

TOWN OF CROMWELL
TOWN COUNCIL
REGULAR MEETING
WEDNESDAY FEBRUARY 8, 2017
7:00 PM TOWN HALL ROOM 224/5

RECEIVED FOR FILING
2-15-2017 at 2:33 PM
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Jan Aulic
TOWN CLERK

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, E. Weners, S. Slade,
F. Emanuele, A. Waters, T. Tokarz

Absent: None

Also Present: Town Manager A. Salvatore, Chief of Police D. LaMontagne, Finance
Director M. Sylvester, Director of Health W. Bell, Building Official D. Jolley, public
and press

A. CALL TO ORDER

Mayor Faienza called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

S. Slade led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Mayor Faienza added P.2. Senior Services Commission, Caroljoyce Cannito and
Q.3. Linda Demetriades.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to
approve the agenda as amended.

D. COMMISSION CHAIRMAN REPORTS/LIASON REPORT

Paul Sousa, Board of Education liaison gave a report regarding recent Board of
Education activities.

E. CITIZEN COMMENTS

1. A. Varricchio, Kowal Drive -against charging residents to use the park facilities.
2. L. Wrzos, Holly Hill Drive -spoke regarding funding programs for children with disabilities.
3. L. Gagnon, Commander American Legion - written statement attached to the agenda.
4. R. Waters, South Street -stated that some people are not taking their hats off during the Pledge of Allegiance.

F. MAYOR'S REPORT

Mayor Faienza reported:

- Last month's business tours included Edgewood Party Rental, Vindicator Cycle, and Energy Zone. Stuart Popper is working on the next business tours.

- The Fire District and town will continue to work on ways to collaborate to save the taxpayers' money.
- Charter Revision is meeting on February 15th, they are almost finished with their revisions.
- The proposed meeting of the Boards of Education, Finance and the Town Council will have a joint meeting on March 6th.
- There will be a reception for the three new directors, and a thank you to Jim Gere for filling in as the Senior/Human Services Director.
- The Man-of-the-year ceremony will be held at town hall at 2:30 in the lobby.
- The Middlesex County Chamber canceled tomorrow's meeting due to the possibility of inclement weather.
- Budget Workshops will be Monday February 27th and Wednesday March 1st. A Public Hearing for the 5 year Capital Plan will be on the 27th at 6:00 prior to the start of our first workshop meeting.
- Dr. Talty announced her plans to retire at last night's Board of Education Meeting.
- Public Works Director Spina submitted a Road Report for informational purposes.

G. TOWN MANAGER'S REPORT

Town Manager Salvatore reported:

- The three new directors are on board and doing very well.
- RFQ for the boardwalk is moving ahead.
- Streetlights are basically all done.
- The weather has not been favorable so they haven't been able to work on the walking trail at Evergreen Hill Park.
- He and the Finance Director have been working on the budgets.
- The second truck made it back today; it was well worth it to have it refurbished.
- With assistance from the Finance Department, all Public Works Divisions are all under one line item.
- The Parks Maintenance is now Parks & Grounds and the Tax Collector is now the Collector of Revenue.
- He has arranged for a Shred-it-date for Town Residents. It will be held at the Town Hall Parking Lot on April 15th from 10 a.m. - 1 p.m. or until the truck is full.
- Was sorry to hear that Dr. Talty is retiring; they have been having discussions to look for ways to combine services and save the taxpayers' money.

H. CHIEF OF POLICE'S REPORT

Chief LaMontagne reported:

- Distributed the Monthly Incident Report for January.
- The Department has received 1025 calls for Service.
- The Mobil Mart was robbed at gunpoint on January 27th.

- Kudos to Sgt. Parsons for stopping a driver that was driving erratic and after smelling marijuana seized drugs and approximately \$3,500 in cash. Sgt. Parson's has a keen sense of recognizing illegal activities and has been mentoring other officers.
- Next week she will be looking for approval to hire a certified officer.
- The fund-raiser for the K-9 that was held at Chicago Sam's on January 29th raised over \$5,100 that day alone.
- Thanked Dr. Talty for the fundraiser that the Student Council sponsored, raising \$700.00 and WIS for holding a Hat Day that raised \$300.00 for the K-9.

I. PUBLIC WORK DIRECTOR'S REPORT

Town Manager Salvatore presented Public Works Director L. Spina's report:

- Street Light Project - LED replacement project is 99% complete. There are a few fixtures remaining to be swapped out. There is a stretch on RT. 372 that will not be done because the State DOT owns them. Also, the first 6 fixtures on industrial Park Rd are currently being maintained by Middletown so are excluded from project.
- North Rd. Bridge - The RFQ process completed in January. Town panel selected a consultant and the State accepted with and agreed with our decision (Cardinal Engineering).
- Raymond Place Project - work continues thru mild winter. Currently working on drainage and water taps.
- Coles Rd. - There is a current advertisement for a RFP/RFQ with fee proposals. Results are due back later this month.
- Library Expansion - There is a current advertisement for a RFP/RFQ with fee proposals. Results are due back later this month.

J. FINANCE DIRECTOR'S REPORT

Finance Director Sylvester reported:

1. Budget Reports were included in the packet.

- Spoke about the State Cuts and the Special Education Grant.
- Spoke about the 1.4 million dollar teachers pension cost that the State is attempting to pass down to the town.
- 11% of the town's revenue comes from State Aid.
- They are working with the ECS cut for the current year.
- Revenue and taxes are coming in strong.
- Some areas of the budget are tight.

K. FINANCIAL

1. Tax Refunds

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve tax refunds 1 -19.

L. STAFF REPORTS

EDC Stuart Popper submitted a written report.

M. UNFINISHED BUSINESS

1. Continue discussion and possible action on Solid Waste Report. - Tabled
Left tabled

2. To consider and act upon Library Expansion Project. -Tabled
Motion made by R. Newton seconded by E. Wenners and *unanimously carried* to remove from table.

No action taken (will be discussed under New Business #1)

3. Discussion and action to approve amending:

a. Chapter 151-46, Outdoor Wood-burning furnaces. -tabled
Motion made by R. Newton seconded by S. Slade and *unanimously carried* to remove from the table.

Health Director W. Bell presented the request.

Motion made by E. Wenners seconded by R. Newton and *unanimously carried* to approve amending Chapter 151-46, Outdoor Wood-burning furnaces, as attached.

b. Chapter 99, Building Construction -tabled
Motion made by F. Emanuele seconded by T. Tokarz and *unanimously carried* to remove from the table.

Building Official D. Jolley presented the request.

Motion made by E. Wenners seconded by R. Newton and *unanimously carried* to approve amending Chapter 99, Building Construction, as attached.

N. NEW BUSINESS

1. Discussion and action to appropriate \$100,000 within the CNR Fund for costs associated with the architectural study/design and other related costs for the Library expansion.

a. Transfer \$100,000 from the General Fund fund balance to the Capital/Non-Recurring Fund fund balance.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve 1 and 1a.

~~b. Authorize Mayor to set time and date of Special Town Meeting.~~
Item b. withdrawn.

2. Discussion and possible action on Proposed Transfer Station Policy for Cromwell Condominium Properties.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve with a change in the wording of #5 to read:

Policy will be in effect for the calendar year 2017. The Town of Cromwell reserves the right to change and/or discontinue present policy at the discretion of the Town Council.

3. Appoint the American Legion Carlson-Sjovall Post No. 105 as the agent for the Town for the Memorial Day Service and Parade.

Motion made by S. Slade seconded by F. Emanuele and *unanimously carried* to appoint American Legion Carlson-Sjovall Post No.105 as agent for the Town for the Memorial Day Service and Parade.

4. Authorize Mayor to set time and date for Public Hearing on Capital Plan.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to authorize the Mayor to set time and date for the Public Hearing on the Capital Plan and any other public hearings necessary.

5. Discussion and possible action for use of Town Facilities.

Town Manager Salvatore presented the item. After a short discussion the Council requested that Town Manager Salvatore come back next month with additional information.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried to table*.

O. APPROVAL OF MINUTES

1. Regular Meeting, January 11, 2017

Motion made by R. Newton seconded by E. Wenners and *unanimously carried* to approve the minutes of January 11, 2017.

P. RESIGNATIONS

1. Inland/Wetlands and Watercourses Agency

- a. J. Scott Lamberson

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to accept Mr. Lamberson's resignation with regret.

2. Senior Commission

- a. Caroljoyce Cannito

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to accept Ms. Cannito's resignation with regret.

Q. APPOINTMENTS

1. Recreation Commission

- a. John Schmaltz, reappointment, term expires December 2017

Motion made by S. Slade seconded by A. Waters and *unanimously carried* to reappoint Mr. Schmaltz to the Recreation Commission.

2. Board of Assessment Appeals

- a. William Vincenzi, to fill a vacancy, term expires November 2017

Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to approve Mr. Vincenzi's appointment to the Board of Assessment Appeals.

3. Committee to Support People with Disabilities. Term expires June 2018.

a. Linda Demetriades

Motion made by S. Slade seconded by T. Tokarz and *unanimously carried* to appoint Ms. Demetriades to the Committee to Support People with Disabilities.

R. TOWN COUNCIL COMMISSION LIAISON REPORTS

T. Tokarz-Inland Wetlands and Mattabassett District.

A. Waters-Economic Development Commission - Riverfront Revitalization.

E. Faienza -DEEP Public Hearing regarding the Crematorium.

R. Newton-CWPCA

E. Wenners-Board of Finance

S. Slade-Fire Commission (Santa's Run was discussed)

S. EXECUTIVE SESSION

1. Discuss the lease, sale or purchase, or acquisition of real estate by the Town of Cromwell.

a. Action if necessary

Motion made by T. Tokarz seconded by R. Newton and *unanimously carried* to adjourn to Executive Session at 9:01 p.m.

Town Manager Salvatore was invited into Executive Session.

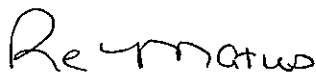
Motion made by A. Waters seconded by F. Emanuele and *unanimously carried* to come out of Executive Session at 9:32 p.m.

No action taken

T. ADJOURNMENT

Motion made by S. Slade seconded by E. Wenners and *unanimously carried* to adjourn the Regular Meeting at 9:33 p.m.

Respectfully submitted,



Re Matus
Secretary



The American Legion Carlson-Sjovall Post No. 105
P.O. Box 77
Cromwell, CT 06416-0077

CROMWELL TOWN COUNCIL MEETING
February 8, 2017

Good evening, Mayor Faienza, Members of the Council and Mr. Salvatore. My name is Lou Gagnon. For many years I have had the honor and the privilege of serving as Commander of the American Legion Carlson-Sjovall Post No. 105 here in Cromwell, CT.

On your agenda this evening under "New Business" is an item designating Post 105 as the Town's Agent for the 2017 Memorial Day Services and Parade. Cromwell is one of the few towns in Connecticut that continues to observe Memorial Day every year on May 30th.

Please accept the thanks of Post 105 for this annual designation as the Town's Agent and for the funding each year to support these activities. For many years Post 105 has been proud to serve in this capacity and coordinate these annual events that include:

- The Memorial Day Service on the Green in downtown Cromwell
- The annual Memorial Day parade
- Commemorative wreaths and American flags for the Town Greens and downtown areas; and
- Flowers and flags for all veterans' gravesites in each of the 4 Town cemeteries.

Later this year we look forward to completion of the enhancements underway on Valor Green. Valor Green is at Main and Prospect streets and was first dedicated in 1973 to those who served in the Korean and Vietnam conflicts. Currently two simple stone markers with plaques are at the base of the flagpole on the Green.

Let me briefly bring you up to date on the work there. Last fall a stone retaining wall was built and lighting was added to highlight the wall. This spring:

- **The memorial wall itself will be built.**
- **Flags in honor of each of the Armed Services will be installed in front of the wall with lighting.**
- **The Town staff will do landscaping.**
- **The Post plans fund-raising through the sale of commemorative brick pavers. These will make up the walk-way from the parking area to the wall.**
- **We have approached Assistant Superintendent of Schools, John Maloney, and the schools will be involved in helping with the fundraising.**

We thank the Town Council and the Town staff for helping to make this possible.

As a community, Cromwell has always stood solidly behind its Vets and for this we are most grateful and proud to call this Town our home. Thank you.

Louis P. Gagnon, Post Commander

Incident Statistics Report

01/01/2017 00:00 Thru 01/31/2017 23:59

Call Type Description	Total for Period
911 Hang Up Call	9
Administrative Matter	20
Alarm - All types	13
ALARM-FALSE BILLABLE	45
All Other Offenses	5
Animal Complaint	26
Assault, Simple	1
Assist Motorist	22
Assist Other Agency	22
Burglary	1
Car Seat Installation	1
Civil Matter	3
Counterfeit/Forgery	2
Credit Card/ATM Fraud	1
Dis Conduct/BOP	2
Domestic Incident	7
Drug/Narcotic Violation	1
DUI	4
Dumping	1
Escort	4
Fingerprinting	34
FV Protocol / P.A.	7
Harrassing Phone Calls	1
Identity Theft	1
Juvenile Incident	7
Larceny - From Building	2
Larceny - From MV	6
Larceny - MV Parts/Access	1
Larceny -Shoplifting	9
Larceny- Other	5
Medical Emergency	61
Missing Person	1
MV Accident	36
MV Abandoned	1
MV Parking Violation	16
MV Theft	3
MV Violation	130
MVA NR PRIV PROP	4
Noise Complaint	7

Incident Statistics Report

01/01/2017 00:00 Thru 01/31/2017 23:59

Call Type Description	Total for Period
Nursing Home Fax Report	1
Prescription Forgery	1
Property Check	130
Property Lost/Found	8
Property Seized	1
Prostitution	1
Record Only Call	7
Road Cond/TCS Out	16
ROBBERY	1
Runaway	2
See Complainant	21
Suspicious Activity	54
TEST CALL	4
Threaten/Harass/Intimidation	4
Town Ordinance	3
Traffic Assignment	1
Trespassing	1
Unfounded Complaint	13
Untimely Death	2
Unwanted Person	7
Well Being Check	17
Total:	817

151-46 OUTDOOR WOOD-BURNING FURNACES

- A. Definition. For purposes of this section, in accord with CT.G.S.22a-174K, an “outdoor wood-burning furnace” is defined as an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. “Outdoor wood-burning furnace” does not include a fire pit, wood-fired barbecue or chiminea.
- B. Outdoor wood-burning furnaces as defined in CT.G.S.22a-174K are permitted in all zones by a zoning permit providing the proposed unit complies with all the requirements of CT.G.S.22a-174K and is located a *minimum* of 200 feet from the nearest residence or commercial area and the chimney does not exceed the maximum height of structures permitted in the zone. Only outdoor wood-burning furnaces which have been certified under the voluntary partnership agreement with E.P.A., are acceptable.
- C. Limitations for installation and construction. No person shall, from the effective date of this section, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless:
 - 1. The outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section; and
 - 2. The outdoor wood-burning furnace complies with the provisions of CT.G.S.22a-174K.
- D. Operational limitations. All installed and constructed outdoor wood-burning furnaces, as established under Subsection B are subject to regulation for proper use and operation, and improper operation will be determined by, but not limited to, the following factors:
 - 1. Generation of heavy, thick, blinding, environmentally polluting, hazardous or public health compromising smoke or furnace discharge; or
 - 2. Generation of toxic, environmentally polluting, hazardous or public health compromising odors; or
 - 3. Failure to operate the unit in accord with the manufacturer's recommendations.
 - 4. The furnace shall be operative only during the months of November thru April.
- E. Enforcement Officer: means the person designated by the Town Manager, including the Director of Health, the Town's Zoning Enforcement Officer, the Chief of Police and/or the Town Manager's designee(s).



TOWN OF CROMWELL
BUILDING DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416

FEBRUARY 8, 2017 TOWN COUNCIL MEETING

TO: Anthony J. Salvatore, Town Manager and Town Council Members
FROM: David Jolley, Building Official *DJ*
DATE: January 31, 2017
RE: **Changes to "Chapter 99 Building Construction"**

At the January 11, 2017 Council Meeting, I requested changes to Chapter 99 of the Town Code. My request was approved with specific changes to 99-4 "Refunds of Fees".

Please review the following edits.

As noted before, deleted words are ~~struck out~~ and new words are underlined.

F:Daves letters and memos/memo 12-05-16

PROPOSED

Chapter 99. Building Construction

[HISTORY: Adopted by the Board of Selectmen of the Town of Cromwell 8-3-1976.
Amendments noted where applicable.]

CHARTER REVISION

Effective with the general election held in November 2013, the Town changed to a Town Council/Town Manager form of government. According to Charter §11.04, any references in Town ordinances to the "First Selectman" or to the "Board of Selectmen" shall now be deemed to refer to the "Town Manager" or the "Town Council," as appropriate.

GENERAL REFERENCES

Housing standards – See Ch. 151

Sewers – See Ch. 193.

Streets and sidewalks - See Ch. 204.

§99-1. Adoption of standards by reference.

The Town of Cromwell hereby adopts as its Building Code the Connecticut State Building Code as it now exists and as it may hereafter be amended by the State Building Inspector and The Codes and Standards Committee.

§99-2. Fees.

A. Building Permits Valuations: The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued. If in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates that meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

B. Plan Review: The Building Official shall determine whether a plan review fee is required and the appropriate fee according to the following schedule. All required plan review fees shall be paid to the Town of Cromwell prior to the acceptance of a permit application and/or construction documents. The Building Official shall determine if any project should be sent to an outside agency for plan review and such agency shall be approved by the Building Official. All costs for outside review shall be paid by the applicant.

1) Schedule of fees for plan review:

- a) Residential Construction: Detached one- and two-family dwelling and multiple single-family dwellings (townhouses) not more than three stories above grade plane with a separate means of egress and their accessory structures, including all mechanicals, additions, alterations: \$50.00 per dwelling.
- b) Plan review for all construction other than residential construction: \$200.00.

- 2) Resubmitted Plans and/or Construction Documents: \$50.00 per Residential dwelling, \$200.00 for all other construction. The Building Official shall determine whether resubmitted plans and or construction documents are subject to this fee or fraction thereof. The fee is to be paid prior to the resubmission.
- C. Permit Fees: A permit shall not be valid until the following fees have been paid.
- 1) Standard fee for all permits: \$20.00 for the first thousand in estimated construction costs or fraction thereof.
 - 2) Standard fee for all permits after the first thousand in estimated construction costs is \$15.00 per thousand or fraction thereof.
- D. Final Certificates: The following certificates shall not be issued until all fees as set forth herein have been paid to the Town of Cromwell. The Building Official shall determine whether the following certificate fees are applicable.
- 1) Certificate of Approval: \$20.00
 - 2) Certificate of Occupancy: \$20.00
- E. Related Fees: The payment of the fees set forth herein for the construction, alteration, removal or demolition work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law. Fees, including but not limited to those related to all permits and reinspections, shall be paid prior to the issuance of any Certificate of Approval or Certificate of Occupancy. The Building Official shall determine whether any related fee is applicable.
- 1) Additional permits – per section 99-2(C).
 - 2) Reinspection fee: \$30.00 per inspection.
- F. Waiver of fees for municipal projects.
- [Added TC 6-16-2014]
- 1) The Chief Building Official or his designee shall waive any of the building permit fees set forth in §99-2B, C, D and E for any permits issued to the Town of Cromwell or the Cromwell Board of Education.
 - 2) The State of Connecticut education fee cannot be waived and must be paid by the municipality or the Cromwell Board of Education.
 - 3) The waiver of fees does not apply to the Cromwell Fire District or to the Mattabassett Regional Sewer District.

§99-3. Building permit application procedure.

- A. Application to the office of the Building Official for the permits set forth in §99-3 hereof, shall be on a form prescribed by the office of the Building Official and in accordance with procedures established by that office.
- B. All permits issued are subject to any conditions imposed in the application and may be subject to revocation for violations thereof.
- C. Premises on which taxes are delinquent. No application for a Building Permit or a Certificate of Occupancy shall be approved for premises on which taxes are delinquent except in accordance with Chapter 213 of the Cromwell Town Code. For purposes of

this section, delinquent taxes are defined in Chapter 213, § 213-2 [Added BOS 1-10-1996; amended BOS 1-10-2012^[1]]

[1] Editor's Note: This ordinance, which provided an effective date of 12-10-1996, also repealed former Subsection D, Denial of permit, added BOS 1-10-1996, which immediately followed.

§99-4. Refunds of fees.

- A. Application for a refund of any fee paid hereunder shall be made, in writing, to the office of the Building Official, specifying the reason for the refund. After review of such application, the office of the Building Official shall make a recommendation, in writing, to the Town Manager Board of Selectmen for action thereon. (Dave)
- B. Refunds will be considered on an individual basis by the Town Manager Board of Selectmen with respect to permits if application for refund is made within six months of the date of their original issuance. No refund application shall be considered after six months from the original permit issuance date. (Dave)
- C. Fees for those final certificates and permits as set forth in § 99-2D hereof shall not be refundable. (Dave)
- D. In the case of a revocation of a permit or abandonment or discontinuance of a building project, the value of the work actually completed shall be computed by the office of the Building Official, and any excess fee shall be returned to the permit holder, subject to the following conditions:
 - (1) The maximum refund shall be 70% of the fee paid.
 - (2) All penalties imposed against the permit holder under the Building Code shall first be deducted from any approved refund.
- E. The Town Manager Board of Selectmen may approve, modify or deny the refund request. (Dave)

§99-5. Violations and penalties; appeals.

- A. All violations of the provisions of this ordinance and/or the Connecticut State Building Code as incorporated herein, shall be punishable by a fine of not more than \$500 for each offense. Each day that a violation continues shall be deemed a separate offense.
- B. Any person who shall continue any work in or about a building or structure after having been served by the Building Official's office with a stop order, except such work as he is directed to perform by the Building Official's office to remove a violation or unsafe condition, shall be subject to an additional fine of not less than \$25 nor more than \$500 for each offense. Every day that a violation continues shall be deemed a separate offense.
- C. The appeal provisions of Chapter 1, Article I of the Town Code shall not apply to violations of this Chapter or the State Building Code incorporated herein. Refer to The Connecticut State Building Code "Means of Appeal".
[Added BOS 4-9-1997]

Building/DavesNotes-Letters-Memos/PermitCode-2016-2