dwelling is not then available, the Town shall arrange for the storage of the personal property. The Town's obligation to move a displaced family's personal property shall extend to subsequent moves from storage to a permanent replacement dwelling, or from storage to a temporary replacement dwelling to a permanent replacement dwelling. The Town shall insure all personal property against loss or damage while being moved and while in storage. The Town's moving obligation shall include the cost of removing, reinstalling, and reconnecting all household appliances owned by the displaced family.

4. The Human Services Official shall provide a fixed cash payment to any displaced person who elects to receive such a payment in lieu of actual and reasonable moving expenses. The payment shall be made with the next Town payment cycle after the date of the request. The exact amount of the fixed cash payment shall be determined in accordance with URAA Regulations Sec. 8-273-3.
5. The Human Services Official shall assist the displaced family to relocate to a permanent replacement dwelling which is a "comparable dwelling" as that term is defined in URAA Regulations Sec. 8-273-4(a) and 8-273-4(b). ~~Any proposed permanent replacement dwelling shall be inspected to determine whether or not it is "decent, safe, and sanitary," as that term is defined in URAA Regulations Sec. 8-273-4(a).~~
6. Any displaced person who actually and lawfully occupied the displacement dwelling for at least 90 consecutive days immediately before the date of displacement and who subsequently rents a permanent replacement dwelling shall receive a replacement housing payment of not more than \$4,000.00. The amount of the replacement housing payment shall be determined in accordance with URAA Regulations Sec. 8-273-32, and shall be 48 times the monthly rent paid by the displaced person for the permanent replacement dwelling diminished by 48 times the average monthly contract rent the displaced person or family had agreed to pay during the three months immediately before the date of displacement; or (b) if that average monthly rent was not reasonable, 48 times the monthly economic rent for the displacement dwelling determined by the Human Services Official of the Town of Mansfield.

After a displaced person has rented and occupied a permanent replacement dwelling, the Human Services Official shall make the replacement housing payment directly to him or her, unless requested by the displaced person to make the payment directly to the lessor.

Replacement housing payments shall be made in monthly installments upon receipt of verification that the displaced person or family still occupies the replacement dwelling.

Upon request of a displaced person who has not yet rented a proposed permanent replacement dwelling ~~which has been found to be decent, safe, and sanitary by the appropriate Town agency,~~ the displaced person will receive a replacement housing payment on the date that he or she rents and occupies the proposed permanent replacement dwelling. The Human Services Department shall further certify in writing what the total amount of the replacement housing payment will be, which amount shall be determined in accordance with URAA Regulations Sec. 8-273-32. Attached hereto as Exhibit I is the *Certificate of Eligibility* to be submitted by the Human Services Official to the lessor at the election of the displaced person.

7. Any displaced person who actually and lawfully occupied the displacement dwelling for at least 90 consecutive days immediately before the date of displacement and who subsequently purchases a permanent replacement dwelling shall receive a replacement housing payment of not more than \$4,000.00. The amount of the replacement housing payment shall be determined in accordance with URAA Regulations Secs. 8-273-27(b), 8-273-31, and 8-273-34, and shall be that amount necessary for the displaced person to (a) make the down payment on the permanent replacement dwelling required for a conventional mortgage loan; and (b) pay the incidental expenses described in URAA Regulations Sec. 8-273-31.

The Human Services Official shall pay the full amount of the first \$2,000.00 of the required down payment. The Human Services Official shall pay 50 percent of the remainder of the down payment, and the displaced person must provide the other 50 percent of the remainder of the down payment.

After a displaced person has purchased and occupied a permanent replacement dwelling, the Human Services Official shall make the replacement housing payment directly to him or her, unless requested by the displaced person to make the payment directly to the seller.

Upon request of a displaced person who has not yet purchased a proposed permanent replacement dwelling ~~which has been found to be decent, safe, and sanitary by the appropriate Town agency,~~ the Human Services Official shall certify in writing to the lending agency, financial institution, or other interested party that the displaced person will receive a replacement housing payment on the date that he or she purchases and occupies the proposed permanent replacement dwelling. The Human Services Department shall further certify in writing what the total amount of the replacement housing payment will be, which amount shall be determined in accordance with URAA Regulations Secs. 8-273-27(b), 8-273-31, and 8-273-34. Attached hereto as Exhibit I is the *Certificate of Eligibility* to be submitted by the Human Services Department to the lending agency, financial institution, or other interested party.

~~8. In accordance with URAA Regulations Sec. 8-273-30, if two or more families, or an individual and a family, occupy the same displacement dwelling, each individual or family who chooses to relocate separately shall be entitled to a separately computed replacement housing payment. However, two or more individuals, not a family, who occupy the same displacement dwelling pursuant to the same rental agreement shall be treated as a single family in computing a replacement housing payment.~~

9.8. If a permanent replacement dwelling is not available at the time of the initial move from a displacement dwelling, or at the expiration of a displaced person's stay in an emergency shelter, the Human Services Department shall assist the displaced family or individual to relocate to a temporary replacement dwelling. A temporary replacement dwelling must meet the standards for "adequate replacement housing" set forth in URAA Regulations Secs. 8-273-4(a) and 8-273-4(c).

The provisions of Secs. 47a-2(1) and 47a-2(4) C.G.S. shall apply to the occupancy of temporary replacement dwellings by displaced persons.

In no event shall a displaced individual or family remain in a temporary replacement dwelling permanently; the Human Services Department shall help the displaced individual or family to relocate to a permanent replacement dwelling as soon as possible under the circumstances.

10.9. If neither a permanent replacement dwelling nor a temporary replacement dwelling is available at the time of the initial move from a displacement dwelling, the Human Services Department shall relocate the displaced individual or family to emergency shelter. For purposes of the Relocation Plan, emergency shelter means the Holy Family Home and Shelter, 88 Jackson Street, Willimantic, CT, or if that is unavailable, the Access Emergency Shelter, 51 Reynolds Street, Danielson, CT, or any other similar area facility.

As soon as possible, the Human Services Department shall assist the displaced individual or family to relocate from emergency shelter to a permanent replacement dwelling or, if no permanent replacement dwelling is then available, to a temporary replacement dwelling.

VI. SPECIAL CIRCUMSTANCES – FIRE OR CASUALTY

If a dislocation is caused by fire or other casualty, this section of the relocation plan shall apply. If displacement is caused by local code enforcement activities subsequent to a fire or other casualty, other sections of this plan shall apply.

Sec. 47a-14, CGS, outlines tenant remedies in the event that a dwelling unit is damaged or destroyed to an extent that it is not habitable. The remedy established in this section does not provide supports to tenants to prevent homelessness. In the event of loss of housing as a result of fire, hurricane, flood, tornado or other catastrophic occurrence, it shall be the goal of the Town to prevent displacement which results in homelessness. Town departments shall provide assistance as follows:

- A. The Human Services Official will coordinate services with the American Red Cross, emergency shelters and other charitable organizations.
- B. If, upon inspection and consultation with the property owner by the appropriate Code Enforcement Official, it is determined that the property might reasonably be returned to a safe and healthy condition, the Code Enforcement Official will report any such conclusion to the Human Services Official including, if possible, an estimated timetable for the completion of repairs necessary to return the premises to safe and healthy condition.
- C. If it is determined that code violations caused the event leading to dislocation, the Human Services Official will determine the occupant to be a displaced person as outlined in previous sections of this plan.
- D. In the event of fire or other casualty, it is expected that the property owner will move quickly to make necessary repairs so that the tenant will be able to return to the dwelling. The Code Enforcement Official may, in consideration of the provisions of the applicable Code, establish reasonable deadlines for the completion of repair work related to code violations which are created by fire or other casualty. If the property owner fails to comply with reasonable deadlines, the Code Enforcement Official may refer the case to the Human Services Official to determine if the occupant may be considered to be a displaced person as outlined in previous sections of this Plan.
- E. In the event that a person displaced by fire or other casualty is not eligible for other assistance, the Human Services Official may provide assistance to that person which may include but is not limited to the following:
 1. Referral to legal counsel.
 2. Pursuit of Fair Housing remedies.
 3. Referral to services provided by state agencies and private not for profit organizations.
 4. Provision of emergency financial assistance for moving expenses and/ or rental security deposits.

VII. MISCELLANEOUS RIGHTS AND RESPONSIBILITIES

- A. The Town's obligation under the URAA, URAA Regulations and this Relocation Plan to provide relocation assistance and benefits to displaced persons shall not be affected or diminished by the availability to such persons of other rights or remedies under state or federal law.
- B. A displaced person's decision to refuse a portion of the relocation assistance and benefits available to him or her under the URAA, URAA Regulations and this Relocation Plan shall not affect or diminish the Town's obligation to provide remaining relocation assistance and benefits to that person.
- C. Any displaced person aggrieved by any action on the part of the Town of Mansfield shall be advised by the Human Services Department of his or her right to appeal the Town of Mansfield's determination to the State of Connecticut Department of Economic and Community Development, and shall be provided with a copy of URAA Regulations Sec. 8-273-1, (attached hereto as Exhibit L).

Town of Mansfield
Code Enforcement Relocation Plan
Draft dated October 13, 2016

I. PURPOSE

This Relocation Plan is adopted by the Town of Mansfield pursuant to the provisions of the Uniform Relocation Assistance Act ("URAA"), Connecticut General Statutes Sec. 8-266 et. seq., and URAA Regulations, Connecticut Agencies Regulations Sec. 8-273-1 through Sec. 8-273-41.

Connecticut General Statutes Sec. 8-266 states that the purpose of the URAA "is to establish a uniform policy for the fair and equitable treatment of persons displaced by . . . code enforcement activities. . ."

In furtherance of the stated purpose, the Town promulgates this Relocation Plan for the provision of URAA benefits and assistance to individuals and families displaced by the Town's code enforcement activities as a result of substandard conditions.

II. ADMINISTRATIVE STRUCTURE

Determination of displacement and provision of relocation benefits and assistance under this Relocation Plan shall be accomplished by cooperative effort of Town of Mansfield Code Enforcement Officials and the Human Services Official of the Town of Mansfield in consultation with all other appropriate Town agencies, including the Town Attorney.

III. APPLICATION PROCESS

Upon notice from a Town of Mansfield Code Enforcement Official, the Human Services Official shall provide the occupant with an *Application for Relocation Assistance* (attached hereto as Exhibit A) and *Notice of Rights and Services* (Exhibit B). The Human Services Official shall also notify the owner of the property of the occupant's application and the owner's potential liability for relocation benefits (See Exhibit C, *Notice of Potential Liability*).

Along with a completed application, the occupant may file an inspection report by a Town agency in support of the occupant's claim for relocation benefits and assistance. If no such report is filed with the application, the Human Services Official shall forward a copy of the completed application to the appropriate Code Enforcement Official.

IV. DETERMINATIONS OF DISPLACEMENT

- A. Any determination that a property constitutes a threat to the health and safety of the occupant is made by an appropriate Code Enforcement Official under the particular standards regulating the work of that appropriate Code Enforcement Official. Upon making such determination, the Code Enforcement Official will notify the Human Services Official. The Human Services Official will notify occupant of their rights under the URAA and the property owner of their potential liability.
- B. If, upon inspection by the appropriate Code Enforcement Official applying standards required to be used by that particular Official, it is found that the property is in such a condition as to constitute an immediate and serious threat to the health and safety of the occupant, the occupant may be immediately determined by the Human Services Official to be a displaced person under the URAA. Within three (3) business days of the date of the determination, the Human Services Official shall provide an adult occupant and the property owner with *Notice of Displacement*, attached as Exhibit D.
- C. Procedure for property which does not constitute an immediate threat to health and safety:
1. If, the appropriate Town Code Enforcement Official, applying standards required to be used by that Official, determines that the property is in such condition that it does not constitute an immediate threat to the health and safety of the occupant, the Human Services Official shall proceed as follows:
 - a. Determine, in consultation with the appropriate Code Enforcement Official, on the basis of the totality of the circumstances, including but not limited to the seriousness of the condition(s), their effect on the occupant, and the owner's capacity to remedy them, a reasonable deadline by which the owner must complete the necessary repairs or incur the consequences of a determination that the occupant has been displaced under the URAA; and
 - b. Provide as soon as possible to the owner a written notice (*Notice to Owner* – Exhibit E) informing him/ her of any such deadline. This notice shall include a copy of any inspection report or key findings of that report. A copy of the notice shall be delivered to the occupant.
 2. Immediately following the expiration of any such deadline, in cooperation with the appropriate Code Enforcement Official, the Human Services Official shall cause the property to be re-inspected. If the Code Enforcement Official issues an order to vacate or a condemnation order the Human Services Official may
 - a. Determine the occupant to be displaced and notify the Human Services Official to provide an adult occupant and the property owner with *Notice of Displacement*; or
 - b. Determine under the totality of the circumstances in consultation with the appropriate Code Enforcement Official that the necessary repairs will soon be made and offer the owner the option of temporarily relocating the occupant to adequate replacement housing until the conditions are remedied, by providing the owner with a *Temporary Relocation Proposal*, attached as Exhibit F.

- (i) If the owner fails to either remedy the conditions or agree to a temporary relocation within three (3) business days thereafter, issue *Notice of Displacement* to the occupant and the owner;
 - (ii) If the owner agrees to temporarily relocate the occupant, the owner shall sign a *Temporary Relocation Agreement*, attached as Exhibit G and accomplish the temporary relocation at the owner's expense within a reasonable time frame established by the Town.
 - (iii) Once a re-inspection shows to the Town's satisfaction that the conditions have been remedied, the owner shall restore the occupant to the building at the owner's expense.
 - (iv) If the Human Services Official in consultation with the Code Enforcement Official determines that it is in the best interests of the occupant, it may permit a temporary relocation of the occupant by the owner at any time after the Town issues Notice to Owner to the property owner.
3. If at any time after a Town of Mansfield Code Enforcement Official initially finds the existence of conditions which violate health and safety standards of the applicable local or state code, the owner informs the Town that s/he cannot or will not make the necessary repairs, the Town may immediately issue a *Notice of Displacement* to the occupant and owner.
 4. If it is determined by the Human Services Official in consultation with the appropriate Code Enforcement Official that it is in the best interests of the occupant, the Human Services Official may grant an extension of any deadline set in applying section IV.C. of the Plan.

V. RELOCATION OF DISPLACED PERSONS

A. General

1. Town of Mansfield Code Enforcement Officials together with the Human Services Official shall administer a relocation program for persons displaced from property by the Town's code enforcement activities. The program shall include such measures as may be reasonably necessary to ensure that, prior to displacement by code enforcement activities, there will be available to every displaced person a replacement dwelling which is:
 - a. "decent, safe, and sanitary," as that term is defined in URAA Regulations Sec. 8-273-4 (a);
 - b. in an area not generally less desirable than the area in which the displacement dwelling is located in regard to public utilities and public and commercial facilities;
 - c. reasonably accessible to the displaced person's place of employment; and
 - d. available at a price or rental within the financial means of the displaced person.

2. The Human Services Official shall ensure that a copy of this Relocation Plan is provided to every appropriate Town agency or department.

B. Relocation Benefits and Assistance

1. Within two (2) business days of issuing *Notice of Displacement* to any displaced person, the Human Services Official shall mail a *Request for Priority Admission* (attached hereto as Exhibit H) to the Mansfield Housing Authority.
2. Also within two (2) business days of issuance of *Notice of Displacement* to any displaced person, the Human Services Department shall move the displaced person and his or her family and personal property from the displacement dwelling to a permanent replacement dwelling. If no permanent replacement dwelling is then available, the displaced person and his or her family and personal property shall be moved from the displacement dwelling to a temporary replacement dwelling. If no temporary replacement dwelling is then available, the displaced person and his or her family shall be moved to emergency housing, normally the Holy Family Home and Shelter, 88 Jackson Street, Willimantic, CT, or if that is unavailable, to the Access Emergency Shelter, 51 Reynolds Street, Danielson, CT, and the personal property of the displacee(s) shall be placed in storage, if necessary.

Notwithstanding the provisions of the preceding paragraph, if a displaced person elects to receive the fixed cash payment described in Section V. (B) (4) in lieu of actual and reasonable moving and storage expenses, the Town shall be under no obligation to move or store personal property owned by the displaced person and his or her family.

3. The Human Services Official shall permit any displaced person who elects to have the Town move and store his or her personal property to choose a mover from a list of moving companies to be maintained by the Town. The moving company selected shall, at the sole expense of the Town, pack, crate, and transport the displaced family's personal property, including household appliances owned by the family. If a temporary or permanent replacement dwelling is not then available, the Town shall arrange for the storage of the personal property. The Town's obligation to move a displaced family's personal property shall extend to subsequent moves from storage to a permanent replacement dwelling, or from storage to a temporary replacement dwelling to a permanent replacement dwelling. The Town shall insure all personal property against loss or damage while being moved and while in storage. The Town's moving obligation shall include the cost of removing, reinstalling, and reconnecting all household appliances owned by the displaced family.
4. The Human Services Official shall provide a fixed cash payment to any displaced person who elects to receive such a payment in lieu of actual and reasonable moving expenses. The payment shall be made with the next Town payment cycle after the date of the request. The exact amount of the fixed cash payment shall be determined in accordance with URAA Regulations Sec. 8-273-3.
5. The Human Services Official shall assist the displaced family to relocate to a permanent replacement dwelling which is a "comparable dwelling" as that term is defined in URAA Regulations Sec. 8-273-4(a) and 8-273-4(b).
6. Any displaced person who actually and lawfully occupied the displacement dwelling for at least 90 consecutive days immediately before the date of displacement and who subsequently rents a permanent replacement dwelling shall receive a replacement housing

payment of not more than \$4,000.00. The amount of the replacement housing payment shall be determined in accordance with URAA Regulations Sec. 8-273-32, and shall be 48 times the monthly rent paid by the displaced person for the permanent replacement dwelling diminished by 48 times the average monthly contract rent the displaced person or family had agreed to pay during the three months immediately before the date of displacement; or (b) if that average monthly rent was not reasonable, 48 times the monthly economic rent for the displacement dwelling determined by the Human Services Official of the Town of Mansfield.

After a displaced person has rented and occupied a permanent replacement dwelling, the Human Services Official shall make the replacement housing payment directly to him or her, unless requested by the displaced person to make the payment directly to the lessor.

Replacement housing payments shall be made in monthly installments upon receipt of verification that the displaced person or family still occupies the replacement dwelling.

Upon request of a displaced person who has not yet rented a proposed permanent replacement dwelling the displaced person will receive a replacement housing payment on the date that he or she rents and occupies the proposed permanent replacement dwelling. The Human Services Department shall further certify in writing what the total amount of the replacement housing payment will be, which amount shall be determined in accordance with URAA Regulations Sec. 8-273-32. Attached hereto as Exhibit I is the *Certificate of Eligibility* to be submitted by the Human Services Official to the lessor at the election of the displaced person.

7. Any displaced person who actually and lawfully occupied the displacement dwelling for at least 90 consecutive days immediately before the date of displacement and who subsequently purchases a permanent replacement dwelling shall receive a replacement housing payment of not more than \$4,000.00. The amount of the replacement housing payment shall be determined in accordance with URAA Regulations Secs. 8-273-27(b), 8-273-31, and 8-273-34, and shall be that amount necessary for the displaced person to (a) make the down payment on the permanent replacement dwelling required for a conventional mortgage loan; and (b) pay the incidental expenses described in URAA Regulations Sec. 8-273-31.

The Human Services Official shall pay the full amount of the first \$2,000.00 of the required down payment. The Human Services Official shall pay 50 percent of the remainder of the down payment, and the displaced person must provide the other 50 percent of the remainder of the down payment.

After a displaced person has purchased and occupied a permanent replacement dwelling, the Human Services Official shall make the replacement housing payment directly to him or her, unless requested by the displaced person to make the payment directly to the seller.

Upon request of a displaced person who has not yet purchased a proposed permanent replacement dwelling, the Human Services Official shall certify in writing to the lending agency, financial institution, or other interested party that the displaced person will receive a replacement housing payment on the date that he or she purchases and occupies the proposed permanent replacement dwelling. The Human Services Department shall further certify in writing what the total amount of the replacement housing payment will be, which amount shall be determined in accordance with URAA Regulations Secs. 8-273-27(b), 8-

273-31, and 8-273-34. Attached hereto as Exhibit I is the *Certificate of Eligibility* to be submitted by the Human Services Department to the lending agency, financial institution, or other interested party.

8. If a permanent replacement dwelling is not available at the time of the initial move from a displacement dwelling, or at the expiration of a displaced person's stay in an emergency shelter, the Human Services Department shall assist the displaced family or individual to relocate to a temporary replacement dwelling. A temporary replacement dwelling must meet the standards for "adequate replacement housing" set forth in URAA Regulations Secs. 8-273-4(a) and 8-273-4(c).

The provisions of Secs. 47a-2(1) and 47a-2(4) C.G.S. shall apply to the occupancy of temporary replacement dwellings by displaced persons.

In no event shall a displaced individual or family remain in a temporary replacement dwelling permanently; the Human Services Department shall help the displaced individual or family to relocate to a permanent replacement dwelling as soon as possible under the circumstances.

9. If neither a permanent replacement dwelling nor a temporary replacement dwelling is available at the time of the initial move from a displacement dwelling, the Human Services Department shall relocate the displaced individual or family to emergency shelter. For purposes of the Relocation Plan, emergency shelter means the Holy Family Home and Shelter, 88 Jackson Street, Willimantic, CT, or if that is unavailable, the Access Emergency Shelter, 51 Reynolds Street, Danielson, CT, or any other similar area facility. As soon as possible, the Human Services Department shall assist the displaced individual or family to relocate from emergency shelter to a permanent replacement dwelling or, if no permanent replacement dwelling is then available, to a temporary replacement dwelling.

VI. SPECIAL CIRCUMSTANCES – FIRE OR CASUALTY

If a dislocation is caused by fire or other casualty, this section of the relocation plan shall apply. If displacement is caused by local code enforcement activities subsequent to a fire or other casualty, other sections of this plan shall apply.

Sec. 47a-14, CGS, outlines tenant remedies in the event that a dwelling unit is damaged or destroyed to an extent that it is not habitable. The remedy established in this section does not provide supports to tenants to prevent homelessness. In the event of loss of housing as a result of fire, hurricane, flood, tornado or other catastrophic occurrence, it shall be the goal of the Town to prevent displacement which results in homelessness. Town departments shall provide assistance as follows:

- A. The Human Services Official will coordinate services with the American Red Cross, emergency shelters and other charitable organizations.
- B. If, upon inspection and consultation with the property owner by the appropriate Code Enforcement Official, it is determined that the property might reasonably be returned to a safe and healthy condition, the Code Enforcement Official will report any such conclusion to the Human Services Official including, if possible, an estimated timetable for the completion of repairs necessary to return the premises to safe and healthy condition.

- C. If it is determined that code violations caused the event leading to dislocation, the Human Services Official will determine the occupant to be a displaced person as outlined in previous sections of this plan.
- D. In the event of fire or other casualty, it is expected that the property owner will move quickly to make necessary repairs so that the tenant will be able to return to the dwelling. The Code Enforcement Official may, in consideration of the provisions of the applicable Code, establish reasonable deadlines for the completion of repair work related to code violations which are created by fire or other casualty. If the property owner fails to comply with reasonable deadlines, the Code Enforcement Official may refer the case to the Human Services Official to determine if the occupant may be considered to be a displaced person as outlined in previous sections of this Plan.
- E. In the event that a person displaced by fire or other casualty is not eligible for other assistance, the Human Services Official may provide assistance to that person which may include but is not limited to the following:
 - 1. Referral to legal counsel.
 - 2. Pursuit of Fair Housing remedies.
 - 3. Referral to services provided by state agencies and private not for profit organizations.
 - 4. Provision of emergency financial assistance for moving expenses and/ or rental security deposits.

VII. MISCELLANEOUS RIGHTS AND RESPONSIBILITIES

- A. The Town's obligation under the URAA, URAA Regulations and this Relocation Plan to provide relocation assistance and benefits to displaced persons shall not be affected or diminished by the availability to such persons of other rights or remedies under state or federal law.
- B. A displaced person's decision to refuse a portion of the relocation assistance and benefits available to him or her under the URAA, URAA Regulations and this Relocation Plan shall not affect or diminish the Town's obligation to provide remaining relocation assistance and benefits to that person.
- C. Any displaced person aggrieved by any action on the part of the Town of Mansfield shall be advised by the Human Services Department of his or her right to appeal the Town of Mansfield's determination to the State of Connecticut Department of Economic and Community Development, and shall be provided with a copy of URAA Regulations Sec. 8-273-1, (attached hereto as Exhibit L).

CHAPTER 135*

DEPARTMENT OF HOUSING: UNIFORM RELOCATION ASSISTANCE ACT

*Uniform Relocation Assistance Act discussed; applicable to those displaced as result of housing code enforcement activity. 192 C. 207. Cited. 215 C. 437; 233 C. 296.

“Building code” in Uniform Relocation Assistance Act includes “housing code”; thus persons forced to move because of housing code enforcement activities are “displaced persons” entitled to benefits under act. 2 CA 321. Cited. 5 CA 219; 13 CA 205; 19 CA 360; 32 CA 636.

Commissioner’s decision to adopt hearing board’s recommendation to deny plaintiff’s application for additional allowance to condemnation award was allowed to stand as not arbitrary, capricious or in abuse of discretion. 34 CS 199. Cited. 43 CS 457.

Table of Contents

Sec. 8-266. Short title: Uniform Relocation Assistance Act. Purpose. Policy.

Sec. 8-267. Definitions.

Sec. 8-267a. Compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.

Sec. 8-268. Payment for displacement expenses and losses. Moving expenses and dislocation allowances. Fixed payments. Landlord’s responsibility in certain cases.

Sec. 8-269. Additional payment to owner displaced from dwelling.

Sec. 8-270. Additional payment for persons displaced from dwelling. Landlord’s responsibility in certain cases.

Sec. 8-270a. Actions against landlords by towns, cities and boroughs and the state.

Sec. 8-271. Relocation assistance advisory program.

Sec. 8-272. Necessity of provision of housing.

Sec. 8-273. Establishment of regulations and procedures.

Sec. 8-273a. Relocation assistance by Commissioner of Transportation. Outdoor advertising structures. Appeals.

Sec. 8-274. Contracts and agreements for services.

Sec. 8-275. Availability of funds.

Sec. 8-276. Cost of payments and services included in project costs.

Sec. 8-277. Payments to displaced persons not considered income or resources.

Sec. 8-278. Appeals to commissioners.

Sec. 8-279. Application of chapter.

Sec. 8-280. State grants-in-aid. Conditions.

Sec. 8-281. Approval of relocation plan required for receipt of state grant-in-aid.

Sec. 8-282. Reimbursement for fees, penalty costs, taxes.

Sec. 8-266. Short title: Uniform Relocation Assistance Act. Purpose. Policy. This chapter shall be known as the "Uniform Relocation Assistance Act". The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by state and local land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. Such policy shall be uniform as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) state reimbursement for local relocation payments under state assisted and local programs.

(1971, P.A. 838, S. 1.)

Cited. 192 C. 207; 215 C. 437.

Cited. 5 CA 219; 32 CA 636.

(Return to Chapter (Return to (Return to
Table of Contents) List of Chapters) List of Titles)

Sec. 8-267. Definitions. As used in this chapter:

- (1) "State agency" means any department, agency or instrumentality of the state or of a political subdivision of the state, or local housing authorities, or any department, agency or instrumentality of two or more political subdivisions of the state, but shall not include community housing development corporations authorized under section 8-217;
- (2) "Person" means any individual, partnership, corporation, limited liability company or association;
- (3) "Displaced person" means (A) any person who, on or after July 6, 1971, moves from real property, or moves his or her personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by or supervised by a state agency or unit of local government and solely for the purposes of subsections (a) and (b) of section 8-268 and section 8-271 as

a result of the acquisition of or as a result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project; or (B) any person who so moves as the direct result of code enforcement activities or a program of rehabilitation of buildings pursuant to such governmental program or under such governmental supervision, except a business which moves from real property or which moves its personal property from real property acquired by a state agency when such move occurs at the end of a lease term or as a result of eviction for nonpayment of rent, provided the state agency acquired the property at least ten years before the move;

(4) "Nonprofit organization" means an association incorporated under chapter 598 or 602, or any predecessor statutes thereto;

(5) "Business" means any lawful activity, excepting a farm operation, conducted primarily (A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property; (B) for the sale of services to the public; (C) by a nonprofit organization; or (D) solely for the purposes of subsection (a) of section 8-268, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted;

(6) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;

(7) "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of this state, together with the credit instruments, if any, secured thereby.

(1971, P.A. 838, S. 2; P.A. 79-518, S. 1, 6; P.A. 95-79, S. 16, 189; P.A. 98-246, S. 1; June Sp. Sess. P.A. 98-1, S. 104, 121; P.A. 06-196, S. 191; P.A. 07-217, S. 36.)

History: P.A. 79-518 added reference to programs or projects "supervised by" as well as undertaken by state or local government or agency in Subdiv. (3); P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995; P.A. 98-246 redefined "displaced person" to exclude a business moving at the end of a lease from real property acquired by a state agency; June Sp. Sess. P.A. 98-1 revised effective date of P.A. 98-246 but without affecting this section; P.A. 06-196 made technical changes in Subdiv. (4), effective June 7, 2006; P.A. 07-217 made technical changes in Subdiv. (3), effective July 12, 2007.

Cited. 192 C. 207.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-267a. Compliance with federal Uniform Relocation Assistance and Real Property Acquisition

Policies Act. All state agencies, as defined in section 8-267, are authorized to comply with the applicable provisions of 42 USC Sections 4601–4655 and any subsequent amendments, for the purpose of participating in a federal or federally assisted project or program.

(P.A. 88-255.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-268. Payment for displacement expenses and losses. Moving expenses and dislocation allowances. Fixed payments. Landlord's responsibility in certain cases. (a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, the head of such state agency shall make payment to any displaced person, upon proper application as approved by such agency head, for (1) actual reasonable expenses in moving himself, his family, business, farm operation or other personal property, (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency, and (3) actual reasonable expenses in searching for a replacement business or farm, provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the state agency, not to exceed three hundred dollars and a dislocation allowance of two hundred dollars.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or from the person's farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a business no payment shall be made under this subsection unless the state agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the state, which is engaged in the same or similar business. For purposes of this subsection, "average annual net earnings" means one half of any net earnings of the business or farm operation, before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business

or farm operation to the owner, the owner's spouse or the owner's dependents during such period.

(d) Notwithstanding the provisions of this section, in the case of displacement of a person on or after October 1, 2007, because of acquisition of real property by a redevelopment agency pursuant to section 8-128, a development agency pursuant to section 8-193, or an implementing agency pursuant to section 32-224, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588*l*, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-269 and 8-270.

(1971, P.A. 838, S. 3; P.A. 79-518, S. 2, 6; P.A. 82-399, S. 1; P.A. 86-307, S. 8, 12; P.A. 05-288, S. 46; P.A. 07-141, S. 13.)

History: P.A. 79-518 amended Subsec. (a) by adding reference to programs or projects supervised by state agency and deleting reference to "acquisition of real property for" such programs or projects; P.A. 82-399 amended Subsec. (a) to provide for the liability of the landlord in certain code enforcement cases; P.A. 86-307 amended Subsec. (a) to make landlord liable for any payments made "by the state pursuant to subsection (b) of section 8-280" and to allow state to place lien on real property owned by landlord to secure repayment; P.A. 05-288 made a technical change in Subsec. (a), effective July 13, 2005; P.A. 07-141 made technical changes in Subsec. (c) and added Subsec. (d) re displacement assistance pursuant to federal requirements because of acquisition pursuant to Sec. 8-128, 8-193 or 32-224, effective October 1, 2007, and applicable to property acquired on or after that date.

Cited. 192 C. 207; 233 C. 296.

Cited. 5 CA 219; 19 CA 360.

Cited. 43 CS 457.

[\(Return to Chapter](#) [\(Return to](#) [\(Return to](#)
[Table of Contents\)](#) [List of Chapters\)](#) [List of Titles\)](#)

Sec. 8-269. Additional payment to owner displaced from dwelling. (a) In addition to payments otherwise authorized by this chapter, the state agency shall make an additional payment not in excess of fifteen thousand dollars to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements: (1) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subdivision shall be made by the applicable regulations issued pursuant to section 8-273; (2) the amount, if any, which will compensate such displaced person for any increased interest cost which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was

a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate on savings deposits by commercial banks in the general area in which the replacement dwelling is located; (3) reasonable expenses incurred by such displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe and sanitary not later than the end of the one year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(c) Notwithstanding the provisions of this section, in the case of displacement of a person on or after October 1, 2007, because of acquisition of real property by a redevelopment agency pursuant to section 8-128, a development agency pursuant to section 8-193, or an implementing agency pursuant to section 32-224, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588i, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-268 and 8-270.

(1971, P.A. 838, S. 4; P.A. 06-196, S. 49; P.A. 07-141, S. 14.)

History: P.A. 06-196 made a technical change in Subsec. (a)(1), effective June 7, 2006; P.A. 07-141 added Subsec. (c) re displacement assistance pursuant to federal requirements because of acquisition pursuant to Sec. 8-128, 8-193 or 32-224, effective October 1, 2007, and applicable to property acquired on or after that date.

Adequate facts within the record to support and justify conclusions reached by hearing board recommending denial of additional payment. 34 CS 201.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-270. Additional payment for persons displaced from dwelling. Landlord's responsibility in certain cases. (a) In addition to amounts otherwise authorized by this chapter, a state agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 8-269, which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling under the program or project which results in such person being displaced. Such payment shall be either (1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not

generally less desirable with regard to public utilities and public and commercial facilities, and reasonably accessible to such displaced person's place of employment, but not to exceed four thousand dollars, or (2) the amount necessary to enable such displaced person to make a down payment, including reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable with regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars, except that if such amount exceeds two thousand dollars, such person must equally match any such amount in excess of two thousand dollars in making the downpayment, and provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

(b) Notwithstanding the provisions of this section, in the case of displacement of a person on or after October 1, 2007, because of acquisition of real property by a redevelopment agency pursuant to section 8-128, a development agency pursuant to section 8-193, or an implementing agency pursuant to section 32-224, pursuant to a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132 or 588i, the agency shall make relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder if payments under said act and regulations would be greater than payments under this section and sections 8-268 and 8-269.

(1971, P.A. 838, S. 5; P.A. 79-518, S. 3, 6; P.A. 80-483, S. 29, 186; P.A. 82-399, S. 2; P.A. 86-307, S. 9, 12; P.A. 07-141, S. 15.)

History: P.A. 79-518 specified that ninety-day occupation period pertains to time prior to initiation of negotiations for acquisition "under the program or project which results in such person being displaced"; P.A. 80-483 made technical changes; P.A. 82-399 provided for the liability of the landlord in certain code enforcement cases; P.A. 86-307 made landlord liable for any payments made "by the state pursuant to subsection (b) of section 8-280" and allowed state to place lien on real property owned by landlord to secure repayment; P.A. 07-141 designated existing provisions as Subsec. (a), made technical changes therein, and added Subsec. (b) re displacement assistance pursuant to federal requirements because of acquisition pursuant to Sec. 8-128, 8-193 or 32-224, effective October 1, 2007, and applicable to property acquired on or after that date.

Cited. 192 C. 207.

Cited. 13 CA 205.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-270a. Actions against landlords by towns, cities and boroughs and the state. If any landlord fails to reimburse any town, city or borough for any payments which the town, city or borough has made to any displaced tenant and for which the landlord is liable pursuant to section 8-268 or 8-270, such town, city or borough or the state pursuant to subsection (b) of section 8-280 may bring a civil action against such landlord in the superior court for the judicial district in which the town, city or borough is located or for the judicial district in which such landlord resides for the recovery of such payments, and for the costs, together with reasonable attorney's fees, of the town, city or borough or the state in bringing such action. In any such action, it shall be an affirmative defense for the landlord that the displacement was not the result of the landlord's violation of section 47a-7.

(P.A. 82-399, S. 3; P.A. 86-307, S. 10, 12.)

History: P.A. 86-307 allowed state, "pursuant to subsection (b) of section 8-280", to bring civil action against landlord.

Cited. 192 C. 207.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-271. Relocation assistance advisory program. (a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described herein. If the state agency determines that any person occupying property immediately adjacent to any real property acquired is caused substantial economic injury because of such acquisition, it may offer such person relocation advisory services under such program.

(b) Each relocation advisory assistance program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs, if any, of displaced persons for relocation assistance; (2) to provide current and continuing information on the availability, prices and rentals, of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses; (3) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, as defined by the Commissioner of Transportation for transportation projects and by the Commissioner of Housing for all other state agency programs and projects, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the Commissioner of Transportation for transportation projects and the Commissioner of Housing for all other state agency programs and projects may prescribe by regulation situations when such assurances may be waived; (4) to assist a displaced person displaced from the person's business or farm operation in obtaining and becoming established in a suitable replacement location; (5) to supply information concerning federal and state housing programs, disaster loan programs and other federal and state programs offering assistance to displaced persons; (6) to provide other advisory assistance services to displaced persons in order to minimize hardship to such persons in adjusting to relocation.

(c) The heads of state agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation assistance programs.

(1971, P.A. 838, S. 6; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-518, S. 4, 6; 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 07-217, S. 37; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-518 amended Subsec. (a) by adding reference to programs or projects supervised by state agency and deleting reference to "acquisition of real property for" such programs or projects; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; P.A. 07-217 made technical changes in Subsec. (b), effective July 12, 2007; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing in Subsec. (b), effective June 19, 2013.

Cited. 192 C. 207; 233 C. 296.

Cited. 43 CS 457.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-272. Necessity of provision of housing. (a) If a project or program cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the Commissioner of Transportation for transportation projects or the Commissioner of Housing for any other state agency program or project determines that such housing cannot otherwise be made available after consultation with the chief executive officer of the municipality within which such project or program occurs, he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project or program, the provisions of any other state statute to the contrary notwithstanding.

(b) No person shall be required to move from his dwelling on or after July 6, 1971, on account of any state agency project or program unless the Commissioner of Transportation for transportation projects or the Commissioner of Housing for any other state agency program or project is satisfied that replacement housing, in accordance with subdivision (3) of subsection (b) of section 8-271 is available to such person.

(1971, P.A. 838, S. 7; P.A. 75-141, S. 1, 2; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 75-141 added requirement for consultation with chief executive officer of municipality; P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211

replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing, effective June 19, 2013.

Cited. 192 C. 207.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-273. Establishment of regulations and procedures. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of state agencies, the Commissioner of Transportation and Commissioner of Housing shall consult together on the establishment of regulations and procedures for the implementation of such projects and programs.

(b) The Commissioner of Transportation is authorized to establish for transportation projects and the Commissioner of Housing for all other state agency programs and projects such regulations and procedures as each may determine to be necessary to assure (1) that the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable; (2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and (3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the Commissioner of Transportation for transportation projects and by the Commissioner of Housing for any other state agency program or project.

(c) The Commissioner of Transportation is authorized to establish for transportation projects and the Commissioner of Housing for all other state agency programs and projects such other regulations and procedures, consistent with the provisions of this chapter, as each deems necessary or appropriate to carry out this chapter.

(1971, P.A. 838, S. 8; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing, effective June 19, 2013.

Cited. 5 CA 219; 32 CA 636.

Cited. 43 CS 457.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Table of Contents) List of Chapters) List of Titles)

Sec. 8-273a. Relocation assistance by Commissioner of Transportation. Outdoor advertising structures. Appeals. (a) Notwithstanding any other provisions of the general statutes to the contrary, whenever the Commissioner of Transportation undertakes the acquisition of real property on a state or federally-funded project which results in any person being displaced from his home, business, or farm, the Commissioner of Transportation is hereby authorized to provide relocation assistance and to make relocation payments to such displaced persons and to do such other acts and follow procedures and practices as may be necessary to comply with or to provide the same relocation assistance and relocation payments as provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and regulations promulgated thereunder.

(b) (1) Whenever the Commissioner of Transportation acquires an outdoor advertising structure, the amount of compensation to the owner of the outdoor advertising structure shall include either (A) payment for relocation costs incurred by such owner, or (B) the amount determined in accordance with subdivision (2) or (3) of this subsection. For purposes of this section, the fair market value of the outdoor advertising structure shall be determined by the income capitalization method.

(2) If the owner (A) is able to obtain, within one year of acquisition by the commissioner or any additional period to which the owner and the commissioner both consent, all state and local permits necessary for relocation of the outdoor advertising structure to another site in the Standard Metropolitan Statistical Area, as designated in the federal census, in which the outdoor advertising structure is located, and (B) such site was not previously offered for sale or lease to the owner of the outdoor advertising structure, then the commissioner shall pay to the owner the replacement cost of the outdoor advertising structure, plus the fair market value of such outdoor advertising structure less the fair market value of the outdoor advertising structure at the new site.

(3) If the owner (A) is unable to obtain, within one year of acquisition by the commissioner or any additional period to which the owner and the commissioner both consent, all state and local permits necessary for relocation to another site in the same Standard Metropolitan Statistical Area, as designated in the federal census in which the outdoor advertising structure is located, or (B) such site was previously offered for sale or lease to the owner of the outdoor advertising structure, the commissioner shall pay the fair market value of the outdoor advertising structure the commissioner has acquired. The owner shall provide to the commissioner written documentation sufficient to establish that all state and local necessary permits cannot be obtained for relocation within one year of acquisition or any additional period to which the owner and the commissioner both consent or that the only available relocation sites have been previously offered for sale or lease to the owner.

(4) Any person aggrieved by determination of the amount of compensation paid under this subsection may appeal to the State Properties Review Board.

(5) The provisions of this subsection shall not be construed to authorize any action that is found to violate the provisions of 23 USC 131 or 23 CFR 750 or the terms of an agreement entered into by the Commissioner of Transportation with the Secretary of Commerce pursuant to subsection (b) of section 13a-123.

(P.A. 91-78; P.A. 07-141, S. 18; 07-207, S. 4; June Sp. Sess. P.A. 07-5, S. 59.)

History: P.A. 07-141 designated existing provisions as Subsec. (a) and added Subsec. (b) re outdoor advertising structures and appeal to State Properties Review Board, effective June 25, 2007, and applicable to property acquired on or after that date; P.A. 07-207 added Subsec. (b)(5) re federal preemption, effective July 10, 2007, and applicable to property acquired on and after that date; June Sp. Sess. P.A. 07-5 rewrote Subsec. (b) re outdoor advertising structures, provided in Subsec. (b)(1) that compensation include either relocation costs or amount determined under Subdiv. (2) or (3), amended Subsec. (b)(2) to subtract value of the outdoor advertising structure at new site, and amended Subsec. (b)(2) and (3) to reference any additional period to which owner and commissioner consent, effective October 6, 2007, and applicable to property acquired on or after that date (Revisor's note: In Subsec. (b)(1) the word "the" in the phrase "For purposes of the section" was replaced editorially by the Revisors with the word "this" for consistency with customary statutory usage).

Cited. 43 CS 457.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-274. Contracts and agreements for services. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons authorized under this chapter, the Commissioner of Transportation may, for transportation projects, and the Commissioner of Housing may, for all other state agency programs or projects, enter into contracts or agreements with any individual, firm, association, or corporation for services in connection with such projects or programs, or may carry out its functions under this chapter through any federal, state or local governmental agency or instrumentality having an established organization for conducting relocation assistance programs. A state agency shall, in carrying out the relocation assistance activities described in section 8-272, whenever practicable, utilize the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

(1971, P.A. 838, S. 9; P.A. 77-614, S. 284, 587, 610; P.A. 78-303, S. 81, 85, 136; P.A. 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; (Revisor's note: In 1997 a reference to "Transportation Commissioner" was changed editorially by the Revisors to "Commissioner of Transportation" for consistency with customary statutory usage); pursuant to P.A. 13-234, reference to Commissioner of Economic and Community Development was changed editorially by the Revisors to reference to Commissioner of Housing, effective June 19, 2013.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-275. Availability of funds. Funds appropriated or otherwise available to any state agency for a particular program or project, or for the acquisition of real property or any interest therein for a particular program or project, shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that program or project.

(1971, P.A. 838, S. 10.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-276. Cost of payments and services included in project costs. If a state agency acquires real property, and state financial assistance is available to pay the cost, in whole or part, of the acquisition of such real property, or of the improvement for which such property is acquired, the cost to the state agency of providing the payments and services prescribed by this chapter shall be included as part of the costs of the project for which state financial assistance is available to such municipality and shall be eligible for state financial assistance in the same manner and to the same extent as other project costs.

(1971, P.A. 838, S. 11.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-277. Payments to displaced persons not considered income or resources. No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of the state's personal income tax law, corporation tax, or other tax laws. Such payments shall not be considered as income or resources of any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

(1971, P.A. 838, S. 12.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-278. Appeals to commissioners. Any person or business concern aggrieved by any agency action, concerning their eligibility for relocation payments authorized by this chapter may appeal such determination to the Commissioner of Transportation in the case of relocation made necessary by a transportation project or to the Commissioner of Housing in the case of relocation made necessary by any other state agency program or project. The Commissioner of Transportation and the Commissioner of Housing shall have the power to certify official documents and to issue subpoenas to compel the attendance of witnesses or the production of books, papers, correspondence, memoranda or other records deemed necessary as evidence in connection with an appeal pursuant to this section. If any person to whom such subpoena is issued fails to appear, or having appeared refuses to give testimony or fails to produce the evidence required, the Superior Court, upon application of the Attorney General representing the appropriate commissioner, shall have jurisdiction to order such person to appear or to give testimony or produce the evidence required, as the case may be. The Commissioner of Transportation, or a hearing officer duly appointed by said commissioner, or the Commissioner of

Housing, or a hearing officer duly appointed by said commissioner, shall have the power to administer oaths and affirmations in connection with an appeal pursuant to this section.

(1971, P.A. 838, S. 13; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; 78-363, S. 1-3; P.A. 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 99-200; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 78-363 added provisions concerning powers of commissioners and superior court in appeal procedure; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; P.A. 99-200 added "their" to "Any person or business concern aggrieved by any agency action, concerning their eligibility for relocation payments ..." and made technical changes; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing, effective June 19, 2013.

Cited. 192 C. 207; 204 C. 551.

Cited. 19 CA 360; 32 CA 636.

Cited. 34 CS 199; 43 CS 457.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-279. Application of chapter. (a) Nothing in this chapter shall be construed as creating in any condemnation proceedings, brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to July 6, 1971.

(b) No payment provided for any item or items under the provisions of this chapter shall be made by the state agency if reimbursement for such item or items has been made in a condemnation proceeding.

(c) Nothing in this chapter, shall be construed to limit, restrict or derogate from any power, right or authority of a state agency or any commissioner thereof, contained in any other statute, to proceed with any programs, projects or activities within such state agency's or commissioner's power to accomplish under such statutes.

(d) If Congress enacts legislation permitting, or giving the states the option, to make payments for relocation assistance of a lesser amount than is provided for in this chapter, or in Public Law 91-646, or as amended at a later date, the state agency shall make the payments in such lesser amount, notwithstanding the provisions of this chapter.

(e) All state agencies charged with preparing relocation plans or carrying out such plans pursuant to the provisions of this chapter shall file such plans with the Commissioner of Housing who shall maintain a file of such plans which may be inspected at reasonable times by any person, owner or lessee of any affected business or farm, or governmental agency.

(f) This chapter shall apply to any displacement of a person occurring within the state of Connecticut as a result of a state agency program or project, notwithstanding the source of funding for such program or project.

(1971, P.A. 838, S. 14; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-518, S. 5, 6; 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-518 added Subsec. (f) re application of chapter; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, reference to Commissioner of Economic and Community Development was changed editorially by the Revisors to reference to Commissioner of Housing in Subsec. (e), effective June 19, 2013.

Cited. 192 C. 207.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-280. State grants-in-aid. Conditions. (a) The state, acting by and in the discretion of the Commissioner of Housing, may enter into a contract or agreement with a state agency to provide state financial assistance to such state agency in the form of a grant-in-aid equal to two-thirds of the net cost of carrying out a program of relocation assistance pursuant to a relocation plan as provided under section 8-281 and approved by the commissioner. Such grant-in-aid shall: (1) Provide actual administration costs not to exceed one hundred dollars for each dwelling unit and two hundred fifty dollars for each farm or business relocated in accordance with the provisions of this chapter; (2) provide advance grants for relocation assistance paid pursuant to the provisions of said section to persons, families, businesses and farm operations and nonprofit organizations not otherwise entitled to relocation assistance from any program of any other state agency or any program of the federal government and who have not been reimbursed for moving costs in a condemnation proceeding; (3) include the cost of the preparation of the relocation plan.

(b) The Commissioner of Housing shall not provide a grant-in-aid pursuant to subsection (a) of this section to any town, city or borough for the cost of carrying out a program of relocation assistance for persons displaced as the direct result of code enforcement activities undertaken by a town, city or borough, unless such town, city or borough (1) places, pursuant to section 8-270, a lien on all real property in such town, city or borough, which is owned by the landlord of the persons who are displaced by such code enforcement activities, and (2) assigns to the state the claim of the town, city or borough against such landlord for the costs of carrying out such program of relocation assistance. The Attorney General shall be responsible for collecting such claim and may carry out such responsibility by (A) enforcing any such lien assigned to the state by the town, city or borough, (B) placing and enforcing a lien on any other real property owned by the landlord in the state, or (C) instituting civil proceedings in the Superior Court against such landlord. Two-thirds of all funds collected by the Attorney General from a landlord pursuant to this subsection shall be deposited in the General Fund and the remaining one-third of such funds shall be remitted to the town, city or borough which brought code enforcement activities

against such landlord.

(1971, P.A. 838, S. 15; P.A. 77-614, S. 284, 610; P.A. 78-303, S. 81, 136; P.A. 79-598, S. 3, 4, 10; P.A. 86-307, S. 7, 12; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for commissioner of community affairs, effective January 1, 1979; P.A. 78-303 substituted commissioner for department; P.A. 79-598 substituted commissioner of housing for commissioner of economic development; P.A. 86-307 designated existing section as Subsec. (a) and added new Subsec. (b) re conditions for grants-in-aid pursuant to Subsec. (a); P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, references to Commissioner of Economic and Community Development were changed editorially by the Revisors to references to Commissioner of Housing, effective June 19, 2013.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-281. Approval of relocation plan required for receipt of state grant-in-aid. To be eligible to receive financial assistance under section 8-280, a state agency shall cause to be prepared and file with the Department of Housing for the approval of the commissioner a relocation plan based upon a plan or program of governmental action within the area of operation of the state agency which will cause the displacement of persons, families, businesses, farm operations and nonprofit organizations. Such relocation plan shall conform to the provisions of this chapter and shall include but not be limited to the following: (a) The number of persons, families, businesses and farms to be displaced by the proposed governmental action; (b) a statement concerning availability of sufficient, suitable accommodations as shall meet the requirements for occupancy of those persons, families, businesses and farms displaced and the dates when such accommodations will be available; (c) a plan for carrying out the relocation of such displaced persons, families, businesses and farms; (d) a description and identification of the area to be affected.

(1971, P.A. 838, S. 16; P.A. 77-614, S. 284, 610; P.A. 79-598, S. 3, 4, 10; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6; P.A. 13-234, S. 2.)

History: P.A. 77-614 substituted department of economic development for department of community affairs, effective January 1, 1979; P.A. 79-598 substituted department of housing for department of economic development; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; pursuant to P.A. 13-234, reference to Department of Economic and Community Development was changed editorially by the Revisors to reference to Department of Housing, effective June 19, 2013.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 8-282. Reimbursement for fees, penalty costs, taxes. In addition to amounts otherwise authorized by sections 8-266 to 8-281, inclusive, the state agency, as defined in section 8-267, shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes and similar expenses incidental to conveying such real property; (2)

penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such property; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the state, or the effective date of possession of such real property by the state agency, whichever is earlier.

(1972, P.A. 131, S. 1.)

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant Town Manager; Irene Luciano, Assessor
Date: October 24, 2016
Re: Proposed Settlement Agreement between 157-35 OAP Holdings, LLC and Town of Mansfield

Subject Matter/Background

Back in 2012, 157-35 OAP Holdings, LLC filed a tax appeal in Superior Court. Given changes in ownership, this appeal took some time to proceed through the court process.

Town Attorney Kevin Deneen and Assessor Irene Luciano have negotiated a pre-trial settlement with the plaintiff and its attorney, conditioned on final approval by the Town Council.

The result is as follows:

- 157-35 OAP Holdings, LLC v. Town of Mansfield – Pre-trial date: September 16, 2016
Agreement to lower the 100% Market Value by \$577,000, from \$5,377,000 to \$4,800,000. The result is a reduction of \$403,900 in the assessment or \$11,289 in taxes, to be paid for the 2012 Grand List year only.

Recommendation

The Town Attorney has reviewed the pre-trial settlement with the Town Council in executive session. Any final settlement needs to be ratified by the Council in open session.

If the Town Council wishes to approve the negotiated pre-trial settlement for 157-35 OAP Holdings, LLC, the following motion is in order:

Move, effective October 24, 2016, to accept the negotiated pre-trial settlements for the 157-35 OAP Holdings, LLC tax appeals.

Attachments

- 1) Pre-trial Settlement, *137-35 OAP Holdings, LLC v. Town of Mansfield*

DOCKET NO.: HHB-CV-13-6020313 : SUPERIOR COURT
 157-35 OAP HOLDINGS, LLC : JUDICIAL DISTRICT OF NEW BRITAIN
 V. : AT NEW BRITAIN
 TOWN OF MANSFIELD : SEPTEMBER 16, 2016

STIPULATION FOR JUDGMENT

The parties hereto stipulate and agree that judgment may be rendered in the above-captioned case finding that the fair market value and the assessed value of the land and buildings known as 74a-74d Baxter Road, in the Town of Mansfield as of October 1, 2014 shall be reduced as follows:

2012 Grand List: 74a-74d Baxter Road

	<u>Current Valuation</u>		<u>Reduced Valuations</u>	
	<u>Market Value</u>	<u>Assessment</u>	<u>Market Value</u>	<u>Assessment</u>
Land:	565,600	395,920	565,600	395,920
Building:	<u>4,811,400</u>	<u>3,367,980</u>	<u>4,234,400</u>	<u>2,964,080</u>
Totals:	5,377,000	3,763,900	4,800,000	3,360,000

The parties hereto stipulate and agree that judgment may be rendered in the above-captioned case finding that the fair market value and the assessed value of the land and buildings known as 74a-74d Baxter Road, in the Town of Mansfield as of October 1, 2012 shall be reduced as follows:

2012 Grand List: 74a-74d Baxter Road

	Current Valuation		Reduced Valuations	
	Market Value	Assessment	Market Value	Assessment
Land:	565,600	395,920	565,600	395,920
Building:	<u>4,811,400</u>	<u>3,367,980</u>	<u>4,234,400</u>	<u>2,964,080</u>
Totals:	5,377,000	3,763,900	4,800,000	3,360,000

Said valuations shall be set for the Grand List of 2012 only. No costs or interest shall be awarded to either the Plaintiff or the Defendant on the reduction in the assessment but the Plaintiff shall be responsible for interest on any underpayment of taxes. Furthermore, any refund of taxes paid based upon the 2012 valuation shall be paid to Plaintiff.

Dated this th day of September 2016.

**PLAINTIFF,
157-35 OAP HOLDINGS, LLC.**

By _____

Michael Reiner, Esq.
Greene Law, PC
11 Talcott Notch Road
Farmington, CT 06032
Phone: 860.676.1336/Fax: 860.676.2250
Juris No.: 428354
Its Attorneys

**DEFENDANT,
TOWN OF MANSFIELD**

By _____

Kevin M. Deneen, Esquire
O'Malley, Deneen, Leary, Messina & Oswecki
20 Maple Avenue / P.O. Box 504
Windsor, CT 06095
Phone: (860) 688-8505 / Fax: (860) 688-4783
Juris No.: 44526
Its Attorneys

DOCKET NO.: HHB-CV-13-6020313 : SUPERIOR COURT
157-35 OAP HOLDINGS, LLC : JUDICIAL DISTRICT OF NEW BRITAIN
V. : AT NEW BRITAIN
TOWN OF MANSFIELD : SEPTEMBER 16, 2016

MOTION FOR JUDGMENT

The Plaintiff and the Defendant hereby move that the Court render judgment in the above-captioned matter in accordance with the parties' Stipulation for Judgment attached hereto. A proposed Judgment File is also attached hereto.

**PLAINTIFF,
157-35 OAP HOLDINGS, LLC.**

By _____
Michael Reiner, Esq.
Greene Law, PC
11 Talcott Notch Road
Farmington, CT 06032
Phone: 860.676.1336/Fax: 860.676.2250
Juris No.: 428354
Its Attorneys

**ORAL ARGUMENT NOT REQUIRED
TESTIMONY NOT REQUIRED**

DEFENDANT,
TOWN OF MANSFIELD

By _____
Kevin M. Deneen, Esquire
O'Malley, Deneen, Leary, Messina & Oswecki
20 Maple Avenue / P.O. Box 504
Windsor, CT 06095
Phone: (860) 688-8505 / Fax: (860) 688-4783
Juris No.: 44526
Its Attorneys

ORDER

The foregoing Motion having been considered by this Court, it is hereby **ORDERED**, that the same be and hereby is **GRANTED/DENIED**.

BY THE COURT

JUDGE/CLERK

Date: _____

DOCKET NO.: HHB-CV-13-6020313 : SUPERIOR COURT
157-35 OAP HOLDINGS, LLC : JUDICIAL DISTRICT OF NEW BRITAIN
V. : AT NEW BRITAIN
TOWN OF MANSFIELD : SEPTEMBER 16, 2016

JUDGMENT

PRESENT: HONORABLE ARNOLD W. ARONSON, JUDGE

This action in the nature of an appeal from the action of the Board of Assessment Appeals of the Town of Mansfield in refusing to reduce the valuation and assessment on the land and buildings known as 74a-74d Baxter Road in said Town of Mansfield and owned by the Plaintiff on October 1, 2012 came to this Court on April 9, 2013 and thence to the present time when the parties appeared and filed a Stipulation for Judgment.

The Court, having heard the parties, finds the issues for the Plaintiff and finds that the fair market value and the assessed value of the subject properties as of October 1, 2012 only shall be reduced as follows:

2012 Grand List: 74a-74d Baxter Road

	Current Valuation		Reduced Valuations	
	Market Value	Assessment	Market Value	Assessment
Land:	565,600	395,920	565,600	395,920
Building:	<u>4,811,400</u>	<u>3,367,980</u>	<u>4,234,400</u>	<u>2,964,080</u>
Totals:	5,377,000	3,763,900	4,800,000	3,360,000

Said valuations shall be set for the Grand List of 2012 only. No costs or interest shall be awarded to either the Plaintiff or the Defendant on the reduction in the assessment but the Plaintiff shall be responsible for interest on any underpayment of taxes. Furthermore, any refund of taxes paid based upon the 2012 valuation shall be paid to Plaintiff.

BY THE COURT

JUDGE/CLERK

Date: _____

PAGE
BREAK

Committee on Committees

October 18, 2016

At the October 18, 2016 special meeting of the Committee on Committees, the following recommendations were approved:

The reappointment of Winthrop Smith to the Board of Ethics for a term ending June 30, 2019.

PAGE
BREAK

Two Arrested at Large Weekend Party in Mansfield

Item #7

The party was big and loud, state police said.

By Chris Dehnel (Patch Staff) - (<http://patch.com/users/chris-dehnel>) October 13, 2016 8:36 am ET (<http://my.patch.com/article/26722400/edit>)

MANSFIELD, CT — State police broke up a large party on Spring Hill Road on Friday night, according to an incident report.

The call came in on Friday night at 10:45 and troopers quickly went to the area near 200A Spring Hill Road, according to an incident report. Not only was the party large, but loud, state police said.

Two 20-year-olds were arrested for breach of peace — Kleber Ojeda and Joel Choi, state police said.

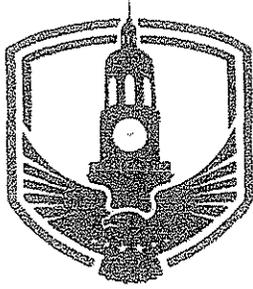
They are both due in Court on Oct. 25, state police said.

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Photo Credit: Shutterstock



THE NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY

The Weekly Snapshot

Your source for the latest tips, information, and current campus safety resources from the NCCPS.



PEACE OUTside Campus: The Lindsey M. Bonistall Foundation

According to the Bureau of Justice Statistics' (BJS) National Crime Victimization Survey, 1995-2000 (PDF), the number of off-campus violent victimizations of college students was 14 times greater than the number of on-campus victimizations. Specifically, for students living on campus, approximately 85 percent of their violent victimizations occurred off campus. For students living off-campus, about 95 percent of their violent victimizations occurred off campus.

Crime prevention and control in off-campus communities can be a major challenge for campus public safety agencies. Students living off campus are often in need of information regarding personal safety and property protection. Campus public safety officials can provide community members with resources to support off-campus safety and security.

PEACE OUTside Campus: The Lindsey M. Bonistall Foundation advocates "for the protection of students by providing information about rental rights and working with landlords and local college communities to develop and maintain improved safety measures in off-campus apartments." In 2005, PEACE OUTside Campus was officially founded in memory and celebration of Lindsey Marie Bonistall's life. Lindsey was a 20-year-old undergraduate student at the University of Delaware when she "was the victim of a violent crime in her off-campus apartment that took her life." Each school year, thousands of students across the country sign new leases without understanding their rights and responsibilities. PEACE OUTside Campus hopes to educate students and parents on the risks and liabilities of living off-campus.

PEACE OUTside Campus offers two programs your community can host:

- Teens 'N Transition - Designed for incoming college students, this presentation provides valuable tools on how to identify high-risk and unsafe situations.
- Identify the Risk - Intended for parents of new college students, this presentation provides information on the possible risks and safety concerns associated with living and learning as part of a campus community.

Campus public safety officials may share the following PEACE OUTside Campus tools and resources with students to raise awareness on off-campus housing safety:

- Certified Off-Campus Housing Program - Intended to promote safety and security standards for off-campus housing residences.
- Personal Safety Apps - Students can utilize these apps to assist in their safety and security efforts.
- Off-Campus Housing Safety: When Looking for a Place to Live (PDF) - Questions to ask and safety measures to inspect when searching for housing.
- Off-Campus Housing: Safety in your Apartment (PDF) - A guide to help secure a peaceful, off-campus living environment.
- Handouts - Download personal safety tips, a roommate agreement contract, and a campus security and safety checklist.
- Fact Sheets - Find information on alcohol use in college, date rape drugs, dating violence, hazing, and sexual assault.

Letter to Editor October 13, 2016

I appreciated your article about the party at 200A Spring Hill Rd. This incident is indicative of the increasing number of parties *in our neighborhoods* in Mansfield. It happens every weekend, and also weeknights. It destabilizes our neighborhoods. The house at 200A Spring Hill Rd has a rental permit and is one of hundreds of such houses.

There is widespread distribution of UConn student parties in Mansfield. The parties are often held in secluded houses down long, dark driveways or on remote isolated roads. There is no supervision at these houses, no resident assistants like in the dorms. This is disturbing given the safety issues for female (and male) students.

The second article in the newsletter below is by The Bonistall Foundation. Lindsey M. Bonistall, was a sophomore murdered in an off-campus apartment complex at the University of Delaware. The number of off-campus violent victimizations of college students was 14 times greater than the number of on-campus victimizations. For students living ON campus 85% of their victimizations occur OFF campus. Clearly, it is much safer for students to live ON campus. On campus there is guidance of university personnel to help them overcome often extreme peer pressure to engage in risky activity such as binge drinking. Over the last 20 years, however, undergraduate enrollment has increased 66%, but virtually no new on-campus housing has been built. As a result, many students are forced to live off campus and to a great extent the party scene has moved off campus as well. This puts students at greater, unnecessary risk of sexual assault.

http://myemail.constantcontact.com/Weekly-Snapshot--May-18--2016.html?soid=1117796635558&aid=zeMxvdZ_nQk

Freshman Silvana Moccia, was raped in an off-campus house three days after moving to Mansfield in 2011. She was a young athlete, recruited by the university to play hockey. Three days in Mansfield and her life was changed forever. Silvana was one of the victims who brought the Title IX action against UConn in 2013. How awful to think that happened in our town. And, there are more off-campus rentals receiving permits every week. Now over 435. Many of these are satellite party houses for fraternities operating in violation of zoning ordinances.

The Clery Act requires all institutions of higher education receiving federal aid to report crime on their campuses. BUT, rapes and other crimes in *off-campus* houses are **not** reportable under the Clery Act. Parents who are comparing statistics to choose the safest school do not see the statistics for rape off campus. Nearly 50% of all UConn students now live off campus. Mansfield -- host town to University of Connecticut -- needs to require the University to provide affordable, on-campus housing for all its students.

Forcing 50% of the UConn student body to live off-campus not only impacts the quality of life for permanent residents in our neighborhoods, but it is a disservice to students themselves because it puts them in more dangerous living situations.

Of course UCONN will object and say that they are not "forcing" their students to live off

campus and that, moreover, some students want to live off campus. But UConn is effectively forcing its students to live off campus by not providing enough on-campus housing and for failing to require that students live on campus. It is both a facilities failure and a policy failure. Not enough dorms and no requirement to live on campus.

Regards,

Rebecca Shafer, Attorney

Facebook: [Mansfield Neighborhood Preservation Group](#)

Twitter: [@CtNeighbors](#)

Email: RShafer@mansfieldneighborhoodpreservation.org

Website: www.MansfieldNeighborhoodPreservation.org

To: Mansfield Town Council, Planning and Zoning Committee
From: Rebecca Shafer, Mansfield Neighborhood Preservation Group
Bill Roe, Mansfield Neighborhood Preservation Group
Date: October 13, 2016
Re: Updates on Off Campus Student Housing

Item #8

Statistics Updated

The following statistics have been completed:

- 20 year enrollment history of graduate and undergraduate students; 66.1% growth in undergrad enrollment and 7.8% growth in grad enrollment.
- 47.9% of all students are now housed off campus
- 12,287 living off campus – not all in Mansfield; no reply to Councilwoman Moran's March 14, 2016 request for information about identifying residences of people living off campus.
- 20 year enrollment history correlates with 20 year conversion history (total and increase over time).

In our *Off Campus Housing Impact Study* (the lowest impact is at top, most impact is at bottom, sorted by far right column). We initially kept the entire data set even though non-Storrs students were included in the enrollment figures and the population of Mansfield included students. It has been revised to calculate ratio of only Storrs-based students and only permanent residents. The enrollment data is taken from the UConn Fact Sheets; it shows the student population divided by the number of permanent residents ranked against other flagship universities. The revised study shows that almost every other major public university has less impact on their host towns than UConn has on Mansfield.

During the March 14, 2016 Town Council meeting, UConn had handed out the *U.S. News & World Report's* statistic showing 71% of students were housed on campus. Mr. Kochenburger brought up the fact that it was the NUMBER of students off campus that was important not the percentage of students housed on campus. He noted that a percentage alone was misleading unless the actual number of students was taken into consideration. So, although I would love to take credit, the methodology was developed in response to Mr. Kochenburger's concern.

Our goal is to have UConn provide more affordable housing in apartments and dorms on campus (either publicly or privately financed) or in a location that doesn't impact a neighborhood. This would lower the impact ratio like University of Vermont has done in response to the concerns of their host town.

Bed Count

Although there is a new dorm, another has been demolished and there have been a few new students. This resulted in 248 new beds. However, UConn is now reassigning rooms to remove students from study lounges and recreation areas that were previously converted to sleeping quarters. They are also reassigning rooms that were previously used to house more than the dorm was originally designed for. We were told by Mr. Gilbert on March 14, 2016 that these reassignments were how they "grew hundreds of beds" to accommodate new students as enrollment increased over the years when no dorms were built. So, depending on the number of these reassignments, it is quite possible that the new STEM dorm has resulted in **no** new beds at all. Basically the situation is that there have been no new beds on campus in 20 years, while the total enrollment has increased nearly 50%.

For this reason, we ask for your help in addressing the legislature to request funding for new dorms and a cap on enrollment. What we really need is a **REDUCTION** in enrollment, not just a cap on current and future.

727 New Beds
-435 CT Commons Beds Demolished

292 New beds minus loss of CT Commons
-46 additional students

248 total new beds*

*Now being used for reassignment to house students in previously repurposed spaces and over-capacity rooms.

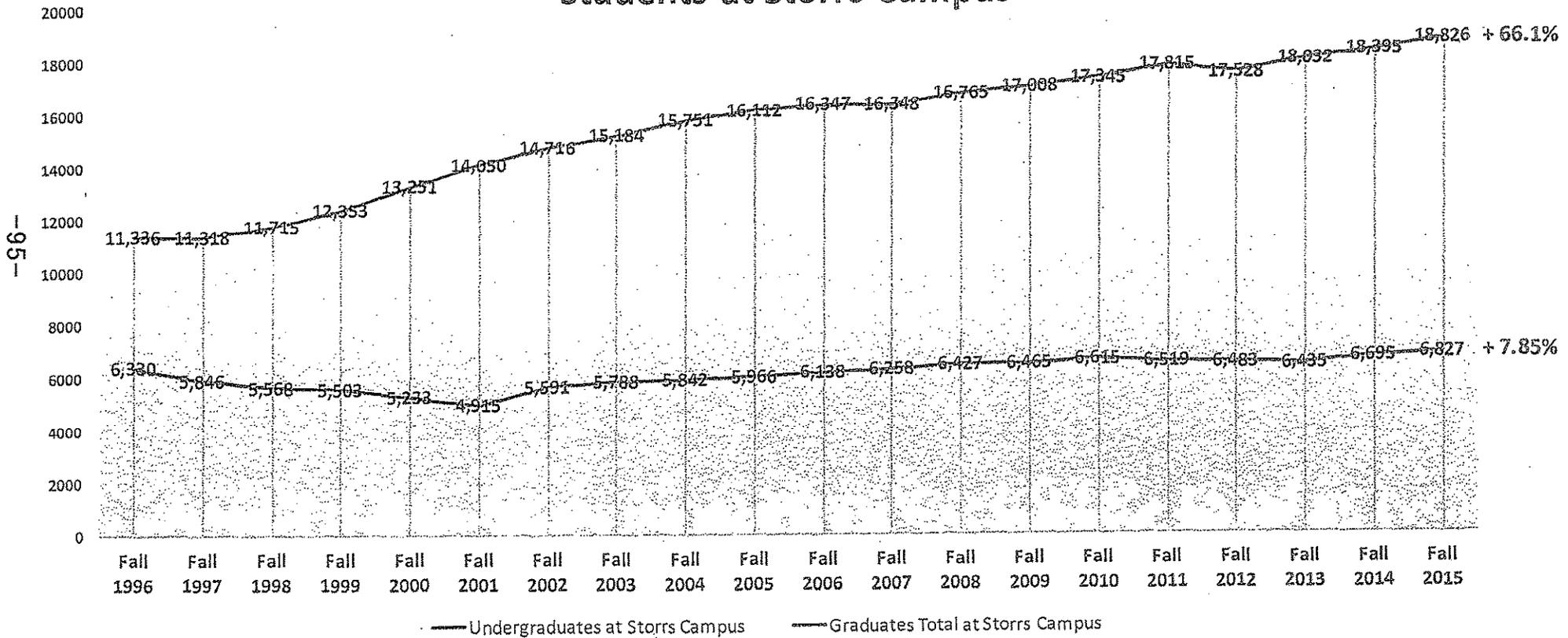
School Buses in Neighborhoods

There is what I think is a relatively new practice of buses coming into neighborhoods to pick up partiers. Three weeks ago, on Saturday 7:50 AM, 5 buses parked on No. Eagleville Rd. near Meadowood Rd while groups of partiers were dropped off there by party ubers and other groups walked to the buses going to a UConn tailgate party at Rentschler Field. We have discussed this with Mr. Armstrong and requested that UConn event buses pick up and drop off students on campus instead of in neighborhoods. This very disruptive and noisy occurrence has happened on at least two other occasions on Hillyndale Rd. in the middle of a neighborhood of at least 100 houses.

We appreciate your continued support and hope this update has been informative.

Thankyou.

Students at Storrs Campus***



* Source: UConn fact sheets 1997 - 2016

** not included: law, medicine, dental medicine

Off Campus Housing in Storrs

*Figures are based on UConn Fact Sheet 2016, Academic Year (AY) 2015

Total Student Enrollment (Storrs)

Total undergraduate students, AY Fall 2015*	18,826
+ Total graduate students, AY Fall 2015*	6,827**
= Total student enrollment, AY Fall 2015*	25,653

Undergraduate students living on Storrs Campus (71%*** of 18,826)	= 13,366
--	----------

Total undergraduate and graduate students living off Campus 25,653 – 13,366	= 12,287
--	----------

Current Status

- ⇒ **29% of the undergraduate students and 100% of the graduate students** live off Storrs Campus
- ⇒ **47.9% of all students** (undergraduate and graduate students) are living off Storrs Campus

** 8,217 Total graduate students

- 505 Law School (Hartford)
- 321 at UConn Health
- 396 School of Medicine
- 168 School of Dental Medicine

6,827 Graduate students, Storrs Campus

*** According to UConn 71% of the undergraduate students are housed on Storrs Campus.

727 New beds
- 435 Commons destroyed

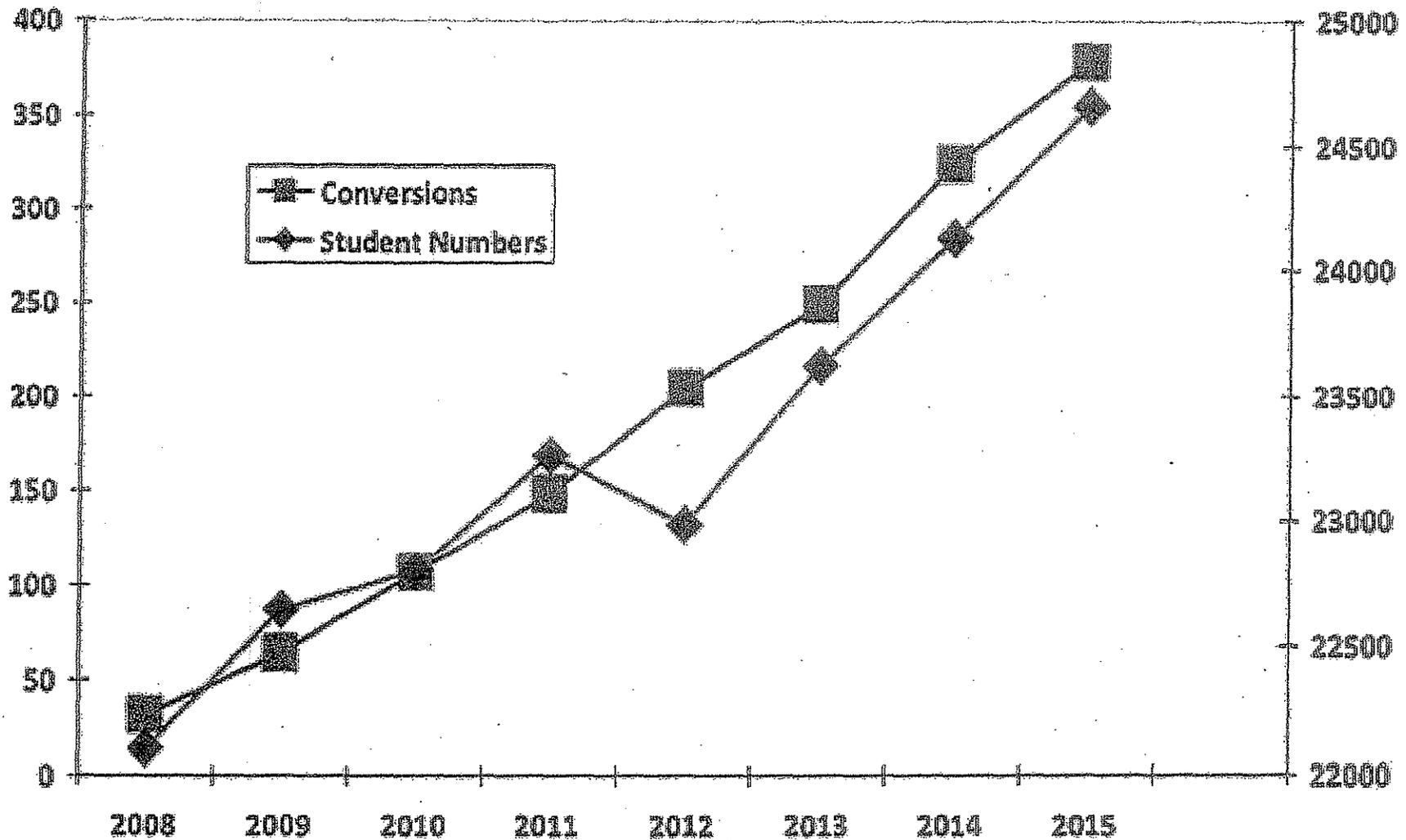
292 new beds minus loss of CTC
- 46 new students

246 total new beds

That will reduce the student number housed off campus
from 12,287 (that includes enrollment fall 2016)

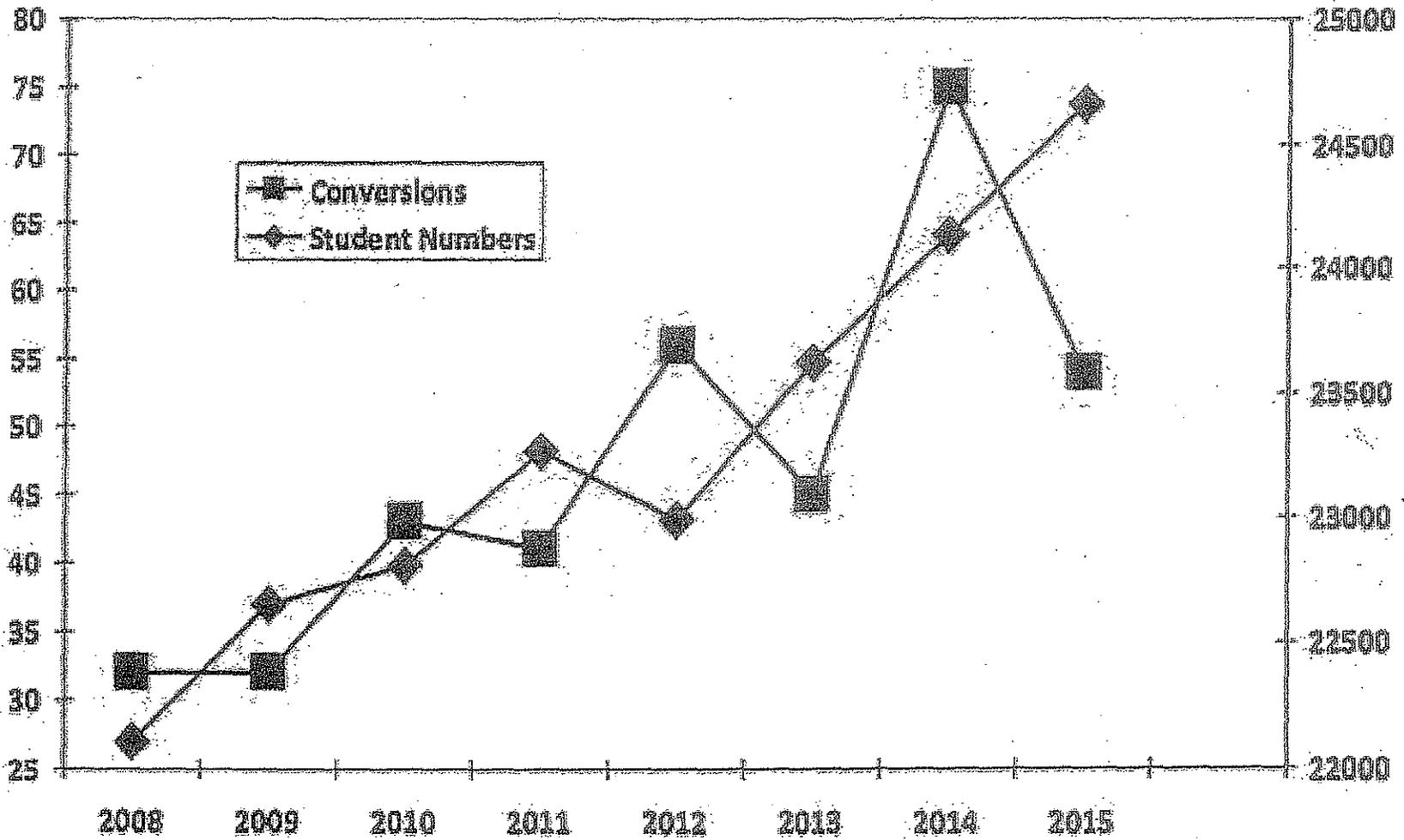
Math: $(25,827 - 13,656 = 12,287)$; 13,356 are 71% of last's years undergrads.
to 12,041

Student Numbers versus Total Conversions Since 2008



Student Numbers versus Conversions

-66-



Off-Campus Housing Impact Study
Public Universities Relative to Host Community Population*
(Sorted Lowest to Highest Ratio)

1	A	B	C	D	E	F	G	H	I	J	K	L
2	State	Main Campus Town/City	Town/ City Pop	Year of Pop	University	UG Enrollment	Total Enrollment	%UG on Campus	UG off Campus	UG Impact	Total Off Campus	Total Impact
3	Georgia	Atlanta	447,841	2013	Georgia_Tech	14,800	25017	59.5	10,217	0.03	15,298	0.03
4	Hawaii	Manoa Honolulu	390,738	2010	UH	14,120	19507	72.4	5,387	0.04	15,976	0.04
5	New_Mexico	Albuquerque	557,169	2014	UNM	20,500	27887	73.5	7,387	-0.05	26,218	-0.05
6	Texas	Austin	912,791	2014	UT_Austin	22,500	51313	43.8	28,813	0.05	43,804	0.05
7	Ohio	Columbus	835,957	2014	OSU	22,500	58322	38.6	35,822	0.06	47,137	0.06
8	Washington	Seattle	662,400	2015	Univ_Wash	12,000	44784	26.8	32,784	0.06	37,423	0.06
9	Nebraska	Lincoln	272,996	2014	Nebraska	12,000	25006	48.0	13,006	0.06	16,415	0.06
10	Pennsylvania	Pittsburg	305,841	2013	Univ_Pittsburg	12,000	28617	42.0	16,617	0.06	19,126	0.06
11	Arizona	Tucson	527,972		U_of_A	12,000	42236	28.4	30,236	0.07	35,639	0.07
12	Nevada	Reno	233,294	2013	Univ_of_Nevada	12,000	19934	60.2	7,934	0.07	17,240	0.07
13	Kentucky	Lexington	290,263	2014	UK_Kentucky	12,000	29203	41.1	17,203	0.08	22,758	0.08
14	Minnesota	Minneapolis	407,207	2014	Univ_Minn	12,000	51147	23.5	39,147	0.11	43,246	0.11
15	Louisiana	Lafayette	126,066	2014	Univ_of_Louisiana	12,000	17185	69.8	5,185	0.11	14,382	0.11
16	Tennessee	Knoxville	183,270	2013	UT	12,000	30386	39.5	18,386	0.12	22,370	0.12
17	Oregon	Eugene	160,561	2014	UO	12,000	24096	49.8	12,096	0.13	20,190	0.13
18	Montana	Missoula	69,821	2014	UM	12,000	11707	102.5	1,707	0.13	8,873	0.13
19	Wisconsin	Madison	242,344	2013	UW	12,000	43193	27.8	31,193	0.15	35,371	0.15
20	Utah	Salt_Lake_City	191,180	2013	Utah	12,000	31515	38.1	19,515	0.15	28,407	0.15
21	Vermont	Burlington	42,211	2014	UVM	12,000	12856	93.3	856	0.17	7,250	0.17
22	South Carolina	Columbia	133,358	2014	Carolina	12,000	32971	36.4	20,971	0.19	25,761	0.19
23	Oklahoma	Norman	116,040	2014	OU	12,000	30628	39.2	18,628	0.20	29,638	0.20
24	Alaska	Fairbanks	32,324		Univ_of_Alaska	12,000	8700	138.0	1,700	0.20	6,507	0.20
25	North Dakota	Grand Forks	56,057	2014	UND	12,000	14806	81.1	2,806	0.21	11,676	0.21
26	Illinois	Urbana-Champaign	128,600		Illinois	12,000	45140	26.6	33,140	0.22	28,661	0.22
27	Colorado	Boulder	105,112		Univ_of_Colorado	12,000	32080	37.4	20,080	0.23	24,416	0.23
28	Georgia	Athens	115,452	2010	UGA	12,000	35197	34.1	23,197	0.24	27,670	0.24
29	Kansas	Lawrence	92,763	2014	KU	12,000	27180	44.2	15,180	0.24	22,344	0.24
30	Virginia	Williamsburg	14,691	2014	William and Mary	12,000	8437	142.2	1,437	0.26	3,778	0.26
31	Arkansas	Fayetteville	80,621		Univ_of_Arkansas	12,000	26237	45.7	14,237	0.26	20,778	0.26
32	Missouri	Columbia	108,500	2014	MU	12,000	35441	33.9	23,441	0.27	29,634	0.27
33	Michigan	Ann Arbor	117,770	2014	UM	12,000	43625	27.5	31,625	0.29	33,971	0.29
34	Alabama	Tuscaloosa	95,334	2013	Univ Alabama	12,000	36047	33.3	24,047	0.29	27,744	0.29
35	Florida	Gainesville	128,460	2012	Univ_of_Florida	12,000	50350	23.8	38,350	0.33	42,594	0.33
36	North Carolina	Chapel Hill	57,233	2010	UNC	12,000	29135	41.2	17,135	0.34	19,410	0.34
37	Wyoming	Laramie	30,816	2010	Univ_of_Wyoming	12,000	12820	93.6	820	0.34	10,491	0.34
38	Iowa	Iowa City	73,413	2014	Iowa	12,000	31387	38.3	19,387	0.35	25,575	0.35
39	Massachusetts	Amherst	37,819	2010	Umass Amherst	12,000	28635	42.0	16,635	0.37	14,171	0.37
40	Idaho	Moscow	24,499	2012	U of I	12,000	11702	102.5	1,702	0.39	9,543	0.39
41	Indiana	Bloomington	83,565	2014	Univ_of_Indiana	12,000	46416	25.8	34,416	0.39	32,941	0.39
42	Delaware	Newark	31,454	2010	UD	12,000	21870	54.9	9,870	0.44	13,707	0.44
43	Virginia	Charlottesville	47,783	2014	UVA	12,000	32732	36.7	20,732	0.54	25,974	0.54
44	New Hampshire	Durham	14,638	2010	Univ New Hampshire	12,000	15169	79.1	3,169	0.55	7,979	0.55
45	New Jersey	New Brunswick	57,080	2014	Rutgers	12,000	48378	24.8	36,378	0.56	31,797	0.56
46	Maryland	College Park	32,256	2014	Univ_of_Maryland	12,000	34610	34.7	22,610	0.70	22,705	0.70
47	South Dakota	Vermillion	10,692	2013	USD	12,000	10061	119.2	1,061	0.71	7,572	0.71
48	Maine	Orono	10,585	2010	Univ_of_Main	12,000	11286	106.3	1,286	0.73	7,737	0.73
49	Ohio	Oxford	21,351	2012	Miami Univ Ohio	12,000	23983	50.1	11,983	0.78	16,551	0.78
50	Mississippi	Oxford	21,757	2014	Ole Miss	12,000	22503	53.3	10,503	0.81	17,616	0.81
51	West Virginia	Morgantown	31,073	2014	WVU	12,000	29175	41.2	17,175	0.83	25,791	0.83
52	Indiana	West Lafayette	32,109	2012	Purdue	12,000	39409	30.4	27,409	0.89	28,585	0.89
53	New York	Stoney Brook	13,740	2010	Stoney Brook	12,000	24607	48.8	12,607	1.07	14,719	1.07
54	Connecticut	Mansfield	11,100	2015	UConn	12,000	25,653	46.8	13,653	1.11	12,287	1.11
55	South Carolina	Clemson	13,905	2010	Clemson University	12,000	22698	52.9	10,698	1.12	15,621	1.12
56	Rhode Island	Kingston	5,446	2000	URI	12,000	16571	72.5	4,571	1.92	10,456	1.92
57	Pennsylvania	University Park	13,700	2015	Penn State	12,000	47040	25.5	35,040	2.40	32,851	2.40

*The Impact Ratio is the off-campus student population relative to the community population. It shows the effect these students have on neighborhoods within the community, including, but not limited to, conversion of single family homes, loss of affordable and work force housing, loss of home value, and the "studentification" of the neighborhood. "Studentification" brings with it behavioral issues surrounding alcohol, parties, inappropriate noise, and excess traffic.

	A	B	C	D	E	F	G	H	I	J	K	L
1	Off-Campus Housing Impact Study Public Universities Relative to Host Community Population* Less than 50,000 Host Community Population (Sorted Lowest to Highest Ratio)											
2	State	Main Campus Town/City	Town/ City Pop	Year of Pop	University	UG Enrollment	Total Enrollment	%UG on Campus	UG/off Campus	UG Impact	Total Off Campus	Total Impact
3	Vermont	Burlington	42,211	2014	UVM	10,992	12856	51	5,386	0.13	7,250	0.17
4	Alaska	Fairbanks	32,324		Univ of Alaska	7,563	8700	29	5,370	0.17	6,507	0.20
5	Virginia	Williamsburg	14,691	2014	William and Mary	6,299	8437	74	1,639	0.11	3,776	0.26
6	Wyoming	Laramie	30,816	2010	Univ of Wyoming	10,124	12820	23	7,796	0.25	10,491	0.34
7	Massachusetts	Amherst	37,819	2010	Umass Amherst	22,252	28635	65	7,788	0.21	14,171	0.37
8	Idaho	Moscow	24,499	2012	U of I	9,388	11702	29	7,229	0.30	9,543	0.39
9	Delaware	Newark	31,454	2010	UD	18,141	21870	45	9,978	0.32	13,707	0.44
10	Virginia	Charlottesville	47,783	2014	UVA	16,483	32732	41	9,225	0.20	25,974	0.54
11	New Hampshire	Durham	14,638	2010	Univ New Hampshire	12,340	15169	56	5,650	0.39	7,979	0.55
12	Maryland	College Park	32,256	2014	Univ of Maryland	27,056	34610	44	15,151	0.47	22,705	0.70
13	South Dakota	Vermillion	10,692	2013	USD	7,541	10061	39	5,052	0.47	7,572	0.71
14	Maine	Orono	10,585	2010	Univ of Main	9,339	11286	38	5,790	0.55	7,737	0.73
15	Ohio	Oxford	21,351	2012	Miami Univ Ohio	15,813	23983	47	8,381	0.39	16,551	0.78
16	Mississippi	Oxford	21,757	2014	Ole Miss	18,101	22503	27	13,214	0.61	17,616	0.81
17	West Virginia	Morgantown	31,073	2014	WVU	22,563	29175	15	19,479	0.62	25,791	0.83
18	Indiana	West Lafayette	32,109	2012	Purdue	29,253	39409	37	18,431	0.57	28,585	0.89
19	New York	StoneyBrook	13,740	2010	Stoney Brook	16,480	24607	69	6,592	0.48	14,719	1.07
20	Connecticut	Mansfield	11,100	2015	UConn	18,826	25,653	71	5,460	0.49	12,287	1.11
21	South Carolina	Clemson	13,905	2010	Clemson University	17,260	22698	41	10,183	0.73	15,621	1.12
22	Rhode Island	Kingston	5,446	2000	URI	13,589	16571	45	7,474	1.37	10,456	1.92
23	Pennsylvania	University Park	13,700	2015	Penn State	40,541	47040	35	26,352	1.92	32,851	2.40
24												
25	*The Impact Ratio is the off-campus student population relative to the community population. It shows the effect these students have on neighborhoods within the community, including, but not limited to, conversion of single family homes, loss of affordable and work force housing, loss of home value, and the "studentification" of the neighborhood. "Studentification" brings with it behavioral issues surrounding alcohol, parties, inappropriate noise, and excess traffic.											
26												
27												
28												
29												
30	DataSource: https://en.wikipedia.org/wiki/List_of_state_universities_in_the_United_States and U.S. News & World Reports Percentages of On-Campus Housing Prepared by Mansfield Neighborhood Preservation Group											

PAGE
BREAK

October 5, 2016
143 Hanks Hill Road
Storrs, CT 06268

Mr. Matthew W. Hart
Town Manager
Town of Mansfield
4 South Eagleville Road
Storrs, CT 06268

Dear Matt,

While I have thoroughly enjoyed my service on the Board of Ethics, including, in particular as Chair, I plan to complete my service as of October 31, 2016. The work that the Board did in establishing a new Code of Ethics, which was adopted by the Town Council, was especially rewarding to me.

Throughout my tenure on the Board, since its inception in 2008, the members of the Board always worked together in accomplishing our work. That was facilitated by the support and encouragement of Maria Capriola who was especially helpful in providing support and guidance to me and to the Board.

The Board was fortunate, and the town should be pleased, that the Code of Ethics has been widely accepted and followed by our town employees. I would only hope that, at some point, the unresolved difference of opinion between the Board of Ethics and the Board of Education relating to gifts to teachers might be resolved.

Sincerely yours,

Nora B. Stevens



PAGE
BREAK



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

October 20, 2016

Mr. David Radka, Central Region WUCC Co-Chair
dradka@ctwater.com

Mr. Bart Halloran, Central Region WUCC Co-Chair
bhalloran@themdc.com

Subject: Central Region Water Utility Coordinating Committee (WUCC)
Preliminary Water Supply Assessment Report

Dear Mr. Radka and Mr. Halloran:

Thank you for providing WUCC members and the public with the opportunity to review the Preliminary Water Supply Assessment for the Central Region WUCC. I understand that this document is intended to be a factual representation of existing conditions based on various information sources including water supply plans and municipal Plans of Conservation and Development. I would like to call your attention to the following items that should be addressed prior to publication of the final assessment report:

- **Table 2-1 (p. 12).** This table indicates that there are 3 municipally owned water systems; however, the detailed description on p. 17 for Mansfield does not identify what you have classified as municipally owned.
- **Section 2.1 Composition of the Region (p.17).** The last sentence of the Mansfield description states that a “campground” is one of the transient non-community water systems in Mansfield. As we have no campgrounds, it appears that you may have misclassified Holiday Hill Recreation Center (www.holidayrecreation.com).
- **Table 2-2 (p. 20).** For ease of review, it would be helpful if this table were organized/sorted by municipality similar to other tables in the document.
- **Table 3-1 (p. 44).** The row for Windham Water Works is blank.
- **Table 4-1 (p. 56).** The notes for Windham Water Works should include information on the original special act granting water rights for the Willimantic Reservoir to Windham/Willimantic.
- **Table 5-7 (p. 72).** This table is titled “Housing Permit Activity in Central PWSMA Municipalities, 1996-2015.” It is unclear whether this is intended to identify the total number of permits issued or the total number of housing units for which permits were issued. Through conversations with Milone & MacBroom staff, it appears you intended to identify the total number of housing units. The numbers for Mansfield do not appear to be accurate. Additional research will be required for us to provide you with correct figures for these timeframes.

In addition to the above technical changes, there may be an issue with how certain systems are described in Mansfield due to the timing of the report. As you are aware, construction of the CWC interconnection with UConn was recently completed. Once that project is fully completed and operational, CWC will take over as the water utility for all off-campus customers. Other than a couple of references to the interconnection project, all of the narrative and tables in the report indicate that the two major community water systems serving more than 1,000 people in Mansfield are UConn and Windham Water Works. Upon completion of this project, CWC will be a third community water system in this category. This major change should be reflected in the report, and depending on the timing of project completion as compared to publication of the final report, CWC may need to be listed as a provider in many of the sections in the document.

If you have any questions with regard to the comments contained in this letter, please contact Linda Painter, Director of Planning and Development, at 860.429.3329 or painterlm@mansfieldct.org.

Sincerely,

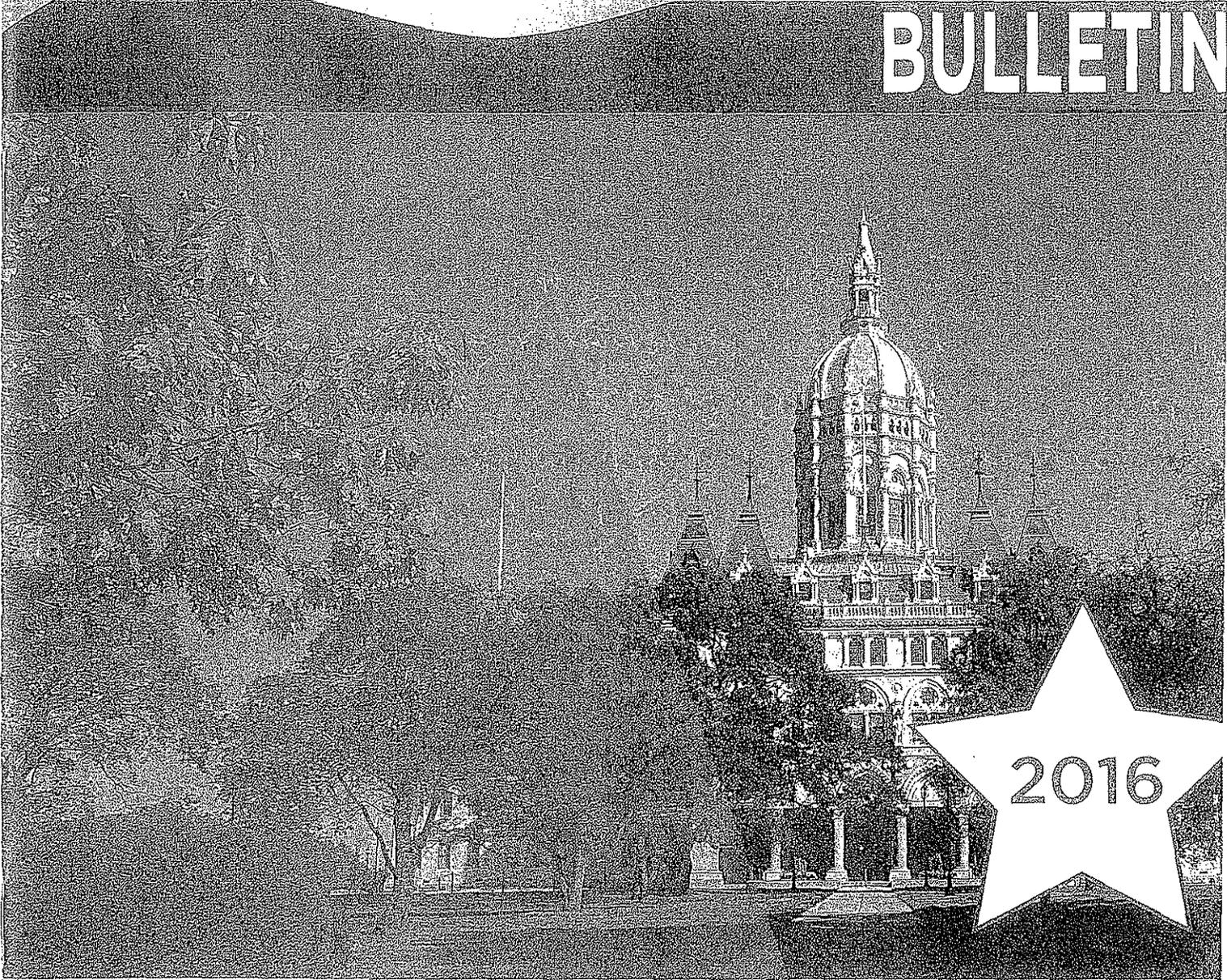


Matthew W. Hart
Town Manager

- C: Town Council
- Planning and Zoning Commission
- Conservation Commission
- Robert Miller, Eastern Highlands Health District.

CCM Connecticut Conference
of Municipalities

CANDIDATE BULLETIN



2016

Unfunded State Mandates: The Corrosive Impact on Property Taxpayers

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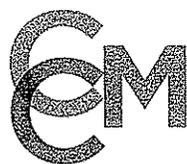
Leo Paul, First Selectman of Litchfield

Lisa Pellegrini, First Selectman of Somers

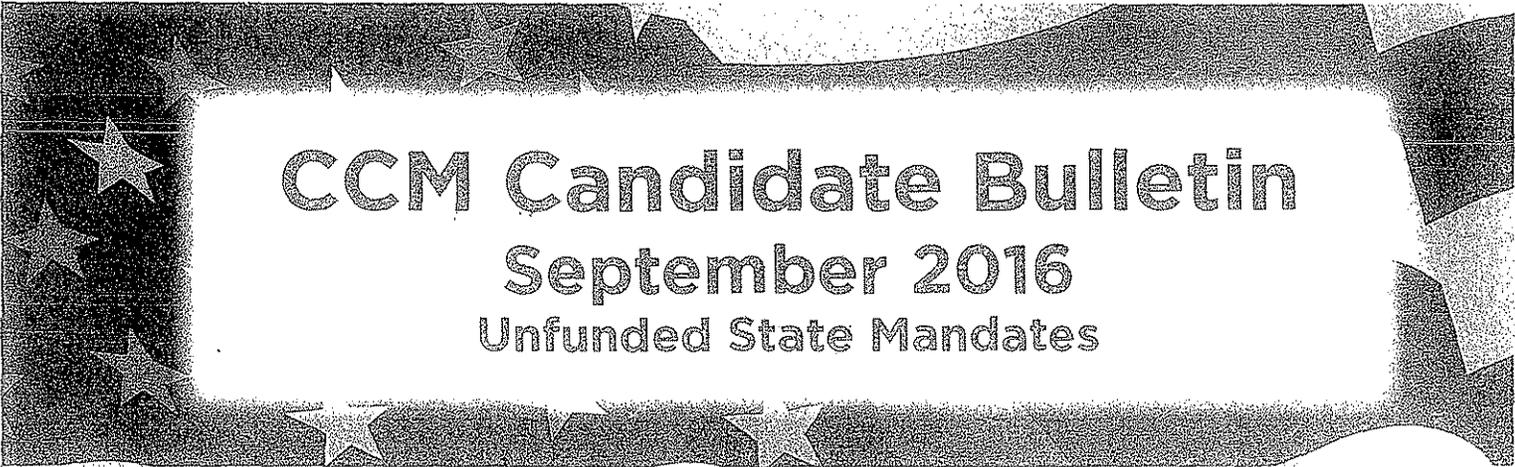
Scott Shanley, General Manager of Manchester

Mark Walter, Town Administrator of Columbia

Steven R. Werbner, Town Manager of Tolland



Connecticut Conference
of Municipalities



CCM Candidate Bulletin

September 2016

Unfunded State Mandates

Table of Contents

EXECUTIVE SUMMARY

INTRODUCTION

TYPES OF MANDATES

MANDATES' IMPACT ON LOCAL GOVERNMENT

GREATER GENERAL ASSEMBLY REVIEW OF MANDATES

ENACT MANDATES RELIEF

NO NEW MANDATES

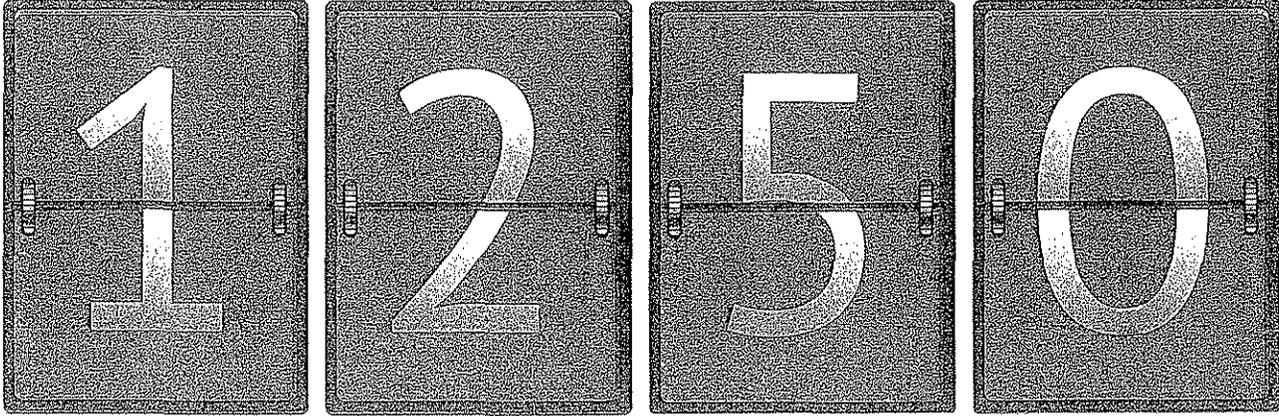
SUMMARY

ENDNOTES

If you have questions concerning this report, please contact Ron Thomas (rthomas@ccm-ct.org) or Michael Muszynski (mmuszynski@ccm-ct.org) of CCM, at 203.498.3064.

Executive Summary

There are currently approximately 1,250 state mandates that directly impact towns and cities, resulting in increases local costs and higher property taxes in Connecticut. Most of these state mandates are unfunded. They burden residential and business property taxpayers and divert limited resources away current local services.



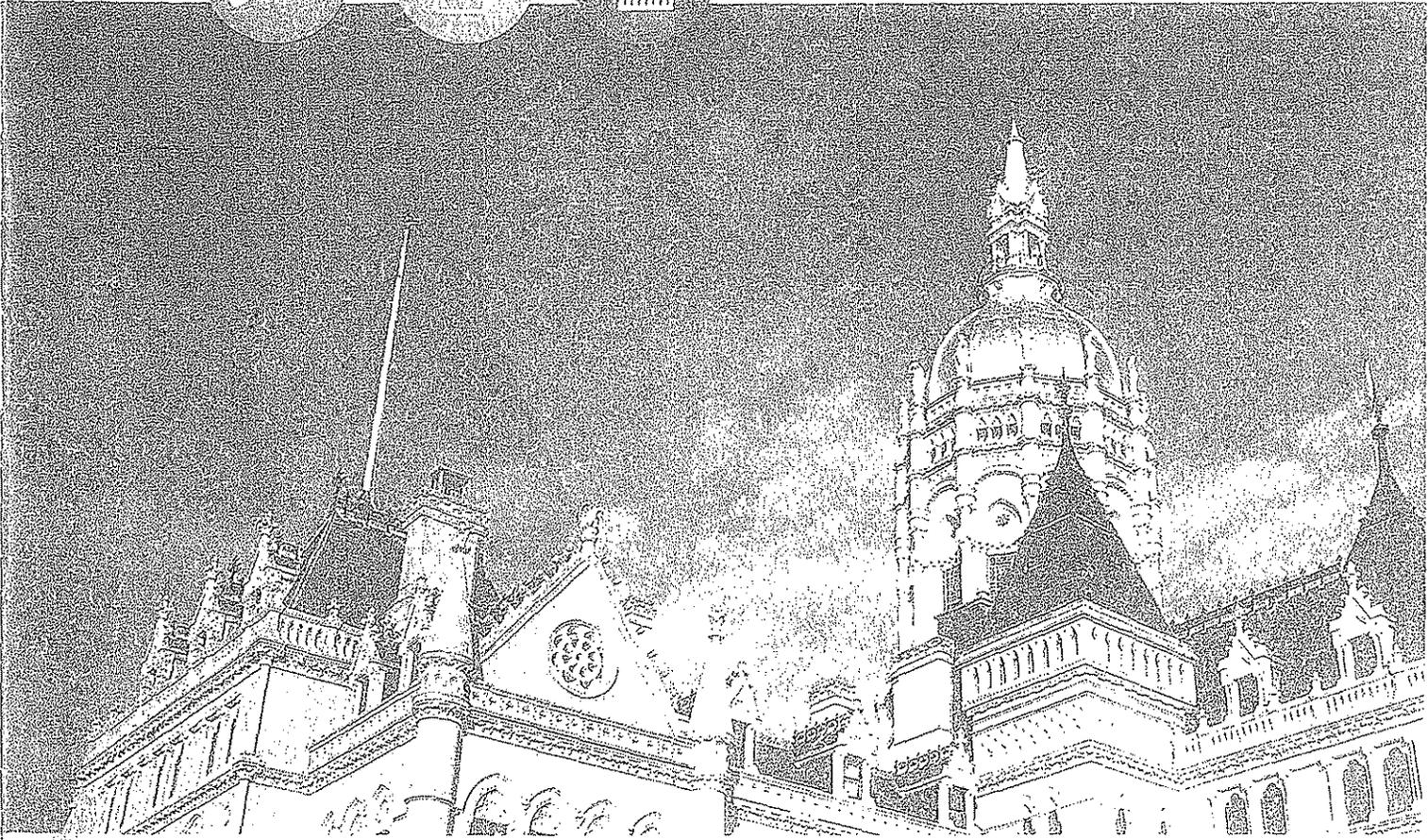
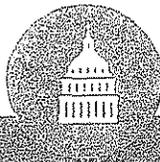
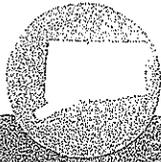
If the State believes an existing or new mandate is appropriate public policy, then the State should be prepared to pay for it.

Each mandate that is unfunded, or only partially funded, adds to the already overburdened property tax, and further reduces local discretionary authority.

Today's Mandates Relief: Achieved Through Thoughtful Collaboration

There are reasonable solutions that the State can enact to reduce the costly burden of these unfunded and under-funded state mandates:

- Allow towns and their boards and commissions the option to publish legal notices online. It is common sense and will improve citizens' involvement in the operation of local government.
- Update the thresholds that trigger the prevailing wage mandate for public construction projects. A modest adjustment would free-up state and local dollars and jumpstart and expand projects.
- Prohibit municipal fund balances (essentially "emergency contingency funds") from inclusion when determining municipalities' ability to pay.
- Eliminate the premium tax on municipal health insurance.
- Adjust the mandated employee contribution rates, under MERS — and establish a new tier, modeled after the State's Tier III, for new hires only.
- Get hometowns out of the business of storing evicted tenants' possessions. Eliminate the costly mandate on towns and cities of storing and auctioning items abandoned by tenants following the conclusion of an eviction proceeding. Municipalities shouldn't be inserted into landlord-tenant issues. No other state places this burden on municipalities.
- More accurately estimate and identify proposed state mandates, and ensure that proper municipal fiscal impact statements are available on legislative bills and amendments.
- Do not enact additional mandates on towns and cities! While well-intended, without additional state funding to implement these new requirements, a new mandate will result in the reduction or elimination of current services and/or an increase in property taxes to pay for them.



Introduction

What are State Mandates?

In practice, state mandates are requirements and standards imposed by the State on towns and cities. Often these requirements do not include adequate state funding to finance the mandate.

While local leaders often support the objectives of many of these mandates, such as improving education, public health, or the environment, towns and cities must object when the State does not provide commensurate funding.

Municipalities in Connecticut are too often forced to implement and fund policies that should be the responsibility of the state. It is inappropriate and inequitable to force towns and cities to assume all or most of the costs — and thus to pass these costs onto local property taxpayers.

Unfunded mandates allow the State to purchase public policy and enhance their standing with local property tax dollars.

How Many State Mandates are Imposed on Towns and Cities?

Connecticut's towns and cities must comply with over 1,250 state mandates. In addition, regulations implementing these statutes and other administrative mandates

further increase the requirements and costs imposed on local governments.

The Need for Mandates Relief

As a result, the term "mandates relief" has come to define the annual appeal of local officials, Democrats, Republicans and Independents representing urban, suburban and rural communities to their state partners, for fiscal and administrative relief.

The annual request for mandate relief covers a broad range of issues that include, but are not limited to: prevailing wage requirements, special education, minimum expenditure requirements (per-pupil education spending), revaluation requirements, clean water, and other unreimbursed or under-reimbursed state mandates cost towns and cities hundreds of millions of dollars each year.

No New State Mandates

Providing relief from existing mandates is only part of the equation. Each year, legislation is proposed that would impose additional mandates on towns and cities.

During the 2015 and 2016 legislative sessions, 143 new mandates were proposed. While these numbers reflect

legislation introduced, the pressure from municipal officials and property taxpayers for relief from the financial and administrative problems caused by state mandates has helped control the amount of legislation passed into law.

However, according to the ACIR, in 2015 and 2016, a total of 56 new mandates were imposed on Connecticut municipalities.

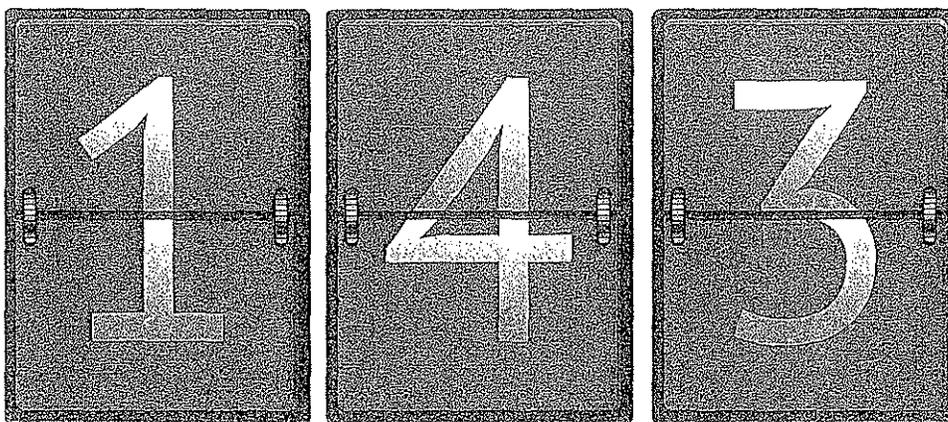
In addition, there has been little accomplished to enact mandates relief and no meaningful mandates relief passed.

During the 2015 legislative session 70 mandate relief

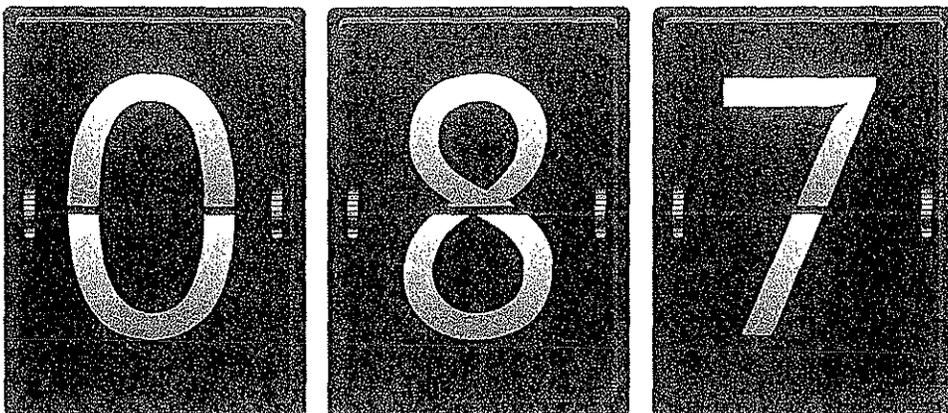
measures were introduced, while only 17 were introduced in 2016 — a disproportionate amount in relation to the amount of mandates proposed.

With over 1,250 mandates on towns and cities, more needs to be done to examine the need, and the benefit of these mandates relative to their cost. The State Legislature must begin to repeal or reduce these mandates. Additionally, legislative leaders need to ensure that no new mandates are added to the crippling burden existing mandates have placed on municipalities.

New Mandates Proposed 2015 - 2016



Mandates Relief Proposals 2015 - 2016





Types Of Mandates

As Statutorily Defined

Under Section 2-32b(2) of the Connecticut General Statutes, a mandate is “any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court and any legislation necessary to comply with a federal mandate.”

As it details, beyond statutory mandates, other mandates exist such as administrative and regulatory.

State agency regulations implement either specific sections of the Connecticut General Statutes, or agency programs not required by statute. There are other regulations that can be completed without direct statutory authority.

In addition, what often occurs is that although the State does not direct a specific mandate to municipalities, it effectively imposes one. These “mandates in effect” occur when the State abandons necessary stateprovided services that citizens rely on and need.

Municipalities must then continue to provide these services

at local expense. For example, deinstitutionalization or cutbacks in funds for mental health institutions and for juvenile homes could shift the service burden to local health personnel, social workers, police officers, and others.

Defacto Mandates

In some cases, the General Assembly passes legislation that “allows” a municipality to enact a mandate, thereby being a “local option” mandate. As a practical political matter, these are initiatives that local government cannot avoid. Thus, the State imposes what could be termed an optional mandate or defacto mandate. For example, in recent years the legislature has increased property tax breaks to veterans at local taxpayers’ expense — a worthy cause, but an option that most municipalities feel compelled to enact. In a situation such as this, the State has bought good will from a segment of the public — yet with local property tax dollars.

While these “optional” mandates do not require specific action to be taken at the local level, political, community and special interest pressure often compel action which thereby in effect is an additional state mandate imposed on towns and cities.

Property Tax Exemptions

Towns and cities lose staggering amounts of revenue as the result of state-mandated property tax exemptions for real and personal property owned by the State, real and personal property owned by private colleges and hospitals, computer software owned by businesses, and the list goes on.

While the state has a statutory authority to provide municipalities funding to compensate the loss revenue in the form of payment-in-lieu-of-taxes (PILOT) from state-owned property, colleges and hospitals, in recent years the rate at which municipalities are compensated is far less than the true amount owed.

There are currently 77 mandated property tax exemptions, and each year more are added.

The erosion of the property tax base has created undue hardship for municipalities, especially for Connecticut's larger cities which rely on the PILOT payments more so than others. This loss of funding along with state property tax exemptions is a perfect storm for municipalities.

PILOT: Private Colleges & Hospitals

Municipalities receive PILOTs from the State as partial reimbursement of lost property taxes on state-owned and on private college and hospital property. The payments are provided to offset a portion of the lost revenue from state-mandated tax exemptions on this property. This lost revenue totals more than \$700 million.¹

The reimbursement rate for tax-exempt private college and hospital property is supposed to be 77 percent. It is actually 29 percent.

PILOT: State-Owned Property

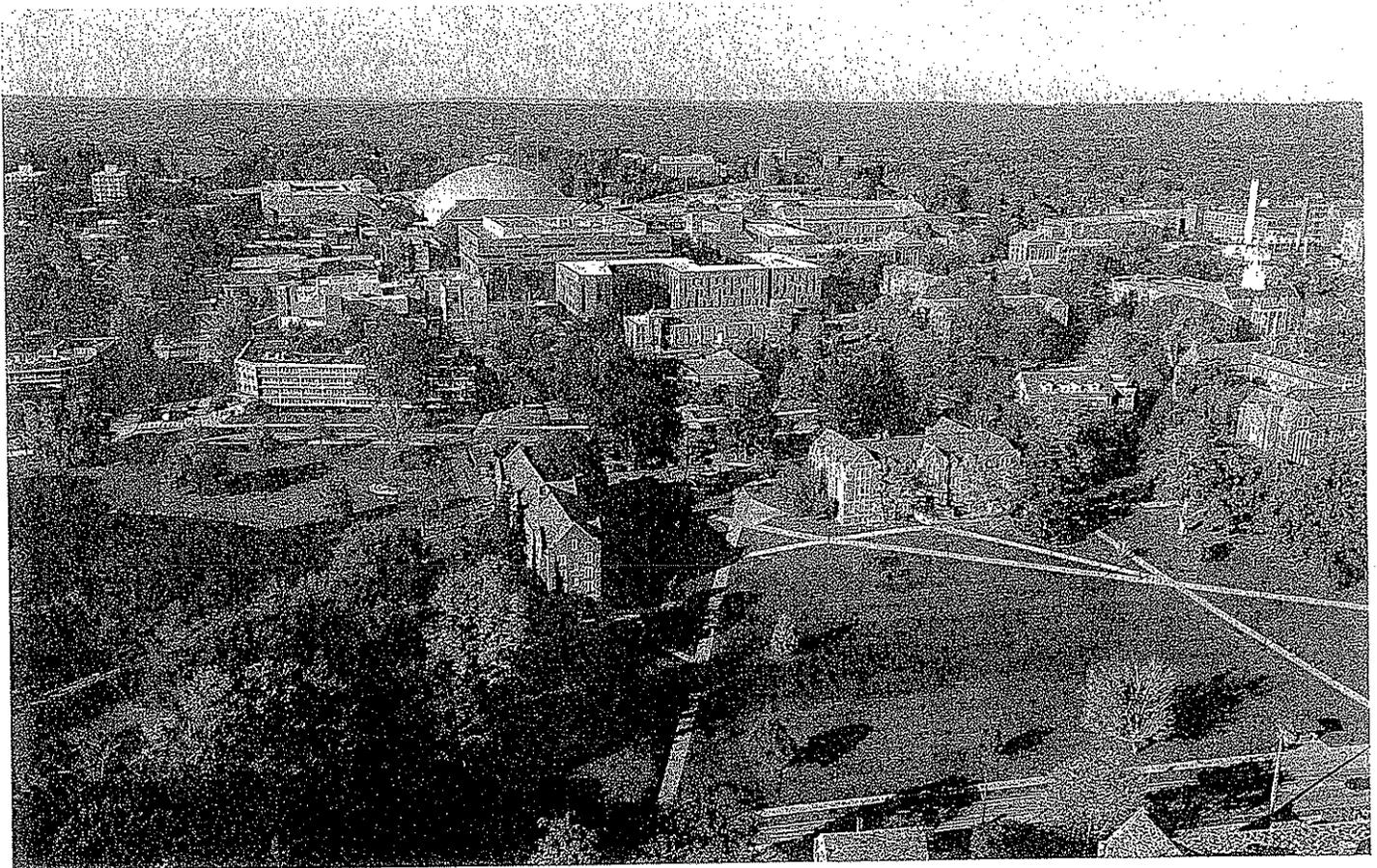
Similarly, the reimbursement rate for most state-owned property is supposed to be 45 percent. It is actually 20 percent.

The actual reimbursement rates are lower due to statutes that allow the amount of the PILOT reimbursements to be reduced on a pro-rated basis when state appropriations are not sufficient. In addition, these PILOT reimbursements cover only real property and do not include revenue lost from state-mandated exemptions on personal property.

Distressed municipalities host much of the state's tax-exempt property.

When PILOT reimbursements fall short, it forces other residential and business property taxpayers to make up the difference. Thus, other property taxpayers are forced to pay for the State's underfunded and unfunded property-tax exemption mandates.

State lawmakers should fully fund the private colleges and hospitals, and state-owned property payments-in-lieu-of-taxes (PILOTs) reimbursements. They should also enact a moratorium on state-mandated property tax exemptions for the duration of this fiscal downturn, or until full state reimbursement is made for those already on the books.





Mandates' Impact On Local Government

Whether a statutory or administrative/regulatory mandate or required property tax exemptions, there is a significant impact on local government expenses and functions. The ACIR has stated:

"There is one final caveat that we urge legislators to consider in reviewing new mandates both in general and in each specific case. Each mandate contains its own set of issues and problems for local officials. In some cases, the costs are large and/or the requirements are very significant in and of themselves. In other cases, however, the single issue may involve relatively little money or relatively little time, but when combined with many other requirements placed on the same people (and system), there is a cumulative effect that has a substantial impact. This cumulative effect is often a significant hidden burden on municipalities and municipal officials. The Commission urges the General Assembly to consider the impact of state mandates on local governments as being directly connected to the relationship between the State and its cities and towns. Each mandate that is unfunded or only partially funded is a direct addition to the burden of the

*property tax, as well as a reduction in local discretionary authority. State mandates represent decisions on local priorities being made in Hartford and, to the extent they are unfunded or underfunded, made by a state body which is separate from the local body that will have to raise the necessary funds. Similar consideration should also be given to enacting mandates that are funded at the onset, but whose funding may subsequently be reduced or discontinued in future years."*²

CCM and its members are committed to helping legislators understand that every mandate, regardless of its size or intent, has an impact on local government. What are those impacts?

Reduction of Local Services

Funding a new mandate can result in the reduction or elimination of current services. Municipal government is responsible for a wide range of services, from education to public safety (police, fire, EMS) along with maintaining streets,

parks, and providing public health, human and other services. Therefore, reductions to local services are often made at the expense of some of these services which residents expect to be maintained at a sufficient level.

Higher Property Taxes

Property tax exemptions reduce the local tax base and service reductions are not an option or insufficient to meet the costs of these new state-imposed obligations, therefore municipalities are forced to increase property tax rates.

As referenced in CCM's first Candidate Bulletin entitled "*The Property Tax: How Over-reliance Jeopardizes Connecticut's Economic Future*", Connecticut municipalities are over-reliant on property taxes.

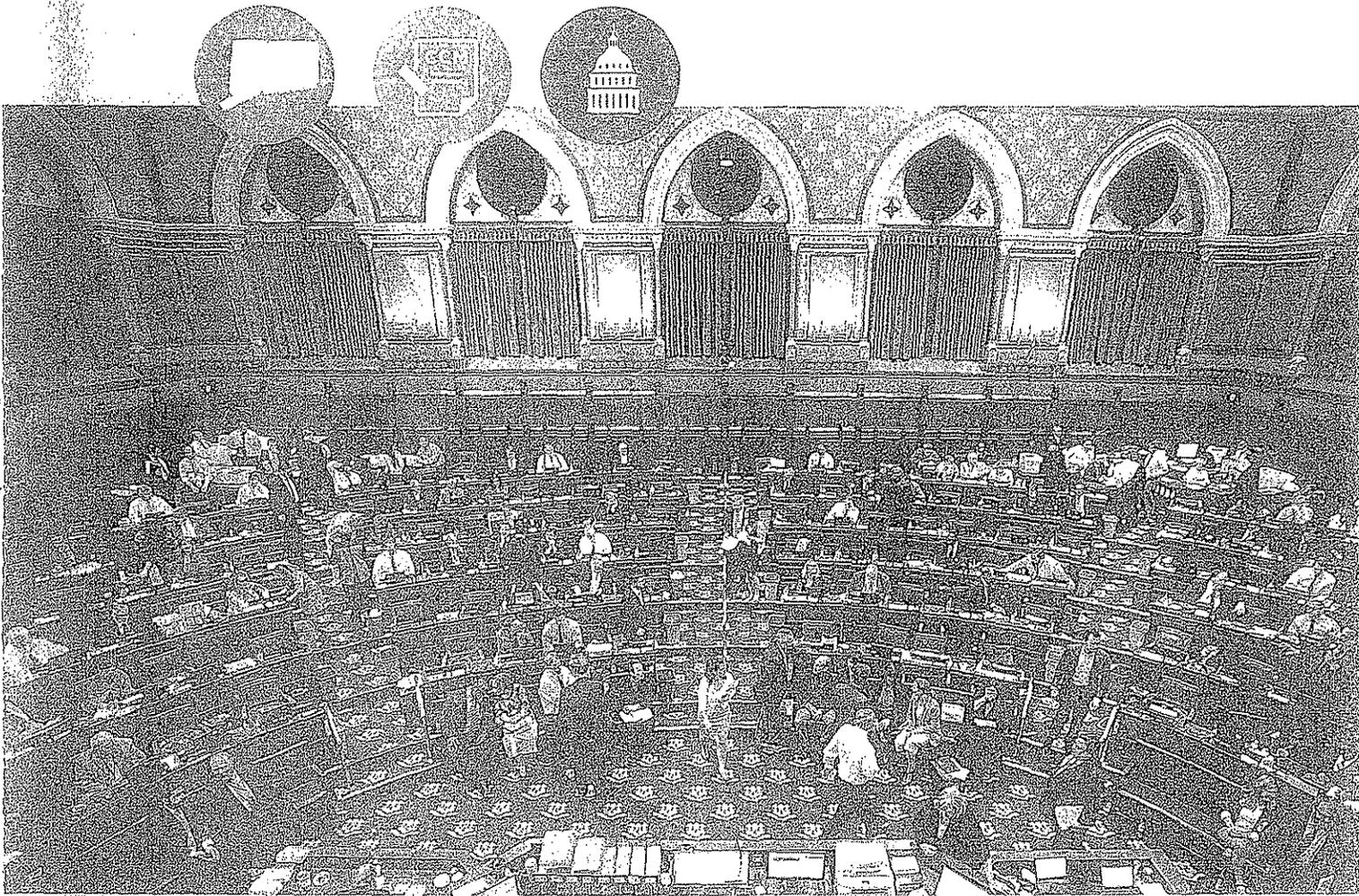
State Imposed Municipal Spending Cap

Additional unfunded mandates will continue to squeeze municipalities as they try to comply with the state's municipal new spending cap that was enacted in Public Act 15-5. The municipal spending cap requires local officials to limit spending at particular levels without any reflection of a variety of factors. CCM has urged that the municipal spending cap be amended, to ensure it encourages sound fiscal policies that will benefit, and not harm property taxpayers.

The State should make the following modifications to the cap:

- a. Delay implementation of the spending cap until Fiscal Year 2020.
- b. Amend the list of exemptions to the spending cap to include:
 - State aid reductions from the previous year (in case the State cuts non-education aid or ECS, or reduces sales tax revenue, etc).
 - Increased fees for state services, and costs regarding state regulations and permits.
- c. Allow towns and cities the option of requesting a waiver from OPM for exceeding the spending cap in the event that unforeseen circumstances require an increase in municipal spending.
- d. Allow municipalities to override the spending cap with a two-thirds vote of local legislative bodies without a reduction of funds.
- e. Allow municipalities with automatic referendum to override the spending cap by a simple majority - without a reduction of funds.
- f. Exclude arbitration awards from the list of exemptions to the cap.





Greater General Assembly Review Of Mandates

Legislative Use of Fiscal Notes

The State has become more aware of the negative fiscal and administrative impact unfunded state mandates have on municipalities. However, much more remains to be done. The State must clearly and accurately identify the cost of proposed state mandates. In many instances, the fiscal notes of proposed state mandates do not accurately represent the cost associated with the legislation.

A fiscal note is a brief statement created by the legislative Office of Fiscal Analysis (OFA) that illustrates the projected fiscal impact that a piece of legislation would have on state and local government. A fiscal note is required on every bill that is approved by a committee or that reaches the floor of the House or Senate. It is also required on all amendments.

The economic impact of unintended consequences is not accounted for in the fiscal notes of proposed mandates.³ In many instances, the Legislature will take advantage of these nuances to pass state mandates under the guise of legislation that has "no fiscal impact." The collective fiscal and administrative burden of these proposals will ultimately be passed onto property taxpayers.

CCM Due Diligence to Alert Legislators

The Public Policy and Advocacy staff maintains a year-round presence at the Capitol to ensure Connecticut towns and cities are protected from the corrosive effects of unfunded state mandates.

Part of CCM's efforts include a review of all proposed legislation, including amendments, introduced. As a result of this review, CCM compiles a list of every new unfunded mandate proposed. CCM provides every legislator a weekly compendium throughout each legislative session — known as *CCM's Mandates Report* — of these proposed mandates on towns and cities and the projected impact that they would have on local government and its taxpayers.

While the information can be useful to assist lawmakers understand the burden proposed by the legislation, the Legislature must be willing to work with towns and cities to enact meaningful proposals that provide real relief from unfunded mandates to our towns and cities.

What should be proper legislative review of mandates?

Although the State has become more aware of the impact of unfunded state mandates on municipalities, and their consequences in terms of financial and administrative burdens, much more remains to be done.

The following actions can improve the process of (a) identifying, (b) promulgating, and (c) quantifying the impact of these corrosive proposals:

- *Improve the estimation of municipal fiscal impact on proposed legislation to more accurately reflect the costs towns and cities would be forced to assume.* OFA needs to revamp its procedures and dedicate adequate personnel resources to accomplish this. In addition, efforts should continue to invite and encourage the cooperation of municipal officials in assisting OFA staff in preparing fiscal notes on all bills and amendments that affect towns and cities.
- *Provide that the statutory fiscal note and mandates-review procedures continue to be included in the General Assembly's Joint Rules to assure legislative compliance.* This action will underscore the importance of these procedures, and ensure that all requirements are observed. The General Assembly's Joint Rules are designed to regulate the legislative process.
- *Ensure that the definition of "state mandate" used for fiscal notes includes legislation that would require municipalities to forego future revenue, or that would create or expand property tax exemptions.*
- *Ensure that municipal fiscal impact statements are available to all legislators in advance of action taken by a particular Committee.* Often, fiscal notes are not prepared for legislators when they are first voted on by a particular Committee, therefore legislators are unaware of the fiscal impact a proposal would have on either the State or municipalities.
- *Ensure that Appropriations Committee review of proposed state mandates, as called for in CGS 2-32(b), be followed in every instance and expand the requirement so that proposed property tax exemptions also go before Appropriations.* Ensure that committee members have adequate fiscal and other information to make a thoughtful decision on municipal reim-

bursement. Municipal advocates often have to remind legislative leaders to observe this referral requirement, particularly during the end-of-session debates — and recent legislative rules have allowed majority leadership offices broad latitude. While the Appropriations Committee rejects numerous mandates, action on proposed mandates can sometimes be perfunctory.

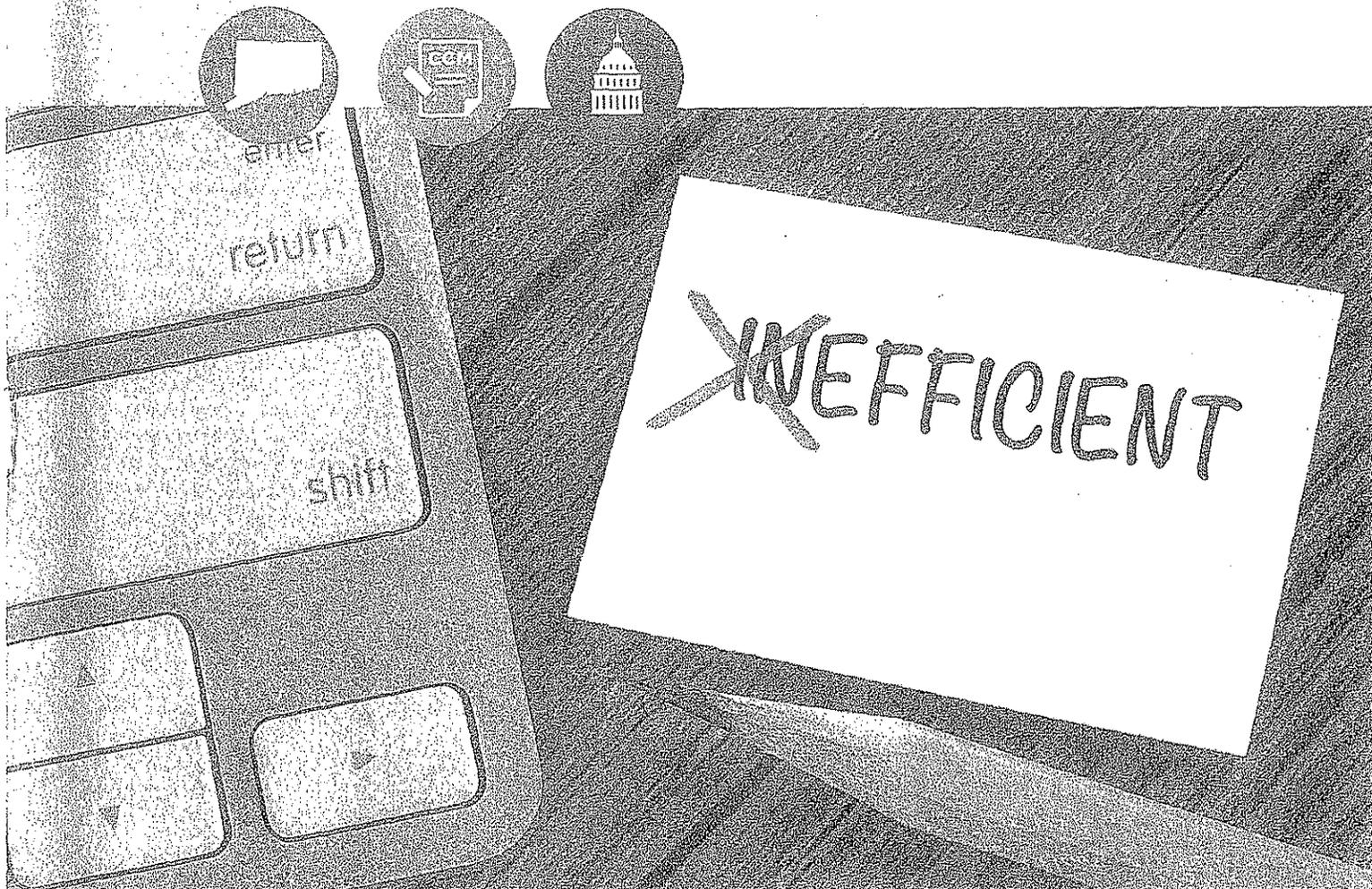
- *Avoid "unmandating" any statefunded program local residents and property taxpayers rely on.* "Unmandating" merely forces municipalities to continue to provide such service at local expense. It does not constitute true mandates reform.
- *Amend the Joint Rules or enact a Constitutional prohibition to require two-thirds vote to approve mandates on municipalities and school districts.* This would (a) place the burden of proof on the State to demonstrate why a mandate is needed, and (b) present the General Assembly with the issue of municipal reimbursement up-front, as the issue of enactment is debated. This needed reform would require the General Assembly to inject cost-benefit analyses into debates on state mandates.

The federal government realized the detrimental impact mandates have on states and municipalities, and in 1995 passed the Unfunded Mandates Reform Act, which purpose is:

*"To curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes."*⁴

If such bold legislation is acceptable by our federal lawmakers, then it should be acceptable by state lawmakers. With little disagreement that unfunded state mandates — either separate or collective — can erode already scarce local resources, the obstacle for progress is finding a starting point. In other words, which laws should we first amend...and what type of relief can be provided?





Enact Mandates Relief For A More Efficient Local Government

Allow Towns the Option to Post Legal Notices Online

Doing more with less is a harsh reality for local officials in today's economy. However, even in 2016 Connecticut's hometowns can only post legal notices in printed newspapers — placing them online is not allowed. This is an antiquated state law that has out-lived its purpose and should be updated.

The General Assembly should amend this mandate to reflect the realities of today's world and to allow towns and their boards and commissions the option of an alternate means of publishing legal notices.

It is estimated that this 20th century law costs small towns several tens of thousands of dollars annually in advertisement fees, while the costs to larger cities can be as much as hundreds of thousands of dollars per year. According to a CCM survey, our hometowns are forced to spend approximately \$4 million of taxpayers' dollars statewide, each year, to for-profit print newspapers companies.

Local officials should be allowed to improve the transparency of government by legally posting notices online, in user-friendly, searchable formats, for all to see — while also saving taxpayers' money. Editors across the state should embrace, not resist, the realities of our world, develop a modern-day business model and work with lawmakers on solutions to this onerous mandate.

In the 21st century, the quickest, most transparent and cost-effective way to get information to the most amounts of residents is via the Internet. The Internet is where people shop, communicate, do their banking, and share general information. Municipal and state websites have become a critical lifeline that link living rooms to their governments instantly. Just like the rise of local cable access stations, the Internet and municipal/state websites have allowed governmental activities to emerge even further into the public spotlight. Despite these obvious advances, in 2016, Connecticut's hometowns continue to be mandated to post their legal notices in printed newspapers with dwindling circulations.

The Internet has become a tool widely used for the dissemination of a wide array of information on all levels. The State itself has moved to a paperless system in similar ways — the General Assembly several years ago stopped printing certain bills and legislative documents, and Public Act 12-92 requires proposed state agency regulations to be placed online instead of in paper form. What is amended in the name of efficiency for the State, should also be done for our towns and cities — and their property taxpayers.

Municipalities are not seeking complete repeal of the law, but rather a reasonable modification. Such a proposal would allow for publishing notice of the availability of a document in local newspapers, along with a summary and clear instruction as to how to obtain additional information or the complete text of the public document. The proposal would have also allowed notices to be posted in weekly, free newspapers.

The purpose of Section 1-2 of the state statutes was to ensure the public is provided information on governmental actions and issues that may impact them. No one is seeking to hamper the public's right to know - rather towns and cities seek a more cost effective and efficient manner in which to provide information. In fact, published legal notices in print copy are not placed in a coordinated manner to allow readers ease of access to the information. If the newspapers were serious about protecting the public's right to know, then each newspaper would have a designated section for all public notices to be listed — for the benefit of readers — complete with a directory listing of the publications' table of contents, in alphabetical order.

It is important to keep in mind:

- The Internet is accessible to everyone. All local libraries are equipped with computers at no cost to the users. Newspapers must be purchased to be read;
- Online readers can adjust font sizes for reading-impaired residents, compared to the small print in the back of newspapers;
- Internet sites can be accessed from anywhere in the world at any time. Newspapers can only be purchased within the region they serve; and
- Public notices placed on Internet sites can remain there indefinitely (archived), making the information available for a greater amount of time. Notices placed in newspapers are only there for the allotted time paid for.

The reality of this issue boils down to the fact that private newspaper companies continue to cling to a business model that no longer makes sense, as such they hold a captive client in municipal government. To compound matters, coercion tactics to preserve this state mandate forces towns to essentially subsidize failing private companies.

The 2017 General Assembly should address this costly mandate once and for all — through thoughtful compromise — and (1) allow for publishing notices about the availability of municipal documents in local newspapers, along with a summary and clear instructions as to how to get additional information or the complete text of the public document; and (2) allow notices to be published

in free, weekly newspapers.

Do Not Force Hometowns to Keep Undesired, Evicted Tenants' Possessions

Although some relief was provided in 2010 by eliminating the mandate that required towns and cities to transport the possessions of evicted tenants — the existing mandate to store such items continues to drain local finances and resources. While municipalities are allowed to try to recoup some of the costs by auctioning off the items, municipalities must incur costs associated with conducting an auction (including publicizing the auction, etc.). And, usually the possessions are not sellable — ultimately, the municipality receives little or no reimbursement.

According to the *Office of Legislative Research report #2006-R-0164 "State Laws on Landlord's Treatment of Abandoned Property"*, of the 37 states researched, Connecticut is the only state that mandates that municipalities remove and store the possessions of evicted tenants. In other states, landlords or sheriffs have the responsibility. The tenant evictions mandate is still costly to municipalities. It is estimated that there are about 2,500 residential evictions per year — this is a conservative estimate.

Town and city halls should not be forced into the storage business for others' property. It simply makes no sense. Municipalities should not be dragged into what is essentially a landlord-tenant issue. Amending state law to provide towns and cities the flexibility to decide how and when to allocate their own resources would free our local departments from this unnecessary obligation, and allow municipalities to be more efficient in their day-to-day public works' operations.

Eliminate the Health Insurance Premium Tax:

The health insurance premium tax on municipalities is 1.75% tax on fully insured municipal premiums. Many municipalities, particularly small towns, cannot reasonably consider self-insurance as an option, because just one catastrophic illness could have a severe negative impact on a local budget.

In addition, many self-insured municipalities pay for stop loss insurance and as a result, also pay this state-mandated tax. It is estimated that the proposed elimination of the premium tax would save municipalities up to \$9 million each year, statewide.

The 2017 General Assembly should make sure the premium tax on municipal health plans is finally eliminated.

Update the Thresholds that Trigger the Prevailing Wage Mandate

Prevailing wage mandates require workers on public works construction projects to receive the same wage that is customarily paid for the same work in the project's town. In Connecticut, prevailing wage rates are determined by the U.S. Department of Labor (USDOL). USDOL determines the rates by surveying contractors, contractors' associations, labor organizations, public officials and other interested parties about the wages and benefits paid on completed construction projects in a particular

geographical area. If it finds that the majority of workers in a particular occupation earn the same wage, that wage becomes the occupation's prevailing wage for that area.⁵ The prevailing wage mandate is triggered once the cost of a public works project reaches a designated threshold.

Appropriate thresholds for remodeling, refinishing, refurbishing, rehabilitation, alteration and new construction, are essential to municipalities in managing their limited resources.

The Legislature should:

- a. Adjust the thresholds for (i) renovation construction projects, from \$100,000 to \$400,000; and (ii) new construction projects, from \$400,000 to \$1 million;
- b. Exempt municipal school construction projects from the State's prevailing wage mandate. This modest adjustment could offset reductions in state aid for school construction projects and therefore, enable such projects to continue; and
- c. Clearly define the criteria for determining whether a project is new construction or repair/renovation.

Why?

The prevailing wage thresholds have not been adjusted since 1991. Prior to 1991, legislators adjusted the prevailing wage thresholds on a six-year schedule:

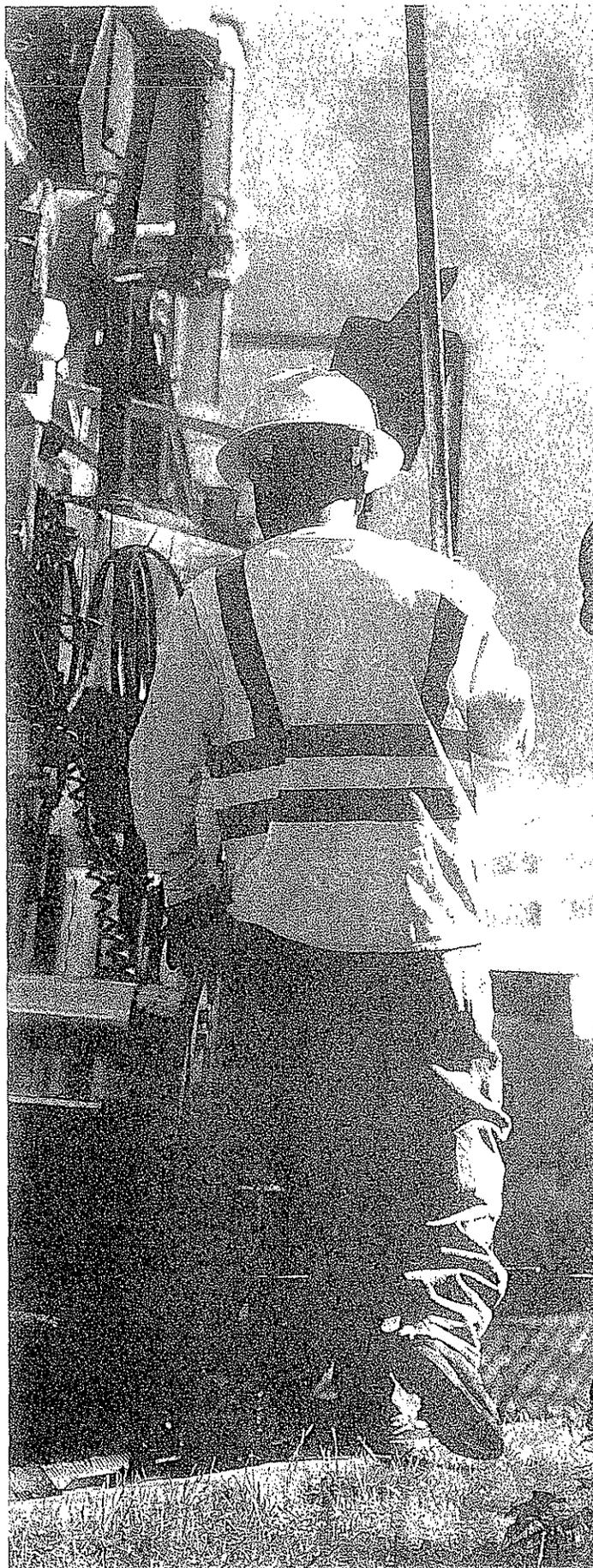
- P.A. 79-325 (1979): Set project thresholds at \$10,000 for renovations and \$50,000 for new construction.
- P.A. 85-355 (1985): Adjusted thresholds to \$50,000 for renovations and \$200,000 for new construction.
- P.A. 91-74 (1991): Adjusted thresholds to \$100,000 for renovations and \$400,000 for new construction.

Proponents of maintaining the current prevailing wage thresholds cite safety, quality of work and training as vital components of the construction industry that would be greatly compromised if adjustments to the thresholds were made in Connecticut. There is no credible evidence to support the claim that those states without prevailing wage mandates build sub-quality structures and operate with an inferior-trained workforce than in states that mandate prevailing (higher) wages. However, there is data to demonstrate prevailing wage mandates inflate project costs.

In a 2013 report, the Office of the Independent Budget Analyst for the City of San Diego determined that extending the prevailing wage law to city building projects would increase the labor cost by 20%. This would result in a total construction cost increase of 7.5%. The report concluded that the labor force would have to be approximately 17% -20% more efficient to make up for the additional costs.⁶ The report also determined an approximate increases in labor cost for road projects of 20-35%. This would result in an increase of 16% for total construction costs.⁷

A number of other studies have all drawn the same conclusion.

- A 1995 Connecticut Advisory Commission on Intergovernmental Relations study concluded that prevailing wage rates increase construction costs to towns and cities upwards of 21% annually;



Employee benefits

Employee benefits provided to employees in

- The Wharton School of Business has reported the figure to be upwards to 30%; and
- In December 2001, the Kentucky Legislative Research Commission determined that the prevailing wage mandate resulted in a 24% increase in the wage cost of state and local projects

Given the fact that Connecticut's municipalities have limited revenue options available to them and the current prevailing wage thresholds force our towns and cities to generate more own-source revenue. This results in municipal budgets becoming even more reliant on the local property tax. This overreliance on the local property tax will inevitably result in future tax increases and further encourage graduates, businesses and families to leave Connecticut.

Update the Municipal Employees Retirement System

The Municipal Employees Retirement System (MERS) receives no state funding. It is financed through employer contributions, employee contributions and fund earnings. The Legislature has authorized the State Employees Retirement Commission (SERC) to increase contribution rates for municipalities participating in the MERS nine times. However, the Legislature has never increased the contribution rate for employees. This has shifted a large part the financial burden of funding the system onto municipalities. Today employee contribution rates remain at 2.25% of payroll earnings for Social Security participants and 5% for employees not in Social Security. Employees in the MERS are contributing the same amount today that they were when the System was created in 1947.

The 2017 General Assembly should address the dramatic disparity between the contributions rates within the MERS by:

- a. Adjusting the employee contribution rates over time for non-social security participants, from 5% to 8% and the contribution rate for Social Security participating employees, from 2.25% to 5%, and
- b. Creating a new tier within the MERS for new hires that would maintain a defined benefit plan. The new tier should be modeled after the State's tier III, which

currently exists within the state employee retirement system.

Adjust the Rates:

The state's non-partisan Office of Fiscal Analysis has reported that a 2014 proposal (SB 219) to increase employee contribution rates would result in "savings to municipalities participating in the Connecticut Municipal Employee Retirement System (CMERS), as it increases the employee share of the pension contribution. Total savings in CMERS employer contributions are estimated to be \$2.3 million in FY 15 and \$5.9 million in FY 16" and that in the out years "total savings are estimated to be \$9.8 million in FY 17 and \$12.6 million in FY 18."

The increased financial burden on towns and cities has been driven primarily by enhanced benefits mandated by the Legislature in 2001 and the stock market losses experienced in the financial crisis. Contributions that were shared on an approximately equal basis in 2002, now fall 80% to the Towns and only 20% to the employee (See chart on page 15).

Create An Additional Tier:

Employee benefits are the most significant cost drivers of municipal budgets. They are also the most difficult costs to contain. By establishing a new tier within the MERS, modeled after the State's tier III, towns and cities could begin to achieve savings from adjusted retirement and vesting eligibility while providing a defined benefit plan for new employees. This proposal would help ensure MERS remains solvent without having an effect on current municipal employees.

The Legislature created the State Employee's Retirement System (SERS) and MERS in the 1940s. The State Legislature made many changes to the SERS over the years in response to changes in life expectancy, a general evolution in benefit levels and the resulting need to contain the costs of the system. The original Tier I plan was replaced with Tier II (1984), Tier IIa (1997), Tier III (2011), the Hybrid Plan (2011) and the Alternative Retirement Plan (ARP). These many alterations have been enacted to keep the State's pension plans solvent. However, the MERS has never been adjusted.

EMPLOYER CONTRIBUTION RATES

	POLICE and FIRE		GENERAL EMPLOYEES	
	Soc. Sec.	non Soc. Sec	Soc. Sec	non Soc. Sec.
July 2002	2.75	3.75	2.75	3.00
July 2013	16.96	16.01	11.98	13.00
Increase	517%	327%	336%	327%

In 2001, the State Legislature substantially increased the MERS benefit levels from 1.167% per year of service to 1.5 %. However, it made no adjustments to other key aspects of the benefits formula. As a result, the MERS is currently more reflective of the State's old Tier I plan, which was replaced because it was deemed financially unsustainable.

The 2017 general assembly should address the following to ensure a financially sustainable retirement system for municipal employees:

- MERS retains a low normal retirement age of 55 (50 for Police/Fire) compared to age 60, 62 and 65 in the State's Tier IIa, dependent on service time, and age 63 or 65 for the State's Tier III employees;
- MERS has a five year vesting period as compared to ten years in the State Tier III plan;
- MERS retirement benefits are calculated on the three highest earning years versus five in the newer State plans;
- MERS utilizes no differential in the contribution rate between general and hazardous duty employees. The State Tier IIa and III plans do provide for a differential between these groups of employees (2% vs. 5%); and
- MERS provides a 1.5% benefit level per year of service as compared to 1.33% for the state plans enacted after Tier I.

Changes to the MERS system are not subject to the collective bargaining process. Upon joining the system, communities agree to allow the State Retirement Division, which is part of the State Comptroller's office, to administer the plan. There is no mechanism for municipal input concerning matters of system design, management or funding.

Municipalities are technically permitted to withdraw from MERS. However, they are specifically prevented from realizing any financial benefit upon withdrawal. Statute only permits withdrawal from the MERS "provided the rights

or benefits granted to any individual under any municipal retirement or pension system shall not be diminished or eliminated."⁹ Such restrictions preclude any attempts to resolve the current funding crisis through the collective bargaining process.

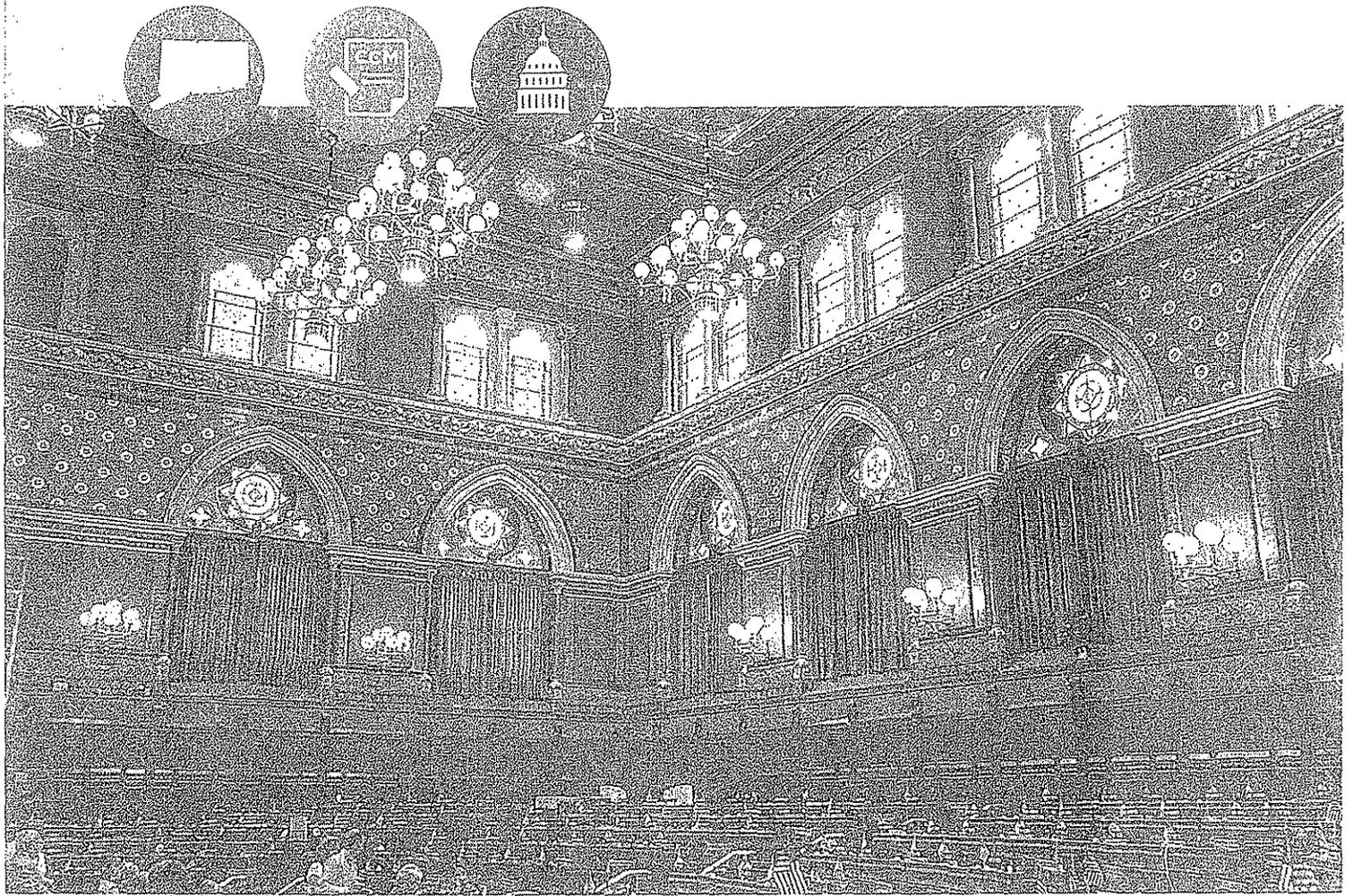
State lawmakers in the General Assembly are the only permissible source of adjustments to the MERS. While the Legislature has recognized the need to make changes in the state employee's retirement plan many times over the past 30 years, it has never implemented such revisions to the municipal retirement system. As a result, the projected cost for the towns and cities participating in MERS has more than tripled in the last decade.

Minority Set Aside Program Reform

The 2015 Special Session omnibus "budget implementer" bill (PA 15-5, Sections 58-71 & 88), among other things, required towns and cities to comply with the state small business/minority business set-aside requirements. The law applies to state-funded municipal public works contracts in excess of \$50,000 for the "construction, rehabilitation, conversion, extension, demolition, or repairing of a public building or highway, or other changes or improvements in real property."

While well-intended, for larger cities that have an increased amount of projects, the ability to maintain and coordinate this information would consume a significant amount of staff time. For smaller towns, even with a smaller quantity of public works projects occurring at a given time, limited staff would make implementation difficult.

The 2017 General Assembly should suspend and delay the implementation of the municipal set-aside program until it is clear that the Commission on Human Rights and Opportunities (CHRO) will be able to adequately administer the program. As well, local officials are asking the legislature to raise the threshold for municipal public works projects, from \$50,000 to \$100,000.



No New Mandates

Relief from existing mandates is only part of the battle. As mentioned, each year, a greater amount of new mandates are proposed on towns and cities. Below you will see a list of unfunded mandates that have been proposed in previous legislative sessions. They are likely to be seen again in the 2017 legislative session. If adopted and passed into law they would further handicap already struggling towns and cities.

Mental Stress Benefits for First Responders

The Connecticut Workers' Compensation System covers almost all employees. The system is designed to help workers injured on the job by providing all necessary medical treatment; weekly benefits while disabled.¹⁰

In 1993, the Legislature acknowledged that workers' compensation coverage for mental or emotional impairments without an accompanying physical injury ("Mental-Mental") was an astronomical driver in workers' compensation costs. As a result, they passed Public Act 93-288 in order to contain costs associated with workers' compensation claims. To do this, PA 93-288 eliminated compensation for mental and emotional injuries that did not arise out of a physical injury or illness.¹¹

The diagnosis of a "mental injury" can be highly subjective and could overlap with existing symptoms of depression, substance abuse, or other anxiety disorders. Additionally, it is an unfortunate fact that workers' compensation fraud is not uncommon in states where mental injuries are covered.

The cost of an individual claim for a mental or emotional impairment could range from tens of thousands of dollars, to over \$1 million for the duration of the claim.¹² Once an injury is identified as a work related injury and covered under the workers' compensation system any subsequent injury or impairment which can be causally linked to the initial injury is also covered by workers' compensation. This further compounds the costs associated with such a claim and would result in a wide range of potential per claim costs.

Despite the fact police officers are already eligible for workers' compensation coverage for mental injuries if they use or are subjected to deadly force, attempts to repeal this sensible reform in lieu of a highly problematic change, occurs in almost every legislative session.¹³

CCM acknowledges and values the important role public

safety personnel have in our communities. We are grateful for their commitment to protect and serve and for the risks they assume on behalf of Connecticut's residents. However, any proposal to extend workers' compensation to mental injuries could unduly cripple municipal budgets and force Connecticut property taxpayers to shoulder a huge fiscal burden.

Environmental Issues

Every year, the legislature proposes numerous unfunded mandates pertaining to the environment. The negative fiscal impact of these proposals varies. However, while some may carry smaller fiscal notes, their collective impact will further constrain local budgets and force Connecticut residents to shoulder an unnecessary fiscal burden.

Such proposals include:

Extension of the pesticide ban:

Existing law prohibits the use of lawn care pesticide on the grounds of preschools and schools with students in grade eight or lower, except in instances where a human health emergency is present.¹⁴

In previous years, the Legislature has considered proposals to extend the current pesticide ban to high school playing fields and municipal greens. Such proposals would expand a costly unfunded mandate on towns and cities already faced with rapidly deteriorating fields and large expenses in attempts to rehabilitate them. Towns and cities continue to struggle to maintain safe playing

fields for our children at the K-8 level. These proposals would simply extend those same problems and costs to high school fields and municipal grounds.

Municipal officials are second-to-none in ensuring the safety and health of children. Not only are municipal officials parents, but they have a fiduciary duty to protect and defend the public's interest.

CCM supports the creation of a balanced Advisory Council as recommended by the MORE Commission, to thoroughly examine and vet the facts surrounding field management and provide recommendations as to how specific synthetic and organic pesticides are reviewed and approved for use.

Pay As You Throw:

The Connecticut Department of Energy and Environmental Protection (DEEP) supports a statewide mandate that would require municipalities to design and implement plans to reduce waste production by 10%. DEEP intends to implement this initiative under a unit based pricing program ("pay as you throw"). Under this program, households would be charged for waste collection based on the amount of waste they throw away — in the same way that they are charged for electricity, gas and other utilities.¹⁵

Implementation of this program would force numerous new unfunded state mandates on municipalities and have a direct negative fiscal impact on property taxpayers. Not only would residents likely be forced to pay higher



property taxes as a result of the new mandates, but they would also have to pay an additional penalty for taking out the trash. With our towns and cities are struggling to provide basic services, now is not the time to further complicate local fiscal situations and unduly burden property taxpayers.

Just Cause for Dismissal for Certain Municipal Officials

In previous legislative sessions, various proposals have been considered that would have mandated special protection for fire chiefs under a "just cause" provision. In recent years, other municipal department heads have attempted to mandate "just cause" employment provisions. This provision would make it very difficult and costly to remove local officials from their position.

Currently, police chiefs have this special "just cause" provision. CCM can understand the rationale for these individuals to have this provision as they may need the flexibility to investigate certain matters without fear of political retribution. No other municipal official would be in that particular situation.

If such a mandate were to pass into law for another class of employees, it is highly likely to be expanded to other municipal employee groups.

Current statute already includes special provisions regarding the dismissal of certain employees, such as a fire chief. This includes proper notification of pending termination, process for a hearing and appeal of any decision.¹⁶ Similar provisions apply to other municipal department heads, including building officials and fire marshals.

Municipal CEOs are accountable to the residents of their community. Such proposals would eliminate municipal CEOs' discretion and flexibility to execute critical decisions regarding personnel.

Requiring Consolidation of Public Safety Answering Points (PSAPs)

In recent legislative sessions, there has been an effort to require the consolidation of PSAPs. CCM appreciates the intent of these proposals — as regionalization occurs on a daily basis among many facets of local government and should be encouraged — however, there are concerns that method of mandating consolidation would be the proverbial stick looming over already strained local budgets.

On the surface, PSAP consolidation is appealing. There are a vast number of PSAPs throughout Connecticut, far more than other states with larger geographic boundaries and populations. The proponent's only examination on the necessity for consolidation is that a greater number of calls can be handles with fewer facilities. However there are other, as equally important factors that need to be considered - but have been ignored. These include union contracts, collective bargaining, facility operations and management that need to discussed and agreed to by all municipalities. Without these issues being unified, effective implementation will not occur.

Public safety officials rely on a certain degree of flexibility to (a) ensure the safety of their own communities, and (b) address the unique demands and concerns of their citizens. Therefore, local officials should continue to be afforded the discretion to determine which PSAPs work best for their communities — either operated locally or regionally — as they already do now. Without collaborating on these issues, it would hamper local authority to determine how public safety services are delivered by, among other things, recommending that sanctions be imposed on hometowns that do not comply with certain mandated thresholds.

Forced regionalism does not breed success. Municipalities should be awarded for efforts to consolidate their PSAPs, but should not be threatened with punishments for failure to do so.

Make no mistake — local officials strive for more efficient means to operate local governments however, they equally require the option to determine how best to manage those communities — i.e. their public safety calls.

Delinquent Property Taxes

In previous legislative sessions, various committees have considered legislation to reduce the interest rate a municipality may charge on delinquent property taxes. Municipal officials understand the desire to provide property tax relief during these challenging fiscal times, and CCM is a leading advocate for meaningful property-tax relief in Connecticut. However, these proposals could result in significant municipal revenue losses, especially when our distressed municipalities are struggling to provide core services to residents.

Such proposals would further negatively impact municipalities by requiring a town or city that lowered the interest rate on delinquent taxes, to reduce the interest rate charged on other delinquent property taxes as is required by law.

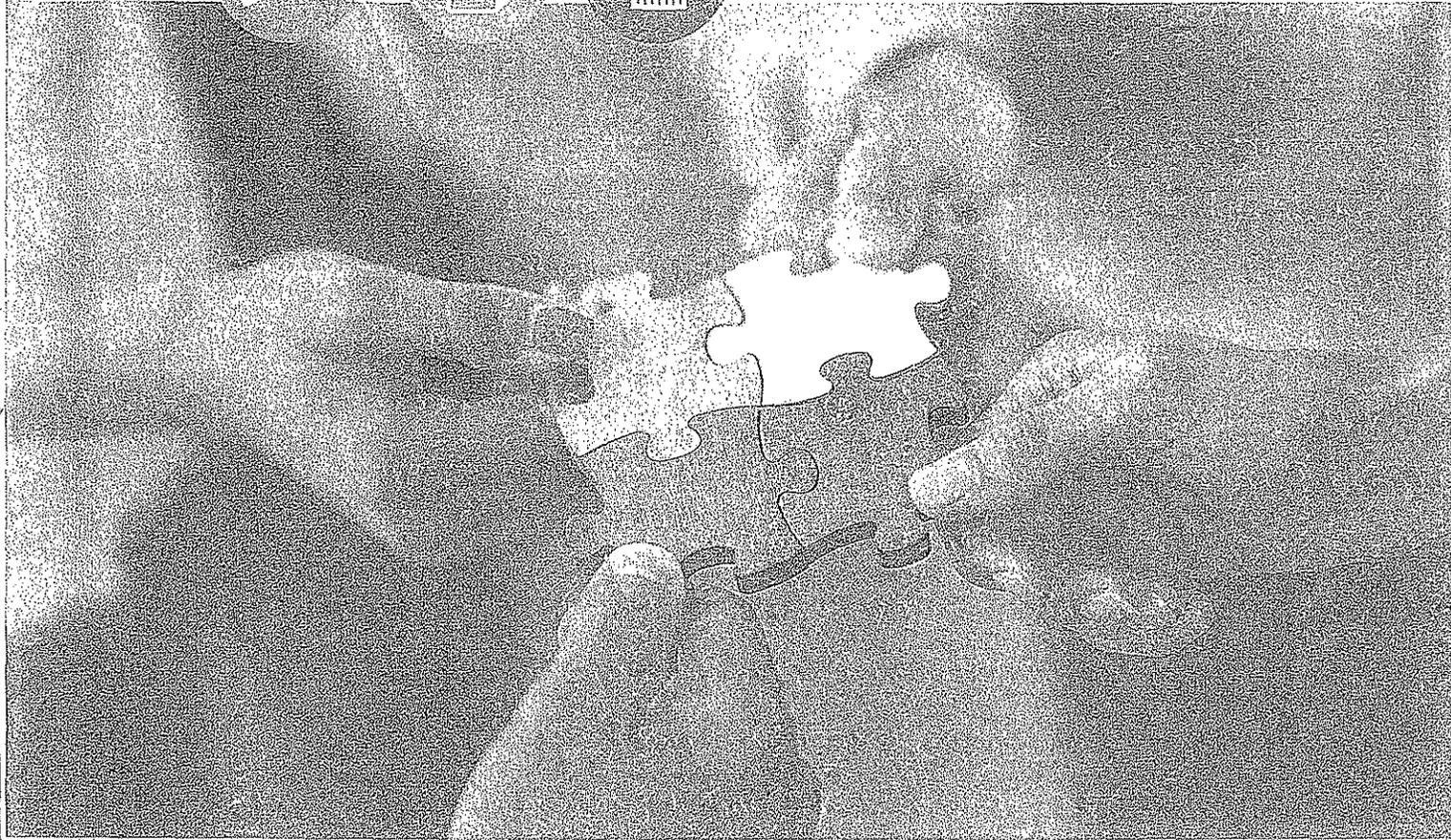
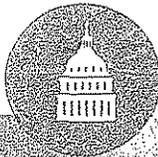
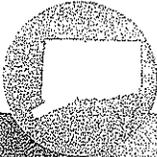
These mandatory reductions would include:

- Sewer system installation and collection assessments;
- Assessments imposed on blighted housing; and
- Fees and assessments charged to residents of certain districts within municipalities.

When you reduce incentives for persons to pay taxes on time, you impact taxpayers who pay their taxes on time — persons who are paying their fair share and supporting their municipality. Such taxpayers end up paying higher taxes to make up for those who are not paying at all.

Reducing property taxes would reduce the likelihood of taxpayer delinquency. However, this can only occur through meaningful property tax reform.

The 2017 General Assembly should properly intricately examine the impact new proposed mandates would have on local government, and if the State is unable to provide funding to implement, should reject these and other new proposed mandates.



Summary

The similarities of towns and cities are far more important than those characteristics that distinguish them. Together, as partners with the State, there remains optimism in this new era that local officials can work with the General Assembly and the Governor on achieving our common goal of improving the quality of life throughout Connecticut.

As lawmakers prepare for another fiscally challenging legislative session, a seemingly easy solution to the state's budget woes would be to slash state aid to municipalities. Cutting state aid to towns and cities is not the remedy for what ails our state. It is imperative that lawmakers resist such a desperate temptation and steadfastly protect our hometown schools, parks, and services. Towns need solutions — not more cuts.

CCM has spelled out solutions — one of which is to eliminate and/or modify toxic state laws known as unfunded mandates.

These onerous laws have become cruel and usual punishment for local governments as they struggle to provide community services to property taxpayers still recovering from the Great Recession. Mandates reliefs as part of the

solution to current budget problems - sound simple? It is, and this report outlines ways the State could save our communities' money, so towns do not have to layoff police officers, close libraries or cut school programs.

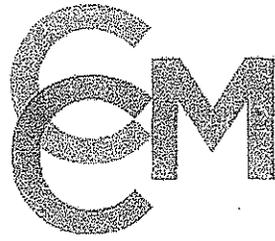
The art of public policy teaches about windows of opportunity and seizing the right moments to enact meaningful change. This upcoming legislative session, with its fiscal challenges, provides an optimal time to enact meaningful mandates reform.

Mandates relief is part of the solution to current local budget problems. This report is a tangible starting point for the State to use and help our communities save money and avoid more layoffs, closings, and program cuts. The State should not sit idle as these unfunded state mandates stifle towns' abilities to deliver much-needed day-to-day services. We urge the Legislature to take advantage of these reasonable cost-saving measures.

If it takes difficult economic times to make bold changes, then so be it. Let 2017 be the year that lawmakers champion serious unfunded state mandates.

Endnotes

1. CCM estimate. PILOT reimbursements cover only real property and do not include revenue lost from state-mandated exemptions on personal property.
2. "STATE MANDATES ON MUNICIPALITIES: ACTIONS IN 2012", Report by the CONNECTICUT ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS; June 2012
3. "Frequently Asked Questions." Office of Fiscal Analysis, www.cga.ct.gov/ofa/add-faqs.asp.
4. 109 STAT. 48 PUBLIC LAW 104-4—March 22, 1995
5. Lee R. Hanson. The Prevailing Wage. OLR Research Report, Office of Legislative Research, October 21, 2013, www.cga.ct.gov/2013/rpt/2013-R-0393.htm.
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8. Office of Fiscal Analysis, Fiscal Note SB 219 File No. 113, 2014, www.cga.ct.gov/2014/FC/2014SB-00219-R000113-FC.htm.
9. Chapter 98. CGS. 7-148(5)(A). 7-450.
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13. Chapter 568. CGS. 31-275.
14. Office of Fiscal Analysis, Fiscal Note SB 1063 File No. 765, <https://www.cga.ct.gov/2015/FC/pdf/2015SB-01063-R000765-FC.pdf>.
15. "SMART Programs in Connecticut." Connecticut Department of Energy and Environmental Protection, March 26, 2015, <http://www.ct.gov/deep/cwp/view.asp?q=324920>.
16. Chapter 104. CGS. 7-302.



Connecticut Conference of Municipalities

collaborating for the common good

CCM is the state's largest, nonpartisan organization of municipal leaders, representing towns and cities of all sizes from all corners of the state, with 162 member municipalities.

We come together for one common mission - to improve everyday life for every resident of Connecticut. We share best practices and objective research to help our local leaders govern wisely. We advocate at the state level for issues affecting local taxpayers. And we pool our buying power to negotiate more cost effective services for our communities.

CCM is governed by a board of directors that is elected by the member municipalities. Our board represents municipalities of all sizes, leaders of different political parties, and towns/cities across the state. Our board members also serve on a variety of committees that participate in the development of CCM policy and programs.

Federal representation is provided by CCM in conjunction with the National League of Cities. CCM was founded in 1966.



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Respond promptly to your renewal notice and interest survey, and participate in the Member-Get-A-Member campaign. Call 860-428-2406 or Email: drpampt@gmail.com with any questions. A strong, supportive membership is vital to MHS.

Pamela Roberts, Membership Chair

LOOKING BACK: THE HISTORY OF OUR MUSEUM BUILDINGS

In conjunction with the condition assessment study of the old Town Hall and the former Town Office Building that the Mansfield Historical Society now occupies, we have also reviewed their history.

In her book, *Listen to the Echoes: The Early History of Spring Hill, Mansfield, Connecticut*, Roberta Smith details the origin of the old Town Hall. "During Mansfield's formative years, town meetings were held in the homes of various prominent settlers. Later on, the meeting houses were used. The early Ecclesiastical Societies controlled not only the religious life of the people but also much of the educational and political life of the rural communities." On November 10, 1800, it was voted to hold 'the Freemans and Town Meetings' alternately in the meeting houses of the First Society (now Mansfield Center) and the Second Society (North Mansfield, now Storrs).

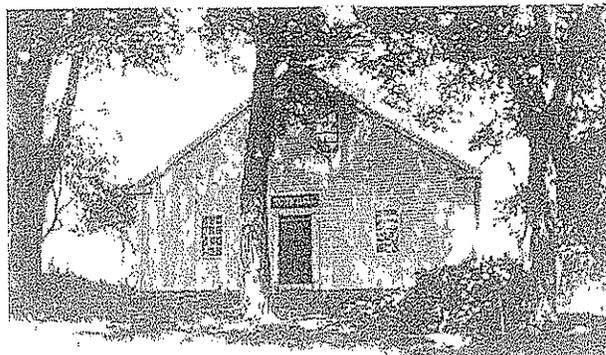
As the town grew, so did its need for a town house – a dedicated building for town meetings and for conducting town business. Construction of a town house was first proposed at a town meeting on December 3, 1838. Then followed several years of controversy over where to locate the proposed town house and how to pay for its construction.

Finally, in October 1841, a site on Spring Hill was selected for the new Town House, presumably because of its centralized location. The following August, a tax of four cents on the dollar was levied on the Grand List to defray the cost of its construction. Elijah C. Moulton of Chaplin was engaged as the builder and he received \$800 for his services.

The new Town House, later known as the Town Hall, was completed in the summer of 1843. Mansfield voters met there for the first time on September 4, 1843 and for the next 128 years the Town's annual meetings and special meetings were held there. The building also served the community as a venue for social events such as dances, concerts and other entertainments.

Early in the 20th century, a section to the left of the Town Hall's front entry was partitioned off to create an office for the Town Clerk. The town's vital records and land records were stored there in a safe

that was purchased for this purpose in 1918. Most other town business, however, was still conducted from the homes of various officers. This arrangement became progressively less satisfactory over time.



The Town Hall as it appeared prior to the construction of the Town Office Building

By 1930, the nearly century-old Town Hall was showing its age. The old wooden structure, described as "ramshackle," had become a fire hazard and a risky depository for the Town's valuable records. Mansfield had a pressing need for new town office building that would provide both a central place for offices and a safer location for its important records. However the nation was in the midst of the Great Depression and undertaking such an expensive project seemed impossible.

Hope for a town office building was rekindled with the establishment of federal aid programs under the administration of President Franklin D. Roosevelt. Known collectively as "The New Deal," these new programs were designed to improve the economy and put the unemployed back to work.

Shortly after Roosevelt took office in 1933, the Federal Emergency Relief Administration (FERA) was created. This agency provided loans and grants to states for the operation of relief programs and for works programs to hire the unemployed.

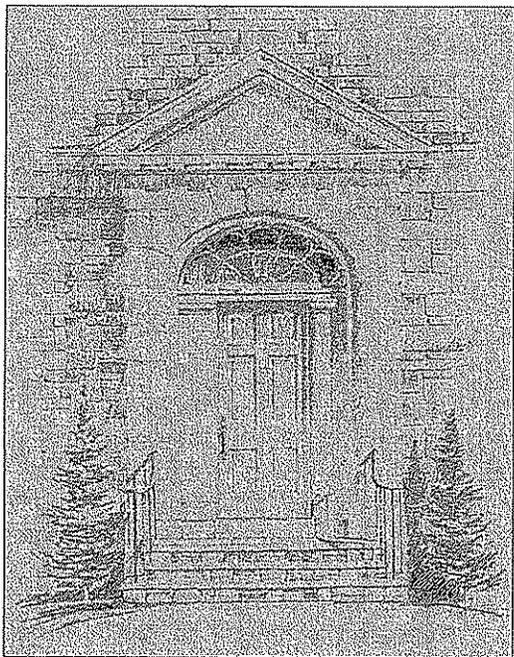
In 1935, the Federal Emergency Relief Administration was dissolved and its work was then taken over by two new federal agencies, the Works Progress Administration and the Social Security Administration.

The Works Progress Administration (WPA) funded national, state and local public works projects. It hired the unemployed directly and became the largest of all public works programs. Its goal was to employ most of the unemployed people on relief until the economy recovered. This massive public works program improved the nation's infrastructure through the construction of highways, roads and bridges and funded countless public buildings. Almost every community has a town hall, library, school or park that was funded by the WPA. Renamed the Work

Projects Administration in 1939, its public works program continued until 1943 when pre-war production essentially ended unemployment.

In the fall of 1934, the Town of Mansfield applied to the Federal Emergency Relief Administration for a grant to build a new town office building. At a meeting of Mansfield's Board of Finance on October 16, 1934, first selectman Daniel C. Flaherty reported that "it appeared likely federal funds would be available for the payment of all labor costs and a large part of the cost of material for a Town Office Building. He pointed out that this project would furnish work for residents of the town who would soon be in need of town aid and that the project, if undertaken, would relieve the town budget to a considerable extent" (Town Meeting Records).

The project was approved on October 31, 1934 and the architectural firm Perry & Bishop of New Britain was engaged to design the Town Office Building. They designed an attractive one-story colonial revival edifice with a fieldstone exterior. The interior featured office spaces for the town officials and a fireproof vault for the town records.



Design of the front entrance to the Town Office Building by Delbert I. Perry and Earle K. Bishop

Work commenced on November 22, 1934. The Annual Report of the Officers of the Town of Mansfield, for the year ending September 17, 1935, lists 42 men on the payroll for the construction project. The workers' pay ranged from \$2.75 to \$63.00 depending on the length of their service; the total payroll was \$889.65.

The report also shows that the architects were paid \$255 for their design work. Surprisingly, one of the most expensive features of the new building was the heavy vault door which came from a bank in Danielson. It cost \$182.40, including installation.

The Town subsequently applied for FERA funds to renovate the Town Hall building as well. This project was approved on January 3, 1935. Work began almost immediately on the excavation and building of a new foundation directly behind the old building. When it was completed, the Town Hall was moved from its original location and placed atop the new foundation. The interior was then renovated and new lighting and heating systems were installed. The Town Hall project was completed in November 1935. The total project cost was \$3,261.18, with \$3,108.45 from FERA funds. The cost to the Town was just \$152.73!

Meanwhile, construction of the new Town Office Building continued on. When the project was transferred to the Works Progress Administration on November 4, 1935, it was 60% complete. A report filed with the WPA on September 15, 1936 states that the project was completed in May at a cost of \$7,070, of which \$5,430 was granted from federal funds.

However the Project Register, now held in the Society's collection, shows different figures. It records project expenses through November 27, 1935 totaling \$8,251.92, with \$3,791.15 covered by FERA funds. Penciled notes indicate a final grand total of \$9,709.19 in expenses and an additional grant of \$1,455.27 from the WPA. Thus the correct project cost remains unclear. Nevertheless, an inventory of Town Property in the Annual Report for 1936 shows the new Town Office Building valued at \$10,000 and the renovated Town Hall at \$3,000.

The 1936 project report filed with the WPA states that the new Town Office Building "is very pleasing to the eye and has the unanimous approval of every citizen in the community." In fact, the Town was so proud of its new municipal building that its image was incorporated in the Town's official seal, still used today. The report concludes, "There is no doubt but that without the aid of the federal government the town of Mansfield would never have been able to build [this] new edifice."

Do you have any photographs showing the construction of the Town Office Building or the moving of the old Town Hall? We would be very interested in scanning them and adding them to our collection. Please contact the museum at 860-429-6575 or email mansfield.historical@snet.net.

Following the completion of the Town Office Building and the renovation of the Town Hall, further alterations were made to the two buildings. Sometime during World War II or during the subsequent Cold War years, a plane spotting tower was constructed on top of the Town Hall building. The Town Office Building served as the town's Civil Defense Headquarters during these years.

Mansfield's population grew rapidly with the post-World War II baby boom. The growth of the University of Connecticut and the Mansfield Training School also brought many new residents to town. By the 1950s the Town Hall could no longer accommodate the crowds that gathered to discuss important town issues. Meetings about the construction of new schools were especially contentious and crowded. Town meetings often had to be adjourned and moved to a larger venue, usually the Hawley Armory on campus. At the town meeting on March 15, 1971, it was voted: "that town meetings may be held in locations other than the Town Hall, which is 127 years old."

Likewise, the 1935 Town Office Building was quickly outgrown. By the 1950s there was already a need for more office space and the narrow 8' deep vault was no longer adequate for housing the town records. A large addition was added to the rear of the building in 1957. The new addition provided a much larger vault (now our office and library) and more office space. However the addition only temporarily relieved the space issues.

By the 1970s it was clear that larger quarters were needed for conducting town business. In 1977, voters approved plans to renovate the old Storrs

Grammar School and transform it into a new municipal building. The town offices moved into the new municipal building at the end of the 1970s. It was named after the late Senator Audrey Beck in 1984.

In 1980 the Mansfield Historical Society moved its headquarters and museum from the old Eagleville schoolhouse to the vacant Town Office Building. The Old Town Hall was added to its museum complex in 1986. The buildings are still owned by the Town and are leased to the Society under a long-term lease arrangement.

Today the Old Town Hall and the former Town Office Building are 173 and 81 years old respectively. Age and Mother Nature have taken their toll. Water infiltration from the roof systems and poor site drainage conditions have caused the most damage.

The condition assessment study, made possible by a grant from the Connecticut Trust for Historic Preservation and matching funds from the Town of Mansfield, has identified the many issues that threaten the buildings. It has also provided a prioritized list of needed repairs and their estimated costs. As we study the draft of the condition assessment report, one thing is immediately clear. It will cost much, much more to repair the buildings than it did to construct them!

RESERVATION FOR THE ANNUAL MEETING & DINNER
Friday, September 30, 2016

Please reserve _____ places for dinner. Enclosed is a check made out to "Mansfield Historical Society" in the amount of \$_____ at \$18.00 per person. (The amount includes the \$5.00 admission fee to the program.)

Entrée Choice: Salmon _____ or Vegetarian _____

The meal also includes appetizers, side dishes, bread and dessert.

Name(s): _____

Phone #: _____ Email: _____

RESERVATION DEADLINE is September 24, 2016

Please send your reservation form and check to Mansfield Historical Society, PO Box 145, Storrs Mansfield, CT 06268.

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