

REGULAR MEETING – MANSFIELD TOWN COUNCIL  
November 14, 2016

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

I. ROLL CALL

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

II. APPROVAL OF MINUTES

Mr. Shaiken moved and Mr. Ryan seconded to approve the minutes of the October 24, 2016 meeting as presented. The motion passed unanimously.

III. PUBLIC HEARING

1. Acquisition of Development Rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road (Mountain Dairy Farm)

Jennifer Kaufman, Mansfield's Environmental Planner, outlined some of the specifics of the agreement which purchases the development rights for 48.3 acres of prime farmland. Mayor Shapiro noted letters of support from Jonathan Sgro and Scott Lehman (statements attached) which will become part of the record.

The Mayor closed the public hearing.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Helen Jane Fried, Olsen Drive, expressed concerns about changes in her Olsen Drive neighborhood and possible violations of a stop work order recently issued to Adam Lambert of 17 Olsen Drive. (Statement attached)

Amin Keshwani, Olsen Drive, commented on recent activity at 17 Olsen Drive and his concern about what these activities are having on the neighborhood and his family. Mr. Keshwani asked the Council to intercede. (Statement attached, supplemental information will be included in the November 28, 2016 packet.)

Rebecca Shafer, Echo Road, submitted a letter from the members of the Mansfield Neighborhood Preservation Group thanking Sgt. Cournoyer and the other resident troopers for the work they do in addressing student behavior issues. Ms. Shafer suggested the Council also consider additional coverage on weekends; a program that, after 3 strikes, would result in the loss of the rental permit; and a task force or investigator charged with looking at the network of fraternities operating in our neighborhoods. (Letter attached)

V. REPORT OF THE TOWN MANAGER

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

- Noting his resignation, Mr. Hart thanked current Board of Education Chair Randy Walikonis for his leadership and service.
- Mr. Hart will forward suggestions outlined by Ms. Shafer during the public comment portion of the meeting to Sgt. Cournoyer.

- At the next Council meeting, Mr. Hart will provide a report responding to issues raised about 17 Olsen Drive.
- In response to a question from Mr. Sargent regarding the Housing Authority, the Town Manager commented that he and the Mayor are working to set up a joint meeting of the two entities.

#### VI. REPORTS AND COMMENTS OF COUNCIL MEMBERS

Mr. Shaiken acknowledged the Town Manger's quick work in facilitating a solution to computer problems with the Secretary of the State's office just before the election. Mr. Shaiken also complimented the outstanding efforts of the Registrars of Voters and noted that Mansfield had one of the highest Election Day Registration rates in the State. Councilors also thanked Town staff members who pitched in to help and the many residents who served as poll workers, commenting that their efforts all contributed to a good smooth election process.

Mayor Shapiro attended the Annual Fire Company Dinner which in addition to being a good time with good food also served as the final send off for recently retired Fire Chief Dave Dagon. Councilor Moran, Past Mayor Betsy Paterson, Assistant Town Manager Maria Capriola and Town Manager Matt Hart were also in attendance.

Mr. Shapiro, along with Councilors Ryan and Moran and Assistant Town Manager Maria Capriola, attended the Veterans Day Commemoration Event. Mr. Shapiro reported the committee did a phenomenal job. Mr. Ryan noted the speakers included four E.O.Smith students whose teacher challenged them to write a letter to a veteran.

The Mayor complimented outgoing Board of Education Chair Randy Walikonis on his leadership during a difficult and challenging time and his continued efforts to work for the children.

#### VII. OLD BUSINESS

2. Acquisition of Development Rights on 48.3 acres located on 474, 504, and 519 Mansfield City Road (Mountain Dairy Farm)

Ms. Keane moved and Mr. Ryan seconded to approve the following resolution:  
RESOLVED, that Matthew W. Hart of the Town of Mansfield is hereby authorized to execute on behalf of the Town of Mansfield a Purchase and Sale Agreement to acquire the development rights to 48.3 acres located at 474, 504, and 519 Mansfield City Road in conjunction with United States Department of Agriculture (USDA) Natural Resources Conservation Service Agricultural Land Easement Program, and to execute any related documents with the USDA.

Councilor Shaiken noted, for that record, that a number of years ago his father did legal work for one of the entities in this agreement, but that now he is no longer involved.

The motion passed unanimously.

#### VIII. NEW BUSINESS

3. Schools Facilities Planning Study for Mansfield Public Schools  
Superintendent Kelly Lyman and Board of Education Chair Randy Walikonis discussed the planning process the Board is undertaking to first identify the educational needs of the Town and then to engage an architect to look at pairing those

needs with our current infrastructure. Only after that process would a Planning Committee be formed and architectural drawings considered. The plan is to engage the community from the beginning.

Ms. Lyman expressed her thanks to Mr. Walikonis for his service.

4. Mansfield Community Center Fee Recommendations

Mr. Ryan moved and Ms. Keane seconded, to approve the Community Center Fee Recommendations as presented by staff in its draft dated November 14, 2016, of which these new fees would become effective January 1, 2017.

Motion passed unanimously.

Ms. Moran moved and Mr. Ryan seconded to table Items 5, 6 and 7 to the Town Council meeting following the next Finance Committee meeting.

Motion passed unanimously.

5. Financial Statements Dated September 30, 2016

Tabled

6. Transfer of Uncollected Taxes to Property Tax Suspense Book

Tabled

7. Refund Balance Write-Off Request

Tabled

8. Proposed Amendments to Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners

Mr. Shaiken moved and Ms. Keane seconded to schedule a public hearing for 7:05 PM at the Town Council's regular meeting on November 28, 2016 to solicit public comment regarding the proposed amendments to the Ordinance Concerning Property Tax Relief for Certain Elderly Homeowners.

Motion passed unanimously.

9. Proposed Amendments to Motor Vehicle and Traffic and Parking Ordinance

Mr. Kochenburger moved and Mr. Ryan seconded, to schedule a public hearing for 7:10 PM at the Town Council's regular meeting on November 28, 2016 to solicit public comment regarding the proposed amendments to the Chapter 182 of the Mansfield Code (Motor Vehicle Traffic and Parking).

Motion passed unanimously.

10. Proposed Amendments to Building Construction Ordinance

Ms. Keane moved and Mr. Shaiken seconded, effective November 14, 2016, to schedule a public hearing for 7:15 p.m. at the Town Council's regular meeting on November 28, 2016, to solicit public comment regarding the proposed amendments to the Mansfield Building Code Ordinance.

Motion passed unanimously.

11. Town Council Meeting Schedule for 2017

Ms. Moran moved and Mr. Sargent seconded, effective November 14, 2016, to adopt the Town Council Meeting Schedule for 2017, as presented by the Town Clerk.

Ms. Moran accepted the Mayor's friendly amendment changing the date of the second meeting in December to the 27<sup>th</sup>.

The motion, as amended, passed unanimously.

IX. REPORTS OF COUNCIL COMMITTEES

Mr. Ryan reported that the cancelled Finance Committee meeting will be rescheduled. Ms. Moran reported the next Personnel Committee meeting may need to be postponed; updated the Council on the discussions held at the last Ad hoc Committee on Rental Housing and Regulations; and reported that the Police Services Committee has asked staff to look into the intricacies of the use of constables.

Mr. Kochenburger reported that the Committee on Committees will meet tomorrow November 15, 2016.

X. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

XI. PETITIONS, REQUESTS AND COMMUNICATIONS

12. J. Spears (10/28/16)

13. N. Stevens (10/5/16)

14. R. Walikonis (11/4/16)

15. M. Stanton re: Referendum Results

16. CRCOG re: Ad-hoc Working Committee Addresses Crumbling Concrete Foundations Issues

17. State of Connecticut Department of Emergency Services and Public Protection re: Calls for Service

XII. FUTURE AGENDAS

No items offered.

XIII. ADJOURNMENT

Mr. Ryan moved and Mr. Shaiken seconded to adjourn the meeting at 8:20 p.m.

Motion passed unanimously.

  
Paul M. Shapiro, Mayor

  
Mary Stanton, Town Clerk

Statement in support of the Town's purchase of development rights to 48.3 acres of Mountain Dairy farmland at 474, 504 & 519 Mansfield City Road

My name is Scott Lehmann. I live with my wife Rebecca at 532 Browns Road in a house we bought in 1976. I am a member of the Conservation Commission, which to my knowledge has not considered or commented on this proposal. I cannot be present to speak at the public hearing on 14 November 2016 and request that this written statement be included in the record of the hearing.

I urge the Town Council to approve purchase of development rights to 48.3 acres of Mountain Dairy farmland on Mansfield City Road. In support of this, let me review some considerations from economics that may not be familiar to everyone.

A big reason we bought our house forty years ago was the fine view across Browns Road to fields and woods rising to the horizon at Chestnut Hill, all of it Mountain Dairy land. (The first time she visited, a local friend who'd grown up in Nebraska exclaimed, "You have sky!") We have treasured our location every day since we moved in. When I go to Willimantic, I nearly always drive on Mansfield City Road, which takes me between the parcels at issue now and on past more Mountain Dairy land all the way down to Pleasant Valley Road. Other routes may be quicker, but not nearly so nice.

I know that many other residents of Mansfield also value these scenic views. The economic problem is that they are what economists call "public goods": there is no feasible way to limit a scenic view only to those who are willing to pay for it. When provided to one, it is provided to all. For this reason, public goods tend, in a free market, to be 'under-produced': *more* of such a good would be 'produced' if there were some way to capture what 'consumers' were really willing to pay for it. (Think quality public radio, for example. Most listeners are free-riders – to use a polite term – who never make a contribution to the station, since its programs are freely available to anyone with a radio receiver.)

You may have to pay a premium for a house with a nice view, but any premium we might have paid for our view across Browns Road did not go to Mountain Dairy, but to the people from whom we bought the house. Neither I nor anyone else who enjoys seeing its land from Mansfield City Road pays Mountain Dairy anything for the experience, at least directly. In effect, this lowers the economic value of its land to Mountain Dairy and increases the likelihood that pieces of it will be sold to developers.

Town purchase of development rights obviously precludes development, and may be viewed as payment for the public goods that undeveloped land provides. Taxpayers thus pay indirectly for their enjoyment of these goods (as they do if the Town taxes agricultural land based on the value of what it produces rather than on its market value). From a market-oriented perspective, this is an imperfect solution to the public goods problem, since it does not track willingness-to-pay: there is no way to find out what individuals are really willing to pay for scenic views and to charge them accordingly. But it is a better solution than none at all.

## Mary L. Stanton

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**From:** Jonathan Sgro <jonsgro@gmail.com> on behalf of Jonathan Sgro <jon@sgro.com>  
**Sent:** Friday, November 11, 2016 12:04 PM  
**To:** Mary L. Stanton  
**Subject:** letter to Town Council - Acquisition of development rights to the farm land on Mansfield City Rd

Mansfield Town Council,

I support the acquisition of development rights to the farm land on Mansfield City Rd. I think it's great that the town is looking to preserve our farm lands and wooded lands.

I hope the town continues to look at properties like this to conserve.

Jonathan Sgro  
57 Browns Rd

My name is Helen Jane Fried. I have lived at 39 Olsen drive for more than forty years. I have some serious concerns about changes in my neighborhood that affect my sense of comfort and security in my own home, the peaceful environment and the cleanliness and potability of my water supply. I also have serious concerns about the willingness of the Town of Mansfield to use its permitting process in an effective way and to provide oversight since neighbor Adam Lambert of 17 Olsen Drive began to change the configuration of his property and add additional structures and livestock.

- Mr. Lambert was apparently given permission to add an additional shed on his property, using pea gravel to level the shed. He has installed an enormous I beam on the site sufficient to support a building which can store large earth moving equipment. This I beam is set on top of a retaining wall that is constructed of large imported boulders. No one came to inspect or stop his activity until I called Jenelle Mullen , zoning officer and informed her of the construction activity. She told me that the construction did not appear to comply with the permit that had been granted and that she would inspect the site. She did so and returned with the town engineer for additional inspection.
- Ms. Mullen subsequently issued a stop work order and told Mr. Lambert that he would have to submit a new construction plan to be approved by an engineer and architect. This stop work order occurred some time toward the end of last week. Mr. Lambert and his father worked all weekend grading, seeding and moving more boulders in violation of the stop work order. To date I am not aware of any

additional action that the town has taken. I have dated videos of the work as it was progressing.

- It is my understanding that Mr. Lambert has not mentioned his intention to acquire more livestock to the town. He technically does not need to do this. He owns .9 acres and on that amount of property he is entitled to have 1 pig, 1 goat and six chickens as I understand the ordinances. However, the ordinance does not address the potential pollution of the wells of myself and my neighbors all of which are lower than the anticipated site for housing the livestock.
- I believe that my neighborhood is being victimized by a problem which exists all over town, i.e. insufficient housing for UConn students. Mr., Lambert's construction has also included the creation of an "efficiency apartment," which has two full bedrooms and a full kitchen. This is not an efficiency apt by any definition that I have ever heard. The existence of this apartment contributes to the general sense that anybody can do anything they like in my neighborhood and in many other areas of Mansfield because the town is not providing sufficient oversight to interrupt violation of construction ordinances while the violations are in progress.
- All of these concerns, and many others which I have not mentioned, are contributing to the increasing discomfort which I am feeling in my own home and neighborhood. This situation amounts to a possible violation of my civil rights as an elderly person to remain in my own home as I age.
- I have always enjoyed living in Mansfield and appreciated the quality of town government and the skill of its officials. I am coming to

question both of these elements which have made my residence in this town quite comfortable. Things seem to be on the decline and I no longer feel as if the town government has the best interests of its citizens at heart.

Herb Sanford  
14 NOV 2016

Good evening, I thank you all for your public service. My name is Amin Keshwani, I live at 61 Olsen Drive where I have lived for many years and where my wife Ling-Chuan and I are raising our son.

I am not able to attend your Town Council Meeting as I would like, but have much appreciation for the broadcast of these proceedings and the Town Council Meeting packet that is provided in advance. I have looked at tonight's Agenda with interest in three separate issues.

1<sup>st</sup>, on page 97 in the packet, under the heading of tax relief for elderly, there is a proposed Amendment that sets the interest rate at 5% on estate debt. Having more than a verbal understanding of the interest rate on estate debt is certainly a necessary clarification, but to be "relief" could the rate be downwardly adjustable to reflect current fixed rate mortgage loans on the market at less than 5%? The elderly and their families would greatly benefit from a downwardly adjustable interest rate when planning for the future.

2<sup>nd</sup>, on page 111, I note that the proposed Amendment to Motor Vehicles, and Traffic, and Parking Ordinance will not allow for the release of a towed and impounded cars without first payment of the towing and storage costs. It seems like a reasonable approach to address student street parking that obstructs vehicular passage especially on party nights, and even throughout the week. I don't have any data on the cost of the effective enforcement of this Amendment; but, without enforcement it could be of limited value. Even with moderate enforcement, given narrow rural streets in small neighborhoods, like Olsen Drive, where I live, with parking on the street, conditions of foreseeable risk are created. Emergence vehicles may be unable to get to a fire or the elderly in need of immediate help, when multiple cars are parked on the street.

3<sup>rd</sup>, this brings me to the last agenda item on page 122, the proposed Amendment to the Building Ordinance. This cannot, in truth, be said to be a change to the local law that should apply to new building construction without a permit. State law, for all towns in the state, is already in place, as you acknowledge. Of concern is whether it will be enforced in the Town of Mansfield, selectively or otherwise. My neighbor, your next-door neighbor Ben, has dug a pit of approximately ten foot in depth on a slope that borders my yard for the purpose of housing land moving construction equipment, a commercial use. Massive boulders were placed into that pit, for steel beam support. However, his permit from the town was granted for a "shed." The equipment to be stored there, if the size of the equipment used to dig the pit, are like the one pictured here, see the attached picture. If storage tanks are also allowed for the stored equipment on this property, assuming a 20-gallon, the lethal blast range is 100 feet, minimum evacuation distance of 1500 feet, and falling-glass hazard range of 1250 feet. Even without a blast, the diesel fuel in the stored equipment, as well as the fluid used to maintain them, pose health and environmental hazards. Penalties should be high for noncompliance and untruthful building permit applications, here, building without a permit for its intended purpose, in a residential neighborhood where children play.

The Committees that you serve on and the zoning regulations that you are asked to review and make into town ordinances, place the burden on you to work together to lookout for unnecessary risk and harm in our community.

Thank you for your time and your work.

To: Town Council

Date: November 14, 2016

Re: Appreciation of Town Policing Efforts

From: Mansfield Neighborhood Preservation Group

We wish to express our gratitude for all the hard work that Sgt. Cournoyer and the other resident troopers do. We appreciate Sgt. Cournoyer's willingness to work with UConn and our organization (MNPG) to address concerns within the town/gown relationship, both in committee meetings and in small informal groups. The development of the new post-nuisance protocol (phone calls and letters to landlords) is an example of how this approach is leading to a workable solution to student behavior issues.

If out of our frustration with neighborhood issues we seem unappreciative, that is far from the truth. We thank the police for the many times you have been professional, respectful and calm when faced with situations that are the complete opposite.

The neighborhoods are looking forward to continuing good relations with the police. And, we thank them for their service.

Regards,

Tom Nielsen  
Bruce Bellm  
Rebecca Shafer  
Heike Brueckner  
Charlie Ausburger  
Carol Isakson  
John Murphy  
Ellen Colburn  
Matthew Hart  
Cheryl Abbiati  
Jeffrey Francois  
Nancy Detmer Barry  
Erin & Enoch Elliott  
Carly Mahl Kelly  
Elaine Burns  
Holly Gaspar  
Richard & Katherine Ratcliff  
Megan Perch-Meikle  
Beverly Sims & William Okeson  
Julia Sherman  
Elizabeth Cowles  
Mike Campetelle  
Snowie Hilding  
Heidi Paradis Roberto

Linda Duckstein  
Laura Wright  
Kathy & Brian Usher  
Miriam Drew  
Nancy Tomastik  
Marina Demos Brand  
Kathleen Dinan  
Virginia Kerensky  
Kate Dyer  
Susan Kaempfer Kaeser  
Gaye Tuchman  
Jason McGarry  
Suanne Kerns Hathaway  
Gail Parks  
Terry Bitwinski  
Pat Furness Beckert  
Lisa Newsome Ward  
Shamus Kelly  
Susan Jacobson Beach  
Alison Hilding  
Jo Ann Douda  
William Roe  
Karen Kidder Gottmann  
Larry Lombard  
Ginny Conland  
Eden Earley Espanol  
Ginnie Gorin  
Ken & Eva Forrest  
Karl Beckert  
Jessica Campbell  
Rebecca Aubrey  
Joseph Briody  
Beverly Nass  
Lisa Young  
William Okeson  
Howard Drescher  
Cynara Stites  
Heather Evans  
Kathleen Dinan  
Dwyer Family  
Robert Cepelak  
Theodora & Charles Naumec  
John & Kathy Fisher  
Jo-Anne RobertsStuart J. Sidney & Joan Seliger Sidney  
Ron & Sandra Nadeau