

August 25, 2005

Proposed Ordinance for Tax Exemption for Farm Machinery and Buildings: Prior to calling the meeting to order, informal discussion was held on a proposed ordinance for tax exemptions. Betsy Manning reported the State had passed legislation that would enable the Town to authorize an additional tax exemption of \$100,000 for farm machinery. This would be in addition to the current exemption of \$100,000 that was approved in the 1950's. First Selectman Sears had brought this to the attention of the Conservation Commission, who works in association with the Farmland Preservation Task Force of the Steep Rock Association. Application for the exemption would have to be made annually and income requirements would also be considered. Question was raised as to the tax implications that would occur. It was suggested this be reviewed with the Assessor and Board of Finance.

Valerie Friedman reported legislation has also been passed to provide an exemption of up to \$100,000 on buildings used exclusively for farming. This also would require application. Currently, three towns in the state have adopted these proposals (Guilford, Woodstock and North Canaan (machinery only).

This pre-meeting conversation was tabled to enter the regular Selectmen's meeting at 4:47 p.m.

Board of Selectmen's Meeting

First Selectman Richard Sears called the meeting to order at 4:47 p.m.

Present: Selectmen: Richard Sears, Harry Wyant

Guests: Valerie Anderson, Carlos Canal, Bill Fairbairn, Jack Field, Valerie Friedman, Mark Lyon, Betsy Manning, Dan Sherr, Rex Swain, Janet Wildman

Minutes: Harry Wyant made a motion to accept the minutes of the August 5, 11 and 18th meetings as submitted. Richard Sears seconded. The motion was unanimously passed.

Communications:

Old Litchfield Road: Valerie Andersen raised the question of a 3-way STOP at the intersection of Old Litchfield Road and Route 109. Dick reported State engineers had reviewed the intersection, but there was not enough evidence of accidents to warrant a sign. Since then, the Town has been running radar and placing the radar box in that area to bring more information back to the D.O.T.

Street Lights: Valerie Friedman suggested the Town consider taking ownership and responsibility for the street lights. She noted the Town could use the vendor that currently maintains the lights for continued maintenance.

Truck Bid: Dick Sears made a motion to award the bid for a new 2006 Ford 550 to Ray Seraphim of Interstate Ford for the net price of \$55,025. This includes purchase of the vehicle at \$70,025, with a \$15,000 trade-in on the used F350 advertised. Harry Wyant seconded the motion. The motion was unanimously passed.

Proposed Ordinance for Tax Exemption for Farm Machinery and Buildings, continued: Discussion continued on the draft ordinance for tax exemptions for farm machinery and buildings. Betsy Manning suggested an exemption of \$100,000 at the current mill rate of 11 would equate to about \$1,100/farmer.

She felt it was fair to keep in mind that the Town would not be realizing a huge tax loss but that it might make a difference to keep someone going in their business. Rex Swain suggested the Board of Finance may want to review more specific figures and that he would like to see the language in the ordinance clarified. Mark Lyon questioned the \$15,000 in income and loss relating to this legislation. He felt it could be easy to claim a loss of \$15,000 if you are not farming as a way of life and felt advantage could be taken of this. Dick will ask the Assessor to provide more detailed information. Discussion will be continued at a future meeting. The proposal has the unanimous support of the Conservation Commission.

The meeting was then tabled to call the Town Meeting to order at 5:05 p.m.

The Selectmen's meeting resumed at 5:45 p.m. following a short recess after the Town Meeting.

Proposed Ordinance for Open Space Tax Benefits: Dan Sherr reported the Open Space Committee of the Conservation Commission, at large, has long been committed to the maintenance of rural character. He noted there are a variety of ways that open space is preserved, including permanent easements where no building or development is allowed, as well as temporary easements. Public Act 490 provides tax benefits for open space but only in communities where it has been authorized. Currently, the Town allows tax benefits for forest and farming under PA 490. It does not allow the benefits for open space as this does not provide **permanent** provisions.

Dan reported there are other ways to keep protected permanence, such as through land trusts, i.e. Steep Rock and Weantinoque. The land trusts work with landowners with the intent that the owner would provide a permanent easement against development. Dan reported this has been thoroughly discussed with all of the parties that would be affected by it. Application would be made and the property must meet the Washington Plan of Conservation and Development definition of Open Space. It would be subject to a perpetual, irrevocable Conservation Restriction as defined in CGS 47-42a and must be held by a governmental body or charitable organization whose purposes include the preservation of land and watercourses. The Open Space Committee would confirm that the requirements have been met and that the property is eligible. They would then pass this to the Assessor, who would make a determination of the tax benefit to the applicant.

The Open Space Committee also would vote to provide this opportunity to those property owners who have previously placed permanent easements on their property in order that they would also benefit in the future if this ordinance is passed. Those properties that have already been held by land trusts would also have to make application. Dan reported the Committee has been working with Bill Fairbairn and have included all of their forecasting of revenue and its effect on taxes in the town.

There would be no minimum acreage required. The Committee removed the five acre minimum because they realized there are significant smaller parcels they would like to see preserved. e.g. Properties that may adjoin a land trust with a conservation easement, such as the property across from the Cogswell Tavern.

Permanent easements must be held by the town or a state-approved land trust, which would allow the Conservation Commission to have a check and balance of the process. The properties would be reviewed by the Conservation Commission. The Land Trust would own the easement on that property, but not the property. The process used by land trusts involved in the maintenance and administration of properties would be used. The maintenance of properties would be reviewed annually by the land trust, as the Committee did not want to burden the Town or the Open Space Committee with that kind of responsibility. Property owners would be asked to donate \$2,500 toward a fund in perpetuity to help

maintain the property.

Carlos Canal noted all conservation easements are not equal. Those with reserve rights may reserve the ability to construct within the envelope on the property. Dan felt that could present a problem in the future as a building might detract from other acreage. It was suggested if the property owner had that right, there should be a price to it; and an additional surcharge could be placed per building within the envelope. It was felt it is important that we seize this opportunity and put the message forward that if you are truly giving a conservation easement, you would get the full benefit. Agreement should be made at the time of the easement if it is on the entire property with envelopes or just on a particular portion of the entire property.

Dan felt as far as the Open Space Committee is concerned, their real interests are not in the envelope. Benefits would only apply to that portion of property deemed to be open space. Dan reported the Committee wrote the Ordinance to be consistent: Properties could not be passed to us from land trusts and the intent was to create an opportunity for people who have already developed an open space program to encourage them to enjoy tax benefits. Jack Field noted the concept was to give people an incentive to prevent development on land permanently. It does not include easements that are going to have building envelopes as it was not within the concept.

It was suggested the language should be reviewed to exclude building envelopes and not give a benefit to property with building envelopes.

Mark Lyon felt the proposal will generate much discussion and questioned if there would be further discussion in addition to the town meeting. Dick noted the intent was to start the discussion at this meeting and try to get the word out as much as possible. This was the beginning of the process to consider such an ordinance - a first reading, rich conversation, the first comment back from the wider public. Valerie Friedman noted it is imperative to have some limitation of acreage unless there are specific advantages. You will have a multitude of property owners, the land won't be contiguous, etc.

Rex suggested publishing the informational meeting as the issue is fairly complex. He suggested specific figures on the tax impact should be made available to the Board of Finance.

Dick reported a preliminary schedule had been set as follows: Board of Selectmen - September 8; Board of Finance - September 19th ; a Community Meeting - date not set; Town Meeting - October 3rd. Dick noted it may turn out that we may be well served to move at a more cautious pace. He commended the Open Space Committee for their excellent strategy to accomplish this goal and for the good conversation at this meeting.

Petition for Town Meeting: Dick reported a petition to hold a special town meeting to consider the establishment of a formal policy regarding the availability and completeness of minutes of Town Meetings has been received. The petition included the following:

An audio recording of every Town Meeting shall be made by the Secretary of the Meeting. Within 10 days of each meeting, both the audio recording and a complete written transcript shall be filed with the Town Clerk and the full text of the transcript shall be made available in electronic form for publication on the Town Web Site.

The full transcript aspect of this policy shall be retroactive to May 19, 2005. Transcripts of all Town Meetings from then through and including the date of this meeting shall also be submitted to the Town Clerk and the Town Web Site within 20 days of this meeting.

A town meeting date must be set within 21 days of receipt of the petition. The Selectmen were asked if

they would recommend being in favor of this issue. It was noted Selectman Wyant had not seen the petition before this meeting.

It was noted that minutes of town meetings are filed in the office of the Town Clerk according to State Statute; however, the Statutes do not require that a full transcript be done. In the past, transcripts have been done for most meetings, but no time frame was set to their completion. It was agreed that a town meeting would be scheduled for September 1, 2005* at 7:30 p.m. on this matter.

Discussion was held as to the disparity on the counting of hand votes taken at town meetings. It was suggested that a count be taken rather than a general observation of hands by the moderator.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted, Kathy Gollow, Selectman's Assistant

*Note: The date for the town meeting was changed to September 6, 2005 at 7:30 p.m. due to lack of time available to publish legal notice.