

MEETING MINUTES

TOLLAND TOWN COUNCIL HICKS MEMORIAL MUNICIPAL CENTER 6th FLOOR COUNCIL ROOM AUGUST 24, 2010 – 7:30 P.M.

MEMBERS PRESENT: Frederick M. Daniels, Chairman; MaryAnn Delaney Tuttle, Vice Chairperson; Dale Clayton; Jack Flynn; Harvey Gilbert; Craig Nussbaum and April Teveris

MEMBERS ABSENT:

OTHERS PRESENT: Steven R. Werbner, Town Manager; Michael Wilkinson, Director of Administrative Services; Christine Hutton, Finance & Records Director; Linda Farmer, Director of Planning & Community Development; Walter Lawrence, Assessor

1. **CALL TO ORDER** Frederick Daniels called the meeting to order at 7:31p.m.
2. **PLEDGE OF ALLEGIANCE** Recited.
3. **MOMENT OF SILENCE** Observed.
4. **PROCLAMATIONS:** None.
5. **PUBLIC PETITIONS, COMMUNICATIONS, AND PUBLIC PARTICIPATION** (*on any subject within the jurisdiction of the Town Council*) (2 minute limit)

Rosanne Gottier of 120 Bald Hill Road – She was in attendance with Board Members of Conserving Tolland to thank the Council for addressing the possibility of working toward farm land preservation on town owned land. Conserving Tolland would like the Council to change the status of 13 acres of land known as Peaceful Valley. Currently, the status of this parcel is municipal use. They would like it changed to “Farm Land Protected in Perpetuity.” The town is in position to encourage continued agricultural use on this small heritage farm. The Peaceful Valley farm land and barn are the perfect example of Tolland’s rural character. Its protection will provide a place for locally grown food or hay for livestock. They ask that the town allow ten (10) year leases so that a local individual maintains the property. Conserving Tolland has recently presented the town with a sample agricultural lease, as well as a vision statement and suggested maintenance plan. They have received help from Bea Campbell. She would like to thank Ms. Campbell, her son and neighbor for all the work they have done in the past year on the land and barn. They encourage the town to embrace a program for farm land preservation on town owned land beginning with the Peaceful Valley.

Sam Belsito of 55 Lee Lane – A mirror image – Holy cow, it’s happening right next door in Coventry. They are now going to referendum for a new Public Works facility. What the town of Tolland has must be catchy. The town of Tolland has also proposed, in the near future, a new Public Works facility. He is sure Tolland’s will far exceed Coventry’s \$3.3m. Trucks are not people, they don’t need luxurious shelters. Let’s not be a mirror image of Coventry with an over-the-top structure. With any luck, this or future Town Council’s will stop all bonding and start looking out for the taxpayer.

Richard Bozzone of 9 Elm Road – Two items in the paper: The grant to the state’s municipalities for municipal projects: How much is Tolland is receiving? Mr. Werbner commented that this is programmed in our Capital Budget. We will get \$130,000-140,000. It is already programmed into this year’s Capital Budget. We anticipated the funds that are passing forward at this point. Mr. Bozzone has noticed that that the catch basins in his area have been covered with twigs. There was no way water would be able to flow with that accumulation on them. He thinks it is important that town workers do regular maintenance on

them. With the \$629,103.00, does anyone know where that is going to go? Does the Town Council have any input as to where those are going or is it strictly the School Board's decision? *Dr. Daniels said it is their call.*

6. PUBLIC HEARING ITEMS:

- 6.1 Consideration of a resolution to make an additional appropriation of \$29,775 received from the Hartford Foundation for Public Giving to the Tolland Public Library as part of the Hartford Foundation for Public Giving 85th Anniversary Library Impact Project.

Mr. Werbner commented that the Town has received a noncompetitive grant from the Hartford Foundation for Public Giving. The Application was submitted by Barbara Butler. Since the \$40,000 cumulative threshold for special appropriations has been exceeded for the 2010-2011 fiscal year, a public hearing is required. This grant does not require a local match

MaryAnn Delaney Tuttle asked Mr. Werbner how it was determined that these were the priorities for the purchase with this money. Mr. Werbner said that Ms. Butler worked with the Library Board and it was determined that these were the items most essential. The PC's are in need of replacement; the job training workshop is being done in a number of towns; the ebook readers would be a good addition towards the Library.

Jack Flynn asked what the computers and lap tops would be used for. Mr. Werbner said everything will be for the general public's use within the library. Everything will stay in the library and not be allowed to be removed.

Harvey Gilbert motioned to open the public hearing; Seconded by Jack Flynn. All in favor. None opposed.

A straw poll was conducted of all those in favor of making this additional appropriation for which the Town has received from the Hartford Foundation for Public Giving: 19 in favor, 0 opposed.

April Teveris motioned to close the public hearing; Seconded by Jack Flynn. All in favor. None opposed.

MaryAnn Delaney Tuttle read the following resolution:

BE IT RESOLVED by the Tolland Town Council that it hereby appropriates an additional \$29,775 received in a grant from the Hartford Foundation for Public Giving for the purchase of five PCs, six laptops, six ebook readers, computer furniture and hiring consultants to conduct job training workshops to the Library Program Materials account.

Seconded by Harvey Gilbert. All in favor. None opposed. Mr. Daniels thanked the Hartford Foundation for Public Giving.

7a. REPORTS OF BOARDS AND COMMITTEES RESPONSIBLE TO THE COUNCIL: None.

7b. REPORTS OF TOWN COUNCIL LIAISONS: MaryAnn Delaney Tuttle said that she was not able to attend the PZC meeting and feels that due to work conflicts she may not be able to go as the liaison on Monday nights. She asked the council members to review the minutes regarding the Planamentrics presentation on the Village Green/Center area. Based on the minutes, there are some points of interests that at some point they may need to discuss. There was discussion on residential areas that may be considered in this concept plan. She believes it to be important that they know where proposed roads might be, what might be in the concept of where roads will change and some of the ideas on the size/density of housing

that is being talked about in this particular area. There was also discussion of municipal development of particular projects within the Village Green area that will probably come to the Council for further discussion and, there was brief discussion of particular stores that have expressed interest in going into that area. The minutes are on the website for the public to read as well. It would be important to all members to take a look at them.

Steve Clark commented that the BOE was just provided the list of proposed uses for the additional funding. He has no information at this point. It is on the agenda for tomorrow. Also, tomorrow is the first round of teacher negotiations at the high school.

Harvey Gilbert commented that he was at the Town Council / Board of Ed hour, but no one attended. Dr. Daniels commented the next hour TC/BOE hour is scheduled for Wednesday morning, September 15th.

8. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- 8.1 Discussion of the designation of certain open space parcels in Town as "Farm Land in Perpetuity."

Dr. Daniels commented the Land Acquisitions Advisory Committee meet last week heard the proposal that Rosanne Gottier spoke about earlier. It suggests coming up with a mechanism to designate certain parcels as "Farm Land in Perpetuity."

Linda Farmer gave background on this item. We bought the property in 2003. The Campbell's were farming the property. These 13 acres were not eligible for DEP Open Space Grant because of the structure that was on it. The town did have a license agreement to farm with the Campbell's. Mr. Campbell passed away. The land has been hayed. We have entered into another license to farm agreement with Bea Campbell. The proposal is to try and protect this farm land in perpetuity, which is not without precedent in Tolland. Ms. Farmer has spoken with some of her contacts to find out what mechanisms are actually available if we wanted to protect this. It would involve a third-party holding an easement on it. The Connecticut Farm Land Trust does hold easements. They thought the 13 acres was undersized, but they are willing to work with us if this is the direction the Council would like to take.

Ms. Farmer has not worked with Rick Conti, Town Attorney, to see if there is another means without the participation of a third party. The property has one of the nicest views that she has seen with the barn, the farm house and the pond. It is important that this be mowed and/or maintained. It can certainly be worked out with Conserving Tolland and the Conservation Committee to see if there is a way to protect it.

Ms. Teveris began discussion with her concern over adding a new layer of control. What obligation will this create for the town in terms of finding someone to farm it in some way? Ms. Farmer commented that she didn't believe there was an obligation. She is not aware of any requirement for the land to be farmed. Although, she thought it would be unlikely that they wouldn't be able to find someone to hay the property. We've always been able to find someone interested in maintaining other properties. Ms. Teveris commented that we are in 2010 and we are talking much further off than that. She sees farming as primarily an economic activity and it is not the easiest. It is very possible for someone to not have the time or resources to spend doing this. If you don't maintain it, it will turn very quickly into something that is not idyllic. The town would then need to step in and maintain. Farmer believes that the majority of farmers in the community are hobby farmers.

Dr. Daniels commented that if the Council did not designate the farmland in perpetuity, and the current lease expires, isn't the end result the same thing? Ms. Teveris said that when you designate something as farm land, it suggests something more than overgrown and not being used. Dr. Daniels said according to Ms. Farmer, we wouldn't have a requirement to maintain as a community, but we may have the desire if it is designated as "farm land in perpetuity." Ms. Teveris said the interest is keeping the land as it is now, as

a farm. She doesn't know if we need to go to perpetuity at this point in time. We could not designate it farm land and allow it to stay looking the way it is.

Jack Flynn thinks it is a good idea to pursue the policy of farm land preservation. He does understand Ms. Travis' concern that it could be a burden. He also questioned if there would be restrictions as to what the land could be used for down the road, if it was designated as farm land.

MaryAnn Delaney Tuttle commented that we spend a decent amount of money on maintaining ball fields and recreation areas. This particular piece of property is a part of Tolland that is unique and different. It is part of the farming history. It is something we need to be conservators of. She does not have a problem with saying that at least for 100 years out that we will find someone to hay or maintain this pastoral view. If we can't find someone to farm it, it is part of our obligation to the history of our town and to the culture of our town to maintain a small piece of the farm land history of our town. There are some conditions and some language that need to be worked out. She truly feels we have so very little farm land that we should maintain it. She would like to pursue this.

Dale Clayton has a lot of questions about where this would go and what everyone views the term 'in perpetuity' as meaning. He agrees with Ms. Teveris' concerns. We would be taking on a burden that we are not willing to do. He suggests getting some draft language from the Connecticut Farm Land Trust or some of other entities that have done these easements to see how they have structured it. This property was purchased with active recreation funds and there may be restrictions on what we can and cannot do. What are our limitations?

April Teveris suggested not rushing this. We all like the idea of maintaining something as farm land.

Dr. Daniels summarized that Ms. Farmer will go to the Conservation Commission with the concept and pursue some of these mechanisms. Also, she will speak with Rick Conti to look at the referendum money that was used. Conserving Tolland has done some leg work with draft leases and may have some input. She will be invited back to a Council meeting in October.

- 8.2 Consideration of a resolution to make two additional appropriations of \$42,388 to Debt Service from interest earnings on bond proceeds and \$14,588 to debt service from BAN premiums and the setting of a public hearing thereon for September 14, 2010.

Mr. Werbner commented that this is for dollars that were programmed into our debt service plan. They come from interest that we need to use to offset debt service, as well as the premium paid as part of a ban. This would appropriate the money into the Debt Service account.

MaryAnn Delaney Tuttle motioned that the following resolution be introduced set down for a public hearing on September 14, 2010 at 7:30 p.m. in Tolland Town Council Chambers and read the following draft resolution:

BE IT RESOLVED by the Tolland Town Council that it hereby makes a total additional appropriation of \$56,976 to Debt Service from interest earnings on bond proceeds.

Seconded by Jack Flynn. All in favor. None opposed.

- 8.3 Review of Article VI of Chapter 136-23 of the Tolland Code (Ordinance 60) pertaining to the Local Tax Relief Program required after the completion of a revaluation.

Mr. Werbner read the item summary as provided to the Council members. In part, Tolland's local ordinance Article VI section 136-23, otherwise known as Ordinance 60, requires that the Town Council review the program after the completion of a revaluation or once every five years. The 2009 revaluation

was completed on January 31, 2010. The tax freeze program is being utilized by 205 senior/disable residents. The town's cost for this year's program was \$167,121.22. Tolland received six applications for the tax deferral program on the 2009 Grand List. We have five property owners enrolled in the program. The total amount of taxes deferred is \$13,222.40.

Walter Lawrence, Assessor, commented that there are more new applicants each year, than people leaving the program.

Dr. Daniels commented that two years ago there was an Ordinance 60 subcommittee that did exhaustive research on the program. At that time, they came to the conclusion that we were in good shape in terms of bumping up against the cap. We are still short of it. Mr. Lawrence commented that we are still safe.

Dr. Daniels brought up that we now have an asset requirement. Mr. Lawrence confirmed this as \$500,000 in assets. We are relying on the honor system. A lot has to do with knowing the history of the people in the town. Dr. Daniels asked if there is any penalty for falsifying that information. Mr. Lawrence said they would need to pay back any benefits they received and they would be removed from the program.

Mr. Nussbaum asked what the purpose was for this review by the Council. Dr. Daniels commented that the reevaluation could have greatly affected the program. It was put in place as a safety measure to come back to the Council.

8.4 Appointments to vacancies on various municipal boards/commissions.

April Teveris nominated **William Eccles of 106 Sugar Hill Road** as the Alternate on the ZBA – (*pending notification of the resignation from a member*); Seconded by Dale Clayton. All in favor. None opposed.

MaryAnn Delaney Tuttle re-appointed **Karen I. Tehan of 42 Eastview Terrace** to the Non-Profit Housing Corp. for the term of now through July 1, 2015; Seconded by April Teveris. All in favor. None opposed.

9. OLD BUSINESS (ACTION/DISCUSSION ITEMS):

9.1 Consideration of a proposed Illicit Discharge and Connection Stormwater Ordinance.

Dr. Daniels said the outstanding issue on this item was that the WPCA was going to be notified of their appointment to act as the designated appeal body.

MaryAnn Delaney Tuttle read the following resolution:

WHEREAS, the Town has reviewed the Illicit Discharge and Connection Stormwater Ordinance and found it acceptable.

NOW, THEREFORE BE IT RESOLVED that the Town does hereby adopt the Illicit Discharge and Connection Stormwater Ordinance.

Seconded by Craig Nussbaum. All in favor. None opposed.

10. REPORT OF THE TOWN MANAGER (A WRITTEN REPORT SHALL BE PROVIDED THE 1ST MEETING OF THE MONTH ONLY):

Mr. Werbner commented that Mr. Lawrence is involved with the town attorney's office in handling the appeals of the assessments. There are a series of pre-trial hearings coming up. In the past, Mr. Lawrence has had the authority to accept or deny the final values on behalf of the town. Is the Council is comfortable with this process going forward? It

would allow Mr. Lawrence the authority to settle these cases. Craig Nussbaum doesn't think it is necessary for Mr. Lawrence to come back to the Council for approval to settle. Ms. Teveris feels comfortable and believes Mr. Lawrence will represent the town well. All Council members agreed.

11. ADOPTION OF MINUTES

11.1 August 10, 2010 Regular Meeting Minutes – MaryAnn Delaney Tuttle moved to adopt the minutes; Seconded by Jack Flynn. All in favor. None opposed.

12. CORRESPONDENCE TO COUNCIL

- 12.1 Municipal Type Periodicals;
- 12.2 CT Siting Council;
- 12.3 Solicitations from attorneys; and
- 12.4 Eastern Highland

13. COMMUNICATIONS AND PETITIONS FROM COUNCILPERSONS:

Dr. Daniels reminded that Thursday, September 2nd is a workshop on the Plan of Conservation and Development. He suggested that discussion on the farmland issue be done at that time as well. The workshop is open to the public, but the Council will adjourn into executive session to discuss the Town Manager's evaluation.

14. PUBLIC LISTED PARTICIPATION (*on any subject within the jurisdiction of the Town Council*)
(3 minute limit)

Sam Belsito of 55 Lee Lane –Participation in swimming was down at Crandall's this year. Could there be a correlation between the bad economy and an increase in participation fees? If the decline in enrollment in summer camp is because of higher fees, then next year, when Star Hill opens, the decrease in enrollment might be even greater. The only thing that would stop the down turn in enrollment would be a much higher cost to go to Star Hill. One crazy idea – He asked what would happen if the Town of Tolland lowered all its fees and taxes, at the same time the town tries to get authorization from the General Assembly or the State to allow the town to hold their appraisal values for 20 years?

Richard Bozzone of 9 Elm Road – Land Acquisition –can the town decide to go various years (5, 10, 15 years)? Or does it have to be in perpetuity? It should be considered.

15. EXECUTIVE SESSION

Harvey Gilbert motioned to go into Executive Session at 8:48 p.m., thus ending the Regular Meeting of the Town Council. Seconded by Dale Clayton. All in favor. None opposed.

15.1 Executive Session to discuss collective bargaining.

16. ADJOURNMENT

Harvey Gilbert moved to adjourn the meeting; Seconded by Dale Clayton at 9:30 p.m. All were in favor.

Frederick M. Daniels, Council Chair