

BOARD OF SELECTMEN
DEEP RIVER TOWN HALL

Regular Meeting – January 25, 2011

ATTENDANCE: Selectmen Dick Smith, Art Thompson, Dave Oliveria. Also:
Margo Hilfinger, Richard Strukus (*videography*), Tom Lindner (*Treasurer*), Jonathan Kastner (*Chairman, Planning & Zoning Commission*).

This regular meeting was called to order at 6:45 pm by Smith.

Minutes -- Regular Meeting – January 11, 2011.

Motion by Oliveria, second by Thompson, to approve the minutes of January 11, 2011.
APPROVED 3-0

Probate Court Agreement:

Motion by Thompson, second by Oliveria, to approve the agreement for provision of consolidated probate court facilities and services.
APPROVED 3-0

Appointments:

Motion by Thompson, second by Oliveria, to approve the appointment of Angus McDonald, presently an alternate member, as a regular member of the Planning & Zoning Commission, for a term to expire December 1, 2013.
APPROVED 3-0

Update on Blight Ordinance:

Smith gave Thompson and Oliveria a letter from Town Attorney Jane Marsh in responses to a request from a resident about establishing a “Blight Ordinance.” The Board agreed to have the Planning & Zoning Chairman contact the Commission’s

attorney to see whether such a regulation could be established under Planning & Zoning (P & Z) regulations. Attorney William Howard will be invited to discuss the matter at a Selectmen's meeting, along with members of the P & Z and Zoning Enforcement Officer Cathie Jefferson. *A copy of Attorney Marsh's letter is attached to these minutes.*

Suspense list for tax collector:

No action required.

Action on revised Design Advisory Board Job Description:

Tabled.

Streetscape Grant – Phase 4 (D.E.C.D.):

Motion by Thompson, 2nd by Oliveria, to add to the agenda for discussion and action a \$150,000 grant awarded to the town for a continuation of the Main Street Streetscape.

APPROVED 3-0

Smith requested a motion authorizing him to sign all documents and contracts implementation of the grant. Motion by Thompson, 2nd Oliveria.

APPROVED 3-0

Building Fees for Regional District:

Smith requested that the Board add to the agenda for discussion and action the matter of building permit fees for a project at John Winthrop Middle School. Motion by Thompson, second by Oliveria to add the item. *A copy of Code Official Leighton's letter is attached to these minutes.*

APPROVED 3-0

Motion by Oliveria, second by Thompson, to waive the permit fees.

APPROVED 3-0

Any Other Business to Come Before this Board – Audience of Citizens:

Chairman of the Community Health Committee Russell Marth offered a detailed update regarding the committee's progress. Marth said that they are working on a 26-item action list. They have established a new fund, to replace the Memorial Fund, to be called the Deep River Community Fund, which has already received several hundred dollars in donations. The current Memorial Fund, with approximately \$72,000, will be spent down as per the decree by the Probate Court, before funds will be drawn from the new fund, donations to which will be fully tax deductible.

Adjournment:

Motion by Oliveria, 2nd by Thompson, to adjourn at 7:35 pm.

APPROVED 3-0

Respectfully submitted,

Richard H. Smith

Richard H. Smith
First Selectman

att

RHS/jk

TOWN OF DEEP RIVER

174 Main Street, Deep River, CT. 06417

BUILDING DEPARTMENT

Tel: (860) 526-6025 Fax: (860) 526-0060

January 22, 2011

TO: Dick Smith, First Selectman

FROM: R.E.Leighton, Code Official

***Re: Regional School
Solar Installation
Deep River, Connecticut***



Subject: BUILDING PERMIT FEES

Under the current Building Codes, Permit Fees would be due for this Office to issue necessary Permits for the installation of this alternative energy source. However, in the past, the Board of Selectman normally waived such fees due the Town.

Please advice as to whether or not such fees will again be waived for this particular Project.

***cc: R. Smith, First Selectman
Board of Selectman
Property File***

MARSH & BOUREGY, LLC

ATTORNEYS AT LAW

6 Elm Street, Post Office Box 236

Deep River, Connecticut 06417

Telephone: (860) 526-4331

Fax: (860) 526-4811

JANE R. MARSH

WILLIAM L. BOUREGY*

*Also admitted in
New Jersey and New York

January 11, 2011

Richard H. Smith, First Selectman
Town Hall, 74 Main Street
Deep River, CT 06417

Re: Blight Ordinance

Dear Dick:

I understand that Mr. and Mrs. Vizzo appeared at your December 28th, 2010 Selectman's meeting to request that the Town of Deep River adopt a "blight" ordinance. They provided a draft ordinance from Essex dated October, 2010 and the Clinton ordinance which we have considered before. From the Essex Town Meeting minutes, I could not determine that a blight ordinance had been considered or passed yet in Essex.

I reviewed the draft Essex ordinance and found that "blight" was defined as three conditions that are already violations of either the health, fire or building codes. The Town of Deep River already has the capability to enforce those three codes without the adoption of an additional ordinance. The extent to which the officials charged with the responsibility for enforcement actually pursue various conditions rests in part in their discretion and are determined by the real factors of town finances and the likelihood of ultimate success. Adding another layer of regulation will not change those realities. Those officials always stand ready to receive complaints from the public. If Essex adopts their ordinance, it isn't really changing anything.

I have previously reviewed the Clinton ordinance. That ordinance is very far-reaching and to me didn't then and doesn't now seem suited or advisable for Deep River. For example, having long grass left unmowed for more than 10 days is a violation, as well as owning dead, decayed, diseased or damaged trees. It represents a decidedly urban outlook. The ordinance is replete with undefined terms which the drafters attempt to moderate with exceptions.. The Selectmen are saddled with responsibility for enforcing these vague standards, holding hearings and pursuing violators. The fine for a violation is \$100.00. I have nothing positive to say about the town's consideration of such a scheme. Certainly it might generate plenty of complaints and lots of effort and expense for the Selectmen because of its vagueness

and the conditions it promises to remedy for private parties for free. However, I think it wouldn't do much in practice and it would divert Selectmen from their other duties, which are already extensive. It would also cost the Town treasury and its taxpayers to try to enforce what are essentially aesthetic standards. In true cases of falling down buildings, the usual cause is the poverty of the owner's resources. An ordinance saying it's not allowed does nothing to remedy that. Again serious threats to public safety can already be addressed by our existing code officials.

In times such as these, where each dollar of taxpayers' money must be committed for the most essential purposes, the creation of a whole new set of local government responsibilities also seems entirely improper. If our code officials themselves felt that they needed enhanced powers that the Town could adopt by this method, certainly the Selectmen should be open to any suggestions that came from them.

Sincerely,



Jane R. Marsh