

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

**AGENDA
REPRESENTATIVE TOWN MEETING
REGULAR MEETING**

**Monday, October 5, 2020, 7:00pm – Waterford Town Hall
ZOOM VIDEO CONFERENCE ACCESS ONLY**

Join Zoom Meeting

<https://us02web.zoom.us/j/3171180827>

Meeting ID: 317 118 0827

One tap mobile

+13126266799,,3171180827# US (Chicago)

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Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 317 118 0827

- A. Pledge of Allegiance
- B. Roll Call
- C. To consider and act upon the minutes of the August 3, 2020 Regular Meeting and the August 24, 2020 Special Meeting.
- D. Correspondence
- E. Public Comment
- F. Committee reports and referrals
- G. Appointee & Liaison updates
- H. Transaction of Business on the Call;
 - 1. To consider and act upon a donation from the Waterford Parks Foundation, Inc. in the amount of \$14,000.
 - 2. To consider and act upon a recommendation from the Board of Finance for an appropriation in the amount of **\$10,347.50** from **Undesignated Fund Balance #205-31520** to project **#20537-57824 Waterford Beach Park Causeway** for an outstanding invoice to close out the project.
 - 3. Board of Education Budget Informational Workshop.

2020 SEP 24 AM 10:50

RECEIVED THE RECORDS
SECTION
OCT 5 2020

4. To consider and act upon a recommendation from the Public Protection & Safety Standing Committee of the RTM to add to the **Waterford Code of Ordinances, Chapter 2.36 – VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM.**
5. To Consider and act upon a recommendation from the Public Works, Planning & Development Standing Committee of the RTM to amend the **Waterford Code of Ordinances, Chapters 2.20 and 2.58** enabling the facilities manager position to be moved from Planning Department to the Public Works Department.
6. To Consider and act upon a recommendation from the Public Works, Planning & Development Standing Committee, pending the outcome of its September 30, 2020 Public Hearing, to remove **Chapter 15.26 – Blighted Premises** from the Waterford Code of Ordinances.
7. To consider and act upon a vacancy on the Police Commission due to the resignation of William Auwood. (08/05/2019 – 08/07/2023)
8. To consider and act upon a motion to discuss strategy and/or negotiations with respect to multiple collective bargaining units in executive session.

I. New Business

J. Adjournment

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www.waterfordct.org

C

MINUTES
REPRESENTATIVE TOWN MEETING
ZOOM Access Only – Waterford Town Hall
Regular Meeting
August 3, 2020

2020 AUG -5 PM 4:41
RECEIVED
TOWN CLERK
WATERFORD, CT

The August 3, 2020, Moderator Thomas Dembek called the Regular Meeting of the Representative Town Meeting to order at 7:00 P.M.

ROLL CALL

PRESENT: Greg Attanasio, Michael Bono, Jennifer Bracciale, Timothy Condon, Thomas J. Dembek, Susan Driscoll, Steven Elci, Timothy Fioravanti, Nick Gauthier, Paul Goldstein, Kathleen Kohl, David Lersch, Richard Morgan, Richard Muckle, Liam O'Leary, Theodore Olynciw, Sally Ritchie, Michael Rocchetti (7:21 P.M.), Danielle Steward-Gelinas, Robert Swansen, Baird Welch-Collins.

ABSENT: April Cairns, Valerie Metivier, Miriam Furey-Wagner.

EX-OFFICIO MEMBERS PRESENT: First Selectman Robert Brule; Chair of the Board of Education Craig Merriman; Chair of the Board of Finance Ronald R. Fedor; Selectman Elizabeth Sabilla.

EX-OFFICIO MEMBERS ABSENT: Selectwoman Jody Nazarchyk.

ALSO PRESENT: Town Clerk David L. Campo; Town Attorney Robert Avena.

AGENDA ITEM C – June 1, 2020 Minutes

MOTION by Driscoll, seconded by Muckle, to accept the June 1, 2020, Regular Meeting Minutes.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM D – CORRESPONDENCE (See Attachments)

An item was received from Planning Director Abby Piersall entitled, "Proposed Changes to the Waterford Code of Ordinances Chapter 12.08 Concerning the possession and drinking of alcoholic beverages in town parks and recreation areas.

An Item was received from Planning Director Abby Piersall entitled, "Proposed changes to the Waterford Code of Ordinances Chapter 15.6, Blighted Premises".

An Item was received from Town Attorney Rob Avena requesting an amendment to the Waterford Code of Ordinances Chapter 2.5 – Ethics Commission.

Moderator Dembek stated issues would be discussed under New Business

AGENDA ITEM E - PUBLIC COMMENT (See Attachments)

Three items were received for public comment from the following: Mary Childs, Helen Kwasniewski, Chris Venditti.

AGENDA ITEM F - COMMITTEE REPORTS

None

AGENDA ITEM G - LIAISON REPORTS

Thomas Dembek gave a brief update on the progress of the Municipal Complex.

Richard Muckle gave a brief update on the status of the Long Range Fiscal Planning Committee.

Danielle Steward-Gelinas gave a brief update on the status of the Education Committee.

AGENDA ITEM H – BUSINESS ON THE CALL

CALL ITEM 1 – Body Cameras

PRESENTATION: Chief of Police Brett Mahoney.

MOTION by Driscoll, seconded by Welch-Collins, to approve a recommendation from the Board of Finance for an appropriation of \$11,850 from the Contingency LI# 10121-59010 to Capital Project Account 32921-55864 (Body Cameras).

VOTING IN FAVOR: Unanimous with one member abstaining. (Morgan)

CALL ITEM 2 – Revaluation

PRESENTATION: Assessor Paige Walton.

MOTION by Driscoll, seconded by Welch-Collins, to approve a recommendation from the Board of Finance for an appropriation of \$259,300 from the Capital and Non-Recurring Designated LI# 20501-57639 – (Revaluation).

VOTING IN FAVOR: Unanimous.

CALL ITEM 3 – IT Learning Boards – End of Life

PRESENTATION: BOE Director of Finance Joseph Mancini.

MOTION by Driscoll, seconded by Welch-Collins, to approve a recommendation from the Board of Finance for an appropriation of \$155,287.12 from the Capital and Non-Recurring Designated LI# 20560-57822 – (IT Learning Boards – end of life), based upon its consistency with the Capital Improvement Plan.

VOTING IN FAVOR: Unanimous

CALL ITEM 4 – IT Virtual Desktop Main Processor

PRESENTATION: BOE Director of Finance Joseph Mancini.

MOTION by Driscoll, seconded by Muckle, to approve a recommendation from the Board of Finance for an appropriation of \$139,125 from the Capital and Non-Recurring Designated LI# 20560-57827 – (IT Virtual Desktop Main Processor), based upon its consistency with the Capital Improvement Plan.

VOTING IN FAVOR: Unanimous.

CALL ITEM 5 – Replace DVR Security Camera

PRESENTATION: BOE Director of Finance Joseph Mancini, Information Technology Director Ed Crane.

MOTION by Steward Gelinas, seconded by Driscoll, to approve a recommendation from the Board of Finance an appropriation of \$30,000 from the Capital and Non-Recurring Designated LI# 20560-57808 – (Replace DVR Security Camera), based upon its consistency with the Capital Improvement Plan.

VOTING IN FAVOR: Unanimous.

CALL ITEM 6 – AHEPA Tax Abatement

PRESENTATION: Town Attorney Rob Avena.

MOTION by Driscoll, seconded by Muckle, to approve a recommendation from the Board of Selectmen to approve a request from AHEPA 250-II Inc. of 95 Clark Lane, Waterford, for a five (5) year extension of their Tax Abatement agreement to end on June 24, 2024, together with two five (5) year options thereafter.

VOTING IN FAVOR: Unanimous.

CALL ITEM 7 – Waterford Beach Park Improvements

PRESENTATION: Recreation and Parks Director Brian Flaherty.

MOTION by Muckle, seconded by Goldstein, to approve a recommendation from the Board of Finance for an appropriation of \$150,000 from the FY21 Capital and Non-Recurring Designated LI#20537-57854 and be moved into account 20537-57781, for the Waterford Beach Park Improvements.

VOTING IN FAVOR: Unanimous.

MOTION by Olynciw, seconded by Goldstein, to designate the approved \$150,000 as emergency legislation allowing the town to forgo the 15 day waiting period.

VOTING IN FAVOR: Unanimous.

CALL ITEM 8 – School Security

PRESENTATION: BOE Director of Finance Joseph Mancini, Superintendent of Schools Thomas Giard.

MOTION by Welch-Collins, seconded by Goldstein, to approve a recommendation from the Board of Finance for an appropriation of \$100,000 from the Capital and Non-Recurring Designated LI# 20560-57842 – (School Security), based upon its consistency with the Capital Improvement Plan.

VOTING IN FAVOR: Unanimous.

NEW BUSINESS:

MOTION by Condon, seconded by Attanasio, to move the subject "Proposed Changes to the Waterford Code of Ordinances Chapter 12.08 Concerning the possession and drinking of alcoholic beverages in town parks and recreation areas" to the Public Health, Recreation & Environment Standing Committee of the RTM.

VOTING IN FAVOR: Unanimous.

MOTION by Muckle, seconded by Condon, to move the subject "Proposed changes to the Waterford Code of Ordinances Chapter 15.6, Blighted Premises" to the Public Works, Planning and Development Standing Committee of the RTM.

VOTING IN FAVOR: Unanimous.

MOTION by Driscoll, seconded by Welch-Collins, to move the subject of amendment to the Waterford Code of Ordinances Chapter 2.5 – Ethics Commission.

to the Legislation and Administration Standing Committee of the RTM.

VOTING IN FAVOR: Unanimous.

MOTION by Olynciw, seconded by Welch-Collins, to move the subjects cited in the letter received for Public Comment from Chris Venditti to the Public Protection and safety Standing Committee of the RTM.

VOTING IN FAVOR: Unanimous.

MOTION by Olynciw seconded by Welch-Collins to amend the motion to recommend to the Public Protection and Safety Standing Committee to research the use of an Ad Hoc Committee to study the issue.

VOTING IN FAVOR: Unanimous.

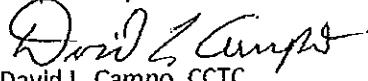
Town Attorney Avena notified the body there may be a need for a special meeting later in August or early September in regards to a roof at The Eugene O'Neil Theater Barn.

RTM Member Driscoll reminded BOE officials that quarterly financials are due. Superintendent Giard said they are available and will be sent to the members.

MOTION by Muckle, seconded by Goldstein, to adjourn at 8:34 P.M.

VOTING IN FAVOR: Unanimous.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "David L. Campo".

David L. Campo, CCTC
Waterford Town Clerk



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Thomas Dembek, Moderator, Waterford Representative Town Meeting

FROM: Abby Y. Piersall, AICP, Director of Planning and Development

DATE: July 21, 2020.

TITLE: Proposed Changes to the Waterford Code of Ordinances Chapter 12.08 Concerning the possession and drinking of alcoholic beverages in town parks and recreation areas.

This request is to consider the potential to allow the possession or drinking of alcoholic beverages at recreational facilities during special events approved by the Board of Selectmen. Alcohol is currently prohibited at Town facilities. This change would enable events such as concerts, fundraisers, or festivals to include the sale and consumption of beer or wine. The change would not enable possession of alcohol at school properties or on beaches.

Changing this Ordinance is a key step in reducing restrictions on the range of events that can be held on town properties. The addition of carefully planned service of wine or beer can help broaden participation in Waterford events and draw new attractions to Town. Enabling sanctioned alcohol consumption in public places supports ongoing efforts increase the frequency and diversity of dynamic and vibrant events in Waterford. Events like dinners at the historic Jordan Green, summer concerts at the Waterford Beach Park, or craft beer and wine tasting at the Farmers Market could be permitted if the Ordinance is changed.

As proposed, the change would only allow beer and wine to be available as sanctioned on a case-by-case basis by the Board of Selectmen.

Section 12.08.040 currently reads:

The possession or drinking of alcoholic beverages in any town park and recreational area, including Waterford Beach, is prohibited.

Proposed language for 12.08.040 is:

The possession or drinking of alcoholic beverages in any town park and/or recreational area is prohibited, except as provided below:

- A. Possession and drinking of beer and wine may be permitted at locations and times as approved by the Board of Selectmen. In no case will the possession and drinking of beer and wine be allowed on the sand or dunes of any beach.



DEPARTMENT OF PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Thomas Dembek, Moderator, Waterford Representative Town Meeting

FROM: Abby Y. Piersall, AICP, Director of Planning and Development

DATE: July 21, 2020

TITLE: Proposed Changes to the Waterford Code of Ordinances Chapter 15.6, Blighted Premises.

This request is to ask the Waterford Representative Town Meeting to consider the potential modifications to the existing Blight Ordinance. The current Ordinance became effective in April of 2017. Since that time, three individuals have held the position of Blight Enforcement Officer, and all have noted similar concerns about certain elements of the Ordinance.

The intent of the Blight Ordinance was to provide the Town with a straightforward administrative tool to address properties in poor condition. After working with the current Ordinance, several issues have arisen that should be addressed. These include:

1. The structure and presentation of definitions and characterization of blight.
The Ordinance currently combines descriptions of blight with general definitions. These sections should be clearly separated to eliminate confusion about what constitutes blight.
2. The process limits the ability of the Blight Enforcement Officer to effectively work with residents who will voluntarily comply, and can unintentionally lead to very high fines.
Under the existing ordinance, fines begin to accrue from the date the Officer sends a Notice of Blight Violation. Procedurally, the Town receives a complaint and after an inspection to verify the blighted condition of property, sends a violation notice in accordance with the Ordinance. Many property owners will receive the notice and call the Officer to create a blight abatement plan. If the owners fail to fully complete the plan in the time specified, fines are calculated from the date of the original notice.
3. The property owner being cited for blight may appeal a decision of the Blight Enforcement Officer, but there is no mechanism in the Ordinance for the person making the complaint to appeal.
The Blight Enforcement Officer makes a professional determination at the time of the site inspection as to whether or not the property is blighted. Since 2017, multiple cases have illustrated that persons making the complaint may not agree with the Officer when a determination that blight is not present is found. Staff suggests reviewing an option to create a committee that would set fines and address any disagreement a complainer has with the decision of the Officer.

To remedy these issues, it is suggested that the Blight Ordinance be referred to committee for further consideration and potential modifications. The Planning Director, Blight Enforcement Officer, and Town Attorney are currently working on a draft of the Ordinance to present for committee review.

Suisman Shapiro

Attorneys-At-Law

Robert A. Avena
Raymond L. Buisson, Jr.
James P. Benjamin
Michael A. Blumhard

Eric W. Callahan
Michael P. Carey
Richard S. Cody
John A. Collins, III
Jeanette M. Dostie
Eileen C. Duggan
Bryan P. Flango
Theodore W. Ffuiser

Jeffrey W. Hill
Carolyn P. Kelly
Kipil D. Kelly
Nicholas F. Kepple
Robert B. Keyille
Jillia K. Miller
Roger T. Scully
Robert G. Tukey
Kyle J. Zenda

In Memoriam
Andrew J. Brazd
James F. Brennan
James J. Courtney
L. Patrick Gray, III
Michael V. Sage
Matthew Shaffer
Max M. Shapiro
Charles J. Suisman
Thomas D. Wilson
Louis C. Wool

Of Counsel
Hilda K. Kimmel
Jay B. Levin
Richard A. Schatz

July 27, 2020

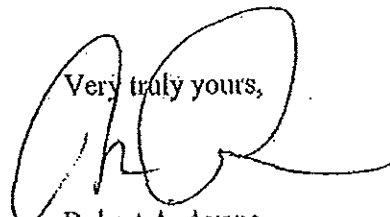
Via email: Thomas.j.dembek@dom.com
Thomas Dembek, Moderator
Representative Town Meeting
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

RE:

Dear RTM Moderator Dembek:

On behalf of the Town Ethics Commission, please find attached a clean copy of a proposed amended Ethics Code Ordinance along with a marked 'revision' copy of the existing ordinance. Please assign this amended ordinance proposal to the appropriate standing committee at the next RTM meeting in August for its consideration.

Very truly yours,



Robert A. Avena
Town Attorney

RAA/pmn
Enclosures

cc: Dave Campo, Town Clerk

RECEIVED
TOWN OF WATERFORD
2020 JUL 29 PM 3:58

A Tradition of Innovative Solutions

Sulsman, Shapiro, Wool, Brennan, Gray & Greenberg, P.C.
2 Union Plaza, Suite 200 • P.O. Box 1591, New London, CT 06320
Phone 860-442-4416 • Fax 860-442-0495 • www.suismanshapiro.com

David Campo

From: Mary Childs <childsmm22@gmail.com>
Sent: Tuesday, June 09, 2020 1:06 PM
To: David Campo; Mary Childs
Subject: public comment for RTM

**CAUTION: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender's email address and know the
content is safe.**

Hello Mr. Campo, I would like to request that this message be shared as a public comment at the next meeting and that the RTM members receive a copy of it.

To the Waterford RTM, My name is Mary Childs and I am writing to you as a parent of 4 children who live in Waterford and as a resident of this town for a total of 37 years. I have recently sent letters to the Superintendent of Schools and to the First Selectman and Selectwomen. As elected officials, you have a new call to accept. While racism and actions that are meant to oppress others can be out loud, I am asking you to consider looking into other forms of oppression. These subtle offenses are within our community and our public systems.

At your recent meeting where final budgets were decided, it was clear that the Police Department was supported as that budget was passed with no cuts and with relatively little comment or discussion. Equally clear was the message to the town about it's youngest residents as the Board of Education budget was significantly cut. This cut, while substantial, was not reopened for discussion. Understand that the message this chain of events sends is that more value is being placed on our town department that punishes by protecting and serving versus a department that educates, supports, and elevates our community.

What is the RTM doing to work on personal biases, justice reform, systemic racism, and other difficult but necessary areas of work? You put our money where your mouth is and I would like to know what your next steps are. We need to challenge the status quo in our community and I suggest that instead of giving nods to budgets based on party-line consensus or past practice, you consider the positive impact that a budget will and will not have for our entire community that continues to be more and more diverse.

Thank you for your time. We all have work to do.
Sincerely, Mary Childs

RECEIVED 500 RECORD
2020 JUN -9 PM 3:09
MAY 2020
MAY 2020

Comment to RTM Meeting on August 3, 2020 at 7:00 pm.

From: Helen Kwasniewski

Item 6 To consider and act upon recommendation from the BOS to approve request from AHEPA for a 5 year extension of their tax abatement.

I would like this board (RTM) to STRONGLY say NO to this 5 year extension with 2 five year option.

The reason is: All SENIORS do not get a tax abatement break which we should! Seniors have to make life choices like food vs medication vs paying taxes vs power bill. Seniors have a life style that they are accustom to or want but don't have. The way that the Town of Waterford is going and giving certain groups special or preferred status we will be bankrupt or with high mill rates which we cannot afford either. I strongly believe that AHEPA which is own by the Greek Church can afford they taxes and should support the community that they are in.

Waterford Senior Services provide there van(s) to AHEPA at no cost to them but a huge added expense to the town.

Please do the **right thing** and **REFUSE** this tax abatement.

Thank you.

Respectfully,

Helen Kwasniewski

2020 JUL 31 PM 4:07
WATERFORD, CT
Helen Kwasniewski

RECEIVED TOWN OF WATERFORD
JUL 30 2020

2020 JUL 30 PM 3:02

10-1-2020
10-1-2020

Christopher Venditti
443 Sipple St.
Oceanside, CA 92058
(860) 287- 4644

07/27/2020

Rob Brule
First Selectman
Town of Waterford
15 Rope Ferry Rd.
Waterford, CT 06385

I'm writing you today with a few concerns that I have regarding public safety within the Town of Waterford. As of now, I have not resided in town for about 7 years due to Active Duty Military orders, but I do still pay property taxes, and I keep a special interest in local issues because many of my family members are residents (mother, sister, nieces, and nephews).

The first topic I would like to bring up is the overall lack of fire protection within the Town. I have a unique perspective on this issue because I've been a member of Waterford Fire Engine Co.1 since 2009 but have not lived in town since 2013. I don't believe anyone can deny that the number of incidents the town fire services respond to is decreasing, but we can all agree that volunteer participation is at an all-time low. It's my understanding that more fulltime professional firefighters have been added to the payroll in recent years, and the stations and hours they work has been restructured. With that in mind, I find it very interesting that the town thought it was acceptable to have no fire coverage from 0200-0600 daily. If there's anything that being an Infantryman in the United States Marine Corps has taught me, it's that you cannot predict when you'll need to be ready to fight and work you schedule around that, but rather you need to maintain the highest state of readiness possible. I feel we as a Town are lacking here.

Just last year on October 22, 2019 at 0445 a town resident had his life cut short due to this lack of fire protection. The incident took place less than 1 mile from Waterford Fire Engine Co.1. The first piece of fire apparatus was driven by the bunkman, and he could not adequately perform the initial functions of being the first due piece by himself.

These functions include:

- Scene size up – Confirm or deny initial reports of fire, confirm location of fire, confirm location of water supply, position the vehicle in an advantageous location for its function, confirm or deny if anyone is present in the structure, identify entry and exit points, identify locations of possible victims, *ensure adequate resources are on the way*, direct those resources until an INCIDENT COMMANDER assumes the role.
- Initial entry and search – search for fire and victims
- Initial fire attacks – advance the first hose line and attack the fire.

All of these functions should be taking place nearly simultaneously, but you tell me how long it would take you, BY YOURSELF. Now put yourself in the shoes of the homeowner who's being overcome by smoke and heat. We cannot afford to put that much stress on our firefighters and our residents due to a lack of manpower. We are making an already bad situation worse.

I bring this up because even though we are staffing 2 firefighters in town from 0200-0600 currently, it's not enough. These hours are also not part of their contract so theoretically they could be cut at any time. I challenge you as the First Selectman to answer this question- Is the reason for not having better fire protection money, or a lack of understanding? The Waterford Police Department has been advertising a string of car break-ins on their Facebook page for what feels like months now, which is a great way to remind residents to lock their doors. But does a large amount of car break-ins mean we add 2 additional officers to an overnight shift on overtime? Is the cost worth the benefit? Are you familiar with the Kansas City Preventative Patrol Experiment? This was a year-long study conducted by the Kansas City, Missouri Police Department to see if they could make a correlation between visible police presence and crime, and fear of crime. The conclusion was that whether the city was having police proactively patrolling an area or staying out until called in (reactive patrolling) had significant effect on burglaries, auto thefts, larcenies, robberies, and vandalism – crimes traditionally thought to be deterrable.

I say all of that to say this, if we as a town are willing to ADD 2 officers to a shift due to car break ins (property damage and stolen goods) which is proven to not stop the crime, how many more CITIZENS need to DIE for us to add adequate fire protection for the overnight hours?

The concerning thing for me is that this lack of regard for residents when it comes to fire protection isn't a one-time thing in Town. In fact, it's starting to become normal, which is not acceptable.

Next I would like to talk about what it means to have leadership present. The Police department is staffed to have a Sergeant on every shift. Why is that? I'm sure your answer will have something to do with having a high level of accountability at all times and degree of tactical expertise ready to respond to any situation at a moments notice. Is the fire service any different? Not only do they never have leadership present (Waterford Fire Engine Co.1 hasn't had a fire officer (leader) respond to an emergency call since **October 2019**), but now the firefighters are forced to make up for this by using manpower needed elsewhere on the fireground. Referencing back to my initial functions on the fireground, the following should be handled by the incident commander - Confirm or deny initial reports of fire, confirm location of fire, confirm location of water supply, confirm or deny if anyone is present in the structure, identify entry and exit points, identify locations of possible victims, *ensure adequate resources are on the way*, direct those resources in, send necessary notifications to dispatch.

- Why does the Police Department get leadership and the Fire Department gets Volunteers who don't have to have the same level of training as the firemen they "lead" (we use that term loosely)?
- Why do you think it's ok to let a failing system continue to fail?
- Have you ever coached a team without captains?

In closing, I have many issues with the way tax dollars are being spent, particularly when it comes to public safety. My mother, sister, brother-in-law, three nieces and nephews live in town, and I fear if something were to happen in their home that at least one of them is liable to not make it out. I've already instructed them to give the address for our neighbors up road who live in the City of New London if something happens because they'll respond with an 16 man crew within minutes (made up of 12 firefighters, 3 lieutenants*, and a battalion chief*). The same crew that has bailed Waterford out recently for their lack of manpower. Offering \$7 per call will not make these "volunteers" just appear, and if it does, they won't be better trained than the professional firefighters. I look forward to hearing from you, Mr. Selectman, as well as a representative from the Towns Public Protection and Safety Committee. I can send a hard copy of this email if needed.

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WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

MINUTES
REPRESENTATIVE TOWN MEETING
ZOOM Access Only – Waterford Town Hall
Special Meeting
August 24, 2020

The August 24, 2020, Special Meeting of the Representative Town Meeting was called to order at 7:00 P.M. by Moderator Thomas Dembek.

ROLL CALL

PRESENT: Greg Attanasio, Jennifer Bracciale, April Cairns, Timothy Condon, Thomas J. Dembek, Susan Driscoll, Steven Elci, Timothy Floravanti, Miriam Furey-Wagner, Nick Gauthier, Paul Goldstein, Kathleen Kohl, David Lersch, Valerie Metivier, Richard Morgan, Richard Muckle, Liam O'Leary, Theodore Olynciw, Sally Ritchie, Michael Rocchetti, Danielle Steward-Gelinas, Baird Welch-Collins.

ABSENT: Mike Bono, Robert Swansen.

EX-OFFICIO MEMBERS PRESENT: First Selectman Robert Brule.

EX-OFFICIO MEMBERS ABSENT: Selectwoman Jody Nazarchyk; Selectman Elizabeth Sabilia; Chair of the Board of Education Craig Merriman; Chair of the Board of Finance Ronald R. Fedor.

ALSO PRESENT: Town Clerk David L. Campo; Town Attorney Robert Avena.

AGENDA ITEM D – CORRESPONDENCE (See Attachments)

An item was received from Quaker Hill Resident Kevin Ziolkovski

CALL ITEM 1 – Eugene O'Neill Roof Replacement

PRESENTATION: Facilities Manager David Garside

MOTION by Driscoll, seconded by Muckle, to approve a recommendation from the Board of Finance for an appropriation in the amount of \$65,000 for a new roof at the Eugene O'Neill Theater – funds to be appropriated from the CNR undesignated fund balance account number 205-31520.

VOTING IN FAVOR: Unanimous

MOTION by Furey-Wagner, seconded by Muckle, to designate the above appropriation as an "emergency" due to the unpredictable weather patterns this time of year and waive the 15-day waiting period.

VOTING IN FAVOR: Unanimous.

MOTION by Muckle, seconded by Goldstein, to adjourn at 7:12 P.M.

VOTING IN FAVOR: Unanimous.

Respectfully Submitted,

David L. Campo, CCTC
Waterford Town Clerk

2020 AUG 25 PM 1:27

David Campo

From: dugbysummitrail@aol.com
Sent: Friday, August 21, 2020 5:40 AM
To: First Selectman
Cc: Kathleen Peterson; David Campo
Subject: What is happening in Quaker Hill?

2020 AUG 21 PM 3:28

**CAUTION: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.**

Dear Mr. Brule,

(Ms. Peterson - I formally request copies of this communication be forwarded to all Board of Selectman members)

(Mr. Campo - I formally request copies of this communication be forwarded to all Representative Town Meeting Members and all Board of Finance members)

On Thursday, August 20, 2020 I was forwarded a social media message written by Town of Waterford Director of Fire Services Bruce Miller in what appears to be a request from you. It was an interesting read, to say the least.

First, to the point that Mr. Miller makes about part-time employees working from the Quaker Hill Fire Station. If Mr. Miller's statement is correct, could you forward me a copy of the document that he sent to Chief Ukleja? The Town must have sent us something in writing to let us know that the Town, as tenants of our property, would be ceasing to use our property effective on a certain date; correct? I am sure the Town would not want to be held liable for damage to our property caused by one of its employees after the date the Town was no longer going to be a tenant; correct?

Second, the confusing issue of what the Town of Waterford, or is it Mr. Miller, is really doing in the Quaker Hill Fire Station. In June of 2020, Town of Waterford part-time firefighters attempted to sign-up for shifts at the Quaker Hill Fire Station only to be informed by Mr. Miller that there were going to be no more shifts there, and those hours had been transferred to shifts at the Cohanzie Fire Station. Again, where was the notice to the owners of the property, the Quaker Hill Fire Company Incorporated, that the Town of Waterford was no longer going to be a tenant of our property? Please forward me a copy of that notice. Since the Town of Waterford through Mr. Miller contends that the Town always intended to end using the Quaker Hill Fire Station effective July 1, 2020, and that we as Officers of the department are misleading them, why does the Town of Waterford continue to send its employees to our property to work?

Third, Mr. Miller makes a statement that we are misleading the members of our community by not telling them that there is a new contract being signed between the Town of Waterford and the five independent fire companies and/or fire departments that currently exist in the Town of Waterford. I would like a copy of a draft version of each contract, which I know you will deny that you have to provide me, so I will settle for a draft copy of the supposed contract between the Town of Waterford and the Quaker Hill Fire Company Incorporated, which as the Assistant Deputy Chief of the Company I would be entitled to. I would also like a copy of the signed Ground Rules established between the Town of Waterford and the Quaker Hill Fire Company Incorporated pertaining to the negotiations of this contract, a list of the dates that negotiating sessions took place, the names of people in attendance at these sessions, and who the people in attendance represented.

Fourth, Mr. Miller on behalf of the Town of Waterford refers to the creation of the Town of Waterford Fire Department. According to the Connecticut General Statutes, no municipality may create a fire department on top of an existing volunteer fire service organization without a pre-existing written agreement between the parties that details indemnification / remuneration of the volunteer organization. I would like a copy of the written agreement between the Town of Waterford and the Quaker Hill Fire Company Incorporated. I don't seem to have a copy of that agreement for some reason, but I do have in my notes from the multiple Public Safety and Protection committee meetings that I attended that Town Attorney Robert Aveena stated, repeatedly, that "a new agreement" would have to be made with each organization before the ordinance could be enacted. Again, I would like a copy of that "new agreement" between the

Town of Waterford and the Quaker Hill Fire Company Incorporated so that I may share it with the members of the community that I serve.

Please send the information as requested to any of the locations listed below.

Thank you

Kevin M. Ziolkovski

E-mail: DugBySummitTrail@aol.com

Residence: 10 Millers Pond Road
Quaker Hill, CT. 06375-1315

Alternate: Quaker Hill Fire Co., Inc.
17 Old Colchester Road
P.O. Box 96
Quaker Hill, CT. 06375

John W. "Bill" Sheehan
19 Laurel Crest Drive
Waterford, CT 06385
860-442-9053
sheehanjw@sbcglobal.net

D

June 12, 2020

Mr. Robert Brule
First Selectman
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Dear Rob:

In light of recent events, including the article concerning the Groton Representative Town Meeting (RTM) in the June 12, 2020 New London DAY, I am formally requesting that you consider offering Training to Volunteer Waterford Elected and Appointed Officials on Race Relations and Equality, emphasizing the changes in what might have been acceptable in the past but is no longer consider acceptable.

I suspect that there may be a training syllabus for Town Employees that might be tailored to the unique status of a volunteer. CCM may have already developed such a presentation or a request might prompt them to do so.

Thank you for your attention to this matter. I believe that it is important as Waterford moves forward in this new environment.

Sincerely,



J. W. "Bill" Sheehan
Member Waterford Board of Finance

Copy to:
Ron Fedor, Chair Board of Finance
Elizabeth Sabilia, Selectwoman
Jody Nazarchyk, Selectwoman
Thomas Dembek, Moderator, RTM

2020 AUG 26 PM 3:20

Moderator, Thomas Dembeck
Town of Waterford
Representative Town Meeting

Mr. Moderator, I would like to submit the following proposed addition to the ordinance (3.08.040 - Bid process—Opening of bids/proposals—Rejecting bids/proposals—Awards of contract.) for consideration. After speaking to members of the local business community it was brought to my attention that there currently is no advantage given to Waterford businesses that are bidding on town projects. Many of these Waterford based businesses donate to the local non-profits, youth sports organizations, and school fundraisers, in addition, Waterford businesses often employ Waterford residents. I feel that it is good practice to support local businesses to show that Waterford is business-friendly to not only our current businesses but to any future businesses that may be considering moving to Waterford.

Respectfully,

Robert Swansen

Town of Waterford,
Representative Town Meeting
First District (R)

2008 OCT -2 PM 4:15

Current Town of Waterford bidding process ordinance

3.08.040 - Bid process—Opening of bids/proposals—Rejecting bids/proposals—Awards of contract.

A.

No purchases or contracts which require a formal bid or proposal process shall be made or entered into until the purchasing agent has placed a public advertisement in a newspaper, having a daily circulation in the town, and placed on the town website. Said advertisement shall appear not less than fourteen days prior to the receipt of bids/proposals, shall contain information as to the time that sealed bids/proposals will be received and opened, and the place prospective vendors may obtain information about the specifications with respect to the materials, equipment or services required.

B.

Each bid/proposal shall be opened publicly at the time stated in its advertisement. A public record shall identify all present at the opening and all vendors and the amounts of their bids/proposals.

C.

Contracts shall generally be awarded to the qualified vendor with the lowest price. Compliance with specifications, the ability of the contractor to perform the contract, prior performance, and the ability to complete the contract terms in a timely manner are all criteria to be used in the evaluation process. With respect to materials and equipment, contracts shall be awarded to the vendor with the lowest price whose product has met quality requirements. The purchasing agent shall recommend a bid/proposal award to the user agency, board or commission.

D.

Contracts shall be reviewed by the user agency, board or commission, the purchasing agent and the town attorney to ensure all quality, fairness and legal parameters are met before said contracts are considered final and approved and may be executed.

E.

The board of selectmen is authorized to make an award, or reject any and all bids/proposals, or any part of any bids/proposals when it is in the best interest of the town. All bids/proposals will be awarded by the board of selectmen regardless of funding source, with the sole exception of bids/proposals funded by use of funds from the sewer enterprise fund, the sewer development/maintenance fund and the wa3.08.040 - Bid process—Opening of bids/proposals—Rejecting bids/proposals—Awards of contract.

A.No purchases or contracts which require a formal bid or proposal process shall be made or entered into until the purchasing agent has placed a public advertisement in a newspaper, having a daily circulation in the town, and placed on the town web site. Said advertisement shall appear not less than fourteen days prior to the receipt of bids/proposals, shall contain information as to the time that sealed bids/proposals will be received and opened, and the place prospective vendors may obtain information about the specifications with respect to the materials, equipment or services required.B.Each bid/proposal shall be opened publicly at the time stated in its advertisement. A public record shall identify all present at the opening and all vendors and the

amounts of their bids/proposals.C.Contracts shall generally be awarded to the qualified vendor with the lowest price. Compliance with specifications, ability of the contractor to perform the contract, prior performance, and the ability to complete the contract terms in a timely manner are all criteria to be used in the evaluation process. With respect to materials and equipment, contracts shall be awarded to the vendor with the lowest price whose product has met quality requirements. The purchasing agent shall recommend a bid/proposal award to the user agency, board or commission.D.Contracts shall be reviewed by the user agency, board or commission, the purchasing agent and the town attorney to ensure all quality, fairness and legal parameters are met before said contracts are considered final and approved and may be executed.E.The board of selectmen is authorized to make an award, or reject any and all bids/proposals, or any part of any bids/proposals when it is in the best interest of the town. All bids/proposals, will be awarded by the board of selectmen regardless of funding source, with the sole exception of bids/proposals funded by use of funds from the sewer enterprise fund, the sewer development/maintenance fund, and the water fund, accounts under the sole discretion of the utility commission. The purchasing agent shall be notified of the decision and the reason for any rejection by either body.

(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part): R.T.M. 12-5-94 (part): R.T.M. 4-4-88: prior code § 2-40)3.08.040 - Bid process—Opening of bids/proposals—Rejecting bids/proposals—Awards of contract.

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(Amend. of 12-18-18(1); Amend. of 10-7-13; Amend. of 6-1-15(1); R.T.M. 10-6-97 (part); R.T.M. 12-5-94 (part); R.T.M. 4-4-88: prior code § 2-40)

Proposed addition - Local contractor preference in the bidding procedure.

(a) In any bidding procedures required and conducted pursuant to this article, if any town-based bidder has submitted a bid that is not more than fifteen (15) percent higher than the low bid provided, the town shall have the right to award the bid to said town-based bidder provided that:

(1) Said town-based bidder agrees to match the low bid, and

(2) Said town-based bidder provides documented proof that they are not delinquent in both their real estate property and personal property tax payments due to the town. (b) If, in any bidding procedure referenced in subsection (a), two (2) or more town-based bidders have submitted bids that are not more than fifteen (15) percent higher than the low bid provided, have agreed to match the low bid, and have provided documented proof that they are not delinquent in both their real property and personal property tax payments due to the town, the lowest responsible bidder shall be one of such town-based bidders that originally submitted the lowest bid among all town-based bidders. (c) When a bid proposal is submitted by a general contractor, preference shall be given providing articles (a) (b) have been met for the use of town based business as subcontractors. Where two general contractors submit bids containing town-based business as subcontractors the general contractor that has the greater number of town-based businesses in accordance with articles (a) (b) shall be awarded the bid. Whereas all bids have been determined to be equal according to the article (c) the lowest bidder shall be awarded the bid.

(3) The Town of Waterford purchasing agent shall forward any town based bidder(s) or any general contractor that includes town based subcontractor(s) that fulfill the above set requirements to the board of selectman for consideration.

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

G

Long Range Fiscal Planning

Report to RTM - 5 Oct 20

The Long Range Fiscal Planning Committee (LRFPC) has held 2 meetings recently. Our discussions centered on a number of general issues, i.e. election of officers and establishing a number of general goals for the coming year. We will conduct a minimum of 6 meetings.

The committee also initiated a sub-committee for the purpose of updating the Committee's mission and purpose. The sub-committee's report will be presented to the RTM in the near future.

The next meeting is scheduled for 15 Oct 2020.

R. F. Muckle

LRFPC Chair

2020 OCT -1 PM 4:30

MODERATOR'S REPORT

Representative Town Meeting

October 5, 2020

Matters Currently in Standing Committees

LEGISLATION & ADMINISTRATION**EDUCATION**

Restoration/Use of the Nevin's Cottage, RTC 08-06-18.

FINANCE, WAGE & PERSONNEL**PUBLIC HEALTH, RECREATION & ENVIRONMENT**

Review/Evaluate Beach Fee Pricing, RTC 04-06-20.

Proposed changes to the Waterford Code of Ordinances Chapter 12.08 Concerning the possession and drinking of alcohol beverages in town parks and recreation areas. RTC 08-03-20.

PUBLIC PROTECTION & SAFETY

Review/Enactment of a Stipend Program for Volunteer Firefighters. RTC 10-07-19.

PUBLIC WORKS, PLANNING & DEVELOPMENT

Waterford Code of ordinance review of Chapters 2.20 and 2.58. RTC 06/01/20

Proposed changes to the Waterford Code of Ordinances Chapter 15.6 Blighted Premises. RTC 08-03-20.

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

PUBLIC PROTECTION & SAFETY STANDING COMMITTEE of the RTM COMMITTEE & ANNUAL REPORT

Please let the following report stand as both the committee report on a proposed ordinance for a volunteer stipend program and the annual report of the Public Protection and Safety committee. After the passage of the ordinance creating the Waterford Fire Department, the Public Protection and Safety standing committee identified the need to recognize our volunteers and create a retention and recruitment stipend program. This item was referred into committee by the last RTM. Meetings began in early March of 2020 but because of COVID-19, soon turned virtual. Committee members reviewed different programs with Legal, the Director of Human Resources and the Director of Fire Services soon recommended the basic ordinance structure. Multiple meetings were held reviewing the proposed language and understanding what is legally allowable to offer as a volunteer stipend program. After much discussion and deliberation this proposed ordinance went to public hearing on July 21. After public hearing, the committee addressed both public and committee concerns however the committee needed more time to deliberate after public hearing to ensure that the ordinance and program is the best we can offer to our volunteers at this time. After much deliberation spanning multiple meetings, a motion was made to report and recommend passage of proposed ordinance on September 16 which passed unanimously.

This proposed ordinance is designed to recognize and incentivize our volunteer firefighters while attempting to address fire department staffing issues our community is facing. Our firefighters have been asking for a program of this nature for over 25 years. The Public Protection and Safety committee looks forward to discussing the proposed ordinance.

Respectfully Submitted,


Timothy Condon
Chairman

RECEIVED
2020 SEP 24 AM 9:42

Public Works, Planning, and Development Committee of the RTM
Committee Report with Recommendation – October 5, 2020
Waterford Code of Ordinances, Chapters 2.20 and 2.58

BACKGROUND

At the June 1, 2020 meeting of the Representative Town Meeting, the Planning Director, Public Works Director, and Town Attorney submitted an amendment to sections 2.20 and 2.58 of the Waterford Code of Ordinances for review. The amendment proposed the facilities manager position be moved from the Planning Department to the Department of Public Works.

SUMMARY

This committee met August 17, 2020 and September 16, 2020. A public hearing was also held on September 16, 2020. All comments from committee members and the public were in favor of the amendment. The Department of Public Works is better suited to oversee the new facilities manager position and their responsibilities.

RECOMMENDATION

It is the unanimous recommendation of this committee to recommend to the RTM that the proposed amendment to the Waterford Code of Ordinances 2.20 and 2.58 included with this report be accepted and enacted so the ordinances reflect this change.

Attachments

Minutes and supporting documents available online.

Respectfully submitted

Michael Rocchetti
Chairman

2020 OCT -1 PM 11:49

David Campo

1

From: Kimberly Allen
Sent: Thursday, September 17, 2020 12:57 PM
To: David Campo
Subject: RTM Agenda
Attachments: Xerox Scan_09172020094324.PDF

Dave,

I have a donation of \$14,000 from the Waterford Parks Foundation, Inc. that is being donated to the town's Recreation & Parks Department to be used towards a press box and field updates. Per town ordinance, this donation requires RTM approval because it is over \$10,000. I've attached the backup sent to my office. Can you please place this on the next RTM agenda for action.

3.05.030 - Receipts.

Unlimited individual monetary contributions received by the Town shall be deposited into this fund. Corporate or other third party funds shall also be deposited into this fund, provided proposed contributions from corporate or other third parties exceeding \$10,000.00 must be approved by the Representative Town Meeting prior to deposit into the fund.

Thank you.

Kimberly Allen
Finance Director
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385
kallen@waterfordct.org
860.444.5840 (direct)
860.440.0579 (fax)



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2020 SEP 22 AM 10:40
RECEIVED
TOWN OF WATERFORD

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

WATERFORD RECREATION AND PARKS COMMISSION

September 15, 2020

To: Kim Allen, Finance Director
From: Kerry Sullivan, Program Coordinator
Re: Acceptance of gifted money

Kim:

Please see enclosed a note from Mrs. Maryann Clark, who has asked that we accept \$14,000 to put towards the replacement of a press box and upgrades to the Lisa Dedrick Softball Field. This money was raised through fundraising to upgrade the field that is in her daughter Lisa's name. The group had hoped to raise monies for lights, however that has not worked out and she would like to see this money go towards the press box and upgrades to the field.

The softball field falls under the jurisdiction of the Recreation and Parks Department and over the years, we have worked with the Clark's on the many upgrades done to this field. Please accept the funds and give the funds a line item so that we would be able to get started on this project.

We will be working with the Senior League Softball group on the projects to upgrade the field as well as keeping Mrs. Clark updated and involved.

Thank you for your time in this matter.

2020 SEP 22 AM 10:40

I approve these
monies be used for
the Lisa Dedrick Memorial
Field.

Thank you -
Mary Ann
Clark

Waterford Parks Foundation Inc 15 Rope Ferry Road Waterford, CT 06395		DATE <u>Sept 14/2000</u> 51-7335/2111		180
PAY TO THE ORDER OF <u>Town of Waterford</u>		\$ <u>14,000.00</u>		
<u>Fourteen thousand and 00/100</u>		DOLLARS		
ChelseaGroton Bank WATERFORD, CONNECTICUT		Two Signatures Required		
MEMO <u>LISA DEDRICK FIELD</u>				
⑆211173357⑆ 1113379100⑆ 0180				
© 1999 STREET CHECKS - TRADITIONAL BLUE				

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

2

September 10, 2020

Mr. Thomas Dembek, Moderator
Representative Town Meeting
15 Rope Ferry Road
Waterford, CT 06385

Dear Moderator Dembek:

At the meeting of the Board of Finance held, Wednesday, September 9, 2020, it was voted to recommend to the Representative Town Meeting, an appropriation in the amount of **\$10,347.50** from **undesignated fund balance #205-31520** to project **#20537-57824 Waterford Beach Park Causeway** for an outstanding invoice and to close out the project.

I respectfully request you place this item on the agenda of the next meeting of the Representative Town Meeting.

Respectfully submitted,

Ronald R. Fedor mtm

Ronald R. Fedor, Chairman
Board of Finance

RRF:mtm

RECEIVED
2020 SEP 14 PM 2:15
TOWN OF WATERFORD

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

September 2, 2020

Mr. Ronald Fedor
Chairman
Board of Finance
15 Rope Ferry Road
Waterford, CT 06385

RE: **Recreation and Parks**- Additional Appropriation Request

Dear Chairman Fedor,

The Board of Selectmen, at their meeting on Tuesday, September 1, 2020 voted to approve the following request:

Recreation and Parks: To consider and act on a request from Brian Flaherty, Director for an appropriation of \$10,347.50 from undesignated fund balance # 205-31520 to project # 20537-57824 – *Waterford Beach Park Causeway* for payment of an outstanding invoice and to closed out project. This request will be forwarded onto the Board of Finance as required.

Therefore, I respectfully request that you consider and act on this request. I have attached pertinent back up material from the designated department.

Sincerely,

Robert J. Brule
First Selectman

Enclosure

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

TO: Rob Brule, First Selectman
FROM: Kim Allen, Finance Director
COPY: Brian W. Flaherty, Director of Recreation and Parks
DATE: August 27, 2020
RE: Capital Project 20537-57824 (Waterford Beach Park Causeway)

The referenced capital non-recurring project was closed at the end of fiscal year 2020 and a balance of \$10,347.50 was moved from the project account number 20537-57824 to the undesignated fund balance account 205-31520.

The project was completed in summer 2018 but a balance was kept open due to the possibility of litigation between the contractor and subcontractor over poor workmanship. Upon recommendation of town legal counsel, the project was closed and the balance was returned to the undesignated fund account in June 2020.

All matters between the contractor and subcontractor are now complete and it was determined that a payment of \$10,347.50 is due to New England Road, Inc. The payment has been approved by Brian Flaherty, Director of Recreation and Parks. Therefore, I am requesting that project 20537-57824 be reopened and an appropriation of \$10,347.50 be approved from undesignated fund balance account 205-31520 and moved to account 20537-57824 to allow payment of the attached outstanding invoice. Once payment is made, the project will again be closed with a zero balance.

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: TOWN OF WATERFORD
15 ROPE FERRY ROAD
WATERFORD, CONNECTICUT 06385

PROJECT: 18-128; REPLACEMENT OF WATERFORD
CAUSEWAY BRIDGE, TOWN OF WATERFORD, CT

APPLICATION NO.: 3

PERIOD BEGINNING: 05/01/2019

PERIOD ENDING: 07/31/2020

CONTRACTOR: NEW ENGLAND ROAD, INC.
35 LUMBERYARD ROAD
CLINTON, CONNECTICUT 06413

ARCHITECT/ENGINEER: ANCHOR ENGINEERING SERVICES, INC.
41 SEQUIN DRIVE
GLASTONBURY, CONNECTICUT 06033

CONTRACT FOR: REPLACEMENT OF WATERFORD CAUSEWAY BRIDGE

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the contract:

1. ORIGINAL CONTRACT SUM	\$206,950.00
2. NET CHANGE BY CHANGE ORDERS	\$0.00
3. CONTRACT SUM TO DATE (Line 1 & 2)	\$206,950.00
4. WORK COMPLETED AND STORED TO DATE	\$206,950.00
5. RETAINAGE - 5% OF COMPLETED WORK	\$0.00
6. TOTAL EARNED (Line 4 less Line 5)	\$206,950.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$196,602.50
8. CURRENT PAYMENT DUE	\$103,347.50
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
TOTAL CHANGES APPROVED IN PREVIOUS MONTHS BY C.O.'S	\$0.00	\$0.00
TOTAL APPROVED THIS MONTH	\$0.00	\$0.00
NET CHANGES BY CHANGE ORDERS	\$0.00	\$0.00

APPROVED FOR PAYMENT - TOWN OF WATERFORD

BY: Rayle Dunham Purchasing Agent

DATE: _____

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: NEW ENGLAND ROAD, INC.

BY: Helen Neri DATE: 8/18/20

HELEN NERI, PRESIDENT

STATE OF: CONNECTICUT

COUNTY OF: MIDDLESEX

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18TH DAY OF AUGUST, 2020

NOTARY PUBLIC:

MY COMMISSION EXPIRES: MARCH 31, 2023

TOWN PROJECT REPRESENTATIVE / INSPECTOR'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner that to the best of the Architect's/Engineer's knowledge, information and belief the work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$103,347.50

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on the Application and on the Continuation Sheet that are changed to conform to the amount certified.)

TOWN OF WATERFORD

BY: Brian W. Flaherty DATE: 8/26/2020

Brian W. Flaherty, CPEP

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

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OFFICE OF THE SUPERINTENDENT
THOMAS W. GIARD III
Waterford Public Schools
15 Rope Ferry Road, Waterford, CT 06385
860-444-5852

3

TO: Moderator Dembek & Members of the RTM

FROM: Thomas W. Giard III, Superintendent of Schools 

DATE: September 8, 2020

RE: Budget Informational Workshop

CC: Craig Merriman, Chair & Members of the Board of Education

I want to extend an offer for Joe Mancini, Director of Finance and Operation; Craig Powers, Assistant Superintendent; and me to attend an RTM meeting for a Board of Education budget book informational workshop. I believe it would be productive for us to come now, this fall, prior to the budget season to go through our budget book with you and answer your questions. We would be happy to provide clarity and provide the methodology used to develop the various aspects of the Board of Education budget.

While we obviously meet with the RTM during the budget season and some members of the RTM attend Board of Education budget workshops, this would be a productive use of time separate from the budgetary process where the focus tends to be a discussion of passing the budget or not. This would be providing clarity about the process, the methodology we use, and answering your clarifying questions about the various aspects of the Board of Education budget.

Please let me know if this is something you are interested in and we would be happy to attend.

2020 SEP -8 PM 2:08
2020 SEP -8 PM 2:08
2020 SEP -8 PM 2:08

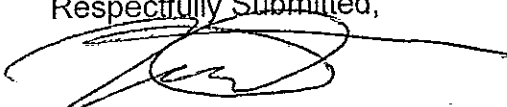


PUBLIC PROTECTION & SAFETY STANDING COMMITTEE of the RTM
COMMITTEE & ANNUAL REPORT

Please let the following report stand as both the committee report on a proposed ordinance for a volunteer stipend program and the annual report of the Public Protection and Safety committee. After the passage of the ordinance creating the Waterford Fire Department, the Public Protection and Safety standing committee identified the need to recognize our volunteers and create a retention and recruitment stipend program. This item was referred into committee by the last RTM. Meetings began in early March of 2020 but because of COVID-19, soon turned virtual. Committee members reviewed different programs with Legal, the Director of Human Resources and the Director of Fire Services soon recommended the basic ordinance structure. Multiple meetings were held reviewing the proposed language and understanding what is legally allowable to offer as a volunteer stipend program. After much discussion and deliberation this proposed ordinance went to public hearing on July 21. After public hearing, the committee addressed both public and committee concerns however the committee needed more time to deliberate after public hearing to ensure that the ordinance and program is the best we can offer to our volunteers at this time. After much deliberation spanning multiple meetings, a motion was made to report and recommend passage of proposed ordinance on September 16 which passed unanimously.

This proposed ordinance is designed to recognize and incentivize our volunteer firefighters while attempting to address fire department staffing issues our community is facing. Our firefighters have been asking for a program of this nature for over 25 years. The Public Protection and Safety committee looks forward to discussing the proposed ordinance.

Respectfully Submitted,


Timothy Condon
Chairman

2020 SEP 24 AM 9:42

RECEIVED - RECORDS

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

**Public Protection & Safety Standing Committee of the Waterford RTM
Meeting Minutes
Wednesday, September 16, 2020
6:00PM Virtual Meeting**

2020 SEP 24 AM 9:30

RECEIVED

Meeting Called to order at 6:00 PM by Chairperson Timothy Condon

Roll Call

Present: Timothy Condon, Baird Welch-Collins, Susan Driscoll, Richard Muckle, April Cairns

Absent: None

Others Present: Joyce Sauchuk, Robert Brule, Elieen Duggan, Robert Avena

Public Comment

John Mariano, Vincent Ukleja

Agenda Item 5- To Consider and act upon the meeting minutes of the August 31, 2020 meeting.

Motion made by Welch Collins, Second by Driscoll to accept the minutes.

Vote: Unanimous

Motion passed.

Agenda Item 6- Consideration of and possible action on items referred to committee:

A. Review/ enactment of a stipend program for Volunteer Firefighters.

Chairperson Condon spoke briefly about members' questions that he gathered from last meeting. Chairperson Condon went over the findings from the questions asked. Discussion was held on the process thus far and what actions would be necessary should the committee make any changes at this stage.

Motion by Driscoll Second by Welch-Collins to report out draft #4 of the proposed Volunteer Firefighter stipend program ordinance and recommend to the RTM.

Vote: Unanimous

- B. Review the creation of an Ad Hoc Committee in regard to attached letter. Discussion held on the process moving forward. Committee generally agreed to break consideration into two pieces; the first membership and the second topics of consideration. Discussion held on whom should make up the committee members. Attorney Avena gave a brief overview of the types of membership and the use of town employees.

Motion made by Driscoll second by Welch-Collins to record consensus of Ad Hoc committee membership consisting of 3 members of the RTM, 1 must be from the Public Protection and Safety standing committee, 1 member of the Board of Finance, 1 member of the Board of Selectman, advisory non-voting members consisting of the Waterford Ambulance Service Manager, the Emergency Management Director, 1 Volunteer Fire Chief, 1 Career full time paid Firefighter.

Vote: Unanimous.

Motion to adjourn by Welch-Collins, second by Muckle.

Vote: Unanimous

Meeting adjourned at 7:12 PM

Respectfully submitted

Timothy Condon

Title 2 – ADMINISTRATION AND PERSONNEL

Chapter 2.36 – FIRE SERVICE

2.36.080 – Volunteer Firefighters and Fire Police Incentive Program

A. Purpose

Pursuant to § 7-148(c)(4)(B) of the Connecticut General Statutes, the Town of Waterford may enact an ordinance to organize, maintain and regulate the persons providing fire protection. This Volunteer Firefighters and Fire Police Incentive Program is designed to provide monetary compensation to active, volunteer firefighters and fire police members in the Town of Waterford Fire Department, in an effort to assist in covering volunteers' expenses during the execution of their duties, while complying with the federal Fair Labor Standards Act of 1938 as amended, 29 U.S.C. §201 et seq. ("FLSA"). The FLSA permits payments for reimbursement of expenses, reasonable benefits and nominal fees to volunteers without impairing their status as volunteers. These benefits are in addition to the existing property tax abatement program for volunteer firefighters in Title 3, Chapter 3.12 of this Code of Ordinances. Town of Waterford Fire Department personnel employed by the Town of Waterford are not eligible for this Volunteer Firefighters and Fire Police Incentive Program.

B. Definitions

1. **Program:**
The term "Program" means the Volunteer Firefighters and Fire Police Incentive Program.
2. **Program Year:**
Program Year is the fiscal year, i.e., July 1-June 30.
3. **Implementation Date:**
The Implementation Date of the Program is July 1, 2020¹.
4. **Volunteer Member in Good Standing in the Waterford Fire Department:**
A Volunteer Member in Good Standing is defined as:
 - a. A certified firefighter (i.e., State of Connecticut Firefighter I or higher) who has participated in the minimum training sessions designated by the Director of Fire Services and including, but not limited to Required Training (as set forth in paragraph B8), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for the Program for the fiscal year July 1, 2020-June 30, 2021, absent a

¹ Depending on the date of enactment of this Ordinance, the Implementation Date may be retroactive to July 1, 2020.

modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and/or

- b. A member of the Fire Police who has participated in the minimum training sessions designated by the Director of Fire Services and, including but not limited to, Required Training (as set forth in Paragraph B8 d), by June 30 of the year preceding the year of eligibility (e.g., complete training by June 30, 2020 to be eligible for the Program for the fiscal year July 1, 2020-June 30, 2021, absent a modification of the June 30 date by the Director of Fire Services on an individual basis pursuant to paragraph B8); and who has been sworn in by the Town Clerk.

A Volunteer Member in Good Standing does not include any member terminated from volunteer service by the Town of Waterford or otherwise separating from volunteer service for any reason, voluntary or involuntary.

5. Active Volunteer Firefighter in the Waterford Fire Department:

An Active Volunteer Firefighter is a certified firefighter and Member in Good Standing who, during the year of eligibility, has participated in a minimum number of approved training drills and maintains the minimum training requirements as set forth by the Director of Fire Services.

6. Active Volunteer Fire Police Member in the Waterford Fire Department:

An Active Volunteer Fire Police member is a Member in Good Standing who has been sworn in by the Town Clerk and who maintains the minimum training requirements as set forth by the Director of Fire Services.

7. Approved Training Drill:

An Approved Training Drill is a Waterford Fire Department level drill that is approved in advance by the Director of Fire Services and will result in credit towards the Town's Insurance Service Organization, Fire Protection Classification Rating.

8. Required Training:

Required Training is State and Federal minimum requirements to function at emergency scenes. These requirements shall include, but are not limited to, the yearly certifications and re-certifications along with the approved training drills. The Director of Fire Services maintains the discretion, upon a showing of good cause by the volunteer, to excuse temporarily and/or until a date certain, the absence of any such certifications, re-certifications and/or approved training drills.

Training shall include, but is not limited to, the following titles and substantive content (training titles and reference numbers may change from time to time):

a. Minimum Certifications:

State of Connecticut Firefighter I
Hazardous Materials – Operational Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System
ICS-200: ICS for Single Resources and Initial Action Incidents

- b. **Mandatory Training:**
Attend routine training drills (Monthly)
OSHA Mandates
 - Haz-Mat Operational Refresher
 - Incident Command System Refresher
 - Live Fire Training (Annual)
 - Blood-borne Pathogens
 - SCBA refresher
 - Routine Fit Testing
 - CPR Certification
- c. **Certified Fire Officer Requirements (Additional):**
State of Connecticut Fire Officer I
IS-800: National Response Framework
ICS-300: Intermediate ICS for Expanding Incidents
ICS-400: Advanced ICS for Command and General Staff
- d. **Fire Police Requirements:**
Hazardous Materials – Awareness Level
IS-700: National Incident Management System
ICS-100: Introduction to the Incident Command System

- 9. **Stipend:**
A Stipend is an amount of money awarded to any Active Volunteer Firefighter or Active Fire Police member who meets the criteria set forth below and as may be modified, from time to time, by the Director of Fire Services.
- 10. **Point:**
A Point represents participation by an Active Volunteer Firefighter or Active Fire Police member in an emergency fire response or Approved Training Drills as described in paragraph B7. To receive a Point, an Active Volunteer Firefighter or Active Fire Police member must actually attend an incident and/or respond to and arrive at an activated station before the Incident Commander dismisses the assignment and/or attend and complete Approved Training Drills. **Individuals serving as volunteers or employees of the Waterford Ambulance Service when attending and/or responding to a particular incident will not receive Points related to that incident.**
- 11. **Incident Commander:**
The Incident Commander sets priorities and defines the Incident Command System organization for the particular response and is responsible for the safety, accountability, and welfare of personnel through an incident.

C. **Program Components**

- 1. **Stipend Schedule:**
Active Volunteer Firefighters and Fire Police members who meet the criteria set forth below are eligible for Stipends issued on a quarterly basis as follows:

First Quarter	=	July through September (Issued in October)
Second Quarter	=	October through December (Issued in January)
Third Quarter	=	January through March (Issued in April)
Fourth Quarter	=	April through June (Issued in July)

2. Reporting Requirements:

- a. An incident report shall be generated and completed for every dispatched incident.
- b. All Active Volunteer Firefighters and Active Volunteer Fire Police members must sign the report within 15 minutes of the last vehicle returning to the station at the termination of the event.
- c. If an Active Volunteer Firefighter or Active Volunteer Fire Police member is not able to sign the report within the allotted time set forth in subparagraph b, he or she must file a report with 24 hours of the incident.
- d. Anyone documenting another member's name on the report shall initial next to that entry for validation purposes.
- e. Attendance records shall be recorded and maintained on the Town's approved records management software.
- f. The Director of Fire Services or his/her designee shall prepare the quarterly reports for payment.
- g. All quarterly reports will be reviewed and approved by the Director of Fire Services prior to the approval of issuance of quarterly Stipend.
- h. The Director of Fire Services shall also submit quarterly reports to the RTM on the status of the program.

3. Stipend Eligibility and Amount:

An Active Volunteer Firefighter or Active Volunteer Fire Police member shall not receive any Stipend until receiving a minimum of fifty (50) Points during that fiscal year. The Active Volunteer Firefighter or Active Volunteer Fire Police member will then be provided a Stipend at the rate of \$7 for each prior and subsequent Point earned during that fiscal year (e.g., an Active Volunteer Firefighter who has 55 Points will receive \$385; an Active Volunteer Firefighter with 20 Points will receive \$0). The Director of Fire Services may propose changes to the mandatory/minimum eligibility criteria, Point value (increase or decrease), Stipend rate or amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote. As part of its determination, the RTM must evaluate continued compliance with the federal Fair Labor Standards Act.

4. Discretionary Decisions on Awarding of Points:

The Director of Fire Services, in the exercise of his/her discretion, will decide any disputes regarding the awarding of Points under paragraph B 10. The Director of Fire Services, in the exercise of his/her discretion, also may award Points for reasons other than those expressly set forth in paragraph B 10. These decisions shall be documented in the quarterly report.

5. Higher Level of Training Stipend:

An Active Volunteer Firefighter who receives at least 50 Points during a fiscal year and who is also a Certified Fire Officer and meets all the additional requirements outlined above (i.e., State of Connecticut Fire Officer I; IS-800: National Response Framework; ICS-300: Intermediate ICS for Expanding Incidents; ICS-400: Advanced ICS for Command and General Staff), will receive an additional \$150 on an annual basis in recognition of his/her high level of training. This \$150 stipend will be issued at the same time as the stipend for the initial 50 Points. The Director of Fire Services may propose changes to the Higher Level of Training Stipend amount (increase or decrease) to the RTM, which may act on such proposed changes by majority vote.

6. Ineligibility Due to Misconduct or Separation from Waterford Fire Department:

This ordinance incorporates by reference the Waterford Fire Department Policy 103 - Disciplinary Procedures, as may be renumbered and/or amended from time to time.

In the event that the Director of Fire Services decides to impose disciplinary action short of termination against any Active Volunteer Firefighter or Active Volunteer Fire Police member is necessary, the Director of Fire Services retains the discretion to suspend any Active Volunteer Firefighter or Active Volunteer Fire Police member from the Program, as either the discipline or as a component of the discipline. The Director of Fire Services retains the discretion to determine the status of any existing Points (e.g., forfeited, retained) at the time of suspension.

Any Active Volunteer Firefighter or Active Volunteer Fire Police member who is terminated from volunteer service by the Town of Waterford immediately forfeits all Points and is not eligible for any Stipend. The Director of Fire Services and the Human Resources Director shall evaluate and determine, in their discretion, the eligibility for a Stipend of an Active Volunteer Firefighter or Active Volunteer Fire Police member who voluntarily separated from volunteer service as of the end of a quarter.

D. Funding and Administration

1. Funding:

Through its normal, annual budget process, the Town shall determine whether or not to fund the Program and, if so, in what amount.

Any portion of the annual appropriation not expended during a fiscal year does not carry over to the next fiscal year.

Should the total expenses for the Program exceed the annual appropriation, then the quarterly Stipends for the then-current quarter will be prorated to reflect the total amount available for distribution for that quarter. If the Program exceeds the annual appropriation in a quarter other than the last quarter of the fiscal year, the Program may be unfunded for quarters following the pro-rated quarter.

2. Modifications:

Any modifications allowed under this Ordinance without an Ordinance amendment (e.g., change in the Stipend rate) will be recorded in an annual Program update each July and maintained on file in the office of the Director of Fire Services.

3. Termination:

The Town shall have the right through the Representative Town Meeting to terminate the Program at any time through the ordinance process.

DRAFT

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

2020 JUL 27 PM 3:53

MINUTES
PUBLIC PROTECTION & SAFETY STANDING COMMITTEE OF THE RTM
Public Hearing & Special Meeting
Tuesday July 21, 2020
5:30 P.M. - Waterford Town Hall/Zoom Remote Access Only

PUBLIC HEARING

The July 21, 2020 public hearing of the Public Protection & Safety Standing Committee of the RTM was called to order by Chairperson Timothy Condon at 5:34 P.M.

ROLL CALL

PRESENT: April Cairns, Timothy Condon, Susan Driscoll, Richard Muckle.

ABSENT: Baird Welch-Collins

ALSO PRESENT: Town Attorney Robert Avena, First Selectman Robert Brule, Town Clerk David L. Campo, Labor Attorney Eileen Duggan, Director of Fire Services Bruce Miller, Human Resources Director Joyce Sauchuk.

MOTION by Driscoll, seconded by Muckle to open the public hearing in regard to a proposed addition to the Waterford Code of Ordinances, Chapter 2.36 – VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM at 5:35 P.M.

VOTING IN FAVOR: Unanimous

PUBLIC COMMENT was submitted by the following: Board of Finance Member John "Bill" Sheehan, 19 Laurel Crest, Waterford, CT; Quaker Hill Fire Chief Vincent Ukleja, 81 Old Colchester Rd, Quaker Hill, CT; RTM Member Thomas Dembek, 56 Goshen Rd, Waterford, CT; John Mariano, 126 Dayton Rd, Waterford, CT.

MOTION by Driscoll, seconded by Muckle, to close the public hearing at 5:43 P.M.

VOTING IN FAVOR: Unanimous

SPECIAL MEETING

The July 21, 2020 special meeting of the Public Protection & Safety Standing Committee of the RTM was called to order by Chairperson Timothy Condon at 5:44 P.M.

ROLL CALL

PRESENT: April Cairns, Timothy Condon, Susan Driscoll, Richard Muckle.

ABSENT: Baird Welch-Collins

ALSO PRESENT: Town Attorney Robert Avena, First Selectman Robert Brule, Town Clerk David L. Campo, Labor Attorney Eileen Duggan, Director of Fire Services Bruce Miller, Human Resources Director Joyce Sauchuk.

AGENDA ITEM 3: July 7, 2020 Minutes

MOTION by Driscoll, seconded by Muckle, to approve the minutes from the July 7, 2020 meeting.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 4: Review/Enactment of a Stipend Program for Volunteer Firefighters (RTC 10/07/2019)

DISCUSSION ensued in regards to comments made during the public hearing as well as additional concerns by members.

MOTION by Muckle, seconded by Condon, to recommend an addition to the Waterford Code of Ordinances, Chapter 2.36 – VOLUNTEER FIREFIGHTERS INCENTIVE PROGRAM.

VOTING IN FAVOR: Condon, Muckle

VOTING AGAINST: Cairns, Driscoll

MOTION FAILED

Town Attorney and staff agreed to address the changes in the next draft.

MOTION by Driscoll, seconded by Cairns, to adjourn at 6:34 P.M.

VOTING IN FAVOR: Unanimous

**Statement of J. W. "Bill" Sheehan at Public Hearing 07212020
Regarding Volunteer Firefighter and Fire Police Incentive Program**

I want to thank the Committee for their hard work thus far in developing this proposed ordinance. Through the efforts of the Town Attorney, the Town Labor Attorney and the Human Resources Director, I am sure this ordinance meets the criteria of the Federal Fair Labor Standard Act (FLSA).

However, I believe that the ordinance has some weaknesses regarding information necessary to permit the key elected boards (Board of Selectman, Board of Finance, and Representative Town Meeting) to properly monitor this program.

The only reports mentioned in the Draft Ordinance are an Incident Report for every dispatched incident addressed to the Director of Fire Services and a quarterly report by the Director of Fire Services that provides information regarding who gets paid the stipend. I assume the quarterly report goes to the HR Director although there is no mention as to who receives the report.

I recommend that the Committee include a requirement that the Fire Services Director report to the Board of Selectmen, Board of Finance, and Representative Town Meeting on the number of recipients of the stipend and the total amount expended each quarter along with a statement regarding the effectiveness of the program in incentivizing volunteer firefighters and fire police. The elected boards do not need to know any names, just numbers and dollars expended and success or failure of the incentive program.

I don't know if the recent agreement with the Waterford Ambulance Service (WAS) and the change in who responds to EMS Calls impacts this comment. Basically, the question is - Are any volunteer firefighters also employees of the WAS? If so, there needs to be a mechanism to ensure that a Volunteer does not get incentive credit as well as payment from the WAS. I do not see any such safeguard in the proposed ordinance.

In summary, I recommend outlining a safeguard procedure to prevent any incentive credit for a call that was also paid for by the Waterford Ambulance Service and providing a summary report to the elected boards on the status and success or not of the incentive program at a specifically defined interval (either quarterly or semiannually).

Thank you for your attention.

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PUBLIC WORKS PLANNING & DEVELOPMENT STANDING COMMITTEE of the RTM
Committee Report with Recommendation – October 5, 2020
Waterford Code of Ordinances, Chapters 2020 and 2.58

BACKGROUND

At the June 1, 2020 meeting of the Representative Town Meeting, the Planning Director, Public Works Director, and Town Attorney submitted an amendment to sections 2.20 and 2.58 of the Waterford Code of Ordinances for review. The amendment proposed the facilities manager position be moved from the Planning Department to the Department of Public Works.

SUMMARY

This committee met August 17, 2020 and September 16, 2020. A public hearing was also held on September 16, 2020. All comments from committee members and the public were in favor of the amendment.

RECOMMENDATION

It is the unanimous recommendation of this committee to recommend to the RTM that the proposed amendment to the Waterford Code of Ordinances 2.20 and 2.58 included with this report be accepted and enacted.

Attachments

Minutes and supporting documents available online and/or by request.

Respectfully submitted,
Michael Rocchetti
Chairman

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TOWN CLERK

Public Works, Planning, and Development Committee of the RTM
Committee Report with Recommendation – October 5, 2020
Waterford Code of Ordinances, Chapters 2.20 and 2.58

BACKGROUND

At the June 1, 2020 meeting of the Representative Town Meeting, the Planning Director, Public Works Director, and Town Attorney submitted an amendment to sections 2.20 and 2.58 of the Waterford Code of Ordinances for review. The amendment proposed the facilities manager position be moved from the Planning Department to the Department of Public Works.

SUMMARY

This committee met August 17, 2020 and September 16, 2020. A public hearing was also held on September 16, 2020. All comments from committee members and the public were in favor of the amendment. The Department of Public Works is better suited to oversee the new facilities manager position and their responsibilities.

RECOMMENDATION

It is the unanimous recommendation of this committee to recommend to the RTM that the proposed amendment to the Waterford Code of Ordinances 2.20 and 2.58 included with this report be accepted and enacted so the ordinances reflect this change.

Attachments

Minutes and supporting documents available online.

Respectfully submitted

Michael Rocchetti
Chairman

2020 OCT -1 PM 11:49

Chapter 2.20 - PUBLIC WORKS DEPARTMENT⁽²⁾

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Footnotes:

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Editor's note -- An amendment dated June 2, 2014, amended Ch. 2.20 in its entirety to read as herein set out. Former Ch. 2.20, §§ 2.20.010--2.20.040, pertained to similar subject matter and derived from: Prior code §§ 2-106--2-107; and R.T.M. 10-1-01 (part).

2.20.010 - Created—Duties.

There is a department of public works which, under the supervision of the first selectman, shall have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, public and private drains, and other public infrastructure improvements; and the preservation, care and removal of trees within highways or public places and related engineering work of the town; and the collection and disposal of garbage, rubbish, ashes, recycling and operations of transfer station. Further, the department may install and/or supervise the installation of water and sewer lines, but only if and to the extent requested by the utility commission, and as approved by the first selectman; provided the costs are charged against the appropriations of the requesting commission.

In addition, the department shall be responsible for the maintenance, alteration, renovation and repair of all town owned buildings and facilities, other than schools, water and sewer infrastructures such as pumping stations and utility commission buildings, and facilities under the management of the recreation and parks commission, to include, but not limited to, town hall, library, emergency operations center, community center, youth and family services, police, public works, Jordan Park House, and Nevins Cottage. Facilities shall include all parking, handicap access, and pedestrian ways used to access buildings.

(Amend. of 6-2-14(1))

2.20.020 - Director—Appointment, removal, powers and duties.

The board of selectmen shall appoint and may remove a director of public works who shall be responsible for the efficiency, discipline and good conduct of the department, and who shall appoint and may remove such deputies, assistants and employees as the director may deem necessary, and shall prescribe their duties. The director shall be responsible for the preparation of the departmental budget, which shall be submitted to the board of selectmen for review and presentation to the board of finance and the RTM. The director shall exercise his or her powers and discharge his or her duties under the supervision of the first selectman. The director shall organize the work of the department in such a manner as the director shall deem most economical and efficient. The director shall be the tree warden and shall have all the powers and duties thereof as provided in C.G.S.A. Ch. 451, as amended.

(Amend. of 6-2-14(1))

2.20.030 - Personnel—Qualifications.

- A. The director of public works shall have, at a minimum, a Bachelor of Science degree in civil engineering.
- B. The qualifications of the other members of the department of public works will be recommended by the director of public works, with the approval of the board of selectmen.

(Min. of 4-7-14; Prior code § 2-108)

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2.20.040 - Organization.

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Final DRAFT 1

The department of public works shall consist of:

- A. A director of public works;
- B. An assistant director of public works;
- C. A municipal facilities manager
- DC. The following divisions:
 - 1. Sanitation and recycling.
 - 2. Highways.
 - 3. Mechanical Fleet and Light Equipment maintenance.
 - 4. Facilities Management.

(Amend. of 6-2-14(1))

Chapter 2.58 - PLANNING AND DEVELOPMENT DEPARTMENT

2.58.010 - Created.

In accordance with Section 1.2 of the Town Charter, and C.G.S.A. § 7-148, there shall be a department of planning and development which shall be managed by a director of planning appointed by the board of selectmen as recommended by the first selectman.

(Amend. of 6-2-14(2))

2.58.020 - Duties.

The department shall manage the centralized planning, building and development functions of the town, which shall include assisting the planning and zoning commission, zoning board of appeals, conservation commission and all other such boards and commissions within the town. ~~In addition, the department shall, under the supervision of the first selectman, be responsible for the maintenance, repair of buildings and building projects, for all town-owned buildings and facilities, other than schools, pumping stations, water and sewer infrastructures and roads, to include, but not limited to, town hall, library, emergency operations center, community center, youth services, police and public works and utility commission buildings. Additional duties shall include issuance of all building/zoning applications, building permits, zoning and wetlands permits, and environmental review of all building codes, zoning and wetland regulations within the town, as determined by the town regulatory authorities.~~

(Amend. of 6-2-14(2))

2.58.030 - Director—Appointment, removal, powers and duties.

The board of selectmen shall appoint and may remove a director of planning who shall be responsible for the efficiency, discipline and good conduct of the planning and development department, and who shall appoint and may remove such deputies, assistants and employees as the director may deem necessary, and shall prescribe their duties. The director shall be responsible for the preparation of the departmental budget, which shall be submitted to the board of selectmen for review and presentation to the board of finance. The director shall exercise such powers and discharge such duties under the supervision of the first selectman. The director shall organize the work of the department in such a manner as he or she shall deem most economical and efficient.

(Amend. of 6-2-14(2))

2.58.040 - Organization.

The department will primarily consist of:

- A. A director of planning;
- B. A building official;
- C. A planner;
- D. A wetlands officer/environmental planner;
- E. A zoning officer;
- ~~F. A municipal facilities maintenance coordinator.~~

(Amend. of 6-2-14(2))

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PLANNING AND DEVELOPMENT

Proposed Language (May 18, 2020)

Chapter 2.58 - PLANNING AND DEVELOPMENT DEPARTMENT

2.58.010 - Created.

In accordance with Section 1.2 of the Town Charter, and C.G.S.A. § 7-148, there shall be a department of planning and development which shall be managed by a director of planning appointed by the board of selectmen as recommended by the first selectman.

(Amend. of 6-2-14(2))

2.58.020 - Duties.

The department shall manage the centralized planning, building and development functions of the town, which shall include assisting the planning and zoning commission, zoning board of appeals, conservation commission and all other such boards and commissions within the town. Additional duties shall include issuance of all building/zoning applications, building permits, zoning and wetlands permits, and environmental review of all building codes, zoning and wetland regulations within the town, as determined by the town regulatory authorities.

(Amend. of 6-2-14(2))

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The board of selectmen shall appoint and may remove a director of planning who shall be responsible for the efficiency, discipline and good conduct of the planning and development department, and who shall appoint and may remove such deputies, assistants and employees as the director may deem necessary, and shall prescribe their duties. The director shall be responsible for the preparation of the departmental budget, which shall be submitted to the board of selectmen for review and presentation to the board of finance. The director shall exercise such powers and discharge such duties under the supervision of the first selectman. The director shall organize the work of the department in such a manner as he or she shall deem most economical and efficient.

(Amend. of 6-2-14(2))

2.58.040 - Organization.

The department will primarily consist of:

- A. A director of planning;
- B. A building official;
- C. A planner;
- D. A wetlands officer/environmental planner;
- E. A zoning officer;

(Amend. of 6-2-14(2))

Proposed Amendments (May 18, 2020)

Chapter 2.20 - PUBLIC WORKS DEPARTMENT¹²¹

Footnotes:

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Editor's note— An amendment dated June 2, 2014, amended Ch. 2.20 in its entirety to read as herein set out. Former Ch. 2.20, §§ 2.20.010—2.20.040, pertained to similar subject matter and derived from: Prior code §§ 2-106—2-109; and R.T.M. 10-1-01 (part).

2.20.010 - Created—Duties.

There is a department of public works which, under the supervision of the first selectman, shall have supervision and control of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks and curbs, public drains, and other public infrastructure improvements; and the preservation, care and removal of trees within highways or public places and related engineering work of the town; and the collection and disposal of garbage, rubbish, ashes, recycling and operations of transfer station. Further, the department may install and/or supervise the installation of water and sewer lines, but only if and to the extent requested by the utility commission, and as approved by the first selectman; provided the costs are charged against the appropriations of the requesting commission.

In addition, the department shall be responsible for the maintenance, alteration, renovation and repair of all town owned buildings and facilities, other than schools, water and sewer infrastructures such as pumping stations and utility commission buildings, and facilities under the management of the recreation and parks commission, to include, but not limited to, town hall, library, emergency operations center, community center, youth and family services, police, public works, Jordan Park House, and Nevins Cottage. Facilities shall include all parking, handicap access, and pedestrian ways used to access buildings.

(Amend. of 6-2-14(1))

2.20.020 - Director—Appointment, removal, powers and duties.

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(Amend. of 6-2-14(1))

2.20.030 - Personnel—Qualifications.

- A. The director of public works shall have, at a minimum, a Bachelor of Science degree in civil engineering.
- B. The qualifications of the other members of the department of public works will be recommended by the director of public works, with the approval of the board of selectmen.

(Min. of 4-7-14; Prior code § 2-108)

2.20.040 - Organization.

The department of public works shall consist of:

- A. A director of public works;
- B. An assistant director of public works;
- C. A municipal facilities manager
- D. The following divisions:
 - 1. Sanitation and recycling.
 - 2. Highways.
 - 3. Fleet and light equipment maintenance.
 - 4. Facilities management.

(Amend. of 6-2-14(1))

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

2020 SEP 22 PM 8:03

MINUTES
PUBLIC WORKS, PLANNING, AND DEVELOPMENT COMMITTEE OF THE RTM
PUBLIC HEARING & SPECIAL MEETING
Wednesday, September 16, 2020
6:30 P.M. - Waterford Town Hall
ZOOM Remote Access Only

The September 16, 2020 Public Hearing of the Public Works, Planning, and Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 6:35pm.

ROLL CALL

Present: Michael Rocchetti, Mike Bono, Ted Olynciw, Liam O'Leary, Miriam Furey-Wagner

Absent: None

Also Attending: Town Clerk David Campo, Town Attorney Nicholas Kepple, Public Works Director Gary Schneider, Planning Director Abby Piersall.

AGENDA ITEM 4

MOTION by Olynciw, seconded by Bono, to open the Public Hearing at 6:35 P.M. in regard to a proposed amendment to the Waterford Code of Ordinances, Chapters 2.20 and 2.58 enabling the facilities manager position to be moved from the Planning Department to the Public Works Department.

VOTING IN FAVOR: Unanimous

PUBLIC COMMENT received from the following: RTM Member Susan Driscoll submitted in writing. (See Attachment)

BOF Member Bill Sheehan spoke in favor of the changes.

MOTION by Furey-Wagner, seconded by Bono, to close the Public Hearing at 6:38 P.M.

VOTING IN FAVOR: Unanimous

MOTION by Olynciw, seconded by Furey-Wagner, to close the Public Hearing portion.

VOTING IN FAVOR: Unanimous

The September 16, 2020 Special Meeting of the Public Works, Planning, and Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 6:39 P.M..

ROLL CALL

Present: Michael Rocchetti, Mike Bono Ted Olynciw, Liam O'Leary, Miriam Furey-Wagner

Absent: None

Also Attending: Town Clerk David Campo, Town Attorney Nicholas Kepple, Public Works Director Gary Schneider, Planning Director Abby Piersall.

PUBLIC COMMENT: Mark Dalton, Owner of 11 Darling Ln, spoke in regards to the proposed Blight Ordinance.

AGENDA ITEM 4

MOTION by Bono, seconded by Furey-Wagner, to approve the minutes from the August 17, 2020 meeting.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 6A

Discussion ensued.

MOTION by Furey-Wagner, seconded by Olynciw, to recommend the proposed changes with the recommendations from RTM Member Susan Driscoll to the Waterford Code of Ordinances, Chapters 2.20 and 2.58 enabling the Facilities Manager Position to be moved from the Planning Department to the Public Works Department.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 6B

Discussion ensued.

MOTION by Furey-Wagner, seconded by Rocchetti, to hold a Public Hearing on September 30th at 6:30 P.M. to consider removal of Chapter 15.6, Blighted Premises from the Waterford Code of Ordinances.

VOTING IN FAVOR: Unanimous with one member unavailable. (O'Leary)

MOTION by Furey-Wagner, seconded by Olynciw to adjourn to adjourn at 7:40 P.M.

VOTING IN FAVOR: unanimous

Respectfully submitted,
Michael "Rock" Rocchetti
Chairman

Sept. 16, 2020

To: Public Works, Planning & Development Committee
Re: Public Comment on proposed ordinance changes

Due to a scheduling conflict, I am unable to attend (even by zoom) the Public Hearing on the proposed changes to the Public Works Department Ordinances (Title 2 Administration & Personnel, Chapter 2.20) and the Planning and Development Development Ordinances (Title 2 Administration & Personnel, Chapter 2.580). So, I am submitting this document with the request that it be included in the record.

At the risk of repeating myself, I fully support the changes needed to transfer the Facilities Manager position to the Public Works Department. This will mark the culmination of a multi-year effort to arrange for a process of coordinated facilities management for all town and Board of Education buildings that should result in improved efficiencies and cost savings from improvements in the area of regular preventive maintenance, which has been a challenge for us over the years.

That being said, I would respectfully request that as the committee makes their final review of the proposed ordinances they consider making the following changes. In addition to a few typo corrections, they are basically for consistency and gender neutrality so that the revised ordinances can stand the test of time (at least for a few years, anyway) and would not be so drastic as to warrant a second public hearing.

Chptr 2.20 Public Works:

- 2.20.010: In the new second paragraph, first sentence—delete the extra comma after “facilities”
At the end of that sentence, please “initial cap” Jordan Park House and Nevins Cottage since these are officially named buildings and not generic terms
- 2.20.020: At the end of the second sentence, please add the phrase *and the RTM* after “board of finance,” since the budget must be reviewed by that body as well.
In the third sentence, please add the phrase *or her* after both appearances of “his”
- 2.20.040: in subsection D(3), please lowercase the L and E in “Light Equipment” for style consistency
In subsection D(4), change “Facility” to *Facilities*, lowercase the M in “Management” and add a period at the end. All for style consistency, except the Facilities change is because more than one facility is involved and because it will be the division overseen by our new Facilities manager, so it just makes sense.

Chptr 2.58 Planning and Development:

- 2.58.020: At the end of the first sentence after “town” please restore the period that was inadvertently cut when original ordinance language was deleted.
- 2.58.030: In the last sentence, please add the phrase *or she* after “he” (this one’s for Abby!)

Thank you for your time and consideration of these suggestions.

Susan Driscoll, RTM-4th District
205 Rope Ferry Rd, Wtfd

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



PHONE: 860-442-0553
www.waterfordct.org

6

MINUTES

PUBLIC WORKS, PLANNING, AND DEVELOPMENT COMMITTEE OF THE RTM PUBLIC HEARING & SPECIAL MEETING

Wednesday, September 30, 2020
6:30 P.M. - Waterford Town Hall
ZOOM Remote Access Only

2020 OCT - 1 PM 3:36

The September 30, 2020 Public Hearing of the Public Works, Planning, and Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 6:32pm.

ROLL CALL

Present: Michael Rocchetti, Mike Bono, Liam O'Leary, Miriam Furey-Wagner

Absent: Ted Olynciw

Also Attending: Town Clerk David Campo, Town Attorney Nicholas Kepple, Planning Director Abby Piersall.

AGENDA ITEM 4

PUBLIC HEARING was opened by Chairman Michael Rocchetti at 6:33 P.M. in regard to a proposed deletion to the Waterford Code of Ordinances, Chapter 15.26 – Blighted Premises.

PUBLIC COMMENT was accepted in writing from Mark Dalton along with a statement from BOF Member Bill Sheehan and RTM Member Susan Driscoll.

Discussion ensued.

PUBLIC HEARING was closed by Chairman Michael Rocchetti at 6:47 P.M.

The September 30, 2020 Special Meeting of the Public Works, Planning, and Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 6:48 P.M.

ROLL CALL

Present: Michael Rocchetti, Mike Bono, Liam O'Leary, Miriam Furey-Wagner

Absent: Ted Olynciw

Also Attending: Town Clerk David Campo, Town Attorney Nicholas Kepple, Planning Director Abby Piersall.

AGENDA ITEM 4

MOTION by Furey-Wagner, seconded by Bono, to approve the minutes from the September 16, 2020 meeting.

AMENDED by Furey-Wagner, seconded by Bono, to approve the minutes with the

following correction: Liam O'Leary voted in favor of item 6B making the result unanimous.

VOTING IN FAVOR: Unanimous

AGENDA ITEM 6A

Brief recap and discussion.

AGENDA ITEM 6B

Discussion ensued.

MOTION by Furey-Wagner, seconded by Bono, to report the item out of committee and recommend deletion of Chapter 15.26 – Blighted Premises of the Waterford Code of Ordinances because the committee confirmed redundancy under Zoning Enforcement and Property Maintenance rules.

VOTING IN FAVOR: Unanimous

MOTION by Bono, seconded by Furey-Wagner, to adjourn to adjourn at 7:09 P.M.

VOTING IN FAVOR: unanimous

Respectfully submitted,
Michael "Rock" Rocchetti
Chairman

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September 29, 2020

Public Works, Planning & Development Standing Committee of the RTM

I spoke at the September 16th meeting prior to the decision being made to delete the *Blight Ordinance completely*. I misunderstood the purpose of that meeting to be a discussion of the changes proposed to enhance the existing Blight Ordinance. No matter which direction the committee goes there are some thought which must be included in the actionable standards of the ordinance or regulations.

The personnel employed by the town to administer and enforce the must act expeditiously and diligently as possible when issuing a citation or violation. It is important to give the offender a minimum amount of time to drag out the process because they will. It has been my experience that the BEO puts too much effort into voluntary compliance with the offender. Also the staff in the zoning department need to be more customer service oriented.

The ordinances were written after careful consideration to circumstance. What was thought of at the time was the intention. The offender no matter how devious they might be should not have the last laugh. And herein lies a very troubling detail of the existing Blight and Vehicle and Traffic Ordinance. In the Blight Ordinance specific language reads under **15.26.020 – Definitions A.**
Blighted premises: Any house, building, structure or land in which at least one of the conditions exists. A blighted premise is presumed to be a public nuisance. It has been determined by the town's blight enforcement officer that a condition exists that poses serious or immediate threat to the health, safety or general welfare of the community.

I. Unlicensed/inoperable vehicle (s) which violate existing town zoning regulations

The Vehicle and Traffic Ordinance specific language reads under 10.08.050 – Removal of abandoned, inoperable or unregistered motor vehicles: Any abandoned, inoperable or unregistered motor vehicle within the town limits, which remains unmoved for thirty days after notice by the zoning enforcement officer to the property owner on which said vehicle so remains, requesting removal of said vehicle, and notice by the zoning enforcement officer in a newspaper having a substantial circulation in the town, may be removed and disposed of in accordance with Sections 10.08.020 et seq., of this chapter.

It is my opinion that the existing Blight Ordinance with its language crafted specifically for its purpose and with the enhancements proposed by the Director of Planning and Development should remain. One other item needs to be addressed is that the Zoning Regulations make no mention of Municipal Abatement in the chance that this event is necessary. The public is used to the Blight Ordinance. Tweak it if necessary to add more clout and put legal teeth in it.

The one caveat going back to my discussion of the inoperable unregistered motor vehicles despite the written word of the ordinances if such a blighted nuisance is put on a registered trailer it is in the ZEO's opinion no longer considered blight or a nuisance. That is ridiculous. Isn't the ordinance the rule of law? That accommodation to the offender is contrary to the intent of the RTM and crosses the line no matter if the document is the Blight Ordinance or the Vehicle and Traffic Ordinance.

Final Draft October 2, 2020

Chapter 15.26—BLIGHTED PREMISES

15.26.010—Purpose.

- A. ~~The presence in the Town of Waterford of real property which exists in blighted condition constitutes a continuing nuisance, is detrimental to the health, safety and general welfare of the community, and adversely affects property values, thus contributing to the decline of neighborhoods and negatively affecting the economic well-being of the town and its residents. The abatement and/or elimination of blighted premises is necessary to protect, preserve, and promote public health, safety and general welfare of the community. Accordingly, the ordinance codified in this chapter is adopted pursuant to C.G.S. §§7-148(c)(7)(H)(xv), 7-148o(b) and 7-152c.~~
- B. ~~*Public nuisance.* It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Waterford to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions described below exist thereon, which shall be defined as blight:~~

(Amend. of 4-18-17(2))

15.26.020—Definitions.

For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

- A. ~~*Blighted premises:* Any house, building or structure or land in which at least one the following conditions exists. A blighted premises is presumed to be a public nuisance:~~
- ~~1. It has been determined by the town's blight enforcement officer that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.~~
 - ~~2. The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public as evidenced by one or more of the following conditions:~~
 - ~~a. Missing, broken, or boarded-up windows or doors;~~
 - ~~b. Collapsing or missing exterior features including but not limited to, walls, roofs, stairs, porches, railings, hatches, chimneys or floors;~~
 - ~~c. Structurally faulty foundation;~~
 - ~~d. Unrepaired fire or water damage;~~
 - ~~e. Lacks facilities necessary for habitation;~~
 - ~~f. Vacant structure(s) open and not secured against entry;~~
 - ~~g. Rodent harborage and/or infestation;~~
 - ~~h. Parking lots in excess of ten parking spaces in a state of disrepair or abandonment, evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement, or macadam, or within medians and buffers;~~
 - ~~i. Shrubs, hedges, grass, plants, weeds or any other vegetation that has been left to grow in an unkempt manner that is covering or blocking means of egress or access to any building or that are blocking, interfering with or otherwise obstructing any~~

sightline, road sign, or emergency access to or at the property, when viewed from any property line;

j. ~~Whether any building or dwelling on the premises is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than two feet over twenty percent of the property;~~

k. ~~The overall condition of the property structure and/or grounds causes an adverse impact on neighboring properties and/or has led to the cancellation of insurance on the property; and/or~~

l. ~~Unlicensed/inoperable vehicle(s) which violate existing town zoning regulations.~~

m. ~~Dumpsters placed on private property for the purpose of disposal of any solid or liquid waste for a period of more than sixty days from the date of the dumpster's delivery and which has not been placed in association with a site plan approved in accordance with the Waterford Zoning Regulations or a construction project with an active building permit.~~

n. ~~Rubbish, broken glass, trash, refuse, debris, stumps, roots, or boats and machinery in a state of disrepair that cannot be used for its original purpose.~~

o. ~~Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which is in the public view.~~

p. ~~Decay: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.~~

q. ~~Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.~~

r. ~~Natural field state: Areas where grass, weeds, and brush exist in their natural, un-landscaped state.~~

s. ~~Naturally wooded state: Areas where trees, brush and plants exist in their natural, un-landscaped state.~~

t. ~~Person: Any man, woman, corporation, or other legal entity capable of owning real property.~~

u. ~~Premises: A platted lot or part thereof or un-platted lot or parcel or land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes such building, accessory structure or other structure thereon, or any part thereof. The terms "premises," where the context requires, shall be deemed to include any buildings, dwelling, parcels of land or structures contained within the scope of this chapter.~~

v. ~~Public view: Visible from any public right-of-way or neighboring property, a grade level.~~

w. ~~Structure: Any building, dwelling, fence, swimming pool, or similarly constructed object.~~

3. ~~The fire marshal has determined that a building or structure is a fire hazard.~~

B. ~~Citation hearing officer: A person appointed by the first selectman as an officer, as defined in, and pursuant to C.G.S. § 7-152c, to serve as the citation hearing board. Such officer shall not be an individual who issues citations and shall not otherwise be an employee of the town. The blight citation hearing officer shall serve for a term of two years, unless otherwise removed for cause by the first selectman.~~

- ~~C. Dilapidated: Any building or structure or part thereof which is deemed an uninhabitable or unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is determined to be unfit for human habitation as defined by the Connecticut Health Code.~~
- ~~D. Blight enforcement officer: A person or persons authorized by the first selectman to take such enforcement actions and to issue citations as specified in this chapter, who shall not be the blight-citation hearing officer.~~
- ~~E. Registrant: Any person who has commenced an action to foreclose a mortgage on residential property and has registered such property with the town clerk.~~
- ~~F. Naturalized areas: Contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio-diversity, reducing water use, and reducing maintenance costs.~~
- ~~G. Town: The Town of Waterford.~~
- ~~H. Town official: The officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including the first selectman, director of public works, fire marshal, fire services administrator or designated agents, and any police officer of the town.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.030 Exemptions.~~

~~The following properties and/or portions of properties shall be exempt from this chapter:~~

- ~~A. Land dedicated as public open space or parks;~~
- ~~B. Vegetation preserved in its natural state through conservation easements or conservation restrictions;~~
- ~~C. Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in Subsection 15.26.020.F herein, provided they do not cover or block means of egress or access to any building or block, interfere with or otherwise obstruct any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation;~~
- ~~D. Any building or structure undergoing remodeling being diligently conducted pursuant to an active building permit, provided that said exemption is applicable only during such remodeling period;~~
- ~~E. Any blighted premises for which a land use application is pending for a period of ninety days from the date of submission of the application to the town.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.040 Special consideration.~~

~~Special consideration may be given to individuals who are disabled, elderly, or low income in the town's effort to correct housing blight. If an individual home owner cannot maintain a reasonable level of upkeep of owner-occupied residence because the individual is disabled, elderly, or low income, and no capable individual resides in the residence, the town may give said individual home owner a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the blight enforcement officer. If needed, assistance in finding solutions will be offered by the town.~~

- ~~A. Capable individual shall mean a person who can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen years of age, without physical or mental disability as defined herein.~~

- B. ~~Disabled individual~~ shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability meeting the definitions for mental or physical disability as defined under the Americans with Disabilities Act of 1990 and does not have a household member capable of providing the necessary maintenance.
- C. ~~Elderly individual~~ shall mean an individual over the age of sixty-five, who does not have a household member capable of providing necessary property maintenance.
- D. ~~Low income individual~~ shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by C.G.S. § 12-170d(a)(3).

(Amend. of 4-18-17(2))

15.26.050 ~~Creation or maintenance of a blighted property prohibited.~~

No owner, agent, tenant and/or person responsible for the care, maintenance, and/or condition of real property, shall cause or allow any blighted property, as defined in Section 15.26.020, to be created, maintained or continued.

(Amend. of 4-18-17(2))

15.26.060 ~~Receipt of complaints and notice of violation.~~

- A. ~~The blight enforcement officer shall investigate any written, signed complaint and determine whether a violation of this chapter exists.~~
- B. ~~The blight enforcement officer shall give written notice of a violation of this chapter to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the blighted premises. The notice shall be hand delivered or mailed by both certified mail, return receipt requested and first class mail to the address of the owner on file with the Waterford Tax Collector, or any of the persons identified in Section 15.26.040 herein to the last known address of the person to whom it is directed, and a copy mailed by first class mail to any lienholder's current or last known address pursuant to C.G.S. § 7-148gg. If the notice is mailed to only one of the responsible parties, that shall in no way be, or be construed as, a release of any other party. If there is more than one responsible party identified in the notice, the responsibility for complying with the notice shall be joint and several.~~
- C. ~~Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the blight enforcement officer based on the nature and extent of the violation. If the violation is not corrected within the time provided in the written notice, the blight enforcement officer may issue an enforcement citation and/or take other enforcement action as specified herein.~~
- D. ~~If the owner, agent, occupant and/or person responsible for the blighted premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a daily or weekly newspaper having a substantial circulation in the town and shall be posted on the premises. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.~~
- E. ~~Any person who is a new owner of a blighted property shall, upon request, be granted a thirty-date extension of the notice and opportunity to remediate provided pursuant to Subsection 15.26.060.B. For the purposes of this subsection, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice.~~

(Amend. of 4-18-17(2))

~~15.26.070—Penalty for violation.~~

~~Violations of this chapter shall be punishable by a civil penalty of fifty dollars for each day a violation continues. Each day after due notice of the violation has been served shall constitute a separate offense.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.080—Enforcement citation.~~

- ~~A. A citation hearing procedure pursuant to C.G.S. § 7-152c is hereby established for the purposes of this section. The first selectman shall appoint a citation hearing officer for the town in accordance with Subsection 15.26.020.B of this chapter.~~
- ~~B. If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 15.26.060 hereinabove has expired, the blight enforcement officer may issue a citation to any owner, agent, tenant, or person or entity in control of the property for the violation in accordance with this section. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.~~
- ~~C. Any person(s) or entity issued a citation pursuant to this section shall be entitled to a hearing to contest the citation pursuant to the provisions of C.G.S. § 7-152c(e).~~
- ~~D. At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this section, the town shall send notice to the person(s) or entity cited to inform them:~~
- ~~1. Of the allegations against the person or persons and the amount of fines, penalties, costs or fees due;~~
 - ~~2. That the person(s) or entity may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date the duly delivered notice;~~
 - ~~3. That if the person(s) or entity does not demand such a hearing, an assessment and judgment shall be entered against the person(s) or entity; and~~
 - ~~4. That such judgment may issue without further notice.~~

~~For purposes of this Section 15.26.080, notice shall be presumed to have been properly sent if such notice was mailed to such person/entity's last known address on file with the tax collector. If the person/entity to whom notice is issued is a registrant, the town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.~~

- ~~E. If the person/entity to whom notice is sent pursuant to this section wishes to admit liability the person/entity may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to a designated town official.~~
- ~~F. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided by in Subsection B of this section shall be deemed to have admitted liability, and the designated town official shall certify such person/entity's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this section and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 7-152c(f).~~
- ~~G. A person/entity who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).~~
- ~~1. The hearing officer shall announce the decision at the end of the hearing. If the officer determines that the person/entity is not liable, the matter shall be dismissed and the officer shall~~

~~enter that determination in writing accordingly. If the officer determines that the person/entity is liable for the violation, the officer shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided by this section.~~

- ~~2. If the hearing officer's assessment is not paid on the date of its entry, s/he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a Superior Court facility designated by the chief court administrator.~~
- ~~3. The person/entity against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to a judicial review by way of appeal pursuant to the provisions of C.G.S. § 7-152c(g).~~

~~(Amend. of 4-18-17(2))~~

~~15.26.090 Municipal enforcement and abatement.~~

- ~~A. In addition to any penalties as permitted by statute, and the citation and hearing provisions of this section, in the event any owner, agent, tenant, or person in control of real property fails to abate or correct any violation specified in a notice, pursuant to Section 15.26.060 herein, after the issuance of an enforcement citation for such failure, once the citation has become final through the failure of such owner, agent, tenant, or person in control to appeal from the issuance of the citation or by such appeal being sustained, the town, acting through its blight enforcement officer issuing such notice of violation, may cause or take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the violation upon twenty-four hours notice of its intent to do so. The cost to take such action shall be a civil claim by the town against such owner, agent, tenant, or person responsible for the property, and the town attorney may bring an action to recover all such costs and expenses incurred, including reasonable attorney's fees.~~
- ~~B. In the event that the blight enforcement officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in doing so, including its reasonable attorney's fees.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.100 Recording of lien.~~

~~In addition to having a lien for abatement expenses, any unpaid fines or costs shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each such lien shall be continued, recorded, and released as provided for therein.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.110 Schedule of payments.~~

- ~~A. The blight enforcement officer or the citation hearing officer may establish a schedule of payments with the owner of property in violation of this chapter subject to the following conditions:~~
 - ~~1. A written abatement plan signed by the property owner to abate the violation by a date certain is approved and signed by the blight enforcement officer or citation hearing officer;~~
 - ~~2. The abatement plan shall establish the amount and date(s) payment of penalties shall be made.~~
- ~~B. The blight enforcement officer or citation hearing officer may suspend the accrual of daily violation fees described in Section 15.26.070 of this chapter during the abatement period; provided that the~~

~~property owner meets terms of the approved abatement plan. Failure of the property owner to meet the terms of the approved abatement plan shall result in the nullification of the plan and the retroactive accrual of penalties from the day after due notice pursuant to Section 15.26.070 of this chapter.~~

~~(Amend. of 4-18-17(2))~~

~~15.26.120 Effective date:~~

~~The ordinance codified in this chapter shall take effect fifteen days after final approval by the representative town meeting.~~

~~(Amend. of 4-18-17(2))~~

To be read into the public record:

To RTM Moderator Thomas Dembek and the Waterford RTM,

We are confident that the government leaders in Waterford share our concerns about how people of color are included in our community and know that we can do better in providing living, working and learning opportunities for everyone in our town. We are writing this letter to formally request that the RTM establish an ad-hoc Social Justice committee to:

- review hiring and contracting practices in all our town offices,
- review housing and zoning practices in our town,
- review practices followed by our law enforcement officials,
- encourage our Board of Education to review policies in order to eliminate racial inequities, punitive consequences, or exclusionary language that perpetuates racism,
- review symbols of racism that may exist in our town,
- determine how our town web page and other social media might be inviting to people of color,
- based on the reviews to recommend and advocate for appropriate diversity and sensitivity training around racism and implicit bias,
- provide information about findings and progress to our larger community.

There is no question that discussions of justice and inclusivity are often as difficult as they are important. However, we are hopeful that our elected representatives will rise to this challenge and create a space for our community to discuss these vital issues.

Waterford Members of Niantic Community Church,

Mike Guarini
Linda Helvig
Paul Helvig
Jerry Holmberg
Margaret Holmberg
Jane Milardo
Ruth Morgan
Stan Morgan
Ocean Pellett
Sue Smith

2020 OCT -2 PM 12:15

Chapter 15.26 - BLIGHTED PREMISES

15.26.010 - Purpose.

- A. The presence in the Town of Waterford of real property which exists in blighted condition constitutes a continuing nuisance, is detrimental to the health, safety and general welfare of the community, and adversely affects property values, thus contributing to the decline of neighborhoods and negatively affecting the economic well-being of the town and its residents. The abatement and/or elimination of blighted premises is necessary to protect, preserve, and promote public health, safety and general welfare of the community. Accordingly, the ordinance codified in this chapter is adopted pursuant to C.G.S. §§7-148(c)(7)(H)(xv), 7-148o(b) and 7-152c.
- B. *Public nuisance.* It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the Town of Waterford to maintain such premises or any public right-of-way abutting said premises in such manner that any of the following conditions described below exist thereon, which shall be defined as blight.

(Amend. of 4-18-17(2))

15.26.020 - Definitions.

For the purpose of this chapter, the following terms and phrases shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context:

- A. *Blighted premises:* Any house, building or structure or land in which at least one the following conditions exists. A blighted premises is presumed to be a public nuisance:
1. It has been determined by the town's blight enforcement officer that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the community.
 2. The property is in a state of disrepair or is becoming dilapidated. "State of disrepair" or "becoming dilapidated" shall mean in a physically deteriorating condition causing unsafe or unsanitary conditions or a nuisance to the general public as evidenced by one or more of the following conditions:
 - a. Missing, broken, or boarded-up windows or doors;
 - b. Collapsing or missing exterior features including but not limited to, walls, roofs, stairs, porches, railings, hatches, chimneys or floors;
 - c. Structurally faulty foundation;
 - d. Unrepaired fire or water damage;
 - e. Lacks facilities necessary for habitation;
 - f. Vacant structure(s) open and not secured against entry;
 - g. Rodent harborage and/or infestation;
 - h. Parking lots in excess of ten parking spaces in a state of disrepair or abandonment, evidenced, for example, by cracks, potholes, overgrowth of vegetation within the surface, pavement, or macadam, or within medians and buffers;
 - i. Shrubs, hedges, grass, plants, weeds or any other vegetation that has been left to grow in an unkempt manner that is covering or blocking means of egress or access to any building or that are blocking, interfering with or otherwise obstructing any sightline, road sign, or emergency access to or at the property, when viewed from any property line;
 - j. Whether any building or dwelling on the premises is occupied or not, no grass or weeds shall be permitted by any owner or occupant to reach a height greater than two feet over twenty percent of the property;

- k. The overall condition of the property structure and/or grounds causes an adverse impact on neighboring property or the cancellation of insurance on the property; and/or
 - l. Unlicensed/inoperable vehicle(s) which violate existing town zoning regulations.
 - m. Dumpsters placed on private property for the purpose of disposal of any solid or liquid waste for a period of more than sixty days from the date of the dumpster's delivery and which has not been placed in association with a site plan approved in accordance with the Waterford Zoning Regulations or a construction project with an active building permit.
 - n. Rubbish, broken glass, trash, refuse, debris, stumps, roots, or boats and machinery in a state of disrepair that cannot be used for its original purpose.
 - o. *Debris*: Material which is incapable of immediately performing the function for which it was designed including, but not limited to: abandoned, discarded or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which is in the public view.
 - p. *Decay*: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a contained compost pile.
 - q. *Mechanical equipment*: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by any apparatus propelled by an internal combustion engine; to also include electric and pneumatic equipment.
 - r. *Natural field state*: Areas where grass, weeds, and brush exist in their natural, un-landscaped state.
 - s. *Naturally wooded state*: Areas where trees, brush and plants exist in their natural, un-landscaped state.
 - t. *Person*: Any man, woman, corporation, or other legal entity capable of owning real property.
 - u. *Premises*: A platted lot or part thereof or un-platted lot or parcel or land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes such building, accessory structure or other structure thereon, or any part thereof. The terms "premises," where the context requires, shall be deemed to include any buildings, dwelling, parcels of land or structures contained within the scope of this chapter.
 - v. *Public view*: Visible from any public right-of-way or neighboring property, a grade level.
 - w. *Structure*: Any building, dwelling, fence, swimming pool, or similarly constructed object.
3. The fire marshal has determined that a building or structure is a fire hazard.
- B. *Citation hearing officer*: A person appointed by the first selectman as an officer, as defined in, and pursuant to C.G.S. § 7-152c, to serve as the citation hearing board. Such officer shall not be an individual who issues citations and shall not otherwise be an employee of the town. The blight citation hearing officer shall serve for a term of two years, unless otherwise removed for cause by the first selectman.
 - C. *Dilapidated*: Any building or structure or part thereof which is deemed an uninhabitable or unsafe structure as defined in the Connecticut State Building Code, or any dwelling or unit which is determined to be unfit for human habitation as defined by the Connecticut Health Code.
 - D. *Blight enforcement officer*: A person or persons authorized by the first selectman to take such enforcement actions and to issue citations as are specified in this chapter, who shall not be the blight citation hearing officer.
 - E. *Registrant*: Any person who has commenced an action to foreclose a mortgage on residential property and has registered such property with the town clerk.
 - F. *Naturalized areas*: Contiguous areas of vegetation that come from natural regeneration and/or intentional plantings with native plant material. These areas are an approach to landscaping as a means of promoting bio-diversity, reducing water use, and reducing maintenance costs.
 - G. *Town*: The Town of Waterford.

- H. *Town official*: The officer or officers, who are authorized by this chapter to exercise the powers prescribed herein, including selectman, director of public works, fire marshal, fire services administrator or designated agents, and any police officer.

(Amend. of 4-18-17(2))

15.26.030 - Exemptions.

The following properties and/or portions of properties shall be exempt from this chapter:

- A. Land dedicated as public open space or parks;
- B. Vegetation preserved in its natural state through conservation easements or conservation restrictions;
- C. Maintained gardens, flower beds, and/or xeriscape landscaping as part of a landscape design, or naturalized areas as defined in Subsection 15.26.020.F herein, provided they do not cover or block means of egress or access to any building or block, interfere with or otherwise obstruct any sightline, road sign, or emergency access to or at the property or promote rodent harborage and/or infestation;
- D. Any building or structure undergoing remodeling being diligently conducted pursuant to an active building permit, provided that said exemption is applicable only during such remodeling period;
- E. Any blighted premises for which a land use application is pending for a period of ninety days from the date of submission of the application to the town.

(Amend. of 4-18-17(2))

15.26.040 - Special consideration.

Special consideration may be given to individuals who are disabled, elderly, or low income in the town's effort to correct housing blight. If an individual home owner cannot maintain a reasonable level of upkeep of owner-occupied residence because the individual is disabled, elderly, or low income, and no capable individual resides in the residence, the town may give said individual home owner a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the blight enforcement officer. If needed, assistance in finding solutions will be offered by the town.

- A. *Capable individual* shall mean a person who can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen years of age, without physical or mental disability as defined herein.
- B. *Disabled individual* shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability meeting the definitions for mental or physical disability as defined under the Americans with Disabilities Act of 1990 and does not have a household member capable of providing the necessary maintenance.
- C. *Elderly individual* shall mean an individual over the age of sixty-five, who does not have a household member capable of providing necessary property maintenance.
- D. *Low income individual* shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by C.G.S. § 12-170d(a)(3).

(Amend. of 4-18-17(2))

15.26.050 - Creation or maintenance of a blighted property prohibited.

No owner, agent, tenant and/or person responsible for the care, maintenance, and/or condition of real property, shall cause or allow any blighted property, as defined in Section 15.26.020, to be created, maintained or continued.

(Amend. of 4-18-17(2))

15.26.060 - Receipt of complaints and notice of violation.

- A. The blight enforcement officer shall investigate any written, signed complaint and determine whether a violation of this chapter exists.
- B. The blight enforcement officer shall give written notice of a violation of this chapter to the owner and occupant of and may give written notice to their agent(s), and/or any other person responsible for the blighted premises. The notice shall be hand delivered or mailed by both certified mail, return receipt requested and first class mail to the address of the owner on file with the Waterford Tax Collector, or any of the persons identified in Section 15.26.040 herein to the last known address of the person to whom it is directed, and a copy mailed by first class mail to any lienholder's current or last known address pursuant to C.G.S. § 7-148gg. If the notice is mailed to only one of the responsible parties, that shall in no way be, or be construed as, a release of any other party. If there is more than one responsible party identified in the notice, the responsibility for complying with the notice shall be joint and several.
- C. Such notice shall state the violation and demand its abatement within a reasonable time to be determined by the blight enforcement officer based on the nature and extent of the violation. If the violation is not corrected within the time provided in the written notice, the blight enforcement officer may issue an enforcement citation and/or take other enforcement action as specified herein.
- D. If the owner, agent, occupant and/or person responsible for the blighted premises cannot be ascertained or does not accept delivery of the written notice, the notice shall be published once in a daily or weekly newspaper having a substantial circulation in the town and shall be posted on the premises. The notice shall include the name of the last known owner of the real property upon which violation has been found and the address of the real property.
- E. Any person who is a new owner of a blighted property shall, upon request, be granted a thirty-day extension of the notice and opportunity to remediate provided pursuant to Subsection 15.26.060.B. For the purposes of this subsection, "new owner" shall mean any person or entity who has taken title to a property within thirty days of the notice.

(Amend. of 4-18-17(2))

15.26.070 - Penalty for violation.

Violations of this chapter shall be punishable by a civil penalty of fifty dollars for each day a violation continues. Each day after due notice of the violation has been served shall constitute a separate offense.

(Amend. of 4-18-17(2))

15.26.080 - Enforcement citation.

- A. A citation hearing procedure pursuant to C.G.S. § 7-152c is hereby established for the purposes of this section. The first selectman shall appoint a citation hearing officer for the town in accordance with Subsection 15.26.020.B of this chapter.
- B. If a violation remains unabated after the time allowed for abatement contained in the notice of violation issued per Section 15.26.060 hereinabove has expired, the blight enforcement officer may issue a citation to any owner, agent, tenant, or person or entity in control of the property for the violation in accordance with this section. The citation shall state the date by which the uncontested payment of fines, penalties, costs or fees shall be made.
- C. Any person(s) or entity issued a citation pursuant to this section shall be entitled to a hearing to contest the citation pursuant to the provisions of C.G.S. § 7-152c(e).
- D. At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees set by a citation issued pursuant to this section, the town shall send notice to the person(s) or entity cited to inform them:
 - 1. Of the allegations against the person or persons and the amount of fines, penalties, costs or fees due;
 - 2. That the person(s) or entity may contest liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date the duly delivered notice;
 - 3. That if the person(s) or entity does not demand such a hearing, an assessment and judgment shall be entered

against the person(s) or entity; and

4. That such judgment may issue without further notice.

For purposes of this Section 15.26.080, notice shall be presumed to have been properly sent if such notice was mailed to such person/entity's last known address on file with the tax collector. If the person/entity to whom notice is issued is a registrant, the town may deliver the notice in accordance with C.G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

- E. If the person/entity to whom notice is sent pursuant to this section wishes to admit liability the person/entity may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to a designated town official.
- F. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided by in Subsection B of this section shall be deemed to have admitted liability, and the designated town official shall certify such person/entity's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine, penalties, costs or fees provided for by this section and shall follow the procedures for obtaining a judgment from the Superior Court set forth in C.G.S. § 7-152c(f).
- G. A person/entity who makes a timely request for a hearing shall be given written notice of the date, time and place of the hearing. The hearing shall be held at a time and conducted in the manner provided by C.G.S. § 7-152c(e).
1. The hearing officer shall announce the decision at the end of the hearing. If the officer determines that the person/entity is not liable, the matter shall be dismissed and the officer shall enter that determination in writing accordingly. If the officer determines that the person/entity is liable for the violation, the officer shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided by this section.
 2. If the hearing officer's assessment is not paid on the date of its entry, s/he shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment and an entry fee with the clerk of a Superior Court facility designated by the chief court administrator.
 3. The person/entity against whom an assessment has been entered by the hearing officer pursuant to this section is entitled to a judicial review by way of appeal pursuant to the provisions of C.G.S. § 7-152c(g).

(Amend. of 4-18-17(2))

15.26.090 - Municipal enforcement and abatement.

- A. In addition to any penalties as permitted by statute, and the citation and hearing provisions of this section, in the event any owner, agent, tenant, or person in control of real property fails to abate or correct any violation specified in a notice, pursuant to Section 15.26.060 herein, after the issuance of an enforcement citation for such failure, once the citation has become final through the failure of such owner, agent, tenant, or person in control to appeal from the issuance of the citation or by such appeal being sustained, the town, acting through its blight enforcement officer issuing such notice of violation, may cause or take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the violation upon twenty-four hours notice of its intent to do so. The cost to take such action shall be a civil claim by the town against such owner, agent, tenant, or person responsible for the property, and the town attorney may bring an action to recover all such costs and expenses incurred, including reasonable attorney's fees.
- B. In the event that the blight enforcement officer prevails in such legal proceedings, the violator shall be liable for all costs of bringing the property into compliance, and shall further be liable for all legal costs incurred by the town in doing so, including its reasonable attorney's fees.

(Amend. of 4-18-17(2))

15.26.100 - Recording of lien.

In addition to having a lien for abatement expenses, any unpaid fines or costs shall constitute a lien upon the real estate in accordance with C.G.S. § 7-148aa. Each such lien shall be continued, recorded, and released as provided for therein.

(Amend. of 4-18-17(2))

15.26.110 - Schedule of payments.

- A. The blight enforcement officer or the citation hearing officer may establish a schedule of payments with the owner of property in violation of this chapter subject to the following conditions:
 - 1. A written abatement plan signed by the property owner to abate the violation by a date certain is approved and signed by the blight enforcement officer or citation hearing officer;
 - 2. The abatement plan shall establish the amount and date(s) payment of penalties shall be made.
- B. The blight enforcement officer or citation hearing officer may suspend the accrual of daily violation fees described in Section 15.26.070 of this chapter during the abatement period; provided that the property owner meets terms of the approved abatement plan. Failure of the property owner to meet the terms of the approved abatement plan shall result in the nullification of the plan and the retroactive accrual of penalties from the day after due notice pursuant to Section 15.26.070 of this chapter.

(Amend. of 4-18-17(2))

15.26.120 - Effective date.

The ordinance codified in this chapter shall take effect fifteen days after final approval by the representative town meeting.

(Amend. of 4-18-17(2))

Board of Police Commission Address
 Charter 4.2
 Ordinance 2.16.020
 Appointed - 4 Years - Representative Town Meeting

Terms

R Vacancy		08/05/19 - 08/07/23
D Dimmock, James A.	10 Old Barry Road, QH	08/05/19 - 08/07/23
R Gelin, Mark R.	92R Butlertown Road	08/07/17 - 08/02/21
D Sheridan, Thomas A.	318 Great Neck Road	08/07/17 - 08/02/21
R Brule, Rob	15 Rope Ferry Road	

Chairman: James Dimmock
 Vice Chair: Mark Gelin
 Secretary: Thomas Sheridan
 Secretary Clerk: Marlena Montgomery
 BOF Liason: Kevin Reardon

Eff. 5/20-5/21
 Eff. 5/20-5/21
 Eff. 5/20-5/21

Rev. 5/12/20