

Town of Stafford
Board of Selectmen
Warren Memorial Town Hall
Special Meeting
Veterans Meeting Room
Wednesday October 24, 2012
7:00P.M.

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Avery J. Shaw
ATTES TOWN CLERK

AGENDA:

1. Call the meeting to order / establish quorum
2. Approve the minutes of October 11, 2012
3. WPCA
 - Orcuttville Road Pump Station
 - Stafford Ordinance 9-1
4. 7-3 Amendment to Blight Ordinance
5. Appointments
 - Charter Advisory Committee
 - Water Pollution Control Authority
 - Stafford Library Board
6. Informational items
 - CT Assoc of Athletic Directors letter
7. Adjournment

Minutes of October 24, 2012

1. First Selectman Richard Shuck called the meeting to order at 7:00P.M. Also present was Selectman Neil Hoss. A quorum was established.
2. Selectman Hoss moved to accept the minutes of October 11, 2012 as presented. First Selectman Shuck seconded the motion which passed unanimously.
3. Water Pollution Control Facility Superintendent Kevin Leslie was present with WPCA Chairman, Paul Burns to discuss the Orcuttville Road pump station. Mr. Burns explained that the Orcuttville Road pump station needs to be upgraded. This pump station has been on-line since 1978 and serves the area North of Rte 319 and the Rte 319 intersection including the discharge from both TTM facilities. A project outline was presented to the board with the upgrade costing approximately \$812,000.00. Mr. Leslie stated that he is not comfortable with these numbers and is going to have the board reexamine the figures. What Mr. Leslie and Mr. Burns are here for is to make the board of Selectmen aware of the issue and ask approval for the WPCA to go to the board of Finance to discuss the financing options for the project. Selectman Hoss moved to authorize the Water Pollution Control Authority to go before the board of Finance to discuss the requested upgrade to the Orcuttville Road Pump Station and financing for the project. First Selectman Shuck seconded the motion which passed unanimously.
4. First Selectman Shuck discussed the proposed amendment to the Town of Stafford Blight Ordinance and the recommended changes from the Town Attorney, Edward Muska (copy attached). Selectman Hoss moved to send the blight ordinance to town meeting to be amended as reviewed and recommended by the town attorney. Change the word fine to municipal citation and change the amount to be \$99.00 instead of \$100.00. First Selectman Shuck seconded the motion which passed unanimously.

Proposed amendment to the Town of Stafford Blight Ordinance 7-3

1) **Definitions:** *The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.*

MOTOR VEHICLE: *means an automobile, truck, van, camper trailer, boat trailer, house trailer, mobile home, motorcycle, and/or any other motorized wheeled vehicle designated or used for highway purpose and required to be registered by the state department of motor vehicles.*

Abandoned / Discarded / Junk Motor Vehicle:

A motor vehicle located on public and/or private property for a period of ten (10) consecutive calendar days which, *after a good faith determination, has the appearance*

that the owner has relinquished control without the intention of reclaiming it, including but not limited to a vehicle with no marker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, is inoperative, or ~~unregistered unusable as a motor vehicle~~ and not in condition for legal use on the public highways and is in such condition ~~for legal use on the public highways and is in such condition~~, in the opinion of the Town of Stafford, is creating a blighting or deteriorating effect, ~~on the a~~ public nuisance, or safety hazard.

Inoperable:

Inoperable shall be defined as an item of personal property which is inherently incapable of performing a function for which it was designed by virtue of missing parts, or broken or severely damaged and having broken essential components.

INOPERABLE MOTOR VEHICLE: means a motor vehicle that is (a) incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components, or (b) cannot be legally registered by the state department of motor vehicles and, in the opinion of the Town of Stafford, is creating a blighting or deteriorating effect, a public nuisance, or safety hazard.

UNREGISTERED MOTOR VEHICLE: means any motor vehicle which is required to be registered by the state department of motor vehicles, which is not so registered.

Discarded Motor Vehicle Parts

Used parts of motor vehicles or old iron, glass, paper, or other waste, or discarded or second hand materials which has been a part or is intended to be a part of any vehicle, located on public or private property for a period of ten (10) consecutive calendar days, provided that any such parts or materials are not lawfully stored in a garage, building or structure.

Unightly Material:

~~Unusable, discarded, or other household appliance, furniture, equipment, building materials, junk and refuse, as well as any other material which is unsanitary or tending to create a nuisance located on public or private property for a period of ten (10) consecutive calendar days, provided that any such material is not lawfully stored within a garage, building or structure.~~

UNIGHTLY MATERIALS: means any worn out, cast off or discarded article or material; used parts of motor vehicles, old iron, glass, paper or other waste, or discarded or second hand materials which has been a part or is intended to be a part of any vehicle, any household appliance(s), furniture, equipment, building materials, as well as any other material which is unsanitary, located on public or private property for a period of ten (10) consecutive calendar days, provided that any such material is not lawfully stored within a garage, building or structure, or which:

- (a) is hazardous to the safety or welfare of people or property;
- (b) is causing a nuisance; or
- (c) is a factor in creating substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area.

Deteriorating and Dilapidated Buildings and Unsightly Real Property

Deteriorating and dilapidated buildings shall include but not be limited to: buildings that are hazardous to the safety or welfare of people or property, and buildings that are unusable and/or abandoned and/or cause a public nuisance or buildings with broken or boarded windows. *Unsightly real property shall include any residential, commercial, or industrial property which has been abandoned or otherwise gives the appearance of abandonment due to a lack of grounds maintenance.*

~~(2) Storage of Discarded or Unregistered Motor Vehicle(s) / Motor Vehicle Parts~~

~~No owner of real property in the Town of Stafford shall permit any discarded motor vehicle or motor vehicle parts to be parked or stored in the area visible from a public highway or street or visible from adjacent property, within the limits of the town, even if said real property is used for the repair of motor vehicles pursuant to an appropriate license issued by the State or unless said owner of real property maintains or constructs a legally licensed junkyard.~~

2) STORAGE of abandoned, inoperable, unregistered, discarded, or junk motor vehicles:

No person shall permit any abandoned, inoperable, unregistered, or junk motor vehicles to remain located in any unenclosed area upon such person's real property within the limits of the town for a period exceeding ten (10) consecutive calendar day , even if said real property is used for the repair of motor vehicles pursuant to an appropriate license issued by the State or unless said owner of real property maintains or constructs a legally licensed junkyard.

Any motor vehicle that is removed pursuant to this article shall not be returned to the same real property unless it has been made operable and has been registered with the state department of motor vehicles.

EXCEPTIONS:

Real property upon which the vehicle is located within the town used for the sale and/or repair motor vehicles pursuant to an appropriate license issued by the state and a proper zoning permit issued by the Zoning Board of Appeals.

ONE inoperable or unregistered motor vehicle shall be allowed in an unenclosed area of real property provided:

- a)The motor vehicle shall be rendered safe and inaccessible. The motor vehicle's exterior shall be fully intact and shall be locked or otherwise secured. The motor vehicle shall be free of*

jagged, sharp, or protruding metal or glass parts. The motor vehicle *SHALL* be covered and secured by a motor vehicle cover designed for such use. Tarps or other plastic covers are *NOT* acceptable.

b)The area around the motor vehicle shall be maintained and mowed. All brush and growth shall be controlled.

c)The motor vehicle shall be located behind the building line of the dwelling and *NOT* within the setback of the boundaries of the property.

3) STORAGE of unsightly materials and/or equipment:

a. No unsightly materials or equipment shall be stored or located in or upon an open area within the limits of the town except as noted below.

b. Any building material or equipment intended for construction or improvement for which a valid building permit is in effect shall be exempt from this section of this article. This section of the article shall further not pertain to existing building supply yards or contractor's yards, provided, however, that the building supply yard or contractor's yard is in compliance with all applicable town ordinances, zoning regulations, and the Connecticut General Statutes.

c. Unsightly materials not covered in the above section shall be deemed a public nuisance subjecting the violator to criminal penalties as permitted by Connecticut State Statute.

(3) Storage of Unsightly Materials

~~No owner of real property shall store or keep any unsightly materials visible from a public highway or street or from an adjacent property within the limits of the Town of Stafford.~~

4) Vacant, Blighted, Deteriorating or Dilapidated Buildings and Unsightly Real Property:

DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this section:

Vacant: Being without a legal content or occupant.

Blighted Building: means any building and/or accessory structure(s) in which at least one of the following conditions exist:

- (a) Missing or boarded windows or doors
- (b) Collapsing or missing walls, roofs or floors
- (c) Exterior walls which contain breaks, loose or rotting material or which are not properly surface coated to prevent deterioration.
- (d) Garbage, trash or junk on premises
- (e) The building or structure(s) create(s) a substantial and unreasonable interference with the use and enjoyment of other properties within the surrounding area.

Deteriorating/Dilapidated Buildings: mean but not be limited to buildings that are hazardous to the safety or welfare of people or property, or buildings that are unusable and/or abandoned and/or cause a public nuisance or buildings with broken windows whether boarded or not.

Boarded Openings: mean any opening covered with a cut and fit piece of solid building material secured at the perimeter with nails and or screws, painted to match the body color of the building used as a temporary security measure for less than thirty (30) days to preserve the integrity of the building.

Owner: mean any person, institution, foundation, entity, or authority which owns real property within the town, or the executor or administrator of any estate containing real property within the town or the trustee of any trust holding legal title to real property within the town for the benefit of others.

Graffiti: markings, as initials, slogans, or drawings, written, spray-painted, or sketched on a sidewalk, wall of a building or other object located on real property.

a. No owner of real property in the Town of Stafford shall allow a deteriorating and/or dilapidated building that is visible from public highway or street or visible from adjacent property.

b. No owner of real property occupied by a structure intended for human occupancy, residential or commercial, shall allow weeds, grass, or similar vegetation to grow in excess of twelve (12) inches for a period of more than thirty (30) days. (excluding flowers, fruits and vegetables, other areas maintained in their naturally wooded state, or natural field state)

c. No owner of real property in the Town of Stafford shall allow graffiti on any building or structure that is visible from a public highway or street or visible from adjacent property.

5) Enforcement:

The First Selectman or designee, when determination has been made that a violation of this ordinance has been committed, shall do the following:

1. Prepare a written notice to the owner, to be sent by certified or registered mail, stating the nature of the violation.
2. Said notice shall require the owner to take appropriate action to alleviate the problem within ten (10) days, or submit an action plan within ten (10) days of receipt of notice, *or appeal the violation within ten (10) days from receipt of notice.* An action plan shall include design to complete the task and specific dates with which to accomplish task. Said plan must be approved by the First Selectman.
3. If such person(s) and/or owners have not alleviated the problem within ten (10) days, or provided an approved action plan, *or appealed the notice;* ~~the town shall~~ a designated agent or agents of the Town of Stafford is here by authorized enter the property during reasonable

hours for the purpose of remediating the blighted conditions, such agents shall not have the right to enter any dwelling house or other structure. ~~move to correct the blight at the owner's expense on or after the 10th day~~ in accordance with Chapter 98 of the Connecticut General Statutes. If the town acts to correct the blighted condition, the cost of the work shall be billed to the property owner. If after thirty (30) days from sending the bill for work completed, the town has not been reimbursed, the town shall lien the property for the full amount of the cost to alleviate the condition together with the costs of administration. An owner of property may appeal the order to remove the blight by contacting the Selectmen's Office and asking for a hearing on a forum provided for that purpose. The town-hearing officer shall hold a hearing ~~as soon as possible at a time convenient for the property owner pursuant to section eight (7) of this ordinance.~~

4. Any person who interferes with the enforcement of this ordinance shall be considered in violation of this ordinance.

(6) Penalty for Violation

In addition to the activities allowed in Section (6) the First Selectman or designee ~~may shall~~ issue a notice of fine to any person who violates this ordinance and ~~may shall fine fifty dollars (\$50.00)~~ *one hundred (\$100)* per day after ten (10) days allowance-period has expired and no action has been taken to correct the violation. The Town of Stafford shall retain all fines collected.

The First Selectman may designate any of the following people as enforcement agents for the aforesaid ordinance, members of the Board of Selectmen, Resident Trooper(s), all town constables, whether certified or not, Zoning Enforcement Officer, and the superintendent and foremen of the Town of Stafford Public Works Department.

(7) Appeal Process:

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held no less than fifteen (15) days nor more than thirty (30) days from the date of mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. Upon request of the person appealing the citation, the presence of the Enforcement Officer shall be required at the hearing. The First Selectman may designate one or more persons in addition to the Enforcement Officer to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. Alternatively, the Hearing Officer may accept written information from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon a finding of proper notice and liability under the applicable provisions of the Blight Ordinance of the Town of Stafford.

2. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date.

3. The Hearing Officer shall conduct the hearing in the order and form, and with such methods of proof, as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this Ordinance.

4. If the person who received the citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision to the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.

5. The First Selectman of the Town of Stafford shall appoint one (1) or more Citation Hearing Officers, who shall be other than an employee of the municipal body exercising blight citation authority, to conduct hearings as described in this Ordinance.

8) Other Law:

The provisions of this ordinance shall not prevent the enforcement of other statutes, codes, ordinances, or regulations which prescribe standards other than what are provided in this ordinance.

In any case where a provision of this ordinance is found to be in conflict with any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State the provision which establishes the higher standards for the provision of health and safety, and property values of the people shall prevail.

5. Upon motion of Selectman Hoss and seconded by First Selectman Shuck the board unanimously approved the re-appointment of James Tantillo to the Water Pollution Control Authority for another 3 year term. Term to expire 10-15-2015.

Upon motion of Selectman Hoss and seconded by First Selectman Shuck the board unanimously approved send the re-appointment of Ann Puglisi to a town meeting for approval.

First Selectman Shuck moved to establish a Municipal Charter Advisory Committee and to appoint the following individuals to serve on the committee, Wendell Avery-Chairman, Christopher Grohs, Steve Dupre and Danele Rhoades. First Selectman Shuck explained that there is still one vacancy on this committee to be filled and that Mrs. Carol Davis shall serve as a special liaison to the committee. Selectman Hoss seconded the motion which passed unanimously.

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6. First Selectman Shuck informed Selectman Hoss that Stafford's Athletic Director, Damian Frassinelli was named this year's recipient for the Connecticut Association of Athletic Directors Distinguished Service Award. Mr. Frassinelli will be attending an awards banquet in March. The board agreed to recognize this achievement in February before the banquet.
 7. Selectman Hoss moved to adjourn. The meeting adjourned at 8:15PM

Respectfully Submitted:



Beth A. DaDalt
Recording Secretary

