

Minutes of New Hartford Open Space Preservation Commission (OSPC) Regular Meeting
Monday, July 24, 2023, 6:30 p.m., Sessions Conference Room, New Hartford Town Hall

Members Present: Doug Roth (chairperson, joining by phone), Bill Michaud, Mary Hoag (alternate), Madeline McClave, Rusty Warner, Jean Darlington (secretary).
Absent: Karen Griswold Nelson, Eva Barham.

Doug called the meeting to order at 6:33 p.m. and designated Bill to run the meeting. Bill seated Mary as a regular member for this meeting, to replace Karen.

Approval of 6/26/2023 minutes: Bill moved to accept the minutes of the 6/26/2023 meeting. Discussion: We discussed rules that apply on Town-owned open space lands. Some of these rules derive from the terms of any Conservation Easement (CE) on the land, while others are determined by the Town. As such, Jean moved to amend the second-to-last sentence of the paragraph on the Butler Preserve to read as follows: “We discussed signage to indicate uses that are not allowed (no bikes, no fires, etc.)” Doug seconded and the motion passed 4-0.

Open Space Plan: No discussion.

Updates on Current Open Space Preserves and Trails:

Jones Mountain: Rusty and Bill volunteered to walk the trails this weekend to check their condition. We discussed plans to clean out the clogged culvert.

Butler Preserve: Jean reported that she had walked the trail the day before. There is evidence of the river having risen over its banks during the recent rain storms, but the only damage to the trail is one new and fairly small hole. The trail needs another pass with a team of volunteers to prune back overgrowth. There is much less Japanese Stiltgrass this year than in past years, but other invasives are still abundant despite numerous work parties. Mary and Jean volunteered to go on Tuesday with Mary’s husband Darrell to repair the hole and work on clearing some of the overgrowth. A larger work group will also need to be scheduled with NHLT. *(Note from the next day: Darrell successfully repaired the hole, and the three volunteers named above worked on clearing the trail somewhat, but more work is needed.)* Jean asked Doug about the needed BOS approval of the Annual Management Plan. Doug stated that this topic is on the agenda for an August BOS meeting. Madeline reported that research entomologist [Carole Cheah](#) of the CT Agricultural Experiment Station had released 200 leftover lady beetles (*Sasajiscymnus* (=Pseudoscymnus) *tsugae*) at the Butler Preserve to combat the Hemlock Woolly Adelgid (HWA) insect pest that has been harming hemlock trees in recent decades. Although the extremely cold weather on the night of February 5, 2023 had killed off over 90% of HWA in Connecticut and even 98%-99% at some locations in New Hartford, the river valleys had lower rates of HWA mortality, so they can still benefit from lady beetle releases this year.

Goula Preserve: Madeline reported that she is waiting to hear back on a particular statistic to include in the draft of a Management Plan. Doug stated that First Selectman Dan Jerram had given him the following instructions about reporting instances of encroachment on town open space preserves: Describe the issue and location of the issue, along with photographs. Include name and contact information of the person reporting. Send this via email to First Selectman, Daniel Jerram <djerram@newhartfordct.gov>.

Phillips Farm: No report.

Other Business:

Agricultural Commission: Doug stated that the Board of Selectmen had voted at its June meeting to officially name OSPC as New Hartford's Agricultural Commission. He said the minutes of that meeting will show this decision when they are published.

Public Act 490: We discussed the exception to the Conveyance Tax when [PA 490](#) land is transferred to a nonprofit land conservation organization. We discussed New Hartford's recent tax assessment decision to assess the conveyance tax in these cases. This policy is antithetical and harmful to New Hartford's open space goals and program and also contrary to State of CT policy. See page 4 of State of CT Form M-30

(https://www.newhartfordct.gov/sites/g/files/vyhlf961/f/uploads/open_space_application_-_m30_0.pdf). Section 12-504c, "Excepted Transfers," item #12, reads as follows:

The provisions of section 12-504a shall not be applicable to the following:...

(12) deeds to any corporation, trust or other entity, of land to be **held in perpetuity** for educational, scientific, **aesthetic or other equivalent passive uses**, provided such corporation, trust or other entity has received a determination from the Internal Revenue Service that contributions to it are deductible under applicable sections of the Internal Revenue Code;

Doug volunteered to call the CT Dept. of Agriculture and the State Forester's office to clarify this point, and he volunteered to advocate for the expeditious reversal of New Hartford's recent tax assessment decision. Members agreed that this is a major policy issue for New Hartford. Requiring landowners to pay the conveyance tax even when they are selling their land to a nonprofit, land conservation organization is a major disincentive to landowners from putting their farmland, forest land or open space into PA 490 in the first place. Often this means they will not be able to afford to keep it or keep it undeveloped due to the tax burden. Furthermore, it runs counter to the Town's other policies, and it does not support the goals of New Hartford's Plan of Conservation and Development (POCD). Bill stated that there is a detrimental opportunity cost to the landowner and to the town if landowners decide not to preserve their farmland or forest because of the need to pay the conveyance tax. Doug volunteered to discuss this more with Dan in the near future and encourage him to explain the issue to the Town's Tax Assessment department.

Colebrook Reservoir: Doug reported that a CE framework and Memorandum of Understanding have been drawn up by the Metropolitan District Commission (MDC) and the Northwest CT Land Conservancy (NCLC) to preserve 5500 acres of watershed land in Colebrook. Doug provided this link to more information: <https://www.wbur.org/news/2023/07/20/environmentalists-land-deal-conservation-connecticut-massachusetts>

Executive session to discuss real estate: At 7:11, Doug moved we enter executive session to discuss real estate. Rusty seconded and the motion passed unanimously. Executive session ended at 7:16 p.m.

Meeting adjourned at 7:17 p.m.

Next meeting Monday, August 28, 2023, 6:30 p.m., New Hartford Town Hall.

Respectfully submitted,

Jean Darlington, Secretary