

## AGENDA

TOWN COUNCIL  
COUNCIL CHAMBERS  
SOUTH WINDSOR TOWN HALL

REGULAR MEETING  
MONDAY, JUNE 20, 2016  
TIME: 7:00 P.M.

1. Call Meeting to Order
2. Prayer: TBD
3. Pledge of Allegiance
4. Roll Call
5. Public Input  
[Per Town Council Rules, this segment of the meeting shall not exceed thirty (30) minutes unless extended by the Mayor, with the consent of a majority of the Town Council.]
6. Environmental Health & Safety Message
7. Adoption of Minutes of Previous Meetings
8. Public Petitions
9. Communications from Officers and Boards Directly Responsible to Council
10. Reports from Standing Committees
11. Reports of Temporary Committees
12. Consent Agenda  
[All items listed with an asterisk (\*) are considered to be routine by the Town Council and will be enacted by one Motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the General Order of Business and be considered in its normal sequence on the Agenda.]
13. Unfinished Business
14. New Business
  - A. Resolution Appropriating \$300,000 from the Capital Stabilization Fund
  - B. Resolution Approving a Non-Emergency Interagency Agreement Between the Towns of South Windsor, Manchester and Vernon

Public Meetings are the time and place at which the Town Council conducts official business of the Town. The Council reserves time and invites the public to be heard during three segments of each Public Meeting, as follows:

Item #5 & Item 17 (Continued):

Public Input – A segment of up to thirty (30) minutes (which may be extended by the Chair with consent of the Council) is set aside to hear from the public on any matter. Precedence is given during this segment to any South Windsor Resident or Taxpayer who wishes to speak to any matter on the Agenda. South Windsor Residents or Taxpayers generally are to limit their comments to three (3) minutes each and shall avoid personalities or impugning of improper motive to any person.

Item #8:

Public Petitions – A South Windsor Resident or Taxpayer may petition the Council, in writing, to include a new item on the Agenda for the next Regular Meeting of Council. An item duly presented in writing shall be placed on the Agenda for such meeting. South Windsor Resident or Taxpayers shall refrain from any discussion of the item until the next Regular Meeting, except when the Chair, with the unanimous consent of the Council Members present, shall suspend the rules.

The Council appreciates and encourages the active and orderly participation of the public in all Public Meetings. Any South Windsor Residents (a person registered to vote in South Windsor) or Taxpayer may participate at the time and in the manner stated above. When recognized by the Chair (generally the Mayor, or the Deputy Mayor) the South Windsor Resident or Taxpayer should approach the lectern, give his or her name and address, and speak freely in accordance with these procedures.

## **AGENDA**

### **Regular Meeting – Town Council Monday, June 20, 2016**

#### **14. New Business (Continued)**

- C. Resolution Waiving the Competitive Bid Process for the Purchase of a Used Rubber Tire Excavator
- D. Resolution Approving the Transfer of \$7,765.00 from Contingency to the Registrar of Voters Budget
- E. Discussion item: Truck Traffic in Town (*requested by Councilor Anwar*)
- F. Resolution Approving an "Agreement Between the Town of South Windsor and United Public Service Employees Union, Local 424-Unit 65; United Public Service Employees Union, Local 424-Unit 104; and American Federation of State, County and Municipal Employees

#### **15. Passage of Ordinance**

- A. Resolution Adopting Amendments to Ordinance #196 – Demolition Delay Ordinance

#### **16. Communications and Reports from Town Manager**

[Per Town Council Rules, this segment of the meeting shall not exceed ten (10) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

#### **17. Public Input**

[Per Town Council Rules, this segment of the meeting shall not exceed thirty (30) minutes unless extended by the Mayor, with the consent of a majority of the Town Council.]

#### **18. Communications and Petitions from Council**

[Per Town Council Rules, this segment of the meeting shall not exceed twenty (20) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

#### **19. Executive Session**

- A. To discuss personnel issues/union negotiations between the Town of South Windsor and three Unions, (United Public Service Employees Union, Local 424-Unit 65; United Public Service Employees Union, Local 424-Unit 104; and American Federation of State, County and Municipal Employees.

**AGENDA**  
**Regular Meeting – Town Council**  
**Monday, June 20, 2016**

19. Executive Session (*Continued*)

- B. To discuss a draft agreement which would result in disclosure of public records or information which is exempt from disclosure at this time pursuant to C.G.S. §1-210(b)(1) and §1-210(b)(4).

20. Adjournment

## RESOLUTIONS

Monday, June 20, 2016

7. **Adoption of Minutes of Previous Meetings**  
(Councilor Snyder)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Verbatim Minutes of May 16, 2016; Public Hearing Minutes (3 sets) of June 6, 2016; Regular Meeting Minutes of April 18, 2016; May 16, 2016; and June 6, 2016.

8. **Public Petitions**

9. **Communications from Officers and Boards Directly Responsible to Council**

10. **Reports from Standing Committees**

11. **Reports of Temporary Committees**

12. **Consent Agenda**

13. **Unfinished Business**

14. **New Business**

A. **Resolution Appropriating \$300,000 from the Capital Stabilization Fund**  
(Councilor Pendleton)

BE IT RESOLVED that the South Windsor Town Council having conducted the required Public Hearing at 9:00 p.m. on June 6, 2016, hereby approves the appropriation of \$300,000 from the Capital Stabilization Fund to cover costs associated with a fence at the High School in the amount of \$76,000; furniture and fixtures at the EOC in the amount of \$88,000; and Revaluation in the amount of \$136,000.

B. **Resolution Approving a Non-Emergency Interagency Agreement Between the Towns of South Windsor, Manchester and Vernon**  
(Deputy Mayor Mirek)

(Continued on Next Page)

## RESOLUTIONS

Regular Meeting – Town Council  
Monday, June 20, 2016

### 14. B. (Continued)

WHEREAS, Connecticut General Statute §7-148cc authorizes two or more municipalities to jointly perform any function that each municipality may perform separately under any provisions of the general statutes of any special act, charter, or home rule ordinance upon entering into an agreement to such effect with other municipalities; and

WHEREAS, C.G.S. §7-148cc requires that any such agreement be approved by each participating municipality in the same manner as ordinances are approved or, if no ordinances are approved, in the same manner as the budget is approved; and

WHEREAS, the undersigned municipalities recognize the benefits of joining together or the performance of law enforcement and police services; and

WHEREAS, the undersigned municipalities find that entering into such an agreement is necessary and beneficial for the delivery of more effective and efficient police services to the citizens of their respective municipalities and have followed the approved process outlined above; and

WHEREAS, the undersigned municipalities wish to cooperate in the joint performance of law enforcement and police services by granting full powers of arrest to full-time sworn police officers of participating municipalities

NOW, THEREFORE, BE IT RESOLVED that it is agreed by and between the municipalities signing this agreement by their respective Chief Executive Officers, duly authorized, as follows:

- 1) The undersigned municipalities hereby grant to all full-time sworn police (peace) officers, as defined in subdivision (9) of section 53a-3 of the Connecticut General Statutes, from other municipalities participating in this agreement ("participating municipalities") the power to act or arrest, without previous complaint or warrant, any person for any offense when such offense is committed in their presence or upon speedy information of others.

**(Resolution Continued on Next Page)**

## RESOLUTIONS

### Regular Meeting – Town Council

Monday, June 20, 2016

#### 14. B. (Continued)

- 2) The Police Chiefs of the municipalities participating in this agreement shall constitute an oversight board for the administration and performance as outlined in this agreement. This board is authorized to administer the processes and procedures of this agreement and may modify these procedures as necessary to insure efficient and effective operation.
- 3) The services performed under this agreement shall be deemed to be for public and governmental purposes, and all immunities from liability enjoyed by the municipality within its boundaries shall be extended to its participation under this agreement outside its boundaries.
- 4) Any police officer as defined in subsection (1) of this agreement shall have the same powers, duties, privileges and immunities as are conferred on the police officers of any participating municipality in whose jurisdiction he/she is operating.
- 5) Each participating municipality agrees that it shall be responsible for all costs it incurs as a result of participation in this agreement, whether monetary or in the form of goods or services. Such costs may include, but are not limited to:
  - a) The actual payroll, including overtime, of the agency's personnel participating in this agreement.
  - b) The replacement or repair cost of any equipment lost, destroyed, damaged or made unavailable as a result of acting under the terms of this agreement.
  - c) Fuel and maintenance costs for any vehicles and equipment.
  - d) Training costs arising from participation in this agreement.
  - e) Worker's Compensation claims pursuant to Connecticut General Statutes §31-275 through 31-355a.
  - f) Awards for death, disability, injury to employees acting under this agreement or related activities to the extent that such awards exceed Worker's Compensation coverage.
  - g) Survivor's benefits pursuant to Connecticut General Statute §7-323e.
  - h) Heart and hypertension claims pursuant to Connecticut General Statute §7-433c.
  - i) Costs arising from agreement, contracts or obligations the municipality entered into prior to entering this agreement.

**(Resolution Continued on Next Page)**

**RESOLUTIONS**  
**Regular Meeting – Town Council**  
**Monday, June 20, 2016**

**14. B. (Continued)**

- 6) Each participating municipality shall indemnify and hold harmless the other municipalities participating in this agreement from all third party death, injury or property damage claims arising from, and solely identifiable to, the negligent acts of one or more of the participating municipalities. Each municipality is liable only for its percentage of liability as determined by the courts in instances where the identity of the negligent actor cannot be determined.
- 7) Not later than five (5) years from the effective date of this agreement, and every five (5) years thereafter, the effectiveness of this agreement shall be reviewed by the body which approved the agreement for each participating municipality.
- 8) Any participating municipality may withdraw from this compact by giving thirty (30) days written notice to all the other participating municipalities. Withdrawal of one or more participants shall not void the compact so long as two or more participants remain active in the compact.

**C. Resolution Waiving the Competitive Bid Process for the Purchase of a Used Rubber Tire Excavator**  
**(Councilor Havens)**

WHEREAS, the Public Works budget for Fiscal Year 2016/2017 includes funds to purchase an excavator, which will be used by the department to complete many jobs that they can not currently do and need to hire contractors to do; and

WHEREAS, the Department of Public Works has researched excavators and determined that a used rubber tire excavator would best serve their needs and fit into their budget; and

WHEREAS, the Department of Public Works has received quotes for good condition, comparable used rubber tire excavators from three equipment suppliers, which also includes a trade-in allowance for the departments 1999 Volvo L70C Loader; and

WHEREAS, purchasing a piece of used equipment such as this is not conducive to the normal competitive bid process; and

**(Resolution Continued on Next Page)**



**RESOLUTIONS**  
**Regular Meeting – Town Council**  
**Monday, June 20, 2016**

**14. C. (Continued)**

WHEREAS, the Town of South Windsor, Public Works Department recommends waiving the competitive bid process for the purchase of a used Rubber Tire Excavator

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council has determined that waiving competitive bidding is in the Town's best interest; and

BE IT FURTHER RESOLVED that the Town Council authorizes Town Manager, Matthew B. Galligan to negotiate and execute any and all contracts and documents necessary for the purchase of a used rubber tire excavator including the trade in of a 1999 Volvo L70C Loader.

**D. Resolution Approving the Transfer of \$7,765.00 from Contingency to the Registrar of Voters Budget**  
**(Councilor Maneeley)**

BE IT RESOLVED that the South Windsor Town Council hereby approves the transfer of \$7,765.00 from the Contingency Account to the Registrars Operating Materials Account to cover costs associated with the Presidential Preference Primary for both the Democratic and Republican Parties held on April 26, 2016.

**E. Discussion Item: Truck Traffic in Town *(requested by Councilor Anwar)***

**F. Resolution Approving an "Agreement Between the Town of South Windsor and United Public Service Employees Union, Local 424-Unit 65; United Public Service Employees Union, Local 424-Unit 104; and American Federation of State, County and Municipal Employees**  
**(Councilor Riley)**

BE IT RESOLVED that the South Windsor Town Council hereby approves the proposed "Agreement Between the Town of South Windsor and United Public Service Employees Union, Local 424-Unit 65 (Municipal Employees); United Public Service Employees Union, Local 424-Unit 104 (Emergency Telecommunicators, Animal Control Officers, and Support Services Technicians); and American Federation of State, County and Municipal Employees AFL-CIO, Local 1303 of Council #4 (Public Works)" for the period July 1, 2016 through June 30, 2019.

## **RESOLUTIONS**

**Regular Meeting – Town Council**

**Monday, June 20, 2016**

### **15. Passage of Ordinance**

#### **A. Resolution Adopting Amendments to Ordinance #196 – Demolition Delay Ordinance (Councilor Anwar)**

BE IT RESOLVED that the South Windsor Town Council hereby adopts amendments to Ordinance #196 – Demolition Delay Ordinance, as shown in attached **Exhibit A**.

### **16. Communications and Reports from Town Manager**

[Per Town Council Rules, this segment of the meeting shall not exceed ten (10) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

### **17. Public Input**

[Per Town Council Rules, this segment of the meeting shall not exceed thirty (30) minutes unless extended by the Mayor, with the consent of a majority of the Town

### **18. Communications and Petitions from Council**

[Per Town Council Rules, this segment of the meeting shall not exceed twenty (20) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

### **19. Executive Session**

A. To discuss personnel issues/union negotiations between the Town of South Windsor and three Unions, (United Public Service Employees Union, Local 424-Unit 65; United Public Service Employees Union, Local 424-Unit 104; and American Federation of State, County and Municipal Employees.

B. To discuss a draft agreement which would result in disclosure of public records or information which is exempt from disclosure at this time pursuant to C.G.S. §1-210(b)(1) and §1-210(b)(4).

### **20. Adjournment**

## DIVISION 2. - BUILDINGS—DELAY OF DEMOLITION

## FOOTNOTE(S):

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**Editor's note**— Ord. No. 196, adopted Sept. 17, 2012, amended div. 2 in its entirety to read as herein set out. Former div. 2, §§ 54-71—54-83, pertained to similar subject matter, and derived from Ord. No. 190, adopted Jan. 10, 2011.

## Sec. 54-71. - Title and purpose.

This ordinance is duly enacted by the town pursuant to C.G.S § 29-406(b) in order to:

- (1) Preserve and protect significant buildings and structures within the town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town; and
- (2) Limit the detrimental effect on community character and heritage that may result from the demolition of such buildings and structures.

It is, therefore, the intent of this ordinance to promote the preservation of architecturally and historically significant buildings by delaying demolition.<sup>1</sup>

(Ord. No. 196, 9-17-12)

**Note**— Summary: Under this ordinance, the public shall be notified of the anticipated demolition of buildings or structures that are known or presumed to be 75 years old or older, and shall be given an opportunity to file a request for delay of demolition ("request for delay") with the demolition delay committee. If a request for delay is filed, then the demolition delay committee shall hold a public hearing to determine whether the buildings or structures at issue are architecturally or historically significant based on the criteria set forth in section 54-72 (below). If the demolition delay committee finds that the buildings or structures are architecturally or historically significant, then the Building Official shall impose a waiting period of up to 180 days before granting a permit for the demolition of such buildings or structures. During that time, the owner(s) of such buildings or structures are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition.

## Sec. 54-72. - Definitions.

**Applicant.** Any person or entity who files an application with the town for a demolition permit. If the applicant is not the owner of the premises upon which the building or structure is situated, the owner's consent or endorsement of the proposed application must be provided on the permit application.

**Application.** A written request to the town in an authorized format to issue a permit for the demolition of a building or structure.

**Building.** Any combination of materials assembled by human intent to form a shelter for persons, animals or property.

**Building Official.** A person hired or appointed by the town to serve as building commissioner, building inspector or otherwise duly authorized to issue demolition permits.

**Committee.** The demolition delay committee.

*Delay.* A period of up to 180 calendar days imposed by the town, beginning on the date of application for a demolition permit, during which the owner of a building or structure that has been found by the committee to be architecturally or historically significant shall be encouraged to consider any viable alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation.

*Demolition.* The intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial destruction with the intent of completing the same; also the act or process of delaying or withholding maintenance of a building or structure in such a way as to cause or allow significant damage to occur which may result in a public hazard or nuisance.

*Demolition delay committee.* The committee or other designated body authorized to hold public hearings to determine the architectural or historical significance of buildings or structures that are known or presumed to be 75 years old or older, for which an application for a demolition permit has been filed with the town.

*Demolition permit.* The town permit issued by the Building Official authorizing the full or partial demolition of an existing building or structure, excepting for purposes of this ordinance only, any permit issued solely for the demolition or removal of interior features with no effect on the exterior appearance of the building or structure.

*Request for delay.* A written request by a town resident to delay the issuance of a demolition permit for a building or structure that is known or presumed to be at least 75 years old. Such request must be based on one or more of the criteria for a significant structure.

*Significant structure.* Any building or structure within the municipal boundaries which, in whole or in part, is known or presumed to be at least 75 years old and which has been determined by the demolition delay committee or other designated authority, following a public hearing, to be architecturally or historically significant to the community based on one or more of the following criteria:

- The building or structure is in South Windsor's local historic district(s) or has been designated as an historic property, and which comes under the review of the South Windsor Historic District Commission as provided by town ordinance; or
- The building or structure is listed on the state or National Register of Historic Places, or is partially or completely within the boundaries of an area so listed; or
- The building or structure has been determined by the state historic preservation office and/or the national park service to be eligible for listing on the state or National Register of Historic Places; or
- The building or structure is included in the historic resources inventory which is jointly prepared by the Town of South Windsor Historic District Commission and the State of Connecticut; or
- The building or structure has documented associations with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the town, the state or the nation; or
- The building or structure has documented historical or architectural importance in terms of period, style, method of construction, specific use, or association with a recognized builder or architect, either by itself or in the context of a group of buildings.

*Structure.* Any combination of materials which is affixed to the land and has been assembled by human intent to shelter property or activities; or to mark and delineate boundaries or limits of use; or to facilitate transportation, communication, manufacturing or commerce; or to provide for the defense and protection of people or property.

(Ord. No. 196, 9-17-12)

Sec. 54-73. - Demolition permit required.

- (a) No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof without obtaining a permit from the Building Official.
- (b) The Building Official shall not issue a demolition permit for a building or structure that is, in part or in whole, at least 75 years old except as provided in this ordinance. If the age of the building or structure is unknown, not indicated, or in dispute, it shall be assumed to be at least 75 years old for the purpose of this ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-74. - Application contents.

Any person wishing to obtain a permit to demolish a building or structure, in whole or in part, shall file an application with the Building Official on a form approved by the Building Official, which application shall include the following:

- (1) The common name, if any, and actual street address of the building or structure to be demolished;
- (2) The name, address and telephone number of the owner(s) of the building or structure to be demolished;
- (3) The age of the building or structure to be demolished;
- (4) The square footage or dimensions of the building or structure to be demolished;
- (5) The reason for requesting a demolition permit;
- (6) A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
- (7) The names and addresses of the owners, as listed with the assessor's office, of all properties abutting and those directly across the street from the property on which the building or structure to be demolished is located.

(Ord. No. 196, 9-17-12)

Sec. 54-75. - Demolition delay committee.

Upon adoption of this ordinance, the Town Council shall appoint a demolition delay committee of no less than seven persons, initially serving terms of two, three and four years and thereafter to be appointed to staggered two-year terms. The composition of the demolition delay committee shall be: two members of the historic district commission, one member of the historical society, one member from the planning and zoning commission and three other residents of the town, not already appointed to one of the foregoing commissions. In no event shall a member of the committee participate on an application made by said member or which concerns a building or structure for which such member or his immediate family has a personal or financial interest.. The town council may appoint one or more alternates to serve one-year terms. A quorum shall be four committee members.

(Ord. No. 196, 9-17-12)

Sec. 54-76. - Procedures.

(new) Notice to applicant

- a) The Applicant shall oversee the posting and maintenance of a sign, provided to the Applicant by the Building Official, in a location visible from the public way where the structure is situated. The sign shall be at least 24 inches by 36 inches in size visible from the nearest public street. Such sign shall include a copy of the "notice of intent to demolish" and shall contain the word "DEMOLITION" in capital letters no less than three inches in height and contact information for interested parties. If there is more than one structure or building proposed for demolition, one sign shall be posted in respect to each structure. All signs

required hereunder shall remain posted and shall be maintained on the property until such time as a demolition permit is issued or an alternative agreement to demolition is reached.

- b) Failure to post and maintain the DEMOLITION notice sign throughout the application process will result in a daily fine of \$10, to be added to fees outlined in Sec 54-79.
- c) The Applicant shall receive from the Building Official an itemized list of estimated administrative and legal fees pursuant to Sec. 54-81(b) of this ordinance. These fees will be paid by the Applicant to the Building Official prior to the issuance of the Demolition Permit under Sec. 4-79 of the Town Ordinances.

For every building or structure subject to this ordinance and for which an application for a demolition permit has been filed, the following procedures shall apply:

(1) *Notice to demolition delay committee.*

- a. Within five calendar days from application, the Building Official shall forward a copy of the application to the demolition delay committee.
- b. Within 20 calendar days from the date of application, the committee shall make a preliminary written determination of the significance of the building or structure using the criteria defining "significant structure" in section 54-72 (above) and within five business days thereafter, the committee shall provide the Building Official and the Applicant with a copy of its written determination listing the reason(s) therefore. The committee's decision may not be postponed except by written agreement with the Applicant.

(2) *Public notice.* The demolition delay committee shall be responsible for overseeing the provision of public notice in accordance with an application, including:

- a. Within ten calendar days of the date of application, publication in a local newspaper having substantial circulation in the town a legal notice entitled a "Notice of Intent to Demolish" which shall include:
  - 1. Notice that an application has been filed for a demolition permit;
  - 2. The common name and actual street address of the building or structure to be demolished;
  - 3. The age of the building or structure to be demolished;
  - 4. Notice that any town resident may file with the Town's Building Official a request to delay the demolition of the building or structure at issue within ten days of the date of the notice; and
  - 5. The posting of a sign on the property that includes the foregoing information.
- b. Within ten days of the date of application, the Applicant shall mail copies of the "notice of intent to demolish" by certified mail with return receipt to the owners of all properties abutting and directly across any street from the property on which the building or structure to be demolished is situated;
- c. The Applicant shall forward a copy of the letter referenced in section 54-76(2)(b) along with a list of abutters receiving this letter to the demolition delay committee

(new) Within 10 calendar days of the date of application, the Applicant shall mail copies of the return receipts identified in Sec 54-76 (2) to the Building Official.

- d. The demolition delay committee shall mail copies of the "notice of intent to demolish" by certified mail with return receipt to the South Windsor Historical Society, South Windsor

Historic District Commission, South Windsor Municipal Historian, and to any person, organization, firm, corporation, or other entity who has requested, in writing, from the Town Building Official copies of any such notices filed pursuant to this ordinance. The Town Building Official shall maintain the list of those requesting to be so notified, and shall delete from the list those who do not annually renew in January, in writing, the request to be notified.

d.

(3) *When a public hearing is required.*

- a. A public hearing shall be held to determine whether demolition should be delayed if the demolition delay committee deems the building or structure to be a significant structure and/or if, within ten calendar days of public notice, any Town resident files with the Building Official a written request for delay of demolition.
- b. When a public hearing is required, the committee shall hold the hearing no more than 35 calendar days after the date of application to solicit public comment on any building or structure that the committee has determined to be a significant structure.
- c. Written notice of the time, place and purpose of the hearing shall be provided to the applicant and the Building Official and public notice shall be posted in a conspicuous place by the Committee in front of the Applicant's property for a period of not less than seven calendar days prior to the date of said hearing. The committee shall also publish notice of the hearing date and location once in a local newspaper having circulation within the town, not less than five calendar days before such hearing. Any person shall have the opportunity to speak and present relevant evidence at the public hearing, subject to normal limitations and procedures.
- d. Within 15 calendar days after the close of the public hearing, the committee shall decide by majority vote whether the building or structure is a significant structure and if so decided, determine the length of delay (up to 180 days from the date of application) before the demolition permit can be issued. The committee shall notify the Building Official and the Applicant of their decision in writing within five days thereafter.

(4) *When a public hearing is not required.* A public hearing is not required and a demolition permit may be issued in accordance with section 54-77 below if:

- a. The building or structure is not a significant structure, or if the committee fails to notify the Building Official of their determination within the allotted time; and
- b. No Town resident has filed a request for delay within the allotted time or in the event that all requests for delay that were previously filed have been withdrawn.

(Ord. No. 196, 9-17-12)

Sec. 54-77. - Issuance of permit/effect of delay.

- (a) Upon timely notification by the committee following a public hearing that the building or structure is a significant structure, the Building Official shall delay the issuance of a demolition permit for the period of time agreed to by the committee, from the date of application.
- (b) During the demolition delay period set by the committee, the Applicant who is the owner of the significant structure shall pursue and give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation of the affected building or structure. In order to avoid or mitigate the anticipated effects of demolition, the Applicant/owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the building or structure for the purpose of evaluating alternatives to demolition or to obtain existing data for historical documentation.
- (c) At the sooner of the delay period set by the committee, or the date upon which the requirements of subsection 54-76(4) have been met, a demolition permit may be issued. No permit for demolition of a

significant structure shall be issued, however, until the Building Official finds that the requested permit complies in all respects with state law and Town ordinances, and all applicable fees as delineated in Sec. 54-79 have been paid by the Applicant to the Building Official.

(Ord. No. 196, 9-17-12)

Sec. 54-78. - Period of permit validity.

Any permit issued pursuant to this ordinance shall be valid for a period of one year from the date of issuance. If the demolition contemplated by said permit has not commenced within said one-year period and the owner still wishes to demolish the building or structure, the owner of such building or structure shall be required to apply for a new permit and to satisfy all notification and other requirements of this ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-79. - Fees and costs for demolition permits.

- (a) The fee for a demolition permit is based on the fair market value of the demolition work. The Applicant for the demolition work shall pay a permit fee based upon the current and applicable fee structure as published by the Building Official.
- (b) All costs relating to the publication of a legal notice, certified mailings, and the posting of the demolition sign, if applicable, shall be paid for by the Applicant to the Building Official prior to issuance of a demolition permit.
- (c) No demolition permit, building permit or certificate of occupancy shall be issued for the subject premises until all required fees and costs have been paid.

(Ord. No. 196, 9-17-12)

Sec. 54-80. - Violations and penalties.

- (a) The penalties for demolishing a building or structure without a valid permit shall be the same as those set forth in C.G.S. § 29-414, as amended.
- (b) For properties subject to this ordinance, during the application processing period and during the demolition delay period, if applicable, the owner shall adequately maintain and protect the building or structure in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to the penalties authorized by law, including but not limited to the Town's anti-blight ordinance.

(Ord. No. 196, 9-17-12)

Sec. 54-81. - Administration.

- (a) The demolition delay committee may adopt such rules and regulations as are necessary to administer the terms of this ordinance.
- (b) The demolition delay committee shall have authority to adopt a schedule of reasonable fees to cover the costs of administration of this ordinance. This schedule will be made available for public inspection at the Building Department.
- (c) The committee may on its own initiative and with information available to it, develop a list of significant structures that may be subject to this ordinance. The initial adoption of the list and any subsequent additions to the list shall be enacted after public hearings on the subject.

(Ord. No. 196, 9-17-12)

Sec. 54-82. - Limitations and exceptions for unsafe buildings and structures.



- (a) This ordinance shall not apply to applications for demolition due to a threat to public health or to emergency demolition orders issued by the Building Official due to a threat to public safety.
- (b) This ordinance shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural features; nor shall it prevent the erection, alteration or removal of any such feature which the Building Official has deemed unsafe or dangerous due to deterioration. In case of unsafe buildings or structures the Building Official may take emergency measures as prescribed by the state building codes or state statutes.

(Ord. No. 196, 9-17-12)

Sec. 54-83. - Severability.

In case any section, paragraph or part of this ordinance shall for any reason be declared invalid or unconstitutional by any court, every other section, paragraph and part shall remain in full force and effect.

(Ord. No. 196, 9-17-12)

Secs. 54-84—54-110. - Reserved.