

BOARD OF SELECTMEN

DEEP RIVER TOWN HALL

Regular Meeting – April 12, 2011

Attendance: Selectmen Dick Smith, Art Thompson, Dave Oliveria. Also: Margo Hilfinger, Richard Strukus (*videography*), Russell Marth, Scott Sundberg (*H. D. Segur Agency*), Stanley Prymus & Stacia Libby (*Thompson & Peck Agency*).

This regular meeting was called to order at 6:32 p.m. by Dick Smith.

Minutes: Regular Meeting – March 22, 2011.

A motion was made by Dave Oliveria and seconded by Art Thompson to approve the minutes of the regular meeting of March 22, 2011.

APPROVED 3 - 0

Discussion with Insurance Providers:

Representatives of two insurance agencies submitted their credentials and answered questions regarding their experience and qualifications, the insurance underwriters they deal with and the number of other towns they service. Much of the discussion revolved around the fact that only three major carriers are willing to write insurance for municipalities: Trident-Argonaut, CIRMA and Travelers. Prymus & Libby (*Thompson & Peck, Old Saybrook*) noted that the Zurich Insurance Company would be willing to bid on our general insurance, but would not include Workers Compensation. Thompson asked both agents about their experience with municipalities and why the Town should choose one or the other.

Scott Sundberg (*H. D. Segur*, Cheshire) stated that Segur presently represents 70 municipalities in Connecticut and has a variety of trained and certified personnel capable of addressing specific areas such as loss control, claims representatives, etc. Prymus & Libby said that Thompson & Peck has been in business since early in the 20th Century, and that their staff was also competent to provide all services the Town would require. Thompson & Peck does not insure any municipalities, but Prymus noted that their Deep River residency would be an advantage to the town. No Action was taken

Design Advisory Board:

After discussion between the Selectmen and Planning & Zoning Commission vice-Chair Nancy Fischbach, a motion was made by Thompson, 2nd by Oliveria, to approve the Design Advisory Board Statement of Purpose and Job Description as originally presented to the Board of Selectmen dated December 14, 2010.

APPROVED 3 - 0

The text of the document follows:

Design Advisory Board

Statement of Purpose & Job Description

As approved by the Board of Selectmen at their Regular Meeting of April 12, 2011

The Design Advisory Board (DAB) was established by the Board of Selectmen to provide informal and advisory recommendations to developers and property owners on commercial development, redevelopment, and changes to existing structures and improvements within Commercial and Industrial Districts. Reviews may consider construction and reconstruction which is visible from a public way within such districts and when such improvements require the issuance of a Special Permit by the Planning & Zoning Commission (PZC). The DAB may also be asked by PZC to comment on residential Special Permit proposals within the Gateway Conservation Zone as well as other applications and by the Board of Selectmen for Town of Deep River projects.

It is the intent of the Board of Selectmen and the Planning & Zoning Commission to minimize expense for applicants and therefore reviews should be conducted prior to zoning application (“pre-application”) whenever possible. Applicants are encouraged to come to the Design Advisory Board with proposals while at the conceptual stage, before incurring the expense of detailed drawings.

The Design Advisory Board has no regulatory powers. Its scope shall be limited to those aesthetic considerations which are outside of Planning & Zoning’s statutory regulations and responsibilities.

The purpose of the DAB is to encourage architectural design in harmony with the surrounding neighborhood and with the character of Deep River. The intent is not to advocate historically accurate design or duplication of architectural detail of other structures within town, but rather to encourage the use of elements that are common or otherwise compatible to and appropriate for the existing streetscape and to minimize the removal of historic, traditional or significant structures while enhancing pedestrian access to downtown and providing an overall aesthetic atmosphere that will help attract new homeowners, tourists and businesses.

The Goals of the Design Advisory Board are:

1. To provide guidance to property owners and developers at an early stage, prior to application to PZC whenever possible.
2. To establish clear, concise and reasonable design review guidelines supporting Deep River's design objectives and Economic Development goals.

Design Guidelines

Working with the Planning & Zoning Commission, the DAB will devise design criteria that will be considered in making recommendations, such Guidelines being subject to the approval of PZC and the Board of Selectmen. Categories for standards would include:

Site Design Aesthetics

Building Design relative to the surrounding terrain and to nearby buildings with which there is a functional or visual relationship.

Architectural Elements

In general spaces, structures and related site improvements in public view should be designed to be consistent with the elements of the neighborhood in and around the proposed development

Membership

The DAB shall consist of five members and two alternates appointed by the Board of Selectmen. All regular members and alternates should have some background in architecture, landscape architecture, site planning, engineering, town planning, graphic or interior design, historic preservation and other related fields or shall have otherwise demonstrated a high level of interest and commitment to the work of the DAB. In order to ensure the diversity of members on the DAB, at least four members and alternates shall have been advanced by the Deep River Historical Society, the Deep River Land Trust, the Planning and Zoning Commission, and the Economic Development Commission/Merchants Association. All members shall be electors of Deep River.

The DAB members shall elect a Chairman, Vice Chairman and Secretary every two years to call and preside at the meetings, the dates of which are set as required.

Membership terms will be for two years with a three-term limit.

Three members and one alternate member shall be appointed for an initial term of two years, and two members and one alternate member shall be appointed for an initial term of one year. Following the expiration of the initial terms in office, all subsequent appointments shall be for a term of two years. Any vacancy on the Board shall be filled by the Board of Selectmen for the unexpired portion of the term with a candidate who meets the criteria noted above.

Process

Any property owner or developer with a proposal to be reviewed by DAB shall submit to the Design Advisory Board plans for proposals no later than the same day submission is made to the Deep River Planning and Zoning Commission, with applicants strongly encouraged to submit conceptual drawings for review prior to the preparation of those plans and documents which are required for application to Planning & Zoning. Projects with substantial new construction should be submitted to the Design Advisory Board prior to submission to PZC to provide early review of preliminary plans when revisions can be made easily and inexpensively.

Applicants are encouraged to provide photographs of the site showing its relationship to its surroundings and samples or descriptions of proposed materials and colors.

In order to provide time for changes to proposals before PZC consideration, reviews are best conducted prior to submission of zoning application. If review is conducted post-application, the DAB shall meet with the applicant not fewer than 14 days prior to a PZC Public Hearing or if no hearing is scheduled, not fewer than 14 days before the meeting at which a Planning and Zoning decision may be made. Since PZC may not consider either an applicant's compliance with DAB recommendation or the merits of the recommendations themselves, the DAB shall advise the Planning and Zoning Commission only whether or not it met with the applicant.

The recommendations of the Design Advisory Board are not binding. Furthermore, should a DAB recommendation contradict a zoning regulation, the zoning regulation would prevail. An application may be approved by the PZC even if it does not incorporate any or all of the DAB's recommendations. Any changes to a proposal once it has been approved by Planning & Zoning would require a new application.

END OF DOCUMENT

Resident Trooper Contract – Department of Public Safety:

After a brief discussion Thompson moved, Oliveria 2nd, to approve the contract between Deep River and the Connecticut Department of Public Safety that will cover a two-year period ending October 2013.

APPROVED 3 – 0

Optional Property Tax Relief Program:

After a brief discussion Oliveria moved, Thompson 2nd, to extend the life of the ordinance through the Grand List year ending October 1, 2013 (*the original ordinance was to have expired automatically for Grand List years after 2010*).

APPROVED 3 – 0

The text of the original ordinance follows:

ORDINANCE – TOWN OF DEEP RIVER

Effective for Grand List: October 1, 2007 to October 1, 2010

Optional Property Tax Relief for Certain Homeowners age 65 or over or Permanently and Totally Disabled Pursuant to Connecticut General Statutes 12-129n.

The Town of Deep River hereby establishes a Supplemental Property Tax Relief Program for elderly and permanently disabled residents in accordance with the authority granted in and subject to the limitations of Connecticut General Statutes 12-129n, and subject to the further limitations enumerated herein:

(1) Both (i) Any individual, married couple or partners in a civil union who apply for and qualify for property relief benefits from the State of Connecticut in accordance with Sections 12-129b to 129d, inclusive and Section 12-170aa of the Connecticut General Statutes (hereinafter “The State Programs”) and who meet the requirements set forth in Section 12-129n(a) and this ordinance, may apply for and qualify for an additional property tax reduction equal to 50% of the reduction received pursuant to The State Programs, subject to the following:

And (ii) Any individual, married couple or partners in a civil union who, if he, she or they applied for property relief benefits from the State of Connecticut in accordance with The State Programs would qualify for said benefits but for the fact that his, her or their income exceeds the limits established under The State Programs, but whose income is within the limit set forth in subparagraph (d) (2) below, and who meet the requirements set forth in Section 12-129n(a) and this ordinance, may apply for and qualify for an

additional property tax reduction equal to 50% of the smallest reduction received pursuant to The State Programs, subject to the following:

(a) Any surviving spouse of a homeowner who was approved for the program provided in this section prior to his or her death, shall not be eligible for the additional tax reduction provided herein unless such surviving spouse shall have attained the age of at least sixty (60) at the time of his or her spouse's death.

(b) At the time of application, such person(s) shall have owned and resided in a principal residence located in the Town of Deep River for a continuous period of five (5) years and shall have paid real estate taxes on a principal residence to the Town of Deep River for a period of five (5) years. A surviving spouse is not required to have had an ownership interest in the property prior to the applicant's death, but must be the record owner of the property within 12 months thereafter and meet the other requirements set forth in this ordinance.

(c) The additional tax reduction provided in this program, together with the tax relief benefit provided in The State Programs, shall not exceed seventy-five percent (75%) of the total amount of real property tax which would otherwise have been assessed against the applicant(s), but for the state and local programs referenced herein.

(d) (1) Any such applicant(s) described in (1)(i) above shall meet the qualifying income limitations established annually by the State of Connecticut for the Elderly and Totally Disabled Tax Relief Program as administered by the State.

(2) Any such applicant(s) described in (1)(ii) above shall have individually, if unmarried, or jointly if married or a partner in a civil union, no more than \$45,000.00 combined total annual gross income, (including Social Security benefits and non-taxable income) during the calendar year preceding the filing of his or her application. "Annual gross income" for purposes of this ordinance shall be established by the presentation to the Assessor of the applicant's federal income tax return, signed under penalty of perjury, whether filed or unfiled, and by the addition of the amounts properly entered on lines 7, 8a, 8b, 9a, 10 through 14, 15a, 16a, 17, 18, 19, 20a and 21 thereon (referring to the lines on 2007 Form 1040 and comparable lines on subsequent forms). If the applicant's spouse files separately and in cases of partners in civil union, both tax returns shall be presented and the totals combined. The Assessor may request any other documentation he or she may deem necessary to verify income and shall have the final determination as to whether or not the income limit has been met.

(e) The additional property tax reduction provided in this ordinance shall apply only to the fractional interest in the principal residence actually owned by the qualified applicant(s).

(f) In addition, all taxes (real and personal) due and payable to the Town of Deep River must be paid and not in arrears as of January 31st of the preceding Grand List in order to be eligible and to maintain eligibility under this ordinance.

(2) Any such additional tax reduction provided in this ordinance shall not disqualify any individual, married couple or partners in a civil union with respect to any benefits for which he, she or they might be eligible under The State Programs.

(3) For the Grand List of October 1, 2007 and thereafter for all years during which this ordinance shall be in effect, the additional tax reduction provided herein shall be applied

to both payment installments in the same manner that the tax relief benefit is provided under The State Programs.

(4) The total tax benefits granted under this ordinance in any tax year shall not exceed the sum of \$50,000.00 or the limitation set forth in Section 12-129n(c), whichever is smaller. If such a cap is exceeded, all benefits otherwise to be received hereunder shall be proportionately reduced to meet the cap.

(5) Both occupancy and ownership of the principal residence in the Town of Deep River shall be a continuing obligation and requirement of receiving benefits under this ordinance. The Assessor shall prorate the benefit for the period the requirements are met and reinstate the full tax amount for the period when the requirements are not met.

(6) A resident property owner, or his or her authorized agent, believing that he or she is entitled to tax relief under this program shall complete an application form, in person, in the Deep River Assessor's Office between February 1st and May 15th. The Assessor shall determine all filing requirements and shall administer the program as an adjunct to The State Programs, following, where appropriate, the same administrative procedures. The Assessor may require the filing of additional information to establish ownership, residency and occupancy requirements to his or her satisfaction. Any person aggrieved by the decision of the Assessor may appeal to the Board of Assessment Appeals in accordance with the provisions of Section 12-111 and 12-112 of the Connecticut General Statutes.

(7) Unless reapproved and extended by the legislative body of the Town of Deep River, this ordinance shall expire automatically for Grand List years after 2010. It may also be rescinded or amended by the legislative body on recommendation of the Board of Finance without complying with the requirements of Section 12-129n(b) of the Connecticut General Statutes applicable to the ordinance's initial approval.

END OF DOCUMENT

Appointments:

Oliveria moved, 2nd by Thompson, to approve the appointment of Catherine Bender to the Community Health Committee.

APPROVED 3 - 0

Thompson moved, Oliveria 2nd, to increase membership of the Fire Department Study Committee from seven to eight.

APPROVED 3 - 0

Oliveria Moved, Thompson 2nd, to appoint Ron Larson and Linda Hostetler to the F.D.S.C.

APPROVED 3 - 0

Smith reported that he had received a request by a local business person, on behalf of the Ramcke family, to plant a tree, with an accompanying monument, in remembrance of Nicholas Ramcke. He noted that there have been similar requests in the past on behalf of other Deep River families, and that it has been the Town's policy to allow memorial trees to be planted on Town property, but not to include monuments. The concern has always been that a precedent would be set, and that trying to decide who should be allowed monuments, and where they should be placed, would end in controversy.

However, we have had a practice of, in special cases, having benches donated and marked with a small plaque identifying people who have been especially associated with Deep River. It was agreed that Town policies regarding plantings and benches would remain the same, but that monuments would not be allowed.

Smith submitted a letter from the Yumbala Family, owners of the Ivory Restaurant and Pub, thanking the Town for the brick sidewalks and decorative street lamps installed on North Main Street during Phase Three of the Main Street Streetscape project. The letter noted specifically the increased parking that had been made available on the west side of Main Street by moving the curb inward.

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

There were no comments from the audience.

Adjournment:

A motion was made by Thompson and seconded by Oliveria to adjourn at 7:38 pm.

APPROVED 3 - 0

Richard H. Smith
First Selectman