

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: JK

Item to be presented by: Jeffery O'Keefe

DATE: June 22, 2010

SUBJECT: Old Home Days Police Overtime Cost and Insurance Coverage

DEPARTMENT: Town Manager's Office

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RECOMMENDED ACTION

That Council approve the town paying the cost of police overtime coverage and that the town provide an insurance rider for Old Home Days.

BACKGROUND

Each year the Old Home Days Committee requests that the Town pay the cost for police overtime coverage for the Old Home Days activities and that the Town provide an insurance rider for the event at Center School.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

Approximately \$4,000 for police coverage

EH: Clerks Office

AGENDA ITEM: 5A

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: JK

Item to be presented by: Nancy Hasselman

DATE: June 22, 2010  
SUBJECT: Suspense List for Uncollectible Taxes  
DEPARTMENT: Tax Office

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RECOMMENDED ACTION

That the Town Council approve the attached suspense list and authorize the Tax Collector to transfer these uncollectible taxes to the suspense tax book.

BACKGROUND

The Tax Office has used every search engine available to locate the taxpayers on the suspense list and it is not cost effective to continue to pursue these uncollectible taxes.

The suspended taxes are still collectible however, it is necessary to put them in the suspense book and not incur further costs in trying to pursue collection.

ALTERNATIVE ACTIONS

Other direction as determined by Town Council.

FISCAL IMPACT

No further expenses incurred but if collected, they do come back from the suspense list.

EH: Clerks Office

AGENDA ITEM: 5B

# TOWN OF EAST HAMPTON AGENDA REPORT

Town Manager Approval: JM

Item to be presented by: Vincent Susco

DATE: June 22, 2010  
SUBJECT: Community Water System Water Rates 2010/11  
DEPARTMENT: WPCA

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## RECOMMENDED ACTION

To approve the 2010/11 Operating Budget for the Two Community Water Systems owned by the Town and operated by the WPCA and authorize an increase in water rates to fund their operations.

## BACKGROUND

The operating budget for the two (2) public water systems has been recommended by the WPCA at its regular scheduled meeting of June 1, 2010. As with past budgets it was developed based upon current operating conditions and known operational changes necessary to operate the systems as efficiently as possible. The recommended budget for both systems totals \$111,424.00 and represents an increase of 18.35% or \$17,280.00 over last year with the majority of this increase being associated with the operation of the Royal Oaks Water System (ROWS).

### **Town Center Water System**

The TCWS continues to perform above expectations operationally; however, financially we continue to lag behind revenue projections due to the increasing number of vacant buildings in the Village Center. Letters have been mailed to prospective new customers within the service area which might help in the near term. We continue to be within the parameters of the expense budget and except for an accounting oversight in line item #5120 P/T Seasonal P/R the budget remains basically the same for this fiscal year.

### **Royal Oaks Water System**

This is the fifth year of operation for the ROWS. At the present time we serve 78 customers, total build out is 82. Although the integration of the Memorial School Water System with the ROWS has made both systems more reliable, this alone could not make up for the recent failure of Well #3. This failure required a major influx of monies from the Town and has reshaped the budget for this system for future years.

We have proposed a \$15,216.00 (33.8%) increase in the operation budget of the ROWS. This budget reflects known operation adjustments and maintenance procedures that have or will become routine with the full build out of the system and the modifications to the treatment plant. The majority of this increase is captured in account # 5430 Building and Equipment M & R and #5330 Prof/Tech Services.

## WATER RATE RECOMMENDATION:

As in previous years we have reviewed the water rate structure of our pier group containing 6 water utilities (4 municipal and 2 investor owned). Last year the water rates established by the Town Council on June 23, 2009 brought the Town's water systems in line with the average of the four surrounding towns (Colchester, Portland, Middletown and MDC/Glastonbury).

The Town's current monthly water rates are \$9.25/EMU and \$4.00/1000 gallons which produces an average monthly bill of \$33.25. At the present time we expect the Town Contribution for the operation of both these systems to be approximately \$44,000.00 for the fiscal year ending June 30, 2010.

RATE SCENARIOS:

A. In order to keep the Town's two systems in line with the municipal (the four surrounding towns) the following rates are necessary:

Commodity \$:	\$4.05/1000 gallons	1.25% increase	Town Contribution
Mnthly Meter \$:	\$9.75/EMU	5.41% increase	\$44,968.00
Avg. monthly bill:	\$34.05		

B. Modified Increase, to split the difference between the four surrounding towns and the two investor owned and operated systems, the following rates are necessary:

Commodity \$:	\$4.72/1000 gallons	18.00% increase	Town Contribution
Mnthly Meter \$:	\$11.10/EMU	20.00% increase	\$34,425.00
Avg. monthly bill:	\$39.42		

C. Should the direction of the Town Council be changed and there is a desire to adjust the rate structure more in line with the two investor owned utilities in the town (Aquarion and Connecticut Water) the following rates are necessary:

Commodity \$:	\$5.11/1000 gallons	27.75% increase	Town Contribution
Mnthly Meter \$:	\$12.00/EMU	29.73% increase	\$28,093.00
Avg. monthly bill:	\$42.66		

D. Finally, should the direction of the Town Council desire to have water rates fully support the Town's water systems the following rates are necessary:

Commodity \$:	\$7.25/1000 gallons	81.00% increase	Town Contribution
Mnthly Meter \$:	\$13.00/EMU	40.54% increase	\$102.00
Avg. monthly bill:	\$56.50		

After a lengthy discussion by the members of the WPCA which included extensive discussion of the additional \$10.00 surcharge that will be added to the bills of the ROWS customers the following resolution was moved seconded and unanimously adopted:

RESOLVED: That the WPCA does hereby recommend that the Town Council approve 2010/11 water operating budget substantially in the form presented and that the following rate structure be adopted effective July 15, 2010.

- Commodity Charge: \$4.72/1000 gallons
- Equivalent Meter Unit: \$11.10/EMU

ALTERNATIVE ACTIONS

At the discretion of the Town Council

FISCAL IMPACT

Variable depending upon the ultimate action of the Town Council.

EH: Clerks Office

AGENDA ITEM: 5C

**Community Water Systems Expense Budget 2010-11**

**EXPENDITURES**

	Approved 09-10 Budget	Proposed 10-11 Budget	\$ +/-	% +/-
5120 - PIT Seasonal PIR (admin)	0	5,231	5,231	#DIV/0!
5319 - Meetings/Conf.	1,200	750	(450)	-37.50%
5330 - Prof/Tech Services	8,500	9,716	1,216	14.31%
5430 - Bldg & Equip. Mnt & Rep.	5,550	15,400	9,850	177.48%
5436 - Underground Tank Testing	24,922	25,818	896	3.60%
5520 - Prop/Liab Ins (Inc 10%)	2,550	2,806	256	10.04%
5530 - Communications	1,175	2,150	975	82.98%
5540 - Newspaper Advertising	300	300	0	0.00%
5580 - Travel	6,000	6,000	0	0.00%
5590 - Other Purch. Services	10,658	10,738	80	0.75%
5611 - Off Supp/Minor Equip/Material	500	200	(300)	-60.00%
5615 - Uniform Allowance	600	300	(300)	-50.00%
5622 - Electricity	16,500	18,600	2,100	12.73%
5627 - Motor Fuel	700	800	100	14.29%
6522 - Diesel Fuel for Generators	800	800	0	0.00%
5680 - Chemicals	2,325	4,500	2,175	93.55%
5690 - Other Supp/Materials	1,650	900	(750)	-45.45%
5744 - Computer Equip	400	200	(200)	-50.00%
5810 - Dues & Fees	815	815	1	0.06%
5923 - Oper. Transfer to S.F.	3,500	2,000	(1,500)	-42.86%
5980 - Res for Cap & NR	1,750	1,000	(750)	-42.86%
5990 - Contingency	3,750	2,400	(1,350)	-36.00%
<b>TOTAL</b>	<b>94,145</b>	<b>111,424</b>	<b>17,280</b>	<b>18.35%</b>



**East Hampton Water Pollution Control Authority**  
**Community Water Systems Fiscal Year Budget - 2010-11**

**REVENUES**

Residential Consumption Estimated

	<b>VCWS</b>		<b>ROWS</b>
Est. daily cons./unit (gals.)	207		332
Mthly. consumption (gals.)	6,222		9,955
Mthly. commodity cost (\$/1000gals.)	\$4.72	18%	\$4.72
Monthly commodity charge (\$)	\$29.37		\$46.99
Monthly meter cost (1EMU = X.XX)	\$11.10	20%	\$11.10
Per unit monthly cost (\$)	<u>\$40.47</u>		<u>\$58.09</u>
Homes/units	30		78
Estimated monthly revenue	\$1,214		\$4,531



Est. Residential yearly revenue	\$14,568.42	\$54,369.99	\$68,938
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	<b>Ctr. Sch.</b>	<b>Mem. Sch.</b>
Monthly meter cost (15 EMU = \$X.XX)	\$166.50	
daily consumption (gals/day)	<b>750</b>	
Monthly commodity charge (\$)	\$106.20	
Monthly meter cost (20 EMU = \$X.XX)		\$222.00
daily consumption (gals/day)		<b>1,250</b>
Monthly commodity charge (\$)		\$177.00
Estimated monthly revenue	\$272.70	\$399.00

Est. Institutional yearly revenue	\$3,272.40	\$4,788.00	\$8,060
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Estimated total revenue 10/11	\$17,840.82	\$59,157.99	\$76,999
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Transfer From Annual Town Budget..... Village Water System			34,425
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	Total	111,424
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**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: \_\_\_\_\_

*JAL*

Item to be presented by: Jeffery J. O'Keefe

DATE: June 22, 2010

SUBJECT: Adopt Bond Resolution for the continued development of a Municipal Water System

DEPARTMENT: Town Manager

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**RECOMMENDED ACTION**

Staff recommends that Town Council approve the attached resolution in order to appropriate and bond for the costs associated with the continued development of a Municipal Water System. The Water Task Force, the WPCA Board and the Board of Finance, have all recommended that this resolution be adopted by Town Council.

Set the Town Meeting date for July 12, 2010.

**BACKGROUND**

The Town of East Hampton was recently ranked number one for funding through the State of Connecticut's Drinking Water State Revolving Fund program. This funding will allow the Town to move forward with the production of engineering and construction documents which would place this project in a "shovel ready" status and allow the Town to continue seeking Federal, State and local grants for further development of the system.

The project is contemplated to include piloting studies for water treatment plant construction and operation, program management and engineering for the final design and construction documents for a wellfield, water treatment plant, low service water storage tank, administration/maintenance and booster station building and corresponding transmission mains. The Water and Sewer Authority is authorized to determine the scope and particulars of the project, and to reduce or modify the project; and the entire appropriation may be expended on the project as so reduced or modified. The appropriation may be spent for design, survey, soil boring, appraisal and testing costs, mapping services, groundwater investigation and hydraulic analysis costs, engineering, architect and other consultant fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town anticipates that eligible project costs will be funded by a combination of loans and grants under the State of Connecticut's Drinking Water State Revolving Fund program.

**ALTERNATIVE ACTIONS**

Other direction as determined by Town Council.

**FISCAL IMPACT**

The fiscal impact is \$3,410,000, to be funded \$22,000 from the Capital Reserve Fund and the \$3,388,000 balance from the proceeds of bonds, notes or other obligations or the receipt of grants, including the State of Connecticut's Drinking Water State Revolving Fund program.

DRAFT

RESOLUTION OF TOWN COUNCIL

:

RESOLVED, that the Town Council recommends that the Town of East Hampton appropriate \$3,410,000, to be funded \$22,000 from the Capital Reserve Fund and the \$3,388,000 balance from the proceeds of bonds, notes or other obligations or the receipt of grants, for costs in connection with the project development through construction bid document preparation phases for a municipal water system to serve the central portion of East Hampton substantially as described in the Town's Water Supply Plan dated August 30, 2006, other related work and the financing of the project. The project is contemplated to include piloting studies for water treatment plant construction and operation, program management and engineering for the final design and construction documents for a wellfield, water treatment plant, low service water storage tank, administration/maintenance and booster station building and corresponding transmission mains. The Town anticipates that eligible project costs will be funded by a combination of loans and grants under the State of Connecticut's Drinking Water State Revolving Fund program.

FURTHER RESOLVED, that the Town Council hereby authorizes the Chairman of the Town Council to call a Special Town Meeting to be held at \_\_\_\_\_, \_\_\_\_\_ Street in East Hampton, on \_\_\_\_\_ day, \_\_\_\_\_, 2010 at 7:00 p.m., to act upon a resolution regarding the foregoing recommendations.

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: Jok

Item to be presented by: Jeffery O'Keefe

DATE: June 22, 2010

SUBJECT: Town Attorney Representation of Zoning Enforcement Office at ZBA hearing on Appeal by Mrs. Frances Klein (dated 5/17/10) of ZEO decision that no enforcement action is warranted as to the Angelico's property at 81 North Main Street

DEPARTMENT: Town Manager's Office

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RECOMMENDED ACTION

Determine who the Town Attorney should represent concerning the appeal filed against the Zoning Enforcement Officer (ZEO) decision on the Angelico fence build out.

BACKGROUND

On 5/2/10, ZEO, James P. Carey, issued a decision concluding that no enforcement action was warranted for the building of the fence at Angelico's. On 5/17/10, Frances Klein appealed the ZEO's decision.

Our Town Attorney represents numerous Town Boards, Agencies and Commissions and Town employees and departments. But, in this case, there would be a conflict between representing both the ZEO and ZBA. The Town attorney can represent one or the other but not both. If it is decided that the Town Attorney would represent the ZEO then they could not represent or advise the ZBA in this matter or represent the ZBA in future proceedings should it decide to overrule the ZEO decision

ALTERNATIVE ACTIONS

The Town Council may choose instead to hire independent counsel to represent Mr. Carey at the hearing currently scheduled for July 12, 2010.

FISCAL IMPACT

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EH: Clerks Office

AGENDA ITEM: 5E

# BONEEWEINTRAUB<sup>LLC</sup>

COUNSELORS AT LAW

JAY B. WEINTRAUB  
JOHN L. BONEE III  
ERIC H. ROTHAUER  
OF COUNSEL  
JOHN L. BONEE

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TELEPHONE 860.561.1555  
FACSIMILE 860.561.0390  
info@bw-law.com

May 17, 2010

SERVING CLIENTS AND  
THE COMMUNITY SINCE 1883

VIA FACSIMILE 860-267-6430

Zoning Board of Appeals  
20 East High Street  
East Hampton, CT 06424

RE: Decision of Zoning Enforcement Officer dated May 2, 2010 regarding  
music at Angelico's

To whom it may concern:

Please be advised that this office represents Mrs. Frances Klein, of 12 Bellevue Street, East Hampton. Pursuant to East Hampton Zoning Regulation § 33.1, our client hereby appeals the decision of the Zoning Enforcement Officer dated May 2, 2010 wherein he finds no enforcement action is warranted as to the Angelico's property at 81 North Main Street, East Hampton and the noise (outdoor entertainment/music) emitting therefrom.

Specifically, my client claims that outdoor entertainment is not an accessory use under the applicable zoning laws. Moreover, because outdoor entertainment is not specifically permitted in the applicable zone, it is prohibited. Further, Mrs. Klein denies that the property owner properly applied for or received zoning approval to have outdoor entertainment on the property. Finally, Mrs. Klein claims the current use is outside the scope of the approval.

Thank you for your consideration.

Sincerely,



Eric H. Rothausen

cc: Mrs. Frances Klein

**Jean M. D'Aquila**

**From:** Carey, James [twadmin@easthamptonct.org]  
**Sent:** Monday, May 17, 2010 1:57 PM  
**To:** Jean M. D'Aquila  
**Subject:** Permitted uses.doc

May 2, 2010

Jeff,

You have asked me to respond to the question that presents the position that any use not specifically PERMITTED by the Zoning Regulations is PROHIBITED. This concept describes a legal and regulatory position called permissive regulation. This position implies that a Zoning Commission can not reasonably anticipate all uses that might need to be prohibited to fulfill the legitimate purposed of zoning (see CGS Sec. 8.2). Rather, it directs the Commission to provide a listing, or grouping of permitted uses, describing where and how they may be conducted. This approach also relieves the Commission of the temptation to prohibit uses not legitimately prohibited.

Please note that these are very broad concepts of law that can be applied and interpreted across a broad spectrum of ideals and values and I don't mean to imply that there is any black or white to these issues. Commissions can and will find their way as situations present themselves.

The issue that i believe is at hand is whether the playing of music outside of Angelico's Lake House Restaurant is prohibited by virtue of the subject matter discussed above. It is my opinion as Administrator of the PZ&B Department and as Zoning Enforcement Officer that, without any doubt, the entertainment provided at this location is a legitimate, documented and permitted accessory use. Historically the Town has been well known as a festive community with many mixed-musical/restaurant venues of which the subject property (as The Hathaway Inn) was one. A search of the records do not indicate any overt attempt by Zoning to limit or inhibit this accessory use at any of the properties so used (Ivy Inn, K Rock, Carriers Casino, Clearwater, The Edgemere etc.)

This particular establishment actually submitted its intention to resume outdoor entertainment via application for and approval of site plan by the P&Z. It could be argued that the applicant could have resumed the use, claiming "Grandfathered rights". No appeal of the P&Z approval was timely filed and it is my opinion that there is no zoning issue regarding entertainment at the site. No enforcement action is warranted.

Of course this opinion can be appealed within 15 day of its receipt. If one is received a hearing will be scheduled and you will be advised.

I have included relevant Zoning Regulations and definition used in forming this decision.

**ACCESSORY USE** – A use customarily incidental to the principal use of a building, lot or land, or part thereof.

**7.6 - C Zone: Commercial**

The primary purpose of the Commercial Zone is to provide for the orderly development of those areas for commercial, professional and business uses. Its intention is to create an atmosphere conducive to the growth and maintenance of uses essential to serving the needs of the community.

**7.6.1 - The following uses are permitted in the Commercial Zone upon approval of a site plan in accordance with Section 28.**

- A. A retail store not to exceed 25,000 sq ft of gross floor area, for a single entity (revision effective May 15, 2006).
- B. Business Offices
- C. Professional Offices
- D. Financial Institutions
- E. Public utility structures
- F. Signs in accordance with Section 22 for a use permitted under this section and carried out on the same premise
- G. Accessory structures and uses incidental and subordinate to a permitted use, in accordance with Section 20
- H. Personal Service Shops

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: \_\_\_\_\_

JOK

Item presented by: \_\_\_\_\_

Jeffery J. O'Keefe

DATE: June 22, 2010

SUBJECT: Reconstitution of the Facilities Implementation Task Force and set meeting days/times

DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Reconstitute the Facilities Implementation Task Force and set reoccurring meeting dates and time.

BACKGROUND

In light of the challenges of relocating the Town Hall Annex functions, the lost opportunity to house the probate court, further fragmentation of Town Hall functions, as well as the concerns the school district has about making improvements to our high school it is time to reconstitute the Facilities Implementation Task Force and set reoccurring meeting dates.

Current members assigned to the task force include:

- Melissa Engel
- John Tuttle
- Sue Weintraub
- Judy Golden
- Mike Vasquenza
- Ted Hintz
- Frank Grzyb
- Jeff Jylkka
- Jeff O'Keefe

It is suggested that Ted Hintz be replaced with the new board of finance Chairperson and that possibly a member of the Planning & Zoning Commission replace one of the three members of Town Council.

It is suggested that a permanent meeting schedule be implemented. It appears Tuesday or Thursdays after 1:00pm are more accommodating for the members who represent the school district.

AGENDA ITEM: \_\_\_\_\_

5F

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval:                     JM                    

Item presented by:                      Jeffery J. O'Keefe

DATE: June 22, 2010

SUBJECT: Employee Handbook

DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Update on the development of an "Employee Handbook" for Town Employees

BACKGROUND

The Town's "Employee Handbook" is ready for review by outside third parties. At the suggestion of State Representative Gail Hamm, the Town Manager contacted David O'Brien, Founder and President of Work Choice Solutions to see if he would consider reviewing the Town's proposed employee handbook, prior to it going to a legal review. Unfortunately, when I spoke to Mr. O'Brien he indicated that he would love to help out but this was not an area where he specialized in and could not help us in this regard. He did, however, suggest Lorraine Baltimore, who also was another name suggested by Hamm. The Town Manager did speak with Ms. Baltimore and she is qualified to do this review. She will be submitting a quote to the Town to do this review for us. However, she did indicate that it probably wasn't necessary for her to do this work and that the Town could save money by having the Connecticut Conference of Municipalities (CCM), which the Town is a member of, do a comparable and as good as a review that she would do for free. We are contacting CCM to see if they could do this for us.

Once this review is completed by human resource professionals we will then forward onto legal counsel for one final review from the legal perspective.

It is anticipated that the full document will be presented to the Town Council at its July 13<sup>th</sup> meeting for full adoption.

An employee handbook is the most important communication tool for employees. We believe a well-written handbook sets forth expectations for employees as well as describes what they can expect from the Town and being that our handbook is so dated, we want to be sure that all areas are covered.

I would like to publicly thank human resource manager, Lisa Seymour for all of the hard and diligent work she has put into making this document a reality.

AGENDA ITEM:                     6A



66 Main Street, Old Bank Building	3,000	\$9.60	\$28,800 – 3% increase annually	Town pays 66% of oil and all other utilities – owner is open to purchase of property.
81 Main Street, “Old Library Building”	1,000	\$14.40	\$14,400	Town Pays 50% of oil contract and own utilities – owner will do some build out
Goff House	1,573	\$2.61	\$4,115.00 10 year fixed lease Plus one-time \$45,000 expense in capitol improvements	Town pays all utilities and for other services, such as plowing, landscaping, etc.
78 Main Street	2,000	\$10.80	\$21,600 3% annual increase	Town pays 70% of heat and hot water and all utilities and for other services, such as plowing, landscaping, etc
Middle Haddam School		Presentation from Middle Haddam Homeowners Association		

Some of the options would require the Town looking at securing two locations and some of the options would allow the Town to host all of the displaced town functions. Some options fragment town functions even more than they are now, while other options might bring some functions closer together. Some options would require some significant build-out, where others are just about in move-in ready condition. Some options keep our current lease costs at about what they are today for the CL&P lease, where others significantly reduce our leasing expenses for the options.

As an example of various considerations, if the Town Selected the Goff House as an option it would also need to select another option as well. Not all current functions could be housed in the Goff House. To accommodate this, the Town could combine the Goff House Option with the 78 or 81 Main Street option, thus giving the Town a presence in two buildings in the Village Center. The draw back to this is that it would split some functions and possible create “isolation” between functions.

With the projected fiscal crisis that is looming ahead for the State and municipalities’ in the very near future our decision, particularly because this is thought of as a short term solution why we begin to address our overarching facility infrastructure concerns should be based on financial savings.

AGENDA ITEM: \_\_\_\_\_



**Nancy Hasselman, CCMC  
Collector of Revenue  
Town of East Hampton**

June 18, 2010

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$4574.56.

Thank you for your assistance.

*Nancy Hasselman, CCMC*

Nancy Hasselman, CCMC  
Collector of Revenue

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407 • 68 +

408 • 16 +

408 • 64 +

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1,014 • 30 +

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