

Minutes of New Hartford Open Space Preservation Commission (OSPC) Regular Meeting

Monday, September 25, 2023, 6:30 p.m., Sessions Conference Room, New Hartford Town Hall

Members Present: Doug Roth (chairperson, attending by phone), Bill Michaud (running the meeting for Doug), Eva Barhan, Karen Griswold Nelson, Madeline McClave, Rusty Warner, Jean Darlington (secretary). Absent: Mary Hoag (alternate).

Bill called the meeting to order at 6:32 p.m.

Approval of 8/28/2023 minutes: Madeline moved to amend the minutes as follows (changes highlighted in yellow), under Other Business, Item 2:

We discussed the State of CT's exception to the Conveyance Tax **penalty** when **PA 490** land is transferred to a **qualified** nonprofit land conservation organization. Doug reported that he had **recently** spoken to Lance Shannon of the CT Dept. of Agriculture's **Bureau of Agricultural Development and Resource Conservation, Farmland Preservation Unit**. Madeline reported that she had also spoken to several other State of CT experts on PA 490 in preparation for the joint meeting of NHLT and OSPC representatives with 1st Selectman Dan Jerram tomorrow at 3:30. ~~Representatives of NHLT plan to attend a meeting with First Selectman Dan Jerram and New Hartford's Tax Assessor tomorrow at 3:30.~~ Doug said he probably could not attend that meeting, so Bill volunteered to attend in his place. Doug stated that he will send a letter to Dan regarding this topic.

Open Space Plan: no report

Updates on Current Open Space Preserves and Trails:

Jones Mountain: no report

Goula Preserve and Phillips Farm: Rusty reported that he had walked the trail from Cotton Hill Road to East Cotton Hill Road and back. He stated that the trail is mostly in good shape despite wet conditions from the recent heavy rains, but a few sections of the trail on Phillips Farm are overgrown. Doug volunteered to discuss a regular mowing schedule with the Phillips family. We revisited the idea of a small footbridge to cross the stream near the eastern end of this trail. Rusty reported that such a bridge could be placed in a different location from what had originally been planned several years ago. Eva reported that she and Jerry Aleskwiz will place directional arrow signs along the trail to help hikers find their way better. Eva, Karen, and Jean volunteered to install these arrows sometime this fall. Rusty reported that the map on the kiosk on East Cotton Hill Road needs refreshing; Doug volunteered to replace it. We discussed the need for Management Plans for both of these open space preserves. Madeline said she will email the latest version of the Goula management plan that OSPC has discussed.

Helen Butler Riverfront Trail Preserve: Jean reported that Mary and Darrell Hoag had weed-whacked the hiking trail again last Wednesday, 9/20/2023. She also reported that on September 13, she had a conversation with Denton Butler, brother of the neighboring property owner, Michael Butler. They discussed topics related to the Management Plan, in particular the collaboration between the Town and the abutting property owner on issues that could affect both properties, such as strategizing on mitigating invasive plants. OSPC discussed similarities and differences between strategies for farms and strategies for nature preserves.

At its 9/7/2023 meeting, the Board of Selectmen (BOS) approved the updated Management Plan with two amendments. The first amendment, under Overall Management Objectives #4, added the neighboring property owner to the list of entities who should be involved in partnering on stewardship issues. The second amendment changed the timeline for updating the Management Plan from annually to "every 5 years or as needed." Doug moved to approve the Management Plan, as amended by the Board of Selectmen (BOS) and signed by First Selectman Dan Jerram on 9/7/2023, and to forward it to NHLT for its consideration. Eva seconded. After some discussion about the amendments, the motion passed 7-0.

Stewardship of Open Space Preserves: We discussed the need to recruit more volunteers to help with trail maintenance and invasive plant mitigation on open space preserves in New Hartford. The New Hartford Land Trust (NHLT) has been offering its crew of volunteers, in collaboration with OSPC, to help on certain Town-owned open space preserves. Town volunteers have also worked on these preserves, as well as on the privately owned Phillips Farm trails (which are protected by Conservation Easement with the Town), but more help is needed. Madeline volunteered to work with the Selectman's Office to send an email recruitment message to townspeople.

Land Preservation Fund (LPF):

- 1) Doug stated that he would like to postpone discussion of LPF funding to next month's meeting, after he has had a chance to speak with Town Treasurer Gordon Ross.
- 2) We discussed the "fee in lieu of open space" in connection with subdivisions which have been approved by the Planning and Zoning Commission (P&Z) but which are then not actually developed within ten years.

Other Business:

- 1) We discussed developing a Town policy for monitoring all of the Town's CE's because there are many small open space properties that were preserved by P&Z when subdivisions were developed. Bill stated that such a policy would be consistent with OSPC's mission.
- 2) We discussed issues connected with the sale of Town-owned land protected by Conservation Easement (CE). Doug volunteered to ask BOS to inform OSPC whenever the Town is approached to buy any Town-owned open space land; the Town needs to make sure that any potential buyer is aware of and understands the CE. Bill stated that the Town should be prepared to monitor and potentially enforce its Conservation Easements.
- 3) Bill and Madeline reported that two representatives from NHLT and one representative from OSPC had met with Dan Jerram and Christine Hayward to discuss the [PA 490](#) Conveyance Tax penalty, which usually applies when privately owned land in PA 490 is sold less than 10 years after its initial date of classification as farmland, forest, or open space land. They told Dan about their research, which had shown that State of CT Statute is clear that there is no such penalty when PA 490 land is transferred to a qualified nonprofit land preservation organization. Madeline and Doug reported that they had later received an email from the Tax Assessor, in which she agreed that there should not be a penalty in one specific instance. Doug said he would forward this email to all the OSPC members. We discussed the concept that this issue should not be limited to one specific case; it applies generally whenever PA 490 land is transferred to a qualified nonprofit land preservation organization. If necessary, OSPC can request a letter from the CT Attorney General's office to clarify this important point, which can have an important effect on landowners' decisions and finances.
- 4) Doug raised the topic of OSPC members' terms that will end in December, 2023 (his term, Madeline's term, and the term of the vacant alternate position). Jean stated that she had asked about the reappointment procedure last year and had been told that the BOS practice is typically to reappoint members of commissions for another term unless they specifically ask not to be reappointed. Doug and Madeline expressed an interest in being reappointed for a new term.

Executive Session to Discuss Real Estate: At 8:15 p.m., Karen moved to enter Executive Session. Rusty seconded and the motion passed 7-0. Executive Session ended at 8:47 p.m.

At 8:48, Karen moved to adjourn the meeting. Rusty seconded and the motion passed 7-0.

Respectfully submitted,
Jean Darlington, Secretary