



Stratford, Connecticut

MINUTES OF MEETING

THE STRATFORD TOWN COUNCIL CONDUCTED A REGULARLY SCHEDULED MEETING ON MONDAY, JUNE 14, 2010 IN COUNCIL CHAMBERS OF TOWN HALL, 2725 MAIN STREET, STRATFORD, CT PURSUANT TO NOTICE DULY POSTED.

CALL TO ORDER: 8:10 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. Thomas Malloy, Mr. Paul Hoydick

COUNCIL MEMBERS ABSENT: Mr. James Connor

OTHERS IN ATTENDANCE: Mayor John Harkins, Town Attorney Timothy Bishop, Asst. Town Attorney Kevin Kelly

INVOCATION PRESENTED BY FIFTH DISTRICT COUNCIL MEMBER HON. JOHN DEMPSEY FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

1. APPROVAL OF MINUTES — Minutes of Public Forum, Regularly scheduled meeting and Executive Session of May 10, 2010.

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

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

2. CEREMONIAL PRESENTATIONS AND AWARDS

A. Mayor Harkins and Council Chairman Thomas Malloy presented plaques of recognition to 4 HONOR BOARD Recipients.

PRESENTATIONS AND AWARDS — continued

B. Stratford High School Boys' basketball team, class L, was recognized as follows:

Jason Charles, Russell Payton, Brandon Sherrod, Rob Santo, Dashawn Moffatt, Jeff Miller, Shaquille Stanley Demetri Montes, Isaac Gyimak, Darnell Hudson, Michael Cody, AJ Arslan, Ryan Sosik, Albert Gyimak, Kyle Small, Jordan Weiss, Kyle Biddinger, Asia Bolling, Shaquan Baldwin, Avery Nelson, Demetrius Anderson, Tommy Bajda, Kahliem Terry, Tyler Gruttadauria, Bernard Brantley, Anthony Moncovich, Marcus Vereen, and Mike Tecci; Manager Imani Murphy; Coaches Mr. Dudzinski, Doc Rodar, Dan Donnelly, Bryan Chong, Anthony Pierro, Lou Pierro

C. Bunnell High School Dance Team, State Class L Champions as follows:

Catie Simon, Sam Rosenbaum, Stephanie Alletzhauser, Katie Williams, Alanna Delgado, Ashley Andruski, Kadidra Felix, Paige MacLeod, Amanda Knapp, Tina Esposito, Carly Arsenaault; coaches Pam Andruski and Kim Rosenbaum; Choreographer Liza Hanson

3. COUNCIL MEMBERS RESPONSE TO COMMENTS FROM PUBLIC FORUM

Mr. Catalano — re: Shakespeare Theater

Ms. Philips — re: Mr. Singh's comment re: smear campaign.

Mr. Santi — re: Mr. Singh's comment re: smear campaign.

4. COMMUNICATIONS, BILLS, PETITIONS, REMONSTRANCES

Ms. Philips mentioned several upcoming events: on July 2 the Army Jazz Concert Band will perform at Boothe Park, July 3 Fireworks will be conducted at Short Beach, "Blues" at the beach in July, The Shakespeare Festival will take place August 13-15, an ASA Softball Tournament will be conducted in August.

5. MAYOR'S REPORT, COMMITTEE REPORTS, TOWN ATTORNEY'S REPORTS

5.1 MAYOR'S REPORT

5.1.1 GREENWAY / BIKEWAY- AWARD OF CONSTRUCTION ENGINEERING & INSPECTION SERVICES CONTRACT

RESOLVED: That the Proposal of Tectonic Engineering Surveying Consultants PC be accepted and the Mayor be and is hereby authorized to execute a contract with Tectonic Engineering Surveying Consultants PC for construction engineering and inspection services in the amount not to exceed \$93,102.00.

MAYOR'S REPORT — continued

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

5.1.2 GREENWAY / BIKEWAY- AWARD OF CONSTRUCTION CONTRACT

RESOLVED: That the bid of Guerrera Construction Co. Inc., be accepted and the Mayor be and is hereby authorized to execute a contract with Guerrera Construction Co. Inc on the basis of their bid submitted for the performance of said work in accordance with the specifications prepared by the Milone and MacBroom, Inc, and subject to the inspection and approval of the Town Engineer and CT Department of Transportation.

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

5.1.3 RECLASSIFICATION OF CHIEF OF STAFF POSITION TO INCLUDE PUBLIC INFORMATION OFFICER AND STRATFORD TRAIN STATION LIAISON

RESOLVED: that, due to the scope of work of the Chief of Staff, which includes Public Information Officer and Stratford Train Station Liaison, the salary for Adam Bauer is now amended to the amount of \$75,000 per year.

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MR. HOYDICK TO APPROVE THE FOREGOING RECLASSIFICATION. THE MOTION PASSED WITH 8 IN FAVOR AND ONE OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — NO, MR. CATALANO — YES, MR. SANTI — YES, MR. DEMPSEY — YES, MR. POTTER — YES, MS. MEUSE — YES, MR. CONNOR — ABSENT, MR. MALLOY — YES, MR. HOYDICK — YES.

5.1.4 MAYORAL APPOINTMENTS

- A. Commission on Aging:
Dale McClanan: ending 11/30/2012
Frederick Dimenna ending 11/30/2013

A MOTION WAS MADE BY MR. HOYDICK SECONDED BY MR. BARNABY TO RATIFY THE FOREGOING COMMISSION ON AGING APPOINTMENTS. THE MOTION PASSED UNANIMOUSLY.

- B. Inland Wetlands and Watercourses Commission
Tom Fahey (Replace Jason Santi): ending 5/31/2012
James Tucciarone (Replace Bob Wanagot): ending 5/31/2014
John Waite- ALTERNATE (Vacant Seat): ending 5/31/2014
Anthony Capuano- ALTERNATE (reappoint): ending 5/31/2014

MAYORAL APPOINTMENTS — continued

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMSPEY TO RATIFY THE FOREGOING INLAND WETLANDS AND WATERCOURSES COMMISSION APPOINTMENTS. THE MOTION PASSED UNANIMOUSLY.

Edward Scinto – Waterfront Harbor Management Representative: ending 5/31/14

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMSPEY TO REAPPOINT EDWARD SCINTO TO THE INLAND WETLANDS AND WATERCOURSES COMMISSION. THE MOTION PASSED UNANIMOUSLY.

5.1.5 BOOTHE PARK PRESERVATION GRANT

RESOLVED: that the easement be and is hereby accepted and the Mayor is hereby granted authority to execute the attached contract. (appended as pages 49-54)

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

5.2 COMMITTEE REPORTS

5.2.1 ORDINANCE COMMITTEE —The Ordinance Committee conducted a public hearing and a regularly scheduled meeting on May 24 with following referred:

5.2.1.1 WITH FAVORABLE RECOMMENDATION

A. AMENDED ORDINANCE - CHAPTER 196 — TOW TRUCKS (#10-06)

First Reading: April 12, 2010

Public Hearing: May 24, 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 22-26)

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

B. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$11,087,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008 (#10-08)

First Reading: April 12, 2010

Public Hearing: May 24, 2010

ORDINANCES REFERRED WITH FAVORABLE RECOMMENDATION – continued

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 19)

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

C. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$10,890,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008-2009 (#10-09)

First Reading: April 12, 2010

Public Hearing: May 24, 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 20)

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

D. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$12,060,700 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2009-2010 (#10-10)

First Reading: April 12, 2010

Public Hearing: May 24, 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 21)

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

E. AMENDMENT TO ARTICLE III, CHAPTER 116, STREET SALES (#10-12)

First Reading: May 10, 2010

Public Hearing: May 24, 2010

ORDINANCES REFERRED WITH FAVORABLE RECOMMENDATION – continued

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 18)

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

F. ORDINANCE AMENDING CHAPTER 102 OF THE STRATFORD TOWN CODE: FLOOD DAMAGE PREVENTION (#10-14)

First Reading: May 24, 2010 Public Hearing: May 24, 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 27-45)

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

5.2.1.2 REFERRED WITHOUT RECOMMENDATION

A. AMENDED ORDINANCE - CHAPTER 14 - ARTICLE XVI - CLAIMS FOR MONETARY DAMAGES (#10-11)

First Reading: May 10, 2010 Public Hearing: May 24, 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 16-17)

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. BARNABY TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE. MR. CATALANO OFFERED A FRIENDLY AMENDMENT TO ADD THE VERBIAGE “SEEK APPROVAL MONTHLY”. MR. CATALANO WITHDREW THE AMENDMENT. THE MOTION PASSED WITH 8 IN FAVOR AND 1 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — YES, MS. PHILIPS — YES, MR. CATALANO — NO, MR. SANTI — YES, MR. DEMPSEY — YES, MR. POTTER — YES, MS. MEUSE — YES, MR. CONNOR — ABSENT, MR. MALLOY — YES, MR. HOYDICK — YES.

REFERRED WITHOUT RECOMMENDATION — continued

B. ORDINANCE REGULATING ICE CREAM TRUCK VENDORS (#10-13)

First Reading: May 10, 2010 Public Hearing: May 24, 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 55-58)

A MOTION WAS MADE BY MR. SANTI SECONDED BY MR. DEMSPEY TO APPROVE THE FOREGOING ORDINANCE FOR FINAL PASSAGE AS PRESENTED ON PAGES 55-58. MS. PHILIPS OFFERED A FRIENDLY AMENDMENT, SECONDED BY MR. SANTI, TO DELETE 7B AND ALL SENTENCES AFTER THE FIRST ONE IN 7E. (7E renumbered to 7D) THE MOTION TO AMEND PASSED UNANIMOUSLY. THE PRIMARY MOTION PASSED UNANIMOUSLY AS AMENDED.

5.2.8 BUILDING NEEDS COMMITTEE — The Building Needs Committee conducted the regularly scheduled meeting of May 17, 2010 at which time the following was referred with favorable recommendation:

Animal Shelter —Silver Petrucelli total change order fee is **\$44,650**.

RESOLVED: that the Silver Petrucelli change order fee for Animal Shelter for the amount of \$44,650.00 be and is hereby approved.

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

WAIVER OF COUNCIL RULES OF PROCEDURE

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. CATALANO TO WAIVE THE COUNCIL RULES OF PROCEDURE TO ADD THREE (3) AGENDA ITEMS: (1) GRANT FOR BUNNELL HIGH SCHOOL, (2) ESTABLISH THE BUILDING NEEDS COMMITTEE AS THE BUILDING COMMITTEE (3) BUNNELL HIGH SCHOOL SCIENCE WING ALTERATIONS. THE MOTION PASSED UNANIMOUSLY.

(1) GRANT FOR BUNNELL HIGH SCHOOL

RESOLVED: That the Town Council authorizes the Stratford Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the proposed project at the Bunnell High School.

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

COMMITTEE REPORTS — continued

BUILDING NEEDS COMMITTEE — continued

(2) ESTABLISH THE BUILDING NEEDS COMMITTEE AS THE BUILDING COMMITTEE

RESOLVED: That the Building Needs Committee is hereby established as the building committee with regard to the Science Wing Alterations at the Bunnell High School.

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

(3) BUNNELL HIGH SCHOOL SCIENCE WING ALTERATIONS

RESOLVED: That the Town Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the Science Wing Alterations at the Bunnell High School.

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

5.2.9 SHORT BEACH COMMISSION — The Short Beach Commission canceled the regularly scheduled meeting of May 3, 2010. At their regularly scheduled June 7, 2010 meeting, the following was referred to Council:

Refer the Golf Pro's contract to the Town Attorney for review

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

5.2.17 COMMUNITY DEVELOPMENT SUBCOMMITTEE OF THE ECONOMIC DEVELOPMENT COMMISSION — This subcommittee conducted the regularly scheduled meeting of May 25, 2010 at which time the following was referred to Council with favorable recommendation:

AN ORDINANCE ESTABLISHING A COMMUNITY DEVELOPMENT AGENCY (#10-16) (appended as pages 47-48)

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

COMMITTEE REPORTS — continued

5.2.24 EMS FUNDING COMMITTEE— This committee conducted the regularly scheduled meeting of May 18, 2010 at which time the following Capital budget line items were referred to Council with favorable recommendation:

A. Vehicle Cameras (page 88 of Capital budget) — Equip 5 ambulances and 1 paramedic intercept vehicle with cameras to enhance emergency vehicle operator safety — to move the current allocation of \$8,000 for vehicle cameras. —ACTION NOT TAKEN.

B. Decontamination System (page 80 of Capital Budget) — System to provide a rapid decontamination of vehicles, equipment, and areas where contaminants exist. The system will reduce the risk of transfer of infectious diseases — move \$50,000 allocated for this item to the unallocated fund balance. —ACTION NOT TAKEN.

C. Oxygen Generating System (page 84 of Capital Budget) — System separates the oxygen from all other components of atmospheric air to provide an on-site generating system to fill the portable and main oxygen cylinders. —ACTION NOT TAKEN.

5.3 TOWN ATTORNEY'S REPORT

5.3.1 Airport Purchase — continuing item — ACTION NOT TAKEN.

5.3.2 THERESA KRAUSE vs. TOWN

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

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

5.3.3 JOSEPH MAIDA vs. TOWN

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

TOWN ATTORNEY'S REPORT — continued

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

5.3.4 PERRY HOUSE FOUNDATION, INC. FOR USE OF 1128 WEST BROAD STREET LEASE AMENDMENT AGREEMENT

Sponsored By: Stratford Town Council

BE IT HEREBY RESOLVED that the Town of Stratford's Mayor, John A. Harkins, is authorized to enter into a Lease Amendment Agreement with the Perry House Foundation, Inc. for the lease of premises situated at 1128 West Broad Street, extending the term of the Lease five years, from April 1, 2010 through March 31, 2015, and gradually modifying Lessor's responsibility for Ongoing Expenses as defined in Section 4 of the original Lease Agreement dated December 31, 2003.

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

5.3.5 AUTHORIZING EASEMENT AGREEMENT WITH STATE OF CONNECTICUT FOR CHAIN LINK FENCE ON SEYMOUR STREET

Sponsored By: Stratford Town Council

BE IT HEREBY RESOLVED that the Town of Stratford's Mayor, John A. Harkins, is authorized to execute an Easement Agreement granting the State of Connecticut the right to install and maintain a five foot chain link fence in the right-of-way of Seymour Street at Bruce Avenue as more particularly shown on map to be filed in the Stratford Town Clerk's Office simultaneously with the execution of this Easement.

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

5.3.6 SPRINT/NEXTEL - CELL TOWER AGREEMENT

RESOLVED: that the Town of Stratford's Mayor, John A. Harkins, is authorized to execute the amended contract (amendment to PCA site agreement – site ID CT03XC349).

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

TOWN ATTORNEY'S REPORT — continued

5.3.7 JUDITH TERRACE WATER MAIN ASSESSMENTS

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

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

5.3.8 RESOLUTION TO AUTHORIZE LICENSE AGREEMENT WITH STRATFORD P.A.L. GIRLS SOFTBALL FOR USE OF WIGWAM , KING STREET AND BUNNELL HIGH SCHOOL SOFTBALL FIELDS

Sponsored By: Stratford Town Council

BE IT HEREBY RESOLVED that the Town of Stratford's Mayor, John A. Harkins, is authorized to enter into a License Agreement with Stratford P.A.L. Girls Softball to use Wigwam Field and Field House, King Street Softball Field, and Bunnell High School Softball Field for the period June 1, 2010 through May 31, 2013, for the annual sum of One (\$1.00) Dollar.

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

5.3.9 RESOLUTION TO AUTHORIZE LICENSE AGREEMENT WITH STRATFORD PONY BASEBALL FOR USE OF CLOVER AND HIGH PARK FIELDS

Sponsored By: Stratford Town Council

BE IT HEREBY RESOLVED that the Town of Stratford's Mayor, John A. Harkins, is authorized to enter into a License Agreement with Stratford Pony Baseball to use Clover Field and High Park Field for the period May 1, 2010 through April 30, 2015, for the annual sum of One (\$1.00) Dollar.

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

TOWN ATTORNEY’S REPORT — continued

5.3.10 RESOLUTION TO AUTHORIZE LICENSE AGREEMENT WITH STRATFORD LITTLE LEAGUE, INC. FOR USE OF SHORT BEACH FIELDS #2 AND #3

Sponsored By: Stratford Town Council

BE IT HEREBY RESOLVED that the Town of Stratford’s Mayor, John A. Harkins, is authorized to enter into a License Agreement with Stratford Little League, Inc. to use Short Beach Field #2 and Short Beach Field #3 for the period April 15, 2010 through October 15, 2010, in exchange for constructing Field Lights and a Field Control Center building on the property adjacent to said Fields within three years of the execution of this Agreement.

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

5.3.11 QUESTIONS TO THE TOWN ATTORNEY

Mr. Santi — re: Brownfields

6. QUESTIONS TO MAYOR OR STAFF — No questions.

7. UNFINISHED BUSINESS and/or OLD BUSINESS

7.1 SAEP — Action not taken.

7.2 TABLED ITEMS

7.2.1 AMENDMENT TO MAKE UP/MEMBERSHIP OF COMMUNITY DEVELOPMENT AGENCY (CDA) — tabled during Council Meeting of February 8, 2010.

Submitted by: Council member Stephanie Philips, district Two

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

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

AMENDMENT TO MAKE UP/MEMBERSHIP OF CDA — continued

by benefiting low- and moderate-income persons as defined by the U. S. Department of Housing and Urban Development.

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

(c) Chairman shall consist of Councilman representing the 2nd District, whose term shall run concurrently with the Council's term

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

A MOTION WAS MADE BY MS. PHILIPS SECONDED BY MR. SANTI TO STRIKE THE FOREGOING ITEM FROM THE AGENDA. THE MOTION PASSED UNANIMOUSLY.

7.3 TABLED ORDINANCES AND RESOLUTIONS — Remained on the table.

7.4 TABLED APPOINTMENTS

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

A. RESOLVED: that RENEE C. RICKARD-CASEY, MD of 29 LANDSDALE AVENUE, MILFORD, CT be and is hereby appointed a member of the Disability Review Board (term of James Ralabate, M.D. expired January 13, 2010)

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

A MOTION WAS MADE BY MR. BARNABY SECONDED BY MS. MEUSE TO APPOINT RENEE C. RICKARD-CASEY, MD TO THE FOREGOING POSITION. THE MOTION PASSED UNANIMOUSLY.

8. ORDINANCES AND RESOLUTIONS

8.1 AMENDMENT TO HORSESHOE CRAB ORDINANCE (#10-15)

sponsored by: Hon. Christian Barnaby, First District Council Member

RESOLVED: That the first reading of the above entitled Ordinance be and is hereby dispensed with as copies thereof have been previously furnished to each member of the Town Council, and that the same be adopted as a first reading and referred to the Ordinance Committee for a public hearing. (appended as page 46)

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

8.2 AN ORDINANCE APPROPRIATING \$8,842,613 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2011. (#10-17)

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

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

8.3 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,367,100 BONDS OF THE TOWN TO MEET THE APPROPRIATION FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT AND EQUIPMENT PROGRAM FOR FISCAL YEAR 2011 AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE (#10-18)

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

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

9. NEW BUSINESS

9.1 APPOINTMENTS

- 9.1.1 FINANCIAL ADVISORY COMMITTEE — established by resolution Feb. 11, 2008
- 9.1.2 WATERFRONT HARBOR MANAGEMENT COMMISSION — appointed by Council
 - 9.1.2.1 REGULAR MEMBER — 5-year term
 - 9.1.2.2 ALTERNATE MEMBERS — 2-year term

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

*Stratford Town Council meeting recessed: 10:25 p.m.
Stratford Town Council meeting reconvened: 11:20 p.m.*

ACTION TAKEN FROM EXECUTIVE SESSION

5.3.2 THERESA KRAUSE vs. TOWN

A MOTION WAS MADE BY MR. DEMPSEY SECONDED BY MR. CATALANO TO ACCEPT THE TOWN ATTORNEY’S RECOMMENDATION IN CONNECTION WITH THE FOREGOING CASE. THE MOTION PASSED WITH 6 IN FAVOR AND 3 OPPOSED VIA ROLL CALL VOTE AS FOLLOWS: MR. BARNABY — NO, MS. PHILIPS — YES, MR. CATALANO — YES, MR. SANTI — NO, MR. DEMPSEY — YES, MR. POTTER — YES, MS. MEUSE — NO, MR. CONNOR — ABSENT, MR. MALLOY — YES, MR. HOYDICK — YES.

5.3.3 JOSEPH MAIDA vs. TOWN

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

5.3.7 JUDITH TERRACE WATER MAIN ASSESSMENTS

A MOTION WAS MADE BY MR. CATALANO SECONDED BY MR. SANTI TO SCHEDULE A PUBLIC HEARING RE: WATER MAIN ASSESSMENTS. 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. SANTI, IT WAS VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:25 P.M.

ATTESTED BY: *Carol Cabral*
Carol Cabral, Council Clerk

AMENDED ORDINANCE - CHAPTER 14 - ARTICLE XVI - CLAIMS FOR MONETARY DAMAGES (#10-11)

Sponsored by: Town Council

Chapter 14, Article XVI of the Stratford Town Code entitled "Claims for Monetary Damages" is hereby amended as follows:

Section 14-44 Procedure for Filing Claims

~~A. Any claims seeking monetary damages from the Town of Stratford, except those related to sewer claims, workers' compensation claims, or claims either for which an action has been instituted in court or for which a notice of intent to sue has been filed with the Town Clerk pursuant to the requirements of the Connecticut General Statutes, shall be filed with the Finance Department. All such claims shall be forwarded by the Finance Department to the Town Attorney's Office for consideration by the Town Attorney's Office or the Finance and Claims Committee as herein provided. The Town Attorney's Office shall request and/or conduct an investigation into the merits of each such claim.~~

A. All claims seeking monetary damages from the Town of Stratford, except those related to workers' compensation claims, shall be filed with the Town Attorney's Office, which shall request and/or conduct an investigation into the merits of each such claim.

~~B. All claims in the nature of sewer claims shall be filed with the Water Pollution Control Authority, shall then forward the same to the Town Attorney's Office for consideration in accordance with the terms of this article.~~

~~CB. All notices of intent to sue the Town filed in the Town Clerk's Office pursuant to the requirements of the Connecticut General Statutes, and all writs, summons and complaints constituting legal action against the Town, shall be immediately forwarded by the Town Clerk's Office to the Town Attorney's Office for consideration in accordance with the terms of this article.~~

Section 14-45 Compromising or Settling Claims Up to \$50,000

Upon completion of the investigation requested and/or conducted by the Town Attorney's Office, the Town Attorney or an Assistant Town Attorney assigned to the particular claim, in consultation with the Town Administration, shall have the authority to compromise or settle any claim against the Town of Stratford, including sewer claims, which claim does not exceed the amount of ~~\$2,500~~ Fifty Thousand (\$50,000) Dollars. A report shall be provided ~~periodically~~ monthly* by the Town Attorney's Office to the ~~Finance and Claims Committee each month~~ Town Council and/or Water Pollution Control Authority as to the status of ~~all claims against such body resolved in accordance with this Section.~~ Any member of the Finance and Claims Committee or any member of the Town Council and/or Water Pollution Control Authority may request that further consideration be given to any claim which has been denied by the Town Attorney's Office.

*amended during Ordinance Committee meeting of May 24, 2010.

Section 14-46 Claims in Excess of \$2,500 \$50,000.

A. ~~Non-Sewer Claims~~ Claims Against the Town. Any ~~claims~~ claims, except sewer-claims under Section 14-46B below, in excess of \$2,500 Fifty Thousand (\$50,000) Dollars filed with the Finance Department and processed in accordance with this section shall be referred by the Town Attorney's Office to the Finance and Claims Committee for its consideration. The Finance and Claims Committee shall be required to refer such claims to the Town Council for a final consideration or vote; provided, however, that any such claim in excess of \$2,500 Fifty Thousand (\$50,000) Dollars which is to be paid, settled or compromised must be approved by the Town Council.

B. ~~Sewer Claims~~ Claims Against the WPCA. All sewer-claims against the WPCA in excess of Fifty Thousand (\$50,000) Dollars and processed in accordance with this section shall be referred by the Town Attorney's Office to the Water Pollution Control Authority for a final consideration or vote; provided, however, that any such sewer claim in excess of Fifty Thousand (\$50,000) Dollars which is to be paid, settled or compromised must be approved by the Water Pollution Control Authority.

**AMENDMENT TO ARTICLE III,
CHAPTER 116, STREET SALES (#10-12)**

Section 116-11 License required. It should be unlawful for any person to peddle, vend, sell, offer for sale or auction any goods, wares or merchandise upon the streets, sidewalks or public places of the Town without having first applied for and received a license from the Chief of Police and approval of the Zoning Commission of the Town of Stratford **This Chapter does not apply to the sale of ice cream and other frozen desserts from motor vehicles.**

Section 116-15. Revocation of license. The license issued pursuant to Section 116-11 may be revoked **for the balance of that license year** by the Chief of Police for violations by the holder thereof of any of the ordinances of the Town of Stratford or any state or federal law

Section 116-16. Violations and penalties. Any person in violation any of the provisions of Sections 116-11 through 116-15 shall, ~~upon the conviction thereof~~, be fined ~~not less than \$5 nor more than \$100 per day~~ for each offense. ~~Every day upon which such violation shall continue shall constitute a separate offense. If any person is convicted of any violation of any provision of Sections 116-11 through 116-15, the Clerk of the Town Court shall, upon final conviction in the Town Court or upon final conviction on appeal from the Town Court, notify the Chief of Police of the conviction, and the Chief of Police shall forthwith revoke the license of such convicted person for the balance of such year, and no new license shall be issued to that person during the year. Violators of this article shall have the right to file a written appeal to the Office of Citation Hearings within fifteen (15) days from the date of the imposition of the fines. Payment of fines and revocation of vendor's license shall be stayed until the appeal has been heard and ruled on by a Citation Hearing Officer in accordance with Sections 6-1 through 6-11 of the Stratford Town Code.~~

Section 116-17 Vending or Peddling from Vehicles.

A. **Except as otherwise provided by ordinance**, it shall be unlawful for any person to vend or peddle upon the public streets, public property and Town property of the Town of Stratford from any type of motor vehicle any commodity whatsoever.

B. The person who violates this section shall be fined ~~not less than~~ \$100 per day **for each offense. Violators of this article shall have the right to file a written appeal to the Office of Citation Hearings within fifteen (15) days from the date of the imposition of the fines. Payment of fines and revocation of vendor's license shall be stayed until the appeal has been heard and ruled on by a Citation Hearing Officer in accordance with Sections 6-1 through 6-11 of the Stratford Town Code.**

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$11,087,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007-2008 (#10-08)

WHEREAS, an ordinance entitled "An Ordinance Appropriating \$11,087,000 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2007-2008 (#07-17)" has been enacted by the Town Council at its meeting on September 10, 2007, as amended on December 15, 2008 and as further amended on May 11, 2009 (as amended, the "Original Appropriation Ordinance"); and

WHEREAS, the Town Council desires to further amend the Original Appropriation Ordinance to change the purpose of a public improvement set forth therein;

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. Section 1 of the Original Appropriation Ordinance is hereby amended to replace the description of the appropriation for the public improvement line item "West Broad Street Railroad Underpass Drainage" set forth therein with "King Street/West Broad Street/California Street Condo Channel/Tanners Brook".

Section 2. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: _____, 2010

Approved by Mayor:

Mayor Date

Notice of Passage Published: _____, 2010

Effective Date of Ordinance: _____, 2010

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$10,890,000 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008-2009 (#10-09)

WHEREAS, an ordinance entitled “An Ordinance Appropriating \$10,890,000 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2008-2009 (#08-07)” has been enacted by the Town Council at its meeting on August 5, 2008 (the “Original Appropriation Ordinance”); and

WHEREAS, the Town Council desires to amend the Original Appropriation Ordinance to change the purpose of a public improvement set forth therein;

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. Section 1 of the Original Appropriation Ordinance is hereby amended to replace the description of the appropriation for the public improvement line item “West Broad RR Underpass Drainage” set forth therein with “King Street/West Broad Street/California Street Condo Channel/Tanners Brook”.

Section 2. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: _____, 2010

Approved by Mayor:

Mayor Date

Notice of Passage Published: _____, 2010

Effective Date of Ordinance: _____, 2010

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$12,060,700 FOR VARIOUS PUBLIC IMPROVEMENTS IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2009-2010 (#10-10)

WHEREAS, an ordinance entitled “An Ordinance Appropriating \$12,060,700 For Various Public Improvements In The Capital Improvement Program For Fiscal Year 2009-2010 (#09-23)” has been enacted by the Town Council at its meeting on September 14, 2009 (the “Original Appropriation Ordinance”); and

WHEREAS, the Town Council desires to amend the Original Appropriation Ordinance to change the purposes of two public improvements set forth therein;

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF STRATFORD:

Section 1. Section 1 of the Original Appropriation Ordinance is hereby amended to replace the description of the appropriation for the public improvement line item (i) “California St Condo Channel” set forth therein with “King Street/West Broad Street/California Street Condo Channel/Tanners Brook”, and (ii) “Fiber Optic Transmission Line” set forth therein with “Fiber Optic Transmission Line/Ancillary Hardware/Software”.

Section 2. This ordinance shall become effective thirty days after its passage pursuant to Section 2.2.9 of the Town Charter.

Enacted by Town Council: _____, 2010

Approved by Mayor:

Mayor Date

Notice of Passage Published: _____, 2010

Effective Date of Ordinance: _____, 2010

AMENDED ORDINANCE - CHAPTER 196 — TOW TRUCKS (#10-06)

Sponsored by: The Town Council

Chapter 196 of the Stratford Town Code entitled "Tow Trucks" is hereby repealed and the following is substituted therefor:

Section 196-1 Permit required; application; fee; lottery system.

A. Permit. The Mayor or his/her designee shall issue not more than **ten** (10) permits **per year** to tow disabled, abandoned, stolen or ~~nonregistered~~ **non-registered** motor vehicles which are found within the limits of the Town to persons, partnerships, corporations or other entities which meet the requirements set forth in Section 196-3 of this chapter.

~~B. — Application.~~

~~1) Any person, partnership, corporation or other entity which meets the qualifications set forth in Chapter 196-3 of this chapter may submit a single application to the Mayor or his designee for purposes of receiving a permit.~~

~~2) The application shall be in a form specified by the Mayor or his designee and shall be made not earlier than February 1 of each year nor later than February 15 of each year.~~

~~C. Fee. The fee payable to the Town at the time the application for a permit is made shall be \$2,500. Said payment shall be made by certified checks.~~

~~D. Lottery. The Mayor or his designed shall conduct a lottery not later than March 1 of each year, of those entities which are qualified for the purposes of receiving a permit for purposes of developing the call list.~~

~~E. Pre-existing permittees. Notwithstanding provisions to the contrary, all permit holders on the effective date of this amendment shall be maintained on the eligible list if such permittee satisfies all other requirements set forth herein.~~

~~F. The Mayor or his designee shall conduct a lottery not later than February 21 of each year of those entities which are qualified for the purpose of receiving a permit and filling any open permit spots.~~

~~G. Chapter 196 is hereby repealed effective February 1, 1997 and reenacted as revised by the passage of this amendment with an effective date of February 1, 1997. All permit holders shall be pad a prorata refund of permit fees paid as of March 1, 1997. The pre-existing permittees shall remain on the call list until March 1, 1997, at which time the call list will be established in accordance with the provisions of this chapter.~~

Ordinance (#10-06) — continued

B. Lottery; Application for.

(1) If there are less than ten (10) permit holders, the Mayor or his/her designee, in their discretion, may conduct a lottery not later than February 21 of each year of those entities which meet the qualifications set forth in Section 196-3 of this chapter for the purpose of filling any open permit spots for the coming permit year.

(2) Any person, partnership, corporation or other entity interested in becoming a permit holder must submit an application for the lottery no later than February 10 of each year. Said application shall be in a form approved by the Mayor and submitted to the Police Department together with all documentation required pursuant to Section 196-3 of this chapter. No applicant will be eligible for the lottery if the documentation is incomplete.

(3) If a lottery is held and an applicant is selected to fill an open permit spot for the coming permit year, the applicant must pay a permit fee in the amount of \$2,500 prior to March 1. Said payment shall be made by certified check and shall be non-refundable. Failure of a new permit holder to pay the permit fee in full prior to March 1 shall result in the immediate revocation of the permit.

(4) All current permit holders on the effective date of this amendment shall be maintained on the eligible list if such permit holder satisfies all other requirements set forth in this chapter.

Section 196-2. Duration of Permit; payment of Permit fee.

A. Any A permit issued pursuant to this chapter shall be valid from March 1 through the last day in February of the year following the year the applications are submitted **unless the permit is suspended or revoked pursuant to Section 196-9 of this chapter.**

B. For the permit year commencing March 1, each applicant shall pay one-half of its fee at the time the application for a permit is made, and the balance of the fee shall be paid on or before September 1. Failure of any permit holder to make either of these payment shall result in a permit not being issued, or a permit holder's permit being revoked.

B. Each permit holder shall pay to the Town prior to the commencement of the permit year on March 1, the full permit fee in the amount of \$2,500. Said payment shall be made by certified check and shall be non-refundable. Failure of a permit holder to pay the permit fee in full prior to March 1 shall result in the immediate revocation of the permit.

Section 196-3 Qualifications of applicants; requirements of permit holders. ~~Permit Requirements.~~

Any person, partnership, corporation or other entity which submits an application shall, at the time of submitting the application, and if awarded a permit shall, during the time for which the permit is valid meet the following qualifications:

Ordinance (#10-06) — continued

All permit holders must be in full compliance with the following requirements during the term of the permit:

- A. **All permit holders**, individuals, **including** all partners of a partnership and all officers of a corporation which receive a **are** permit **holders**, shall be citizens of the United States and of the State of Connecticut. ~~and shall be of good moral character.~~
- B. Each applicant and each permit holder shall hold **provide proof of** a valid Connecticut new car dealer's license or a general repairer's license.
- C. Location requirements.
- 1) Each applicant shall, ~~at the time the application is submitted, and each~~ permit holder shall, during the period for which the permit is valid, maintain a business location within the limits of the Town of Stratford which shall include a covered storage space for a minimum of seven **(7)** automobiles of standard size and yard storage space sufficient to store **twenty** (20) automobiles of standard size, said space to be enclosed by a steel, chain-link fence no less than six **(6)** feet in height. The storage area must be on the licensee's premises. Open areas between adjacent property lines or buildings shall be fenced in. **A certificate of zoning compliance shall accompany such application and such location must be in compliance with all applicable state and municipal laws and regulations throughout the duration of the permit.**
 - 2) An applicant or permit holder may share, co-own or lease a location for purposes of meeting the requirements set forth in Subsection C(1) of this section with any other applicant or permit holder, except that each applicant or permit holder shall individually meet the requirements set forth in Subsection C(1) of this section.
- D. Wreckers shall be registered to or leased by the applicant or permit holder. ~~The~~ **Each** permit holder shall have at least two **(2)** wreckers and one **(1)** flatbed available **registered** in Stratford at all times, and a tow truck or a flatbed if requested of the permittee shall be at the scene within **thirty** (30) minutes of the call.
- E. Each permit holder shall agree to indemnify and hold harmless the Town of Stratford, the Stratford Police Department, and all officers, employees, agents and officials of the Town of Stratford, from all claims, expenses, attorney fees, charges, causes of action, suits, defaults or judgment resulting from the negligence or alleged negligence of the permit holder.
- F. Each permit holder shall be required to maintain general liability insurance which shall include products, completed operations and personal injury coverage with a minimum of \$1,000,000 per occurrence, with an aggregate of \$1,500,000, and automobile liability with a minimum of \$1,000,000 combined single limit. The applicant for a permit shall annex a copy of the insurance certificate to its permit application. The permittee shall immediately notify the Mayor or his

Ordinance (#10-06) — continued

designee upon notice of cancellation or termination of said insurance. In addition to the permit holder, the certificate of insurance shall list the Town of Stratford as an additional named insured. An applicant shall also annex to its permit application proof that the applicant has workers' compensation insurance.

G. Each applicant ~~permit holder shall provide to the Police Department before March 1 of each year, to its application~~ a list of the name, address, date of birth and Connecticut operator's license number of each person who is authorized to operate the applicant's ~~permit holder's~~ tow truck. A permit holder shall notify the Mayor ~~or his designee~~ **and the Police Department within twenty-four (24) hours** whenever a person listed is no longer authorized to operate the permit holder's tow truck or when a new person becomes authorized to operate the permit holder's tow truck. ~~The applicant shall certify that the persons listed to operate the applicant's tow trucks are of good moral character and are in good health and do not have any physical or mental disability which would adversely affect the person's ability to operate the applicant's tow truck.~~

H. Each applicant ~~and each permit holder~~ **and each owner of real or personal property used in such permit holder's business, including without limitation, the owner of any location specified by permit holder pursuant to Section 196-3 herein,** shall be current on all taxes due and owing the Town of Stratford. Any permit holder which is not current on all taxes due or owing the Town of Stratford shall have its permit suspended **or revoked pursuant to Section 196-9 herein,** until such time as all taxes due and owing the Town of Stratford, together with all interest and penalties due, are paid in full. ~~No application for the lottery shall be accepted unless the applicant's taxes, together with any interest and penalties, due and owing the Town of Stratford at the time the application is made are paid in full.~~ **The Police Department shall provide to the Tax Collector and Tax Assessor a current list of permit holders no later than April 1 of each year.**

Section 196-4. Written agreement provided.

All permit holders are required to ~~Any person, partnership, corporation or entity which is granted a permit pursuant to this chapter shall enter into a written agreement with the Town of Stratford. Failure to enter into said agreement shall result in a permit not being issued to the entity **the revocation of the permit.** Any permit holder which violates any provision of the agreement shall have its permit suspended or revoked from the date the violation is discovered until 30 days after the violation is corrected. A subsequent violation of the agreement shall result in the permit being revoked, **pursuant to Section 196-9 of this chapter.**~~

Section 196-5. Inspection of tow trucks.

Each tow truck owned or leased by a permit holder which will be used by the permit holder shall be subject to inspection by the Stratford Police Department. Only those tow trucks which are approved by the Stratford Police Department and which have a certificate of approval attached to them by the Stratford Police Department shall be utilized by the permit holder when responding to a call.

Ordinance (#10-06) — continued

Section 196-6. Change in ownership.

Any change in ownership of any entity which holds a permit issued pursuant to this chapter shall be reported to the Mayor or his designee **and the Police Department** within **twenty-four** (24) hours of such change.

Section 196-7. Call list.

The permit holders shall be called on a rotating basis as they appear on the call list established pursuant to Section 196-1 of this chapter.

Section 196-8. Policy for towing operations.

The Mayor or his/**her** designee shall develop a policy to be utilized by the Town and by the permit holders in carrying out towing operations within the Town of Stratford. The Mayor or his/**her** designee shall submit the policy to the Town Council for approval. The Town Council may amend the policy prior to approval.

Section 196-9. Suspension or revocation of permit.

Any permit holder which violates any provision of this chapter shall have its permit suspended from the date the violation is discovered until **thirty** (30) days after the date the violation is corrected **to the satisfaction of the Mayor or his/her designee**. Any subsequent violation of this chapter **in the same permit year** shall result in **the immediate** revocation of the permit **from the date the subsequent violation is discovered for a period of one year, after which the violator can re-apply for a permit only at the discretion of the Mayor.**

**AN ORDINANCE AMENDING CHAPTER 102
OF THE STRATFORD TOWN CODE:
FLOOD DAMAGE PREVENTION (#10-14)**

Sponsored By: STRATFORD TOWN COUNCIL

WHEREAS, the Federal Emergency Management Agency (FEMA) is revising the Flood Insurance Rate Maps (FIRM) effective June 18, 2010; and

WHEREAS, the Department of Environmental Protection has reviewed Stratford's Amended Flood Damage Prevention Ordinance, effective April 7, 2010, and has recommended further changes to the Ordinance which must be adopted and in effect as of June 18, 2010 in order for Stratford to remain eligible to participate in the National Flood Insurance Program (NFIP); and

WHEREAS, ordinances generally do not go into effect until thirty days after passage unless declared an emergency measure on the ground of an urgent public need for the preservation of peace, health, safety or property; and

WHEREAS, the Department of Environmental Protection is requiring further amendments to the Ordinance effective June 18, 2010, or Stratford may lose its eligibility to participate in the National Flood Insurance Program;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWN OF STRATFORD That Chapter 102 of the Town Code be declared an emergency ordinance to be effective as of June 18, 2010, following the adoption and approval of the attached amendments to the Ordinance.

**PROPOSED AMENDMENTS TO CHAPTER 102
FLOOD DAMAGE PREVENTION ORDINANCE (#10-14)**

§ 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 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 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 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-AE 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-VE 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 of which the 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 Zone VE and special flood hazard areas designated as Zones 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). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 102-18.C. of this ordinance.

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 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 alteration 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 compliant 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.

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§ 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 are identified by 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, its agents, servants and/or employees, or the 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 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 Superior Court as provided in § 8-8 of the Connecticut General Statutes.

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

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

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

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

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

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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 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 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 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.

§ 102-19. Coastal high-hazard area.

Coastal high-hazard areas (VE 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 at least one (1) foot above the base flood elevation (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), 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 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.

§ 102.27. Effective Date.

The effective date of this Ordinance is June 18, 2010.

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AMENDMENT TO HORSESHOE CRAB ORDINANCE (#10-15)

(Current)

ARTICLE III Horseshoe Crabs (§ 175-9 - § 175-11) Close Open All Print Basic View[Adopted 7-10-1989Editor's Note: Article III, Horseshoe Crabs, was amended in its entirety 7-13-2009 by Ord. No. 09-24; said amendment was repealed and Art. III reinstated 9-14-2009.]§ 175-9 Removal prohibited.

No person shall remove live horseshoe crabs from any Town beach, recreational area or the waters adjacent to such areas for commercial purposes.
§ 175-10 Violations and penalties.

Any person who violates any provision of this article shall be fined no less than \$25 and no more than \$100 or imprisoned for not more than 15 days, or both.
§ 175-11 Enforcement.

The Town of Stratford may enforce the provisions of this article by injunction to prevent the harvest of live horseshoe crabs.

(Proposed Changes)

"No person shall remove live horseshoe crabs from any town owned beach, or recreational area, or the waters adjacent to such areas for commercial purposes."

AN ORDINANCE ESTABLISHING A COMMUNITY DEVELOPMENT AGENCY (#10-16)

I. Purpose.

This ordinance is adopted pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and C. G. S. §8-169a et seq., which provide for a community development program to replace previous federal and state programs, since terminated. Said statutes provide for the creation of a local agency to administer community development funds without establishing any regulations or guidelines to govern such local agency. It is, therefore, the intent of this ordinance to create such an agency and to grant it any and all authority necessary to administer community development funds received by the Town of Stratford in accordance with the aforesaid statutes.

II. Creation.

The Community Development Agency of the Town of Stratford is hereby created.

III. Appointments and Terms.

The Mayor shall appoint, subject to the approval of the Stratford Town Council, at least five (5), but no more than nine (9) resident electors to the Community Development Agency, as follows:

- (a) Town Councilmen, which number shall not exceed a simple majority of the membership of the Agency and whose term of service shall run concurrent with their term on the Stratford Town Council, but shall at a minimum include those Councilmen who represent Council Districts Two (2), Four (4), and Five (5).
- (b) Members of the general electorate which have their permanent residence within those United States Census block groups where Community Development Block Grant activities undertaken in accordance with Title I of the Housing and Community Development Act of 1974, as amended, would meet an area benefit national objective of said Act by benefiting low- and moderate-income persons as defined by the U. S. Department of Housing and Urban Development, shall compose the balance of the membership and shall serve terms that run concurrently with that of Town Council. This class of members may be reappointed over time without limitation, except as provided for in the Town Charter.

IV. Organization.

At its first meeting following establishment, and at the beginning of each Town Council term thereafter, the Agency shall elect a Chairman, a Vice-Chairman, and such other officers as it deems necessary for the conduct of its duties. Only Town Councilmen shall be eligible to be elected Chairman and Vice-Chairman. The Agency may adopt rules to effect the efficient conduct of its business. A simple majority of all Agency members shall constitute a quorum for conducting Agency business. The Vice-Chairman shall conduct regular Agency meetings in the absence of the Chairman.

AN ORDINANCE ESTABLISHING A COMMUNITY DEVELOPMENT AGENCY — cont'd

V. Powers and Duties.

The Agency shall continue all the duties and responsibilities of the Community Development Subcommittee of the Economic and Community Development Commission, which Subcommittee shall cease to exist with the adoption of this ordinance. With the adoption of this ordinance, members of the extant Community Development Subcommittee, insofar as they meet the criteria of membership found in Section III. above shall automatically become members of the Community Development Agency.

More specifically, the Agency shall prepare, in accordance with Title I of the Housing and Community Development Act of 1974, as amended, and other federal statutes governing the Community Development Block Grant (CDBG) Program, a community development plan which it may amend according to the procedures set forth in federal regulations governing the CDBG Program.

The community development plan, along with any substantial amendments, as defined by the Town of Stratford Citizen Participation Plan or similar document so designated by the U. S. Department of Housing and Urban Development (HUD); contracts and change orders obligating the Town of Stratford, as set forth in the Code of the Town of Stratford; or formal recommendations of the Agency shall require the approval of Town Council or the Mayor, as appropriate, or as dictated by the Town Charter and/or the Code of the Town of Stratford.

The Agency shall be assisted in its development of a community development plan by Town of Stratford staff from the Department of Community/Economic Development, which may include a Department Director, a Community Development Administrator, or such other staff appointed or designated by the Mayor, which staff shall be responsible for administering community development funds received by the Town of Stratford in accordance with the aforesaid statutes.

Nothing in this ordinance shall be construed as conferring any administrative authority over the staff and operations of the Department of Community/Economic Development or other departments the Town of Stratford may establish for the administration of federal community development funds. The Agency shall have no authority to incur any expenses without the prior approval of the Mayor and Town Council.

EASEMENTS, DECLARATION OF COVENANTS, AND DECLARATION OF PRESERVATION RESTRICTIONS

This grant of Easements, Declaration of Covenants, and Declaration of Preservation Restrictions, executed the _____ day of _____, 2010 by the Town of Stratford, (hereinafter referred to as “Grantor”) and in favor of the STATE OF CONNECTICUT (hereinafter referred to as “Grantee”), acting by the CONNECTICUT COMMISSION ON CULTURE AND TOURISM, an agency of the State of Connecticut having its offices at On Constitution Plaza, 2nd Floor, Hartford, Connecticut 06103.

WITNESSETH THAT,

WHEREAS, the Grantee has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of buildings, structures, objects, districts, areas and sites significant to the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation, and in particular the Grantee has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of the site and improvements thereon (hereinafter referred to cumulatively as the “Property”) which are described in Exhibits A and B hereof, together with any further exhibits to which Exhibit B may refer, attached thereto and made a part hereof, which site and improvements are hereby declared to be significant in the history, architecture, archeology or culture of the State of Connecticut, its municipalities or the nation; and

WHEREAS, the Grantee wishes to protect and further such interest by acquiring legally enforceable rights, running with the land, to ensure that the Grantor and its successors in title to the Property use and maintain said Property in a way which will advance and further such interest; and

WHEREAS, the Grantor likewise has an interest in the maintenance, protection, preservation, restoration, stabilization and adaptive use of the Property, which the Grantor acknowledges to be significant to the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation; and

WHEREAS, the Grantor has represented itself as the owner in fee simple of the Property subject only to the encumbrances recited in Exhibit A hereof; and

WHEREAS, the Grantor wishes to impose certain limitations, restrictions, obligations and duties upon itself as the owner of the Property and on the successors to its right, title or interest thereon, with respect to maintenance, protection, preservation, restoration, stabilization and adaptive use of said Property in order to protect the historical, architectural, archaeological and cultural qualities of the Property; and

WHEREAS, the grant of easements in gross from the Grantor, its heirs, successors and assigns to the Grantee, and the declaration of covenants and preservation restrictions by the Grantor on behalf

of itself, its heirs, successors and assigns in favor of the Grantee, its successors and assigns, will assist, advance and protect the interests recited above; and

WHEREAS, among the purposes of this instrument is the purpose of the Grantor to guarantee the preservation of the historical and architectural qualities of the Property, as provided in Section 10-321b(b) of the Connecticut General Statutes and as set forth in Section 10-32b(c) of said Statutes, and to impose on the Property "preservation restrictions" as that term is used in Section 47-42a(b) of the Connecticut General Statutes;

NOW, THEREFORE, the Grantor, declaring its intention that it, its heirs, successors and assigns be legally bound hereby, in favor of the Grantee, its successors and assigns, and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, does hereby give, grant, bargain, sell and confirm to said Grantee, its successors and assigns forever, easements in gross and the benefit of covenants, preservation restrictions and obligations (all as more particularly described herein and in Exhibit B hereof, together with any further exhibits to which Exhibit B may refer, attached hereto and made a part hereof) in and to the Property. The easements, covenants, preservation restrictions, and obligations herein described shall constitute binding restrictions, servitudes and obligations upon the Property of the said Grantor and upon the Grantor and its successors in title and interest for the benefit of the Grantee, its successors and assigns; and to the end the Grantor hereby grants and covenants as follows on behalf of itself, its heirs, successors and assigns, jointly and severally, to and for the benefit of the Grantee, its successors and assigns, it being the intent of the Grantor and Grantee that said grants and covenants shall run as a binding servitude with the land;

1. The Grantor agrees to assume and pay the total costs of the continued maintenance, good and sound repair, and administration of the Property, where now existing or henceforth constructed, so as to preserve and maintain the historical, architectural, archeological and cultural qualities of the same for period of twenty (20) years in a manner satisfactory to the Grantee, its successors and assigns. For this purpose, the historical, architectural, archeological and cultural qualities of the Property shall be deemed to be those qualities described in Exhibits A and B hereof.

2. Without express prior written permission of the Grantee, signed by its duly authorized representative, or the express written permission of the Grantee's successors or assigns, signed by their duly authorized representative or representatives, no building or other structure or improvement shall be built or maintained on the Property site other than those buildings, structures and improvements which are as of this date located on the site, as shown in Exhibits A and B hereof, together with any further exhibits to which Exhibits A and B may refer, attached hereto and made a part hereof; and no alteration or any other thing shall be undertaken or permitted to be undertaken on said site which would affect more than marginally and insignificantly the appearance or the historical, architectural, archeological and cultural qualities of the Property; PROVIDED, HOWEVER, that the maintenance, repair and preservation of the Property may be made without the written permission of the Grantee or its successors or assigns, and PROVIDED FURTHER,

HOWEVER, that the Grantor may and shall, at its own expense, restore the existing buildings, structures and improvements on the Property site as provided in Exhibit B hereof,

together with any further exhibits to which Exhibit B may refer, attached hereto. The express prior written permission of the Grantee or its successors or assigns as provided in this Section 2 shall not be unreasonably withheld. Upon written request for such permission submitted via certified mail, return receipt request by the then owner or owners of the Property site and the buildings, structures and improvements thereon, the Grantee, or its successors or assigns, shall act upon such request within ninety days of the receipt thereof, and if such request for permission is not denied in writing mailed to the said requesters at the address or addresses set forth in the request within said ninety days, such request shall be deemed approved and such permission shall be deemed granted.

3. The Property shall not be subdivided.

4. Representatives of the Grantee may inspect the Property at reasonable intervals upon reasonable notice to the possessor thereof in order to determine whether or not the covenants, restrictions, agreements and obligations recited herein are being adhered to and observed.

5. In the event of the nonperformance or violation of any duties of the Grantor, its successors, heirs or assigns, under any easement, covenant or preservation restriction provided herein, the Grantee may sue for money damages. In addition, the Grantee may institute suit to enjoin such violation and to require the restoration of the Property site, buildings, structures, or improvements thereon to the condition required by this instrument and the attachments hereto. In addition, representatives of the Grantee may do whatever is reasonably necessary, including entering upon the Property, in order to correct any such nonperformance or violation, and the Grantee may then recover the costs of said correction from the then owner or owners of the Property, site, buildings, structures and improvements. Should the Grantee resort to any of the remedies set forth in this paragraph, it may recover from the legally responsible parties all costs and expenses incurred in connection with such remedies including, but not limited to, court costs and reasonable attorney's fees.

6. The Grantee may assign the benefit of the easements, covenants, restrictions, obligations and duties set forth in this instrument to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of buildings, structures and sites significant in the history, architecture, archaeology or culture of the State of Connecticut, its municipalities or the nation, and such assignee may act under this instrument in the same way that the Grantee would have acted, and such assignee shall have a like power of assignment.

7. Without the express prior written permission of the Grantee, its successors or assigns, the Property shall be used for the following purposes and no other:

Educational and recreational purposes consistent with the mission of the Boothe Memorial Park and Museum.

The procedure for the requesting and granting of such express prior written permission under this section 7 shall be the same as that set forth in Section 2 of this instrument and such permission shall not be unreasonably withheld.

8. The Grantor covenants for itself, its heirs, successors and assigns that the Property shall be open to the public for viewing of its exterior and interior(s) at least twelve days a year on an equitably spaced basis between the hours of 11:00 AM and 1:00 PM and at other times by appointment. The Grantor shall publish notices, giving dates and times when the Property will be open to the public, in newspapers of general circulation in the community or area in which the Property is located.

Documentation of such notices will be furnished annually to the State Historic Preservation Officer during the term of this covenant, easement and preservation agreement. No charges shall be made for the privilege of such viewing except to the extent that such charges have been approved in advance and in writing by the duly authorized representative or representatives of the Grantee. The procedure for submitting and responding to any request to the Grantee or its successors or assigns for permission to make such changes (which request shall include a proposed schedule of such charges) shall be the same as the produced set in Section 2 of this agreement.

9. The Grantor, its heirs, successors and assigns, shall maintain for the Property such public liability and fire and extended coverage insurance, and flood insurance if the same is available, as shall, from time to time, be required by the Grantee, its successors or assigns, and shall provide them with satisfactory evidence of such insurance. It is contemplated by the parties hereto that the proceeds of such fire and extended coverage and flood insurance shall be used to repair and restore the Property site, buildings, structures and improvements should they be damaged or destroyed by an peril which the grantor, its successors, heirs and assigns are required to insure against or which they have insured against. To the extent that the Property is destroyed or damaged by any casualty which the Grantor or its heirs, successors or assigns are not required to insure against and have not insured against, the Grantee, its successors and assigns shall have none of the remedies set forth out in Section 5 of this instrument for failure to repair such damages. The Grantor, its heirs, successors and assigns shall also maintain sufficient liability insurance to render the Grantee, its successors and assigns, harmless in any action arising from the acquisition, restoration, operation, maintenance, alteration or demolition of the Property or any portion of the Property, and shall provide them with satisfactory evidence of said insurance.

10. The Grantor warrants and represents that it is the owner in fee simple of the Property and all appurtenances hereto, and no other person or entity has any Interest therein, except as set forth in Exhibit A hereof.

11. The Grantor agrees to comply with Title VI of the civil Rights Act of 1964 [42 USC 2000(d)] and Section 504 of the Rehabilitation Act of 1973 [29 USC Section 794]. These laws prohibit discrimination of the basis of race, religion, national origin, or handicap. In implementing public access, reasonable accommodation to qualified handicapped persons shall be made in consultation with the Grantee. The Grantor, its heirs, successors and assigns agree that discrimination on the basis of race, color, national origin or disability will not occur in implementing public access provisions in accordance with 43 CFR 17.260.

12. The Grantor agrees and covenants that the provisions of this instrument will be inserted by it into any subsequent deed or instrument of conveyance whereby it transfers title to or any interest in the Property or any portion of the Property.

13. Wherever the context of this instrument would reasonably be deemed to so require, any gender shall include any other gender, the plural shall include the plural.

14. The rights, remedies, privileges, duties and obligations of this instrument shall inure to the benefit of, and be binding upon, as the case may be, the heirs, successors and assigns of the Grantor and Grantee, and the duties set forth herein shall run with the land, except that the provision of the first sentence of the second paragraph of Section 2 shall not run with the land.

15. The easements, covenants and restrictions set forth herein shall terminate twenty (20) years from the date of this instrument, but such termination shall not affect rights accrued under this instrument prior to such termination.

EXHIBIT A

Exhibit A to an instrument entitled: EASEMENTS, DECLARATION OF COVENANTS, DECLARATION OF PRESERVATION RESTRICTIONS, executed on the ____ day of ____, ____, by _____, and that the STATE OF CONNECTICUT, acting by the CONNECTICUT COMMISSION ON CULURE AND TOURISM and made a part thereof.

The property encompassed by the term of this Preservation Restriction includes all the land with the buildings, structures and appurtenances thereon commonly known as
Boothe Memorial Park and Museum

“As that certain piece of parcel of land, together with the buildings and improvements located thereon, situated in the _Town of Stratford_, County of _Fairfield_ and the State of Connecticut, bounded:

NORTHERLY: on land of the Grantors herein, three hundred (300) feet, more or less

EASTERLY: on land of the Grantors herein, five hundred fifty (550) feet, more or less

SOUHTHERLY: on land of the Grantors herein, three hundred (300) feet, more or less

WESTERLY: on land of the Grantors herein, five hundred fifty (550) feet, more or less

SUBJECT TO:

The north line is parallel with and six (6) feet from the south wall of the stone garage on premises of the said Grantors. The West line is parallel with and One hundred twenty-five (125) feet more or less east of highway. Together with the right of way over the driveways as at present located, to pass to and from highway. Saud Grantors reserving to themselves their heirs, executors, and

administrators an unlimited right of way over or through any part of the above described property and in any direction.

As recorded in Volume 161, Page 230 of the _Town of Stratford Land Records.

Exhibit B

A. Exhibit B to an instrument entitled: EASEMENTS, DECLARATION OF COVENANTS, DECLARATION OF PRESERVATION RESTRICTIONS, executed on the _____ day of _____, _____, by the _____ and the STATE OF CONNECTICUT, acting by the CONNECTICUT COMMISSION ON CULTURE AND TOURISM and made a part thereof.

MAINTENANCE STANDARDS FOR THE BOOTHE MEMORIAL PARK AND MUSEUM

B The BOOTHE MEMORIAL PARK AND MUSEUM sits on a 32 acre site in the north end of Stratford, which was the estate of the Boothe family for many generations. The Boothe Homestead (c. 1840 and remodeled in 1914), is said to be "the oldest homestead in America", since it was built on the foundation of the 1663 house, and continuously occupied. In the 1900's, two brothers, David Beach Boothe and Stephen Nicholas Boothe, initiated a building and collection program, resulting in the present-day Boothe Memorial Park & Museum that was willed to the town of Stratford in 1949. The site is listed on the National Register of Historic Places by the U.S. Department of Interior.

C Attached hereto and made a part hereof are 6 photographs of the exterior showing the present appearance of the six subject structures at Boothe Memorial Park & Museum.

D The basic exterior dimensions of the structures were not altered. The exterior of the building was restored and maintained as closely as possible to its original appearance. The intent was to maintain the building for contemporary appreciation and usefulness within the framework of historical accuracy. All deteriorated material and architectural features were repaired, rather than replaced insofar as that was possible. Where replacement was necessary, new material were chosen to match the old in composition, design, color, texture and dimension. New roofs were installed for the following six structures: Dining Hall, South Garage, North Garage, Electrical Shed, Dutch Garage, Carriage House and Barn.

E The Grantors herein will preserve and maintain the structure as described in good condition during the life of this Preservation Restriction.

ORDINANCE REGULATING ICE CREAM TRUCK VENDORS (#10-13)

SECTION 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

A. "ICE CREAM TRUCK" means every motor vehicle in which ice cream, Popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the city streets.

B. "VEND" or "VENDING" means offering ice cream, popsicles, ice sherbets or frozen desserts for sale from a motor vehicle on the city streets.

C. "PERSON" shall include every driver of an ice cream truck as defined herein.

D. "VENDOR" shall include every person, firm or corporation who owns, leases, contracts or in any other fashion permits a person to operate upon the city streets any ice cream truck for the purpose of vending as defined in subsections A and B above.

SECTION 2. LICENSE REQUIRED. No Vendor shall vend from an ice cream truck without having first secured a food permit from the Director of Health, or his/her designee, to serve ice cream Popsicles, ice sherbets or frozen desserts of any kind, and a valid license from the Chief of Police, or his/her designee, to operate within the city limits and also for each truck to be used in the operation of any such business.

SECTION 3. APPLICATION. Any Vendor desiring a license shall make application therefor in writing to the Police Chief, or his designee. The application shall be in a form prepared by the Police Department and shall include:

A. The full name, address, date of birth, social security number and telephone number of the Vendor, including all partners of a partnership and all officers of a corporation. If the Vendor is a corporation, the address of the business office of the corporation and the address of the corporate headquarters.

B. The location and ownership of each place of business to be used for the storage and dispensing of ice cream and frozen desserts;

C. List of ice cream trucks to be used in the operation, including identification numbers and ownership;

D. The full name, address, date of birth, social security number, and telephone number, and copy of Connecticut operator's license for each person who is an authorized driver of such vehicles within the city limits.

E. All Vendors, including all partners of a partnership and all officers of a corporation, and all employees of such Vendors, shall be at least eighteen (18) years of age and shall not have been convicted of any criminal offense. The Chief of Police may require such other credentials and proof of identity of the Vendor or Vendor's employees as reasonably necessary to determine that Vendor and Vendor's employees are of good moral character and propose to engage in a lawful commercial enterprise.

SECTION 4. INSURANCE. No license shall be issued to a Vendor selling from an ice cream truck unless a certificate is furnished to the Police Department showing that the vendor is carrying general liability insurance which shall include products, completed operations and personal injury coverage with a minimum of \$1,000,000 per occurrence, with an aggregate of \$1,500,000, and automobile liability with a minimum of \$1,000,000 combined single limit. The applicant for a license shall annex a copy of the insurance certificate to its application. Certificates must specifically contain a clause signed by the insurance company certifying that the Police Chief shall be notified, in writing, of any modification, cancellation or termination of the subject policy.

SECTION 5. FEES; TERM OF LICENSE.

A. The annual license fee shall be ~~Two Hundred Dollars (\$200)~~ payable in full upon the filing of the application.

B. All licenses issued pursuant to this ordinance shall expire at 12:00 midnight on December 31st following issuance of said license. The license fee shall be paid in full upon the filing of the application regardless of the time of the year in which the license is issued. A Vendor must apply for a new license each year and comply with all requirements for issuance of same and pay the required fees. .

SECTION 6. INSPECTIONS - PREREQUISITE FOR ISSUANCE OF LICENSE.

A. Department of Motor Vehicles. Each application shall be accompanied by proof of inspection by the Department of Motor Vehicles, verifying that each vehicle listed in the application is mechanically and operationally safe. Inspection of vehicles by the Department of Motor Vehicles will be required on an annual basis.

B. Health Inspection. Each application shall be accompanied by a food permit from the Health Director, or his/her designee, verifying that he/she has inspected each facility and vehicle listed in the application to determine whether it complies with this ordinance and all state and local health codes. The Vendor shall pay all inspection and license fees in connection with obtaining a food permit directly to the Department of Health.

~~C. Special Equipment Required on Vehicles: In addition to annual inspections by the Department of Motor Vehicles, every ice cream truck shall be equipped with the following~~

~~equipment as set forth in the State Manual of Uniform Traffic Control Devices and any modifications thereto:~~

~~1)Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall i display two alternately flashing red lights on the front of the vehicle and two alternately flashing red lights on the rear of the vehicle, both lights visible at five hundred (500) feet in normal sunlight upon a straight level street;~~

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~~2)A stop signal arm that can be extended horizontally from the left side of the truck duplicating the design and size of a standard 30-inch octagonal stop sign as set forth in the State Manual of Uniform Traffic Control Devices. This arm shall be red and white in color and contain two alternately flashing lights at the top and bottom thereof, visible at three hundred (300) feet to the front and rear in normal sunlight upon a straight level street. The color of the two lights facing to the front shall be red and the two lights facing to the rear shall be red.~~

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~~3)A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the truck obscured by the hood.~~

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C. Any new vehicles put in service by Vendor after the issuance of a license must be inspected by the Department of Motor Vehicles and Health Department and approved in accordance with this ~~section~~ Ordinance.

D.C. If a license is rejected because of unsatisfactory sanitary, mechanical or operational conditions found upon inspection, the Applicant shall be so advised in writing by the Police Chief, or his/her designee, and the Applicant may correct the conditions and then reapply for a license upon submitting proof that the unsatisfactory conditions have been corrected.

E.D. Nothing herein shall prohibit the Health Director or Chief of Police, or his/her designee, from periodically re-inspecting the Licensee’s storage and dispensing facility or vehicles. If unsatisfactory sanitary, mechanical or operational conditions are noted by the Health Director or Chief of Police, or his/her designee, the Vendor shall be notified by certified mail of the unsatisfactory conditions and the Vendor’s license shall be temporarily revoked. and vendor shall be subject to a fine of \$100 per day per violation until the unsatisfactory conditions are corrected.

SECTION 7. RESTRICTIONS ON OPERATION OF MOTOR VEHICLE.

~~A. A person shall vend only when the ice cream truck is lawfully stopped, and no music, bells or audible devices that are used to attract attention to the vehicle shall be in operation while said vehicle is in operation as defined by the Connecticut General Statutes.;~~

~~B. The person operating an ice cream truck stopped on the streets for the purpose of vending shall actuate the special flashing lights and extend the stop signal arm required by Section 1-6. These lights and the stop signal arm shall not be used when the truck is in motion nor at any time the vehicle is stopped for a purpose other than vending.~~

~~B. No music, bells or audible devices that are used to attract attention to the vehicle shall be in operation unless the ice cream truck is operating on a street previously approved as part of the Vendor's route in accordance with Subsection E below.~~

C B. A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street.

D C. A person shall not stop on the left side of a one-way street to vend.

E D. Prior to vending any products as defined herein, the Vendor of any ice cream truck which traverses the streets of the city for such purpose shall submit to the Police Chief, or his designee, a detailed listing of the routes to be traveled each day by each said vehicle. ~~The Police Chief, or his/her designee, shall approve or disapprove such routes within fourteen (14) days thereafter. The Police Chief, or his/her designee, will disapprove a route only for traffic safety or other public safety reasons. The decision of the Police Chief, or his designee, is final. Any routes not approved under this section shall not be utilized by the Vendor.~~

~~F. The person operating an ice cream truck shall not back the same to make or attempt a sale.~~

SECTION 8. PENALTIES; REVOCATION; RIGHT TO HEARING.

A. Any Vendor violating any of the provisions of this ordinance shall be notified by certified mail of the violation and shall be subject to a fine of \$100 per day per occurrence. In addition, the Vendor's license may be revoked for the balance of that license year by the Chief of Police for violations by the holder thereof of any of the ordinances of the Town of Stratford or any state or federal law

B. Violators of this Ordinance shall have the right to file a written appeal to the Office of Citation Hearings within fifteen (15) days from the date of the imposition of the fines. Payment of fines and revocation of Vendor's license shall be stayed until the appeal has been heard and ruled on by a Citation Hearing Officer.