



Stratford, Connecticut

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## MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, MARCH 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, Asst. Town Attorneys Kevin Kelly and John Florek.

INVOCATION PRESENTED BY SECOND DISTRICT COUNCIL MEMBER HON. STEPHANIE D. PHILIPS.

THE PLEDGE OF ALLEGIANCE WAS LEAD BY THE FOLLOWING BOY SCOUTS FROM TROOP 72 FROM THE UNITED METHODIST CHURCH: Scout Leader Chuck Emerson, Scouts Devan Lauvore, Kevin Vrabel, Jason Kelley, Liam Diczco, and Zack Turturino.

**1. APPROVAL OF MINUTES** — Minutes of Public Forum, Executive Session and Regularly scheduled meetings of February 8, 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.

MR. SANTI MOTIONED, SECONDED BY MR. CONNOR, TO APPROVE THE ABOVE MENTIONED MINUTES. CHAIRMAN MALLOY READ THE FOLLOWING CORRECTIONS TO MINUTES OF FEBRUARY 8, 2010 INTO THE RECORD:

- Page 9, line item B, Bunnell High School Science Lab Renovation Design: Change option 2 to OPTION 1.
- Page 17, item 7.4.5 – Board of Zoning Appeals – alternate member: Change the name of Adam Florek to ALEXANDER FLOREK

APPROVAL OF MINUTES — continued

MESSRS. SANTI AND CONNOR ACCEPTED THE AMENDMENTS. THE MOTION TO APPROVE AS AMENDED CARRIED UNANIMOUSLY.

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

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

Mr. Barnaby — re: Airport expansion

**4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES** — None

**5. MAYOR’S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY’S REPORTS**

**5.1 MAYOR’S REPORT**

**5.1.1 RESOLUTION RE: PENSION FUND INVESTIGATION**

Sponsored by: Town Council

**WHEREAS**, pursuant to the Charter of the Town of Stratford the Mayor is responsible for the administration and supervision of all Town departments, agencies and offices of the Town and for the enforcement of all laws and ordinances of the Town; and

**WHEREAS**, pursuant to the Charter of the Town of Stratford the Mayor is empowered to make recommendations to the Town Council for such legislative action as he shall deem necessary in the best interest of the Town; and

**WHEREAS**, pursuant to the Charter of the Town of Stratford the Town Council has the power to investigate Town affairs, including the power to appropriate funds to defray costs and expenses incurred in said investigation; and

**WHEREAS**, it is in the interest of the Town to ensure that the employees of the Town have confidence in the security of pension entitlements, while the citizens of the Town have the confidence that the pension system is administered in a financially prudent manner; and

**WHEREAS**, the Retirement Plan for Employees of the Town of Stratford currently suffers from significant unfunded liability, the existence of which is detrimental to the financial stability of both the Town and the Pension Fund;

MAYOR’S REPORT — continued

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that at the recommendation of Mayor John A. Harkins, the Town Council hereby authorizes an analysis and audit of the Pension Fund and investigation of pension procedures and practices in order to provide recommendations to the Retirement Board for the more effective and efficient administration of the Pension Fund.

**AND BE IT FURTHER RESOLVED** that the Mayor of the Town of Stratford is hereby authorized to retain such consultants or services as he deems necessary to assist in the conduct of said investigation and in order to fulfill the purpose of this resolution.

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

5.1.2 JUDITH TERRACE WATERMAIN — Previously, the Town Council approved the project with the condition that the costs be assessed to the adjacent owners that benefit from the project. The project was constructed but the Town Council did not conduct the public hearing and set the assessment to the owners.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. DEMPSEY TO REFER THE FOREGOING MATTER TO ORDINANCE COMMITTEE. MESSRS. BARNABY AND DEMPSEY WITHDRAW THE MOTION AND SECOND RESPECTIVELY.

A MOTION WAS MADE BY MR. CONNOR SECONDED BY MR. CATALANO TO REFER THE FOREGOING MATTER TO THE TOWN ATTORNEY FOR FURTHER REVIEW. THE MOTION PASSED UNANIMOUSLY.

5.1.3 MAYORAL APPOINTMENTS

A. BOOTHE MEMORIAL PARK COMMISSION

Sarah Mahoney Voccola, Richard Brown, Joan Brazzell, Bessie Burton, Anna Scala, Donna Caserta, Christopher Pia

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO APPROVE THE FOREGOING BOOTHE MEMORIAL PARK COMMISSION APPOINTMENTS. THE MOTION PASSED UNANIMOUSLY.

B. Longbrook Park Commission

Brian O’Shea, Rose Ippolito, Joseph Sorrentino, James McGuire

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING Longbrook Park Commission Appointments. THE MOTION PASSED UNANIMOUSLY.

WAIVER OF COUNCIL RULES OF PROCEDURE

At the request of the Mayor, A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. HOYDICK TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: "RESOLUTION AUTHORIZING THE TRANSFER OF 2005 ARREARS TAX ACCOUNTS TO THE TAX SUSPENSE ACCOUNT PENDING FURTHER ACTION." THE MOTION PASSED UNANIMOUSLY.

RESOLUTION AUTHORIZING THE TRANSFER OF 2005 ARREARS TAX ACCOUNTS TO THE TAX SUSPENSE ACCOUNT PENDING FURTHER ACTION

WHEREAS; The Code of the Town of Stratford, Chapter 14, Article VI specifies the tax collection policy of the Town for the collection of arrears taxes and,

WHEREAS; The Tax Collector has followed the policy by providing required notices of taxes due and made several attempts to contact arrears taxpayers as required by local and state law and,

WHEREAS; Certain accounts have been in arrears since 2005 and all efforts to date to collect on these accounts have produced no response for at least the past two years and,

WHEREAS; Continued expenditure of public funds to collect these accounts is not a cost effective use of public funds and, therefore, the Tax Collector recommends that Town Council approve the transfer of the accounts to suspense pending further collection of said accounts.

RESOLVED: Town Council of the Town of Stratford authorizes the Tax Collector to transfer to the Tax Suspense Account accounts totaling \$368,190.24 for the 2005 Grand List amounts shown below.

GRAND LIST YEAR	TYPE	AMOUNT
2005	Motor Vehicle	\$179,691.37
2005	Supplemental Motor Vehicle	32,797.82
2005	Personal Property	<u>155,701.05</u>
	Total	\$368,190.24

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

WAIVER OF COUNCIL RULES OF PROCEDURE

At the request of the Mayor, A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. CATALANO TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD THREE GRANT RESOLUTIONS ENTITLED:

(1) Medical Reserve Corps funds for \$5,000 (2) Survey & Planning Grant Program for Perry House for \$20,000 (3) Port Security Grant program for \$101,269. THE MOTION PASSED UNANIMOUSLY.

(1) RESOLUTION MEDICAL RESERVE CORPS FUNDS

**WHEREAS**, the *National Association of County and City Health Officials (NACCHO)* is authorized and has made funds available through a federal grant from the U.S. Department of Health and Human Services to extend financial assistance to municipalities in the form of grants; and,

**WHEREAS**, funds under this grant will be used to build the capacity of the Town’s Medical Reserve Corps unit; and,

**WHEREAS**, it is both desirable and in the public interest that the *Town of Stratford* execute a grant agreement with the *National Association of County and City Health Officials* in an amount not to exceed \$5,000 in connection with this program.

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

1. That it is cognizant of the *Town of Stratford* grant application and contract with the *National Association of County and City Health Officials* in an amount not to exceed \$5,000 to build the capacity of the Medical Reserve Corps unit in Stratford.
2. That it hereby authorizes, directs and empowers the mayor or his designee to execute and deliver such contract in the name and on behalf of the *Town of Stratford*, with the *National Association of County and City Health Officials* for the *Stratford Medical Reserve Corps unit*, and to provide such additional information to execute all other contracts, amendments and documents as maybe necessary under this program.

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

(2) SURVEY & PLANNING GRANT PROGRAM FOR PERRY HOUSE

**WHEREAS**, the Town of Stratford owns the property known as the *Perry House* at 1128 West Broad Street; and

**WHEREAS**, the *Perry House* has been recognized as an important historic property, with evidence that it dates to the early development of the community, c. 1690; and

MAYOR’S REPORT — continued

SURVEY & PLANNING GRANT PROGRAM FOR PERRY HOUSE — continued

**WHEREAS**, the Town leases said property to the nonprofit *Perry House Foundation, Inc.*, which operates the facility as a visitors/tourism center with space for programs and private rentals; and

**WHEREAS**, the *Town’s Office of Community Development* secured the services of Heritage Consultants LLC to conduct an archaeological reconnaissance survey on the property, and the results of that survey demonstrated the existence of certain intact artifacts and possible evidence of a pre-existing blacksmith shop in the location of the proposed addition; and

**WHEREAS**, the construction of this addition is currently halted until an intensive archaeological survey of the subject area is completed; and

**WHEREAS**, it is desirable and in the public interest that the *Town of Stratford* submit an application to the *CT Commission on Culture and Tourism* for financial assistance in accordance with the provisions of Public Act 03-06 of the Connecticut General Assembly, *in an amount not to exceed \$20,000*, and upon approval of said request to enter into and execute a funding agreement with the state for such financial assistance to this municipality for the *Perry House Intensive Archaeological Survey Project*.

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

1. That it is cognizant of the Town’s application to the *CT Commission on Culture and Tourism* for financial assistance in accordance with the provisions of Public Act 03-06 of the Connecticut General Assembly, *in an amount not to exceed \$20,000*; and
2. That it hereby authorizes, directs and empowers *John A. Harkins, Mayor of the Town of Stratford*, or his designee to execute such contract with the *CT Commission on Culture and Tourism*, 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. HOYDICK SECONDED BY MR. SANTI TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

(3) PORT SECURITY GRANT PROGRAM

**WHEREAS**, the *Town of Stratford* has applied for funding from *the U.S. Department of Homeland Security* through the *Port Security Grant Program*; and

**WHEREAS**, if awarded, grant funding will be used to support the Stratford Police Department Marine Unit and Patrol Boat and shall not exceed the amount of \$101,269; and

MAYOR’S REPORT — continued

PORT SECURITY GRANT PROGRAM — continued

**WHEREAS**, it is desirable and in the public interest that the *Town of Stratford* to enter into a grant agreement with *the U.S. Department of Homeland Security*.

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

1. That it is cognizant of the Town’s application to the *U.S. Department of Homeland Security-Port Security Grant Program* in the amount of \$101,269; and
2. That it hereby authorizes, directs and empowers the Mayor or his designee to execute such contract with the *U.S. Department of Homeland Security*, 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. BARNABY SECONDED BY MR. SANTI TO APPROVE THE FOREGOING RESOLUTION. THE MOTION PASSED UNANIMOUSLY.

5.2 COMMITTEE REPORTS

5.2.1 ORDINANCE COMMITTEE —The Ordinance Committee conducted a public hearing and the regularly scheduled meeting on February 22, 2010 at which time the following was referred to the Town Council:

5.2.1.1 WITH FAVORABLE RECOMMENDATION

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

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 22)

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

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

WITH FAVORABLE RECOMMENDATION — continued

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

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 pages 23-42)

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

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

First reading: February 8, 2010

Public Hearing: February 22, 2010

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 pages 43-47)

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

5.2.1.2 AMENDMENTS TO ARTS COMMISSION § 5-52 — 53

§ 5-52. Composition; terms

The Arts Commission shall consist of seven members appointed by the Town Council, each of whom shall serve for a term of ~~five~~ three years with current members of the Arts Commission to serve out their existing terms from this day forward. ~~except that initial terms shall be as follows:~~

- A. ~~One member for a one-year term~~
- B. ~~One member for a three-year term;~~
- C. ~~One member for a three-year term;~~
- D. ~~Two members, each for a four-year term; and~~

COMMITTEE REPORTS — continued

ORDINANCE COMMITTEE — continued

AMENDMENTS TO ARTS COMMISSION § 5-52 — 53 — continued

~~E. — Two members, each for a five year term~~  
§ 5-53. Appointment of alternate members; terms  
 The Arts Commission members shall have ~~two~~ three alternate members appointed by the Stratford Town Council who shall serve for terms of ~~five~~ three years

RESOLVED: that § 5-52 — 53 of the Town code, Arts Commission, be and is hereby amended as reflected above.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO APPROVE THE FOREGOING AMENDMENT TO § 5-52 — 53 OF THE TOWN CODE. THE MOTION PASSED UNANIMOUSLY.

5.2.1.3 2010 BUDGET SCHEDULE/TIME LINE (Appended as pages 50-51)

Ms. Philips, Chairman of the Ordinance Committee, reviewed the schedule and amended one date: April 14.

5.2.33 TRANSPORTATION ADVISORY COMMITTEE — This Committee’s regularly scheduled meeting was not conducted on February 24, 2010.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. SANTI TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: “TRANSPORTATION ADVISORY COMMITTEE ORDINANCE.” THE MOTION PASSED UNANIMOUSLY.

TRANSPORTATION ADVISORY COMMITTEE ORDINANCE

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. PHILIPS TO REFER THE TRANSPORTATION ADVISORY COMMITTEE ORDINANCE TO THE ORDINANCE COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

5.3 TOWN ATTORNEY'S REPORT — No business furnished.

5.3.3 QUESTIONS TO THE TOWN ATTORNEY

Mr. Santi — re: Ordinance or regulation banning sledding at Boothe Park.

**6. QUESTIONS TO MAYOR OR STAFF**

Ms. Philips — re: (1) plan for street paving (2) Workman’s comp claims.

Mr. Barnaby — re: Airport Expansion

Mr. Santi — re: lack of adequate street lighting in various areas, crosswalk lines at Barnum and Bruce Aves.

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

7.1 SAEP — No business furnished.

7.2 TABLED ITEMS

7.2.2 FIRE DEPARTMENT THIRD PARTY BILLING — tabled during Council Meeting of February 8, 2010. Item from Mayor’s report

RESOLVED: that the plan for third party (a.k.a. Fire Service Billing) billing be and is hereby approved.

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

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. CATALANO TO APPROVE THE PLAN FOR THIRD PARTY BILLING. THE MOTION PASSED UNANIMOUSLY.

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

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.

UNFINISHED BUSINESS — continued

TABLED ORDINANCES AND RESOLUTIONS — continued

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

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

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.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO REMOVE THE FOREGOING THREE ORDINANCE (7.3.1, 7.3.2, 7.3.3) FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO REFER THE FOREGOING THREE ORDINANCE . (7.3.1, 7.3.2, 7.3.3) TO THE TOWN ATTORNEY. MESSRS. SANTI AND DEMPSEY WITH DRAW THE MOTION AND SECOND.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO REFER THE FOREGOING THREE ORDINANCES (7.3.1, 7.3.2, 7.3.3) TO THE ORDINANCE COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

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

7.4 TABLED APPOINTMENTS

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

A. RESOLVED: that MARGARET A. BACHTEL of 55 BURBANK DRIVE be and is hereby appointed a member of the Stratford Library Association. (term of Susan Fennell expires December 31, 2011) — resignation

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

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

C. 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 MS. PHILIPS SECONDED BY MR. SANTI TO REMOVE THE FOREGOING LIBRARY APPOINTMENTS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO APPOINT MARGARET A. BACHTEL OF 55 BURBANK DRIVE TO THE FOREGOING LIBRARY BOARD POSITION "A." THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. PHILIPS TO RETURN FOREGOING APPOINTMENTS B. AND C. TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.5 ARCHITECTURAL REVIEW BOARD (a.k.a. ARB) — in accordance with ordinance #07-06 passed Sept. 14, 2009. (ORDINANCE PREVIOUSLY FORWARDED)

Members nominated by the Mayor and appointed by approval of six (6) members of the Town Council.

Two (2) appointments shall expire on January 1, 2011 (thereafter – 2-year term)

Two (2) appointments shall expire on January 1, 2012 (thereafter – 2-year term)

One (1) appointment shall expire on January 1, 2013 (thereafter – 2-year term)

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. HOYDICK TO REMOVE THE FOREGOING ITEM FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY. After questions to the Town Attorney, A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO RETURN THE FOREGOING APPOINTMENTS TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.7 PLANNING COMMISSION, ALTERNATE MEMBER

RESOLVED: that MARY K. YOUNG of 429 RIVERDALE DRIVE 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.

UNFINISHED BUSINESS — continuedTABLED APPOINTMENTS — continuedPLANNING COMMISSION, ALTERNATE MEMBER — continued

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

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO APPOINT MARY YOUNG TO THE FOREGOING PLANNING COMMISSION POSITION. THE MOTION PASSED UNANIMOUSLY.

7.4.9 COMMITTEES CONCURRENT WITH COUNCIL (2-YEAR APPOINTMENTS)WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD “APPOINTMENT TO THE BUILDING NEEDS COMMITTEE.” TO THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

APPOINTMENT TO BUILDING NEEDS COMMITTEE

RESOLVED: that ROBERT S. LOZANOV of 117 MOUNT PLEASANT AVENUE be and is hereby appointed a member of the Building Needs Committee. (term concurrent with Council)

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. SANTI TO APPOINT ROBERT S. LOZANOV OF 117 MOUNT PLEASANT AVENUE TO THE FOREGOING COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMPSEY TO PLACE THE FOREGOING COMMITTEE ON THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.9.1 PARKS AND RECREATION COMMITTEE — per § 7-9 of Town Code: 7 electorate members, 2 alternates members (one R and one D)

7.4.9.1.1 REGULAR ELECTORATE MEMBERS — 2 NEEDED

RESOLVED: that MONICA LAZARO of 181 BIRDSEYE STREET be and is hereby appointed a member of the Parks and Recreation Committee. (term concurrent with Council)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

COMMITTEES CONCURRENT WITH COUNCIL — continued

PARKS AND RECREATION COMMITTEE — continued

7.4.9.1.2                    ALTERNATE MEMBER (D) — 1 D NEEDED

RESOLVED: that RUSSELL PAYTON of 265 WIKLUND AVENUE be and is hereby appointed an alternate member of the Parks and Recreation Committee. (term concurrent with Council)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO REMOVE THE FOREGOING PARKS AND RECREATION COMMITTEE APPOINTMENTS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MS. PHILIPS SECONDED MR. BARNABY TO APPOINT MONICA LAZARO AS REGULAR MEMBER (7.4.9.1.1) AND RUSSELL PAYTON AS AN ALTERNATE (7.4.9.1.2) OF THE PARKS AND RECREATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. SANTI TO RETURN THE REGULAR ELECTORATE MEMBER POSITION TO THE TABLE. THE MOTION PASSED UNANIMOUSLY.

7.4.9.2                    AIRPORT NOISE ABATEMENT COMMITTEE — per § 7-12 of Town Code

7.4.9.2.1                    RESIDENTS FROM WITH LORDSHIP SECTION OF STRATFORD (2)

RESOLVED: that CHARLES BITZER OF 115 SHORT BEACH RD – 305A be and is hereby appointed a member of the Airport Noise Abatement Committee representing the Lordship Section of Stratford. (term concurrent with Council)

RESOLVED: that WALTER P. RIMKUNAS OF 425 SECOND AVENUE be and is hereby appointed a member of the Airport Noise Abatement Committee representing the Lordship Section of Stratford. (term concurrent with Council)

7.4.9.2.2                    RESIDENT FROM DISTRICT TWO (1 needed)

RESOLVED: that CHANDRA DICKS OF 40 PRISCILLA LANE be and is hereby appointed a member of the Airport Noise Abatement Committee representing district two. (term concurrent with Council)

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

COMMITTEES CONCURRENT WITH COUNCIL — continued

AIRPORT NOISE ABATEMENT COMMITTEE — continued

7.4.9.2.3 ELECTORATE MEMBERS AT LARGE (2 needed)

RESOLVED: that DENISE NELSON OF 178 SIXTH AVENUE be and is hereby appointed an electorate at large member of the Airport Noise Abatement Committee. (term concurrent with Council)

RESOLVED: that VICTORIA WILCHINSKY OF 389 OCEAN AVENUE be and is hereby appointed an electorate at large member of the Airport Noise Abatement Committee. (term concurrent with Council)

APPOINTED BY PROTECT YOUR ENVIRONMENT:

RESOLVED: that MARCIA STEWART OF 59 BEERS PLACE be and is hereby appointed by Protect Your Environment to the Airport Noise Abatement Committee. (term concurrent with Council)

APPOINTED BY MAYOR OR HIS DESIGNEE:

RESOLVED: that AUSTIN FIELD of 1460 ELM STREET – UNIT 221 be and is hereby appointed by the Mayor or designee to the Airport Noise Abatement Committee. (term concurrent with Council)

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. SANTI TO REMOVE FOREGOING AIRPORT NOISE ABATEMENT COMMITTEE APPOINTMENTS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. CATALANO TO APPOINT THE FOLLOWING INDIVIDUALS AS A REPRESENTATIVE AS STATED ABOVE, TO THE AIRPORT NOISE ABATEMENT COMMITTEE:

- CHARLES BITZER OF 115 SHORT BEACH ROAD
- WALTER P. RIMKUNAS OF 425 SECOND AVENUE
- CHANDRA DICKS OF 40 PRISCILLA LANE
- DENISE NELSON OF 178 SIXTH AVENUE
- VICTORIA WILCHINSKY OF 389 OCEAN AVENUE

UNFINISHED BUSINESS — continued

TABLED APPOINTMENTS — continued

COMMITTEES CONCURRENT WITH COUNCIL — continued

AIRPORT NOISE ABATEMENT COMMITTEE — continued

- MARCIA STEWART OF 59 BEERS PLACE
- AUSTIN FIELD of 1460 ELM STREET – UNIT 221

THE MOTION PASSED UNANIMOUSLY.

7.4.9.4 PUBLIC SAFETY COMMITTEE (4 electorate members)

RESOLVED: that PAUL TAVERAS of 1372 SOUTH AVENUE be and is hereby appointed a member of the Public Safety Committee. (term concurrent with Council)

RESOLVED: that GAVIN FORRESTER of 103 ORCHARD STREET be and is hereby appointed a member of the Public Safety Committee. (term concurrent with Council)

RESOLVED: that ALEC VOCCOLA of 390 MT. PLEASANT AVENUE be and is hereby appointed a member of the Public Safety Committee. (term concurrent with Council)

RESOLVED: that KEITH TONI of 92 REEDS LANE be and is hereby appointed a member of the Public Safety Committee. (term concurrent with Council)

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. BARNABY TO REMOVE THE FOREGOING PUBLIC SAFETY COMMITTEE APPOINTMENTS FROM THE TABLE. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. BARNABY TO APPOINT THE FOLLOWING INDIVIDUALS TO THE PUBLIC SAFETY COMMITTEE: PAUL TAVERAS of 1372 SOUTH AVENUE, GAVIN FORRESTER of 103 ORCHARD STREET, ALEC VOCCOLA of 390 MT. PLEASANT AVENUE, KEITH TONI of 92 REEDS LANE AND, PENDING APPROVAL BY THE ORDINANCE COMMITTEE, ROBERT YAKOUBIAN, JENNIFER HILLGEN-SANTA AND ROSE BLACKWELL AS ALTERNATES. THE MOTION PASSED UNANIMOUSLY.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MS. PHILIPS TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: "RESOLUTION FOR THE REMOVAL OF TOXIC RAYMARK WASTES FROM STRATFORD." THE MOTION PASSED UNANIMOUSLY.

RESOLUTION FOR THE REMOVAL OF TOXIC RAYMARK WASTES FROM STRATFORD

Sponsored by:

Hon. Matthew Catalano, Councilman, 3<sup>rd</sup> District and the Entire Stratford Town Council

**WHEREAS:** In 2008, The Connecticut State Legislature has passed House Bill 606, An Act Prohibiting the Storage and Disposal of Toxic Waste Near Residential Properties and;

**WHEREAS:** The Governor of the State of Connecticut, the Honorable M. Jodie Rell, visited Stratford on July 7<sup>th</sup>, 2008 to sign the bill into law and;

**WHEREAS:** The Stratford Town Council and the Save Stratford Organization has recommended not consolidating Toxic Raymark Waste in Stratford and has also advocated for the full and complete removal of this material from Stratford, CT.

**NOW, THEREFORE BE IT RESOLVED:**

**THAT:** The Town Council hereby supports Save Stratford's recommendation that any plan to consolidate Toxic Raymark Waste in residential neighborhoods in Stratford, CT is not acceptable nor a good long term solution for the town and its residents and;

**THAT:** The Town Council is in agreement that the best long-term solution for the Town of Stratford and its residents is the complete removal from Stratford of all identifiable Raymark Waste.

**THAT:** The Town Council shall retain such legal and profession services, as it deems necessary to pursue a fully funded comprehensive plan from the Federal, State, and Local Agencies.

**FURTHERMORE:** The Town Council hereby demands that Federal, State, and Local Agencies work together to provide the Town of Stratford with a fully funded comprehensive clean-up plan that remediates all effected properties (list attached) and removes said Toxic Raymark Waste from Stratford.

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

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 AN AGENDA ITEM ENTITLED: "RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$41,000,000 TOWN OF STRATFORD GENERAL OBLIGATION REFUNDING BONDS". THE MOTION PASSED UNANIMOUSLY.

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$41,000,000 TOWN OF STRATFORD GENERAL OBLIGATION REFUNDING BONDS**RESOLVED:**

**Section 1.** Not exceeding \$41,000,000 General Obligation Refunding Bonds of the Town (the "Refunding Bonds") may be issued in one or more series and in such principal amounts as the Mayor and the Director of Finance shall determine to be in the best interests of the Town for the purpose of maximizing net present value savings and/or to moderate debt service payments. The Refunding Bonds are hereby authorized to refund all or any portion of any one or more series of the Town's outstanding General Obligation Bonds (the "Refunded Bonds"). The Refunding Bonds shall be issued and sold either in a negotiated underwriting or a competitive offering, and at such time or times as the Mayor and the Director of Finance shall determine to be most opportune for the Town. If the Refunding Bonds are sold in a negotiated underwriting, the Mayor and the Director of Finance shall approve and designate the managing underwriter. Each series of Refunding Bonds shall mature in such amounts and on such date or dates as shall be determined by the Mayor and the Director of Finance provided that no Refunding Bonds shall mature later than the final maturity date of the last maturity of any Refunded Bonds being refunded by such series. The Refunding Bonds shall bear interest payable at such rate or rates as shall be determined by the Mayor and the Director of Finance. The Refunding Bonds shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor and the Director of Finance bear the Town seal or a facsimile thereof, and be approved as to their legality by Robinson & Cole LLP, Bond Counsel. The Refunding Bonds shall be general obligations of the Town and each of the Refunding Bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate denominations, form, details, and other particulars thereof, including the terms of any rights of redemption and redemption prices, the designation of the certifying, paying, registrar and transfer agent, shall be subject to the approval of the Mayor and the Director of Finance. The net proceeds of the sale of the Refunding Bonds, after payment of underwriter's discount and other costs of issuance, shall be deposited in an irrevocable escrow account in an amount sufficient to pay the principal of, interest and redemption premium, if any, due on the Refunded Bonds to maturity or earlier redemption pursuant to the plan of refunding. The Mayor and the Director of Finance, are authorized to appoint an escrow agent and other professionals and to execute and deliver any and all escrow, investment and related agreements necessary to provide for such payments on the Refunded Bonds and to provide for the transactions contemplated hereby. The Mayor and the Director of

RESOLUTION ... AUTHORIZATION, ISSUANCE AND SALE ... \$41,000,000 TOWN OF STRATFORD GENERAL OBLIGATION REFUNDING BONDS — continued

Finance, are authorized to prepare and distribute preliminary and final Official Statements of the Town of Stratford for use in connection with the offering and sale of the Refunding Bonds, and they are hereby authorized to execute and deliver on behalf of the Town a Bond Purchase Agreement, a Continuing Disclosure Agreement, a Tax Regulatory Agreement and such other documents necessary or desirable for the issuance of the Refunding Bonds and the payment of Refunded Bonds.

**Section 2.** This resolution shall be effective until December 31, 2010.

The Chair recognized Mr. Mark Chapman, Bond consultant, to present an overview of the foregoing resolution.

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

**8. ORDINANCES AND RESOLUTIONS**

**8.1 AMENDMENT TO: Article VI. Boothe Park Commission**

§ 5-42. Establishment; membership; terms., [Amended 6-12-2000 by Ord. No. 00-13]

There shall be a Commission for the restoration and preservation of Boothe Park to be known as the "Boothe Park Commission." It shall consist of nine members to be appointed by the Stratford Town Council for terms as follows:

- A. Two members shall be appointed from the Town Council, one of whom shall be the Eighth District Council Member and the other shall be from the political party other than that represented by the Eighth District Council Member. Their terms shall run currently with the appointing Town Council.
- B. Two members shall be appointed for an initial three-year term, and thereafter members shall be appointed for successive three-year terms.
- C. Two members shall be appointed for an initial two-year term, and thereafter members shall be appointed for successive three-year terms.
- D. Three members shall be appointed for an initial one-year term, and thereafter members shall be appointed for successive three-year terms.

**Recommendation for Amendment**

There shall be a Commission for the restoration and preservation of Boothe Park to be known as the "Boothe Park Commission." It shall consist of nine members and three alternates, appointed by the Mayor. Alternates shall sit in the place of a member at the direction of the Chairman of the Committee.

AMENDMENT TO: Article VI. Boothe Park Commission — continued

A. Two members shall be appointed from the Town Council, one of whom shall be the Eighth District Council Member and the other shall be from the political party other than that represented by the Eighth District Council Member. Their terms shall run currently with the appointing Town Council.

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. CATALANO TO AMEND ARTICLE VI, BOOTHE PARK COMMISSION MEMBERSHIP, AS INDICATED ABOVE. THE MOTION PASSED UNANIMOUSLY.

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. HOYDICK TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD AN AGENDA ITEM ENTITLED: “ADDING THREE ALTERNATE MEMBERS TO PUBLIC SAFETY COMMITTEE.” THE MOTION PASSED UNANIMOUSLY.

ADDING THREE ALTERNATE MEMBERS TO PUBLIC SAFETY COMMITTEE

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. HOYDICK TO REFER THE FOREGOING ADDITION OF MEMBERS TO THE ORDINANCE COMMITTEE FOR REVIEW. MR. BARNABY OFFERED A FRIENDLY AMENDMENT TO REVIEW ALL ORDINANCES RE: MEMBERSHIP. MS. PHILIPS AND MR. HOYDICK ACCEPT MR. BARNABY’S FRIENDLY AMENDMENT. THE MOTION PASSED, AS AMENDED, UNANIMOUSLY.

**9. NEW BUSINESS**

**9.1 ANIMAL CONTROL FACILITY**

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. DEMPSEY TO REFER THE FOREGOING ITEM TO THE BUILDING NEEDS COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

**9.2 APPOINTMENTS**

9.2.1 STRATFORD HOUSING PARTNERSHIP, Council chairman’s Representative – appointed by Council chairman with advice of Council. § 5-63 of Town Code

RESOLVED: that \_\_\_\_\_ - of \_\_\_\_\_ be and is hereby appointed as the Council Chairman’s Representative to the Stratford Housing Partnership. (term of William Cabral expired February 22, 2010)

NEW BUSINESS — continued

APPOINTMENTS — continued

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

9.2.2 BOARD OF ASSESSMENT APPEALS, ADDITIONAL (TEMPORARY) MEMBERS — Appointed by Council, 2 year term (the year of and year after revaluation)

A. RESOLVED: that THOMAS McALARNEY of 24 PLEASANTVIEW AVE. be and is hereby appointed an additional member of the Board of Assessment Appeals. (term position currently vacant)

B. RESOLVED: that ROBIN GREENSPAN of 15 MARSH WAY be and is hereby appointed an additional member of the Board of Assessment Appeals. (term position currently vacant)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO APPOINT THOMAS McALARNEY AND ROBIN GREENSPAN TO THE FOREGOING POSITIONS ON THE BOARD OF ASSESSMENT APPEALS. THE MOTION PASSED UNANIMOUSLY.

9.2.3 BEAUTIFICATION COMMITTEE — appointed by Council, term concurrent with Council

RESOLVED: that SUSAN PROSI of 9 STILES STREET be and is hereby appointed a member of the Beautification Committee. (new appointment)

A MOTION WAS MADE BY MS. MEUSE SECONDED BY MR. POTTER TO APPOINT SUSAN PROSI OF 9 STILES STREET TO THE BEAUTIFICATION COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

10. 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. HOYDICK, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:40 P.M.

ATTEST: Carol Cabral  
Carol Cabral, Council Clerk

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.

**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 basement, 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 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.**

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 fire safety, 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 Antiblighthouse Committee informed on a quarterly basis as to the status of foreclosures of such referred blighted premises.

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

(3) Rehabilitation.

(a) The Antiblighthouse 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 Antiblighthouse 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.

<b><u>BUDGET SCHEDULE/TIME LINE</u></b>		
2010 Schedule	2009 Schedule	
<b>Budget Due by March 12<sup>th</sup></b>		Mayor's Budget presented to Town Council
Wednesday, March 24 <sup>th</sup> 6:30 pm	April 23, 2009	<b><u>BUDGET WORK SESSION at Center School</u></b> Board of Education
Saturday, March 27 <sup>th</sup> 9:00 am – 12:00 noon	April 21, 2009	<b><u>BUDGET WORK SESSION at Room 213 Town Hall</u></b> <b>Fire Department:</b> Administration, Fire Suppression, Communications Center, Fire Prevention, <b>Police Department:</b> Administration, Investigation, Patrol, Records, Traffic, Professional Standards, <b>EMS, Emergency Management</b>
Wednesday, April 7 <sup>th</sup> 6:30 pm	April 29, 2009	<b><u>BUDGET WORK SESSION in Room 213 Town Hall</u></b> <b>Finance:</b> Administration, Accounting and Treasury, Purchasing, Tax Assessment, Tax Collector, Computer Services <b>Overhead And Debt Service:</b> Contingency Accounts, Debt Service/Capital Purchases, Employee Benefits
Saturday, April 10 <sup>th</sup> 9:00 am – 12:00 noon	April 13, 2009	<b><u>BUDGET WORK SESSION at Room 213 Town Hall</u></b> <b>Public Works:</b> Administration, Building Inspection, Building Maintenance, Engineering, Highways, Town Garage, Parks, Refuse/Recycling, WPCA
Monday, April 12 <sup>th</sup> <b>Public Hearing 6:45 – 8:00 pm</b> Regular Town Council Meeting	April 13, 2009	Budget ordinances introduced on Council agenda (first reading took place)
Wednesday, April 14 <sup>th</sup> 6:30 pm	April 30, 2009	<b><u>BUDGET WORK SESSION in Room 213 Town Hall</u></b> <b>Human Services:</b> Community Services, Health Department, Senior Services, Sterling House, , Economic Development, Visiting Nurses Association, Recreation Department, Short Beach Complex Stratford Library Association
Wednesday, April 21 <sup>st</sup> 6:30 pm	April 29, 2009	<b><u>BUDGET WORK SESSION in Room 213 Town Hall</u></b> <b>Administration:</b> Office of the Mayor, Council Clerk, Human Resources, Town Attorney, Chief Administrative Officer, Registrar of Voters, Town Clerk, Town Buildings, Agencies, Planning and Zoning
Week of April 26 <sup>th</sup>		Town Council releases proposed budget changes
<b>Tuesday, May 4<sup>th</sup></b> <b>Public Hearing 7:00 – 9:00 pm</b>	May 6, 2009	Budget Public Hearing at Stratford HS
Wednesday May 5 <sup>th</sup>	May 7, 2009	Special Ordinance Committee meeting to refer Ordinance back to Council
<b>Wednesday May 5<sup>th</sup></b>	May 7, 2009	Second reading of ordinance during Special Council meeting – ordinance passed

Wednesday June 3 <sup>rd</sup> , 2010	June 6, 2009	Ordinance for budget in effect
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