

**Special Town Meeting
November 30, 2010**

Town Clerk, Debra H. Denette called the Special Meeting to order at 8:00 pm at the Old Town Hall, Town Street, East Haddam. Approximately fifteen (15) people were in attendance. The Pledge of Allegiance was recited.

First Selectman Mark B. Walter motioned to nominate Deb Denette as Moderator. Mr. Edward Blaschik seconded the motion. Additional nominations were solicited, none were offered. The motion appointing Deb Denette as Moderator carried unanimously via voice vote.

The moderator briefly defined the rules of conduct and reviewed the call of the meeting. Mr. Walter motioned, Mr. Randy Dill seconded that the legislative body herein assembled accept the call as presented. The motion accepting the call as presented carried unanimously via voice vote.

Item #1: Randy Dill motioned, Mr. Robert Casner seconded that the legislative body herein assembled accept approve an ordinance entitled "Commission on Aging Ordinance" as follows:

BE IT RESOLVED: That the "COMMISSION on AGING ORDINANCE" be added to the East Haddam Code of Ordinances.

Section 1. Membership

Appointment: The Commission on Aging shall consist of seven (7) regular members and two (2) alternates. Regular members and two alternates shall be appointed by the Board of Selectmen in accordance with Connecticut General Statutes. The Commission on Aging may recommend to the Board of Selectmen removal of members from the commission for cause and appointment of new members to fill vacancies on the commission. For purposes of this ordinance "for cause" shall mean a member or alternate who is absent from more than three meetings in any calendar year.

Length of Term: Staggered 3-year terms, with initial appointments to be one (1) member for one year; three (3) members for two years; three (3) members for three years; thereafter all terms for members shall be three years; two (2) alternates for one year and thereafter all terms for alternates shall be one year; all terms of regular members (except initial appointments) and alternates shall commence on July 1 and end on June 30. Members and alternates of the Commission shall serve without pay.

Quorum and Alternate Member Voting: A quorum will consist of 4 regular members. An alternate named to act in place of a regular member at a meeting shall be considered a regular member for purposes of establishing a quorum. Alternate members may participate in Commission discussions but shall vote only when appointed to fill an absence among regular members.

Meetings: The commission shall meet no less frequently than six times in each calendar year.

Section 2. Duties / Responsibilities - The Commission on Aging shall be an advisory board with the following duties and responsibilities:

Advocacy: To promote the health, safety and well-being of the town's senior citizens, defined as residents who are sixty-five (65) years of age or older.

Information: To analyze services and programs available through public and private agencies for the town's senior citizens;

To make recommendations to the Board of Selectmen regarding the development and application of services and programs for the benefit of the town's senior citizens;

To exchange information with the state's Commission on Aging and Department of Social Services;

To serve as a conduit between non-profit agencies, civic organizations, municipal boards and commissions, elected officials and the town's senior citizens;

To apply to the State of Connecticut Commission on Aging, or to other public agencies, for assistance in planning and coordinating services and programs for the benefit of the town's senior citizens;

To receive gifts and apply for grants in the name of the town for the benefit of the town's senior citizens, and to administer such gifts or grants in accordance with terms of this ordinance and in accordance with any specific purposes or limitations stated in such gifts or grants; and

To conduct programs for the benefit of the town's senior citizens, provided monies for such programs are available by gift, grant, or town appropriation. The programs to be conducted may include travel, food services and other services.

Section 3. Effective Date

This Ordinance shall codify and amend resolutions of the Board of Selectmen dated May 7, 1975, June 11, 1980, July 9, 1980, July 11, 1984 and June 2, 2010 and shall become effective fifteen days after publication in a newspaper having circulation in the Town of East Haddam.

Mr. Walter briefly reviewed the need for the ordinance. There being no questions, the Moderator called for a vote. The motion creating a Commission on Aging ordinance carried unanimously via voice vote.

Item #2: Mr. Dill motioned, Mr. Emmett Lyman seconded that the legislative body herein assembled accept the following resolution:

BE IT HEREBY RESOLVED that the ordinance entitled "Open Space Trust Fund", approved by the East Haddam Town Meeting on June 28, 1998 and amended and restated in its entirety at Town Meeting on December 30, 2002, is hereby amended to add the Agriculture Commission to Section 4 - Definitions: Open Space Committee as follows: Open Space Committee: the Board of Selectmen shall appoint a Land Preservation Committee. The membership of the Committee shall be composed of an individual or representatives from each of the following commissions, boards, and organizations; the Board of Selectman, the Board of Finance, the Board of Education, the Planning and Zoning Commission, the Conservation Commission, the Inland Wetlands and Watercourses Commission, the Historic District Commission, the Economic Development Commission, the Recreation Commission, [add: the Agriculture Commission] and the East Haddam Land Trust, Inc. The membership shall coincide with terms of election or appointment from each committee or board and follow the political balance in accordance with Connecticut General Statues. This Committee will be responsible for the preservation of agricultural and open space in Town, for the review and selection of agricultural and open space and for making recommendations to the Town for the land and for expenditures of any funds from the Open Space Trust Fund or any other source.

Mr. Walter stated that the ordinance is being proposed to give the newly created Agriculture Commission a voice on the Open Space Committee. There were no questions or comments raised. The Moderator called for a vote on the ordinance amendment. The aforesaid carried unanimously via voice vote. The revised ordinance now reads as follows:

OPEN SPACE TRUST FUND ORDINANCE

BE IT HEREBY RESOLVED that the ordinance entitled "Open Space Trust Fund", approved by the East Haddam Town Meeting on June 25, 1998 and amended and restated in its entirety at Town Meeting on December 30, 2002 be further amended as follows:

- Section 1 Purpose
- Section 2 Goals
- Section 3 Benefits
- Section 4 Definitions
- Section 5 Types of Land
- Section 6 Public Hearings
- Section 7 Approval; Administrative
- Section 8 Funding, mapping
- Section 9 Stewardship

Section 1 Purpose Open space areas within the Town of East Haddam have been and continue to be a diminishing resource, and such open space areas are considered a valuable asset to the community. It is recognized that there is a need to obtain additional open space areas in order to meet future recreational needs, to preserve agricultural lands, to protect natural resource areas and to maintain the Town's quality of life. In the 1980's, the State of Connecticut through its Plan of Conservation and Development made commitments to acquire open space but have fallen far short of their commitment. The Town of East Haddam can not depend solely on the State. The establishment of an Open Space Trust Fund will permit the acquisition of land and/or purchase of development rights for areas identified in the Plan of Development, Open Space Plan and other recreation and conservation planning documents.

Section 2 Goals not in any set order of importance

- a. Protect contiguous areas of open space. Assemble corridors or greenbelts, wildlife corridors and trails, and add to present open space throughout the Town and adjoining communities.
- b. Protect surface water, wetlands, watercourses, and aquifers.
- c. Protect critical or threatened species and natural communities with emphasis on areas identified in Connecticut's Natural Diversity Data Base and Endangered Species List. Preserve areas to support the existing diversity of species, species in decline, and improve habitats.
- d. Preserve farmland and productive forest land.
- e. Protect lands of cultural importance including archeological and historical sites.
- f. Encourage development only in areas capable of supporting development without adversely impacting the environment.

Section 3 Benefits not in any set order of importance.

- a. Protects East Haddam's Rural Character and maintains and improves the quality of life for the residents.
- b. Preserves the diversity of native plants, animals and natural communities indigenous to East Haddam by protecting the open spaces they need to survive and coexist with the residents of East Haddam.
- c. Tourism is recognized as of major economic importance to East Haddam. Retaining open space will provide a long term economic base for tourism by continuing to maintain an attractive landscape for the tourism industry.
- d. Protects and enhances the value of all properties with progressive planning.
- e. Reduces the financial burden on the taxpayers. It is recognized that development increases the tax base but never covers the cost incurred for Town services. Studies concluded that towns with the most commercial and industrial activity still have higher yearly tax rates. The town can preserve Open Space without sacrificing the tax base.
- f. Provides property owners with another option or device to protect their property rather than selling the property for development.

Section 4 Definitions The following definitions shall apply in the interpretation of this ordinance:

Agricultural Land: shall mean any land in the Town suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and valuable plant products and for production of animals, livestock and poultry useful to man and the environment and land capable of providing economically profitable farm units, which may include adjacent pastures, wood land, natural drainage areas and other adjacent open areas.

Appropriations: shall mean a legal authorization granted by the Town Board of Finance and Town Meeting to make expenditures and to incur obligations for specific purposes.

Conservation Easements: The grant of a property right stipulating that the described land will remain primarily in its natural state and limiting future or additional development.

Development Rights: shall mean the right or combination of rights of fee simple owners of open, unimproved, forest and agricultural land to develop, construct on, sell, lease or otherwise develop or improve such land for uses that render such land no longer open, unimproved, forest or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate. Development may be allowed which is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted, pursuant to a written document approved by the Town..

Greenway: is any corridor of open space that protects natural resources and/or provides recreation. By way of example, greenways can be located along a waterway or other defining feature, such as a ridgeline, or along a man made corridor, such as an abandoned right of way, abandoned Town road, or a woods road. It can be a green space along a highway or around a village. Greenways can provide the vital "missing links" to connect existing protected areas and to give people convenient access to the outdoors. A greenway can be as wide as a river valley or as narrow as an abandoned roadbed.

Open Space Committee: the Board of Selectmen shall appoint a Land Preservation Committee. The membership of the Committee shall be composed of an individual or representatives from each of the following commissions, boards, and organizations; the Board of Selectman, the Board of Finance, the Board of Education, the Planning and Zoning Commission, the Conservation Commission, the Inland Wetlands and Watercourses Commission, the Historic District Commission, the Economic Development Commission, the Recreation Commission, the Agriculture Commission and the East Haddam Land Trust, Inc. The membership shall coincide with terms of election or appointment from each committee or board and follow the political balance in accordance with Connecticut General Statues. This Committee will be responsible for the preservation of agricultural and open space in Town, for the review and selection of agricultural and open space and for making recommendations to the Town for the land and for expenditures of any funds from the Open Space Trust Fund or any other source.

Open Space Land: Any area of land, including forest land, land designated as wetland under CGS Section 22a 3 and farmland, the preservation or restriction of the use which would (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams or water supplies, (3) promote conservation of soils, wetland, beaches or tidal marshes, (4) enhance the value to the public or abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces (5) enhance public recreation opportunities, (6) preserve historic or archaeological sites or (7) promote orderly development compatible with the aforementioned goals.

Open Space Plan: a plan or plans prepared by the Conservation Commission, pursuant to Section 7 131a of the General Statutes and/or prepared/assisted by the Planning and Zoning Commission, Recreation Commission or special advisory committee.

Payment of Fee in Lieu of Open Space: funding option, pursuant to CGS Section 8 25, as amended by Public Act 90 239, Section I. The Planning and Zoning Commission may authorize a sub divider to pay a fee into an Open Space Trust Fund administered by the Town of East Haddam in lieu of the disposition of land, as set forth in the East Haddam Subdivision Regulations.

Plan of Development: a plan or plans prepared by the Planning and Zoning Commission, pursuant to CGS Section 8 23.

Section 5 Types of Land

a. The types of land to be considered for acquisition by the Open Space Committee must meet at least one of the following criteria: (not in any set priority)

1. land that assembles greenbelt corridors and is adjacent to or in close proximity to present open space.

2. land that is or could be agricultural land, as recommended in the Plan of Development or Open Space Plans;

3. land that is productive forest land.

4. land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection.

5. land that has recreation value, as recommended in the Recreation and/or Open Space Plan component of the Plan of Development, or as such plans are adopted by the Town.

6. land that has significant scenic, conservation, or natural resource value based on the characteristics of the land;

7. land that has significant historical or archeological value, based on the character of the land and/or improvements thereon.

b. The types of development rights to be considered for purchase by the Open Space Committee must be consistent with the general purpose of this Article and may include one or more of the following:

1. development rights which will tend to maintain and enhance the conservation of natural or scenic resources;
2. development rights which will tend to protect natural topography, streams or water supply;
3. development rights which will tend to enhance public recreation opportunities;
4. development rights which will tend to protect historical or archeological sites;
5. development rights which will tend to promote conservation of agricultural soils, particularly prime farmland soil;
6. development rights which will tend to contribute towards and preservation of agriculture in Town;
7. development rights which will tend to promote certain publicly desirable uses of land, expected at the present time to include agricultural, forest and natural uses.

c. In considering the acquisition of a particular parcel of land or certain development rights thereto, the Open Space Committee may obtain written recommendations from:

1. the Planning and Zoning Commission as to the recommendation of the Plan of Development and other open space/farmland preservation reports;
2. the Conservation Commission and East Haddam Historical Commission as to the value of the land as a scenic, archeological or historic site;
3. the Recreation Commission as to the recreational value;
4. the University of Connecticut Cooperative Extension System as to the agricultural value;
5. The East Haddam Land Trust, Inc. as to the value of the land for natural resources.
6. a statement from any other advisory committee or organization whose opinion is deemed appropriate by the Open Space Committee.

Section 6 Public Hearings

- a. The Open Space Committee shall hold one or more informational public hearings regarding a proposed acquisition of a particular parcel of land(s), or acquisition of the development rights thereto.
- b. When a public informational hearing is to be held, the Open Space Committee shall cause notice to be published at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days, and the last not less than two days, before such hearing in a newspaper having substantial circulation in Town.

Section 7 Approval; Administrative

a. Prior to final action, a referral to the Planning and Zoning Commission shall be made, pursuant to *CGS Section 8 24. Municipal improvements.*

b. Upon determination that a particular parcel of land(s) or development rights thereto is to be acquired with monies in the fund or from any other source, the Open Space Committee shall, by resolution, request the Board of Selectman and the Board of Finance to consider the appropriation of funds and set a town meeting for the towns people to vote on said issue.

c. As provided in *CGS Section 7 131b Acquisition of open space and easements.* the Town may vote to accept the recommendation of the Open Space Committee, provided however that such acquisition is approved by the Board of Finance and the Board of Selectmen.

d. The fund shall be administered by the Board of Finance.

Section 8 Funding

a. In preparing the annual Town budget, the Board of Finance shall consider additions to the fund as part of its "Open Space Trust Fund" or "sinking fund". The Town shall also investigate, on a continuing basis, the availability of any State and federal monies available for land acquisition and development rights.

b. Payments received in lieu of open space, pursuant to *CGS Section 8 25* and as amended by Public Act 90 239, Section I.

c. Contributions to the reserve can be accepted from individuals, corporations, associations, partnerships and any other legal entities. Said contributions shall be used exclusively for the herein stated purposes of the fund if by resolution the Board of Selectman, Board of Finance, and Town Meeting accepts the funds for the purposes intended..

d. Funds can be used for the appraisal, survey, legal research, fees and preparation of documents for any acquisition of property or development rights.

Section 9 Stewardship of Acquired Properties and Development Rights

a. As provided in Section 7 131a of the Connecticut General Statutes as amended, the East Haddam Conservation Commission shall administer the properties and rights acquired as intended.

This Ordinance shall become effective fifteen days after publication in a newspaper having circulation in the Town of East Haddam.

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Item #3: Mr. Casner motioned, Mr. Bryan Perry seconded that the legislative body herein assembled accept a grant in the amount of \$1,750.00 from the Bureau of Justice Assistance, Bulletproof Vest Grant Program. No comments or questions were raised. The Moderator called for a vote on acceptance of the grant. The motion carried unanimously via voice vote.

Item 4: Mr. Casner motioned, Mr. Dan Barry seconded that the legislative body herein assembled accept a donation of a 1977 Maxum 85' Ladder Truck from the Essex Fire Engine Company #1 for the East Haddam Fire Department. There were no questions or comments raised. The Moderator called for a vote on the ordinance amendment. The aforesaid carried unanimously via voice vote.

Item 5. Randy Dill motioned Bob Casner seconded that the legislative body herein assembled authorize the transfer of \$796 from 704-588701 Contingency to 710-582201 Tax Collector for the 2009-2010 Budget. Mr. Walter advised that this was to account for an overage in the postage line under the tax collector's budget for the 2009/2010 fiscal year that ended in June. There were no questions or comments raised. The Moderator called for a vote on the ordinance amendment. The aforesaid carried unanimously via voice vote.

Item 6: Mr. Perry motioned, Mr. Chris Behilo seconded that the legislative body herein assembled authorize the transfer of \$7,766 from 704-588701 Contingency to 723-542301 Technology-Financial Software (\$6,039) and 723-542390 Technology-IT Service (\$1,727) for the 2009-2010 Budget. Mrs. Varricchio advised that this transfer, coupled with the supplemental appropriation at item #8, brought the Town current on its software licenses and remedied security risks in technology in the last fiscal year. The Moderator called for a vote on the ordinance amendment. The aforesaid carried unanimously via voice vote.

Item 7: Mr. Dill motioned, Mr. Lyman seconded that the legislative body herein assembled approve a supplemental appropriation in the amount of \$39,373 to 712-540000-71712 Town Counsel (\$21,433) and 712-540000-71722 Labor Counsel (\$17,940) for the 2009-2010 Budget. Mr. Walter advised that a five-year average had been utilized to budget expenses associated with Legal costs. He stated that the 2010/2011 legal budget line was raised to approximately \$65,000. This appropriation is not a new expenditure, but required for accounting housekeeping and was expended in 2009/2010 budget. A major component of the expense was attributed to the Goodspeed Airport who continually appeals the taxes. The aforesaid carried unanimously via voice vote.

Item 8: Mr. Walter motioned, Mr. Barry seconded that the legislative body herein assembled approve a supplemental appropriation in the amount of \$14,391 to 723-542390 Technology-IT Service. This was discussed in part under item 6. There were no questions. The aforesaid motion carried unanimously via voice vote.

Upon a motion made by Mr. Blaschik, seconded by Mr. Dill the Town Meeting adjourned at 8:15 p.m.

Attest: December 16, 2010

Debra H. Denette
East Haddam Town Clerk