

Agriculture Commission Ordinance / Draft 9/47/19/13

Whereas: The town of East Hampton recognizes that there is a significant amount of land and residents participating in an agricultural way of life.

Whereas: The Town of East Hampton wishes to enhance communication between the Municipal body and the East Hampton agricultural community.

Whereas: The Town of East Hampton wishes to promote, protect and preserve the quality of farm life and the character of East Hampton as per the East Hampton Plan of Conservation and Development.

Be it resolved that the Town of East Hampton hereby creates an Agriculture Commission (the "Commission") to be advisory to the Town Council and other Town officials;

And be it further resolved that the town of East Hampton shall provide staff and budgetary support to effectuate the performance of this Commission;

~~and~~ And be it further resolved that the Commission follow the provisions set forth in ~~Connecticut~~ General Statutes 7-131a. and Public Act No. 11-188 including addition to the following charges:-

CHARGES: The Commission shall extol the role of East Hampton's natural resources and agriculture as major contributors to the Town's quality of life and the economy. The Commission will advocate for agricultural issues before non-profit agencies, civic organizations, municipal boards and commissions, elected officials and residents. The Commission will ~~adhere to and promote East Hampton's "Right to Farm" ordinance while~~ fostering public awareness of the importance of agriculture and how this enhances and preserves East Hampton's small town character.

In addition, the Commission shall:

1. Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; and review and make recommendations to improve the balance between agriculture and residential property owners.;
2. Provide information and guidance on protecting farmland and agricultural viability -- related to taxes, PA490s; zoning, wetlands, watercourses, public works and others -- to town departments and other boards and commissions and residents.
3. Review existing and proposed East Hampton zoning regulations and other regulatory provisions relating to agriculture and provide information, guidance and recommendations to appropriate town departments; boards, commissions and residents ;
- 3.4. Promote the value of agriculture to the Town in areas of property taxes, environment, employment and other quality of life and economic issues.
- 4.5. Increase awareness of East Hampton's agricultural enterprises, including recognizing and supporting existing and new farms and identifying opportunities to preserve and expand agriculture.
- 5.6. Serve as a conduit between local farmers and East Hampton government, non-profit agencies, civic organizations and non-farm residents and provide advisory services.
- 6.7. Act as a town resource for agriculture and conservation information; educate municipal officials about agricultural laws and safety issues.
- 7.8. Identify, pursue and sponsor grant sources for farmers and municipalities.
- 8.9. Support local, regional and state vocational agricultural programs concerning agricultural matters.
- 9.10. Identify innovative opportunities for agriculture.
- 10.11. Create a climate that supports the economic viability of agriculture in East Hampton.

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MEMBERSHIP: The Agriculture Commission shall consist of seven (7) voting members appointed by the Town Council. In addition, ~~a student member of East Hampton High School Science department~~ **three (3) East Hampton youths** shall serve as ~~a non-voting ex-officio members~~ **recommended by the Commission** and appointed by the Town Council. The failure of a voting member to attend four (4) consecutive meetings of the Commission may constitute cause for the Town Council to remove the member and fill the position thus vacated. A chair and vice chair shall be elected by the Commission and serve for a term of one year.

LENGTH OF TERM: The members of the Commission shall serve ~~two~~ **three**-year terms, provided, however, that with the first appointment by the Town Council, four regular members shall be appointed for ~~two~~ **three**-year terms with the remaining members appointed for ~~one~~ **two**-year terms. The ex-officio student members shall serve ~~a~~ **one**-year terms.

This Ordinance shall take effect ~~twenty-five~~ **(1520)** days after publication in accordance with Connecticut General Statutes. **Dated at East Hampton Connecticut this** _____ day of _____ 2013.

Note: The above ordinance was adapted from Lebanon's "Agriculture and Conservation Commission Ordinance." Items 1 and 6-10 are from the State of Connecticut's Public Act No. 11-188: an Act authorizing local and regional agricultural councils and concerning consideration of agriculture in local plans of Conservation and Development and Zoning Regulations. This Act was approved 7/13/11.

9/519/13 Draft

DRAFT

Business Incentive Program Ordinance

A. Purpose

The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial and industrial zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town:

- (1) to assist in the creation of jobs for local residents,
- (2) to create long term tax base growth through the appropriate replacement, reconstruction, expansion or remodeling of existing business facilities,
- (3) to encourage the construction of new commercial and industrial facilities in accord with the Future Land Use Plan found in the Town's POCD, and
- (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

A.B. Business Incentive Program Ordinance; Authority

Subject to Connecticut General Statutes (CGS) Sec. 12-65b and Sec. 12-65h the Town of East Hampton (the Town) may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property, or an ~~in~~ interest in real property upon which is located or proposed to be located a manufacturing facility as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon and therein or of the personal property located in the manufacturing facility, which is the subject of the agreement in accordance with the provisions of Section I of this Ordinance.

~~B. Purpose~~

~~The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial and industrial zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town: (1) to assist in the creation of jobs for local residents, (2) to create long term tax base growth through the appropriate replacement, reconstruction, expansion or remodeling of existing business facilities, (3) to encourage the construction of new commercial and industrial facilities in accord with the Future Land Use Plan found in the Town's POCD, and (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.~~

C. Economic Development Commission

The East Hampton Economic Development Commission (EDC or “the Commission”) shall provide any property owner or lessee with general information concerning the Business Incentive Program (the Program), prepare and supply interested parties with an Application to participate in the Program and any other information that may be reasonably requested by an interested party. An “interested party” is one who owns or proposes to acquire an interest in real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be located in East Hampton.

The EDC may perform research about any party applying to participate in the Program and may request of any such party any relevant information that in the opinion of the EDC bears upon consideration of the application. The EDC shall obtain from the Tax Assessor an evaluation of the impact of any proposed abatement of taxes on the applicable Grand List and an estimate of the impact on future Grand Lists.

D. General Requirements

Applications properly filed with the Town will be considered for the Program, provided:

1. Applicant must possess a good environmental practices history and be able to demonstrate adequate financial strength to finance the proposed capital improvements and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.
2. The proposed use is located in an appropriate zone as defined by East Hampton’s Zoning Regulations.
3. The proposed use receives approvals, licenses, and permits of the East Hampton Planning and Zoning Commission and of other East Hampton, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, as required.
4. No real estate property tax or other tax or fee or municipal charge due East Hampton by the Applicant, the businesses, or any other business organization or entity owned or controlled by the Applicant is unpaid at the time the Application is submitted or at any time thereafter.
5. If the Applicant is relocating its business to East Hampton, the applicant should provide a five year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated.
6. The project must have a clear economic benefit to East Hampton, as described by the Applicant on the application.

Notwithstanding the results of any scoring under Section H, if the project does not constitute a net benefits to the Town – economically, civically, or in quality of life – the Economic Development Commission may decline to refer the application to the Council for consideration.

E. Application Procedure

All tax incentive requests shall be made in writing on a form referred to as Business Incentive Program Application (“the Application”) published and provided by the EDC and approved by the Town Council (“Council”). The application and all accompanying documentation shall be submitted in duplicate at the Office of the Clerk (?). Upon receipt by the Clerk, one copy of the Application and materials shall be provided to the EDC for preliminary review and the Clerk should provide notice to the Council that an Application has been submitted. “Receipt by the Clerk” means an Application and all accompanying documentation required in accordance with all applicable provisions of this Ordinance is submitted.

The following timeframes for action are not mandatory, but the EDC and the Council should strive to meet them: From date of receipt by the Clerk of the Application the EDC shall have 45 days to review the Application, request additional information and meet with the Applicant and/or the Applicant’s representative. Provide the Applicant has submitted all of the information required in the Application, by the Ordinance, and by the EDC, the EDC will within 30 days thereafter report its findings to the Council. The Council will place the report on the agenda of the next regularly scheduled Council meeting for discussion and action. If the Council approves the report, the First Selectman and the Applicant shall enter into a written agreement (subject to an affirmative vote by the Board of Finance and the Town Meeting) which agreement accompanied by the report will be referred to the Board of Finance for review and action. If the Board of Finance approves the financial terms of the agreement, the Council shall place the agreement on the agenda of the next Town Meeting for its review and action.

F. Assessment of the Property Subject to the Agreement

The East Hampton Assessor shall, in the Assessor’s sole discretion, determine the assessment of the real property or the personal property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement.

G. Guidance for Scoring Applications and Implementing this Ordinance

The purpose of this ordinance is to encourage economic growth in the Town that is in accord with the POCD in effect at the time of the given application. The POCD reflects the strongest expression of the Town’s intentions for its future development, character, and quality of life. Accordingly, there is room for flexibility in scoring under Criteria listed in Section H of this Ordinance.

When scoring a new application, the members of the EDC should strive for consistency and transparency. Like applications should receive like treatment. It is appropriate – even essential – for the EDC to consult the scoring of previously granted applications when scoring a new application. Consistency between like applications must be balanced, however, with the goals of the POCD in effect at the time. Where no similar

application has been submitted, care should be taken to score the new application relative to the goals of the POCD and relative to the merits of any previous application.

Only the EDC may approve or deny an application for consideration by the Council and its decision is not appealable. When approving or denying an application the EDC should issue a written statement showing the scoring and ~~briefly~~ explaining its reasoning. Projects recommended to the Council must evince a clear net benefit to the Town. It is recognized that evaluation of an application under this ordinance requires a blend of quantitative and qualitative reasoning; the Commission shall strive to make that reasoning plain. ~~The EDC is the final arbiter of applications under this Ordinance.~~

H. Scoring Criteria Category Definitions

1. Location: Projects within those areas zoned “Commercial” or “Industrial” according to the Zoning Map for the Town of East Hampton (*see* POCD) are eligible for scoring under this Ordinance. Points under this section may be awarded for Properties located in the following priority areacategory. ~~Properties in those zones are eligible for a maximum of 5 points with the following exceptions:~~

- a. Village Center: Properties located in the Village Center district as defined by the Zoning Map for the Town of East Hampton are ~~eligible~~eligible for a maximum of 10 points.
- b. Cobalt Center: Properties located on Route 66 between its junction with Old Depot Hill Road and its junction with Old Middletown Road are eligible for a maximum of 7 points.

Maximum points: 10

2. Use: In accord with the needs identified by the POCD and as appropriate to the site and location in town, the following uses may qualify for points: Transient housing (hotels/motels), rental housing, workforce housing, light industrial/light manufacturing, healthcare and medical services, high-technology businesses, retail, and dining. Projects for these uses may be awarded 5 points. At the EDC’s discretion, “high needs” uses under these categories may be awarded up to 10 points.

Maximum points: 10

3. Brownfields: East Hampton contains a number sites designated as “Brownfields” by the USEPA. Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands – all of which are goals of East Hampton’s POCD.

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Any application that proposes to remediate and commit to reuse a Brownfield as designated by the EPA or the State of Connecticut is eligible for 10 points.

Depending upon the project, financing and other factors, the Town may also seek to partner with the applicant for Federal grant funding or supply other in-kind considerations.

Maximum points: 10

4. Revitalization of an existing, inhabited structure, such revitalization defined as at least:
 - a. Façade improvement: Substantial investment in improving the outward appearance of the structure or to restore non-trivial deterioration as determined by the Commission, or
 - b. Rehabilitation: Significant alteration of the interior and/or exterior of a property that would result in a greater than 25% increase in its valuation, or
 - c. Historical: Additional points may be awarded to either of the forgoing categories where the property is designated as “historic” by recognized Town, State or National authorities (including the Connecticut Trust for Historic Preservation), or lies within a Town-designated historic district, and such designation or location requires the adoption of techniques or design elements.

The Commission may award between 5 and 10 points for any project that falls into one of these three categories. Placement in the range is at the discretion of the Commission and will take into account such things as the cost and difficulty of the work.

Maximum points: 10

5. Use of a Vacant Property: The applicant may be awarded 5 points if proposing to occupy a building which has been unoccupied for a period greater than 12 months at the time the applicant signed a lease or closed on the property. If, in the opinion of the EDC, the property can be considered “blighted,” 10 points may be awarded.

Maximum points: 10

6. Number of Jobs Created: Points may be awarded based upon the number of non-seasonal Full Time Equivalent positions (FTEs) the business will generate:

1-5 FTEs: 5 points
5-10 FTEs: 7 points

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More than 10 FTEs: 10 points

Maximum points: 10

7. Cost of Services to the Town: A project or use proposed by an applicant may require the Town to assume an extraordinary cost beyond those costs contemplated by an impact fee. For example: a chemical manufacturer may require the Town to retrain and potentially re-equip its fire protection services. If the Commission determines such is the case, no points may be awarded under this category.

If no such cost exists, 5 points may be awarded.

The Commission may ask the Applicant to pay for a Fiscal Impact Analysis, to be conducted by a consultant approved by the Commission.

The Applicant may be given the opportunity to show that the Commission's determination of the cost to the Town is in error, however, the Commission makes the final determination.

Maximum points: 5

8. Design of the Building or Renovation: The Commission may award 10 points when applicant can show that the design of the renovation brings the structure into compliance with current Town Building Design Guidelines for its zone.

The Commission may award 5 points when an applicant can show that the design of a new structure complies with current Town Building Design Guidelines for its zone.

Maximum points: 10

9. Sustainable Building: The Commission may award 2 points for each of the following and up to 10 points total:
- If the investment will result in the business generating at least 20% of its own energy requirements.
 - If the investment will result in the business feeding energy back into the grid.
 - If the project meets at minimum LEED Gold standard or equivalent (As of this writing, LEED is the dominant evaluation system in the US market and the one favored for use by the GSA.)
 - If the project requires a public transportation node such as a bus stop.
 - If the project supplies a recharge station for electric vehicles.
 - Water-saving fixtures throughout.

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“Sustainability” characteristics and measures are constantly evolving and the Commission may update this list periodically as it sees fit.

Maximum points: 10

10. Amount Invested

10 points	\$3M or larger investment in construction or renovations
9 points	\$1M or larger investment in construction or renovations
8 points	\$800k or larger investment in construction or renovations
7 points	\$500k or larger investment in construction or renovations
6 points	A business new to that parcel investing over \$300k or a business existing on that parcel investing at least \$250k in construction or renovations
5 points	A business new to that parcel investing over \$200k or a business existing on that parcel investing at least \$100,000 in construction or renovations

Maximum points: 10
Total Available Points: 95

I. Tax Incentive Tiers and Implementation

Depending upon the number of points an Application receives, it may be denied or, subject to a vote by the Council, the Board of Finance, and Town Meeting (?), provided with one of tiers of tax abatement as follows:

Fewer than 24 points: Denied

25-44 points: Third tier benefit: 70% of fixed assessment abated for two years, or 50% of fixed assessment abated for four years.

45-69 points: Second tier benefit: 70% of fixed assessment abated for three years, or 50% of fixed assessment abated for five years.

More than 70 points: Highest benefit: 100% of fixed assessment abated for years 1-3, 70% of fixed assessment abated for years 4-5, 50% of fixed assessment abated for year 6.

The Town may abate real estate property taxes based on increased real property tax assessments up to but not more than the percentages shown above.

The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the [DATE] immediately following the issuance of a Certificate of Occupancy by the appropriate building official for construction of the buildings or manufacturing facilities or other structures and all improvements in or on the real property which is the subject of the agreement. Notwithstanding anything written in this Ordinance, the Town may, in its sole discretion, offer to enter into an agreement with the Applicant for the abatement of taxes of a lesser percentage and/or fewer years.

On a case by case basis, the Town may provide other incentives in addition to the incentives provided by CGS Sec. 12-65b and Sec. 12-65h or in lieu thereof as follows: (1) waiver of building permit fees; (2) waiver of filing fees with land use agencies; or, (3) provision of in-kind services such as construction of access roads, or road widening, construction of storm drains and culverts, sidewalks, or curbing, extension of water and/or sewer lines or other public improvements.

Machinery and equipment defined in subdivision (72) of CGS Sec. 12-81 and intended to qualify for tax relief pursuant to Sec. 12-65h shall have for federal income tax purposes a depreciable useful life of five or seven years.

Construction shall commence within six months of approval by the Town and shall be completed no later than 24 months from the date of approval by the Town. The times for commencement and completion of the construction are mandatory except Applicant's performance may be excused when the Applicant is prevented from performing by causes beyond the Applicant's control, including natural disasters or other calamities or a state or national declared state of emergency.

J. Default by the Owner or Lessee Under the Terms of the Agreement; Recapture

Abatement of taxes under this ordinance constitutes a municipal subsidy to the successful applicant. In the event that the Applicant fails to meet negotiated benchmarks or other requirements as described herein, they shall, by the terms of the Agreement, be required to repay all abated amounts, with interest equal to the rate of inflation as of the date of default.

In addition to the specific timing benchmarks noted in Section I, the Town is encouraged to establish relevant benchmarks to be met by a successful Applicant related to the nature of the business or the project. At a minimum they must include the following triggers.

In the event the owner or lessee of the real property:

1. At any time fails ~~Fails to~~ pay real estate and/or personal property taxes when due and payable;
2. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement;

3. Within 10 years of the date of the Agreement becomes ~~Beomes~~ insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within 90 days or such other proceedings have not been dismissed or withdrawn by such other parties within 90 days or makes an assignment for the benefit of creditors or if the property or lease is taken under and writ of execution or becomes the subject of foreclosure proceedings;
4. Abandons at any time the real property or in the case of the lessee purports to assign its lease without the express consent of the Town as set forth in Section K of this Ordinance; or,
5. Fails to perform any obligation of owner or lessee or attain any benchmark set under the terms of the agreement;

such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (a) the right of the owner and/or lessee under the terms of the agreement shall cease and come to an end; and (b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted under the terms of the agreement shall be terminated; and (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

K. Workout Terms

It is of no benefit to East Hampton to drive an Applicant in default into further economic straits by virtue of an onerous repayment plan. Terms for the recapture of abated taxes as described in Section J should be calculated to ensure the recapture of the highest possible percentage of public funds, taking into account the fiscal reality of the Applicant, the circumstances of the default, and the state of the project.

~~K.L.~~ Assignment of the Agreement

The agreement between the town and the Applicant shall not be assigned by the Applicant to any person(s) or business organization or entity or estate or trust without the express consent of both the Council and the Board of Finance which shall signify their

consents by an affirmative vote taken at a separate meeting of each body duly noticed for the stated purpose. A conveyance of real property or a transfer of ownership of the business or substantially all of the assets of the business which is the subject of the agreement to a person or business organization or entity that is not owned or controlled by the Applicant, shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee or transferee including but not limited to any remaining tax abatements under the terms of the agreement. A "controlled entity" means a business which is eighty or more percent owned by the grantor or transferor.

L.M. Amendments to Applicable Statutes

All references in this Ordinance to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

M.N. Effective Date

This ordinance shall become effective fifteen days after publication in a newspaper having circulation in the Town. Adopted _____, [date]. Published [paper], [date]/

Town of East Hampton, Connecticut Business Incentive Program Ordinance

A. Purpose

The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial, industrial, and design development zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town:

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B. Business Incentive Program Ordinance; Authority

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C. Economic Development Commission

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D. General Requirements

Applications properly filed with the Town will be considered for the Program, provided:

- Applicant must possess a good environmental practices history and be able to demonstrate adequate financial strength to finance the proposed capital improvements and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.
- The proposed use is located in an appropriate zone as defined by East Hampton's Zoning Regulations.
- The proposed use receives approvals, licenses, and permits of the East Hampton Planning and Zoning Commission and of other East Hampton, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, as required.
- No real estate property tax or other tax or fee or municipal charge due East Hampton by the Applicant, the businesses, or any other business organization or entity owned or controlled by the Applicant is unpaid at the time the Application is submitted or at any time thereafter.
- If the Applicant is relocating its business to East Hampton, the applicant should provide a five year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated.
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Comment [MM1]: This is being done to ensure a permanent record of all assessment deferrals

Comment [JJ2]: Since there is more synergy between the Town Manager's Office, EDC and Town Council it may be more efficient to have it go to the Town Manager's Office.

The following timeframes for action are not mandatory, but the EDC and the Council should strive to meet them: From date of receipt by the Clerk of the Application the EDC shall have 45 days to review the Application, request additional information and meet

with the Applicant and/or the Applicant's representative. Provide the Applicant has submitted all of the information required in the Application, by the Ordinance, and by the EDC, the EDC will within 30 days thereafter report its findings to the Council. The Council will place the report on the agenda of the next regularly scheduled Council meeting for discussion and action. If the Council approves the report, the **First Selectman Town Manager** and the Applicant shall enter into a written agreement (subject to an affirmative vote ~~by the Board of Finance and the Town Meeting~~) which agreement ~~accompanied by the report will be referred to the Board of Finance for review and action. If the Board of Finance approves the financial terms of the agreement, the Council shall place the agreement on the agenda of the next Town Meeting for its review and action.~~

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G. Guidance for Scoring Applications and Implementing this Ordinance

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H. Scoring Criteria Category Definitions

1. Location: Only projects within those areas zoned "Commercial," "Industrial," or "Design Development" according to the Zoning Map for the Town of East Hampton (*see* POCD) are eligible for consideration under this Ordinance. Points under this section may be awarded for Properties located in the following priority areas:

- a. Village Center: Properties located in the Village Center district as defined by the Zoning Map for the Town of East Hampton are eligible for a maximum of 10 points.
- b. Cobalt Center: Properties located on Route 66 between its junction with Old Depot Hill Road and its junction with Old Middletown Road are eligible for a maximum of 7 points.

Maximum points: 10

2. Use: In accord with the needs identified by the POCD and as appropriate to the site and location in town, the following uses may qualify for points: Transient housing (hotels/motels), rental housing, workforce housing, light industrial/light manufacturing, healthcare and medical services, high-technology businesses, retail, and dining. Projects for these uses may be awarded 5 points. At the EDC's discretion, "high needs" uses under these categories may be awarded up to 10 points.

Maximum points: 10

3. Brownfields: East Hampton contains a number of sites designated as "Brownfields" by the USEPA. Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspacesgreen spaces and working lands – all of which are goals of East Hampton's POCD.

Any application that proposes to remediate and commit to reuse a Brownfield as designated by the EPA or the State of Connecticut is eligible for 10 points.

Depending upon the project, financing and other factors, the Town may also seek to partner with the applicant for Federal grant funding or supply other in-kind considerations.

Maximum points: 10

4. Revitalization of an existing, inhabited structure, such revitalization defined as at least:

- a. Façade improvement: Substantial investment in improving the outward appearance of the structure or to restore non-trivial deterioration as determined by the Commission, or
- b. Rehabilitation: Significant alteration of the interior and/or exterior of a property that would result in a greater than 25% increase in its valuation, or
- c. Historical: Additional points may be awarded to either of the forgoing categories where the property is designated as "historic" by recognized Town, State or National authorities (including the Connecticut Trust for Historic Preservation), or lies within a Town-designated historic district, and such designation or location requires the adoption of techniques or design elements.

The Commission may award between 5 and 10 points for any project that falls into one of these three categories. Placement in the range is at the discretion of the Commission and will take into account such things as the cost and difficulty of the work.

Maximum points: 10

- 5. Use of a Vacant Property: The applicant may be awarded 5 points if proposing to occupy a building which has been unoccupied for a period greater than 12 months at the time the applicant signed a lease or closed on the property. If, in the opinion of the EDC, the property can be considered "blighted," 10 points may be awarded.

Maximum points: 10

- 6. Number of Jobs Created: Points may be awarded based upon the number of non-seasonal Full Time Equivalent positions (FTEs) the business will generate:

- 1-5 FTEs: 5 points
- 5-10 FTEs: 7 points
- More than 10 FTEs: 10 points

Maximum points: 10

- 7. Cost of Services to the Town: A project or use proposed by an applicant may require the Town to assume an extraordinary cost ~~beyond beyond normal maintenance and upkeep.these costs~~ ~~contemplated by an impact fee.~~ For example: a chemical manufacturer may require the Town to retrain and potentially re-equip its fire protection services. If the Commission determines such is the case, no points may be awarded under this category.

If no such cost exists, 5 points may be awarded.

Comment [JJ3]: I don't believe that the State of CT allows for impact fees.

The Commission may ask the Applicant to pay for a Fiscal Impact Analysis, to be conducted by a consultant approved by the Commission.

The Applicant may be given the opportunity to show that the Commission's determination of the cost to the Town is in error, however, the Commission makes the final determination.

Maximum points: 5

8. Design of the Building or Renovation: The Commission may award 10 points when applicant can show that the design of the renovation brings the structure into compliance with current Town Building Design Guidelines for its zone.

The Commission may award 5 points when an applicant can show that the design of a new structure complies with current Town Building Design Guidelines for its zone.

Maximum points: 10

9. Sustainable Building: The Commission may award 2 points for each of the following and up to 10 points total:

- If the investment will result in the business generating at least 20% of its own energy requirements.
- If the investment will result in the business feeding energy back into the grid.
- If the project meets at minimum LEED Gold standard or equivalent. (As of this writing, LEED is the dominant evaluation system in the US market and the one favored for use by the GSA.)
- If the project requires a public transportation node such as a bus stop.
- If the project supplies a recharge station for electric vehicles.
- Water-saving fixtures throughout.

"Sustainability" characteristics and measures are constantly evolving and the Commission may update this list periodically as it sees fit.

Maximum points: 10

10. Amount Invested

10 points	\$3M or larger investment in construction or renovations
9 points	\$1M or larger investment in construction or renovations
8 points	\$800k or larger investment in construction or renovations
7 points	\$500k or larger investment in construction or renovations
6 points	A business new to that parcel investing over \$300k or a business existing on that parcel investing at least \$250k in construction or renovations
5 points	A business new to that parcel investing over \$200k or a business existing on that parcel investing at least \$100,000 in construction or renovations

Maximum points: 10
Total Available Points: 95

I. Tax Incentive Tiers and Implementation

Depending upon the number of points an Application receives, it may be denied or, subject to a vote by the Council, provided with one of tiers of tax abatement as follows:

Fewer than 24 points: Denied

25-44 points: Third tier benefit: 70% of fixed assessment abated for two years, or 50% of fixed assessment abated for four years.

45-69 points: Second tier benefit: 70% of fixed assessment abated for three years, or 50% of fixed assessment abated for five years.

More than 70 points: Highest benefit: 100% of fixed assessment abated for years 1-3, 70% of fixed assessment abated for years 4-5, 50% of fixed assessment abated for year 6.

The Town may abate real estate property taxes based on increased real property tax assessments up to but not more than the percentages shown above.

The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the ~~October 1~~ ~~{DATE}~~ immediately following the issuance of a Certificate of Occupancy by the appropriate building official for construction of the buildings or manufacturing facilities or other structures and all improvements in or on the real property which is the subject of the agreement. Notwithstanding anything written in this Ordinance, the Town may, in its sole discretion, offer to enter into an agreement with the Applicant for the abatement of taxes of a lesser percentage and/or fewer years.

On a case by case basis, the Town may provide other incentives in addition to the incentives provided by CGS Sec. 12-65b and Sec. 12-65h or in lieu thereof as follows: (1) waiver of building permit fees; (2) waiver of filing fees with land use agencies; or, (3) provision of in-kind services such as construction of access roads, or road widening, construction of storm drains and culverts, sidewalks, or curbing, extension of water and/or sewer lines or other public improvements.

Machinery and equipment defined in subdivision (72) of CGS Sec. 12-81 and intended to qualify for tax relief pursuant to Sec. 12-65h shall have for federal income tax purposes a depreciable useful life of five or seven years.

Construction shall commence within six months of, and not prior to, approval by the Town and shall be completed no later than 24 months from the date of approval by the Town. The times for commencement and completion of the construction are mandatory except Applicant's performance may be excused when the Applicant is prevented from performing by causes beyond the Applicant's control, including natural disasters or other calamities or a state or national declared state of emergency.

Comment [MM4]: Town can be building department

Comment [JJ5]: Assume this approval date is from the Building Department and not the approval from Town Council as it relates to the program.

J. Default by the Owner or Lessee Under the Terms of the Agreement; Recapture

Abatement of taxes under this ordinance constitutes a municipal subsidy to the successful applicant. In the event that the Applicant fails to meet negotiated benchmarks or other requirements as described herein, they shall, by the terms of the Agreement, be required to repay all abated amounts, with interest consistent with CGS 12-146 equal to the rate of inflation as of the date of default.

Comment [JJ6]: Different than CGS Sec. 12-146. See comment below.

In addition to the specific timing benchmarks noted in Section I, the Town is encouraged to establish relevant benchmarks to be met by a successful Applicant related to the nature of the business or the project. At a minimum they must include the following triggers.

In the event the owner or lessee of the real property:

1. At any time fails pay real estate and/or personal property taxes when due and payable;
2. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement;
3. Within 10 years of the date of the Agreement applicant becomes insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within 90 days or such other proceedings have not been dismissed or withdrawn by such other parties within 90 days or makes an assignment for the benefit of creditors or if the property or lease is taken under and writ of execution or becomes the subject of foreclosure proceedings;

4. Abandons at any time the real property or in the case of the lessee purports to assign its lease without the express consent of the Town as set forth in Section K of this Ordinance; or,
5. Fails to perform any obligation of owner or lessee or attain any benchmark set under the terms of the agreement

such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (a) the right of the owner and/or lessee under the terms of the agreement shall cease and come to an end; and (b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

Comment [JJ7]: This rate is different than the rate stated above.

In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted under the terms of the agreement shall be terminated; and (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

K. Workout Terms

It is of no benefit to East Hampton to drive an Applicant in default into further economic straits by virtue of an onerous repayment plan. Terms for the recapture of abated taxes as described in Section J should be calculated to ensure the recapture of the highest possible percentage of public funds, taking into account the fiscal reality of the Applicant, the circumstances of the default, and the state of the project.

L. Assignment of the Agreement

The agreement between the town and the Applicant shall not be assigned by the Applicant to any person(s) or business organization or entity or estate or trust without the express consent of both the Council and the EDC which shall signify their consents by an affirmative vote taken at a separate meeting of each body duly noticed for the stated purpose. A conveyance of real property or a transfer of ownership of the business or substantially all of the assets of the business which is the subject of the agreement to a person or business organization or entity that is not owned or controlled by the Applicant, shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee or transferee including but not limited to any remaining tax abatements

under the terms of the agreement. A “controlled entity” means a business which is eighty or more percent owned by the grantor or transferor.

Comment [J18]: 50%???

M. Amendments to Applicable Statutes

All references in this Ordinance to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

N. Effective Date

This ordinance shall become effective fifteen days after publication in a newspaper having circulation in the Town. Adopted _____, [date]. Published [paper], [date]/

DRAFT

**EAST HAMPTON PUBLIC SAFETY
FACILITY COMMITTEE RESOLUTION**

9-1319-13 Draft v-1

Whereas, the Town's Police Department and Fire Department facilities need to be reviewed and a plan needs to be developed and implemented to ensure that these public safety facilities provide the dedicated space, infrastructure and technology needed to offer the best public safety practices and program for our community;

Whereas, the Town Council passed a motion on _____ to establish a Public Safety Facility Committee for the purpose of researching, planning and possibly overseeing the development, design and building of a Public Safety Center and/or renovations to an existing facility(s); and

Whereas, there is a recognized need by the Town to comply with State and Federal mandates, State Statutes and best practices for police and fire protection; and

Whereas, it is ~~is~~ might be necessary that the Town's legislative body create a Public Safety Facility Committee in order for the Town of East Hampton to receive possible funding from the State or Federal government; nonprofit organizations; and public and private foundations; and

Whereas, it is also essential that such a Public Safety Facilities Center be planned and completed in the most cost-efficient and transparent manner for the benefit of our taxpayers; it is therefore,

~~Resolved-Be It Resolved~~ by the East Hampton Town Council, effective as of the date hereof, that the East Hampton Public Safety Facility Committee is established to evaluate the Town's current safety facilities, identify issues and deficiencies with the existing facilities and make recommendations and offer a proposed plan and to bring the town's public safety facilities into the 21st century; it provide the necessary oversight for or with respect to East Hampton's a Public Safety Facilities Center; and is further resolved that the East Hampton Public Safety Facility Committee shall receive staff and budgetary support as directed by the Town Manager; and be it further resolved that ~~have the Public Safety Facility Committee shall have the following powers and duties and be constituted as follows:~~

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Creation, Compensation, Composition, Term, Vacancies

(a) ~~Membership.~~ There shall be one (1) Public Safety Facility Committee with a membership composed of seven (7) members and 2 alternates. All members shall serve without compensation and shall be appointed by the Town Council. ~~Alternate members, when seated shall have all the powers and duties of a member of the committee. When alternates are not seated, they are encouraged to be active participants in all member discussions.~~

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(b) ~~Composition.~~ The members shall be comprised of residents or tax taxpayers with a diversity of professional expertise, specialization and life experience. Such diversity may be represented with expertise in the following professional backgrounds: public safety, architecture, landscape and/or building planning, finance and banking,

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network/IT, construction, purchasing/procurement, engineering, education, public works. There shall be no elected officials serving on this committee.

(c) *Term.* The term of office shall be for the length of the proposed project.

The duly authorized Public Safety Facility Committee shall continue as a complete committee during the entire course of the project regardless of changes in the composition of the Town Council and the Board of Finance.

(d) *Removal.* A member of the committee may be removed for cause by a majority of Town Council or by a two-thirds (2/3) vote of the entire membership of the Town Council.

~~(e) *Vacancies.* The Public Safety Facility Committee shall fill a vacancy from the alternates where a member of the committee resigns and the Town Council shall replace the alternate by appointment.~~

~~(f)(e) *Resignations.* Any member may resign from the committee by notifying the Town Manager with a 30 day written notice.~~

~~(g)(f) *Ex officio members.* The Town Manager, Police Chief, Fire Marshall, Chairman of the Board of Fire Commissioners, Public Works Director, or their designee, shall be ex officio members of the Public Safety Facility Committee without vote.~~

~~(h)(g) *Town Staff.* The Town shall provide and appropriate support staff and resources for the Public Safety Facility Committee.~~

~~(i)(h) All committee members shall be governed by the Town of East Hampton Charter, Code of Conduct and Code of Ethics and operate using Roberts Rules of Order.~~

Pre Proposal Powers and Duties

The Public Safety Facility Committee shall have the following duties and powers:

~~1) Review the Town Facilities Study, the Fire Department consultant's report (due out by end of September 2013), and any other reference material provided by the Town Manager, the Police Chief, Fire Marshall and the Board of Fire Commissioners.~~

~~2) Visit the Town Police Department and the Fire Department Stations 1, 2 and 3. Visit newly-constructed Public Safety Complexes, Police Departments and Fire Departments in Connecticut.~~

~~3)2) Explore Identify options for a joint PD/FD/Youth Center, facility renovations and make recommendations to the Town Council within 12 months. Report quarterly to the Town Council with progress reports.~~

~~4)3) Determine the scope of work for the project (s) to include overall goals and objectives, proposed renovations, proposed location(s), overall space requirements and square footage, grant and funding opportunities; and proposed schedule.~~

- 4) Request the Town Council and Board of Finance to appropriate necessary funds for preliminary planning and site studies.
- 5) Provide a proposal of the Public Safety Facility Committee's recommendations to the Town Council and Board of Finance.

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- ~~— Select an architect and/or other professionals through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance.~~
- ~~— To approve preliminary plans and specifications for project (s); obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to approve and appropriate necessary funds for the total project costs.~~

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Post Proposal Powers and Duties

If the proposal is approved by the Town Council and Board of Finance, the Public Safety Facility Committee is further charged with:

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- 5) 1. If property is to be acquired, follow Town Charter and Board of Finance regulations for acquisition/purchase.

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- ~~6) — Select an architect through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance.~~

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- ~~7) — Upon appropriation of such funds, to hire an architect to draft plans for construction of a Public Safety Center to provide technology and facilities for best practices for our Police and Fire Departments to protect our community.~~

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- ~~8) — 2. The Public Safety Facility Committee shall retain a construction and/or project manager to fulfill its duties and responsibilities.~~

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- 1) Through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance, select an architect and other professionals to assist with design, renderings and costs.

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- 2) Obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to approve and appropriate necessary funds for the total project costs.

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- ~~9) — To approve preliminary plans and specifications for the project; obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to appropriate necessary funds for the total project costs.~~

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- ~~10) 3. To analyze and approve final plans and specifications of such project;~~ Obtain approval of such final plans and specifications by the Town Manager, Police Chief and Board of Fire Commissioners; and through the Town purchasing agent advertise for and receive bids for the construction of the project or any portion thereof.

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11) 4. Upon recommendation of the Town purchasing agent to vote award of construction contract bid to the most responsible bidder and, upon a majority vote of the Town Council to authorize the Town Manager to sign on behalf of the Town to enter into contract for construction of such project (s).

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12) 5. To be responsible for construction of such project through their appropriate agents and town's inspectors.

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13) 6. To examine and approve all payments in connection with the construction of such project with the advice of its agents, the project architect, and the town inspector.

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14) 7. To analyze and approve any change orders in the approved plans for such project within the limits of the total project appropriations.

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15) 8. To have province over and final approval of all expenditures of the project, including furnishings, equipment or any other appurtenances to the buildings or grounds.

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16) ~~To select a name for the Public Safety Center project thus constructed.~~

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17) 9. To approve and accept any and all the completed projects subject to the advice of its agents, the project architect and the town's inspectors.

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18) ~~To turn the building and grounds over to _____ as soon as possible after final completion and acceptance.~~

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10. To obtain the necessary clearance and approval of any local or state board or agency as may be required for any of the duties and powers enumerated in this resolution.

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19) **Term**

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20) The Public Safety Facility Committee created by this resolution shall cease and its membership be terminated without further action of the Town Council once the assigned project (s) ~~has~~ been turned over to Town of East Hampton; provided, having that any and all insurance coverage applicable to the Public Safety Facility Committee and its members shall continue in accordance with the Town of East Hampton standard practices and policies.

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Reports on work progress required.

The Public Safety Facility Committee shall submit, on a quarterly basis, budget and expenditure reports prepared in accordance with generally accepted accounting principals to the Town Council and the Board of Finance. Prior to their submission, such reports shall be reviewed by the Town's Finance Director. Annual budget and expenditure reports prepared in accordance with generally accepted accounting principals shall be audited by the Town's outside auditors and submitted to the Town Council and the Board of Finance. In conjunction with such annual reports, the along with the Finance Director, shall provide and/or update any revisions to any projected expenditures for the project. The Finance Director shall further certify that the Public Safety Facility Committee has established and explained generally accepted internal control measures. The Public Safety Facility Committee shall also periodically report on the progress of its work to the Town Council and Board of Finance.

Adopted this _____ day of _____, 2013.

Town Council

Susan B. Weintraub, Chairperson

Glenn S. Suprono, Vice Chairman

Kyle R. Dostaler

Derek M. Johnson

Ted Hintz, Jr.

George Pfaffenbach

Barbara W. Moore

DRAFT

**EAST HAMPTON PUBLIC SAFETY
FACILITY COMMITTEE RESOLUTION**

9-13-13 Draft v-2

Whereas, the Town's Police Department and Fire Department facilities need to be reviewed and a plan needs to be developed and implemented to ensure that these public safety facilities provide the dedicated space, infrastructure and technology needed to offer the best public safety practices and program for our community;

Whereas, the Town Council passed a motion on _____ to establish a Public Safety Facility Committee for the purpose of researching, planning and overseeing the development, and design ~~and building~~ of a Public Safety Facility ~~improvement plan~~ ~~Center~~; and

Whereas, there is a recognized need by the Town to ~~comply with~~ State and Federal mandates, State Statutes and best practices for police and fire protection; and

Whereas, it is necessary that the Town's legislative body create a Public Safety Facility Committee in order for the Town of East Hampton to receive possible funding from the State or Federal government; nonprofit organizations; and public and private foundations; and

Whereas, it is also essential that such a Public Safety Center be planned and completed in the most cost-efficient and transparent manner for the benefit of our taxpayers; it is therefore,

Resolved by the East Hampton Town Council, effective as of the date hereof, that the East Hampton Public Safety Facility Committee is established to plan and provide the necessary oversight for or with respect to East Hampton's a Public Safety Safety Facilities Center; and is further resolved that the East Hampton Public Safety Facility Committee shall have the following powers and duties and be constituted as follows:

Creation, Compensation, Composition, Term, Vacancies

(a) ~~Membership.~~ There shall be one (1) Public Safety Facility Committee with a membership composed of seven (7) members ~~and 2 alternates~~. All members shall serve without compensation and shall be appointed by the Town Council. Alternate members, when seated shall have all the powers and duties of a member of the committee. ~~When alternates are not seated, they are encouraged to be active participants in all member discussions.~~

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(a) (b) ~~Composition.~~ The members shall be comprised of residents or tax taxpayers with a diversity of professional expertise, specialization and life experience. Such diversity may be represented with expertise in the following professional backgrounds: public safety, architecture, landscape and/or building planning, finance and banking, network/IT, construction, purchasing/procurement, engineering, education, public works. There shall be no elected officials serving on this committee.

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(c) ~~Term.~~ The term of office shall be for the length of the proposed project.

The duly authorized Public Safety Facility Committee shall continue as a complete committee during the entire course of the project regardless of changes in the composition of the Town Council and the Board of Finance.

(d) *Removal.* A member of the committee may be removed for cause by a majority of Town Council or by a two-thirds (2/3) vote of the entire membership of the Town Council.

~~(e) *Vacancies.* The Public Safety Facility Committee shall fill a vacancy from the alternates where a member of the committee resigns and the Town Council shall replace the alternate by appointment.~~

~~(f)(e) *Resignations.* Any member may resign from the committee by notifying the Town Manager with a 30 day written notice.~~

~~(g)(f) *Ex officio members.* The Town Manager, Police Chief, Fire Marshall, Chairman of the Board of Fire Commissioners, Public Works Director, or their designee, shall be ex officio members of the Public Safety Facility Committee without vote.~~

~~(h)(g) *Town Staff.* The Town shall provide provide and appropriate support staff and resources for the Public Safety Facility Committee.~~

~~(i)(h) All committee members shall be governed by the Town of East Hampton Charter, Code of Conduct and Code of Ethics and operate using Roberts Rules of Order.~~

Powers and Duties

The Public Safety Facility Committee shall have the following duties and powers:

- 1) Review the Town Facilities Study, the Fire Department consultant's report (due out by end of ~~October~~September 2013), and any other reference material provided by the Town Manager, the Police Chief, Fire Marshall and the Board of Fire Commissioners.
- 2) Visit the Town Police Department and the Fire Department Stations 1, 2 and 3. Visit ~~regional~~ newly-constructed Public Safety Complexes, ~~Police Departmentss~~ and ~~Fire Departmentss~~ in Connecticut.
- 3) ~~Identify options~~Explore options for a joint PD/FD/Youth Center, ~~facility renovations~~ and make recommendations to the Town Council within 12 months. Report quarterly to the Town Council with progress reports.
- 4) Determine the scope of work for the project (s) to include overall goals and objectives, proposed location(s), overall space requirements and square footage, grant and funding opportunities; and proposed schedule.
- 5) Request the Town Council and Board of Finance to appropriate necessary funds for preliminary planning and site studies. ~~If property is to be acquired, follow Town Charter and Board of Finance regulations for acquisition/purchase.~~

~~5)(6)~~

~~6) Select an architect through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance.~~

- ~~7) Upon appropriation of such funds, to hire an architect to draft plans for construction of a Public Safety Center to provide technology and facilities for best practices for our Police and Fire Departments to protect our community.~~
- ~~8) The Public Safety Facility Committee shall retain a construction and/or project manager to fulfill its duties and responsibilities.~~
- ~~9) To approve preliminary plans and specifications for the project; obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to appropriate necessary funds for the total project costs.~~
- ~~10) To analyze and approve final plans and specifications of such project; obtain approval of such final plans and specifications by the Town Manager, Police Chief and Board of Fire Commissioners; and through the Town purchasing agent advertise for and receive bids for the construction of the project or any portion thereof.~~
- ~~11) Upon recommendation of the Town purchasing agent to vote award of construction contract bid to the most responsible bidder and, upon a majority vote of the Town Council to authorize the Town Manager to sign on behalf of the Town to enter into contract for construction of such project.~~
- ~~12) To be responsible for construction of such project through their appropriate agents and town's inspectors.~~
- ~~13) To examine and approve all payments in connection with the construction of such project with the advice of its agents, the project architect, and the town inspector.~~
- ~~14) To analyze and approve any change orders in the approved plans for such project within the limits of the total project appropriations.~~
- ~~15) To have province over and final approval of all expenditures of the project, including furnishings, equipment or any other appurtenances to the buildings or grounds.~~
- ~~16) To select a name for the Public Safety Center project thus constructed.~~
- ~~17) To approve and accept the completed project subject to the advice of its agents, the project architect and the town's inspectors.~~
- ~~18) To turn the building and grounds over to _____ as soon as possible after final completion and acceptance.~~
- ~~19) To obtain the necessary clearance and approval of any local or state board or agency as may be required for any of the duties and powers enumerated in this resolution.~~

~~20)7) The Public Safety Facility Committee created by this resolution shall cease and its membership be terminated without further action of the Town Council once the assigned project has been turned over to the Town Council _____; provided, having that any and all insurance coverage applicable to the Public Safety Facility Committee and its members shall continue in accordance with the Town of East Hampton standard practices and policies.~~

Reports on work progress required.

The Public Safety Facility Committee shall submit, on a quarterly basis, budget and expenditure reports prepared in accordance with generally accepted accounting principals to the Town Council and the Board of Finance. Prior to their submission, such reports shall be reviewed by the Town's Finance Director. Annual budget and expenditure reports prepared in accordance with generally accepted accounting principals shall be audited by the Town's outside auditors and submitted to the Town Council and the Board of Finance. In conjunction with such annual reports, ~~the~~ along with the Finance Director, shall provide and/or update any revisions to any projected expenditures for the project. The Finance Director shall further certify that the Public Safety Facility Committee has established and explained generally accepted internal control measures. The Public Safety Facility Committee shall also periodically report on the progress of its work to the Town Council and Board of Finance.

Adopted this _____ day of _____, 2013.

Town Council

Susan B. Weintraub, Chairperson

Glenn S. Suprono, Vice Chairman

Kyle R. Dostaler

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George Pfaffenbach

Barbara W. Moore

**EAST HAMPTON PUBLIC SAFETY
FACILITY COMMITTEE RESOLUTION**

9-131209-13 Draft v-3

Whereas, the Town's Police Department and Fire Department facilities need to be reviewed and a plan needs to be developed and implemented to ensure that these public safety facilities provide the dedicated space, infrastructure and technology needed to offer the best public safety practices and program for our community;

Whereas, the Town Council passed a motion on _____ to establish a Public Safety Facility Committee for the purpose of researching, planning and possibly overseeing the development, design and building of a Public Safety Center and/or renovations to an existing facility(ies); and

Whereas, there is a recognized need by the Town to comply with State and Federal mandates, State Statutes and best practices for police and fire protection; and

Whereas, it is might be necessary that the Town's legislative body create a Public Safety Facility Committee in order for the Town of East Hampton to receive possible funding from the State or Federal government; nonprofit organizations; and public and private foundations; and

Whereas, it is also essential that such a Public Safety Facilities Center be planned and completed in the most cost-efficient and transparent manner for the benefit of our taxpayers; it is therefore,

Resolved Be It Resolved ~~by the East Hampton Town Council, effective as of the date hereof, that the East Hampton Public Safety Facility Committee is established to evaluate the Town's current safety facilities, identify issues and deficiencies with the existing facilities, if any, and make recommendations and offer make recommendations regarding the town's public safety facilities a proposed plan and to bring the town's public safety facilities into the 21st century; it provide the necessary oversight for with respect to East Hampton's a Public Safety Facility Center; and is further resolved that the East Hampton Public Safety Facility Committee shall receive staff and budgetary support as directed by the Town Manager; and be further resolved that have the Public Safety Facility Committee shall have the following powers and duties and be constituted as follows:~~

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Creation, Compensation, Composition, Term, Vacancies

(a) ~~Membership.~~ There shall be one (1) Public Safety Facility Committee with a membership composed of seven (7) members ~~and 2 alternates.~~ All members shall serve without compensation and shall be appointed by the Town Council. ~~Alternate members, when seated shall have all the powers and duties of a member of the committee. When alternates are not seated, they are encouraged to be active participants in all member discussions.~~

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(a) *Composition.* The members shall be comprised of residents or tax taxpayers with a diversity of professional expertise, specialization and life experience. Such diversity may be represented with expertise in the following professional backgrounds: public safety, architecture, landscape and/or building planning, finance and banking,

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network/IT, construction, purchasing/procurement, engineering, education, public works. There shall be no elected officials serving on this committee.

- (c) *Term.* The term of office shall be for the length of the proposed project.

The duly authorized Public Safety Facility Committee shall continue as a complete committee during the entire course of the project regardless of changes in the composition of the Town Council and the Board of Finance.

- (d) *Removal.* A member of the committee may be removed for cause by a majority of Town Council or by a two-thirds (2/3) vote of the entire membership of the Town Council.

~~(e) *Vacancies.* The Public Safety Facility Committee shall fill a vacancy from the alternates where a member of the committee resigns and the Town Council shall replace the alternate by appointment.~~

~~(f)(e) *Resignations.* Any member may resign from the committee by notifying the Town Manager with a 30 day written notice.~~

~~(g)(f) *Ex officio members.* The Town Manager, Police Chief, Fire Marshall, Chairman of the Board of Fire Commissioners, Public Works Director, or their designee, shall be ex officio members of the Public Safety Facility Committee without vote.~~

~~(h)(g) *Town Staff.* The Town shall provide and appropriate support staff and resources for the Public Safety Facility Committee.~~

~~(i)(h) All committee members shall be governed by the Town of East Hampton Charter, Code of Conduct and Code of Ethics and operate using Roberts Rules of Order.~~

Pre Proposal Powers and Duties

The Public Safety Facility Committee shall have the following duties and powers:

- ~~1) Review the Town Facilities Study, the Fire Department consultant's report (due out by end of September 2013), and any other reference material provided by the Town Manager, the Police Chief, Fire Marshall and the Board of Fire Commissioners.~~
- ~~2) Visit the Town Police Department and the Fire Department Stations 1, 2 and 3. Visit newly-constructed Public Safety Complexes, Police Departments and Fire Departments in Connecticut.~~
- ~~3)2) Explore/Consider Identify options for a joint PD/FD/Youth Center, and/or facility renovations and make recommendations to the Town Council within 12 months. Report quarterly to the Town Council with progress reports.~~
- ~~4)3) Determine the scope of work for the project (s) to include overall goals and objectives, proposed renovations, proposed location(s), overall space requirements and square footage, grant and funding opportunities; and proposed schedule.~~

- 4) Request the Town Council and Board of Finance to appropriate necessary funds for preliminary planning and site studies.
- 5) Provide a proposal of the Public Safety Facility Committee's recommendations to the Town Council and Board of Finance.

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- Select an architect and/or other professionals through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance.
- To approve preliminary plans and specifications for project (s); obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to approve and appropriate necessary funds for the total project costs.

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Post Proposal Powers and Duties

If the any proposal, recommendations, new projects or initiatives is are approved by the Town Council and Board of Finance, the Public Safety Facility Committee is further charged with:

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- 5) 1. If property is to be acquired or renovations made, follow Town Charter and Board of Finance regulations for acquisition/purchase/renovations.

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- 6) — Select an architect through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance.

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- 7) — Upon appropriation of such funds, to hire an architect to draft plans for construction of a Public Safety Center to provide technology and facilities for best practices for our Police and Fire Departments to protect our community.

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- 8) — 2. The Public Safety Facility Committee shall retain a construction and/or project manager to fulfill its duties and responsibilities.

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- 2. Through a Request for Proposal process as prescribed in Chapter 117 of the East Hampton Purchasing Ordinance, select an architect and other professionals to assist with design, renderings and costs.

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- 3. Obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to approve and appropriate necessary funds for the total project costs.

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- 9) — To approve preliminary plans and specifications for the project; obtain approval of preliminary plans and specifications by the Police Chief and Board of Fire Commissioners; and request the Town Council and Board of Finance to appropriate necessary funds for the total project costs.

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- 10) 4. To analyze and approve final plans and specifications of such project; obtain approval of such final plans and specifications by the Town Manager, Police Chief and Board of Fire Commissioners; and through the Town purchasing agent advertise for and receive bids for the construction of the project or any portion thereof.

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11) 5. Upon recommendation of the Town purchasing agent to vote award of construction contract bid to the most responsible bidder and, upon a majority vote of the Town Council to authorize the Town Manager to sign on behalf of the Town to enter into contract for construction of such project (s).

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12) 6. To be responsible for construction of such project through their appropriate agents and town's inspectors.

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13) 7. To examine and approve all payments in connection with the construction of such project with the advice of its agents, the project architect, and the town inspector.

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14) 8. To analyze and approve any change orders in the approved plans for such project within the limits of the total project appropriations.

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15) 9. To have province over and final approval of all expenditures of the project, including furnishings, equipment or any other appurtenances to the buildings or grounds.

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16) ~~To select a name for the Public Safety Center project thus constructed.~~

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17) 10. To approve and accept any and all the completed projects subject to the advice of its agents, the project architect and the town's inspectors.

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18) ~~To turn the building and grounds over to _____ as soon as possible after final completion and acceptance.~~

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11. To obtain the necessary clearance and approval of any local or state board or agency as may be required for any of the duties and powers enumerated in this resolution.

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19) **Term**

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20) The Public Safety Facility Committee created by this resolution shall cease and its membership be terminated without further action of the Town Council once the assigned project (s) ~~has~~ been turned over to Town of East Hampton; provided, having that any and all insurance coverage applicable to the Public Safety Facility Committee and its members shall continue in accordance with the Town of East Hampton standard practices and policies.

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Reports on work progress required.

The Public Safety Facility Committee shall submit, on a quarterly basis, budget and expenditure reports prepared in accordance with generally accepted accounting principals to the Town Council and the Board of Finance. Prior to their submission, such reports shall be reviewed by the Town's Finance Director. Annual budget and expenditure reports prepared in accordance with generally accepted accounting principals shall be audited by the Town's outside auditors and submitted to the Town Council and the Board of Finance. In conjunction with such annual reports, the along with the Finance Director, shall provide and/or update any revisions to any projected expenditures for the project. The Finance Director shall further certify that the Public Safety Facility Committee has established and explained generally

accepted internal control measures. The Public Safety Facility Committee shall also periodically report on the progress of its work to the Town Council and Board of Finance.

Adopted this _____ day of _____, 2013.

Town Council

Susan B. Weintraub, Chairperson

Glenn S. Suprono, Vice Chairman

Kyle R. Dostaler

Derek M. Johnson

Ted Hintz, Jr.

George Pfaffenbach

Barbara W. Moore

DRAFT



**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: 10a

Item to be presented by:
Ruth Checko, Parks and Recreation Director

DATE: September 18, 2013

SUBJECT: East Hampton High School Athletic Lighting Project

DEPARTMENT: Parks and Recreation

BACKGROUND

The plans of adding athletic lighting to the East Hampton High School main soccer field has been considered for years. Recently, it was considered as part of the High School renovate as new building project. At the recommendation of the Board of Finance, it was pulled out of that project and assigned to the Parks and Recreation Department as a stand-alone project.

The estimated cost of installing athletic lighting on the main soccer field is \$200,000.00. So far, the project has the support of the Parks and Recreation Advisory Board, The Board of Education's Transportation, Buildings and Grounds Sub-Committee, the Board of Education and the Board of Finance. The Planning and Zoning Commission RESOLVED, that the Planning and Zoning Commission of the Town of East Hampton approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut, and set a Public Hearing for October 2, 2013.

RECOMMENDED ACTION

Pending approval by the Planning and Zoning Commission, it is recommended that the Town Council appropriate \$200,000 for costs associated with the East Hampton High School Athletic Field Lighting Project and that the Town appropriate \$200,000 from unassigned General Fund balance to finance the appropriation. The appropriation may be spent for the engineering, bidding, project management, construction, supplies and materials related to the project.

Further action recommended is that the Town Council authorizes the Chairman of the Town Council to call a Special Town Meeting on Monday, October 21, 2013 at 7:00 p.m. in the High School Auditorium to act upon the foregoing recommendations.

FISCAL IMPACT

At their August 19, 2013 meeting BOF voted unanimously, to request an additional allocation (of \$200,000) for the project.

EAST HAMPTON
BOARD OF EDUCATION
EAST HAMPTON, CT 06424

MINUTES

Committee: Transportation, Buildings & Grounds May 13, 2013

Members Present: Mr. Gemma, Chairperson, Ms. Barmasse and Mr. Marshall

Members Absent:

Administration Present: Mark Winzler, Interim Superintendent
Kevin M. Reich, Operations Manager
Karen Asetta, School Business Manager
John Fidler, East Hampton High School, Principal
Donna Turchi, Center Elementary School, Principal
Karen Fitzsimmons, Memorial Elementary School, Principal

Others Present: Glen Gustine

1. The meeting was called to order by Mr. Gemma, Chairperson of the Transportation, Building and Grounds Committee at 5:46pm in the East Hampton High School's Library/ Media Center.
2. Approval of minutes from the April 22, 2012 meeting.
 - 2.1 Motion by Ms. Barmasse, seconded by Mr. Gemma to approve the minutes.
Voted unanimously.
3. Mr. Glenn Gustine met with the Transportation, Building and Grounds Committee to review a project to illuminate the East Hampton High School main soccer field. Mr. Gustine reviewed what he believes the project to be. He also mentioned that there were issues that might have to be addressed. These issues included neighbors having concerns regarding the lighting, possible zoning issues and administrative issues pertaining to the operation of the lights. Mr. Gustine also mentioned that other fields might be lit and that underground conduit should be considered for future use. A lengthy discussion followed.
 - 3.1 Mr. Marshall proposed a motion.
Motion by Mr. Marshall, seconded by Mr. Gemma to support the lighting of the main Soccer field at the High School and provide additional lighting for walking.
Voted unanimously.
4. Mrs. Turchi, Dr. Fitzsimmons and Mr. Reich briefly reviewed the playground projects at Center Elementary and Memorial Elementary Schools. A discussion followed.
 - 4.1 Following the discussion a motion was presented.
Motion made by Mr. Marshall, seconded by Mr. Gemma to approve the Memorial and Center Elementary Schools playground projects.
Voted unanimously.
5. Due to time constraints, agenda item 5 - Bus Inspection Reports was tabled.
6. Due to time constraints, agenda item 6 - 94 Main Street Update was tabled.



East Hampton CT

20 East High Street, East Hampton, CT 06424

August 2013

Parks and Recreation Advisory Board Meeting
Date: August 6, 2013
 Time: 4:00PM
Parks and Recreation Office
Minutes

Present: Rich Norkun; Chairperson, John Wright; Vice Chairperson, Tim Adams, Mark Vickery, Shawn Mullen; Program Coordinator, Ruth Checko; Director.

Call To Order: Rich Norkun called to order the August 6, 2013 Regular meeting of the Parks and Recreation Advisory Board.

Approval of the minutes of the April 2, 2013 regular meeting of the Parks and Recreation Advisory Board: Tim Adams motioned to approved the June 4, 2013 minutes. John Wright seconded the motion. All approved.

Audience of Citizens: None

Communications: None

Director's Report: Ruth Checko gave a report on the status of Parks and Recreation programs and operations. Everyone received a copy.

Unfinished Business

- Sears Park Improvement project – storm water runoff remediation

The rain garden at Sears Park is not functioning properly. Ruth Checko is addressing this issue.

- Partnership with Senior Center, Commission on Aging, and Parks and Recreation for "Boomer" programming

Shawn Mullen is including this in Fall Program preparation.

- High School Athletic Field Lighting



Mark Vickery motioned to support installing athletic field lighting on the main soccer field at East Hampton High School with track lighting for walking. Tim Adams seconded the motion. All approved.

New Business

- Court Sports in Village Center

Ruth Checko will continue to look into this as a possibility

- Middle School Athletic Field Project

This project is scheduled to start at the end of this week.

- Concession Stand

Ruth Checko gave a status report on the concession stand at Sears Park.

Other Concerns: None

Town of East Hampton
Board of Finance
Regular Meeting
Monday, Aug. 19, 2013
Town Hall Meeting Room

Unapproved Minutes

Present: Timothy Csere, Mary Ann Dostaler, Ted Turner, Tom O'Brien, Matthew Walton and Patience Anderson.

Absent: David Monighetti

Other attendee(s): Jeffery M. Jylkka, Director of Finance

1-2. Chairman Walton called the meeting to order at 7:29 p.m. followed by the Pledge of Allegiance.

Patience Anderson made a motion to move agenda items # 10c and #10d up to items #6a and #6b under "Special Presentations", seconded by Timothy Csere. **Vote: 6-Yes; 1-Absent**

3. Approval of Minutes of Meeting(s):

a) July 15, 2013 – Regular meeting

Timothy Csere motioned to approve the July 15 minutes as written, seconded by Patience Anderson. **Motion: 4-Yes; 1-Absent; 2- Abstain**

4. Public Remarks: None

5. Correspondence: Mary Ann Dostaler inquired about the status of the letter that was received from the Superintendent of Schools which was discussed at last months' BOF meeting. Jeff Jylkka referred her to Item# 9d on this evenings agenda where it will be discussed.

6. Special presentations:

a) High School Athletic Field Lights – Ruth Checko from Parks and Recreation stated that she was present to begin the consideration for additional allocation to fund the lighting at the East Hampton High School main soccer field. Ruth stated that the current estimate of \$200,000 is based on an estimate from Musco for \$195,000 for lighting from the box to the pole and an additional \$5000 for an onsite electrical engineer who would serve as a contract inspector during the construction. Ruth explained that the estimate is lower than others based on the fact that there is sufficient ampage and voltage that currently exists and that the conduit is in the ground therefore; it would be a matter of running the wires through the existing conduit, setting the concrete and putting up the lights. She went on to explain that by allocating the money, they would be able to go out to bid for late fall as opposed to going through Capital which would coincide with the High School Building Project. A brief discussion followed about making a motion to appropriate the money even though it is not an action item on the agenda.

→ **Tom O'Brien made a motion to create agenda item #6c: Request additional appropriation for the high school soccer field lights, seconded by Timothy Csere. Vote: 6-Yes; 1-Absent**

Patience Anderson made a motion to add "public comments" to the agenda after 6b, seconded by Mary Ann Dostaler. **Vote: 6-Yes; 1-Absent**

Excerpt from Planning and Zoning unapproved Minutes

From September 4, 2103 meeting.

New Business:

- A. 8-24 Review: East Hampton High School Athletic Field Lighting Project – Map 19/Block 39/Map 5A: Mr. Carey reported that the Town Council, Board of Education, and Parks and Recreation Department have approached the Commission for an 8-24 Review and report to the Town Council regarding whether the East Hampton High School Athletic Field Lighting Project would be an appropriate activity for the Town. The project had been included in the High School Renovation Project but was backed out by the Board of Finance. The new plan will allow the lighting project to be completed earlier than the renovation project would have permitted and it has shown a savings of approximately \$100,000 to the Town. Mr. Carey further explained that the actual site plan modification review will be presented to the Commission at the public hearing which was scheduled by the Commission during this meeting for the next regularly scheduled meeting on October 2, 2013. Mr. Carey read the proposed resolution into the record.

Mr. Hoffman discussed areas of concern in the plan as submitted for the site plan modification review.

Mr. Aarrestad discussed that the site plan modification review detail should be held off until the public hearing scheduled for the next regular meeting.

*Mr. Aarrestad moved, and Ms. Wright seconded, that the East Hampton Planning and Zoning Commission Resolve pursuant to Section 8-24 of the General Statutes of Connecticut the East Hampton High School Athletic Field Lighting Project as discussed at the Planning and Zoning Commission Meeting held on September 4, 2013 is an appropriate expenditure of capital funds and an appropriate endeavor for the Town of East Hampton. This resolution is for approval of conceptual plans only. The project is subject to and shall comply with all applicable laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals. The motion carried (6-1-0). (Yes votes: Aarrestad, Gauthier, Hoffman, Philhower, Sanicki, Wright. No votes: Rux. Abstentions: None.) **Attachment No. 3***

Town of East Hampton
20 East High Street
East Hampton, Connecticut 06424
Tel. (860) 267-9601 Fax. (860) 267-6430
Planning, Zoning & Building Department

RESOLUTION OF THE PLANNING AND ZONING COMMISSION

Item No. 7.A (East Hampton High School High School Athletic Field Lighting Project):

Mr. Aarrestad introduced the following resolution, which was seconded by Ms. Wright:

RESOLVED, That the Planning and Zoning Commission of the Town of East Hampton approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

East Hampton High School Athletic Field Lighting Project as discussed at the Planning and Zoning Commission Meeting held on September 4, 2013.

This resolution is for the approval of conceptual plans only. The project is subject to and shall comply with all applicable laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations, or permit approvals.

The Motion carried (6-1-0). (Yes votes: Aarrestad, Gauthier, Hoffman, Philhower, Sanicki, Wright. No votes: Rux. Abstentions: None)

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: 106

Item to be presented by: Jeff Jylkka

DATE: September 24, 2013

SUBJECT: 2012-2013 End of Year Transfers

DEPARTMENT: General Government

BACKGROUND

Annually, as the Town is nearing completion of the annual audit staff prepares transfers in order to zero out any departmental budget deficits. The transfers are an indication of a government's budget practices and principles. These transfers also serve as a communication tool to the legislative body indicating what department(s) overspent their annual appropriation.

The Board of Finance at their September 16, 2013 meeting recommended that Town Council approve the attached 2012-2013 year end budget transfers.

See attached for detail.

RECOMMENDED MOTION

Resolved that the Town Council approve the attached budget transfers for the 2012-2013 fiscal year.

ALTERNATIVE ACTIONS

Not to approve the appropriation or amend.

FISCAL IMPACT

There is no fiscal impact. This is a budget adjustment only.

Department	ORG	Object #	Object Name	Transfer From/To	Comment
TRANSFER FROM					
1	01110000	5250	Unemployment Compensation	\$ 35,000	Projected unemployment claims lower than projected
2	01110000	5270	Unallocated Payroll	\$ 80,000	Actual and est. amounts for retro pay allocated to individual depts.
3	01110000	5330	Professional/Tech. Services	\$ 17,000	Wellness funds not 100% spent
4	01120000	5990	Contingency	\$ 59,500	
5	01540000	5627	Motor Fuel	\$ 17,778	Gas usage less than anticipated
6	01720721	5830	Interest	\$ 62,564	Bonds issued in FY14 for roads and Memorial School proj.
TOTAL				271,842	
TRANSFER TO					
7	01570000	5410	Public Utilities	\$ 32	
8	01210211	5340	Other Professional Services	\$ 105	
9	01210213	5130	Overtime Salaries	\$ 320	
10	01350000	5410	Public Utilities	\$ 540	
11	01230000	5430	Bldg & Equip Maint/Repairs	\$ 570	
12	01240000	5690	Other Supplies/Materials	\$ 760	Unplanned generator repair
13	01050000	5430	Bldg & Equip Maint/Repairs	\$ 3,300	
14	01220221	5319	Meetings/Conferences	\$ 3,700	
15	01020000	5330	Professional/Tech. Services	\$ 4,200	Fire Department consulting services
16	01210213	5741	Machinery & Equipment	\$ 7,000	New engine for patrol boat
17	01210212	5130	Overtime Salaries	\$ 7,900	Short term staffing vacancies
18	01510000	5110	Full Time Salaries	\$ 37,000	Retro-pay
19	01510000	5590	Other Purchased Services	\$ 78,000	Contracted services for snow removal. Winter storm Charlie
20	01040000	5330	Professional/Tech. Services	\$ 128,415	Union negotiations and labor issues
TOTAL				271,842	

The above transfer is needed in order to zero out departmental deficits for the fiscal year end 2011-2012. This transfer also serves as additional communication to the Board of Finance and Town Council as to the operational areas in the budget that were over and under spent.

APPROVED:
BOARD OF FINANCE: 9-16-2016

TOWN COUNCIL:

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: 10c

Item to be presented by: Jeff Jylkka

DATE: September 24, 2013

SUBJECT: Board of Education 2012-2013 Additional Appropriation (Special Education Excess Cost Grant)

DEPARTMENT: Education

BACKGROUND

The above additional appropriation is needed to cover additional costs relating to special education tuition and related services. Annually, the State of CT reimburses the Board of Education for these additional costs. The Town does not budget for the revenue and the Board of Education does not budget for the related expenditures. Annually, the amount of the grant is re-appropriated back to the Board of Education. The accounting/budgeting for this revenue is consistent with previous years and has no affect on actual revenues or expenditures, as this is a budget only adjustment. The Board of Finance recommended that Town Council approve the additional appropriation at their September 16, 2013 meeting.

RECOMMENDED MOTION

Resolved, that the Town Council approve the additional appropriation below from state grant revenue.

Estimated Revenue

State Agency Placement Excess Cost	01962510-4404	\$ 475,055
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Appropriation

SPECIAL EDUCATION - Tuition Private	01951000-5563	\$ 400,000
SPECIAL EDUCATION - Tuition Private	01951220-5563	75,055
		<hr/> Total: \$ 475,055

Source of Funds

State of Connecticut Excess Cost Agency Placement Grant. The BOE received a total of \$475,055 during the 12-13 fiscal year.

ALTERNATIVE ACTIONS

Not to approve the appropriation.

FISCAL IMPACT

There is no fiscal impact. This is a budget adjustment only.

PA 13-197—sHB 6441

Environment Committee

AN ACT CONCERNING THE DAM SAFETY PROGRAM AND MOSQUITO CONTROL

SUMMARY: This act makes changes in the state's dam safety laws and certain provisions regarding mosquito control.

By law, the Department of Energy and Environmental Protection (DEEP) commissioner has jurisdiction over dams, dikes, reservoirs, and other similar structures whose failure might endanger life or property. The act requires owners of certain unregistered dams or similar structures to register them by October 1, 2015. It generally shifts, from the commissioner to the owners of dams or similar structures, regularly scheduled inspection and reporting requirements. The act also makes owners generally responsible for supervising and inspecting construction work and establishes new reporting requirements for owners when the work is completed.

Under the act, the commissioner must consider tidal wetland impact when deciding whether to issue a dam construction permit. The act exempts these permit applicants from additional environmental permit requirements. It (1) allows the commissioner to issue a general permit for dam removal projects providing certain ecological benefits and (2) disallows anyone from making certain written comments on proposed activities covered by a general permit.

The act requires owners of high or significant hazard dams or similar structures to develop and implement emergency action plans. The commissioner must adopt regulations for (1) regularly scheduled dam inspections and (2) the emergency action plans.

The act also requires the DEEP commissioner to (1) establish a plan for using or applying larvicide to control mosquitoes and (2) update the plan by September 1, 2013 for certain specified purposes, including restricting the use or application of methoprene or resmethrin in the state's coastal boundary. It allows introducing methoprene or resmethrin into certain storm drains, wetlands, or other water bodies if the commissioner recommends it to prevent an increasing threat of mosquito-borne disease.

The act requires the DEEP commissioner to take certain steps to prevent West Nile virus, including (1) coordinating with the Department of Public Health (DPH) commissioner and local health departments to survey certain lands for mosquitoes, (2) enforcing a ban on standing water on private property, and (3) encouraging public outreach programs on standing water risks and West Nile virus symptoms.

It also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2013, except the mosquito control provisions take effect upon passage.

DAM SAFETY

§ 4 — Dam Registration

The act requires owners of unregistered dams or similar structures that may endanger life or property if they fail to register them by October 1, 2015 with the DEEP commissioner on a form he prescribes.

The owner must report the location and dimensions of the dam or structure and any other information the commissioner requires. Prior law specified that any dam or similar structure had to be registered by July 1, 1984, but provided no registration requirement for dams established after that date.

Under the act, as long as the form is submitted to the commissioner by October 1, 2015, he cannot use information it contains, that he cannot otherwise independently obtain, to order payment of a civil penalty for violating (1) the dam and reservoirs laws (see BACKGROUND) or (2) a law on the payment of costs associated with DEEP administrative hearing recordings and transcripts.

The law requires owners to notify the commissioner, by registered or certified mail, return receipt requested, about a transfer in ownership of a dam or similar structure within 10 days after the transfer.

§§ 3 & 4 — *Dam Inspection*

Regularly Scheduled Inspection. Prior law required the DEEP commissioner to periodically inspect registered dams. Under the act, by January 15 of any year when an inspection is due, he must provide written notice to the owner of a registered dam or similar structure by certified mail, return receipt requested. The notice must identify the dam's classification and state the frequency of inspection, as provided in regulations. Once the owner receives the notice, he or she must cause the dam or structure to be inspected.

The act requires the owner to:

1. have it inspected by a Connecticut-licensed registered professional engineer according to regulations DEEP adopts and
2. submit the inspection results to the commissioner, on a form he prescribes, by March 15 of the year after the inspection.

The act still requires the commissioner to periodically inspect registered dams, but only (1) for quality assurance when an owner fails to undertake a regularly scheduled inspection and (2) as necessary after a flood. It retains the current \$660 inspection fee until superseding regulations are adopted for DEEP-conducted inspections.

Prior law required the commissioner to set in regulations, among other things, (1) an inspection frequency schedule and (2) fees for regularly scheduled inspections. The act requires these regulations to include (1) dam inspection procedures and (2) fees for DEEP-conducted inspections, instead of fees for regularly scheduled inspections.

Construction Inspection. The act requires a dam owner, or his or her representative, supervising work on a dam or similar structure under DEEP's jurisdiction, to have it inspected by a Connecticut-licensed registered professional engineer to determine if it will be safe and secure. Prior law (1) specified that the DEEP commissioner or his representative supervised the work and (2) required him or his representative to inspect or have the dam or similar structure inspected.

But the act allows the commissioner to place a competent inspector on the work of a dam or similar structure if (1) it involves a high or significant hazard dam (see BACKGROUND) or (2) he determines a sensitive ecological condition exists. Prior law allowed him to do so when he believed circumstances warranted it. By law, unchanged by the act, the cost of such inspector is shared equally by the state and the owner.

The act requires a dam owner to submit a sworn statement from the inspecting engineer to the commissioner within 30 days after the work is completed. The statement must attest that (1) the engineer inspected the work and determined the dam or similar structure to be safe within its design parameters and (2) all appurtenances were built, repaired, altered, or removed according to the plans, specifications, and drawings approved by the commissioner under a permit or order. It must bear the engineer's professional seal.

§§ 2 & 6 — Dam Permits

Individual Permit Requirements. By law, anyone seeking to construct, alter, rebuild, substantially repair, add to, replace, or remove a dam or similar structure must obtain a DEEP permit.

The act requires the DEEP commissioner or his representative, engineer, or consultant to determine the proposed construction's impact on tidal wetlands before issuing a permit, in addition to determining its impact on the (1) environment; (2) safety of people and property; and (3) inland wetlands and watercourses, as existing law requires.

Exemptions. Under the act, a permit applicant seeking to alter, rebuild, repair, or remove an existing dam need not obtain separate permits for (1) conducting a regulated activity in tidal wetlands or (2) dredging, erecting structures, or placing fill, obstructions, or encroachments in tidal, coastal, or navigable waters. The law already exempts these applicants from needing a stream channel encroachment, diversion, or inland wetland and watercourse regulated activity permit.

The act also grants an additional exemption for new dam construction applicants. Existing law exempts them from needing a permit to conduct a regulated activity in an inland wetland or watercourse. Under the act, they no longer need a permit to conduct a regulated activity in a tidal wetland.

Additionally, state agency applicants no longer need to obtain DEEP's approval to engage in certain proposed activities within or affecting a floodplain.

General Permits. By law, the DEEP commissioner can issue a general permit for minor dam activity, such as routine maintenance and repair, which he determines would have minimal environmental effects, unless it is covered by an individual permit (see BACKGROUND). The act expands the activities that may be covered under a general permit to include dam removal to improve fish passage or provide other ecological benefits.

The law generally exempts people conducting minor dam activity under a general permit from also needing an individual permit for (1) an inland wetland or watercourse regulated activity, (2) stream channel encroachment, (3) diversion, or (4) dam construction. The act correspondingly extends this exemption to dam removal projects to improve fish passage or provide other ecological benefits.

Prior law required anyone intending to do work under a minor dam activity general permit to provide at least 60 days' written notice to the (1) inland wetlands agency, zoning commission, planning commission or combined planning and zoning commission, and conservation commission of any municipality that would or could be impacted by the activity and (2) departments that make such notices publicly available. The act instead requires notice only when mandated by the general permit and eliminates the deadline. It also removes a provision under prior law allowing any person or an inland wetlands agency, planning and zoning commission, or conservation commission to submit written comments on an activity covered by a general permit to the DEEP commissioner at least 25 days before the activity starts.

§ 5 — *Emergency Action Plan*

The act requires an owner of a high or significant hazard dam or similar structure to develop and implement an emergency action plan after the DEEP commissioner adopts regulations establishing plan requirements. The regulations must include:

1. criteria and standards for inundation (flooding) studies and zone mapping;
2. procedures to monitor dams or structures during heavy rainfall and runoff periods, including personnel assignments and dam features to be inspected at given intervals during these periods; and
3. a formal notice system to alert appropriate local officials responsible for warning and evacuating residents in the inundation zone during an emergency.

The act requires a dam owner to file a copy of the emergency action plan with the DEEP commissioner and chief executive officer of any potentially affected municipality. The plan must be updated biennially.

MOSQUITO CONTROL

§ 7 — *Methoprene and Resmethrin*

Prior law required the DEEP commissioner to consult with the agriculture and public health commissioners and establish a contingency plan for spraying larvicide to control mosquitoes if there are outbreaks of mosquito-borne human or animal infectious disease.

The act requires him to also consult with the Connecticut Agricultural Experiment Station (CAES) director and instead develop a plan for using or applying larvicide to control mosquitoes, regardless of a related infectious disease outbreak. As under prior law, he must develop the plan within available appropriations.

The plan must be updated by September 1, 2013 to:

1. prohibit using or applying methoprene or resmethrin in a storm drain or water conveyance in the state's coastal boundary, except in a city with over 100,000 people and a documented death from West Nile virus (see below);
2. establish a record-keeping, reporting, and Internet posting requirement for the state and towns using or applying methoprene or resmethrin for mosquito control in the coastal area; and
3. establish recommendations for a pilot program to evaluate the retail sale and use of methoprene and resmethrin in the coastal area that is labeled for mosquito control in streams, storm drains, storm gutters, and bird baths, to ensure their use is consistent with labeling requirements (see BACKGROUND).

Notwithstanding the above prohibition, the act allows introducing methoprene or resmethrin into a storm drain, wetland, or other water body where mosquito larvae are found or suspected if the DEEP commissioner, in consultation with the DPH commissioner and DEEP's mosquito management coordinator, recommends it to prevent an increasing threat of mosquito-borne disease. This

recommendation must be based on CAES' surveillance in accordance with the state's mosquito management program.

§ 8 — West Nile Virus Prevention

The act requires the DEEP commissioner to coordinate with the DPH commissioner and local health departments to survey for the presence of breeding mosquitoes on land, wetlands, and watercourses in any city with a population over 100,000 (i. e. , Bridgeport, Hartford, New Haven, Stamford, and Waterbury) where there has been a documented death from West Nile virus. (From 2000 to 2012, there have been three West Nile deaths in Connecticut, including one in New Haven.) It allows him to conduct any work needed to eliminate the breeding.

The act bans on private property in any such city, standing water that the DEEP commissioner determines, in consultation with the DPH commissioner and local health departments, creates a risk of mosquito-borne illness. The DEEP commissioner must enforce the ban and coordinate with the DPH commissioner and local health departments to encourage public outreach programs that instruct residents and private property owners of the (1) risks of standing water and (2) West Nile virus signs and symptoms.

BACKGROUND

Dam Safety Penalties

By law, the DEEP commissioner may issue warning notices for certain violations of the dam safety laws and take enforcement actions to correct them (CGS § 22a-6s). A violator of the dam safety laws or an order or permit issued under them is subject to a fine of up to \$1,000 for each offense, as determined by the court. The attorney general, at the commissioner's request, must take action to enjoin the violation, require its correction, and collect the fine (CGS § 22a-407).

High or Significant Hazard Dam

State regulations classify dams by the hazards they pose if they fail. A high hazard dam is one whose failure would result in (1) probable loss of life; (2) major damage to habitable structures, homes, hospitals, convalescent homes, or schools; (3) damage to main highways; or (4) great economic loss.

A significant hazard dam is one whose failure would result in (1) possible loss of life; (2) minor damage to habitable structures, homes, hospitals, convalescent homes, or schools; (3) utility service damage or interruption; (4) damage to primary roads or railroads; or (5) significant economic loss (Conn. Agencies Reg. § 22a-409-2(d)).

DEEP General Permits

DEEP uses both individual and general permits to regulate activities. Individual permits are issued directly to an applicant, while general permits authorize similar minor activities by one or more applicants. The authorization of an activity under a general permit is governed by that general permit.

Methoprene and Resmethrin

Methoprene is introduced into still water to combat mosquito larvae. Resmethrin is a broad-spectrum insecticide with many uses, including controlling adult mosquitoes.

Coastal Boundary

The “coastal boundary,” within the state's coastal area, is the furthest inland of (1) the 100-year-frequency coastal flood zone, (2) a 1,000-foot linear setback from the mean high water mark, or (3) a 1,000-foot linear setback from the inland boundary of tidal wetlands (CGS § 22a-94(b)).

Coastal Area

The state's “coastal area” includes land and water within the area delineated by the westerly, southerly, and easterly limits of the state's jurisdiction in Long Island Sound and the towns of Branford, Bridgeport, Chester, Clinton, Darien, Deep River, East Haven, East Lyme, Essex, Fairfield, Greenwich, Groton, Guilford, Hamden, Ledyard, Lyme, Madison, Milford, Montville, New Haven, New London, North Haven, Norwalk, Norwich, Old Lyme, Old Saybrook, Orange, Preston, Shelton, Stamford, Stonington, Stratford, Waterford, West Haven, Westbrook, and Westport (CGS § 22a-94 (a)).

Related Act

PA 13-209 allows the DEEP commissioner to electronically notify a dam construction permit applicant and certain municipal officials of his intent to grant or deny a permit.

OLR Tracking: KLM: KM: JKL: ts

CONNECTICUT

Citation

Dam safety laws are found in Connecticut General Statutes (CGS), Sections 22a-401 through 411. Regulations are found in State of Connecticut Regulations 22a-409-1 through 409-2, Amended Nov., 1985, (Dam Safety Inspection Regulations)

Definitions/Dam Classification

Dam means any barrier of any kind whatsoever which is capable of impounding or controlling the flow of water, including but not limited to storm water retention or detention dams, flood control structures, dikes and incompletely breached dams. (Reg. Sec. 22a-409-1-a).

The law says that all dams and reservoirs without exception, which might endanger life and property should they fail are regulated by the Commissioner of Environmental Protection. All dams are inspected by the state except those impounding less than 3 acre-feet, unless they pose a unique hazard. The regulations specify the dams to be periodically inspected as those greater than 25 feet in height impounding more than 15 acre-feet, or those greater than 6 feet and less than 25 feet high impounding more than 50 acre-feet. Class A, Class BB, Class B or C (see below) dams are regulated according to the regulations..

Dam height means the vertical distance measured from the crest of the dam to the lowest elevation at the downstream toe of the dam or similar structure. (Reg. Sec. 22a-409-1-a).

Hazard Classification - Dams are classified by hazard potential.

Category	Hazard Potential
Negligible Hazard/ Class AA	No measurable damage to roadways, land or structures; negligible economic loss
Low Hazard/Class A	Damage to agricultural lands, unimproved roadways, with minimal economic loss
Moderate Hazard/ Class BB	Damage to normally unoccupied storage structures, damage to low volume roadways, moderate economic loss
Significant Hazard/ Class B	Possible loss of life, minor damage to habitable structures, residences, convalescent homes, etc. Damage to primary roadways and railroads, significant economic loss.
High Hazard/Class C	Probable loss of life, major damage to habitable structures, residences, convalescent homes, schools, etc.. Damage to main highways, great economic loss.

The regulations state that any dam can be reclassified at any time. Guidelines on hazard reclassification are contained in the regulations.

Jurisdiction/Powers of Department

The Commissioner for Environmental Protection (commissioner) has the authority to regulate the safety of dams. He shall formulate all rules, definitions, and regulations necessary to carry out the provisions of the aforementioned statutes. The commissioner or his authorized representatives, may enter upon private property to make dam safety investigations and may require the owner to furnish plans, specifications and other necessary data, employ staff or enter into agreements with geologists, other engineers, expert consultants, and such assistants as may be necessary to carry out statutory mandates. (CGS Sec. 22a-401)

Connecticut

The commissioner has the authority to require the owner to make needed repairs, make alterations to a dam, or remove the structure. The commissioner can also order the owner to periodically inspect a hazardous dam. A performance bond to secure funds for repair, etc. may be required of the owner by the commissioner.

The commissioner has the authority, by law, to carry out the mandate of an order with which the dam owner did not comply, when a clear and present danger to public safety exists. The dam owner can be assessed the costs for actions taken by the commissioner for implementing the actions required by the outstanding administrative order.

Permit/Approval Process

Before any person, firm, corporation, or municipality or political subdivision thereof constructs, alters, rebuilds, substantially repairs, adds to, replaces, or removes any such structure, such person, firm, corporation or municipality, or political subdivision thereof shall apply to the commissioner for a permit to undertake such work. The permit application shall be submitted in triplicate (by administrative practice) with the original including the necessary drawings, plans, specifications, and any other data and shall be submitted to the commissioner in the form and to the extent required by him. (CGS Sec. 22a-403) A Certificate of Approval for the construction permitted is issued following inspection and approval.

The commissioner also has the authority to suspend, modify or revoke a permit.

A one-time registration fee is charged for all dams according to their height:

Height (in feet)	Fee
Between 5 and 15	\$25
Between 15 and 25	\$50
Greater than 25	\$100

Dams less than 5 feet in height must register but no fee is charged.

Inspection Process

State

The commissioner shall periodically inspect all dams in accordance with the following schedule. These time periods are the maximum time between inspections, more frequent inspections may be performed at the discretion of the commissioner.

Hazard Class	Inspection Frequency
Class A (low)	10 years
Class BB (moderate)	7 years
Class B (significant)	5 years
Class C (high)	2 years

The commissioner is required by regulation to inform the owner before at least 90 days before an inspection takes place and must furnish the owner with the inspection report upon completion.

The law states that the commissioner shall inspect during construction (or require the dam owner to provide inspection) as is necessary and/or may contract out for these services. Costs would then be split with the owner.

The regulations dictate the inspection process for the construction of new dams and includes an inspection schedule specifying different stages of construction where an inspection should take place.

Owner

A dam owner may employ the services of a professional engineer registered in the State of Connecticut, experienced in the design, construction, and inspection of dams to inspect the owner's dam according to the same inspection schedule listed above. The owner shall furnish a copy of each completed inspection report in a format determined by the commissioner within 30 days of the date of the inspection to the Dam Safety Program. The inspection report shall be sealed by a professional engineer registered in the State of Connecticut. If the owner does comply with requirements regarding the use of private engineers for inspection, the state shall periodically inspect the dam according to the following schedule:

Hazard Class	Inspection Frequency
Class A (low)	20 years
Class BB (moderate)	14 years
Class B (significant)	10 years
Class C (high)	6 years

The year that the commissioner inspects the dam, the owner shall be exempt from conducting his or her own inspection. (Reg. Sec. 22a-409-2-f). The fee for inspection by the state will be \$350.00 for all hazard classes, except AA class which is exempt from inspection fee. (P.A. 90-231)

Owner's Non-Compliance/Violations/Penalties

Any person, firm, or corporation building, repairing to any extent substantially affecting stability, maintaining or using any such structure without complying with the provisions of this chapter, or failing to build, repair, maintain, or remove any such structure when so ordered or directed by the commissioner under authority of this chapter shall forfeit to the state a sum not to exceed \$1000.00 (amended by Public Act 96-145) to be fixed by the courts for each offense. Each day's continuing offense shall be deemed a separate and distinct offense. (Sec. 22a-407)

The commissioner has the right to ask the attorney general to take action when necessary.

Emergencies

High and significant hazard dams must have an Emergency Operations Plan (EOP), which is tailored to reflect the dam's particular features and conditions. The E.O.P. should follow guidelines established by the commissioner, and be reviewed at least annually to update personnel assignments, elected official changes, etc. (Dam Emergency Operations Plan Guidelines)

Liability

Nothing in this chapter and no order approval or advice of the commissioner shall relieve any owner or operator of such a structure from his legal duties, obligations and liabilities resulting from such ownership or operations. (CGS Sec. 22a-406)

No action for damages sustained through the partial or total failure of any structure or its maintenance shall be brought or maintained against the state, the Commissioner of Environmental Protection, or his employees or agents (amended by P.A. 96-145).

Connecticut

Oversight

The law says that anyone aggrieved by the decision of the commissioner relative to the issuance of a permit or order shall be granted a hearing by the commissioner. Further appeal of the commissioner's administrative decision must be made to the judicial district of Hartford-New Britain at Hartford.

Miscellaneous

The law mentions that it is the responsibility of the commissioner to include in the permitting process, consideration of the environmental impacts of a structure on inland wetlands and to consider the need for fish passage facilities in addition to considering the safety of person and property.

The law has a provision for transfer of ownership. The owner must notify the commissioner within 10 days of a transfer of ownership.

Flood control laws (CGS Sec. 25-76) give the commissioner authority to negotiate with federal and municipal governments to build needed flood control structures including dams.

Connecticut Department of Environmental Protection will be establishing technical criteria for spillway design with the adoption of technical regulations, but currently generally adheres to the Corps of Engineer's spillway design guidelines.



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New law makes dam owners more responsible

By SUSAN HAIGH Associated Press

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The owners of thousands of dams across Connecticut will soon be responsible for making sure their structures are safe, and some will have to come up with an emergency plan in case something goes wrong.

A new state law passed during this year's legislative session makes the dam owners, not the Department of Energy and Environmental Protection, responsible for regular inspections. With limited staffing and an expansive backlog of inspections for lesser priority dams, DEEP decided to follow the lead of about 15 other states with similar programs and put the onus on the owners to keep up with timely reviews.

"We really don't have enough staff to inspect all of the dams that we need to inspect on a frequency that they need to be inspected," said Arthur P. Christian II, the supervising civil engineer in DEEP's inland water resources division.

"The dam owners are liable for their own dams," Christian added. "Let's have them inspect their own dams and give us the reports as opposed to us trying to be proactive and trying to inspect them and tell the owners what to do."

Connecticut has about 5,500 dams, small and large. Some date back 200 years and many were built for mills during the Industrial Revolution. Greenwich boasts about 100, the most of any city or town in the state. The town has streams where the elevation drops rapidly and often, enabling multiple dams along the same waterway.

DEEP regulates about 3,000 dams that can cause damage if they fail. Of those, the state owns 200. The rest are owned by municipalities, water companies and private citizens and entities. Christian said he

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and five co-workers typically inspect about 100 to 125 dams per year but really need to inspect 430 annually to meet state regulatory requirements.

So starting Jan. 1, the owners of about 430 dams - the first batch - will be notified of their new responsibilities, and they'll have a year to meet them. Then a year later, DEEP will notify another batch, and so on.

The owners have to hire civil engineers to conduct inspection reports, which will be submitted to DEEP for review. The agency can then order the owners to make repairs and improvements. And for the first time, certain dam owners will eventually have to develop emergency action plans with local emergency management officials that spell out who should be evacuated downstream and what should be done in an emergency.

While many of the state's dams are in decent shape, DEEP officials hope this new approach will encourage dam owners to be more proactive and do the proper maintenance and repairs.

"For the most part, what we're trying to do is make sure that in the long term we don't end up with a problem," said Cheryl Chase, director of DEEP's bureau of water protection and land reuse. "We don't see that if this doesn't happen in the next month or the next year that we're going to have dam failures all over the place. But in the next 10 to 20 years we could have significant infrastructure failure if people don't start taking care of things."

DEEP also wants dam owners better aware of development that might have sprouted up near their dams and could now be at risk.

Rob Schacht and his family have owned a dam on the 80-acre Miller's Pond in the Quaker Hill section of Waterford since 1939. It is considered a "high-hazard" dam, a designation that pertains to the amount of property damage that could be caused if a dam breaks. While DEEP has come across dam owners who don't even realize they have a dam on their property - one woman told Christian she thought she simply had a 12-foot waterfall in her backyard - Schacht is well aware of the responsibilities of being a dam owner.

He made major renovations to the dam in the summers of 1997, 1998, and 1999, raising the top of the dam about 2 feet and creating an emergency spillway. He spent more than \$100,000 on the project, performing much of the work himself.

"In truth, this dam, the repair, is so recent that I don't really worry in a flood event that this dam is going to fail," said Schacht, an organic farmer.

Schacht said he has already been working a little with DEEP on an emergency action plan. There are several homes and structures downstream that could be affected if there's a problem. In a 100-year storm, his dam would pass 10,000 gallons per second from the man-made lake, which holds about 190 million gallons of water, he said.

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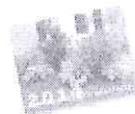
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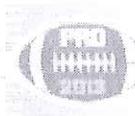


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Schacht said one of his only concerns about the new legislation is making sure the dam inspections will be consistent.

"I think that there's a potential for a lot of diverse information coming into the state," he said. "So I would hope that they would standardize and provide that standardization to us dam owners so we at least have a model to go by."

Chase said DEEP still needs to rewrite regulations and develop standardized forms for inspections. Also, the agency is considering holding classes for civil engineers to make sure they have proper training in dam safety and maintenance issues.



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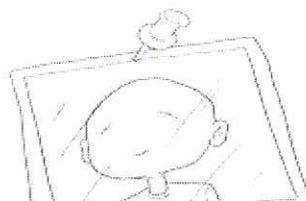
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Town of East Hampton**

September 20, 2013

To: The East Hampton Town Council

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Nancy Hasselman, CCMC
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