

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



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

**AGENDA
PUBLIC WORKS, PLANNING & DEVELOPMENT STANDING COMMITTEE OF
THE RTM**

**Special Meeting
Monday, August 17, 2020**

6:30 P.M.

**Waterford Town Hall
Louise Appleby Room**

**Join Zoom Meeting
<https://us02web.zoom.us/j/3171180827>**

Meeting ID: 317 118 0827

One tap mobile

+13126266799,,3171180827# US (Chicago)

+16465588656,,3171180827# US (New York)Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. To consider and act upon the March 12, 2020 Meeting minutes.**
- 5. Public Comment**
- 6. Consideration and possible action on item referred to committee:**
 - A. Waterford Code of Ordinances review of Chapters 2.20 and 2.58. (RTC 06-01-20)**
 - B. Proposed changes to the Waterford Code of Ordinances Chapter 15.6, Blighted Premises (RTC 08-03-20)**
- 7. Adjournment**

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

4

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

Thursday March 12, 2020
5:30 P.M. - Waterford Town Hall
Auditorium

RECEIVED FOR RECORD
2020 MAR 20 AM 11:31

The March 12, 2020 Public Hearing of the Public Works, Planning, and Development Committee of the RTM was called to order by Chairperson Michael Rocchetti at 5:30pm.

ROLL CALL

Present: Michael Rocchetti, Mike Bono Ted Olynciw

Absent: Liam O'Leary, Miriam Furey-Wagner

Also Attending: Town Attorney Robert Avena, Town Clerk David Campo, RTM Member Susan Driscoll, RTM Moderator Thomas Dembek

AGENDA ITEM 3

MOTION by Bono, seconded by Olynciw, to open the public hearing at 5:30P.M.

VOTING IN FAVOR: unanimous

Public Comment: RTM member Susan Driscoll wanted to know the purpose of the amendment. The reason given was to accommodate a change of location

MOTION by Bono, seconded by Olynciw to close the Public hearing at 5:45 P.M.

VOTING IN FAVOR: unanimous

The March 12, 2020 Special Meeting of the Public Works, Planning, and Development Vommittee of the RTM was called to order by Chairperson Michael Rocchetti at 5:45pm.

ROLL CALL

Present: Michael Rocchetti, Mike Bono Ted Olynciw

Absent: Liam O'Leary, Miriam Furey-Wagner

Also Attending: Town Attorney Robert Avena, Town Clerk David Campo, RTM Member Susan Driscoll, RTM Moderator Thomas Dembek

AGENDA ITEM 3

MOTION by Bono, seconded by Rocchetti, to approve the February 13, 2020 meeting minutes.

VOTING IN FAVOR: unanimous

AGENDA ITEM 4

MOTION by Bono, seconded by Olynciw, to recommend the proposed amendments to the Waterford Code of Ordinances, Chapter 8.04 – Refuse Collection and Disposal to the Representative Town Meeting.

VOTING IN FAVOR: unanimous

MOTION by Olynciw, seconded by Rocchetti to adjourn.

VOTING IN FAVOR: unanimous

Respectfully submitted,
Michael Rocchetti
Chairman

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2020 MAR 20 AM 11:32

Title 8 - HEALTH AND SAFETY

Chapters:

Chapter 8.04 - REFUSE COLLECTION AND DISPOSAL

Sections:

8.04.010 - Declaration of policy.

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors; and
- B. This municipality is authorized by Connecticut General Statutes Annotated Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed; and
- C. This municipality has executed a Municipal Solid Waste Management Services Contract with the Southeastern Connecticut Regional Resources Recovery Authority (SCRRA), including an Amendment No. 5 to such Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA). The MSA defines the System (the SCRRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRA Facility as the "Facility" within the SCRRA System. Pursuant to the MSA, this municipality has agreed to deliver or cause to be delivered all Solid Waste (as defined in the MSA) generated within the corporate boundaries of this municipality to the SCRRA System as directed by SCRRA for ultimate delivery to the SCRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.
- D. This municipality seeks to encourage the recycling of refuse and other methods to reduce the volume of municipal solid waste generated within its boundaries; and
- E. The enactment of this chapter is in furtherance of this municipality's solid waste management plan.

(R.T.M. 10-3-88: prior code § 8-1)

8.04.020 - Definitions.

For the purposes of this chapter the words set out in this section shall have the following meanings:

"Bulky wastes" means construction debris, street sweepings and oversized bulky items including, but not limited to, discarded appliances, large parts of automobiles, and oversized tree stumps, logs and branches. "Oversized municipal solid waste" means oversized bulky items including, but not limited to, discarded appliances, large parts of automobiles and furniture.

"Commercial food refuse" means and includes waste from the preparation, cooking and consumption of food, condemned food products and all refuse from the handling, storage, preparation and sale of produce originating primarily in commercial kitchens, stores, restaurants, food markets and factories.

"Director" means the director of public works of this municipality.

"Hazardous wastes" means solid and liquid wastes in the following classifications:

1. Explosives;
2. Pathogenic or pathological wastes;

3. Radioactive wastes;
4. Cleaning fluids, acids, poisons, medicines or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters;
5. Hospital operating room wastes.

"Municipality" means the town of Waterford.

"Night soil" means any liquid or solid matter which accumulates in any privy, cesspool, septic tank or other sewage disposal system.

"Recyclable materials" means materials which have been so designated by the director, as approved by the board of selectmen; provided, however, the director shall, at a minimum, designate those materials as recyclable that are designated as recyclable under the regulations of the Connecticut Department of Environmental Protection.

"Refuse" means unwanted and discarded solid materials, but does not include:

1. Liquid wastes including, but not limited to, semisolid, liquid materials collected in a municipal sewage system or a septic system;
2. Bulky wastes;
3. Hazardous wastes; or
4. Any other material which may not be lawfully disposed of in a sanitary landfill or a resources recovery facility.

"Refuse collectors" include any person, firm or corporation engaged in the business of collecting and transporting refuse, including recyclable materials, for hire within this municipality.

"Solid waste" means refuse which is not recyclable materials.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-2)

8.04.030 - Regulations.

The board of selectmen is authorized to enact from time to time such regulations as it shall deem in the public interest and as allowed by the Connecticut General Statutes Annotated regarding the separation, recovery, collection, removal, storage, preparation and disposition of refuse, bulky waste, hazardous waste and recyclable materials, including but not limited to any applicable fees and fines. Such regulation shall become effective immediately upon passage, shall be published immediately after passage in a local daily newspaper, and shall be immediately posted in a conspicuous place in the town hall and at disposal sites designated as such by the director that are within the municipality.

(R.T.M. 10-3-88: prior code § 8-3)

8.04.040 - Licenses for refuse collections.

- A. License Required. No person may collect or dispose of refuse in this municipality without a license, except that the actual producers of refuse or the owners of premises in this municipality upon which refuse has accumulated may personally collect and dispose of such refuse at such places as the director may designate.
- B. Licensing Authority Designated. The director shall be the licensing authority for refuse collectors. The director shall grant a license within a reasonable time following the filing of proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail:

1. The applicant has been irresponsible in conduct of refuse collection and hauling operations based upon previous suspensions and/or revocations of licenses or based upon violation of any regulations enacted by the board of selectmen;
 2. The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this chapter;
 3. The applicant lacks adequate liability insurance.
- C. Revocation or Suspension of License. A license to engage in refuse collection and to use the waste disposal or processing facilities provided by this municipality is a privilege, not a right. In the event the holder of a license issued under the provisions of this chapter fails to comply with the provisions of such license the director shall have authority to revoke or suspend such license in addition to any other penalty (impossible) imposed by law.
- D. Director Responsible. The director shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in this municipality. The director shall also regulate the refuse collectors' responsibilities and obligations in the collection and disposal of refuse or bulky waste. The director shall regulate refuse collectors in accordance with Section 22a-220a of the Connecticut General Statutes Annotated.
- E. All solid waste generated in this municipality shall be delivered or caused to be delivered to the SCRRRA System for so long as the MSA remains in effect, as directed by SCRRRA and for ultimate delivery to the SCRRRA Facility to the extent any such solid waste is not acceptable for disposal at the SCRRRA Facility, such unacceptable solid waste shall be delivered or caused to be delivered to such other facility designated by SCRRRA. After the MSA is no longer in effect, the board of selectmen shall designate the facility for the delivery of solid waste generated in this municipality. All regulations of the board of selectmen and any direction or designation by the board of selectmen about the disposal of solid waste generated in this municipality shall be consistent with this paragraph E of Section 8.04.040.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88; prior code § 8-4)

8.04.050 - Refuse containers.

The owner of each premises upon which refuse is created or generated shall provide a suitable place upon such premises for sufficient receptacles for receiving and holding such refuse during the intervals between collections. The board of selectmen, in the regulations adopted pursuant to Section 8.04.030 of this chapter, shall determine whether such receptacles are to be provided by the owner or by the municipality and shall determine the standards to which such receptacles shall conform.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88; prior code § 8-5)

8.04.060 - Storing and disposing of refuse.

- A. Public Places. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the director. No person shall throw or deposit any refuse in any stream or other body of water.
- B. Accumulation of Refuse. Any uncontainerized accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any accumulation of refuse within ten days after written notice from the director by registered mail shall be deemed a violation of this chapter.

- C. Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within this municipality any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.
- D. Illegal Dumping. No person shall dispose of solid waste in a receptacle rented or owned by another person. No person shall contaminate a receptacle designated for recycling by disposing of solid waste in such receptacle.

(R.T.M. 10-3-88: prior code § 8-6)

8.04.070 - Hazardous wastes.

It is unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any refuse container, or to transport any such substance to any place designated for the disposal or delivery of refuse or bulky waste.

(R.T.M. 10-3-88: prior code § 8-7)

8.04.080 - Bulky wastes.

Bulky waste may not be collected or mixed with refuse and shall be delivered or disposed of at such place and time as the director may from time to time designate and any applicable charge shall be paid by the person delivering the waste.

(R.T.M. 10-3-88: prior code § 8-8)

8.04.090 - Source separation and recycling.

- A. Separation of Materials for Collection. Recyclable materials shall be separated from solid waste and prepared for collection. Refuse and recyclable material shall be placed at the curb or other designated collection place for collection on the days designated by the director in accordance with the regulation established by the board of selectmen. In no event will the collection of recyclable materials which are bottles, cans, glass or paper be less than twice a month. The director shall determine and provide public notice of the schedule for collecting all other recyclable materials.
- B. Separation at Nonresidential Premises and Multifamily and Elderly Housing Developments. The owners or operators of multifamily and elderly housing developments, and commercial, industrial or other nonresidential premises where refuse is created or generated shall provide sufficient areas and receptacles on the premises for convenient separation and storage of refuse and recyclable materials. Recycling receptacles must be clearly labeled as being for recyclables only and must be a type and color as specified in regulations.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-9)

8.04.100 - Sewage disposal facility and well permits.

- A. No person shall construct, reconstruct, alter or enlarge any sewage disposal facility within the town without the prior issuance of a permit by the director of health or his agent.
- B. No person shall construct a well within the town without the prior issuance of a permit by the director of health or his agent.
- C. Reasonable fees for such permits and certificates shall be defined and revised by the board of selectmen.

- D. Anyone who violates this section shall be subject to penalties and fines in amounts as allowed in Section 19a-206 of the General Statutes of Connecticut.

(R.T.M. 10-3-94)

8.04.110 - Collection on unaccepted streets.

The board of selectmen shall have the power to take such measures as it shall deem effectual for the removal of refuse and recyclables from multifamily and elderly housing developments. The board of selectmen shall provide that such housing developments be served by municipal collection, upon such conditions as it may require. As a precondition to receiving municipal collection, improvements shall be made to refuse or recyclable areas or receptacles for the storage or collection of solid waste by the owner(s) of the development, to the extent required to conform to the town's collection methods. The design of the collection system shall be approved by the director of public works and shall conform to zoning regulations and permits, and shall be installed by the owner(s) prior to the initiation of municipal collection.

(R.T.M. 2-7-00 (part): R.T.M. 12-5-94 (part): R.T.M. 10-3-88: prior code § 8-11)

8.04.120 - Violation—Penalty.

Any violation of the terms of this chapter shall be deemed an infraction and shall be punishable by a fine of not more than ninety dollars for each offense. The board of selectmen shall establish a schedule of fines for such infractions. Each infraction shall be a separate and distinct offense and, in case of a continuing infraction, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, the town or its agent, reserves the right to refuse to collect garbage, rubbish or other refuse, or to allow disposal in a landfill utilized by the town where the spirit or letter of this chapter or the regulations enacted under these provisions are ignored. The board of selectmen shall have full discretionary authority in deciding all disputed questions arising under the provisions of this chapter or the regulations enacted under these provisions.

(R.T.M. 10-3-88: prior code § 8-12)

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Title 8 - HEALTH AND SAFETY

Chapters:

Chapter 8.04 - REFUSE COLLECTION AND DISPOSAL

Sections:

8.04.010 - Declaration of policy.

The accumulation, collection, removal and disposal of refuse must be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors; and
- B. This municipality is authorized by Connecticut General Statutes Annotated Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed; and
- C. This municipality has executed a municipal ~~Municipal solid waste~~ Waste management Management services Services contract Contract with the Southeastern Connecticut Regional Resources Recovery Authority (SCRRA); including an Amendment No. 5 to such Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA). The MSA defines the System (the SCRRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRA Facility as the "Facility" within the SCRRA System. Pursuant to the MSA, this municipality has agreed to deliver or cause to be delivered all Solid Waste (as defined in the MSA) generated within the corporate boundaries of this municipality to the SCRRA System as directed by SCRRA for ultimate delivery to the SCRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.
- D. This municipality seeks to encourage the recycling of refuse and other methods to reduce the volume of municipal solid waste generated within its boundaries; and
- E. The enactment of this chapter is in furtherance of this municipality's solid waste management plan.

(R.T.M. 10-3-88; prior code § 8-1)

8.04.020 - Definitions.

For the purposes of this chapter the words set out in this section shall have the following meanings:

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"Director" means the director of public works of this municipality.

"Hazardous wastes" means solid and liquid wastes in the following classifications:

1. Explosives;

2. Pathogenic or pathological wastes;
3. Radioactive wastes;
4. Cleaning fluids, acids, poisons, medicines or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or the method of disposal present a threat to the quality of ground or surface waters;
5. Hospital operating room wastes.

"Municipality" means the town of Waterford.

"Night soil" means any liquid or solid matter which accumulates in any privy, cesspool, septic tank or other sewage disposal system.

"Recyclable materials" means materials which have been so designated by the director, as approved by the board of selectmen; provided, however, the director shall, at a minimum, designate those materials as recyclable that are designated as recyclable under the regulations of the Connecticut Department of Environmental Protection.

"Refuse" means unwanted and discarded solid materials, but does not include:

1. Liquid wastes including, but not limited to, semisolid, liquid materials collected in a municipal sewage system or a septic system;
2. Bulky wastes;
3. Hazardous wastes; or
4. Any other material which may not be lawfully disposed of in a sanitary landfill or a resources recovery facility.

"Refuse collectors" include any person, firm or corporation engaged in the business of collecting and transporting refuse, including recyclable materials, for hire within this municipality.

"Solid waste" means refuse which is not recyclable materials.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-2)

8.04.030 - Regulations.

The board of selectmen is authorized to enact from time to time such regulations as it shall deem in the public interest and as allowed by the Connecticut General Statutes Annotated regarding the separation, recovery, collection, removal, storage, preparation and disposition of refuse, bulky waste, hazardous waste and recyclable materials, including but not limited to any applicable fees and fines. Such regulation shall become effective immediately upon passage, shall be published immediately after passage in a local daily newspaper, and shall be immediately posted in a conspicuous place in the town hall and at disposal sites designated as such by the director that are within the municipality.

(R.T.M. 10-3-88: prior code § 8-3)

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- B. Licensing Authority Designated. The director shall be the licensing authority for refuse collectors. The director shall grant a license within a reasonable time following the filing of proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail:

1. The applicant has been irresponsible in conduct of refuse collection and hauling operations based upon previous suspensions and/or revocations of licenses or based upon violation of any regulations enacted by the board of selectmen;
 2. The applicant lacks suitable equipment with which to collect refuse in a safe and nuisance-free manner and in compliance with this chapter;
 3. The applicant lacks adequate liability insurance.
- C. Revocation or Suspension of License. A license to engage in refuse collection and to use the waste disposal or processing facilities provided by this municipality is a privilege, not a right. In the event the holder of a license issued under the provisions of this chapter fails to comply with the provisions of such license the director shall have authority to revoke or suspend such license in addition to any other penalty (impossible) imposed by law.
- D. Director Responsible. The director shall administer the licensing of any refuse collector engaged in the collecting and transporting of refuse in this municipality. The director shall also regulate the refuse collectors' responsibilities and obligations in the collection and disposal of refuse or bulky waste. The director shall regulate refuse collectors in accordance with Section 22a-220a of the Connecticut General Statutes Annotated.
- E. All solid waste generated in this municipality shall be delivered or caused to be delivered to the SCRRRA System for so long as the MSA remains in effect, as directed by SCRRRA and for ultimate delivery to the SCRRRA Facility to the extent any such solid waste is not acceptable for disposal at the SCRRRA Facility, such unacceptable solid waste shall be delivered or caused to be delivered to such other facility designated by SCRRRA. After the MSA is no longer in effect, the board of selectmen shall designate the facility for the delivery of solid waste generated in this municipality. All regulations of the board of selectmen and any direction or designation by the board of selectmen about the disposal of solid waste generated in this municipality shall be consistent with this paragraph E of Section 8.04.040.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-4)

8.04.050 - Refuse containers.

The owner of each premises upon which refuse is created or generated shall provide a suitable place upon such premises for sufficient receptacles for receiving and holding such refuse during the intervals between collections. The board of selectmen, in the regulations adopted pursuant to Section 8.04.030 of this chapter, shall determine whether such receptacles are to be provided by the owner or by the municipality and shall determine the standards to which such receptacles shall conform.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-5)

8.04.060 - Storing and disposing of refuse.

- A. Public Places. No person shall place any refuse in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the director. No person shall throw or deposit any refuse in any stream or other body of water.
- B. Accumulation of Refuse. Any uncontainerized accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any accumulation of refuse within ten days after written notice from the director by registered mail shall be deemed a violation of this chapter.

- C. Scattering of Refuse. No person shall cast, place, sweep or deposit anywhere within this municipality any refuse in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.
- D. Illegal Dumping. No person shall dispose of solid waste in a receptacle rented or owned by another person. No person shall contaminate a receptacle designated for recycling by disposing of solid waste in such receptacle.

(R.T.M. 10-3-88: prior code § 8-6)

8.04.070 - Hazardous wastes.

It is unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any refuse container, or to transport any such substance to any place designated for the disposal or delivery of refuse or bulky waste.

(R.T.M. 10-3-88: prior code § 8-7)

8.04.080 - Bulky wastes.

Bulky waste may not be collected or mixed with refuse and shall be delivered or disposed of at such place and time as the director may from time to time designate and any applicable charge shall be paid by the person delivering the waste.

(R.T.M. 10-3-88: prior code § 8-8)

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- B. Separation at Nonresidential Premises and Multifamily and Elderly Housing Developments. The owners or operators of multifamily and elderly housing developments, and commercial, industrial or other nonresidential premises where refuse is created or generated shall provide sufficient areas and receptacles on the premises for convenient separation and storage of refuse and recyclable materials. Recycling receptacles must be clearly labeled as being for recyclables only and must be a type and color as specified in regulations.

(R.T.M. 2-7-00 (part); R.T.M. 10-3-88: prior code § 8-9)

8.04.100 - Sewage disposal facility and well permits.

- A. No person shall construct, reconstruct, alter or enlarge any sewage disposal facility within the town without the prior issuance of a permit by the director of health or his agent.
- B. No person shall construct a well within the town without the prior issuance of a permit by the director of health or his agent.
- C. Reasonable fees for such permits and certificates shall be defined and revised by the board of selectmen.

- D. Anyone who violates this section shall be subject to penalties and fines in amounts as allowed in Section 19a-206 of the General Statutes of Connecticut.

(R.T.M. 10-3-94)

8.04.110 - Collection on unaccepted streets.

The board of selectmen shall have the power to take such measures as it shall deem effectual for the removal of refuse and recyclables from multifamily and elderly housing developments. The board of selectmen shall provide that such housing developments be served by municipal collection, upon such conditions as it may require. As a precondition to receiving municipal collection, improvements shall be made to refuse or recyclable areas or receptacles for the storage or collection of solid waste by the owner(s) of the development, to the extent required to conform to the town's collection methods. The design of the collection system shall be approved by the director of public works and shall conform to zoning regulations and permits, and shall be installed by the owner(s) prior to the initiation of municipal collection.

(R.T.M. 2-7-00 (part): R.T.M. 12-5-94 (part): R.T.M. 10-3-88: prior code § 8-11)

8.04.120 - Violation—Penalty.

Any violation of the terms of this chapter shall be deemed an infraction and shall be punishable by a fine of not more than ninety dollars for each offense. The board of selectmen shall establish a schedule of fines for such infractions. Each infraction shall be a separate and distinct offense and, in case of a continuing infraction, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, the town or its agent, reserves the right to refuse to collect garbage, rubbish or other refuse, or to allow disposal in a landfill utilized by the town where the spirit or letter of this chapter or the regulations enacted under these provisions are ignored. The board of selectmen shall have full discretionary authority in deciding all disputed questions arising under the provisions of this chapter or the regulations enacted under these provisions.

(R.T.M. 10-3-88: prior code § 8-12)

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-28

6A

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: May 18, 2020

TITLE: Proposed Changes 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 Department of Public Works.

Since June of 2014, the Planning Department has, by ordinance, overseen maintenance for Town buildings. In that time, the building maintenance program has grown from providing assistance with repairs and capital planning to planning and managing major repairs and renovations, handling routine maintenance calls, and developing an asset management program. In January of 2020, the Town replaced the part-time Facilities Coordinator position with a full-time Facilities Manager. This personnel change has further increased the Town's capacity to plan for and perform appropriate building maintenance.

Creating the full-time Facilities Manager position was accomplished with the understanding that the nature of the work was most closely aligned with the Public Works Department. Moving the Facilities Manager to DPW would provide the position with more resources for tools, labor, and technical support. The move would also enable the Planning Department to direct more resources to economic development activities. Long-range facilities planning would still be done in partnership with the Planning Director, but would be under the supervision of the DPW Director.

The Planning Director, Public Works Director, and Town Attorney worked together to draft amendments to sections 2.20 and 2.58 of the Waterford Code of Ordinances to enable the position to move to DPW. The proposed amendments are respectfully submitted for the RTM's consideration and to forward to the appropriate committee for review.

RECEIVED FOR RECORD
MAY 19 2020
2020 MAY 19 AM 11:13
TOWN OF WATERFORD

Proposed Amendments (May 18, 2020)

Chapter 2.20 - PUBLIC WORKS DEPARTMENT²¹

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.

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. The director shall exercise his powers and discharge his 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)

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. Mechanical Fleet and Light Equipment maintenance.
 - 4. Facility Management

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

Date: May 18, 2020

Chapter 2.20 - PUBLIC WORKS DEPARTMENT²¹

Footnotes:

--- (2) ---

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

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Deleted: and utility commission buildings.

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(2). Need to define facilities (such as does this include grounds and parking lots around these buildings, Recreation and Parks maintenance facilities)¶

(3). I know this is the old language, but private drains? I have no right to enter onto private property. Also, is this in conflict with 13.16.160 Watercourse protection?¶

(4). I believe this doesn't conflict with Chapter 2.88 as it pertains to the word alterations.¶

(7). Comment on the last part, is the intent to just list the structures (town hall, library etc) that will be the responsibility of Public Works to maintain or is it to list the Departments/Divisions that this will pertain to. (There are no Parks Buildings listed).¶

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(8) Need to add the new division of public works.¶

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

2.56.050 - Compensation.

The members of the economic development commission shall receive no compensation for their services as such, but shall be reimbursed for their necessary expenses incurred in the performance of their duties.

(R.T.M. 8-2-99 (part); prior code 2-124).

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 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;

Deleted: 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.

D. A wetlands officer/environmental planner;

E. A zoning officer;

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

Deleted: A municipal facilities maintenance coordinator.

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Proposed Language (May 18, 2020)

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



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.