

**\*\*Reminder Special Town Council Meeting at 6:15 PM**

**TOWN OF FARMINGTON, CT.  
OFFICE OF THE TOWN MANAGER  
REGULAR TOWN COUNCIL MEETING**

DATE: September 8, 2015  
(Council Members are asked to call the Town Manager's office if they are unable to attend the meeting.)

TIME: 7:00 P.M.

PLACE: COUNCIL CHAMBERS

**AGENDA**

- A. Call to Order
- B. Pledge of Allegiance
- C. Presentations and Recognitions- None
- D. Public Hearing- None
- E. New Items
- F. Public Comment
- G. Reading of Minutes.
  - 1. July 14, 2015 Regular Town Council Meeting
- H. Reading of Communications and Written Appeals
  - 1. Kathleen Eagen, Town Manager Correspondence – Open Space Acquisitions Legal Opinion (attachment)
- I. Report of Committees
  - 1. UCONN Committee(s)
  - 2. Land Acquisition Committee
  - 3. Green Efforts Committee
  - 4. Joint Town of Farmington/City of Hartford Committee
  - 5. Bicycle Advisory Committee
  - 6. Farmington Gateway Committee
  - 7. Web Page Sub-Committee
- J. Report of the Council Chair and Liaisons
  - 1. Chair Report – September 22, 2015 Town Council meeting at Miss Porter's School.
  - 2. Board of Education Liaison Report
  - 3. Unionville Village Improvement Association Liaison Report

4. Town Plan and Zoning Liaison Report
5. Water Pollution Control Authority Report
6. Economic Development Commission Liaison Report
7. Human Relations Commission Report
8. Chamber of Commerce Report
9. Other Liaison Reports

K. Report of Town Manager - Town Memorial Forest; Juvenile Review Board; Farmington's 375<sup>th</sup> Anniversary; Update on the Farmington/Avon Fire Training Facility; Affordable Housing

L. Appointments

1. Plainville Area Cable TV Advisory Council (Erickson) (R)
2. Plainville Area Cable TV Advisory Council (Landry)(R)
3. North Central Regional Mental Health Board, Inc. (Wienke)(R)
4. North Central Regional Mental Health Board, Inc. (Parady)
5. Farmington Valley Health District (Jones)(D)
6. Housing Authority (Cowdry)(R)
7. Building Code Board of Appeals (Schadler) (R)
8. Water Pollution Control Authority (McGrane) (U)
9. Tourism Central Region District (Bremkamp)
10. Green Efforts Committee (Grouten) (R)
11. Conservation and Inland Wetlands Commission **Alternate** (Jones) (R)
12. Human Relations Commission (Elling) (D)
13. Plainville Area Cable TV Advisory Council (Montes) (R)
14. Unionville Historic District and Properties Commission **Alternate** (Hoffman) (R)
15. Unionville Historic District and Properties Commission (Ross) (U)
16. Unionville Historic District and Properties Commission (Hoffman) (R)
17. Unionville Historic District and Properties Commission (Meyer) (D)
18. Conservation and Inland Wetlands Commission (Isner) (R)
19. Conservation and Inland Wetlands Commission (Wolf) (D)
20. Economic Development Commission (Reeve) (R)
21. Economic Development Commission (Valenti) (R)
22. Economic Development Commission (Kleinman) (D)
23. Economic Development Commission (Howard) (R)
24. Water Pollution Control Authority (Foote) (R)

M. Old Business

None

N. New Business

1. To authorize the Town Manager to execute and deliver on behalf of the Town of Farmington a modification of the conservation easement currently filed regarding the former Charles House property located at and otherwise known as 19 Perry Street.

2. To authorize the Town Manager to execute and deliver on behalf of the Town of Farmington an access drive easement in favor of Old Mill Commons LLC as generally described on the map located on Town property at 173 School Street.
3. To set a Public Hearing for October 13, 2015 at 7:05 p.m. in the Town Hall Council Chambers to consider the acquisition of property owned by Joanne Perloff and the Estate of Casmir Bycoski located at Lot 10A Slater Road (adjacent to Deadwood Swamp).
4. To set a Public Hearing for October 13, 2015 at 7:10 p.m. in the Town Hall Council Chambers to consider the donation of property owned by the Tomasso Brothers Inc., Lot 3 at Johnson Avenue.
5. To authorize the Town Manager to sign an agreement for the installation of a monitoring well on the Town right-of-way along Fienemann Road in the vicinity of Colt Highway.
6. To add 592 New Britain Avenue to the 2015 Town Blighted Building List.
7. To authorize the Town Manager to sign a Resolution to implement the Workforce Innovation and Opportunity Act (WIOA) of 2014 in accordance with Federal and State Law on behalf of the Town of Farmington, and the Amendment to the Intergovernmental Consortium.
8. To authorize the Town Manager to execute the required documentation for the Neglected Cemetery Account Grant Program Award for the Scott Swamp Cemetery located at 8784 Scott Swamp Road, Route 6.
9. To authorize the Town Manager to execute the required documentation for the Agriculture Viability Grant Program Award for the purpose of replacing the roof of the Vegetable Barn at Sub Edge Farm located at 199 Town Farm Road.
10. That appropriation transfers be made from and to various accounts listed in the FY 2014/2015 General Fund Budget.
11. That pursuant to Section 55-10 of the Town of Farmington Purchasing Ordinance the bidding requirements under Section 55-1 be waived so that the Town may contract with Summit Restoration LLC of Canton, CT to repair damage to the Farmington Community/Senior Center at a cost not to exceed \$40,000.
12. That the taxes due on the October 1, 2014 Grand List for the property known as 45 Walnut Farms Drive be abated.
13. That People's United Bank of Bridgeport, CT be added to the list of depositories for Town funds and investments.

14.To approve property tax refunds.

O. Executive Session – To discuss matters concerning collective bargaining, the sale or acquisition of real property, and to discuss matters concerning pending litigation.

MOTION:

Agenda Item K

**Report of Town Manager** – Town Memorial Forest; Juvenile Review Board; Farmington’s 375<sup>th</sup> Anniversary; Update on the Farmington/Avon Fire Training Facility;

**Town Memorial Forest**

Proposed Incorporation of Town Open Space into Town Memorial Forest.

In a letter dated June 19, 2015 (attached) Robert Reeve, Chairman of the Farmington Memorial Town Forest Board of Trustees, requested that the Town consider officially incorporating three parcels of Town open space into the Town Memorial Forest. All properties are adjacent to the forest as shown on the included map entitled “Map of Farmington Town Memorial Forest – Potential Expansion” and are described below:

Parcel #1 on the attached map is the open space from the Hidden Oak Subdivision (1987). The parcel is 11.7 acres in size and is comprised primarily of wooded wetlands. The deed for this property (V414 P715) appears to already include the necessary charitable trust language that Mr. Reeve feels is necessary for the property to be officially incorporated into the Town Memorial Forest. It was the intent of the property owner that this parcel be incorporated into the Town Memorial Forest. The Town Council simply needs to acknowledge that the property is a part of the Town Memorial Forest.

Parcel #2 on the attached map is the property the Town purchased from The Red Oak Swim Club in 2009. The property is 15.50 acres in size, and is almost entirely wooded wetlands. No grant was obtained from the State DEEP for this property. The deed for this property (V963 P494) does not include the necessary trust language. While the property was never officially incorporated into the Town Memorial Forest, its connection with the Forest was discussed as one of the reasons for its acquisition.

Parcel #3 on the attached map is shaded in the same color as the Town Memorial Forest, as it has always been assumed to have been part of the Forest. The property is 5.0 acres in size, with a mix of wooded upland and wetland. The property was acquired as part of the Fieldstone Run development. The current street card identifies the property as being part of the Town Forest, however, the deed (V239 P448) does not include the necessary charitable trust language.

With the incorporation of the above properties into the Town Memorial Forest, the properties will continue to be owned by the Town of Farmington as a whole, however, the management of the properties will be transferred to the Town Memorial Forest Board of Trustees. None of the properties include land that would be suitable for use other than forest land or passive recreation.

If there is consensus from the Town Council, I will include action items as part of the October 13, 2015 Town Council agenda which would authorize the appropriate

language to be incorporated into the deeds for a parcel #2 and parcel #3. Additionally, an action item acknowledging parcel #1 as part of the Town Memorial Forest will be included.

## Attachments

### **Juvenile Review Board**

Our Community Services Department provides a wide variety of services to youth within our community. One important program is the Juvenile Review Board (JRB). The JRB represents an effort to divert juvenile offenders from the formal justice system and is facilitated by our Town's Community Service Department that works cooperatively with the Police Department. The committee is comprised of youth-oriented professionals in our community, including: school administrators, school social workers, clergy, a representative from the Department of Children and Families (DCF), and a youth court representative. The committee meets twice a month and transforms the Council Chambers into a court room-like setting to hear the cases. Through a mediated process, the JRB focuses on assisting the juvenile offender to: understand how their behavior harmed the victim and the community; acknowledge that their behavior was directly harmful to others; and take responsibility to repair the harm caused through either direct or indirect action on the part of the offender. Additionally, the JRB provides support and assistance to youths to develop the competencies that will enable them to effect necessary changes in their behavior to avoid re-offending in the future. The Town is pleased to announce that they received funds to enhance this process through DCF. The grant funds will allow us to provide counseling, mentoring and community service supervision for the youths involved in this process. The Town has chosen Christopher Montes to provide this service. Already he has made a great impact with our Town's teens; he has organized two fishing trips, assisted several teens with community service clearing trash along the river, provided many hours of counseling and has become a positive role model throughout the community.

### **Farmington's 375<sup>th</sup> Anniversary**

The Town of Farmington will celebrate its 375<sup>th</sup> anniversary on Sunday, September 13, 2015 between the hours of 1:00 p.m. – 5:30 p.m. The event is being organized by Town historian, Betty Coykendall. Buses will take visitors on a continuous loop every 20 minutes around seven locations: Stanley-Whitman House, Hill-Stead Barn & grounds; Unionville Museum, The Meetinghouse, the Farmington Historical Society, Lewis-Walpole Root House, and the Land Trust Cowles parcel on Meadow Road, with entertainment at each site. At 5:30 p.m., a giant anniversary cake with 375 candles will be revealed at the Community Center. Town Council members are invited to attend the celebration. (Attachment)

### **Update on the Farmington/Avon Fire Training Facility**

I am pleased to report that on July 28, 2015, the State Bond Commission awarded a \$200,000 grant-in-aid to the Town of Farmington for the Farmington and Avon Live Fire Training Facility.

With the receipt of this grant-in-aid, the Town of Farmington and Avon Fire Departments have raised enough money to purchase and construct the training building.

The Fire Departments have purchased the pre-fabricated building with the private donations that they collected and will be donating it to the Town. The Town of Farmington Finance Department is preparing a bid for the erection of the building with a goal of awarding it at the September 22, 2015 Town Council Meeting. The Fire Departments are planning a Ground Breaking Ceremony in October to commemorate this very special event that has been more than a decade in the making. Additional details will be announced about the ground breaking as soon as they are available.

**Affordable Housing-  
State of Connecticut Department of Housing Request for Moratorium.**

**Background**

Connecticut General Statutes 8-30g, **the Affordable Housing Land Use Appeals Act**, mandates that 10% of each municipalities housing stock be deemed affordable or they are subject to 8-30g.

The significance of this act is that it allows developers to disregard zoning rules while also shifting the burden of proof to the town to justify a denial. It becomes very difficult for a town to deny an application which **does not** meet current zoning but does meet the minimum standards found in the act.

Essentially, in order to deny an application the town is required to find documented and proven public health or safety concerns. The town cannot rely on public welfare, property values or neighborhood character to deny an application as towns often do with traditional applications.

Farmington's percentage of "affordable housing" as defined by the act is 7.96%.

The percentage of affordable units in surrounding towns are as follows:

Avon - 3.76 %  
Simsbury - 3.5%  
Burlington - 1.8%

Farmington's percentage is impressive and it shows Farmington has been willing to allow its fair share of the regions affordable housing needs.

Farmington has also created two (2) zones which allow higher density in exchange for the creation of affordable units. If developers sincerely want to create affordable housing there are zones on the books which allow for it.

However, Farmington is still subject to the provisions of CGS Section 8-30g **Affordable Housing Land Use Appeals Act**.

In our experience, developers use the act in two ways:

- They present a plan for something that is allowed by Town Zoning but will most likely be controversial or may be difficult to get approved. Then they show a new plan displaying a much higher density 8-30g application and suggest "if you don't support the first application you're going to get the 8-30g application."
- The Developer moves through a controversial zoning process which does not include any affordable housing. The plan is denied. Since all of their engineering has been completed and they have spent a significant amount of money they submit a new application with many more units and indicating 30 % of the units will be affordable under CGS 8-30g.

### **A Local Example**

The most recent affordable development in Farmington was Snowberry Cobble on Plainville Ave. The developer ignored the underlying zoning and proposed affordable housing.

The zoning for that area requires one (1) acre lots. The developer proposed single family homes on lots of approximately 1/8<sup>th</sup> of an acre and the affordable duplexes are even more densely concentrated.

Snowberry was denied by the Planning and Zoning Commission. The developer appealed and it was approved by the Superior Court because it was an 8-30g application.

### **A Temporary Solution Moratorium Request**

The 8-30g process is almost always controversial, ignores local zoning, eliminates local decision making and in our opinion is not good for a neighborhood.

The statute allows for a 3-5 year moratorium on CGS 8-30g applications. The process is tedious and only three municipalities have been granted moratoriums since inception in 1990.

To apply for a moratorium, a town must have 222 points as defined by state statute. We currently have 558 points. We are also still actively building affordable housing units at Snowberry Cobble. This puts the Town in a good position to apply for a moratorium. The application goes to the State Department of Housing. It is totally at the discretion of the Commissioner of Housing.

Based on the fact that it appears that there is ample opportunity for Developers to manipulate the system, ignore local zoning, and that Farmington has created two (2) zones which allow higher density in exchange for the creation of affordable units, I am recommending that the Town Council authorize the Town Manager to

write a letter of support from Nancy Nickerson, Chief Elected Official supporting our application to the State Department of Housing for a moratorium.

Bill Warner, Town Planner will be at the meeting to answer any specific questions that the Town Council may have.

MOTION: Agenda Item L-1

That \_\_\_\_\_ be appointed to the Plainville Area Cable TV Advisory Council to fill the balance of a two-year term beginning immediately and ending June 30, 2016. (Erickson) (R)

MOTION: Agenda Item L-2

That \_\_\_\_\_ be appointed to the Plainville Area Cable TV Advisory Council to fill the balance of a two-year term beginning immediately and ending June 30, 2016. (Landry)(R)

MOTION: Agenda Item L-3

That \_\_\_\_\_ be appointed to the North Central Regional Mental Health Board, Inc. to fill the balance of a two-year term beginning immediately and ending September 30, 2015.(Wienke)(R)

MOTION: Agenda Item L-4

That \_\_\_\_\_ be appointed to the North Central Regional Mental Health Board, Inc. to fill the balance of a two-year term beginning immediately and ending September 30, 2015.(Parady)

MOTION: Agenda Item L-5

That \_\_\_\_\_ be appointed to the Farmington Valley Health District for the balance of a three-year term beginning immediately and ending December 31, 2016. (Jones)(D)

MOTION: Agenda Item L-6

That \_\_\_\_\_ be appointed to the Housing Authority to fill the balance of a five-year term beginning immediately and ending September 2015. (Cowdry)(R)

MOTION: Agenda Item L-7

That \_\_\_\_\_ be appointed to the Building Code Board of Appeals to fill the balance of a five-year term beginning immediately and ending September 2019. (Schadler)(R)

MOTION: Agenda Item L-8

That \_\_\_\_\_ be appointed to the Water Pollution Control Authority to fill the balance of a five-year term beginning immediately and ending September 30, 2019.(McGrane)(U)

MOTION: Agenda Item L-9

That \_\_\_\_\_ be appointed to the Tourism Central Regional District to fill the balance of a three year term beginning immediately and ending June 30, 2017 (Bremkamp).

MOTION: Agenda Item L-10

That \_\_\_\_\_ be appointed to the Joint Green Efforts Committee beginning immediately for an indefinite term (Grouten) (R).

MOTION: Agenda Item L-11

That \_\_\_\_\_ be appointed to the Conservation and Inland Wetlands Commission as an **Alternate** to fill a vacancy for the balance of a four-year term beginning immediately and ending September 30, 2017. (Jones) (R)

MOTION: Agenda Item L-12

That \_\_\_\_\_ be appointed to the Human Relations Commission for a two-year term beginning September 1, 2015 and ending June 30, 2017. (Elling) (D)

MOTION: Agenda Item L-13

That \_\_\_\_\_ be appointed to the Plainville Area Cable TV Advisory Council for a two-year term beginning September 1, 2015 and ending September 30, 2017. (Montes) (R)

MOTION: Agenda Item L-14

That \_\_\_\_\_ be appointed to the Unionville Historic District and Properties Commission as an **Alternate** to fill a vacancy for the balance of a three-year term beginning immediately and ending September 30, 2017. (Hoffman) (R)

MOTION: Agenda Item L-15

That \_\_\_\_\_ be appointed to the Unionville Historic District and Properties Commission to fill a vacancy for the balance of a five-year term beginning immediately and ending September 30, 2019. (Ross) (U)

MOTION: Agenda Item L-16

That \_\_\_\_\_ be appointed to the Unionville Historic District and Properties Commission for a 5-year term beginning September 30, 2015 and ending September 30, 2020. (Hoffman) (R)

MOTION: Agenda Item L-17

That \_\_\_\_\_ be appointed to the Unionville Historic District and Properties Commission as an **Alternate** for a 3-year term beginning September 30, 2015 and ending September 30, 2018. (Meyer) (D)

MOTION: Agenda Item L-18

That \_\_\_\_\_ be appointed to the Conservation and Inland Wetlands Commission for a 4-year term beginning September 30, 2015 and ending September 30, 2019. (Isner) (R)

MOTION: Agenda Item L-19

That \_\_\_\_\_ be appointed to the Conservation and Inland Wetlands Commission as an **Alternate** for a 4-year term beginning September 30, 2015 and ending September 30, 2019. (Wolf) (D)

MOTION: Agenda Item L-20

That \_\_\_\_\_ be appointed to the Economic Development Commission for a 2-year term beginning September 30, 2015 and ending September 30, 2017. (Reeve) (R)

MOTION: Agenda Item L-21

That \_\_\_\_\_ be appointed to the Economic Development Commission for a 2-year term beginning September 30, 2015 and ending September 30, 2017. (Valenti) (R)

MOTION: Agenda Item L-22

That \_\_\_\_\_ be appointed to the Economic Development Commission for a 2-year term beginning September 30, 2015 and ending September 30, 2017. (Kleinman) (D)

MOTION: Agenda Item L-23

That \_\_\_\_\_ be appointed to the Economic Development Commission for a 2-year term beginning September 30, 2015 and ending September 30, 2017. (Howard) (R)

MOTION: Agenda Item L-24

That \_\_\_\_\_ be appointed to the Water Pollution Control Authority for a 5-year term beginning September 30, 2015 and ending September 30, 2020. (Foote) (R)

MOTION:

Agenda Item N-1

To authorize the Town Manager to execute and deliver on behalf of the Town of Farmington a modification of the attached conservation easement currently filed on the land records, at Volume 911, Page 852-859, regarding the former Charles House property located at and otherwise known as 19 Perry Street.

NOTE:

### **History**

In 2007, the Town Plan and Zoning Commission voted to approve a special permit and site plan for 91 units of multi-family housing at 19 Perry Street, subject to various conditions, including the granting of a conservation easement of roughly 13.6+/- acres to the Town. (See Map #2, Green)

The Town and the developer, 19 Perry Street, LLC, also structured an agreement in which the Town would assign back taxes, sewer charges, and interest and lien fees which were levied against the property. This was part of an overall plan which would allow the developer to begin remediation of the property. The agreement also required 19 Perry Street, LLC, to convey three (3) acres of the land to the Town of Farmington for use as open space and a 20-foot wide public easement from School Street to the three (3) acre parcel of Town property for a public river walk. (See Map #2, Red)

In summary:

- 1) 19 Perry Street, LLC remains current on all taxes.
- 2) The demolition of the factory and some remediation was completed adjacent to Union School.
- 3) The Town assigned back taxes, sewer charges, and interest and lien fees.
- 4) A conservation easement was placed on roughly 13.6+/- acres in favor of the Town. (See Map #2, Green)
- 5) 19 Perry Street, LLC conveyed three (3) acres of land and the 20-foot public easement to the Town of Farmington. (See Map #2, Red)

### **Modification of Conservation Easement**

As you are aware, due to the high cost of the remaining remediation, the 91 units of multi-family housing were never developed. Recently, a new developer, Old Mill Commons LLC, has expressed interest in the 19 Perry Street property (Charles House Property).

Because of the significant remediation remaining (Town estimates at \$7,000,000 - \$9,000,000), Old Mill Commons LLC is proposing a much larger project to the Town Plan and Zoning Commission. For that reason, Old Mill Commons LLC has requested a modification to reduce the conservation easement by approximately three (3) acres, which is needed to satisfy parking requirements imposed by Town Plan and Zoning (See Map #5, Blue/Black).

Modifying the existing easement also gives the Town, with the current owner's consent, an opportunity to change the existing easement language to allow for the environmental remediation and construction of a public river walk. This is currently not allowed under the existing easement. It appears that standard conservation easement language was utilized in the existing easement, which does not allow for construction activities or remediation, instead of a customized conservation easement. This is also an opportunity for the Town to add additional language which would allow for a public canoe/kayak launch and a family picnic area.

**Summary of Modifications:**

- 1) Easement reduced by approximately three (3) acres.
- 2) Language added to allow for required remediation.
- 3) Language added to allow for construction of a public river walk.
- 4) Language added to allow for a public canoe/kayak launch and a family picnic area.

The objective in granting this easement is multi-faceted:

First and foremost, when this property is developed the developer will perform the environmental remediation, in accordance with all DEEP standards. This property is significantly contaminated and is adjacent to Union School, public drinking water wells, residential neighborhoods, and the Farmington River.

Second, this project should spur the continued redevelopment of Unionville Center. Based on the Town-wide survey completed in 2005 and then again in 2014, about 8 in 10 residents think the revitalization of Unionville is important. This project will create a pedestrian environment by adding a significant number of people to live, work, shop and dine in Unionville Center.

Third, the plan would facilitate the elimination of a blighting influence on the adjoining neighborhood.

Fourth, the project would extend the existing public access trail along the Farmington River approximately 800 feet from the Cure Restaurant to the Charles House property. It will also allow for a future trail along the Farmington River and for a public picnic area and canoe launch.

Finally, the proposal will result in significant growth to the Town grand list and annual tax revenue. The developer indicates that this is a \$60 million project which would, conservatively, result in approximately \$800,000 per year in new tax revenue to the Town.

In summary, I am recommending that the Town Council grant these changes to the existing conservation easement because it is in line with the Town Council's overall policy plans as shown in the 2005 and 2014 Town Wide Survey and the Town of Farmington's Strategic Plan.

**2005 + 2014 Town Wide Survey**

- Redevelopment of Unionville Center – High Priority

**2005 + 2016 Town of Farmington Strategic Plan**

Goal 3 Economic Development-

- Promote the growth of the tax base,
- Facilitate and partner with stakeholder groups to implement redevelopment plans.

Goal 2 Transportation and Land-

- River Front Access- Open Space

Goal 5 Best Practices-

- Remediation of Property
- Eliminate blight condition

Goal 6 –Recreation

- Trail system
- Public picnic area/boat launch

The Developer will be available to provide an overview of the project at the meeting and to answer specific questions.

Attachments

MOTION:

Agenda Item N-2

To authorize the Town Manager to execute and deliver on behalf of the Town of Farmington an access drive easement in favor of Old Mill Commons LLC as generally described on the attached map located on Town property at 173 School Street in red and green shading if approved by the Board of Education or yellow shading if the Board does not favor the proposed modifications within the school grounds.

And

The Town Manager will not execute the access drive easement until all due diligence is completed and all required approvals are in place including but not limited to the following:

- 1) Town of Farmington Unionville Design /Architectural Review Board- Advisory Review Only.
- 2) Board of Education approval will be necessary if the Board approves the developer's proposal to construct a parent drop off/ pickup area as shaded in red and a teacher parking area shaded in green.
- 3) Town of Farmington Inland Wetland Watercourse Approval- Activity within 150 feet of a wetland.
- 4) Town Plan and Zoning Approval(s)- Zone Text Change; Special Permit; and CSG- 8-24 Report for access driveway easement only.
- 5) DEEP Approval(s) - Environmental remediation of site.
- 6) State Traffic Commission Approval- Review of projects' impact on road network.
- 7) Army Corps of Engineers- Required remediation within wetland area (if needed).

And

The Town Attorney will prepare the final access drive easement which will include the Town's ability to close the access drive during public events.

NOTE:

The attached map shows a 24 foot-wide access driveway on Town property from the proposed development to Mill Street. The concept of the access driveway on Town property was brought to the developer's attention by the Town staff. Its purpose would be to divide the traffic impact of the development between Perry Street and Mill Street. It was felt that this easement would enable the developer to improve the design of the proposed development and lessen the traffic burden on the neighborhood. The easement might provide for the ability to create a new parent pick-up/drop off driveway at Union School, which has been a concern in the past. Additionally, it might allow for the reconstruction and/or expansion of the teacher parking lot on Mill Street, which is in need of repair.

The parent drop off/pick-up driveway and the reconstruction of the teacher parking lot as shown on the attached map (red shade and green shade) fall under the jurisdiction of the Board of Education. The Board of Education would need to work directly with the Developer and approve this portion of the easement if there was an interest in doing so. Should the BOE decline, the Developer has secured additional land through an agreement with the property owner at 55 Mill Street which would allow the access driveway to be built on Town property, but outside of the area used for school purposes. In this scenario, the parent drop off/pickup access road portion and reconstruction of the teacher parking lot would not be built.

If this motion is approved the Town Council would be granting an access driveway easement for the developer to build a 24 foot wide access driveway on Town property contingent on other approvals being granted. The easement will be modified based on what approvals are granted. Please note that this is an access driveway not a town road. A town road requires a 50 foot right of way and is built to different standards. The purpose of the access driveway is to allow residents residing in the development access to the development from more than just School Street. The developer will be responsible for all maintenance and repair of the driveway.

The objective in granting this easement is multi-faceted:

First and foremost, when this property is developed the developer will perform the environmental remediation, in accordance with all DEEP standards. This property is significantly contaminated and is adjacent to Union School, public drinking water wells, residential neighborhoods, and the Farmington River.

Second, this project should spur the continued redevelopment of Unionville Center. Based on the Town-wide survey completed in 2005 and then again in 2014, about 8 in 10 residents think the revitalization of Unionville is important. This project will create a pedestrian environment by adding a significant number of people to live, work, shop and dine in Unionville Center.

Third, the plan would facilitate the elimination of a blighting influence on the adjoining neighborhood.

Fourth, the project would extend the existing public access trail along the Farmington River approximately 800 feet from the Cure Restaurant to the Charles House property. It will also allow for a future trail along the Farmington River and for a public picnic area and canoe launch.

Finally, the proposal will result in significant growth to the Town grand list and annual tax revenue. The developer indicates that this is a \$60 million project which would, conservatively, result in approximately \$800,000 per year in new tax revenue to the Town.

In summary, I am recommending that the Town Council grant this access drive easement because it is in line with the Town Council's overall policy plans as shown in the 2005 and 2014 Town Wide Survey and the Town of Farmington's Strategic Plan.

**2005 + 2014 Town Wide Survey**

- Redevelopment of Unionville Center – High Priority

**2005 + 2016 Town of Farmington Strategic Plan**

Goal 3 Economic Development-

- Promote the growth of the tax base.
- Facilitate and partner with stakeholder groups to implement redevelopment plans.

Goal 2 Transportation and Land-

- River Front Access - Open Space

Goal 5 Best Practices-

- Remediation of Property
- Eliminate blight condition

Goal 6 –Recreation

- Trail system
- Public picnic area/boat launch

The Developer will be available to provide an overview of the project at the meeting and to answer specific questions.

Attachment

MOTION:

Agenda Item N-3

To set a Public Hearing for October 13, 2015 at 7:05 p.m. in the Town Hall Council Chambers to consider the acquisition of property owned by Joanne Perloff and the Estate of Casimir Bycoski located at Lot 10A Slater Road (adjacent to Deadwood Swamp) (approximately 2.60 Acres) for No Consideration in exchange for taxes due (Estimated to be \$17,520.68 as of December 2015) subject to due diligence, including but not limited to title search.

NOTE: The property was originally part of a larger parcel that was divided by the construction of I-84. It is uncertain why this small portion was not also taken by the State at the time of the Interstate's construction. The property has no access and is likely mostly, if not all, wetlands as it is surrounded by the Deadwood Swamp (see attached map). The property is currently assessed as 100% excess land with no building potential.

Currently, one of the owners is deceased and the other is financially destitute and in poor health. The option for the Town to acquire the property in exchange for taxes due will enable the Bycoski Estate to be closed, and will remove this ongoing delinquency from the tax rolls.

The procedure for open space acquisition approval for this property includes the following steps:

1. Setting public hearing for the October 13<sup>th</sup> Council meeting at the September 8<sup>th</sup> Council meeting.
2. Hold public hearing on October 13<sup>th</sup>.
3. Make 8-24 referral to TPZ at the October 13<sup>th</sup> meeting.
4. Receive TPZ 8-24 report at the November 10<sup>th</sup> meeting.
5. Vote on whether or not to authorize acquisition at the November 10<sup>th</sup> meeting.

Attachment

MOTION:

Agenda Item N-4

To set a Public Hearing for October 13, 2015 2015 at 7:10 p.m. in the Town Hall Council Chambers to accept the donation of property owned (approximately .71 acres) by the Tomasso Brothers Inc., Lot 3 at Johnson Avenue.

NOTE:

As you know, the Engineering Division is designing the extension of the Rails to Trails from Red Oak Hill Road to the Town of Plainville. Discussions with the Tomasso Brothers Inc. were originally for an easement to cross the parcel with the new trail and subsequently led to a donation of the full parcel by the owner.

It is a benefit of the Town of Farmington to own this parcel because it will give the Town more right- of- way to work with on Johnson Avenue for the Trail and the Town will not need a further easement on Johnson Ave.

The owner does not need the strip of land because it is too small to support any development on it and has generously offered to donate it to the Town of Farmington.

The procedure for open space acquisition approval for this property includes the following steps:

1. Setting public hearing for the October 13<sup>th</sup> Council meeting at the September 8<sup>th</sup> Council meeting.
2. Hold public hearing on October 13<sup>th</sup>.
3. Make 8-24 referral to TPZ at the October 13<sup>th</sup> meeting.
4. Receive TPZ 8-24 report at the November 10<sup>th</sup> meeting.
5. Vote on whether or not to authorize acquisition at the November 10<sup>th</sup> meeting.

Attachment

MOTION:

Agenda Item N-5

To authorize the Town Manager to sign the attached agreement for the installation of a monitoring well on the Town right-of-way along Fienemann Road in the vicinity of Colt Highway.

NOTE: This monitoring well has been requested by the Environmental Consulting Engineer for the former Mobil Station at 348 Colt Highway, as ordered by the DEEP as part of consent order number DEP3556. This agreement has been reviewed and approved by the Town Attorney. It is in the Town's interest to cooperate with the Connecticut Department of Energy & Environmental Protection. The Town has agreed to this type of activity in the past.

Staff will be at the meeting should the Town Council have any questions.

Attachment

MOTION:

Agenda Item N-6

To add 592 New Britain Avenue to the 2015 Town Blighted Building List.

NOTE:

This property is currently blighted as defined in the Code of the Town of Farmington, Chapter 88 "Blighted Buildings". The Town has been attempting to work with the owner of the property to complete improvements to the property but the owner has not made contact with the Town or performed any work to date.

I am recommending that the Town Council add this property to the Town Blight list.

MOTION:

Agenda Item N-7

To authorize the Town Manager to sign the attached Resolution to implement the Workforce Innovation and Opportunity Act (WIOA) of 2014 in accordance with Federal and State Law on behalf of the Town of Farmington, and the attached Amendment to the Intergovernmental Consortium.

NOTE:

The North Central Connecticut Workforce Development Area is comprised of 37 municipalities. This Area, in turn, works with a Workforce Development Board to implement the goals and objectives of the WIOA.

Capital Workforce Partners is this region's board. Its mission is to leverage public and private resources to produce skilled workers for a competitive regional economy in North Central Connecticut. A consortium of the region's chief elected officials appoints representatives to the board of directors from private sector business, education, labor, and public groups.

Capital Workforce Partner's investment in Farmington last fiscal year was over \$222,000 with 169 individuals served. Additionally, one Farmington healthcare employer benefited from the Healthcare Careers project and four (4) Farmington companies benefitted from wage incentives for newly hired employees.

The Town of Farmington has been a participant in the North Central Connecticut Workforce Development Area since approximately 2003. In 2014, a new federal law, the Workforce Innovation and Opportunities Act (WIOA), was implemented and superseded the previous enabling legislation (the Workforce Investment Act of 1998). This agenda item reconfirms the Town's participation in the Workforce Development Area and allows the Area to be fully compliant with WIOA.

Attachments

MOTION:

Agenda Item N-8

To authorize the Town Manager to execute the required documentation for the Neglected Cemetery Account Grant Program for Scott Swamp Cemetery located at 8784 Scott Swamp Road, Route 6.

NOTE: The grant is being offered by the State of Connecticut's Office of Policy and Management (OPM) to municipalities on a first-come, first-served basis with a deadline of September 30, 2015. Municipalities can apply for up to \$2,000 per year to reclaim local, neglected cemeteries.

If the Town received this grant it would include the straightening and repairing of memorial stones, fences and walls, to clear weeds, briars and bushes, leaf clean-up and to provide periodic maintenance as needed for the Scott Swamp Cemetery located at 8784 Scott Swamp Road, Route 6.

MOTION:

Agenda Item N-9

To authorize the Town Manager to execute the required documentation for the Agriculture Viability Grant Program Award for the purpose of replacing the roof of the Vegetable Barn at Fisher Farm/ Sub Edge Farm located at 199 Town Farm Road.

NOTE: The Town of Farmington is applying for \$15,000 to replace the roof of the Vegetable Barn at 199 Town Farm Road in accordance with the Town of Farmington Fisher Farm Five-Year Capital Improvement Plan. The Town did not receive this grant last year but has been encouraged to apply again this year.

MOTION:

Agenda Item N-10

That the following appropriation transfers be made from and to various accounts listed below in the FY 2014/2015 General Fund Budget.

<b><u>FROM DEPARTMENT:</u></b>	<b><u>AMOUNT</u></b>
102 FINANCE	\$ 21,800
106 PERSONNEL SERVICES	300,000
150 INSURANCE	28,000
TOTAL	\$ 349,800
<b><u>TO DEPARTMENT:</u></b>	<b><u>AMOUNT</u></b>
104 REGISTRAR OF VOTERS	\$ 900
105 TOWN COUNCIL	2,100
111 LEGAL	68,500
115 ECONOMIC DEVELOPMENT	1,300
119 PLANNING & ZONING	5,000
215 FIRE DEPARTMENT	23,000
220 POLICE DEPARTMENT	76,000
224 COMMUNICATIONS CENTER	60,000
225 EMS SERVICES	1,000
320 HIGHWAY & GROUNDS	102,000
390 ENGINEERING	10,000
TOTAL	\$ 349,800

EXPLANATION: These transfers are needed to cover overages in various departments' budgets as part of the end of year close out. Please see the attachment for a more detailed explanation.

Attachment

NOTE:

**Budget Summary**

Revenues

For fiscal year 2014/2015 the Town took in \$94,808,369 in revenue or \$459,075 more than the amount budgeted. Significant revenue variances included:

Property Taxes	\$ 58,412
Building Permits	\$120,850
Grants	\$263,463
Charges and Fees	\$ 79,101
Total	+ \$459,075

Appropriations

For fiscal year 2014/2015 the Town spent \$94,178,851 or \$170,443 less than the original budgeted amounts.

**Net Result**

The net result is that actual revenue exceeded actual expenditures by \$629,518 at fiscal year-end. When added to the June 30, 2014 fund balance, the fund balance at June 30, 2015 equals \$10,181,411.

Revenue	\$459,075
Appropriations	\$170,443
Total	<u>\$629,518</u>

MOTION:

Agenda Item N-11

That pursuant to Section 55-10 of the Town of Farmington Purchasing Ordinance the bidding requirements under Section 55-1 be waived so that the Town may contract with Summit Restoration LLC of Canton, CT to repair damage to the Farmington Community/Senior Center at a cost not to exceed \$40,000.

NOTE: On April 10, 2015 there was a toilet back-up at the Farmington Community/Senior Center that caused extensive damage to the facility. Fortunately, the majority of the repair work will be covered by the Town's insurance. The claims adjuster for the insurance carrier worked with Summit Restoration LLC to develop an estimate to repair the facility. Summit Restoration specializes in this type of repair work and therefore has extensive experience. They have also performed previous work for the Town including the renovation of the farm house at the Fisher Farm. Based on their close working relationship with the Town's insurance carrier and their favorable past work experience with the Town, we would like to waive the bid requirement and contract with Summit Restoration to undertake the repairs to the Community/Senior Center as detailed in the claims adjuster's report. Based upon the adjuster's report, the estimated cost to undertake the repairs should not exceed \$40,000.

Staff will be available at the Council meeting to answer any questions regarding this motion.

MOTION:

Agenda Item N-12

That the taxes due on the October 1, 2014 Grand List for the property known as 45 Walnut Farms Drive be abated.

NOTE: This property was acquired by the Town of Farmington as open space during May of 2015. At that time, it became exempt from property taxation. However, as of the October 1, 2014 Grand List date it was considered taxable and taxes were levied for the 2015/2016 Fiscal Year. This motion would abate the tax installments due on July 1, 2015 and January 1, 2016. The Town Council has approved similar requests in the past.

Staff will be available at the meeting to answer any questions that Town Council members may have regarding this request.

MOTION:

Agenda Item N-13

That People's United Bank of Bridgeport, CT be added to the list of depositories for Town funds and investments.

NOTE: Staff is continually searching for local Connecticut banks to establish relationships with for investing purposes. Recently, we were informed that People's United Bank has reestablished its investment relationships with Connecticut municipalities. In reviewing the bank's financial stability, we have found that their bank rating is very strong and that the rates that they are offering for municipal deposits are very competitive. Based on our review, we feel that People's United Bank is a viable bank for the Town to establish an investment relationship.

Staff will be available at the meeting to answer any questions.

MOTION:

Agenda Item N-14

To approve the following property tax refunds:

NOTE: These are tax refunds from the months July and August, 2015.

<b>NAME</b>	<b>REASON</b>	<b>AMOUNT</b>
1)S or J Adler	Excess payment	\$48.44
2)Johanan Eshoo	Excess payment	\$52.09
3)Paul Frega	Excess payment	\$25.48
4)Robert Gebhardt	Excess payment	\$22.59
5)William Gerace	Excess payment	\$300.00
6)Richard Gnazzo	Excess payment	\$19.65
7)Honda Lease Trust	Excess payment	\$539.72
8)Shirley Kahan	Excess payment	\$29.27
9)Rita Kaufmann	Excess payment	\$10.94
10)Gary Larkum	Excess payment	\$17.40
11)J. Lillo	Excess payment	\$60.74
12)Richard Lugli	Excess payment	\$609.68
13)S or S Mathein	Excess payment	\$52.08
14)Daniel McClutchy	Excess payment	\$29.03
15)J or B Nachilly	Excess payment	\$8.59
16)Janusz Podlasek	Excess payment	\$172.04
17)Carey Poetzsch	Excess payment	\$44.37
18)Andrew Rachel	Excess payment	\$109.54
19)Marta Rideout	Excess payment	\$11.75
20)Mark Rousseau	Excess payment	\$69.96
21)J & T Smachetti	Excess payment	\$21.59
22)Carole Sorensen	Excess payment	\$139.46
23)Marilyn Strelau	Excess payment	\$8.71
24) A Varadarajan & S Ankur	Excess payment	\$179.14
25)Vault Trust	Excess payment	\$355.04
26)VW Credit Leasing LTD	Excess payment	\$1,522.52
27)Theodore Wurz	Excess payment	\$12.78
	<b>TOTAL:</b>	<b>\$4,472.60</b>

<b>NAME</b>	<b>REASON</b>	<b>AMOUNT</b>
1)John or Elaine Carpino	Excess payment	\$46.69
2)Richard or Donna Caruso	Excess payment	\$24.35
3)Clinical Laboratory Partners	Excess payment	\$73.54
4)Companions & Homemakers	Excess payment	\$153.48
5)Daimler Trust	Excess payment	\$1,362.55
6)D. Daversa or G. Gronowicz	Excess payment	\$26.36
7)Christina Dube	Excess payment	\$9.69
8)First Niagra Bank	Excess payment	\$1,105.13
9)Bruce Hunter	Excess payment	\$14.09
10)Kerri Kane	Excess payment	\$34.26
11)Steven Kochis	Excess payment	\$30.12
12)Kenneth Koos	Excess payment	\$73.32
13)Louise Kowitch	Excess payment	\$18.28
14)Mary Ann Mahony	Excess payment	\$150.60
15)Mehran Motamed	Excess payment	\$61.19
16)James & Eileen Moulthrop	Excess payment	\$504.68
17)Barbara Murphy	Excess payment	\$307.00
18)Kristi Nadeau	Excess payment	\$19.15
19)Nissan Infiniti LT	Excess payment	\$734.16
20)Brian Noe	Excess payment	\$38.57
21)G or L Perugini	Excess payment	\$14.59
22)Michelle Phelan	Excess payment	\$160.57
23)Felipe Porto	Excess payment	\$10.14
24)William Prestley	Excess payment	\$538.14
25)River Valley Constr.	Excess payment	\$54.57
26)John Rodgers	Excess payment	\$38.93
27)J or R Rydzik	Excess payment	\$29.55
28)Dmitry Savchenko	Excess payment	\$10.83
29)Murdo or Lisa Smith	Excess payment	\$564.61
30)Vanessa Spotlow	Excess payment	\$225.09
31)Thomas Stevens	Excess payment	\$221.86
32)Sullivan Roger Plumbing and Heating	Excess payment	\$14.76
33)Jolanta Szurlej	Excess payment	\$13.28
34)Michael Tu	Excess payment	\$17.10
35)USB Leasing	Excess payment	\$561.59
36)Mary Villanova	Excess payment	\$21.13
37)VW Credit Leasing LTD	Excess payment	\$415.15
	<b>TOTAL:</b>	<b>\$7,699.10</b>

MOTION:

Agenda Item O-1

Executive Session — To discuss matters concerning collective bargaining.

To adjourn the meeting to executive session as permitted by Connecticut General Statutes Section 1-225 (a) for the following purposes as allowed by Section 1-200(6), that is

Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210. (9) records, reports and statements of strategy or negotiations with respect to collective bargaining:

That attendance in the Executive Session shall be limited to:

Members of the Town Council  
Town Manager  
Assistant Town Manager

NOTE: Approval of this motion shall be by 2/3 vote.

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Executive Session — To discuss matters concerning the sale or acquisition of real property.

To adjourn the meeting to executive session as permitted by Connecticut General Statutes Section 1-225 (a) for the following purposes as allowed by Section 1-200(6), that is

Discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned;

That attendance in the Executive Session shall be limited to:

Members of the Town Council  
Town Manager  
Director of Public Works/Town Engineer

NOTE: Approval of this motion shall be by 2/3 vote.

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Executive Session — To discuss matters concerning pending litigation.

To adjourn the meeting to executive session as permitted by Connecticut General Statutes Section 1-225 (a) for the following purposes as allowed by Section 1-200(6), that is

Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of his conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;

That attendance in the Executive Session shall be limited to:

Members of the Town Council  
Town Manager  
Town Attorney

NOTE: Approval of this motion shall be by 2/3 vote.