



# Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Board of Selectmen Minutes  
Regular Meeting Minutes  
Thursday, August 4, 2016  
Colchester Town Hall @7pm

RECEIVED  
COLCHESTER, CT  
2016 AUG -5 PM 1:51  
TOWN CLERK

**MEMBERS PRESENT:** First Selectman Art Shilosky, Selectman Rosemary Coyle, Selectman Denise Mizla, Selectman John Jones and Selectman Stan Soby via teleconference

**MEMBERS ABSENT:** none

**OTHERS PRESENT:** Town Planner R Benson, Registrar D Mrowka, Fire Chief W Cox, CHVFD D Martin, IT M Colagiovanni, R Bagioni, R Silberman, R Waugh, L Grzeika, and Clerk T. Dean

1. **Call to Order**  
A Shilosky called the meeting to order at 7:00 p.m.
2. **Additions to the Agenda**  
A Shilosky asked that the following be added to the agenda; Item #11 Discussion and Possible Action of Blight Task Force Proposed Ordinance, renumber remaining items.  
  
D Mizla moved to add the agenda item as presented, seconded by J Jones. Unanimously approved. MOTION CARRIED.
3. **Approve Minutes of the July 21, 2016 Commission Chair Meeting**  
Correction to add Selectman Stan Soby as member present.  
  
J Jones moved to approve the Commission Chair meeting minutes of July 21, 2016, seconded by R Coyle. Unanimously approved. MOTION CARRIED
4. **Approve Minutes of the July 21, 2016 Board of Selectmen Meeting**  
J Jones moved to approve the Regular Board of Selectmen meeting minutes of July 21, 2016, seconded by R Coyle. Unanimously approved. MOTION CARRIED.
5. **Citizen's Comments** – none
6. **Boards and Commissions – Interviews and/or Possible Appointments and Resignations**
  - a. **Commission on Aging – Linda Grzeika to be interviewed** – was interviewed  
D Mizla moved to appoint Linda Grzeika as an alternate member to the Commission on Aging for a three year term to expire 12/31/2016, seconded by R Coyle. Unanimously approved. MOTION CARRIED.
7. **Budget Transfers** - none
8. **Tax Refunds & Rebates**  
R Coyle moved to approve tax refund in the amount of \$55.18 to Stephen Marion, \$405.35 to Ally Bank, \$158.17 to New Beginnings for Life LLC, \$231.37 to Robert Whitmore Jr, and \$16.50 to Rossi Law Offices LTD, seconded by S Soby. Unanimously approved. MOTION CARRIED
9. **Discussion and Possible Action on Computer Network Administrator Job Description**  
A Shilosky stated that he spoke with the Superintendent of Schools and he is willing to let the Town use one of their full time IT personnel as backup in an emergency. This person is familiar with the towns IT systems. The long term plan would be to hire a part time IT person. A Shilosky stated that he is working with the CFO to create a four year plan to bring the towns technology up to date. M Colagiovanni, IT, gave the Board an update on the towns current systems and needs in replacing computers, servers, systems and routers. R Coyle suggested creating a replacement plan that lists inventory with pricing and then come up with a priority list, along with a 5 year plan for replacements and/or upgrades. S Soby stated that he would like to see a plan, the BOE IT person is a temporary backup solution. Would like to see a part-time employment position weighed against the option of a service provider. NO ACTION

**10. Discussion and Possible Action on CHVFC Tax Exemption**

D Martin, President emeritus of Colchester Hayward, presented his tax abatement plan for firefighters that takes the current plan to another level. Currently the tax abatement schedule applies to current active members, who qualify with a defined amount of calls responded to within a year. The proposed tax abatement plan would apply to retired inactive life members, who have been active for 25 plus years, and have qualified for the exemption for the previous 5 years, until they sell the property or are deceased. The recent legislation change in June 2016 changed the language in Act 16-99 to authorize towns to offer 25 plus year's inactive members to receive tax abatements. Currently there are 11 active life members. It is a challenge to attain volunteers beyond 7 years. This would be a good incentive to keep them volunteering longer for the town. S Soby stated that it would be helpful to map out and project how many people this impacts over a reasonable period of time for planning purposes. Need to ensure that there is clear language that ties back to the state statute. S Soby state he is not arguing against the concept of passing the proposal, but need to be able to make people understand this an inexpensive way to get top notch service in town. D Mizla stated that this proposal will also have to go before the Board of Finance and projections would be helpful. R Coyle will work with D Martin on creating a plan.

**11. Discussion and Possible Action of Blight Task Force Proposed Ordinance**

S Soby stated that the group came up with a document that would work for people and something that is enforceable with current staffing levels. R Coyle requested clarification on page Section 3, 4e. The committee stated that they left the listing general enough to be able to include what is not listed. Section 3, 4g was discussed on how the town would determine a decayed tree. R Benson stated that it would fall under the tree warden's scope, although private property is not under the prevue of the tree warden. Would fall to a certified arborist to determine. Section 7, 1c was discussed on who would be authorized to grant an extension. R Bagioni stated that everything was set up to funnel through the First Selectman's office, then delegated by him to the appropriate department to handle. That designated department head would then be responsible for issuing the citation. R Coyle stated that a hearing officer may have more impartiality or consistency and be less subjective as far as granting extension if needed. Discussion on a hearing officer which would need to be appointed by the Board of Selectman, following state statutes. A Shilosky stated the next step will be to send the draft to town attorneys for review. (Draft attached)

S Soby moved to send Draft #5 Blight Ordinance to town counsel, seconded by J Jones. Unanimously approved. MOTION CARRIED.

**12. Discussion and Possible Action on RSM US LLP Business Associate Agreement**

R Coyle moved to authorize the First Selectman to sign the Business Associate Agreement with RSM LLP related to auditing services provided for the fiscal year ended June 30, 2016, seconded by J Jones. Unanimously approved. MOTION CARRIED

**13. Discussion and Possible Action on Board of Selectmen Bylaws**

R Coyle addressed #7 regarding boisterous conduct and removal of individuals and asked who would determine who can stay or be removed. A Shilosky stated that the chairperson would make that decision. S Soby stated that instead the meeting could be recessed until calm is restored. He stated that for the most part this Board has not seen things get to this point. S Soby doesn't feel the entire section on citizen's comments would be helpful. The Board agreed number 2, 6, 7 should not be included in the final draft. TABLED

**14. Discussion on Health District Contract (previous executive session)**

A Shilosky stated an FOIA complaint was filed regarding a previous executive session. Both parties came to an agreement to discuss the topic in an open forum. The relationship with Chatham Health at the time was of concern. The only documentation of the agreement was the minutes where the BOS approved to join Chatham Health, then a confirmation letter from Chatham Health welcoming Colchester to Chatham. There is no contract on file. A Shilosky was looking for a contract because of initially having issues with them and wanted to have some guidelines on what Chatham's obligations were to the town. As of now, the relationship with Chatham is much better and moving along in the right direction.

J Jones moved to close the subject for discussion, seconded by R Coyle. Unanimously approved. MOTION CARRIED

**15. Citizens Comments**

Richard Waugh regarding cloud based infrastructure possibility for the town. Also, suggested to look at what other towns do and what they do for their firemen.  
Ron Silberman regarding Old Hebron Rd and Old Hartford Rd crosswalk area and safety issues. Suggested a barrier to divert traffic.

**16. First Selectman's Report**

Contract negotiations on hold due to scheduling issues. PW Director looking into opening the dump one Sunday a month during the summer. Senior Center received a grant. Doing paving on some roads, list of roads can be found on the website. The old house near the Old Mill Fabric location is in the process of being purchased. Building Dept. brought in approximately \$21,000 in permits in one month June-July.

**17. Liaison Reports**

R Coyle reported on the Building Committee – paid bills for the move and demolition. Agreed on three interior finishes for each pod. Focus is on demolition now. Preconstruction meeting and USI was chosen.

Senior Center Subcommittee – the group is out visiting area communities to inform residents on the potential senior center purchase. A Q&A session will also take place at Town Hall on 8/10 at 7pm.

D Mizla reported on Charter Revision – reviewed CCM information and continue to review the charter

Field sustainability subcommittee – walked the fields with park and rec commission, public works director, and park and rec director. Fields need over seeding and pot holes filled. Should be finalizing the draft soon and bringing to BOS. Listened to an Eagle Scout presentation to install four benches in the rec fields for spectators.

**18. Adjourn**

J Jones moved to adjourn at 9:11 p.m., seconded by R Coyle. Unanimously approved. MOTION CARRIED.

Attachment: Draft #5 Blight Ordinance

Respectfully submitted,

Tricia Dean, Clerk

Town of Colchester  
Blight Ordinance

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**Section 1 Declaration of Purpose**

It is declared that the presence of blighted properties adversely affects the quality of life of the residents and the economic well-being of the Town of Colchester. The purpose of this Ordinance is to define, prohibit, and abate blights; to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values within the Town of Colchester. This Ordinance is adopted pursuant to Connecticut General Statutes §7-148(c)(7)(H)(xv) and is deemed to be a Blight Ordinance.

**Section 2 Scope**

This Ordinance shall apply uniformly to the maintenance of all residential, nonresidential, commercial/industrial, and undeveloped premises now in existence or hereafter constructed, maintained, modified or abandoned/vacated. The following shall be excluded: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes; land dedicated as public or semi-public open space or preserved in its natural state through conservation easements; areas designated on Town Maps as inland wetlands and watercourses.

No owner of real property located in the Town of Colchester shall allow, create, maintain, or cause to be created or maintained a blighted property as detailed in the **Definitions** section of this ordinance. This Ordinance recognizes all applicable State of Connecticut statutes and Town of Colchester codes such as building codes, zoning codes, fire codes and health codes.

### Section 3 Definitions

**Blight Enforcement Committee** shall be a multi-disciplined committee designated to enforce the provisions of this Ordinance. It will be composed of the Building Official, Zoning Enforcement Officer, Director of Health or designee, or any other Town of Colchester employee designated by the Board of Selectmen.

**Blighted Premises** is any building, structure or parcel of land, including without limitation, single family or multi-family residential, industrial or commercial, whether occupied or vacant in which at least one of the following conditions exists:

- 1) It is deemed an unsafe structure or designated as unfit for human habitation by the Building Official;
- 2) It is a fire hazard as determined by the Fire Marshall or as documented by a Fire Department Officer;
- 3) It is determined by the Director of Health or designee that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community;
- 4) It is not being adequately maintained and is visible from either the street or from adjacent property. The following factors shall be considered in determining whether it is not being adequately maintained:
  - a) multiple missing, broken or boarded windows or doors;
  - b) collapsing, seriously damaged, or missing walls, roof, siding or other exterior features including but not necessarily limited to stairs, porches, railings, hatchways, chimneys or floors;
  - c) persistent accumulation of garbage or trash on the premises;
  - d) chronically neglected and/or inoperable motor vehicles, camper trailers, or boats being stored on the premises, unless garaged, for a period of time in excess of 60 days; two or more unregistered motor vehicles in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;
  - e) outside storage, for a period of time in excess of 60 days, for material or equipment which is incapable of performing the function for which it is designed, including, but not limited to, parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, etc.;
  - f) rodent harborage and/or infestation;

- g) dead, decayed, diseased or damaged trees constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;
- h) chronically overgrown grass, weeds, or similar vegetation that is allowed to reach and remain at a height of twelve (12) inches or greater; cultivated gardens and areas maintained in their naturally wooded, field, or shoreline state are specifically excluded from the height requirement so stated;
- i) or commercial parking areas left in a state of disrepair or abandoned.

**Let For Occupancy or Let** is to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**Occupancy** is the purpose for which a building or portion thereof is utilized or occupied.

**Occupant** is any individual living or sleeping in a building or having possession of a space within a building.

**Owner** is any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Premises** shall mean a lot or parcel and all buildings, structures, or uses located thereon.

**Special Circumstances** shall mean a personal or economic hardship which renders the Owner/Occupant incapable of complying with an order of the Blight Enforcement Committee.

**Section 4 Minimum Standards**

- 1) The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.
- 2) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.
- 3) This ordinance shall not affect violation of any other ordinances, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of these ordinances, codes, or regulations in effect at the time the violation occurred.

**Section 5 Responsibility for Compliance**

The premises owned by or under control of the occupant, including the agents thereof, are subject to this ordinance, and shall be jointly and severally obligated to comply with the provisions of this ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with the corporation or other legal entity.

**Section 6 Reporting a Complaint**

Complaints by members of the public shall be submitted to the First Selectman or his/her designee.

**Section 7 Notice of Complaint/Violation**

- 1) Whenever the First Selectman or his/her designee determines that there has been a violation of any provision of this ordinance, except as to Section 3, 4(d) pertaining to unregistered motor vehicles, such assigned enforcement officer shall give notice of such violation to the person responsible therefore, as hereinafter provided.

Such notice shall:

- a) be in writing;
  - b) set forth the violation(s) in this ordinance;
  - c) specify a final date which will be at least 30 days and not exceed sixty (60) days for the correction of any violation;
  - d) be served upon the owner or owner's agent, or the occupant as the case may require; provided such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, as by any method authorized or required under the laws of this State;
  - e) contain an outline of remedial action which, if taken, will result in the permanent compliance with the provisions of this ordinance;
  - f) state the penalties and enforcement provisions of this ordinance that will become effective on the final date set for the correction of any violation.
- 2) Whenever the First Selectman or his/her designee determines that there has been a violation of Section 3, 4(d), the enforcement officer shall give notice of such violation to the person responsible. The notice shall be in compliance with above Section 7 (1) and any applicable Town of Colchester Zoning Regulations specific to camper units or recreational vehicles and junk vehicles as well as include the following:
- a) the notice shall specify that the owner has thirty (30) days to correct the violation by removing the vehicle or registering it;
  - b) any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures.

## **Section 8 Appeals**

Within fifteen (15) days from the receipt of a written notification of a blight ordinance violation, the individual may request an appeal of the blight violation by filing a written request to the First Selectman's office.

Appeals of any action by the Blight Enforcement Committee or any member of the Committee or any other Town employee shall be heard by a Hearing Officer appointed by the Board of Selectmen. The Connecticut Uniform Administrative

Procedures Act shall guide the Hearing Officer. Connecticut General Statutes Section 7-152c establishes the appeal and citation hearing process for all appeals under this Ordinance.

**Special considerations:**

Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and who demonstrate that the violation results from an inability to maintain an owner occupied residence, and no person with that ability resides therein. Such a special consideration shall be limited to the reduction or elimination of fines and/or an agreement that a charitable community organization or its agents may perform the necessary work.

**Section 9 Enforcement / Citation**

The First Selectman or his/her designee is authorized to issue a Citation if a violation remains unabated after the final correction date as set forth in the Notice of Violation. The Citation shall:

- 1) Be in writing;
- 2) State the address of the affected property;
- 3) Identify the nature (description) of the violation and the remedial action that is required to be in compliance;
- 4) State the penalty amounts and enforcement actions of a lien as outlined in Section 10 for the continued violation of this ordinance;
- 5) Specify a final date of at least thirty (30) days but not to exceed sixty (60) days for correction of the violation.

The citation must be mailed by either certified mail, with a return receipt requested, or by electronic mail with a read-receipt sent to the owner or as appropriate to the occupant of the property. This notice must also meet the same standards as the notices to remedy a health, housing, or a safety code violation.

**Section 10 Penalties, Fines, Lien**

Each violation of this Ordinance shall be considered a separate offense and for each day that any violation continues beyond the final correction date set in the Notice of Violation it shall constitute a separate offense. Each separate offense under this ordinance shall have a penalty or fine of fifty-dollars (\$50.00) per day for the first thirty-days of the citation. The fee will increase to an amount of one-hundred dollars (\$100.00) per day for continuation of the violation and any unpaid fine after thirty-one days.

Note: The appointed enforcement officer or the hearing officer is NOT permitted to waive any assessed fines without the approval of the Board of Selectmen.

Penalties or fines may include the recovery of all costs associated with the violation incurred by the Town of Colchester including attorney's fees and/or remediation costs.

Payment of the assessed fine, penalty or the issuance of a lien will not remove the property owner from the responsibility to correct the blighted condition(s).

Any fines or penalties unpaid after sixty (60) days may constitute the placing of a lien upon the real estate in accordance with Connecticut General Statute 7-148aa. Such lien shall be continued, recorded and released as provided in the aforementioned C.G.S.

All fines are to be made payable to the Town of Colchester at the town clerk's office. A dated receipt will be required as a proof of the payment. Proof of the correction of the blighted premises will require a site visit by the designated town official who issued the notice of violation and citation. A written statement confirming that the blighted conditions were corrected will be submitted by the designated town official to the First Selectman's office for final approval.

## Blight Ordinance References

Colchester 2015 Plan of Conservation & Development Effective June 21, 2015

Colchester Land Development Regulation Effective January 15, 2015

Colchester Charter Chapters 30 & 55 as noted in Land Development Regulations

Connecticut Department of Public Health Sec. 19-13-B Chapter 11 Environmental Health

Connecticut General Statute Section 1-1 (q) regarding Agriculture

Connecticut General Statutes Annotated Title 7. Municipalities (C.G.S.A. § 7-148)  
Effective October 1, 2015

2015 CCM Annual Convention Topics in Municipal Law: Successfully Enforcing Your Blight Ordinance

2012 International Property Maintenance Code

Blight Ordinances from various Connecticut towns:

Ansonia	Montville
Avon	New Canaan
Brookfield	North Haven
Clinton	Rocky Hill
Cromwell	Seymour
East Hartford	South Windsor
East Lyme	Stamford
Griswold	West Haven
Guilford	Wethersfield
Madison	Woodbridge

To Accompany Draft #5 Amended July 28, 2016