



Stratford, Connecticut

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## **AMENDED\* MINUTES OF MEETING**

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, FEBRUARY 8, 2010 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:00 p.m.

PRESIDING: Council Chairman Thomas Malloy

COUNCIL MEMBERS IN ATTENDANCE: Mr. Christian Barnaby, Ms. Stephanie Philips, Mr. Matthew Catalano, Mr. Jason Santi, Mr. John Dempsey, Mr. Scott Potter, Ms. Kimberly Meuse, Mr. James Connor, Mr. Thomas Malloy, Mr. Paul Hoydick

COUNCIL MEMBERS ABSENT: none

OTHERS IN ATTENDANCE: Mayor John Harkins, Town Attorney Timothy Bishop, Asst. Town Attorneys Kevin Kelly and John Florek, Chief of Staff Adam Bauer.

INVOCATION PRESENTED BY FIRST DISTRICT COUNCIL MEMBER HON. CHRISTIAN BARNABY FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

**1. APPROVAL OF MINUTES** — Minutes of Regularly scheduled meetings of January 11, 2010.

RESOLVED: That the reading of the foregoing minutes be dispensed with as copies thereof have been previously provided to each Council Member and the same be and are hereby approved.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. BARNABY TO APPROVE THE FOREGOING MINUTES. MR. SANTI MOTIONED, SECONDED BY MR. BARNABY, TO AMEND THE FOREGOING MINUTES AS FOLLOWS: page 13 – Committee appointments 2010 – Add to the membership of the Economic Development Commission: Council members Christian Barnaby, Paul Hoydick, and Jason Santi. THE MOTION TO APPROVE AS AMENDED PASSED UNANIMOUSLY.

**2. CEREMONIAL PRESENTATIONS AND AWARDS** — None

**3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM**

Mr. Santi — re: Animal Shelter

Ms. Philips — re: Animal Shelter

Mr. Dempsey — re: Special Building Needs Committee Meeting of Feb. 16

**4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES**

4.1 COMMUNICATION FROM PLANNING COMMISSION — (hard copy of memo previously forwarded)

DATED: Feb. 1, 2010 RE: Council Liaison appointment to Greenway Committee (paraphrased) The Planning Commission requests that the Town Council appoint a Council Liaison to the Greenway Committee.

RESOLVED: that the request of the Planning Commission is acknowledged and the request for Council Liaison appointment to Greenway Committee be and is hereby granted/~~denied~~.

A MOTION WAS MADE BY MR. POTTER SECONDED BY MR. DEMPSEY TO APPOINT COUNCIL MEMBER JASON SANTI AS COUNCIL LIAISON TO THE GREENWAY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

4.2 COMMUNICATION FROM DAVID KILLEEN, TOWN PLANNER — (Hard copy of memo previously forwarded)

DATED: Feb. 1, 2010 RE: Request to extend Perry House Lease (paraphrased) The Perry House Foundation Board of Directors requests the extension of its current lease for the period from April 1, 2010 to March 31, 2015 as provided under Section 5 of the existing lease with the Town.

RESOLVED: that the request of the Perry House Foundation Board of Directors is acknowledged and the request to extend the current lease for the period from April 1, 2010 to March 31, 2015 be and is hereby granted/~~denied~~.

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MS. PHILIPS TO EXTEND THE PERRY HOUSE LEASE FROM APRIL 1, 2010 TO MARCH 31, 2015. THE MOTION PASSED UNANIMOUSLY.

4.3 COMMUNICATION FROM PLANNING COMMISSION

DATED: February 1, 2010 RE: 8-24 review - abandonment of Job Avenue (paraphrased) The Planning Commission voted to approve the proposal for the town to give up its ownership with the recommendation that, before the property is transferred, the Town Attorney evaluate whether the correct procedure for transfer is the abandonment procedure or the sale of municipal property using the standard bid procedure.

RESOLVED: that the recommendation of the Planning Commission is acknowledged and the property known as Job Avenue hereby referred to the Town Attorney as stipulated above.

COMMUNICATIONS — continued

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO REFER THE FOREGOING ITEM OF COMMUNICATION TO THE TOWN ATTORNEY. THE MOTION PASSED UNANIMOUSLY.

**5. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORTS****5.1 MAYOR'S REPORT****5.1.1 2010 NATIONAL ASA WOMEN'S MAJOR FAST PITCH SOFTBALL TOURNAMENT, DELUCA FIELD & SHORT BEACH PARK, STRATFORD, CT, AUGUST 5-8, 2010**

WHEREAS, the Stratford Softball Tournaments Inc. has requested certain actions on the part of the Town to assist in the preparations for, and conduct of, the 2010 National ASA Women's Major Fast Pitch Softball Tournament.

WHEREAS, the Town of Stratford is desirous of providing support for the above-referenced tournament event;

WHEREAS, the Town of Stratford wishes to detail the nature and level of its support to the greatest extent possible;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Stratford is committed to providing the following actions in support of the National ASA Women's Major Fast Pitch Tournament:

1. To permit use of DeLuca and Short Beach Fields for the duration of the tournament event. The Town will be responsible for installing temporary fencing around the perimeter of the ballfield complex at DeLuca Field and Short Beach Park. The Town will be responsible for installing additional bleacher seating as needed. The Town will be responsible for providing staff at DeLuca Field and Short Beach Park and will allow volunteers to assist in the preparation and maintenance of the fields for all tournament events.
2. To provide police traffic control services as follows: One (1) officer to be stationed at Deluca Field for approximately four (4) hours for opening and closing nights of the event.
3. To provide staff to operate and maintain the public address system at Short Beach Field as follows: four (4) hours of coverage for each of the four (4) days scheduled for Short Beach Field.

MAYOR'S REPORT — continued

4. To provide suitable practice fields during the daytime at Birdseye School, Johnson House and Longbrook Park for the duration of the tournament event.
5. To make available staff of, and office space within, the Recreation Department as a distribution center for information concerning the tournament. The Town acknowledges that the Recreation Department will serve as a ticket outlet as well.
6. To provide material, equipment and staff, as the Director of Public Works and Superintendent of Recreation see fit given staffing and other work responsibilities, to prepare DeLuca and Short Beach Park Fields for national tournament level play.
7. To permit Stratford Softball Tournaments Inc. to sell souvenirs at DeLuca Field and Short Beach Fields for the duration of the tournament event.

BE IT FURTHER RESOLVED, that it is mutually acknowledged by Stratford Softball Tournaments Inc. and the Town of Stratford, that:

1. The Town of Stratford will be recognized for the above contributions as a major sponsor of the Tournament Event.
2. The estimated cost of providing the above services and support to the Tournament Committee for this event will not exceed \$5,000.

BE IT FURTHER RESOLVED, that the Mayor is authorized to provide such support to Stratford Softball Tournaments, Inc.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

5.1.2 RESOLUTION TO RESCIND CONTRACT AWARD FOR THE ANIMAL CONTROL FACILITY

**RESOLVED** That due to the unique financial circumstances facing the Town of Stratford, plans for the Animal Control Facility are remanded to the Building Needs Committee to determine how best to redesign the project to lower overall costs.

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. BARNABY TO REMAND THE FOREGOING ITEM TO THE BUILDING NEEDS COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

5.1.3 FIRE DEPARTMENT THIRD PARTY BILLING

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. POTTER TO PLACE THE FOREGOING ITEM ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

5.1.4 MAYORAL APPOINTMENTS

- A. Ethics Commission — Joseph DeCaro, Robert Chimini, Jack Golden
- B. Greater Bridgeport Transit Authority — Laurie Goodsell, Joseph Kubic
- C. Commission on Aging — Dot Zimmer, George Hangos
- D. Economic Development Commission — Fred Hyatt, Michael Viccarelli, Maury Johnson, Randy Vidal, Scott Morse, John Dobos, Neil Sherman, Mary Dean

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. MEUSE TO APPROVE FOREGOING APPOINTMENTS A., B., AND C. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. POTTER TO ACCEPT APPOINTMENTS FOR ITEM "D." AND REFER TO THE TOWN ATTORNEY FOR TERM LIMIT CLARIFICATION. THE MOTION PASSED UNANIMOUSLY.

5.1.5 BARNUM AVENUE STREETScape IMPROVEMENT PHASE II (ARRA) GRANT

Sponsored by: Hon. Stratford Town Council

**WHEREAS, the CT Department of Transportation** is authorized to extend financial assistance to municipalities in the form of grants using funds from the *American Recovery and Reinvestment Act of 2009*; and

**WHEREAS, the Town of Stratford** has been awarded a grant from the *CT Department of Transportation* in an amount not to exceed \$1,399,800 for the purpose of construction activities related to streetscape improvements on Barnum Avenue (State Project No(s). 138-235/Federal-aid Project No(s). PEDS (133); and,

**WHEREAS, it is desirable and in the public interest that the Town of Stratford, enter into a construction agreement with the CT Department of Transportation for the Construction, Inspection and Maintenance of Barnum Avenue Streetscape Improvements Phase II Utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5**

**NOW THEREFORE, BE IT RESOLVED BY THE Town Council:**

1. That it is cognizant of the Town's application and subsequent contract with the *CT Department of Transportation* for funding in connection with the *Construction, Inspection and Maintenance of Barnum Avenue Streetscape Improvements Phase II Utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 Public Law 111-5* in an amount not to exceed \$1,399,800; and,
2. That it hereby authorizes, directs and empowers the Mayor or his designee to execute such contract with the *CT Department of Transportation*, to provide such additional information, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

MAYOR'S REPORT — continued

BARNUM AVENUE STREETScape IMPROVEMENT PHASE II (ARRA) GRANT — cont'd

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO APPROVE THE FOREGOING GRANT. THE MOTION PASSED UNANIMOUSLY.

5.1.6 RESOLUTION RE: PARTNERSHIPS FOR SUCCESS PROGRAMS FROM US DEPT. OF HEALTH AND HUMAN SERVICES GRANT

Sponsored by: Hon. Stratford Town Council

**WHEREAS, CT Department of Mental Health and Addiction Services**, is authorized to extend financial assistance to municipalities in the form of grants; *and*,

**WHEREAS**, funding through the *Partnerships for Success program from the United States Department of Health and Human Services-Substance Abuse and Mental Health Services Administration* will be used to reduce underage drinking in Stratford through increased enforcement to reduce retail availability to alcohol and by shifting the community culture of adult permissiveness and peer acceptance of underage drinking; and,

**WHEREAS**, it is desirable and in the public interest that the Town of Stratford, enter into contract with the **CT Department of Mental Health and Addiction Services** *in an amount not to exceed \$320,000* for the purpose of reducing underage drinking in Stratford; and

**NOW THEREFORE, BE IT RESOLVED BY THE Town Council:**

1. That it is cognizant of the Town's contract with the **CT Department of Mental Health and Addiction Services** for funds to reduce underage drinking in Stratford; and,
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute such contract with the **CT Department of Mental Health and Addiction Services**, to provide such additional information and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING GRANT. THE MOTION PASSED UNANIMOUSLY.

MAYOR’S REPORT — continued

5.1.7 Resolution re: 2009 AMERICA THE BEAUTIFUL – TREE PLANNTING GRANT

Sponsored by: Hon. Stratford Town Council

**WHEREAS, the CT Department of Environmental Protection-Forestry Division**, is authorized to extend financial assistance to municipalities in the form of grants through **the America the Beautiful Grant Program; and,**

**WHEREAS,** funding through **the America the Beautiful Grant Program** will be used to support the creation of a new Linear Coastline Park along the planned route of Stratford’s Housatonic River Greenway (“Greenway”) by planting 14 trees along the Greenway; and,

**WHEREAS,** it is desirable and in the public interest that the Town of Stratford, enter into contract with the **CT Department of Environmental Protection-Forestry Division in an amount not to exceed \$8,000** for the purpose of tree planting in the planned Greenway Linear Coastline Park; and

**NOW THEREFORE, BE IT RESOLVED BY THE Town Council:**

1. That it is cognizant of the Town’s contract with the **CT Department of Environmental Protection-Forestry Division** for funds to support the creation of a new Linear Coastline Park along the planned route of Stratford’s Housatonic River Greenway; and,
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute such contract with the **CT Department of Environmental Protection**, to provide such additional information and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING GRANT. THE MOTION PASSED UNANIMOUSLY.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. BARNABY TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: “AMERICAN RECOVERY AND REINVESTMENT ACT – BRUCE AVENUE RESURFACING PROJECT.” THE MOTION PASSED UNANIMOUSLY.

WAIVER OF RULES OF PROCEDURE — continued

AMERICAN RECOVERY AND REINVESTMENT ACT – BRUCE AVENUE RESURFACING PROJECT

**WHEREAS**, the *Town of Stratford* has been awarded a grant from the *CT Department of Transportation* (State Project No- 138-236; Federal Aid Project No. 1138 (104) for the *Construction, Inspection and Maintenance of Resurfacing of Bruce Avenue utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)* in an amount not to exceed \$278,300; and

**WHEREAS**, it is desirable and in the public interest that the *Town of Stratford* enter into a grant agreement with the *CT Department of Transportation*.

**NOW THEREFORE, BE IT RESOLVED BY THE Town Council:**

1. That it is cognizant of the Town’s contract with the *CT Department of Transportation* (State Project No- 138-236; Federal Aid Project No. 1138 (104) for the *Construction, Inspection and Maintenance of Resurfacing of Bruce Avenue utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)* in an amount not to exceed \$278,300; and
2. That it hereby authorizes, directs and empowers the Mayor or his designee to execute such contract with the *CT Department of Transportation*, to provide such additional information, to implement the program once the award is secured, and to execute such other contracts and documents as maybe necessary under this program.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO APPROVE THE FOREGOING GRANT. THE MOTION PASSED UNANIMOUSLY.

5.1.8 EMPLOYMENT OF HUMAN RESOURCES DIRECTOR — Ronald Ing

RESOLVED: THAT the Salary of Human Resources Director, Ronald Ing, is set as: \$88,000.00 per year.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING SALARY. THE MOTION PASSED UNANIMOUSLY.

5.2 COMMITTEE REPORTS

5.2.8 BUILDING NEEDS COMMITTEE — The Building Needs Committee conducted a special meeting on January 20, 2010 during which time the following was referred to council with favorable recommendation:

COMMITTEE REPORTS — continuedBUILDING NEEDS COMMITTEE — continuedA. EMS BUILDING CHANGE ORDERS

- Change Order #3 – Exterior Metal Stair Revisions (revised per shop drawing review);
- Change Order #4 – Remove, Insulate Ceiling (concealed deterioration of existing beaver board and skim coat plaster ceiling);
- Change Order #7 – Roof Drain Piping Revisions **by a verified licensed plumber** (newly exposed original existing underground drainage is in deteriorating condition);
- Change Order #10 – Mini Footing at CMU Wall (compensate for existing pitch in floor);
- Change Order #11 – Replace Underground Sanitary (existing pipe is rotting and deteriorating);
- Change Order #12 – Floor Leveling (compensate for existing pitch in floor);
- Change Order #13 – Toilet Room Floor Prep (concealed sub-floor tile condition consisting of mud set requires extra prep.);
- Change Order #14 – Revise Backflow Preventer (as per recent Connecticut code revision);
- Change Order #16 – Tactile Warning Strips (code change);

These Change Orders total

**\$61,046.00.**

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. SANTI TO APPROVE THE FOREGOING CHANGE ORDERS. MR. DEMPSEY MOTIONED, SECONDED BY MR. SANTI TO AMEND CHANGE ORDER NUMBER 7 TO INCLUDE THE VERBIAGE **“by a verified licensed plumber”**. THE MOTION PASSED UNANIMOUSLY AS AMENDED.

B. BUNNELL HIGH SCHOOL SCIENCE LAB RENOVATION DESIGN

- Option 1 – Select one architect for both projects. It is recommended that Tai Soo Kim complete this work as they have demonstrated through excellent references and ideas presented at the interview that they can best perform the desired work in a creative way while maximizing the Town’s reimbursement. They can assist in writing the program needed at the high school level and have a good record of success. The fees for this work are \$60,000.00 for the SHS study and \$48,000.00 for the BHS design (assuming a \$600,000.00 construction budget).
- ~~Option 2 – Select one architect for each project. It is recommended that Tai Soo Kim complete the Stratford High work and that The Geddis Partnership complete the Bunnell Science lab design. The fee for the Science lab work is \$54,000.00 (assuming a \$596,000.00 construction budget).~~

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. CATALANO TO APPROVE FOREGOING OPTION 1. THE MOTION PASSED UNANIMOUSLY.

COMMITTEE REPORTS — continued

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. SANTI TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: “STRATFORD HIGH SCHOOL RENOVATIONS.” THE MOTION PASSED UNANIMOUSLY.

The Chair recognized Mr. John Casey, Town Engineer, for information, including a time line, for the feasibility study. NO ACTION REQUIRED.

5.2.2 SHORT BEACH COMMISSION — The Short Beach Commission did not conduct a meeting during the month of January 2010. During the regularly scheduled meeting of February 1, 2010, the following fee increases were referred with favorable recommendation:

SHORT BEACH PROPOSED PICNIC AREA FEES — EFFECTIVE MARCH 1, 2010

	2009 Weekday	2009 weekend	2010 weekday	2010 weekend
Resident (25 or less)(Pav. #2,3)	\$ 50	\$ 60	<b>\$ 60</b>	<b>\$ 75</b>
Resident (26-50)(Pav. #2,3)	\$ 75	\$ 85	<b>\$ 85</b>	<b>\$100</b>
Resident (50&over) (Pav.#1)	\$135	\$175	<b>\$150</b>	<b>\$200</b>
Resident Business (Pav #1)	\$150	\$200	<b>\$175</b>	<b>\$225</b>
Resident Business (Pav #2,3)	\$ 85	\$100	<b>\$ 95</b>	<b>\$115</b>
Resident Non Profit (Pav #1)	\$ 75	\$ 95	<b>\$ 85</b>	<b>\$110</b>
Non Resident (under 50)(Pav #2,3)	\$165	\$225	<b>\$175</b>	<b>\$240</b>
Non Resident (50&over) (Pav #1)	\$280	\$370	<b>\$305</b>	<b>\$395</b>
Company (Pav #1)	\$400	\$485	<b>\$425</b>	<b>\$510</b>
Non Resident Company (Pav #2,3)	\$280	\$330	<b>\$290</b>	<b>\$345</b>
Non Resident Non Profit (Pav #1)	\$130	\$195	<b>\$140</b>	<b>\$210</b>

Pig Roasts shall be charged an additional \$200 bond.

No rain date will be issued. Weekend is considered to be Saturday, Sunday and Holidays.

Damage Bond is equal to fee

\$5/car fee on weekdays and \$10 on weekends for cars without stickers (resident and non resident)

30-Day Cancellation Policy – if canceled 30 days in advance they will receive a full refund minus a \$10 administration fee. Cancellations within 29 days or less will result in a refund of their bond only.

RESOLVED: that the recommendation of the Short Beach Commission is accepted and the foregoing fees be and are hereby approved/~~denied~~.

COMMITTEE REPORTS — continued

SHORT BEACH PICNIC AREA FEES — continued

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. SANTI TO APPROVE THE PICNIC AREA FEES AS PRESENTED ABOVE. THE MOTION PASSED UNANIMOUSLY.

5.2.3 TAX PARTNERSHIP SCREENING COMMITTEE — The Tax Partnership Screening Committee conducted special meetings on January 12, and February 8, 2010. At the February 8<sup>th</sup> meeting, the following tax abatement agreement was referred with favorable recommendation:

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A NEW TAX ABATEMENT AGREEMENT

Sponsored By: Hon. Stratford Town Council

**WHEREAS**, the Town Council previously approved a Tax Abatement Agreement for property located at 429-431 Soundview Avenue and owned by **LA S & CO HOLDING SRL**, which Agreement was never executed by the parties;

**WHEREAS**, by its terms, said Tax Abatement Agreement has already expired as more than one year has passed from the date of Council approval of said Tax Abatement Agreement; and

**WHEREAS**, the Town Council and LA S & CO HOLDING SRL are desirous of entering into a new Tax Abatement Agreement contingent upon substantial construction/renovation being commenced within the twelve (12) month period running from December 1, 2009 and being completed within twenty-four (24) months after commencement of said construction;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL** that the Mayor is hereby authorized to enter into the new Tax Abatement Agreement attached hereto. (appended on pages 25-28)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. PHILIPS TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

5.2.22 Longbrook Park Commission — This Commission did not conduct a meeting during the month January 2010.

Mr. Catalano, Chairman of the Commission, reported on the field drainage problems and the proposed remediation.

COMMITTEE REPORTS — continued

5.2.26 ARTS COMMISSION — The Arts Commission conducted the regularly scheduled meeting of January 7, 2010.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN ITEM ENTITLED: “ARTS COMMISSION MEMBERS.” THE MOTION PASSED UNANIMOUSLY.

ARTS COMMISSION MEMBERS

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO REQUEST THE REAPPOINTMENT OF THE CURRENT COMMISSIONERS AND REFER TERM-LIMIT INQUIRY TO ORDINANCE COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

5.2.31 FINANCIAL ADVISORY COMMITTEE — The Financial Advisory Committee did not conduct a meeting during the month of January 2010.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MS. PHILIPS TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD THE “APPOINTMENT OF FINANCIAL ADVISORY COMMITTEE MEMBERS” TO THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

APPOINTMENT OF FINANCIAL ADVISORY COMMITTEE MEMBERS — Mr. Connor requested that his name be removed as Chairman of the Committee and that Mr. Ed Rodriguez be named Chairman. Chairman Malloy concurs and appoints Mr. Rodriguez as Chairman of the Committee.

- (1) RESOLVED: that Thomas Moore of 15 Brinsmayd Avenue, Stratford, CT 06614 be and is hereby appointed a member of the Financial Advisory Committee.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MS. PHILIPS TO APPOINT THOMAS MOORE TO THE FINANCIAL ADVISORY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

- (1) RESOLVED: that John Fahan of 40 Clarendon Street, Stratford, CT 06614 be and is hereby appointed a member of the Financial Advisory Committee.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MS. PHILIPS TO APPOINT JOHN FAHAN TO THE FINANCIAL ADVISORY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 AIRPORT PURCHASE — continuing item. NO INFORMATION FURNISHED.

5.3.2 LORETTA PJURA V TOWN OF STRATFORD

Attorney Bishop requests taking the foregoing item into executive session for the purpose of discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party. Mr. Bishop would like that motion to include members of the Stratford Town Council, the Mayor, himself and the assistant Town Attorneys.

A MOTION WAS MADE BY MS. PHILIPS, SECONDED BY MR. HOYDICK TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING CASE FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED UNANIMOUSLY.

5.3.3 AN ORDINANCE AMENDING CHAPTER 6 OF THE STRATFORD TOWN CODE RE: CITATION HEARINGS, OFFICE OF (#10-01)

Sponsored by: Jason W. Santi, Councilman Fourth District

BE IT HEREBY ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD that Section 6-3 of the Town Code of the Town of Stratford be amended as follows:

§6-3 Citation Clerk; duties.

The ~~Assistant to the Mayor, or such other employee designated by the Mayor should there be no Assistant to the Mayor,~~ **MAYOR SHALL DESIGNATE A PERSON TO** ~~shall~~ be the Citation Clerk. He/**SHE** shall maintain records of all citations referred to the Office of Citation Hearings, and the disposition thereof, in the same manner as would a Clerk of the Superior Court. He/**SHE** shall assist the Citation Hearing Officers in performing their duties. He/**SHE** shall attend all hearings conducted by the Hearing Officers.

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MS. PHILIPS TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

TOWN ATTORNEY’S REPORT — continued

5.3.4 FLOOD DAMAGE ORDINANCE (Town code § 102), AMENDMENTS TO (#10-02)

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. (*appended as pages 34-53*)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

5.3.5 RESOLUTION SETTING THE FEES OF THE CITATION HEARING OFFICERS PURSUANT TO CHAPTER 6 OF THE TOWN CODE

Sponsored by: Jason W. Santi, Councilman Fourth District

**WHEREAS**, Section 6-2 of the Stratford Town Code authorizes the Mayor to appoint one or more Citation Hearing Officers to conduct hearings and perform such other acts as are authorized or directed by Chapter 6 of the Code and the Connecticut General Statutes; and

**WHEREAS**, Section 6-2 of the Code directs that each Hearing Officer shall be paid a fee for presiding at citation hearings, and a separate fee for declaring defaults and assessing penalties thereon, such fees to be determined by the Town Council by resolution;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL** That each Hearing Officer is to be paid as follows:

- A) The sum of \$150.00 for presiding at citation hearings;
- B) The sum of \$150.00 for declaring defaults and assessing penalties thereon.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. CONNOR TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

5.3.6 CHRIST CHURCH PARKING LOT — executive session requested.

Town Attorney Bishop requests taking the foregoing item into executive session for the purpose of:

- (1) it is a property acquisition that disclosure of the facts and circumstances may result in a value change
- (2) discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party.

Mr. Bishop would like that motion to include members of the Town Council, The Mayor, himself and the Assistant Town Attorneys.

TOWN ATTORNEY’S REPORT — continued

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO ENTER INTO EXECUTIVE SESSION PRIOR TO THE CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE ABOVE CITED ITEM FOR THE REASON AS STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE MENTIONED INDIVIDUALS. THE MOTION PASSED UNANIMOUSLY.

5.3.7 PUBLIC SERVICE MUTUAL vs. MELITA — executive session requested.

Attorney Bishop requests taking the foregoing item into executive session for the purpose of discussion regarding strategy and negotiations with respect to pending claims or litigation toward the town or a member thereof as a party. Mr. Bishop would like that motion to include members of the Stratford Town Council, the Mayor, himself and the Assistant Town Attorneys.

A MOTION WAS MADE BY MR. CATALANO, SECONDED BY MR. HOYDICK TO ENTER INTO EXECUTIVE SESSION PRIOR TO CONCLUSION OF THIS MEETING AT THE RECOMMENDATION OF THE TOWN ATTORNEY TO DISCUSS THE FOREGOING CASE FOR THE REASON STATED ABOVE WITH EXECUTIVE SESSION TO INCLUDE THE ABOVE NAMED INDIVIDUALS. THE MOTION CARRIED UNANIMOUSLY.

5.3.8 QUESTIONS TO THE TOWN ATTORNEY

Mr. Santi — re: blighted house on 27 Milton Street

Mr. Malloy — re: Airport purchase

**6. QUESTIONS TO MAYOR OR STAFF**

Mr. Santi — re: Flagpole in Center of Town.

**7. UNFINISHED BUSINESS and/or OLD BUSINESS**

7.3 TABLED ORDINANCES AND RESOLUTIONS

7.3.1 POST-CONSTRUCTION STORMWATER ORDINANCE — TOWN OF STRATFORD (#05-32) (As revised) Tabled during Council meeting of September 14, 2009

7.3.2 ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE — TOWN OF STRATFORD (#05-33) (As revised) Tabled during Council meeting of September 14, 2009

7.3.3 MODIFICATIONS OF THE STRATFORD TOWN CODE TO BE CONSISTENT WITH THE CT DEP PHASE II GENERAL PERMIT PROGRAM. (#05-34) (As revised) Tabled during Council meeting of September 14, 2009

UNFINISHED BUSINESS — continued

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. HOYDICK TO TAKE THE THREE FOREGOING ORDINANCES, (#05-32, #05-33, AND #05-34) OFF THE TABLE. THE MOTION PASSED UNANIMOUSLY.

The Chair recognized Mr. Casey, Town Engineer, to present a brief explanation of the purpose for these ordinances.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. BARNABY TO RETURN THE FOREGOING THREE ORDINANCES TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.3.4 ECONOMIC DEVELOPMENT CORPORATION — Tabled during Council Meeting of February 9, 2009. — ACTION NOT TAKEN.

7.3.5 GREENWAY IMPROVEMENT ORDINANCE (#09-16)

Sponsored by: Stratford Town Council

First Reading: April 13, 2009

Public hearing: April 27, 2009

RESOLVED: that the second reading of the above entitled Ordinance be dispensed with as copies thereof have been received by all Council Members and the foregoing be and is hereby approved effective thirty days from passage. (*Ordinance appended as page 24*)

A MOTION WAS MADE BY MR. POTTER SECONDED BY MR. BARNABY TO REMOVE THE FOREGOING ORDINANCE FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. POTTER SECONDED BY MR. SANTI TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. THE MOTION PASSED UNANIMOUSLY.

7.4 TABLED APPOINTMENTS

7.4.3 LIBRARY BOARD — 3-year term, appointed by Town Council

A. RESOLVED: that Christine Feeney of 45 Coe Avenue be and is hereby appointed a member of the Stratford Library Board. (term of Richard H. DiVecchio expires December 31, 2008) — via resignation

UNFINISHED BUSINESS— continued

TABLED APPOINTMENTS — continued

LIBRARY BOARD — continued

B. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Stratford Library Association. (term of Susan Fennell expires December 31, 2011) — resignation

C. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Stratford Library Association. (term of Karin Kuczynski expired December 31, 2009)

D. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Stratford Library Association. (term of Norman Aldrich expired December 31, 2009)

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. CATALANO TO REMOVE THE FOREGOING LIBRARY APPOINTMENTS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. CATALANO TO APPOINT CHRISTINE FEENEY TO LIBRARY APPOINTMENT “A.” THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. SANTI TO RETURN FOREGOING APPOINTMENTS B., C., AND D. TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.5 BOARD OF ZONING APPEALS — alternate member — 3-year term appointed by Council

RESOLVED: that Alexander Florek of 264 Victoria Lawn be and is hereby appointed an alternate member of the Board of Zoning Appeals. (term of Joseph Crudo expired January 1, 2010)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. CATALANO TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO APPOINT ADAM FLOREK OF 264 VICTORIA LAWN AS AN ALTERNATE MEMBER OF THE BOARD OF ZONING APPEALS. THE MOTION PASSED UNANIMOUSLY.

UNFINISHED BUSINESS — continuedTABLED APPOINTMENTS — continued7.4.6 PLANNING COMMISSION — alternate member — 3-year term appointed by Council

RESOLVED: that Joseph A. Vecsey of 488B Comanche Lane be and is hereby appointed an alternate member of the Planning Commission. (term of Robert Kilton expired January 1, 2010)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. CATALANO TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. SANTI TO APPOINT JOSEPH A. VECSEY AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION. THE MOTION PASSED UNANIMOUSLY.

7.4.7 ZONING COMMISSION — alternate member — 3-year term appointed by Council

RESOLVED: that Ronald J. Hojdich of 260 Post Oak Road be and is hereby appointed an alternate member of the Zoning Commission. (term of Ronald J. Hojdich expired January 1, 2010)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. MEUSE TO REMOVE THE FOREGOING APPOINTMENT FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. SANTI TO REAPPOINT RONALD J. HOJDICH AS AN ALTERNATE MEMBER OF THE ZONING COMMISSION. THE MOTION PASSED UNANIMOUSLY.

**8. ORDINANCES AND RESOLUTIONS****8.1 A RESOLUTION TO REPEAL A RESOLUTION TO APPROVE BILL HANNEY AS THE CONSULTANT/OPERATOR OF THE AMERICAN SHAKESPEARE THEATER.**

Sponsored by: Matthew P. Catalano, Councilman, Third District.

BE IT RESOLVED, by the Town Council of the Town of Stratford, that a resolution to approve Bill Hanney, and, or, Theater by the Sea, as the consultant/operator of The American Shakespeare Festival Theater, which was approved by the Stratford Town Council on July 14, 2008, be repealed.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MS. MEUSE TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

ORDINANCES — continued

8.2 AMENDMENT TO PROPERTY MAINTENANCE ORDINANCE - § 161-2-5 (#10-03)  
(appended as pages 29-33)

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO REFER THE FOREGOING ORDINANCE TO ORDINANCE COMMITTEE FOR A PUBLIC HEARING. THE MOTION PASSED UNANIMOUSLY.

**9. NEW BUSINESS**

9.1 AMENDMENT TO MAKE UP/MEMBERSHIP OF COMMUNITY DEVELOPMENT AGENDA (CDA)

Submitted by: Council member Stephanie Philips, district Two

The Community Development Agency shall consist of at least five (5), but no more than nine (9) members appointed by the Mayor, as follows:

(a) Town Councilmen, which number shall not exceed a simple majority of the membership of the Agency and whose term of service shall run concurrent with their term on the Town Council, but shall be limited to those Council Member’s who represent districts wherein at least 30% of the district’s residents reside in United States Census block groups where Community Development Block Grant activities undertaken in accordance with Title I of the Housing and Community Development Act of 1974, as amended, would meet an area benefit national objective of said Act by benefiting low- and moderate-income persons as defined by the U. S. Department of Housing and Urban Development.

(b) Members of the general electorate that have their permanent residence within the aforementioned Census block groups shall compose the balance of the membership and shall serve terms that run concurrently with that of the Town Council. This class of members may be reappointed over time without limitation, except as provided for in the Town Charter. At least one member shall be a resident of the 2<sup>nd</sup> , 4<sup>th</sup> and 5<sup>th</sup> Council District’s as long as they meet requirements set herein.

(c) Chairman shall consist of Councilman representing the 2<sup>nd</sup> District, whose term shall run concurrently with the Council’s term

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO PLACE THE FOREGOING AMENDMENT ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

9.2 GREENWAY/BIKEWAY CONSTRUCTION ENGINEERING CONSULTANT SELECTION

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. CATALANO TO PLACE THE FOREGOING ITEM ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

9.3 APPOINTMENTS

9.3.1 COMMITTEE APPOINTMENTS — terms concurrent with Town Council (2 years)

<u>COMMITTEE</u>	<u>ELECTORATE MEMBERS</u>
Beautification Committee	Christine Griffin, Thomas Grega, Katherine O’Connor, Jeffrey Thompson, Ann Fariss, Florence Kokoruda, Lee Peret, Evelyn Clough, William O’Brien
Building Needs Committee	Linda Manos, Alvin O’Neal
Financial Advisory Committee	Eric W. Wilkins, Arthur Stengel, Ed Rodriguez – chairman*, Russell Hayden, Thomas Angelo, Thomas Moore*, John Fahan*, <i>Alternate members:</i> Benjamin Barnes, Justin Hawthorne, Steven Dyer
Parks and Recreation Committee § 7-9 of code	Walter Stelmack, William O’Brien, David LoConte, Jr., Matthew Salerno, Matthew O’Neal. <i>Alternate members:</i> Marianne Antezzo (R), Vacant (D)

RESOLVED: that the above-named electorate of the Town of Stratford be and are hereby appointed as members of the Beautification Committee for a term concurrent with Council.

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. POTTER TO APPOINT THE ABOVE CITED INDIVIDUALS AS MEMBERS OF THE BEAUTIFICATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

RESOLVED: that the above-named electorate of the Town of Stratford be and are hereby appointed as members of the Building Needs Committee for a term concurrent with Council.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO APPOINT THE ABOVE CITED INDIVIDUALS AS MEMBERS OF THE BUILDING NEEDS COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

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\* named during “Committee Report” section, page12

COMMITTEE APPOINTMENTS — continued

RESOLVED: that the above-named electorate of the Town of Stratford be and are hereby appointed as members of the Financial Advisory Committee for a term concurrent with Council.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. BARNABY TO APPOINT THE ABOVE CITED INDIVIDUALS AS MEMBERS OF THE FINANCIAL ADVISORY COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

RESOLVED: that the above-named electorate of the Town of Stratford be and are hereby appointed as members of the Parks and Recreation Committee for a term concurrent with Council.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO APPOINT THE ABOVE CITED INDIVIDUALS AS MEMBERS OF THE PARKS AND RECREATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

Airport Noise Abatement Committee § 7-12 of code	Two (2) residents from within Lordship Section One (1) resident from Second District Two (2) electorate members-at-large
Economic Task Force Ordinance 07-14 – passed 5/14/07	Three (3) electorate members One (1) Stratford AARP member
Public Safety Committee	Four (4) electorate members
Transportation Advisory Committee	One (1) Greater Stratford Business Community Representative

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. MEUSE TO PLACE THE FOREGOING COMMITTEE APPOINTMENTS, AIRPORT NOISE ABATEMENT COMMITTEE, ECONOMIC TASK FORCE, PUBLIC SAFETY COMMITTEE, TRANSPORTATION ADVISORY COMMITTEE, ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

GREENWAY/BIKEWAY CONSTRUCTION ENGINEERING CONSULTANT SELECTION — continued.

A MOTION WAS MADE BY MR. POTTER SECONDED BY MR. CATALANO TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

Mr. Killeen, Town Planner, was recognized by Chairman Malloy. Mr. Killeen stated that 10 RFQs were received. A panel reviewed, ranked and interviewed the top consultant firms. As a result, the panel recommends the firm of Tectonic Engineering Consultants of Rocky Hill, CT subject to the Town’s right to select the on-sight inspector. The project is ARRA funded. The on-sight inspector is a D.O.T. requirement.

GREENWAY/BIKEWAY CONSTRUCTION ENGINEERING — continued

RESOLVED: that the recommendation of the panel be and is hereby accept and Tectonic Engineering Consultants of Rocky Hill, CT is selected for the Greenway/Bikeway subject to the Town’s right to select the on-sight inspector.

A MOTION WAS MADE BY MR. POTTER SECONDED BY MR. SANTI TO SELECT TECTONIC ENGINEERING CONSULTANTS OF ROCKY HILL, CT AS STATED ABOVE FOR THE FOREGOING PROJECT. THE MOTION PASSED UNANIMOUSLY.

9.3.2 ZONING COMMISSION, ALTERNATE MEMBERS

A. RESOLVED: that Adam Bonoff of 115 Blueberry Lane be and is hereby appointed an alternate member of the Zoning Commission (term of Thomas J. Malloy will expire Jan. 1, 2012)

B. RESOLVED: that Ronald Moreau of 279 California Street be and is hereby appointed an alternate member of the Zoning Commission (term of Eric Booth will expire Jan. 1, 2011)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. CATALANO TO APPOINT ADAM BONOFF AS AN ALTERNATE MEMBER TO THE ZONING COMMISSION (POSITION “A” ABOVE) AND APPOINT RONALD MOREAU AS AN ALTERNATE MEMBER TO ZONING COMMISSION (POSITION “B” ABOVE). THE MOTION PASSED UNANIMOUSLY.

9.3.3 BOARD OF ZONING APPEALS, ALTERNATE MEMBER

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Board of Zoning Appeals (term of Richard Fredette will expire Jan. 1, 2011) — currently elected as full member of the Board of Zoning Appeals.

9.3.4 PLANNING COMMISSION, ALTERNATE MEMBER

RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed an alternate member of the Planning Commission (term of Christopher Walker will expire Jan. 1, 2012) — currently elected as full member of the Planning Commission.

9.3.5 DISABILITY REVIEW BOARD — appointed by Council – 2-year term of office.

A. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Disability Review Board (term of Thomas Cotter, Esq. expired January 13, 2010)

NEW BUSINESS — continued

APPOINTMENTS — continued

DISABILITY REVIEW BOARD — continued

B. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Disability Review Board (term of James Ralabate, M.D. expired January 13, 2010)

C. RESOLVED: that \_\_\_\_\_ of \_\_\_\_\_ be and is hereby appointed a member of the Disability Review Board (term of Frank Scifo, M.D. expired January 13, 2010)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO PLACE FOREGOING APPOINTMENTS 9.3.3, 9.3.4, 9.3.5 A., B., AND C. ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

*Stratford Town Council meeting recessed: 9:47 p.m.*

*Stratford Town Council meeting reconvened: 11:01 p.m.*

ACTION ITEMS FORWARDED FROM EXECUTIVE SESSION

5.3.2 LORETTA PJURA V TOWN OF STRATFORD

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. HOYDICK TO ACCEPT THE TOWN ATTORNEY’S RECOMMENDATION IN CONNECTION WITH THE FOREGOING CASE. THE MOTION PASSED UNANIMOUSLY.

5.3.6 CHRIST CHURCH PARKING LOT

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. HOYDICK TO ACCEPT THE TOWN ATTORNEY’S RECOMMENDATION IN CONNECTION WITH THE FOREGOING ITEM. THE MOTION PASSED UNANIMOUSLY.

5.3.7 PUBLIC SERVICE MUTUAL vs. MELITA

A MOTION WAS MADE BY MS. MEUSE SECONDED BY MR. SANTI TO ACCEPT THE TOWN ATTORNEY’S RECOMMENDATION IN CONNECTION WITH THE FOREGOING CASE. THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT — Hearing no further discussion in connection with the above agenda items or further business, the Chairman called for a motion to adjourn. ON A MOTION MADE BY MS. PHILIPS, SECONDED BY MR. POTTER, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:08 P.M.

**GREENWAY IMPROVEMENT ORDINANCE (#09-16)**

\_\_\_\_\_ § \_\_\_\_ **Greenway Project**

The Town has through coordinated planning, public hearings and community involvement determined that a linear walkway, biking and hiking trail should be established throughout Town. The proposed trail, as adopted by the Stratford Planning Commission, traverses the Town from the beach areas to Roosevelt Forest.

\_\_\_\_\_ § \_\_\_\_\_ **Incorporation of Greenway Project into Public Improvements and Subdivisions**

For all designated Greenway areas, sidewalk, walkway, on-road improvements, and trail systems sufficient to serve both existing and projected pedestrian and bicyclists use of the existing and projected Greenway shall be reflected in all site and subdivision plans and shall be incorporated into all Public Works Projects, including street improvements and improvements to Public Parks, Schools and Public Transportation. Such systems may include either conventional sidewalks along street rights-of-way, wide outside travel lanes or bike lanes on roadways, or walkways and trails in alternative locations as appropriate. Design, location, dimensions, dedications, easements, and reservations, shall conform to applicable Town policies and plans for sidewalks, bicycle routes and trails.

1. Location: Unless an alternative walkway is approved, conventional sidewalks within the area designated for the future expansion of the Greenway shall be located as follows:
  - a. on both sides of major and minor thoroughfares (as defined by the adopted Thoroughfare Plan) except on freeways;
  - b. On one side of collector streets and nonresidential streets with existing or projected traffic of 2,000 or more vehicles per day;
  - c. On one side of residential streets of all types that are not cul-de-sacs;
  - d. On one or both sides of local streets in nonresidential areas where review indicates that sidewalks are, or will be, needed to accommodate pedestrian traffic.
  
2. If a conflict exists between these standards and the provisions of any other Ordinance, then the stricter requirements shall apply. When the approving body determines that the construction of a conventional sidewalk or alternative walkway is not feasible due to special circumstances, including but not limited to, impending road widening, significant street trees, severe roadside conditions, or limited pedestrian volumes; the approving body may require either: (1) payment in lieu of sidewalk construction; or (2) a combination of sidewalk and/or alternative walkways and/or payment in lieu funds. In general, sidewalks shall be 5 feet in width and shall be constructed of concrete. Alternate dimensions and materials may be approved by the Engineering Department.
  
3. Either wide outside travel lanes or bicycle lanes, shall be a part of any road improvements made on roadways which are located along the Greenway.

## TAX ABATEMENT AGREEMENT

THIS AGREEMENT, made and entered into by and between **LA S & CO HOLDING SRL** (APPLICANT), a company organized and existing under the laws of the country of Italy and having a principal place of business at 429-431 Soundview Avenue, Stratford, CT, 06614, and the **TOWN OF STRATFORD (TOWN)**, a municipal corporation duly established under the laws of the State of Connecticut and located in the County of Fairfield, acting herein by JOHN A. HARKINS, its Mayor, duly authorized.

### W I T N E S S E T H :

**WHEREAS**, Sec. 12-65(b) of the Connecticut General Statutes, as amended, (the “*State Statute*”) provides, inter alia, that any municipality may enter into a written agreement fixing the assessment of real property with any party owning or proposing to acquire an interest in such real property in such municipality and all improvements thereon or therein and to be constructed thereon or therein, and which are constructed for certain uses which include: office use; retail use; manufacturing use; warehouse, storage or distribution use; structured multi-level parking use necessary in connection with a mass transit system; or hotels or motels intended for temporary transient residential use; and

**WHEREAS**, the TOWN has enacted an *Ordinance Establishing a Tax Abatement Program for the Town of Stratford* (effective 12/08/86 and amended 12/14/92) (the Town Ordinance), in order to implement the State Statute and to establish a tax abatement program for the TOWN; and

**WHEREAS**, the Town Ordinance permits such tax abatement for the acquisition, substantial renovation, rehabilitation or new construction of industrial and/or commercial facilities; and

**WHEREAS**, APPLICANT has indicated its intent to renovate a 9,170 sq. ft. building, complying with the requirements of the State Statute and the Town Ordinance, on land proposed to be owned by APPLICANT and located at 429-431 Soundview Avenue in Stratford, Connecticut, as more particularly described in **SCHEDULE A** annexed hereto and made a part hereof (the Facility); and

**WHEREAS**, the Facility, as proposed, meets the requirements of the State Statute and the Town Ordinance, which permit tax assessment agreements under certain conditions; and

**WHEREAS**, the proposed Facility constitutes industrial and/or commercial real property that is located within a district zoned for such use by the Stratford Planning and Zoning Commissions; and

TAX ABATEMENT AGREEMENT — continued

**WHEREAS**, APPLICANT is not delinquent in the payment of any taxes that are due to the TOWN; and

**WHEREAS**, as an inducement to APPLICANT to renovate the Facility, the TOWN deems it desirable to enter into this Agreement fixing the assessment with respect thereto.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. FIXED ASSESSMENT PERIOD:

The Fixed Assessment Period shall cover **two (2)** consecutive fiscal years commencing with the fiscal year of the TOWN for which a Tax List is prepared on the October first immediately following the issuance of a final Certificate of Occupancy for the Facility (the Fixed Assessment Period). The tax assessment upon the real estate of the Facility to be renovated by APPLICANT shall be fixed in the following manner:

a) The assessment made on the first October 1 following the issuance of the final Certificate of Occupancy for the Facility shall be set in such an amount and manner so that such assessment is equal to **seventy-five (75%) percent** of the assessment that would otherwise be applicable to the Facility.

b) The assessment made on the second October 1 following the issuance of the final Certificate of Occupancy for the Facility shall be set in such an amount and manner so that such assessment is equal to **seventy-five (75%) percent** of the assessment that would otherwise be applicable to the Facility.

The foregoing is contingent upon substantial construction/renovation being commenced by APPLICANT within the twelve (12) month period running from December 1, 2009 and being completed within twenty-four (24) months after commencement of said construction. Any extension of these commencement and completion requirements must be approved by the Tax Partnership Agreement Screening Committee. In the event that such construction is not so commenced and/or completed within the said time period, this Agreement shall immediately terminate, and the full amount of the tax that would otherwise be due to the Town shall immediately become due and payable.

2. CONDEMNATION:

In the event the Facility, or any part thereof, or any estate therein, is taken by condemnation or eminent domain during the Fixed Assessment Period, the applicable fixed assessment specified in Section 1 shall be adjusted to reflect the diminution of value arising out of said taking in the manner provided by state and local laws and ordinances.

TAX ABATEMENT AGREEMENT — continued

3. FIRE OR OTHER CASUALTY:

In the event the Facility, or any part thereof, or any estate therein, is damaged or destroyed by fire or other casualty during said Fixed Assessment Period, the applicable fixed assessment shall be adjusted to reflect the diminution of value arising out of said fire or other casualty in the manner provided by state and local laws and ordinances.

4. NONTRANSFERABLE:

This Agreement may not be assigned, transferred or sold without written approval of the Tax Partnership Screening Committee, which approval shall not be unreasonably withheld. In the event that LA S & CO HOLDING SRL takes any action purporting to assign, transfer or sell its rights under this Agreement without such approval, then this Agreement shall terminate as of the effective date of such assignment, transfer or sale, and the full amount of the tax that would otherwise be due to the TOWN for the then current fiscal year shall immediately become due and payable. The foregoing portions of this Paragraph 4 shall not prohibit the mortgaging of the Facility, subject to this Agreement.

5. APPEAL RIGHTS NOT AFFECTED:

Nothing contained herein shall be construed as waiving any right APPLICANT may have to contest or appeal any assessment made or tax imposed by any taxing authority in the manner provided by law with respect to any property owned or leased by APPLICANT.

6. AMENDMENTS:

This Agreement may not be modified or amended except by a writing signed by both parties.

7. PARAGRAPH HEADINGS:

The paragraph headings in this Agreement are for convenience and for reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.

8. SEVERABILITY:

A ruling by any court or administrative body that a portion of this Agreement is invalid or unconstitutional shall have no effect on the other terms hereof which shall remain in full force and effect and binding on the parties.

9. APPLICABLE LAW:

This Agreement shall be interpreted and enforced in accordance with the laws of the State of Connecticut.

IN WITNESS WHEREOF, the parties have executed this Agreement and affixed their seals hereto, as of the day first above mentioned.

Signed, Sealed & Delivered  
in the presence of:

**TOWN OF STRATFORD**

\_\_\_\_\_ BY: \_\_\_\_\_

**JOHN A. HARKINS, Mayor**

\_\_\_\_\_ **Dated:** \_\_\_\_\_

**LA S & CO HOLDING SRL**

\_\_\_\_\_ **BY:** \_\_\_\_\_

**Its**

\_\_\_\_\_ **Dated:** \_\_\_\_\_

AMENDMENT TO PROPERTY MAINTENANCE ORDINANCE § 161-2 THROUGH 161-5 (#10-03)

§ 161-2 Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed as follows:

ABATE

The removal, painting over or other obscuring of graffiti from view as directed by a notice to remove.

**BLIGHTED PREMISES**

Any vacant or occupied building or structure, or any vacant or occupied portion of a building or structure that is a separate unit, or any vacant parcel, or any real property whether or not such property includes a building or structure, in which at least one of the additional following conditions exist:

- A. It is determined by the Town that existing conditions pose a serious or immediate danger to the community, i.e., a life-threatening condition or a condition which puts at risk the health or safety of citizens of the Town.
- B. It is not being maintained. The following factors may be considered in determining whether a structure or building is not being maintained: missing or boarded windows or doors; a collapsing or missing wall, roof or floor; siding that is seriously damaged or missing; fire damages; a foundation that is structurally faulty; or garbage, trash or abandoned cars situated on the premises (unless the premises is a legal junkyard) or that the outside of the property is not being maintained in accordance with the standards set forth in this chapter.
- C. It is becoming dilapidated.
- D. It is attracting illegal activity.
- E. It is a fire hazard.
- F. It is a factor that is materially depreciating property values in the neighborhood because of its poorly maintained condition.
- G. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood.
- H. The exterior and areas exposed to public view of all commercial and residential property and premises is not being kept free from deterioration and/or is not in a good state of repair.
- I. The property displays evidence of graffiti.
- J. The property is not being maintained so that it reflects a reasonable level of maintenance in keeping with the standards of the community and not constituting a blighting factor for adjoining property owners, or an element leading to the progressive deterioration of the neighborhood. Such maintenance of the outside of the property shall include, without limitation, the following:

(1) All surfaces shall be maintained free of broken glass, crumbling stone or brick or other condition reflective to deterioration or inadequate maintenance.

(2) The maintenance and appearance of the grounds and yards of premises shall be such that they reflect the level of upkeep of surrounding premises and properties. This shall include, but not be limited to, grass that has been allowed to go to seed, severely overgrown bushes and trees, dead trees and trash, rubbish, and dilapidated equipment or abandoned vehicles on the grounds. All equipment is to be in good working condition.

(3) No dumpster or other refuse container usually used on a construction site may be kept in a residential area unless a construction or improvement project, which may include the disposal of household items, is to commence within two weeks of the installation of a dumpster or it has been within two weeks of the completion of the project, for a total time frame not to exceed 30 days. A permit is required from the Director of Public Facilities for the placement of a dumpster for the purpose set forth in Subsection I(3), above, in the public right-of-way. The Enforcement Officer may take into account other information it deems relevant in determining whether a dumpster is improperly placed.

(4) Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

**BLIGHT ENFORCEMENT OFFICER**

The position as established within the Zoning Department of the Town.

**DILAPIDATED**

A building or structure which has been vacant or occupied for a period of 60 days or longer and/or run down.

**ENFORCEMENT OFFICER**

The Town Health Director or his/her designee, the Town Housing Code Enforcement Officer or his/her designee, the Blight Enforcement Officer, or any Town employee who has statutory authority to enter onto private property for the purpose of inspecting said property, and is appointed by the Mayor to issue fines for violations of this article.

**GRAFFITI**

The defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures, facilities, natural features, and places.

**LEGAL OCCUPANCY**

Occupancy that is legal by virtue of compliance with state building, state firesafety, local zoning and housing codes and all other pertinent codes, which habitation must be substantiated by a bona fide lease agreement, a rent receipt or a utility statement.

**NEIGHBORHOOD**

An area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 800 feet of any part of another parcel or lot within the Town.

**UNIT**

Any space within a building that is or can be rented by or to a single person, household or entity for his/her or its sole use, and is intended to be a distinct space.

VACANT

A period of 60 days or longer during which a building or a portion thereof is not legally occupied.

VACANT PARCEL

A parcel of land with no structures thereon.

§ 161-3 Prohibition against creating or maintaining blighted premises.

Any owner of real property in the Town shall not cause or allow ~~blighted~~ Blighted ~~Pp~~premises, as defined in this article, to be created, nor shall any owner allow the continued existence of such blighted premises.

§ 161-4 Enforcement.

A. The Blight Enforcement Officer shall cause regular inspections of certain of 1) the ~~blighted premises~~ property and/or structures determined by any Enforcement Officer to constitute Blighted Premises; or 2) such Blighted Premises to be referred to the Blight Enforcement Officer for the purpose of documenting continuous blight and, additionally, may cause to be imposed a penalty of not more than \$100 per violation for each day that a blighted premises, as defined in this article, or part thereof, is in violation of this article, except for persons who are given special consideration as described in § 161-5 of this article. Each day a blighted premises, as defined in this article, or part thereof, is in violation of this article shall constitute a separate offense. The Blight Enforcement Officer shall cause the imposition of said penalty by notifying the owner by certified mail at the start of the period in which fines are levied.

(1) The written notice of citation shall include:

- (a) Enumeration of conditions in the structure that are inadequate to meet the standards of this article.
- (b) Enumeration of the remedial action required to meet the standards of this article.
- (c) A statement of a definite number of days from the date of the citation in which the owner or operator must commence and complete such remedial action.
- (d) The specific Town Code section violated.
- (e) A statement of the right of appeal.
- (f) A statement of the penalties for noncompliance, as set forth in this article.

(2) All fines imposed for violations of this article shall be paid to a fund maintained by the Town.

B. The Enforcement Officer shall promptly apply to the Citation Clerk for a judgment assessing monetary penalties against the alleged blight violator in accordance with Town Code §§ 6-1 through 6-11, inclusive, and Connecticut General Statutes § 7-152c. Such application shall in no event be made later than 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees.

C. Any unpaid fine imposed pursuant to the provisions of this chapter regulating blight shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut

General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after the effective date of this article and encumbrances, except taxes, and may be enforced in the same manner as property tax liens.

D. Violators of this article shall have the right to file a written appeal to the Office of Citation Hearings within 15 days from the date of the imposition of the fines. Payment of fines shall be stayed until the appeal has been heard and ruled on by a Citation Hearing Officer. See Citation Hearings, Office of, §§ 6-1 through 6-11 of the Stratford Town Code. If dissatisfied with the findings, the violator may appeal to Superior Court in accordance with Section 7-152c of the General Statutes of Connecticut.

§ 161-5 Administrative procedures.

A. The Blight Enforcement Officer shall convene an Antiblight Committee consisting of the Zoning Administrator, Planning Administrator, Economic and Community Development Department representative, the local Fire Marshal, the Health Director, the municipal Building Official, the Tax Collector, at two members of the Stratford Town Council as designated by the Council which members shall not belong to the same political party at the time of their designation, and may request, through the Mayor, the assistance of any other Town staff as deemed appropriate by the Committee.

B. The Blight Enforcement Officer shall produce an annual list of vacant and/or occupied buildings and/or vacant parcels and a monthly list of properties reported to the Town for investigation, as well as, the status of each case pending. The Antiblight Committee shall add any blighted premises, as defined in this article, that it is-becomes aware of to this list. The Antiblight Committee shall review the list of such blighted premises and select those properties for which specific strategies may be developed. Strategies may include:

(1) Fines for blight.

(a) The Antiblight Committee may refer such blighted premises to be fined in accordance with the Antiblight Ordinance codified in this article to the Enforcement Officer who will send a certified letter to the owner instituting daily fines as provided for in this article. The Enforcement Officer shall cause regular inspections to be conducted to document that the blight persists. The Enforcement Officer shall within 30 days work with the Town Attorney to convert the fines to liens and initiate foreclosure or institute legal proceedings to collect the fines.

(b) Once foreclosure is complete, the Antiblight Committee shall refer disposal of the properties in a timely manner through the Stratford Town Council or any redevelopment organization created by ordinance.

(2) Tax foreclosure.

(a) The Committee or the Enforcement Officer may refer blighted premises, as defined in this article, to the Town Attorney to foreclose the lien. In any such foreclosure, the Town shall be entitled to recover the amount of the lien, together with all fees, costs and expenses relating to the citation, the lien and the foreclosure of such lien, including but not limited to reasonable attorneys fees, title search fees, appraisal fees, court costs and costs for service of process. The Town

Attorney shall keep the Antiblight Committee informed on a quarterly basis as to the status of foreclosures of such referred blighted premises.

(b) Once foreclosure is complete, the Antiblight Committee shall determine how to dispose of the properties in a timely manner.

(3) Rehabilitation.

(a) The Antiblight Committee may refer blighted premises, as defined in this article, that are suitable for rehabilitation to the Mayor and Town Council for acquisition and rehabilitation through the urban homesteading program or other appropriate rehabilitation programs as resources permit.

(b) The Antiblight Committee may refer blighted premises, as defined in this article, for the abatement of said violations through an appropriate rehabilitation program as resources permit. The abatement of said violations by the Town may occur upon a written complaint of any person having an interest in said property in accordance with Section 19a-210 of the General Statutes of Connecticut; or the permission of the property owner, or the issuance of a court order in accordance with Section 19a-206 of the General Statutes of Connecticut; the procedures for any tenement, lodging or boardinghouse or property upon which buildings are situated as set forth in Section 47a-53 of the General Statutes of Connecticut, when appropriate. The Blight Enforcement Officer shall work with the Town Attorney to convert the cost of abatement of said violations to liens and institute all legal proceedings necessary to collect said costs from the property owner(s).

(4) Special consideration. Special consideration shall be given to individuals that are elderly or disabled in the Town's effort to correct blighted conditions. If it is found by the Enforcement Officer that an individual cannot maintain a reasonable level of upkeep of the owner-occupied residence because the individual is elderly or disabled and no capable person resides in the residence, the Enforcement Officer shall suspend fines to give the person adequate time to correct the problem. Except as noted below, where the individual is a low-income individual and owns and occupies a residence that is designated as blighted, the Enforcement Officer shall give special consideration to the person by providing adequate time to correct the problem. If items designated as blighted have to do with lawn and shrub maintenance, painting and keeping grounds free from rubbish and debris, the Enforcement Officer will not provide additional time to correct the problem.

**AN ORDINANCE AMENDING CHAPTER 102  
OF THE STRATFORD TOWN CODE:  
FLOOD DAMAGE PREVENTION (#10-02)**

Sponsored By: Hon. Jason Santi, Fourth District Council Member

**WHEREAS**, the Federal Emergency Management Agency (FEMA) is revising the Flood Insurance Rate Maps (FIRM) effective June 2010; and

**WHEREAS**, the Department of Environmental Protection has reviewed Stratford's current Flood Damage Prevention Ordinance and has recommended changes to the Ordinance necessary for Stratford to remain eligible to participate in the National Flood Insurance Program; and

**WHEREAS**, the Stratford Building Department has also proposed modifying the Ordinance to require one foot of freeboard for new construction;

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF STRATFORD** That Chapter 102 of the Town Code be amended per the Ordinance attached hereto.

**PROPOSED AMENDMENTS TO CHAPTER 102**  
**FLOOD DAMAGE PREVENTION ORDINANCE**

**§ 102-1 Statutory Authority.**

The Legislature of the State of Connecticut has, in Title 7 and Title 8 of the Connecticut General Statutes, more specifically § 7-148(c)(7), as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council of Stratford, Connecticut, does ordain as follows.

**§ 102-2 Findings.**

- A. The flood hazard areas of Stratford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase damage to uses in the other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to flood loss.

**§ 102-3 Purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.

- G. Ensure that potential buyers are notified that property is in an area of special flood hazard;
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**§ 102-4 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
- D. Controlling, filling, grading, dredging and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**§ 102-5 Definitions.**

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL - A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year.

**BASE FLOOD - The flood having a one (1%) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).**

BASE FLOOD ELEVATION (BFE) - The particular elevation of the base flood, referenced to mean sea level, as specified on the Flood Insurance Rate Maps.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALLS - A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDING - See definition for "Structure".**

COASTAL HIGH-HAZARD AREA - The area subject to high-velocity water, including but not limited to hurricane wave wash or tsunamis. The area is designated on the **Flood Insurance Rate Map** (FIRM) as ~~Zones VI through V30~~ **Zone VE** .

**COST - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications survey costs, permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems; and detached structures such as garages, sheds and gazebos.**

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to **the construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures;** mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; ~~or materials.~~ **the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.**

ELEVATED BUILDING, A AND A1-A30 ZONES - A non-basement building built to have the top of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls or by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

ELEVATED BUILDING, V AND V1-30 ZONES - A non-basement building built to have the bottom of the lowest horizontal structural member of the elevated floor elevated above

the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of water and adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. "Elevated Building" also includes structures which have the lower area enclosed by means of breakaway walls if the breakaway walls meet the standards of § 102-19B(4).

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, April 27, 1978, of the floodplain management ordinance adopted by the community.**

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)**

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).**

**FINISHED LIVING SPACE - As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.**

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters and/or unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map ~~on~~ **of** which the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** has delineated both the areas of special flood hazard and the risk-premium zones applicable to the community, including the coastal high-hazard areas designated as ~~Zones A1 through V30~~ **Zone VE** and special flood hazard areas designated as ~~Zones A1 through A30~~ **A and AE.**

FLOOD INSURANCE STUDY ("FLOOD ELEVATION STUDY") - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FUNCTIONALLY DEPENDENT USE OR FACILITY - A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.**

**HISTORIC STRUCTURE - Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior, or (2) Directly by the Secretary of the Interior in states without approved programs.**

LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement).

**MANUFACTURED HOME -A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.**

**MANUFACTURED HOME PARK OR SUBDIVISION - A parcel of contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.**

**MARKET VALUE - The value of the structure shall be determined by the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvements, or in the case of damage, the value of the structure prior to the damage occurring.**

**MEAN SEA LEVEL (MSL) - The North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.**

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after **April 27, 1978**, the effective date of the initial Flood Insurance Rate Map (FIRM)

(~~June 1, 1978~~), **floodplain management regulations**, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, April 27, 1978, of the floodplain management regulation adopted by the community.**

**RECREATIONAL VEHICLE - A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.**

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SAND DUNES - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - The first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE - Damage of ANY origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.**

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a one (1) year period in which the

cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of a building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE -A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION - The failure of a structure or other development to be fully complaint with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION - The height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plans of coastal or riverine areas.**

#### **§ 102-6. Applicability.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Stratford, Connecticut.

#### **§ 102-7. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard ~~for the Town of Stratford~~ are identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study for the Town of Stratford," dated December 1977, as revised, with accompanying Flood Insurance Rate Map (FIRM), Flood Hazard Boundary and Floodway Map and designation of Zones V1 through V30, Zone A and Zones A1 through A 30, which re hereby adopted to be a part of this chapter. **Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Stratford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard include any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are**

**determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFE's provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location.** The Flood Insurance Study **and Flood Insurance Rate Maps are** is on file in the Town Hall, Stratford, Connecticut.

**§ 102-8 Compliance required.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

**§ 102-9 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§ 102-10 Interpretation and application.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

**§ 102-11 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Stratford, ~~an officer or employee thereof~~ **its agents, servants and/or employees,** or the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**§ 102-12 Development permit.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 102-7. Application for a development permit shall be made on forms furnished by the Building Inspector and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in

question; existing or proposed structures, fill, storage of material and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed, including the proposed elevation of the bottom of the lowest structural member of the lowest floor for elevated buildings in the V Zones.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 102-18B.
- D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. Plans for any walls to be used to enclose space below the base flood level.

#### **§ 102-13. Designation of local administrator.**

The Building Inspector for the Town of Stratford is hereby appointed to implement this chapter by granting or denying development permit applications in accordance with its provisions.

#### **§ 102-14. Duties and responsibilities of local administrator.**

Duties of the Building Inspector shall include but not be limited to:

- A. Permit Review. The Building Inspector shall:
  - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied **and whether proposed building sites will be reasonably safe from flooding.**
  - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.
  - (3) Review all development permits in the coastal high-hazard area of the area of special flood hazard to determine if the proposed development alters mangrove stands or sand dunes so as to increase potential flood damage.
  - (4) Review plans for walls to be used to enclose space below the base flood level in accordance with § 102-19B(4).

B. Use of other base flood data. When base flood elevation data has not been provided in accordance with § 102-7 (Basis for establishing areas of special flood hazard), the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 102-18A (Residential Construction), and § 102-18B (Nonresidential Construction).

C. Information to be obtained and maintained. The Building Inspector shall:

(1) Obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including the base-ment, of all new or substantially improved structures.

(2) For all new substantially improved flood proofed structures:

(a) Verify and record the actual elevation in relation to mean sea level.

(b) Maintain the flood proofing certifications required in § 102-12C.

(3) In coastal high-hazard areas, obtain certification from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

**Obtain and record the elevation of the bottom of the lowest horizontal structural member for all new construction or substantial improvements.**

(4) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alterations of watercourses. The Building Inspector shall:

(1) Notify adjacent communities and the Connecticut Department of Environmental Protection Water Resource Unit prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 102-15.

**§ 102-15. Variance procedure.**

A. Appeal Board.

(1) The Zoning Board of Appeals as established by Stratford shall hear and decide appeals and requests for variance from the requirements of this chapter.

(2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the ~~Zoning Board of Appeals~~ **Building Inspector** in the enforcement or administration of this chapter.

(3) Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the ~~Court of Common Pleas~~ **Superior Court** as provided in § 8-8 of the Connecticut General Statutes.

(4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- (a) The danger that materials may be swept into other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed facility to the community.
- (e) The necessity to the facility of a waterfront location, where applicable.
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to, and surrounded by, lots with existing structures constructed below the base flood level, provided that Subsections A(4)(a) through (k), above, have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance I increases.

(6) Upon consideration of the factors of Subsection A(4) above and the purpose of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(7) The Building Inspector shall maintain the records of all appeal actions and report any variances to the ~~Federal Insurance Administration~~ **Federal Emergency Management Agency (FEMA)** upon request.

**B. Conditions for variances.**

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of historic places, without regard to the procedures set forth in the remainder of this section.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public as identified in Subsection A(4) above; or conflict with existing local laws or ordinances.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**§ 102-16. Violation and Penalties.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than two hundred fifty dollars (\$250) per day **per violation** ~~if proven done willfully and one hundred dollars (\$100) per day if not, or imprisoned for not more than ten (10) days for each day of violation, or both,~~ and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Stratford from taking such other lawful action as is necessary to prevent or remedy any violation.

### § 102-17. General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwater into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water system located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

### § 102-18. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 102-7 (Basis for establishing areas of special flood hazard) or in § 102-14B (Use of other base flood data), the following standards are required:

A. Residential construction. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to **at least one (1) foot** ~~or~~ above **the** base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have either the lowest floor, including basement, elevated to ~~the level of~~ **at least one (1) foot** above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed one (1) foot above the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied; such certifications shall be provided to the official as set forth in § 102-12C.

C. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwater.

**D. Manufactured Homes. Manufactures homes are prohibited in all areas of special flood hazard (Zones A, AE and VE). This includes areas of special flood hazard located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood.**

**E. Recreational Vehicles. Recreational vehicles placed on sites within the area of special flood hazard (Zones A, AE and VE) must be on the site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has not permanently attached additions.**

#### **§ 12-19. Coastal high-hazard area.**

Coastal high-hazard areas (V Zones) are located within the areas of special flood hazard established in § 102-7. These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

A. Location of structures. All buildings or structures shall be located landward of the reach of the mean high tide.

B. Construction methods.

(1) Elevation. All buildings or structures shall be elevated so **the bottom of** the lowest **horizontal** supporting member is located ~~no lower than~~ **at least one (1) foot above** the base flood elevation level (**BFE**), with all space below the lowest **horizontal** supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in Subsection B(4) below. **Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE and cannot be located below the structure. Any service equipment that must be located below the BFE must be floodproofed to prevent water from entering during conditions of flooding.**

(2) Structural support.

(a) All buildings or structures shall be securely anchored on pilings or columns.

(b) Pilings or columns used as structural support **and the attached** structure shall be designed and anchored **to resist flotation, collapse and lateral movement** so as to withstand all applied loads of the base flood flow **and the effects of wind acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values required by applicable State or local building codes.**

(c) There shall be no fill used for structural support.

(3) Certification. Compliance with the provisions of Subsections B(1), ~~above,~~ and ~~Subsections~~ B(2)(a), and **B(2)(b)**, above, shall be certified to by a registered professional engineer or architect.

(4) Space below the lowest floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this chapter shall not enclose the space below the lowest floor unless breakaway walls are used as provided for in this section.

(b) Breakaway walls shall be allowed below the base flood elevation, provided that they are not a part of the structural support of the building and are designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the buildings on which they are to be used. **Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the structure and is designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the structure on which it is to be used and provided the following design specifications are met: (1) Design safe loading resistance of each wall shall not be less than ten (10) pounds per square foot or more than twenty (20) pounds per square foot; or (2) If more than twenty (20) pounds per square foot, a licensed professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components prior to or during the collapse of said wall.**

(c) If breakaway walls are utilized, such enclosed space shall not be used for human habitation.

(d) Prior to construction, plans for any structure that will have breakaway walls must be submitted to the Zoning Board of Appeals for approval.

C. Sand dunes. There shall be no alteration of sand dunes which would increase potential flood damage.

**§ 102-20. Floodways.**

A. Located within areas of special flood hazard established in § 102-7 are areas designed as “floodways”. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited, unless certification, **with supporting technical data**, by a registered professional engineer ~~or architect~~ is provided demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that encroachments shall not result in any **(0.00 feet)** increase in flood levels during the occurrence of the base flood discharge.

(2) If Subsection A(1), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 102-17 through 102-20.

B. The town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the town’s request or not), the town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

C. In Zone A, when base flood elevations become available, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

**§ 102-21. Equal conveyance and compensatory storage.**

**A. Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.**

**B. Compensatory storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.**

**§ 102-22. Above-ground storage tanks.**

**Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.**

**§ 102-23. Portion of Structure in Flood Zone.**

**If ANY portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.**

**§ 102-24. Structures in Two Flood Zones.**

**If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e.; V Zone is more restrictive than A Zone - structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.**

**§ 102-25. No structures entirely or partially over water.**

**New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.**

**§ 102-26. Severability.**

**If any section, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.**