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Chester, Clinton, Cromwell,
Deep River, Durham, East Haddam,
East Hampton, Essex, Haddam,
Killingworth, Lyme, Middlefield,
Middletown, Old Lyme,
Old Saybrook, Portland, Westbrook

**Lower Connecticut River Valley Council of Governments
and Lower Connecticut River Valley Metropolitan Planning Organization**

APPROVED MINUTES OF REGULAR MEETING

Wednesday, January 24, 2018
Connecticut State Capitol, Room 310
210 Capitol Ave, Hartford, CT

RiverCOG Members:

Chester:	Lauren Gister *
Clinton:	Christine Goupil
Cromwell:	Anthony Salvatore *
Deep River:	Angus McDonald, Jr. *
Durham:	Laura Francis *
East Haddam:	Emmett Lyman *
East Hampton:	Michael Maniscalco *
Essex:	Norm Needleman
Haddam:	Lizz Milardo *
Killingworth:	Cathy Iino *
Lyme:	Steve Mattson
Middlefield:	Ed Bailey *
Middletown:	Daniel Drew
Old Lyme:	Bonnie Reemsnyder *
Old Saybrook:	Carl Fortuna *
Portland:	Susan Bransfield
Westbrook:	Noel Bishop *

MPO Members:

Middlesex Chamber of Commerce: Darlene Briggs
Estuary Transit District: Joe Comerford *(10:17)
Middletown Area Transit: Lisa Seymour * (10:20)

Others Present:

Representative Devin Carney
Representative Robert Siegrist
Representative Matt Lesser
Representative Melissa Ziobron
Senator Len Fasano
Senator Paul Formica
Pat Bandzes, Eversource
Edgar Wynkoop, DOT

* Members Present

Continuation of Others Present:

Daniel Giungi, CCM
Amy Patterson, Executive Director CLCC
Betsy Gara, COST

Staff Present:

Samuel Gold, AICP
Torrance Downes
Judy Snyder
Rob Haramut
Margot Burns
Dan Bourret

1. CALL TO ORDER, INTRODUCTIONS, PUBLIC SPEAKING

Chairman Bonnie Reemsnyder called the meeting to order at 10:04 a.m. in Room 310, CT State Capitol, 210 Capitol Ave, Hartford, CT and thanked everyone for coming. Roll call was taken and Sam Gold, AICP, Executive Director introduced the guests and asked if anyone from the public wished to speak at this time.

1a. Amy Patterson, Executive Director, CT Land Conservation Council (CLCC) addressed the Council under public speaking. She said that the CLCC is worked closely with Margot Burns, Environmental Planner at the RiverCOG and the Land Trusts in the state. She distributed the report "Enabling a Local Option for Land Conservation and Stewardship Funding" (attachment #1) and spoke about a bill before the legislature that would allow certain towns to establish a voluntary one-time real estate conveyance fee of up to 1% to fund the acquisition, preservation, and stewardship of open space and farmland in the municipality. This fee would be paid by buyers of residential real estate on every sale. The proposed legislation would give municipalities an option to institute a fee on a voluntary basis, no municipality would have to implement a conveyance fee if not wanted.

Tony Salvatore asked if towns in their ordinances or zoning regulations have this authorize now. Ms. Patterson said no but she would like this proposal to enable a pilot program in towns that are agreeable to the fee. Mr. Salvatore questioned the charge to everyone buying property. Ms. Patterson replied this would be just for residential real estate with an exemption on the first \$150,000 of the property's value.

Lauren Gister asked why just certain towns were in this bill instead of including all towns and having the towns individually vote on this issue. Ms. Patterson stated that this proposal has been put to the legislators for many years and possibly the legislators were concerned that the CEOs did not want to bring this to their voters.

2. REPORT OF THE NOMINATING COMMITTEE AND ELECTION OF 2018 RIVERCOG OFFICERS

Angus McDonald stated that the members of the Nominating Committee were Susan Bransfield, Lauren Gister and himself. He said that the current slate of officers had been contacted and all agreed to serve another term. He then read the slate of officers for the 2018-2019 term of office.

Lower CT River Valley COG and MPO
Minutes of the January 24, 2018 Meeting
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Chairman - Bonnie Reemsnyder, First Selectwoman of Old Lyme
Vice Chairman - Michael Maniscalco, Town Manager of East Hampton
Secretary - Noel Bishop, First Selectman of Westbrook
Treasurer - Carl Fortuna, First Selectman of Old Saybrook

Mr. McDonald also added that there are two At Large nominees Anthony Salvatore, Town Manager of Cromwell and Cathy Iino, First Selectwoman of Killingworth. Mr. McDonald noted that the by-laws should be amended to allow for a 3rd term in office. Sam Gold asked that the agenda be amended to include a discussion to change the by-laws. He said in the past officers were allowed to serve three terms.

Bonnie Reemsnyder asked if there were any questions or other nominations. There being none, nominations were closed and members voted unanimously to nominate the following slate of officers for the 2018-2019 term of office for the Lower Connecticut River Valley Council of Governments and the Lower Connecticut River Valley Metropolitan Planning Organization:

Chairman - Bonnie Reemsnyder
Vice Chairman - Michael Maniscalco
Secretary - Noel Bishop
Treasurer - Carl Fortuna

At Large members are Anthony Salvatore and Cathy Iino.

Upon motion of Laura Francis, seconded by Lizz Milardo, it was unanimously voted to elect the following slate of officers for the 2018 – 2019 term of office for the Lower Connecticut River Valley Council of Governments and the Lower Connecticut River Valley Metropolitan Planning Organization effective January 24, 2018:

*Chairman - Bonnie Reemsnyder
Vice Chairman - Michael Maniscalco
Secretary - Noel Bishop
Treasurer - Carl Fortuna*

Additionally, Anthony Salvatore and Cathy Iino have agreed to serve as the At-Large members of the Executive Committee.

3. RIVERCOG LEGISLATIVE AGENDA / DISCUSSION WITH LOWER CT RIVER VALLEY LEGISLATORS

AMENDMENT TO AGENDA

Sam Gold said he would like to amend the agenda to include the “Resolution Supporting Recognition of Regional Councils of Governments as County Equivalents for Connecticut by the U.S. Census Bureau” (attachment #2).

1. The RiverCOG received the agreement for its FY18 Regional Services Grant from OPM and a resolution needs to be approved to allow Mr. Gold to sign the agreement. OPM will pay us 75% of the grant now and 25% during the fourth quarter.

2. Resolution supporting the U.S. Census Bureau recognizing COGs are the closest thing in Connecticut to counties. This would allow COGs to apply for federal grants as counties and would mean that U.S. Census data would be collected along COG region lines. Since municipal lines don't change the data could still be aggregated along old county lines too. This means less work for COGs. OPM has asked for this resolution, although support for recognition of COGs as county equivalents for Connecticut in previous legislative agendas.

Upon motion of Noel Bishop, seconded by Tony Salvatore, it was unanimously voted to amend the agenda.

Sam Gold asked the COG to adopt the draft 2018 RiverCOG Legislative Agenda. Mr. Gold stated that it is very similar to the previous years' agendas with a few new items : 1) looking at our tax code in relation to the new federal tax code. Some of our surrounding states are proposing changes to their income taxes particularly New York. There is concern that if Connecticut does not stay abreast of what is happening in our neighboring state that residents that work in New York and live in Connecticut could face double taxation as there could be a payroll deduction by New York state payroll tax and then a personal income tax in Connecticut. This is a major risk to Connecticut. 2) Mr. Gold said we are impacted by limitation of the state and local taxes (SALT) deduction and we don't know what that impact is in Connecticut, but the State should analyze the impact on Connecticut and should be seeking ways of optimizing our state tax code, whether it is on the state and local level, to help residents and businesses realize the largest possible federal deductions and refunds. He thinks that is something we all could support. Anything that could be done to help the residents lower their federal burden would be appreciated by all. 3) Fees that are set by Statutes. A number of fees charged by municipalities are set by Statute well below the cost of administering the fee, license, or permit. Statutes should be amended to free towns from unreasonably low capped fees and enable municipalities to set their own fees at rates that are reasonable, and help them recoup more of their costs. Other items on the legislative agenda are similar to other years; transportation, regionalization and mandate relief.

Bonnie Reemsnyder asked the members for a motion to adopt the amended legislative agenda.

Upon motion of Noel Bishop, seconded by Tony Salvatore, it was unanimously voted to adopt the amended legislative agenda.

Cathy Iino said that the agenda may have to be amended regarding school busing because it was discovered that there are no statutes that mandate school busing as practiced. She said that there are positive things that need to be done, but doesn't think a policy change needs to be made. She doesn't think it is a legislative issue. Ms. Iino asked that this be taken off the agenda.

Bonnie Reemsnyder asked if everyone is agreeable to taking the school busing item off the agenda to say aye. Members replied favorably.

Laura Francis said that the group that is looking at the regional school issues is a robust group and is on the verge of coming out with some recommendations for some legislative actions. She would like to see the COG support this because so many of the towns are involved in regional school districts.

Bonnie Reemsnyder asked if everyone is agreeable to say aye. Members replied favorably.

Bonnie Reemsnyder thanked the legislators for coming today and invited them to attend any of the RiverCOG meetings in Essex on the fourth Wednesday on the month at 9:00 a.m.

Senator Len Fasano said that the extra money in the budget goes up and down depending on the year, like the stock market. In the years when there is extra money he feels those dollars should be put in a rainy day fund. He stated that there is approximately \$675 million or more from the nest egg and this is largely in part because of a law in 2008 where some Hedge Funds were able to defer their income for 10 years. In 2018 that money has to start being declared. Obviously in 2017 much of the money was declared because of taxes.

Carl Fortuna stated that there was a surge in revenue and questioned if there would now be less of an incentive to agree to a deficit mitigation plan now that there is money in the rainy day fund?

Noel Bishop asked the legislators, with most of the towns starting their budget process for next year, realistically what would you want to say to all the towns in terms of going forward and preparing their budgets given where the state is and to what extent can the towns be optimistic there will be some funds there or do we have to plan there will be no funds there? How would you answer that question?

Senator Len Fasano answered when we did the bipartisan budget a key component in the negotiations was to leave the municipalities as whole as possible. The Special Transportation Fund (STF) has been reported by Commissioner Redeker to be in peril. The administration has proposed increases to the gas tax, an excise tax, and to bring back highway tolls. The gas tax brings in more revenue than tolls. The tolls would have to be on every state interstate and expressway. Entrance and exit ramps would have to be reconfigured and toll collection gantries constructed. Tolls on state roads will also push traffic to other roads that don't have tolls on them.

Joe Comerford asked what are the prospects of a fix to the STF? DOT has talked about a 15% reduction in funding to transit districts in 2019 and 50% in 2020 because of STF shortfalls. Mr. Comerford stated that tolls would take six years to get up and running. The proposed funding cuts to transit districts would result in the destruction of the transit districts. A faster solution to the STF shortfall is needed.

Representative Devin Carey said that the Governor has a transportation plan, but he is keeping it a secret for now. Forcing municipalities to pay for teachers' pension costs will just increase property taxes. Connecticut has the second highest property tax burden in the country.

Senator Paul Formica said that there have been changes in the Special Transportation Fund that moved a revenue stream from sale taxes on automobiles. This is an important change going forward. He sits on the Tourist Committee and is meeting with the CT Tourism Coalition to get more people to visit CT. Tourist is a big economic multiplier with every \$1.00 invested in tourism generating \$3.00 comes in new revenue. The Energy Committee is trying to move CT's energy in a new direction. We are one of the costliest states in the country with regard to energy but we are home to the largest single producer of energy in New England with Millstone Nuclear Powerplant.

Representative Melissa Ziobron spoke about the proposed CTfastrak extension to UCONN from Hartford. She said that it was taken out of the budget but then we were told because of the University went ahead and started charging students fees for the service Fastrak East service was started in the fall. She found the Governor's office instituted the new service even when the money, \$1.8 million, was taken out of the state budget. This session will be a short session with discussion of changes to the FY2019 portion of the biennium budget passed in the fall.

Representative Devin Carney said that the Governor and Commissioner Redeker talked about Shore Line East and the possibility of eliminating weekend service and cutting back on weekday service. The Governor's transportation plan was a good plan however the Governor and Commissioner Redeker both knew that they had no way of paying for it. In the towns of Berlin, Meriden, West Hartford, and North Haven train stations were promised and there is no money for them.

Representative Robert Siegrist stated that this is his first term in office but he would like to reiterate what Rep. Ziobron and Rep. Carney had said, and that communication is key. He told the members to contact him with any questions, comments, or concerns they may have.

Lauren Gister said that we are hearing that this was buried in Commissioner Redeker's report and not included in the Governor's press release that the spring installment of the town aid road grant will not be forthcoming. This is creating a real problem as the towns try to secure contracts at this point. Is there any way to address that in time?

Senator Paul Formica asked if Commissioner Redeker had come and talked to the COG as a group about his transportation plan. Towns depend on town aid road and bridge programs. What he is talking about cutting \$4.3 billion in projects is about being able to bond and afford payments. This is where the .04 cents gas tax increase comes in. The shifting of the new cars sales tax from the general fund to the special transportation fund will be \$60 million and also help.

Laura Francis asked if the spending cap is repealed, why are we being asked by OPM to send in our budget numbers. Communication between the Governor, legislature, state agencies and towns needs to be improved because it is causing a lack of trust.

Mike Maniscalco said that because of the Governor, the town of East Hampton is about \$1.2 million behind in revenue. The Board of Education feels they are not responsible for the revenue because of the way the Connecticut State Statutes are put together and furthermore the school officers believe they do not cost the town any money. Because of this he is concerned that he won't be able to put police officers on the streets, fill potholes, or provide the residents with a safe community to live in.

Tony Salvatore asked if consolidation of schools would help. Senator Formica said that isn't always easy to do. Sam Gold stated that regionalization in some towns work well. Many of the State Statutes need to be changed for these things and to determine the level of service these towns require and expect. Cathy Iino said even when the studies for regionalization make sense, transitions will require significant investment.

Bonnie Reemsnyder thanked the legislators for coming.

4. LCRVMPO BUSINESS

- a. Approve Minutes of the December 6, 2017 LCRVCOG and LCRVMPO Meeting

Upon motion of Tony Salvatore, seconded by Lauren Gister, it was unanimously voted to approve the minutes of the December 6, 2017 meeting.

- b. Transportation Improvement Program (motion)
 - i. 2018 TIP Amendment 6 – Replace bridge 02510 along Route 82 over Strongs Brook, project 0040-0146, East Haddam
 - ii. 2018 TIP Amendment 7 –Bicycle and pedestrian improvements along Bridge Road, project 0060-0162, Haddam

Robert Haramut reviewed both amendments to the members.

Upon motion of Carl Fortuna, seconded by Tony Salvatore, it was unanimously voted to approve the 2018 TIP Amendment 6 – Replace bridge 02510 along Route 82 over Strongs Brook, project 0040-0146 in East Haddam and the 2018 TIP Amendment 7 –Bicycle and pedestrian improvements along Bridge Road, project 0060-0162 in Haddam.

- c. CTDOT Project Postponements / Special Transportation Fund Impacts

Sam Gold stated that he had asked Commissioner Redeker at the meeting of the COG Directors when is he going to bring his list of indefinite postponements to the COGs for a vote. Most of these projects are using federal funds and the funds are programed by the chief elected officials sitting on the MPO boards. The state has been providing the 20% non-federal match, but there could be a situation where the project is so important to the town that the town may want to fund it themselves.

- d. Statewide Long-Range Transportation Plan Public Comments

Sam Gold said that the state released a new Long Range Transportation Plan. This plan is based on public outreach work that was conducted four years ago as part of the transform CT program, which then turned into Let's Go CT, which was the Governor's transportation vision. A week before Christmas the state released a draft of the Long Range State Transportation Plan. We reviewed it and in it was the hundred billion dollar package for Let's Go CT and the verbatim recommendations of the Governor's transportation finance panel from 2016, including the recommendation that RiverCOG merge again into one of three MPOs. Mr. Gold attended the public hearing last week and spoke. He said that there was outreach last summer to get on the COG agenda, but DOT never followed through on this. The deadline for written comment is Monday and Mr. Gold will be submitting comments. One thing that upset him was the plan says the Commissioner of Transportation came to each one of the COG and spoke about this. The Commissioner did attend a May 2016 RiverCOG meeting, but spoke about other issues and never mentioned the Long Range State Transportation Plan. Mr. Gold will submit the verbatim transcript of that meeting along with his testimony.

Betsy Gara said that the Commissioner is coming to the COST meeting on the 14th.

- e. Transportation Planning Updates
 - i. Corridor Studies Route 66 and Route 81

Sam Gold said there was a kick-off meeting with the Routes 66 and 81 corridor studies and are under contract with our two consultants.

ii. Regional Bus Operations Study

Sam Gold said he has been working with Lisa Seymour from MAT Transit, the City of Middletown, and Joe Comerford on trying to get a comprehensive regional bus study. He said that a request for a corridor study has been submitted to Edgar Wynkoop. We have also been working with Dennis Solensky the administrator for transit at DOT to try and get that funded. We would be looking at routing and operation effectiveness at the two bus companies.

iii. Middletown Area Transit Public Private Partnership

Sam Gold said he has been meeting with Lisa Seymour, the City, the Middlesex Chamber, and DOT *to assist them for a potential public private partnership for a new bus station in Middletown and redevelopment of the old bus station for some other kind of development.*

f. Updates from MAT and 9 Town Transit

Lisa Seymour stated that MAT is running within budget currently, but will be decimated by proposed cuts to transit districts by CTDOT. A 15% cut which is proposed by CTDOT will cause service to be taken off the road which will send the district backwards in the progress that it has made recently. The 50% cut in 2020 like proposed will eliminate the district as with other small districts.

5. LCRVCOG BUSINESS

a. Authorization for Sam Gold to sign FY18 Regional Services Grant Agreement

Upon motion of Laura Francis, seconded by Cathy Iino, it was unanimously voted to authorize Sam Gold to sign the FY18 Regional Services Grant Agreement.

b. FY2019 RiverCOG Dues

Sam Gold explained the spreadsheet with the options for a yearly increase of 5%, 10%, or 15%. The dues are based on the per capita population of the towns. He said that everything he hears from the State is that funding may be again cut significantly for next year. The Executive Committee wanted this to be brought to the members because towns are waiting for this figure for their own budgets for next year. Mr. Gold said that a very small portion of our money comes from dues. The majority of our funding is from the state and the federal government.

Cathy Iino asked if a list of the benefits that the towns received from the COG could be sent out to all the members.

Bonnie Reemsnyder said that every organization is being cut with year and this is very difficult to pass on to the taxpayers. Tony Salvatore said this does not send a signal to the State that the towns will make up the difference. Ms. Reemsnyder said that this is not how the state gets out of their obligation to the towns, but we also acknowledge the importance of the COG for our communities. Lauren Gister stated that the COG is the best to pass along information and protects the small towns.

Upon motion of Tony Salvatore, seconded by Noel Bishop, it was unanimously voted to set the RiverCOG FY2019 dues at 10%.

b. RiverCOG Budget Update

This item has been discussed previously.

c. RiverCOG Office Space

Sam Gold spoke about the search for office space stating that yesterday he looked at two spaces in Old Saybrook and tomorrow he was going to Middletown. He said that the COG could get by with less square footage and that would bring the cost down. He needs to inform our current landlord of our intentions by the end of the month.

d. RiverCOG Bylaws Amendments

Sam Gold said he has revised the bylaws in several areas including term limits, making the text gender neutral, defining the role of the Executive Director, acknowledged the new non-profit and the Regional Planning Committee's duties. Bonnie suggested that the members review this document and send any comments to her within two weeks so that the Executive Committee could review them at their next meeting.

e. Resolution and Support of Federal County Analog Status for COGs (motion)

Sam Gold stated a good example of the importance of this issue is the damage from the Connecticut River ice jam. We are helping document uninsured damage due to the ice jam, in the hope of getting FEMA disaster relief. FEMA funding is determined by county lines, so any claim and relief would not include Lyme and Old Lyme, who didn't sustain enough damage on their to make New London County eligible, whereas Middlesex County may. This resolution would recognize Regional Councils of Governments as county equivalents in Connecticut by the U.S. Census Bureau. Recognition by the U.S. Census Bureau will lead to recognition by federal agencies, such as FEMA.

Upon motion of Cathy Iino, seconded by Lizz Milardo, it was unanimously voted to adopt the Resolution Supporting Recognition of Regional Councils of Governments as County Equivalents for Connecticut by the U.S. Census Bureau.

6. CHAIRMAN'S AND EXECUTIVE DIRECTOR'S REPORTS

Sam Gold said that in December two employees left the COG. Rick Grant retired and Nate Hougrand left for a planning position for the City of New Haven. Mr. Gold said due to the budget uncertainties he will keep those positions vacant.

7. OTHER BUSINESS

Sam Gold said that at the December meeting a budget was presented for possibly a third household hazardous waste collection in Cromwell. However, the northern towns did not want to pay for a third collection.

Upon motion of Tony Salvatore, seconded by Michael Maniscalco, it was unanimously voted to approve the budget presented at the December COG meeting that includes two HHW collections in the northern towns.

Sam Gold wanted to bring this to the member's attention that there is a fund balance in the household hazardous account. That revenue is held for maintenance of the permanent collection facility in Essex. At some point this fund balance could be used to help defray costs for future collections.

Torrance Downes updated the members on DEMHS.

Tony Salvatore asked for a consensus of what the members are doing regarding circuit breakers. This is a statute that the town assessors have to come up with a figure to OPM for the state treasurer, and cut a check. Cromwell didn't fund it. Carl Fortuna said he will fund it.

Angus McDonald said he appreciated the work the Nominating Committee did and thanked them for their input.

8. ADJOURNMENT

Upon motion of Noel Bishop, seconded by Carl Fortuna, it was unanimously voted to adjourn the meeting at 12:04 p.m.

Respectfully submitted,

Judith Snyder
Recording Secretary

CONNECTICUT Land Conservation Council

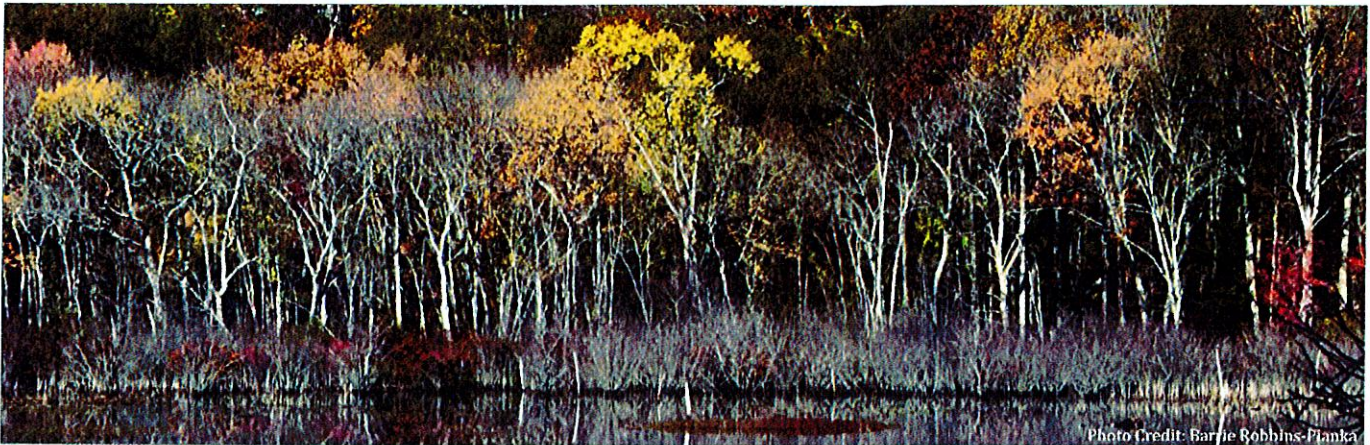


Photo Credit: Barrie Robbins-Planka

Enabling a Local Option for Land Conservation and Stewardship Funding

Frequently Asked Questions

What does this bill do? The proposed legislation would allow (but NOT REQUIRE) certain towns and cities to establish a fund to acquire, preserve, and steward open space and farmland at the municipal level by including a conveyance fee of up to 1% paid by buyers of residential real estate.

Why is this needed in CT? Many cities and towns need a sustainable source of funding for local conservation and stewardship efforts that would not impact the municipal mill rate or require additional bonding. This added source of funding would enable communities to fulfill match requirements for state or federal grant programs, cover the costly expenses associated with acquiring land (appraisals, surveys, environmental assessments, etc.), and better maintain the town's open space properties and farmland.

If enacted, would this legislation require all towns to establish the program? No. This legislation authorizes certain municipalities to decide, through their local public approval processes, whether or not to take advantage of this funding mechanism.

Will a conveyance fee deter homebuyers or commercial investors? Experience in other states shows the opposite. People and businesses are attracted to communities that have cleaner air and water, recreation options, local food sources, and protected natural beauty. If adopted by the municipality, the fund allows buyers to invest in their communities. The fee is an investment in maintaining the community's open spaces and farmland, which in turn helps to sustain the community's natural assets, avoid the hidden community costs of development, and even increases local property values. [insert source]

Would this make housing less affordable? The fee is limited to a maximum of 1% and does not apply to the first \$150,000 of the sale price. Repaid over 20 or 30 years in a mortgage, that extra cost is minimal.

May a municipality impose less than the 1% fee? Yes. The proposed legislation indicates that the conveyance can be "up to 1%." Therefore, a municipality may adopt a lower percentage fee.

Can the money be raided for other purposes? If enacted, the legislation would require that funds raised through this program by the local community must be dedicated to land conservation and stewardship.

Would land purchased with these funds need to remain as town land? This would be up to the town, but purchases can be made in cooperation with land trusts. A local partnership like this could help the town to further stretch this funding source.

Why allow funding to be used for land stewardship? Most communities and land trusts understand that there are two critical funding needs associated with open space and farmland protection: 1) funds for acquisition, and 2) ongoing resources for maintenance or stewardship. This legislation would allow municipalities to dedicate funding to both of these pressing needs as necessary.

If adopted, would the conveyance fee be required in perpetuity at the local level? That would be up to the community adopting the fee.

Have other states enabled similar legislation? Nearby states (MA, NY, RI, PA, WV) have allowed some municipalities to enact a buyer's conveyance fee, with the income dedicated to conserving and caring for local natural areas. These programs have proven remarkably successful, resulting in the protection of thousands of acres of open space, forests, meadows and farms from inappropriate development. (See case studies, attached.)

For more information, please contact Connecticut Land Conservation Council Executive Director, Amy Blaymore Paterson at abpaterson@ctconservation.org or at 860-614-8537.

DRAFT

As of 1/19/18

AN ACT PERMITTING MUNICIPALITIES TO IMPOSE A BUYER'S FEE ON THE CONVEYANCE OF REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

(a) That the general statutes be amended to permit the municipalities of [insert name of individual towns] to (1) impose a buyer's fee on the conveyance of real property occurring on or after July 1, 2018, at the rate of not more than one per cent of the consideration paid by the buyer in excess of one hundred fifty thousand dollars, and (2) retain and keep such fee in a separate account for the purpose of the purchase, preservation and stewardship of open space, including water resources, farmland, and, at the discretion of the governing body, for repayment of existing or future municipal bonds obtained for funding the purposes enumerated in this section.

(b) Conveyances resulting in the preservation in perpetuity of open space land, forest or farm land shall be exempt from any fee imposed pursuant to the provisions of subsection (a) of this section.

(c) The fee imposed by subsection (a) of this section shall not apply to any deeds, transfers or conveyances enumerated in subsection (a) of section 12-498 of the general statutes.

Statement of Purpose:

To permit the municipalities of [insert name of towns] to impose a conveyance fee on certain real property sales in order to generate funds for the purchase, preservation and stewardship of open space, including water resources, farmland, and the repayment of municipal bonds obtained for this purpose.

Representative XYZ
Senator XYZ
Senator XYZ

Dear Representative XYZ and Senators XYZ and XYZ,

As (insert your title here) of (insert your town here), I'm writing to express my support for legislation to enable a local option for land conservation and stewardship funding. If enacted, this legislation would allow (but not require) certain towns and cities to establish a fund to acquire, preserve, and steward open space and farmland at the municipal level by including a conveyance fee of up to 1% paid by buyers of residential real estate. The town of [insert] would like to be included in the bill to enable our residents to decide whether to adopt this funding mechanism.

The town of [insert], like most Connecticut towns, is feeling constrained by state budget cuts and is looking for more creative options to fund land use projects that enhance our local economy and the quality of life for our residents. If approved by [insert name of town] residents, this program would provide our community with a sustainable source of funding for local conservation and stewardship efforts that would not impact the municipal mill rate or require additional bonding. It would also enable our town to fulfill match requirements for state or federal grant programs, cover the costly expenses associated with acquiring land (appraisals, surveys, environmental assessments, etc.), and better maintain the town's open space properties and farmland.

[Describe why open space conservation and/or farmland preservation and/or community gardening, etc. is/are important to your town. Cite an example of how this source of local funding would help the town in conserving or stewarding a particular piece of land in your town]

Connecticut's natural resources are what make this state such a wonderful place to live, work, and recreate. Providing communities with the tools to take a more active role in their conservation and stewardship will help keep it that way for generations to come.

Thank you for your consideration.

Sincerely,

Name, Title

The Warwick Advertiser

A decade of success for Warwick's farmland and open space has been a success

The Warwick Advertiser, February 9, 2017

By Roger Gavan

Thousands of acres have been preserved while also bolstering the area's agri-tourism economy.



File photo by Roger Gavan Bellvale Dairy Farms: Today almost every resident is within a short drive or even a walk to a picturesque view of a farm, a mountain, a lake, a park or a forest.

WARWICK — In the late 1990s many residents and farmers were lukewarm about the idea and the expense of farmland preservation and quite a few were dead against it.

Although purchasing development rights had been successful in Long Island, local farmers were hard to convince.

In those days, development rights, which for the past 10 years have been funded by county, town and home sales, were purchased through an approved bond referendum. And in 1998, the Sweetman Farm became the first of many to sign on.

"Go up by the creamery on Mount Peter and lookout on a thousand acres of undeveloped property in the Warwick Valley," said Al Buckbee, owner of Bellvale Farms and the second farmer to join the Property Development Rights (PDR) program. "That's a magnificent view and a terrific benefit for all the people who live here. And I'm always amazed by the number of people who choose to run or walk along the picturesque roads adjacent to my farm instead of a track."

Buckbee explained that PDR gave farmers an opportunity to do what they love and still benefit from the appreciation of their land.

The legacy of Seymour Gordon

Much of Orange County's beauty has been preserved thanks to the work of the late Seymour Gordon, who was involved in the promotion of agriculture and open space preservation since the 1940s.

Gordon spearheaded the Warwick Purchase of Development Rights Alliance, which subsequently labored to achieve the authorizing of a bond issue that not only permanently preserved more than 2,500 acres of Warwick farmland and saved 17 farms at that time, but also resulted in other local improvements including the development of a Town beach at Greenwood Lake. There are now 21 farms preserved by the bond referendum. .

Gordon, who passed away in 2010, was also involved with Warwick Conservancy and he became a founding member of Sustainable Warwick.

Ten years ago this coming April, homebuyers in the Town of Warwick began paying a real estate transfer tax.

In November 2006, voters had approved the measure that called for 0.75 percent of the purchase price on new real estate sales be used by a Community Preservation Fund (CPF), which would preserve open space by buying the development rights to farms.

"I always believed the Community Preservation Transfer Tax would benefit Warwick and only increase the value of our community, making it an even more desirable place to live," said Warwick Supervisor Michael Sweeton. "Since it's passage by our residents the fund has allowed us to preserve more than 2,000 acres of farmland that to this day remain in farming.

"Many of these farms have diversified thereby bolstering our agri-tourism economy, adding millions to our local economy with very little added tax burden," the supervisor added. "Newcomers recognized the special place Warwick is and gladly contributed to continue the efforts of those who came before them."

Sweeton cited examples of agri-tourism including the popular Bellvale Farms Creamery, Pennings Orchard and Farm Market and other farms attracting numerous tourists during the apple and pumpkin-picking season.

Defining community

Home sellers and real estate agents, however, were not pleased with the tax at that time. But although not everyone is on board, some now see the value of preserving open space as a unique quality of life consideration for buyers in this area compared to neighboring communities.

"I must admit that I was initially against the Warwick Preservation Fund Transfer Tax, not because I didn't believe in its merits, but because I am against most taxes in general," said Geoff Green, owner of the Green Team Home Selling System. "With that said, I did what I could to keep a lid on my opinion because I knew smart people were at the helm. Sure enough those smart people were right and it has turned out to be a huge success for Warwick. We all really owe a debt of gratitude for those who pushed it through."

Farsighted individuals, community organizations and public and private agencies played key roles in this success. And today almost every resident is within a short drive or even a walk to a picturesque view of a farm, a mountain, a lake, a park or a forest.

There are currently nine farms, totaling approximately 770 acres, in various stages of land preservation.

"Warwick's bold and far reaching efforts to preserve open space have been a win-win proposition," said Town of Warwick Historian Professor Richard Hull. "Through extraordinary foresight, we have saved critical aquifers, lakes and streams, productive farmlands, natural forestlands and wetlands and scenic landscapes for ours and future generations. These visionary and synergistic efforts have strengthened our sense of common identity and are helping to make our community a safer, healthier, happier and more beautiful place in which to live and to raise our families."

Municipal Open Space Funding Option

Case Study: Warwick, NY

Warwick NY is a rural town of 32,000 people in southeastern NY State. It includes several villages and hamlets nestled in a landscape of rich flat farmland framed by forested mountains reflected in its scattered lakes and ponds.

In 1999, facing the rapid development of subdivisions, the town adopted a Comprehensive Town Plan that included a commitment to protect open space and agricultural farmland “in perpetuity.” A citizen survey had indicated that “maintaining the rural character” of Warwick was the goal of the Plan which got the most support. The Plan’s strategy for meeting this goal included the purchase of land and/or development rights within the town, guided by a citizen’s committee set up to prioritize open space and farmland protection.

In 2000, the town approved a \$9.5 million bond issue to pay for this proposed land conservation. An additional \$5.5 million was pledged from county, state and federal partners, as well as from private foundations and donations. In 2005, to help pay off the bond and to expand the program, the town was granted enabling legislation by NY State that allowed the town to impose a real estate buyer’s transfer fee of 0.75%, with receipts from the fee dedicated to land conservation.

Since inception of the plan, and augmented by income from the transfer fee, Warwick has now protected over 3,200 acres and holds the development rights (conservation agreements that prohibit development) on 32 farms. **Warwick is meeting its goal of maintaining its rural character and its land value**, while surrounding towns have lost many farms and forests to development, according to an Orange County Land Trust land agent who works in partnership with the town.

Supervisor (Mayor/Selectman) Michael Sweeton of Warwick sums up the transfer fee program after 10 years: **“By all measures the program has been a huge success in preserving our working farms and protecting our quality of life. While the local realtors saw doom and gloom when it was proposed they now all seem to acknowledge it has enhanced rather than diminished values in our town. During the crash of 2007-2008 property values in Warwick fell less than in other towns in Orange County.”**

The fee brings Warwick about \$50,000/month, funding land conservation, monitoring and oversight (provided by the Orange County Land Trust).

The proposed enabling legislation aims to achieve similar land conservation and stewardship success in select towns throughout Connecticut.

Municipal Open Space Funding Option

Case Study: New Shoreham (Block Island), RI

At a Special Town Meeting in 1986, voters of the Town of New Shoreham, RI (Population ca. 1000, median household income \$44,000) adopted a resolution establishing the quasi-municipal Block Island Land Trust (BILT). The resolution, enabled by an act of the Rhode Island Legislature, authorized the collection of a transfer fee on sales of real property on Block Island, which is currently set at 3% for funding conservation by the BILT.

The BILT has been authorized by the Town to issue up to \$6,000,000 in bonds, paid for with the fee income. Five unpaid Trustees, elected by the town for staggered four-year terms, administer the Land Trust.

The BILT's mission is to acquire and preserve open space on Block Island for conservation, recreation, aquifer protection and agricultural uses, acting on behalf of the Town, based on the Town's Comprehensive Plan. Protection can be by acquiring the land outright or acquiring the development rights or easements on the land (a land use agreement that restricts certain uses). The Block Island Land Trust works in close cooperation with The Nature Conservancy and the Block Island Conservancy, both with offices on the island. After 40 years, BILT is nearing the Town's Comprehensive Plan goal of protecting 50% of its land. This includes land held by Block Island Land Trust, Block Island Conservancy, The Nature Conservancy, Town of New Shoreham, Rhode Island Department of Environmental Management, Audubon Society, United States Government, and United States Fish & Wildlife Service.

As an indication of popular support, the most recent town-wide survey (on New Shoreham website) indicated over 80% of respondents support the BILT program. Moreover, despite a conveyance fee that is higher than in other towns surveyed, the real estate market in New Shoreham appears strong, resulting in increased income over the from the 3% transfer fee (about \$1.5 million last year). Tourism continues to be a major draw, due to the beauty of the natural landscape and farmland being protected by conservation.

Kate Butcher, a realtor and owner of Block Island Realty, said that **the 3% transfer fee has been "really good" for Block Island** and has not interfered with the real estate market since there is an exemption for affordable housing and first time homebuyers.

Municipal Open Space Funding Option

Case Study: Jefferson County, West Virginia

In 2002 the West Virginia legislature passed the Voluntary Farmland Protection Act, which allows every county in the State which has formed a Farmland Protection Program to fund farmland conservation by means of a county transfer fee of up to 0.22 % on buyers of real estate. As of November 2017, **Farmland Protection Programs in 21 counties in WV are using the fee to fund the acquisition of the development rights (easements) on a total of 26,242 acres of agricultural lands**, with many farms currently in negotiation.

Jefferson County, the easternmost county in West Virginia, is in the beautiful Shenandoah Valley, famous for civil war battles, John Denver's song "Take Me Home, Country Roads," and Punxatawny Phil. Half of the 200-square-mile area is considered farmland (mountain ridges are excluded). Its population of 44,000, with a median household income of \$56,000, is concentrated in several small cities and dozens of small villages. Development pressure on the County stems in part to its location 66 miles northwest of Washington, DC.

Jefferson County was one of the first in West Virginia to take advantage of the option to place a transfer fee on real estate conveyances. **To date, 4028 acres (40 farms) have been protected from development in perpetuity by the Jefferson County Farmland Protection Board**, using \$14 million in funds from the transfer fees augmented by partnerships with the USDA, historic preservation groups, and donations of land and cash from individuals and foundations. An excellent website for the Board is found at <http://jefferson.wvfp.org> and provides a link to its ambitious 2017 program.

Note that this program is only for farmland protection, on farms over 20 acres in size. Farms usually include a variety of wildlife habitats, but other organizations are required to protect open space in county areas with habitats that primarily have non-farmland soil types (including steep slopes, rock outcrops and wetlands). Agencies devoted to historic preservation, on the other hand, have provided additional funding support for preserving farms on historic battlegrounds. This is important for protecting the tourist industry, which is an important economic engine in the county.

A realtor at Pearson Smith Realty said the housing market is currently strong in Jefferson County, after a difficult time in the recession, especially when gas prices were high (affecting commuters to the Washington DC area). He feels **there is no significant impact on the market from the transfer fee**. Land values have steadily increased recently, and the beauty of the farms preserved is a major selling asset for realtors attracting buyers to the area.



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Chester, Clinton, Cromwell,
Deep River, Durham, East Haddam,
East Hampton, Essex, Haddam,
Killingworth, Lyme, Middlefield,
Middletown, Old Lyme,
Old Saybrook, Portland, Westbrook

RESOLUTION SUPPORTING RECOGNITION OF REGIONAL COUNCILS OF GOVERNMENTS AS COUNTY EQUIVALENTS FOR CONNECTICUT BY THE U.S. CENSUS BUREAU

WHEREAS, Public Act 152 abolished county government in the state of Connecticut in 1959; and

WHEREAS, Connecticut General Statutes established regional councils of governments as political subdivisions of the state and authorizes them to provide regional services including: "(1) engineering; (2) inspectional and planning; (3) economic development; (4) public safety; (5) emergency management; (6) animal control; (7) land use management; (8) tourism promotion; (9) social; (10) health; (11) education; (12) data management; (13) regional sewerage; (14) housing; (15) computerized mapping; (16) household hazardous waste collection; (17) recycling; (18) public facility siting; (19) coordination of master planning; (20) vocational training and development; (21) solid waste disposal; (22) fire protection; (23) regional resource protection; (24) regional impact studies; and (25) transportation" (Conn. Gen. Stat. § 8-31b); and

WHEREAS, regional councils of governments are enabled by Connecticut General Statutes to "accept or participate in any grant, donation or program made available to counties by any other governmental or private entity" (Conn. Gen. Stat. § 8-31b); and

WHEREAS, federal recognition of regional councils of governments as county equivalents for the state of Connecticut would bring federal practice into conformity with Connecticut General Statutes; and

WHEREAS, federal recognition of regional councils of governments as county equivalents for the state of Connecticut would not change any provision of the Connecticut General Statutes or municipal ordinances;

NOW THEREFORE BE IT RESOLVED, that the Lower Connecticut River Valley Council of Governments supports federal recognition of regional councils of governments as county equivalents for the state of Connecticut.

CERTIFICATE

The undersigned duly qualified Secretary of the Lower Connecticut River Valley Council of Governments certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Lower Connecticut River Valley Council on January 24, 2018.

BY: _____
Noel Bishop, RiverCOG Secretary

DATE: _____