

**TOWN OF POMFRET
MINUTES OF SPECIAL TOWN MEETING – JANUARY 23, 2008**

The Special Town Meeting of January 23, 2008 was opened by First Selectman James S. Rivers at 7:00 PM. Approximately 200 citizens attended.

- Article 1:** **To choose a Moderator for said meeting.** – Tim McNally nominated Walter Hinchman as moderator. Seconded by Nora Johnson. Nora Johnson moved to close nominations. Tim McNally seconded. Walter Hinchman named Moderator by a unanimous vote of aye.
- Article 2:** **To see if the Town will approve a Resolution for a STEAP Grant in the amount of \$205,800 from the State of Connecticut, DEP Land Acquisition and Management to be used as a component with Federal Grant money to complete repairs to Wolf Den Drive and to replace the bridge located on this drive.** – Walter Hinchman read Article 2 into the record. David Patenaude moved to approve Article 2. Ben Williams seconded. James Rivers stated that this STEAP Grant has two components. Part of it is for costs for paving a section of Wolf Den Drive. \$120,000 of it is the Town's portion for the bridge repair. This will work with additional money from a Federal Grant. The Selectmen's office is currently working with the State to find additional money to go toward the Town's costs for this repair. John Bala asked what the estimated amount is to replace the bridge. The last estimate was between 1.5 and 1.8 million. John Bala moved the question. Toney Emilio seconded. Article 2 was approved with a unanimous vote of aye.
- Article 3:** **To see if the Town will approve a 'Right To Farm' Ordinance as pursuant to the powers conferred upon Section 7-148 (c) (7) (e), (8), and (10) (A), and in furtherance of the goals of Section 19 a-341 of the Connecticut General Statutes, to recognize the importance of protecting prime farmland, to identify those parcels for which preservation is a priority, and to foster farming as a way of life by declaring this municipality's support of the farmer's right to farm.** – Walter Hinchman read Article 3 into the record. Tony Emilio moved to approve and motion was duly seconded. Discussion. This is a new Ordinance for the Town but very similar to what is in place with the State. The Conservation Commission has recommended this. Richard Hall asked if it limits sales of produce grown on the farm. Walter Hinchman stated the Zoning Regulations has language that addresses that. Ed Higgins, the Town Attorney, stated that the Ordinance would not over-ride zoning. It allows the Town to indicate that farming does not create a nuisance. John Bala asked about a non-farm property shifting to a farm use. The use must comply with zoning but the Ordinance would support a farming activity. Ann Hennen, Conservation Commission Chairman, stated that this Ordinance does not differ from the State or what some other Towns have issued. The idea was to allow Pomfret to tell farmers that they are supported. Ed Higgins stated that if the State Statute changes the Ordinance will be over-ridden. Bill Hull moved the question and Nora Johnson seconded. Article 3 was approved with a unanimous vote of aye.
- Article 4:** **To see if the Town will approve the expenditure of \$75,000 to the Wyndham Land Trust to be used toward their purchase of approximately 46.55 acres of land, owned by Murray W. and Carole L. Buttner, located at 294 Wrights Crossing Road, Map 25, Block A, Lot 01.00, as approved by the Board of Selectmen at their meeting of September 4, 2007 and the Board of Finance on October 9, 2007.** – Walter Hinchman read Article 4 into the record. The Article was moved for approval and duly seconded. Andy Rznekiewicz, Lissette Rimer, and Jim Robbins presented a property overview with description. Some discussion regarding the number of protected acres in Town. A citizen asked if the Wyndham Land Trust is prohibited from selling or swapping land. They never have in the past and it would set a bad precedent. David Patenaude stated that an attorney has stated to him that they are not allowed to sell or swap land. Article 4 was voted and approved with a unanimous vote of aye.
- Article 5:** **To see if the Town will approve the expenditure of \$100,000 for a joint purchase of Development Rights between the State of Connecticut and the Town of Pomfret, as purchasers, and Antoinette Kent, seller, pursuant to the provisions and purposes of Section 22-26aa, of the General Statutes of Connecticut, for approximately 90.25 acres of land located on the northerly and southerly sides of Mashamoquet Road and depicted as Map 27, Block B, Lot 22.00 on the northerly side and Map 27, Block C, Lot 07.00 on the southerly side, as approved by the Board of Selectmen on January 7, 2008 and the Board of Finance on December 10, 2007.** – Walter Hinchman read Article 5 into the record. Moved for approval by Nora Johnson and seconded by Tony Emilio. Andy Rznekiewicz presented a map showing property location. Bill Hull stated he was in favor of this Development Rights purchase. He sited figures from a study he worked on in 1995 regarding the cost to the Town in services for each tax dollar coming in for Commercial and Industrial, Residential, and Open Space. It is cheaper to protect than to develop. This farm will remain on the tax rolls and stay under private management. James Rivers stated that the Town is contributing \$100,000 toward this \$400,000 purchase. The houses that are currently on the property will not be effected. Nora Johnson moved the question which was duly seconded. Article 5 was approved with a majority voice of ayes. One nay was heard.

Article 6: To consider a Resolution,

(a) to appropriate \$4,000,000 for costs related to the acquisition by the Town of one or more parcels of land, or of easements, development rights or other interests in or rights related thereto, for open space, passive or active recreational uses or related municipal purposes, or any combination thereof, provided that no portion of the appropriation shall be expended for the acquisition of a particular parcel of land or interest in or related thereto, other than for costs preliminary to such acquisition, until such acquisition: (1) has been submitted to the Planning and Zoning Commission of the Town for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, (2) has been approved by the Board of Selectmen upon the recommendation of the Board of Finance; and (3) has been approved by the Town Meeting. The appropriation may be spent for acquisition cost, costs preliminary thereto including without limitation survey fees, testing, engineering, feasibility and planning studies related to potential acquisitions, legal fees, net temporary interest and other financing costs, and other expenses related to the acquisitions and their financing. The Town anticipates applying for grants from the State of Connecticut Department of Environmental Protection and from other available sources to defray in part the appropriation for the acquisitions;

(b) to authorize the issue of the bonds, notes or other obligations in an amount not to exceed \$4,000,000 to finance the appropriation for the acquisitions; to provide that the amount of bonds or notes or obligations authorized to be issued shall be reduced by the amount of grants received by the Town for the acquisitions to the extent that such grants are not separately appropriated to pay additional acquisition costs; to authorize the issue and renewal of temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or other obligations or the receipt of grants for the acquisitions; to authorize a majority of the Selectmen and the Treasurer of the Town to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations;

(c) to take such action to allow temporary advances of available funds which the Town reasonably expects will be reimbursed from the proceeds of borrowings; and to authorize a majority of the Selectmen and the Treasurer to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by the resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years, and to make representations and enter into written agreements for the benefit of holders of the bonds or notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations;

(d) to authorize the First Selectman, upon the approval of the acquisition of a particular parcel of land or interest in or related thereto, to execute all contracts, enter into all agreements and to take any other action necessary or desirable to accomplish such acquisition;

(e) to authorize the First Selectman, on behalf of the Town, to apply for and accept federal, state and other grants and State loans to finance the aforesaid appropriation; and to authorize the Board of Selectmen, the First Selectman and other proper officers and officials of the Town to take any other actions necessary to obtain such grants or loans or to implement such grant or loan agreements;

(f) to authorize the Board of Selectmen, the First Selectman, the Treasurer and other proper officers and officials of the Town to take all other action which is necessary or desirable to complete the acquisitions and to issue bonds, notes or other obligations and temporary notes and obtain grants to finance the aforesaid appropriation; and

(g) and to provide that the aforesaid appropriation will lapse if three fiscal years elapse without any expenditure from or encumbrances of the appropriation. – Walter Hinchman stated he would entertain a motion to waive the reading of the entire Resolution addressed in Article 6 as copies of the Resolution in its entirety are available this evening for anyone wishing to read it. So moved by David Patenaude and duly seconded. Waiver approved by unanimous vote of aye. A motion was then made and duly seconded to approve the Resolution in order to open discussion. A copy of the full text of the Resolution is recorded following these minutes. Paula Stahl from the University of Connecticut presented the results of studies that have been done regarding tax, service impacts, build-out and fiscal impacts. James Rivers stated that the Town is

approximately debt free. This resolution will set-up financing. The money will be borrowed only if it's needed and the Town approves. Typically a better rate is also available with a large amount of money. With approval, this article will go to referendum on February 5th. The Resolution will sun-set in three years. Maureen Nicholson, Chairman of the Board of Finance, stated that this was a visionary plan and everyone benefits by education of it. This idea has been looked at by the Board of Finance over the past two years. Before any purchases happen it will be before the Town for approval. The Board of Finance unanimously supports this Resolution and view it as an asset to the Town. A citizen asked about the impact on the mil rate. This will depend on how much is borrowed. He asked about the \$250,000 from a retired school bond last year. Where is that money now. Tony Emilio, Board of Finance, stated that the money is in a land acquisition fund. This money can be used before taxes are impacted. A citizen asked about the goal of the Board of Selectmen in terms of land protection. The Economic Development Committee has done a build-out. This tool was able to look at the cost of development. Bill Hull asked for the approximate amount of acreage being looked at for protection. This would total approximately 2,000 acres. Dr. Norris stated that access to peripheral trails would add value. John DiIorio, Board of Finance, stated that he supports this Resolution. There are many checks and balances and voters get the final say. Regarding tax dollars he felt that zoning made subdivisions more expensive, bringing bigger houses and higher tax revenues. Some additional discussion regarding possible tax impacts. Jim Robbins stated that Pomfret does have a master plan of Conservation and Development. This bonding being considered will allow the Town to be prepared if and when parcels become available. Richard Schad, Chairman Board of Education, stated he supported this Resolution. He stated that at a recent joint meeting with the Board of Education, Board of Finance, and Board of Selectmen, the general consensus was that a new school will need consideration as a long-term project and not at the current site. Lissette Rimer stated that a Pomfret Horse and Trail Association has recently been formed and they support Open Space and this Resolution. They would like to be considered for Trail access. No action taken on Article six in consideration of Article 7.

Article 7: To do any other business proper to come before said meeting and pursuant to Section 7-7 of the General Statutes to adjourn said Town Meeting at its conclusion and to submit the aforesaid resolution to be submitted under item 6 of this meeting, inclusive, to vote upon paper ballots on a day to be set by the Town Meeting, not less than seven nor more than fourteen days thereafter, between the hours of 6:00 A.M. and 8:00 P.M. In the absence of objection, said referendum shall be held on Tuesday, February 5, 2008. Electors and persons qualified to vote in town meetings who are not electors shall vote at:

**Pomfret Community School Auditorium
20 Pomfret Street
Pomfret, Connecticut**

The aforesaid resolution will be placed on the ballot under the following headings:

"SHALL THE TOWN OF POMFRET APPROPRIATE \$4,000,000 AND AUTHORIZE THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT FOR ACQUISITION OF PARCELS OF LAND, OR OF EASEMENTS, DEVELOPMENT RIGHTS OR OTHER INTEREST IN OR RIGHTS RELATED THERETO, FOR OPEN SPACE, PASSIVE OR ACTIVE RECREATION USES OR RELATED MUNICIPAL PURPOSES?"

Voters approving said resolution will vote "Yes" and those opposing said resolution will vote "No." Absentee ballots will be available from the Town Clerk's office. – Walter Hinchman read Article 7 into the record. So moved by Richard Schad and duly seconded. Article 7 approved by a unanimous vote of aye. Meeting adjourned at 9:40 PM.

Duly Recorded: _____
Nora V. Johnson, Assistant Town Clerk

Attest: _____
Nora V. Johnson, Assistant Town Clerk