

# OPEN SPACE COMMITTEE MEETING

## *Minutes*

*Craft Room 2, Community Center*

*Shelton, CT*

*Monday, February 27<sup>th</sup> 2006*

Members Present:            Dave Zamba  
                                     Tom Harbinson  
                                     Paul Gabor  
                                     Regis Dognin  
                                     Ralph Rotondo  
                                     Ken Olin

Members Absent:            Celeste Beattie  
                                     Harriet Wilber  
                                     Ed Conklin  
                                     Neil Hayes

Dave Zamba, called the regular meeting of the Open Space Committee to order at approximately 7:35 p.m. All in attendance recited the Pledge of Allegiance.

### REVIEW OF MINUTES

Dave Zamba made a motion to accept the minutes of the October 24, 2005 meeting. Ken Olin seconded the motion. All were in favor, motion passed.

### MISCELLANEOUS

Tom Harbinson reported on his review of the Open Space Ordinance that created the Open Space Committee. A portion of the Ordinance was read aloud & discussion ensued [noise – table being moved] regarding whether or not the Open Space Committee should be commenting on Applications and the possible conflict of interest as a result of Open Space Committee members being members of other committees as well. Per Tom Harbinson, the Open Space Committee is duplicating the efforts of the Conservation Commission. More of the Ordinance was read aloud. Tom Harbinson feels that the Open Space Committee shouldn't bother to make comments on every Subdivision application. Dave Zamba asked for comments from the members present. Regis stated he feels that the Committee should review Subdivision applications because the opportunity for open space happens in the context of subdivisions. Tom Harbinson read aloud more of the Ordinance. Dave Zamba asked Ken Olin if Open Space recommendations hold any weight with the Board [of Aldermen]. Ken Olin stated that recommendations hold 'quite a bit' [of weight] with the Board [of Aldermen]. Paul Gabor feels the Committee should continue to review applications in order to help keep everyone honest.

## CORRESPONDENCE

**Donofrio property** purchase regarding a parcel entitled "Above the Overlook" which is located on Route 110 *above* property entitled "The Overlook" which is located near the entrance to Indian Wells State Park. Net cost to the City was \$45,000 for just under seven acres.

**Turtle Rock Estates** – *FEE IN LIEU OF* in the amount of \$3,500.

## BOARD OF ALDERMEN OPEN SPACE AUTHORIZATIONS

None

## TREASURER'S REPORT

Tom Harbinson reported on the Financial Statements of October & November 2005. There was some discussion on the cost of the UI Parcel in an attempt to determine the current account balance.

The addition [deposit] from the budget for fiscal year 2005-2006 was supposed to be made 45 days from the start of the fiscal year [October 2005]; this was not done. According to the current formula \$400,000 would have been added to the Open Space Trust Account. The Board of Aldermen is looking to change the Open Space Ordinance including a change to suspend the funding that was established for fiscal year 2005-2006 and further reduce the [funding] amount for future years as well. Discussion on this subject will resume later in the meeting.

A **MOTION** to approve the financial statement was made & seconded. All were in favor; motion passed.

## BOARD OF ALDERMEN OPEN SPACE AUTHORIZATIONS REVISITED

**Hugo Provinzano Land Swap** on Frank Drive off Mohegan Drive. The applicant wants to acquire a corner portion of a City Open Space parcel in exchange for another Open Space parcel for the purpose of a secondary leach field for the proposed development. A request was presented to the Board of Aldermen; the Conservation Commission was not in favor of the swap. The request has been resubmitted with some changes. Per Ken Olin, the Board of Aldermen has not taken action; the proposal will probably come to the next meeting. Tom Harbinson made a **MOTION** that *a letter be sent to Board of Aldermen in response to their letter of request for comment on the proposed land swap by Hugo Provinzano for property on Frank Drive & Wigwam Drive that the Open Space Committee would not be in favor of such a request.* The **MOTION** was seconded. All were in favor; **motion passed.**

## BOARD OF ALDERMEN'S PROPOSAL TO CHANGE THE OPEN SPACE ORDINANCE

Tom Harbinson distributed documentation regarding the Open Space Trust Account. The current formula used per Ordinance to determine annual funding was discussed. It was noted that the formula has changed over the years. It was also noted that the allocation of \$442,000 that was due in October 2005 was not made and that the Board of Aldermen is seeking to suspend this allocation. Tom's report included Land Purchases made by the Open Space Committee since mid 2003, comparing funding versus the cost of land purchases. It was noted that over the years the Board of Aldermen has not funded the Open Space Trust Account the full amount due. Tom Harbinson stated that in his opinion the current formula to determine Trust Fund allocation is too complicated and should be revised to include a flat allocation but that \$50,000 per year is too little. Paul Gabor inquired about the necessity of Public Hearings / Referendums with regard to expenditures for Open Space purchases. Ken Olin stated that purchases made with monies in the Open Space Trust Account do not need public approval. It is BONDING/BORROWING that requires public approval. Discussion regarding what would be an appropriate allocation / Trust Account balance ensued. Tom Harbinson gave examples of purchases during the last three years, which totaled \$775,000. Ralph Rotondo referenced the amounts which were due to the Open Space Trust Account in recent years which have NOT been deposited and it was noted that the City "owes" the account \$209,000. Tom Harbinson explained that the Bonding Agency that rates the City likes to see 5% of the City's budget set aside for flexible expenditures. The City's account has fallen below this level. Since the Open Space Trust Fund is a RESTRICTED account the Bond Rating Company does not recognize the funds contained within because funds in the Trust Account may not be used for anything other than Open Space. Tom Harbinson reported that the Open Space Trust Account has been *under funded* as follows:

- \$209,000 in 2003-2004
- \$9,000 in 2004-2005
- \$400,000 in 2005-2006

Tom Harbinson noted that the current administration and all City Boards have been extremely supportive of Open Space purchases. Regis Dognin acknowledged same & reported that John [Anglace?] has stated that the Open Space Committee presents a good proposal that's worthy of the Board of Aldermen's attention & the Committee recommends that the City pursue it the funds will be found. However, if funding rules are changed and if future administrations aren't as supportive of Open Space purchases... Ken Olin indicated that administration support of Open Space purchases will never change because of public approval / constituent position regarding the purchase of Open Space. Ken Olin suggested that Tom Harbinson negotiate the [funding] number with John

Anglace. It was noted that maintaining a good credit rating affords the City a lower borrowing cost for Open Space purchases. Adjusting the very first Open Space Trust Fund allocation of \$25,000 to inflation, today's allocation would be \$69,000 per year according to the Consumer Price Index. Tom Harbinson explained that there are other ways to add to the fund. Namely, increase of the *FEE OF LIEU OF*. Change the timeframe in which [Open Space] land and fees come to the City. Also, directing the funds from the sale of City property to the Open Space Trust Fund would further increase the account balance. Debate on the annual allocation continued.

## SUBDIVISIONS

### Thompson Street

Two-lot subdivision proposing a *FEE IN LIEU OF*. A MOTION to accept the FEE IN LIEU OF was made & seconded. All were in favor, motion passed.

### Picea Estates by Tice Brothers on Booth Hill Road

Located at the City's town line with a portion of the property being located in Shelton and a portion being in Monroe. The Monroe property is Open Space. Tom Harbinson recommended that someone from Conservation get in touch with the town of Monroe's Open Space Committee to ascertain what kind of greenway is abutting this development proposal. The developer is proposing a *FEE IN LIEU OF*. A **MOTION** was made that the Conservation Committee [discuss this parcel with Monroe...] the motion was seconded, all were in favor, motion passed.

## TRAILS REPORT

Tom Harbinson reported that there has been significant ATV activity on Open Space properties. The police have tried to address this issue. Tom Harbinson is scheduled to meet with Sandy Nesteriak and soon-to-be Police Chief Huriliman regarding signage so that regulations can be legally enforced. Motorized vehicles are not allowed on Open Space.

## ROUND TABLE

Regis Dognin requested an update on some of the pending Open Space issues. Tom Harbinson reported on the status of Tall Farm on Long Hill Avenue & the U.I. property on Buddington Road.

## NEXT MEETING DATE

Monday, March 27, 2006

ADJOURNMENT

Ken Olin made a MOTION to adjourn. Tom Harbinson seconded the motion. All were in favor, MEETING ADJOURNED at 8:45 P.M.

Respectfully submitted,

*Lori Angelica Gibson*

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Clerk, Open Space Committee

One tape on file in the City/Town Clerk's office