

Minutes of New Hartford Open Space Preservation Commission (OSPC) Regular Meeting
Monday, August 28, 2023, 6:30 p.m., Sessions Conference Room, New Hartford Town Hall

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

Doug called the meeting to order at 6:30 p.m. and seated Mary as a regular member for this meeting, to replace Karen.

Approval of 7/24/2023 minutes: Jean moved to accept the minutes of the 7/24/2023 meeting. Bill seconded and the motion passed 5-0 (Rusty arrived after this vote).

Open Space Plan:

1) We discussed the Open Space Ordinance, in particular the sources of funding for the Land Preservation Fund, as shown below. Doug volunteered to review with the Town Treasurer.

Section 2: Sources of Funding, Investments, and Limitation on Fund Use:

- a) In addition to such sums as may be appropriated by the town annually for deposit into the Land Preservation Fund, the Town is authorized to and shall deposit into the Land Preservation Fund all monies received by it from whatever source as monetary gifts, grants, bequests, loans or otherwise.
- b) Fees to the municipality collected in lieu of any requirement to provide Open Spaces pursuant to Connecticut General Statutes Sections 8-25 and 8-25b as authorized by the New Hartford Planning and Zoning Commission pursuant to New Hartford's Subdivision Regulations shall be deposited into said Land Preservation Fund.
- c) All penalties paid for Public Act 490 shall be deposited into the Land Preservation Fund.
- d) All proceeds from the sale of any Town-owned land shall be deposited into the Land Preservation Fund.

In particular, we discussed Section 2d as it relates to the possible sale of Town-owned land, including a parcel that has a Conservation Easement (CE) held by the Town of New Hartford. The Town therefore has the obligation to enforce the CE regardless of who owns the land, so OSPC should be notified if Town-owned open space land is sold. Discussion of this property was reported in the 6/27/2023 minutes of the New Hartford Board of Selectmen's meeting, as follows:

PURCHASE OF TOWN OWNED PROPERTY:

Mr. Jerram introduced Dawn and Roger Geiger, stating that they have expressed interest in purchasing town owned property that abuts their property. The town property was acquired by tax foreclosure. The property has a deed restriction and cannot be built on. The Geigers have submitted a written request seeking consideration of their purchasing this property. They have had an appraisal completed. The appraisal has valued it at \$16,500.

Mr. Jerram stated that the Board of Selectmen has the ability to set conditions regarding the potential sale and stated that the land can remain preserved and conserved. It is not on the tax rolls at this time. Both Selectman Garay and Kennerson were in agreement that this offer should be pursued. Mr. Jerram stated that he will review the procedures that are in place and will forward this request to where it needs to go. He stated that he is aware that Planning and Zoning do need to review this in accordance with Ct General Statutes 8-24, but will look to see what other reviews may be needed.

We discussed the importance of educating people about CE's and the distinction between a CE and a deed restriction.

2) Madeline volunteered to send the PowerPoint she has created, to post on the Town website to educate the public about the Town's preserved open space lands.

Updates on Current Open Space Preserves and Trails:

Jones Mountain: Rusty and Bill volunteered to check the condition of the trails sometime before our next meeting. Mary reported that she had walked there recently. Eva sent an email on August 18th detailing improved trail markers that she had put up. She noted that the paint on the red trail's blazes appears to have been recently refreshed, and that the white trail would benefit from the same.

Butler Riverfront Preserve:

1) Doug reported that the Board of Selectmen (BOS) plans to renew the Town's Management Plan for this 8.1-acre Town-owned parcel at their next meeting. The Town purchased this land from Michael Butler in 2018. The New Hartford Land Trust (NHLT) has held a Conservation Easement (CE) preserving this land as open space since 2019. The Management Plan is required by the CE. It is updated annually by OSPC, signed by a representative of BOS after the BOS approves it, and then it is also signed by a representative of NHLT. Jean reported that Michael Butler's brother, Denton Butler, had spoken with her a few minutes before this meeting and had expressed an interest in the Butler family's coordinating with OSPC about the management plan and, in particular, the mitigation of invasive plants, since Michael Butler's farm (preserved with a State-held agricultural easement at the same time as the Town of New Hartford preserved the riverfront parcel) is the abutting property. Jean volunteered to be the contact person regarding cooperative management efforts with the abutting property owner.

2) We discussed techniques for removing invasive barberry plants.

Goula Preserve: Madeline stated that she will email OSPC members her latest version of the draft management plan. We also discussed issues of encroachment.

Phillips Farm: We discussed checking on the hiking trails.

Dates for 2024 OSPC Meetings:

Jean moved that we hold our 2024 meetings on the dates listed below in 2024. Mary seconded and the motion passed unanimously. All dates are at 6:30 p.m. in Town Hall on the 4th Monday of the month, except where noted:

January 22, February 26, March 25,
April 29 (5th Monday), May 20 (3rd Monday), June 24,
July 22, August 26, September 23,
October 28, November 18 (3rd Monday), December 16 (3rd Monday).

Other Business:

1) Doug reported that the Board of Selectmen had voted unanimously at their June 27, 2023 to formally reconfirm OSPC's status as New Hartford's official Agricultural Commission. See the excerpt from the BOS minutes below. Rusty volunteered to serve as OSPC's in-house agricultural expert.

The First Selectman stated that he received a request from the Chairman of the Open Space Commission to reconfirm the designation of the Open Space as Town of New Hartford Agricultural Commission. This designation was done a few years back, but the record of the designation is not clear. It would provide clarity if this was reconfirmed and recorded in these minutes.

MOTION: by Kennerson to reconfirm the authorization of the Open Space Preservation Commission to act as the Agricultural Commission for the Town of New Hartford; seconded by Garay.

Selectman Garay asked if there would be any objection by the Conservation Commission to the Open Space Commission having this designation. First Selectman Jerram replied that the Open Space Commission has the right to acquire/negotiate whereas the Conservation Commission acts in an advisory capacity.

Unanimous.

2) We discussed the State of CT's exception to the Conveyance Tax when [PA 490](#) land is transferred to a nonprofit land conservation organization. Doug reported that he had spoken to Lance Shannon of the CT Dept. of Agriculture's [Bureau of Agricultural Development and Resource Conservation, Farmland Preservation Unit](#). Representatives of NHLT plan to attend a meeting with First Selectman Dan Jerram and New Hartford's Tax Assessor tomorrow at 3:30. Doug stated that he will send a letter to Dan regarding this topic.

Executive Session to Discuss Real Estate: At 8:10 p.m., Jean moved that we enter executive session to discuss real estate. Mary seconded and the motion passed unanimously. Executive session ended 8:38 p.m.

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,
Jean Darlington, Secretary