



# Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Board of Selectmen Minutes  
Regular Meeting Minutes  
Thursday, September 1, 2016  
Colchester Town Hall @7pm

RECEIVED  
COLCHESTER, CT  
2016 SEP -6 AM 10:54  
TOWN CLERK  
JOHN DEAN

**MEMBERS PRESENT:** Selectman Rosemary Coyle, Selectman Stan Soby Selectman Denise Mizla, and Selectman John Jones

**MEMBERS ABSENT:** First Selectman Art Shilosky

**OTHERS PRESENT:** J Kelley @ 7:20 and Clerk T. Dean

**1. Call to Order**

Selectman R Coyle called the meeting to order at 7:00 p.m.

**2. Additions to the Agenda**

R Coyle asked that the following be added; Item #10 Discussion and Possible Action on Blight Ordinance Draft, renumber remaining items.

J Jones moved to add item to the agenda as presented, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

**3. Approve Minutes of the August 18, 2016 Board of Selectmen Meeting**

R Coyle corrected item #6 "R Coyle stated that", to remove second 'that'.

J Jones moved to approve the Regular Board of Selectmen meeting minutes of August 18, 2016, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

**4. Citizen's Comments – none**

**5. Boards and Commissions – Interviews and/or Possible Appointments and Resignations - none**  
**a. Police Commission**

**6. Budget Transfers**

S Soby moved to approve the transfer as presented, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

**7. Tax Refunds & Rebates**

S Soby moved to approve tax refund in the amount of \$34.96 to Gary Siddell, \$5.66 to Matthew and Joanne Tallman, \$219.19 to Emily or Joseph Riffitts, \$40.19 to Erik Boerenko, \$37.65 to Benjamin Duffy, \$16.01 to Patricia and Willibald Sedlmeier, 99.90 to John Markham, \$41.85 to Gary or Erica Siddell, \$139.00 to James Jr. and Sandra Spillane, \$39.04 Stephan Wade, \$785.16 to Michael and Erin Szewczyk, \$185.17 to Nissan Infiniti-LT, \$48.47 to John Moroch, \$121.39 to Pamela Ploski, \$19.97 to Maureen Parsons, \$81.05 to Archie Gilbert Jr., \$17.93 to Nancy and David Piella, \$180.00 to Frank Gargano, \$15.46 to Murray Cruickshank, and \$64.51 to VW Credit Leasing LTD, seconded by D Mizla. Unanimously approved. MOTION CARRIED

**8. Discussion and Possible Action on Senior Resources Agency on Making Memories Grant**

D Mizla moved to approve the FY 2016-2017 Making Memories Grant and authorize the First Selectman to sign all necessary documents, seconded by S Soby. Unanimously approved. MOTION CARRIED.

**9. Discussion and Possible Action on Board of Selectmen Bylaws Regarding Citizens Comments**

S Soby moved to approve the Board of Selectmen Bylaws regarding Citizens Comments amended version dated 9/1/2016, seconded by J Jones. Unanimously approved. MOTION CARRIED.

**10. Discussion and Possible Action on Blight Ordinance Draft**

The Board reviewed the Blight Ordinance Draft (attached). R Coyle inquired why the special circumstances section was removed. S Soby answered that it was for consistency purpose, the attorney felt it was too open ended. Replaced that

section with Section 8, Preliminary Meeting. The Commission agreed to identify special circumstances to be able to work out a plan to preclude from immediate enforcement action. S Soby stated that it is something that the town has already been doing that has been successful. S Soby stated that there will be a 10 day turn around to move the process along. The Commission will work on dates with the First Selectman to have informal public meetings to solicit feedback and help residents understand what is being proposed. It will then be forwarded to Public Hearing. The draft will be posted on the website with copies available in the First Selectman's Office, Town Clerk's Office, Senior Center and Library.

S Soby moved to accept the Blight Ordinance Draft dated 8/24/2016 to move forward to informal public sessions before sending to Town Meeting, seconded by J Jones. Unanimously approved. MOTION CARRIED.

**11. Citizens Comments**

J Kelley commented on agenda item #9 regarding citizen's comments and he hopes that it won't limit speakers to one comment. Asked Board to rethink adding more full time officers to the police force. S Soby suggested that J Kelley contact Sgt. Martinez and express his concerns regarding traffic on his street. J Kelley also suggested more funds to be put into the next budget for tree removal.

**12. First Selectman's Report – none**

**13. Liaison Reports**

D Mizla reported on Charter Revision – Commission met with the town attorney to provide his written position. Commission received more recommendations for review from town dept. heads. Public informational sessions discussed. Next meeting will talk about which sections are ready.

S Soby reported on Chatham Health – Received notification that the per capita grant is out. Six out of seven employees went to a specific customer service training. Working on fee structure to simplify. This will make it easier for the public and have the cost relate to actual work involved. A memorandum of understanding created regarding planning and implementation of mass dispensing of counter measures, scheduled to come to Colchester next for First Selectman's signature. Focusing on educational programs in the health district. R Coyle added that Chatham is working with realtors to implement the Lead Grant Program, who can forward it on to new homeowners. Chatham also pooling with other towns on a Radon Kit Program to advertise in daycare facilities. Daycare facilities will distribute kit to families that want it, and Chatham will pick up the completed kits and send out as the health district. The health district has the ability to send out mass tests. Flu clinics being planned.

**14. Adjourn**

J Jones moved to adjourn at 7:28 p.m., seconded by S Soby. Unanimously approved. MOTION CARRIED.

Attachment: Blight Ordinance Draft

Respectfully submitted,

Tricia Dean, Clerk

**Town of Colchester  
Blight Ordinance**

**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; and areas designated on Town of Colchester 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 Section 3 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.

## DRAFT #7 – August 24, 2016

- 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) commercial parking areas left in a state of disrepair or abandoned.

**Building Official** is an individual who administers the state building code and any applicable ordinances of the Town.

**Citation Hearing Officer** is an individual appointed by the Board of Selectmen to conduct official hearings authorized by this Ordinance, who may not be a police officer or a Town employee or person who issues citations on behalf of the Town.

**Director of Health or health district designee** is an individual who administers state health regulations applicable to this Ordinance.

**Designated Blight Enforcement Official** is the individual whom the Blight Enforcement Committee designates to investigate and to act upon the complaint.

**Issuance of Citation** is the notification that fines and the penalties are being assessed against the owner of the premises for the Violation of this Ordinance.

**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.

**Notice of Violation** is the initial notification in writing of a violation to the owner of the premises.

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

## **Section 6            Reporting a Complaint**

Complaints by residents of the Town of Colchester ~~members of the public~~ shall be submitted to the First Selectman or his/her designee. The First Selectman or a designee shall forward the complaint to the Blight Enforcement Committee who shall assign an appropriate Designated Enforcement Official.

## **Section 7            Notice of Violation**

- 1) Whenever the Blight Enforcement Committee or Designated Enforcement Official 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, the Designated Blight Enforcement Official shall give notice of the Violation to the owner of the premises responsible therefore, as hereinafter provided.

Such notice shall:

- a) be in writing;
  - b) set forth the violation(s) of this Ordinance;
  - c) specify a final date which will be at least thirty (30) days and not exceed sixty (60) days for the correction of any violation;
  - d) be served upon the owner or owner's agent; 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;
  - g) inform the owner of the opportunity for a preliminary meeting as set forth in Section 8.
- 2) Whenever the Designated Blight Enforcement Official determines that there has been a violation of Section 3, 4(d), the enforcement official 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

## **Section 9            Issuance of Citation**

The Designated Blight Enforcement Official is authorized to issue a Citation if a violation remains unabated after the final correction date as set forth in the Notice of Violation or in the Preliminary Meeting voluntary remedial action plan. 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;
- 6) State the right to appeal the Citation.

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 owner's agent 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           Appeals and Citation Hearing**

Within ten (10) days of receipt of a written Citation, the Owner may request an appeal of the Blight Violation and penalties 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 or Town appointed designee shall be heard by a Citation 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.

The Designated Blight Enforcement Official shall attend the hearing.

**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

Glastonbury

West Haven

Griswold

Westport

Guilford

Wethersfield

Madison

Woodbridge