

# TOWN OF EAST HAMPTON AGENDA REPORT

Town Manager Approval:           502          

Item to be presented by: Keith Hayden

DATE: January 12, 2010

SUBJECT: Sidewalks, maintenance and snow removal.

DEPARTMENT: Public Works

## RECOMMENDED ACTION

It is recommended that the Town Council discuss and ultimately adopt a sidewalk ordinance eliminating the town's liability for personal injury or property damage caused by snow or ice on the public sidewalks in town.

## BACKGROUND

Most municipalities in the state have adopted a sidewalk ordinance concerning responsibility and liability of the municipality for potential damages related to snow and ice on sidewalks. As allowed by state statute, towns may enact an ordinance to adopt the provisions of the following:

*CGS Sec. 7-163a. Municipal liability for ice and snow on public sidewalks. (a) Any town, city, borough, consolidated town and city or consolidated town and borough may, by ordinance, adopt the provisions of this section.*

*(b) Notwithstanding the provisions of section 13a-149 or any other general statute or special act, such town, city, borough, consolidated town and city or consolidated town and borough shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless such municipality is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided such municipality shall be liable for its affirmative acts with respect to such sidewalk.*

*(c) (1) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of any ordinance adopted pursuant to the provisions of this section and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury. (2) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.*

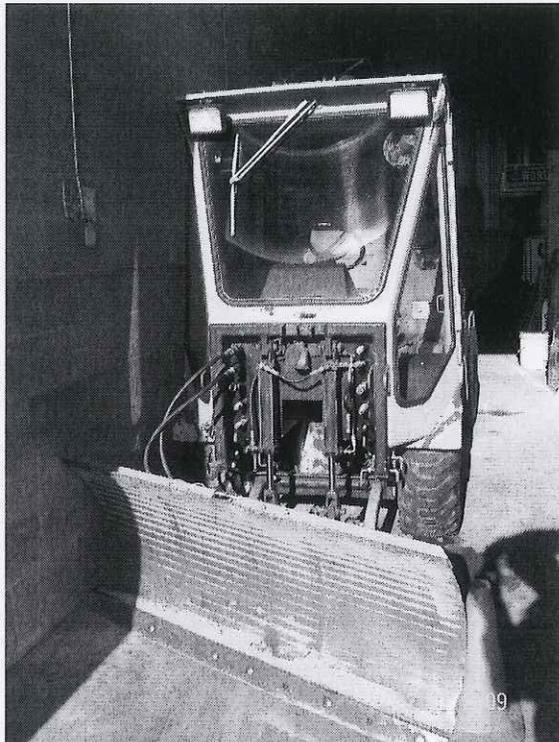
Adoption of such an ordinance will put the responsibility for snow and ice removal on the adjacent property owner. Many sidewalk ordinances also put the responsibility of maintaining and repairing the sidewalk on the adjacent property owner.

It has been the past practice to plow sidewalks on the following roads in town. East High Street (Route 66), Main Street, North Main Street, Barton Hill, Maple Street, North Maple Street, Hills Avenue, Governor O'Neil Drive, Edgerton Street, Lake Drive, Lakeview Street, Summit Street, Smith Street, Viola Drive, and

Walnut Avenue. With the exception of Viola Drive the sidewalks that are cleared provide access to or connections between town buildings, senior housing or the village center. It may be prudent to continue the snow removal on these sidewalks but it is strongly recommended that the town not add any additional areas nor state in an ordinance which sidewalks the town will continue to maintain.

Currently it takes a crew of two between 5 and 8 hours depending on the storm to clear the sidewalks. This is accomplished at the end of the storm after all of the streets, fire houses, schools and town buildings are cleared and most often it is on overtime. Using FEMA equipment rates and the average overtime rates it costs the town approximately \$500 per storm. Last year public works responded to 20 snow/ice events costing the town approximately \$10,000 for snow removal from the sidewalks.

The trackless tractor (pictured below) that is used to plow the sidewalks is 14 years old. Currently it is scheduled for replacement in fiscal year 2014-2015 at a cost in today's dollars of \$105,000. It is equipped with a plow and a snow blower that is used for deep and drifted snow.



Two sample ordinances are attached for the Council's review. At this time no specific ordinance language is being recommended for consideration. If the Council votes to adopt an ordinance, a draft ordinance will be developed in consultation with the Town's attorney for consideration at a later council meeting.

ALTERNATIVE ACTIONS

None

FISCAL IMPACT

The town shall no longer be liable for any injuries or property damage caused by the presence of ice or snow on a public sidewalk unless the town is the owner of land abutting such sidewalk.

If the Town Council decides to continue with the current sidewalk snow removal practices, the town will continue to spend approximately \$10,000 per year to remove snow from selected sidewalks in town.

EH: Clerks Office

**Southbury CT**

**Sec. 15-3. Sidewalk maintenance, repair and snow removal**

(a) *Generally.* The owner or owners of any property which abuts or is adjacent to a public sidewalk shall be responsible for maintaining, as hereinafter required, that portion of the sidewalk which is adjacent to his property.

(b) *Snow, sleet and ice removal.* The owner, tenant, occupant or any person having the care of any land or building adjoining any sidewalk within the highway right of way or constituting a part of any public highway within the limits of the Town shall cause to be removed there from, for the full width of said sidewalk, any and all snow, sleet and ice within eight (8) hours after the storm depositing the snow, sleet or ice ceases. If such storm ceases during night hours they shall cause all snow, sleet or ice to be removed by 11:00 a.m. the next day.

If the snow, sleet or ice cannot be wholly removed from the sidewalk, then the owner, tenant, occupant or any person having the care of such land or building shall remove so much thereof as is reasonably possible, shall make the surface over the sidewalk as smooth and even as reasonably possible and shall sprinkle sufficient sand, cinders, deicing agent or other suitable substance in such quantity over the entire surface of the unremovable snow, sleet or ice remaining upon such sidewalk as shall be required to keep the same in a safe condition for public travel at all times.

If the owner, tenant, occupant or any person having the care of any land or building as aforesaid shall neglect to clear the sidewalk adjacent to any land or building within the time required, shall fail to adequately clear the sidewalk or shall neglect to keep the sidewalks in a safe condition for public travel at all times as aforesaid, the Director of Public Works, after a reasonable attempt to provide notice of his intent, may cause the same to be cleared or made safe for public travel at the expense of the owner of such premises. If the Director of Public Works shall so cause the sidewalk to be cleared, he shall deliver or mail to the owner or person or corporation having the care of such sidewalk within ten (10) days after such clearing a bill for said expenses including an allowance of \$25.00 for administrative costs. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be a lien upon the premises adjoining such sidewalk, provided the Director of Public Works shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days from the time of such clearing.

In the event schools are closed because of snow conditions, the time allowed for clearing or sanding within this section shall be extended until 6:00 a.m. of the day following the day that schools are closed.

In the event the First Selectman officially declares that a snow or weather emergency exists, then the time allowed for clearing or sanding within this section shall be extended until 6:00 a.m. of the day following the day the First Selectman lifts the emergency.

No person shall discharge or allow to be discharged any water onto a sidewalk so as to cause a safety hazard or nuisance.

Any person who shall discharge water onto a sidewalk so as to cause ice to accumulate shall, upon notice of the Director of Public Works, cause said ice to be removed from the sidewalk. If said person does not clear or make safe the sidewalk for public travel to the satisfaction of the Director of Public Works, the Director may cause the sidewalk to be cleared. If the Director shall so cause said sidewalk to be cleared, he shall deliver or mail to the owner or person or corporation having the care of such property from which the water or ice originated within ten (10) days after such clearing a bill for said expenses including an allowance of \$25.00 for administrative costs. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be a lien upon the premises from which the water or ice originated, provided the Director shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days from the time of such clearing.

Notwithstanding the provisions of this article, the Director of Public Works may cause snow, ice or other frozen precipitation which has fallen or been placed or plowed onto any public sidewalk to be removed at the Town's expense when he determines, in his sole discretion, that such removal is necessary or appropriate as a matter of fairness or equity or to protect the health, safety, and welfare of

pedestrians wishing to use such sidewalks.

*(c) Removal of debris, litter and obstructions.* The owner, tenant, occupant or any person having the care of any land or building within the town upon or adjacent to which is a sidewalk shall at all times keep the sidewalk in a safe condition for the use of the public and shall remove therefrom, without delay, any and all litter, leaves, grass, weeds, gravel, dirt, stones or any other obstruction of any nature which would in any way impede or imperil public travel upon the sidewalk or to render it unsafe.

No person being the owner, tenant or occupant of any land or premises within the town shall permit any limb or branch of any tree, shrub or other similar object located on private property to overhang any part of any public sidewalk within seven (7) feet of its surface. Nor shall any growth including weeds, briars, bushes or hedges be allowed to extend onto the sidewalk and if such person or persons, after having been notified by the Director of Public Works to do so, shall fail to remove such limb or branch, weeds, briars, bushes or hedges within ten (10) days after receiving such notice, then the Director of Public Works may cause the same to be removed at the expense of the owner of such premises. No tree or shrub located within the street or highway right-of-way shall be trimmed or pruned except in accordance with the Town ordinance dealing with such matters. ( Chapter 14, Article VII )

If such owner, tenant, occupant or any other person having the care of any land or building within the Town upon or adjacent to which is a sidewalk shall fail to so remove such debris, litter or obstructions within twenty-four (24) hours after the same has accumulated or been placed on such sidewalk, the Director of Public Works shall provide written notice of at least twelve (12) hours to said owner, tenant, occupant or whoever has the care of the land or building that if said sidewalks are not cleared or made safe for public travel, he shall cause the same to be cleared or made safe for public travel at the expense of the owner of such premises. If the Director shall so cause said sidewalk to be cleared, he shall deliver or mail to the owner, person or corporation having the care of such sidewalk within ten (10) days after such clearing a bill for said expenses including an allowance of \$25.00 for administrative costs. If the expenses thereof shall not be paid by such owner, person or corporation, the same shall be a lien upon the premises adjoining such sidewalk, provided the director shall cause a certificate of lien to be recorded in the Town Clerk's office within sixty (60) days from the time of such clearing.

*(d) Repairs:*

(1) Whenever any sidewalk is determined by the Director of Public Works to be in need of repair or replacement, the town shall bear the cost of such repairs or replacement with the following exceptions:

a. Costs associated with repairs or replacement for damage caused by trees located within the adjoining property shall be borne wholly by the property owner.

b. Costs associated with repairs or replacement for damage caused by surface water runoff from the adjoining property shall be borne wholly by the property owner unless the Director determines that said runoff is not the responsibility of the property owner.

c. Costs associated with repairs or replacement for damages which, in the opinion of the Director, are caused by vehicles making deliveries to the property or by other action of the property owner or his agents shall be borne wholly by the property owner.

d. Costs associated with the repair or replacement of driveway aprons shall be borne wholly by the property owner.

(2) Driveway aprons are those sections of the driveway, whether concrete or bituminous, between the streetline and the curb line or gutterline. If a concrete sidewalk crosses the driveway, the apron shall be that portion of the driveway from the

face of the sidewalk to the curblineline or gutterline. If the sidewalk and apron are monolithic, then the entire section shall be considered the apron.

(3) The Director is hereby authorized and empowered to adopt from time to time such reasonable rules, regulations and specifications for the construction and repair of sidewalks, driveway aprons, curbs and handicapped ramps as may be in the best interest of the Town and to effectuate the terms of this section. At least 10 days prior to their adoption, he shall cause a copy of such rules, regulations or specifications to be published in one or more newspapers having a general circulation in the Town of Southbury for review and comment by the public. The Director shall give due consideration to any input or comments received from the public before adopting such rules, regulations or specifications. Upon adoption, said regulations shall be filed in the Town Clerk's office.

(4) No person, firm or corporation shall construct, repair, replace or otherwise perform any work on any sidewalk, driveway apron, curb or handicapped ramp within the public highways and streets of the town unless such person, firm or corporation shall have obtained from the Director a permit to do such work.

Every person who violates or refuses or neglects to comply with any of the provisions of this section, may be punished by a fine not to exceed fifty dollars (\$50.00) for each violation. Each twenty-four-hour period that said sidewalks are not cleared or in a safe condition for public travel shall be considered a separate offense.

## Farmington CT

### **ARTICLE VI Snow and Ice Removal (§ 169-27 — § 169-30)**

[Adopted 11-24-1987 by Ord. No. 19]

#### **§ 169-27 Time limit for removal.**

The owner of any building or land bordering upon any street or public place within the Town where there is a paved sidewalk shall cause to be removed from the sidewalk for a width of four feet or the width of the paved surface, whichever is less, any and all snow within 24 hours after the same shall have fallen or been deposited thereon, and, with respect to any ice or sleet deposited thereon, shall, within 24 hours from the time of such deposit, cause the sidewalk to be made safe and convenient by removing the ice or sleet therefrom or by covering the same with sand and some other suitable substance.

#### **§ 169-28 Penalties for offenses.**

[Amended 7-28-1992]

The owner of any building or lot whose duty under § 169-27 above is to clear or make safe the sidewalk adjacent thereto who shall violate any of the provisions of the foregoing section or refuse or neglect to comply with the same subject to a fine of not more than \$100 for each offense. In each instance, the owner shall be responsible and it shall be no defense to any prosecution that the owner has contracted with the occupant of the premises or some other person to remove snow, ice and sleet from the sidewalk.

#### **§ 169-29 Lien.**

[Amended 7-28-1992]

Whenever any sidewalk shall be permitted to remain with the deposit thereon of snow, ice or sleet in violation of § 169-27 above, the Town Manager may cause such snow and ice or sleet to be removed from the sidewalk. The total cost of such removal, together with interest per annum thereon as authorized in the case of delinquent property taxes shall constitute a lien in favor of the Town against the adjoining property and shall be and remain a claim against the owner thereof, which claim may be collected by foreclosing on said lien. Within three months after the cost of such removal has been incurred, the Town Manager or his designee shall file in the office of the Town Clerk a certificate describing the property on which the lien exists and stating the owner of the property, the amount claimed, the nature of the work and the date of completion thereof. Such lien shall take precedence over all other liens, mortgages, attachments and other encumbrances, except as otherwise provided by law. Any such lien may be foreclosed in the same manner and form as a tax lien.

#### **§ 169-30 Enforcement.**

[Added 3-28-1995]

This article has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 91 of the Farmington Code shall be followed.

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval:   
Item to be presented by: James Carey

DATE: January 5, 2010

SUBJECT: Possible acquisition of property at corner of O'Neill Lane and Old Marlborough Rd known as Unit 7, owned by O'Neill Cove Association

DEPARTMENT: Planning/Zoning and Building Department

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**RECOMMENDED ACTION:**

If council is supportive, refer matter to P&Z for an 8-24 Review and to BOF for consideration and a recommendation.

**BACKGROUND:**

In September of 2009 the Planning Zoning & Building Department was approached by the president of the O'Neill Cove Association, Mr. Peter Apotrias, who asked if the Town would be interested in taking ownership of a piece of land known as "Unit 7" [(M10A/B83/L26-7), map and assessors record attached]. This property would be deeded to the Town for no financial consideration and would be restricted by deed to remain undeveloped.

The property has extensive wetlands and is not practically developable. A review of the property and the study literature recently done regarding the health of Lake Pocotopaug (Dr. Wagner's report, as well as the older WMC report), leads this Department to believe that the property could serve a valuable function in improving the water quality entering the Lake in this area. Retention, or "wet basins", could be constructed and vegetated to treat stormwater coming from the Old Marlborough Road area and the property could also be utilized to attenuate storm flows in wet seasons.

No design work has been done and none is anticipated in the immediate future.

Staff finds that taxes have been kept current (Jan '10 payment not yet made). A title search would have to be done, a referral to P&Z for an 8-24 report to the Council is necessary, some survey work may be required, deed would need to be drawn up, and ultimately, Town Meeting approval is necessary.

**ALTERNATIVE ACTIONS:**

Decline Acquisition

**FISCAL IMPACT:**

Fees associated with legal fees and requirements (Nominal, \$1500-\$2000 +/-). There would be an annual loss of \$2,151 in tax revenue for the Town.

cc: E.H. Clerks Office

**AGENDA ITEM:** 5C

Peter T. Apotrias  
79 Hubbard Road  
West Haven, CT 06516  
203.675.5745

September 23, 2009

Town of East Hampton  
James P. Carey  
Building, Planning and Zoning Administrator

Re: O'Neill Camp Association  
O'Neill Lane, Property know as Unit 7  
East Hampton, CT 06424

Dear Jim:

Regarding our meeting on Monday, September 21, the owners of the property know as Unit 7 have agreed to gift the property to the town of East Hampton in the form of a Land Trust, with the stipulation that the land be kept undeveloped and in its natural state.

We are also in agreement that upon an in-depth survey sometime in the future by the proper authorities, that the town of East Hampton can install catch basins to help with the run-off that drains into Lake Pocotopaug, especially in the O'Neill Cove area. This would indeed be mutually beneficial to the lake, the town of East Hampton and all of the residents of Lake Pocotopaug.

You also mentioned that the town of East Hampton would entertain the idea of making an improvement to O'Neill Lane, which would be most welcomed and appreciated.

Please advise what further actions and legal procedures are necessary to complete this transfer of land. We would appreciate this transaction to be accomplished as soon as possible, as this would relieve us of this tax burden.

Sincerely,

  
Peter T. Apotrias  
President, O'Neill Cove Association



**TOWN OF EAST HAMPTON  
AGENDA REPORT**

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

DATE: January 12, 2009  
SUBJECT: Proposed budget calendar and budget philosophy discussion  
DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Review proposed budget calendar and make revisions if necessary. Discuss draft budget philosophy statement as submitted by Council members Cordeiro and Moore.

BACKGROUND

Council needs to finalize its budget philosophy statement for distribution and agree upon the proposed budget calendar.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

None

EH: Clerks Office

AGENDA ITEM: 5D

## Budget Calendar Fiscal Year 2010-2011

Date	Description
January 2010	Tri-board meeting
January 28, 2010 (Thur.)	Submit budget requests to Finance Department
February 2010	Tri-board meeting
March 3, 2010 (Wed)	Press Release on Budget workshop
March 10, 2010 (Wed)	Press Release on Budget deliberations
March 12, 2010 (Fri.)	1:00 PM to 4:00 PM - Budget workshop
March 2010	Board of Education Budget Workshop
March 23, 2010 (Tues.)	Board of Finance special meeting – With invitation to Town Council and Board of Education (Review deliberations and gather input from public and other boards) Time: 7:30 Location: High School Auditorium
March 29, 2010 (Mon.)	Board of Finance special meeting – Budget deliberations 7:00 PM
March 31, 2010 (Wed)	Rivereast advertisement on Budget
April 5, 2010 (Mon.)	Board of Finance public hearing (High School – 7:00PM)
April 7, 2010 (Wed.)	Board of Finance Special Meeting 7:00 P.M. (Middle School Library)
April 13, 2010 (Tues.)	Submit Board of Finance budget to members of Town Council
t/b/d – Must be prior to 4/22	Town Council Special Meeting 6:30 P.M. – Adoption of Annual Budget
April 26, 2010 (Mon.)	Town meeting (High School – 7:00 P.M.)
April 2010	Rivereast advertisement on budget
May 4, 2010 (Tues.)	Town VOTE (High School)
June 2010	Set mill rate

Note: All meetings to be held in the Town Hall meeting room except as noted above.  
For more information call 860-267-4468.

\*\*\* SCHEDULE SUBJECT TO CHANGE \*\*\*

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval:     JOK      
Item to be presented by: Jeffery J. O'Keefe

DATE:                    January 12, 2009  
SUBJECT:                Ordinance Creating a Property Tax Exemption for Certain Disabled Veterans  
DEPARTMENT:          Town Managers Office

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RECOMMENDED ACTION

Discuss and schedule public hearing for January 26, 2009 for the adoption of an Ordinance Creating a Property Tax Exemption for Certain Disabled Veterans.

BACKGROUND

At the December 8, 2009 council meeting the Town Council directed staff to draft an Ordinance creating a Property Tax Exemption for Certain Disabled Veterans.

The proposed ordinance is attached. The exemption would apply only to Veterans who have received financial assistance for specially adapted housing under the provisions of Section 2101 (formerly Section 801) of Title 38 of the United States Code and has applied such assistance toward the acquisition or modification of such dwelling.

The proposed ordinance has been reviewed by the Towns Attorney and is attached.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

No fiscal impact at this time. Currently, we are unaware of any Veterans who live in Town that would currently qualify for this exemption. We hope that this would always be the case and that those fighting in the wars would always come home unharmed.

EH: Clerks Office

AGENDA ITEM:     6A

**Ordinance Creating a Property Tax Exemption for Certain Disabled Veterans**

Pursuant to the authority of Section 12-81(21)(C) of the Connecticut General Statutes, as amended, the dwelling house and the lot whereupon the same is erected, belonging to or held in trust for any citizen and resident of the Town of East Hampton, occupied as such person's domicile, shall be fully exempt from local property taxation, provided such person is a veteran who served in the United States Army, Navy, Marine Corps, Coast Guard, Air Force, or activated National Guard, and such person has received financial assistance for specially adapted housing under the provisions of Section 2101 (formerly Section 801) of Title 38 of the United States Code and has applied such assistance toward the acquisition or modification of such dwelling.

The within exemption, subject to the same conditions as aforesaid, shall also be allowed on the dwelling house and lot owned by the veteran and spouse while occupying such premises as a residence, or, if the veteran has died, by the surviving spouse of the veteran while occupying such premises as a residence until such time as said surviving spouse may remarry.

This exemption shall be effective commencing with the assessment list of October 1, 2010.



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## U.S. Code collection

TITLE 38 > PART II > CHAPTER 21 > § 2101

### § 2101. Veterans eligible for assistance

#### (a) Acquisition of

##### Housing With Special Features.—

(1) Subject to paragraph (3), the Secretary may assist a disabled veteran described in paragraph (2) in acquiring a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and necessary land therefor.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the following criteria:

(A) The disability is due to the loss, or loss of use, of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(B) The disability is due to—

- (i) blindness in both eyes, having only light perception, plus
- (ii) loss or loss of use of one lower extremity.

(C) The disability is due to the loss or loss of use of one lower extremity together with—

- (i) residuals of organic disease or injury; or
- (ii) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

(D) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

(3) The regulations prescribed under subsection (d) shall require that assistance under paragraph (1) may be provided to a veteran only if the Secretary finds that—

(A) It is medically feasible for the veteran to reside in the proposed housing unit and in the proposed locality;

(B) the proposed housing unit bears a proper relation to the veteran's present and anticipated income and expenses; and

(C) the nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes.

**(b) Adaptations to Residence of Veteran.—**

(1) Subject to paragraph (3), the Secretary shall assist any disabled veteran described in paragraph (2) (other than a veteran who is eligible for assistance under subsection (a))—

(A) in acquiring such adaptations to such veteran's residence as are determined by the Secretary to be reasonably necessary because of such disability; or

(B) in acquiring a residence already adapted with special features determined by the Secretary to be reasonably necessary for the veteran because of such disability.

(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets either of the following criteria:

(A) The disability is due to blindness in both eyes with 5/200 visual acuity or less.

(B) The disability includes the anatomical loss or loss of use of both hands.

(3) Assistance under paragraph (1) may be provided only to a veteran who the Secretary determines—

(A) is residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family; or

(B) if the veteran's residence is to be constructed or purchased, will be residing in and reasonably intends to continue residing in a residence owned by such veteran or by a member of such veteran's family.

**(c)**

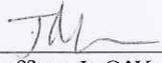
(1) The Secretary may provide assistance under subsection (a) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subparagraph (A), (B), (C), or (D) of paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

(2) The Secretary may provide assistance under subsection (b) to a member of the Armed Forces serving on active duty who is suffering from a disability described in subparagraph (A) or (B) of paragraph (2) of that subsection if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under that subsection to veterans eligible for assistance under that subsection and subject to the requirements of paragraph (3) of that subsection.

**(d) Regulations.**— Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

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**TOWN OF EAST HAMPTON  
AGENDA REPORT**

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

DATE: January 12, 2009  
SUBJECT: Middle Haddam Historic District Revised Ordinance  
DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Review, discuss and schedule public hearing for January 26, 2009 for the adoption of the revised ordinance (see attached) for the Middle Haddam Historic District.

BACKGROUND

On several occasions discrepancies have arisen as to what are the exact boundary lines of the historic district and as to what properties are actually in the district. To better define the boundaries of the Middle Haddam Historic District, the Town taking advantage of the new GIS system, the Town directed Applied Geographic's to develop a map with references to Assessor's map/block/lot designations and designate all of the properties and boundary lines that form the District.

The proposed revisions to the ordinance accomplish the following:

- It substitutes the new map for the Midstate Regional Planning Agency Map (attachment 1);
- It amends the two sections of the ordinance (211-1 and 211-14) that refer to the map;
- It amends 211-14 further to provide, with reference to Assessor's map/block/lot designations, all of the properties that form the boundaries of the District;
- It deletes Attachments 2 and 3 in the existing Ordinance. Both of these attachments reference lots as designated on the original map and use outdated owner information.

Upon adoption the new map will be sent to the State for their files.

The Middle Haddam Historic District Commission endorsed the revised ordinance at their regularly scheduled meeting on Thursday September 24, 2009.

At the October 13<sup>th</sup> council meeting Council directed the Town Manager to get a legal opinion on whether or not removing the historic properties listed in the current ordinance would have any impact to those property owners who would no longer be listed in the revised ordinance. The Town Attorney's memo discussing this is attached.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

None at this time

EH: Clerks Office

AGENDA ITEM: 6B

**D'Aquila Law Offices, LLC**  
547 Main Street - Suite 103  
Middletown, CT 06457  
Phone: (860) 704-0290 Fax: (860) 704-0545

**TO:** Jeffery J. O'Keefe, Town Manager, via fax no: 267-1027  
**FROM:** Attorney Jean M. D'Aquila  
**DATE** October 21, 2009  
**RE:** Ordinance to Amend Historic Districts Ordinance

At your request, I have reviewed Ms. Margaret Faber's comment that the attachment to the above ordinance, labeled "211 Attachment 2 Town of East Hampton Historical Classifications of District" not be deleted from the Ordinance.

As you know, "211 Attachment 2" is an inventory of buildings within the district of historic significance by historical period, special architectural details, owners as of the date the inventory was compiled, and with reference to the lot number shown on the original map of the District prepared by Midstate Regional Planning Agency in 1976 ("211 Attachment 1"). As you also know, the proposed revisions to the ordinance include replacing that older map with a more revised version that identifies properties within the District by current Assessor's Map, Block/Lot information.

There is no statutory requirement that such an inventory be a part of the Ordinance. Our thought was that maintaining "211 Attachment 2" (and "211 Attachment 3" for that matter) within the Ordinance while substituting the new map containing different lot references would create confusion. Certainly, removing the inventory from the Ordinance does not mean that the valuable information on the inventory will be lost. The inventory would remain an important reference and source of information for the District and its Commission.

That said, there is also no statutory prohibition against including such an inventory within the Ordinance. If it is the recommendation of the Middle Haddam Historic District Commission ("MHHDC") that the inventory known as "211 Attachment 2" be maintained within the Ordinance, this would be acceptable. The MHHDC would have to keep in mind of course that the map references and owner names within the inventory are outdated as they proceed to perform their duties under the Ordinance.

A final word of caution: Ms. Faber offers that the inventory could be revised with little effort to include the lot numbers as shown on the new map and current street numbers instead of owners' names. While this may be true, it would take another Ordinance revision to incorporate those revisions. If the inventory remains a part of the Ordinance, it can only be amended by the Town Council via the Charter-required amendment process prescribed in Charter Section 2.4 et seq.

TOWN OF EAST HAMPTON  
AGENDA REPORT

Town Manager Approval: Jhe  
Item to be presented by: Jeffery J. O'Keefe

DATE: October 13, 2009  
SUBJECT: Middle Haddam Historic District Revised Ordinance  
DEPARTMENT: Town Managers Office

*Table - speak to Attorney  
About Attachment 211*

RECOMMENDED ACTION

Review, discuss and schedule public hearing for October 27, 2009 for the adoption of the revised ordinance (see attached) for the Middle Haddam Historic District.

BACKGROUND

On several occasions discrepancies have arisen as to what are the exact boundary lines of the historic district and as to what properties are actually in the district. To better define the boundaries of the Middle Haddam Historic District, the Town taking advantage of the new GIS system, the Town directed Applied Geographic's to develop a map with references to Assessor's map/block/lot designations and designate all of the properties and boundary lines that form the District.

The proposed revisions to the ordinance accomplish the following:

- It substitutes the new map for the Midstate Regional Planning Agency Map (attachment 1);
- It amends the two sections of the ordinance (211-1 and 211-14) that refer to the map;
- It amends 211-14 further to provide, with reference to Assessor's map/block/lot designations, all of the properties that form the boundaries of the District;
- It deletes Attachments 2 and 3 in the existing Ordinance. Both of these attachments reference lots as designated on the original map and use outdated owner information.

Upon adoption the new map will be sent to the State for their files.

The Middle Haddam Historic District Commission endorsed the revised ordinance at their regularly scheduled meeting on Thursday September 24, 2009.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

None at this time

EH: Clerks Office

AGENDA ITEM: 6A

Ordinance to Amend Historic Districts Ordinance

WHEREAS, the Ordinance entitled "Historic Districts" was first adopted by the legislative body of the Town of East Hampton on May 11, 1977; and

WHEREAS, said Ordinance established the boundaries of an historic district known as "Middle Haddam Historic District"; and

WHEREAS, said Ordinance established the boundaries of Middle Haddam Historic District by reference to and incorporation of a map prepared by Midstate Regional Planning Agency dated May 1976; and

WHEREAS, said map did not identify the properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, a new map has been prepared by Applied Geographics, Inc. which does identify said properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, the Town Council wishes to substitute the Applied Geographics, Inc. map for the Midstate Regional Planning Agency map in order to more definitively describe the properties within the boundaries of Middle Haddam Historic District; and

WHEREAS, nothing within this *Ordinance to Amend Historic Districts Ordinance* involves changing the boundaries of Middle Haddam Historic District; and

WHEREAS, certain additional revisions to the existing Ordinance are necessary in order to comply with current statutory requirements.

BE IT THEREFORE RESOLVED that the Town Council of the Town of East Hampton hereby amends the Historic Districts Ordinance, Chapter 211 of the East Hampton Code, by deleting the map prepared by Midstate Regional Planning Agency dated May 1976 and attached to the Ordinance as "211 Attachment 1", and substituting therefore the map prepared by Applied Geographics, Inc. dated August 2009.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting the following language at the very end of § 211-1: "which map is incorporated herein by reference, and entitled 'Middle Haddam Historic District'" and substituting therefore the following language: "which map is incorporated herein by reference and entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc."

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting entirely the existing § 211-14 and substituting therefore the following new § 211-14:

"§ 211-14. Boundaries.

The boundaries of the Middle Haddam Historic District are shown on a map entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc. The following properties, identified by Assessor's Map Block and Lot Numbers, form the boundaries of Middle Haddam Historic District and are included within the District, as are all of the properties within said boundaries:

Northerly    01C/9/8A  
                  01C/9/6  
                  01C/10/3  
                  01C/10/11  
                  01C/10/13  
                  01C/11/1  
                  06/11/2A  
                  06/11/1  
                  06/12/8

Easterly      06/12/8A  
                  06/12/7B  
                  06/12/7A  
                  02C/12/7  
                  02C/12/5  
                  02C/12/2C  
                  02C/12/4  
                  02C/12/2  
                  02C/12/17  
                  02C/12/18  
                  02C/21/34-2  
                  02C/21/34-3  
                  02C/21/4A

07/21/7  
07/21/7B  
02/18/20A  
02/18/20-2A

Southerly 02/18/21-1C  
02/18/20-2B

Westerly 02/18/20-2A  
02/18/19B  
02C/18/16  
02C/18/1  
02C/19A/2A  
02C/19A/7A  
02C/19A/6  
02C/19A/4  
02C/19A/1  
02C/9/19  
02C/9/18  
02C/9/17  
02C/9/12-5  
02C/9/12-6  
02C/9/12A  
02C/9/12-7  
02C/9/12-8  
02C/9/12-9  
02C/9/12-10”

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting entirely the attachments labeled “211 Attachment 2 Town of East Hampton Historical Classifications of District” and “211 Attachment 3 Town of East Hampton Land Records as Registered in 1976 (prior to October 1) in East Hampton Tax Assessor’s Files”.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by incorporating the following revisions in order to comply with current statutory requirements:

**Amend § 211-3 by deleting the second sentence and substituting the following sentence:**

The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings, in accordance with the Freedom of Information Act, § 1-210 et seq. of the General Statutes of Connecticut.

**Amend § 211-3 by deleting the third sentence and substituting the following sentence:**

It shall adopt rules of procedure not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut.

**Amend § 211-3 by deleting the last sentence and substituting the following sentence:**

The Commission may adopt regulations not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

Amend § 211-4 by adding a definition between "ALTERED" and "BUILDING:"

APPROPRIATE — Not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

Amend § 211-6 by deleting the last sentence and substituting the following sentence:

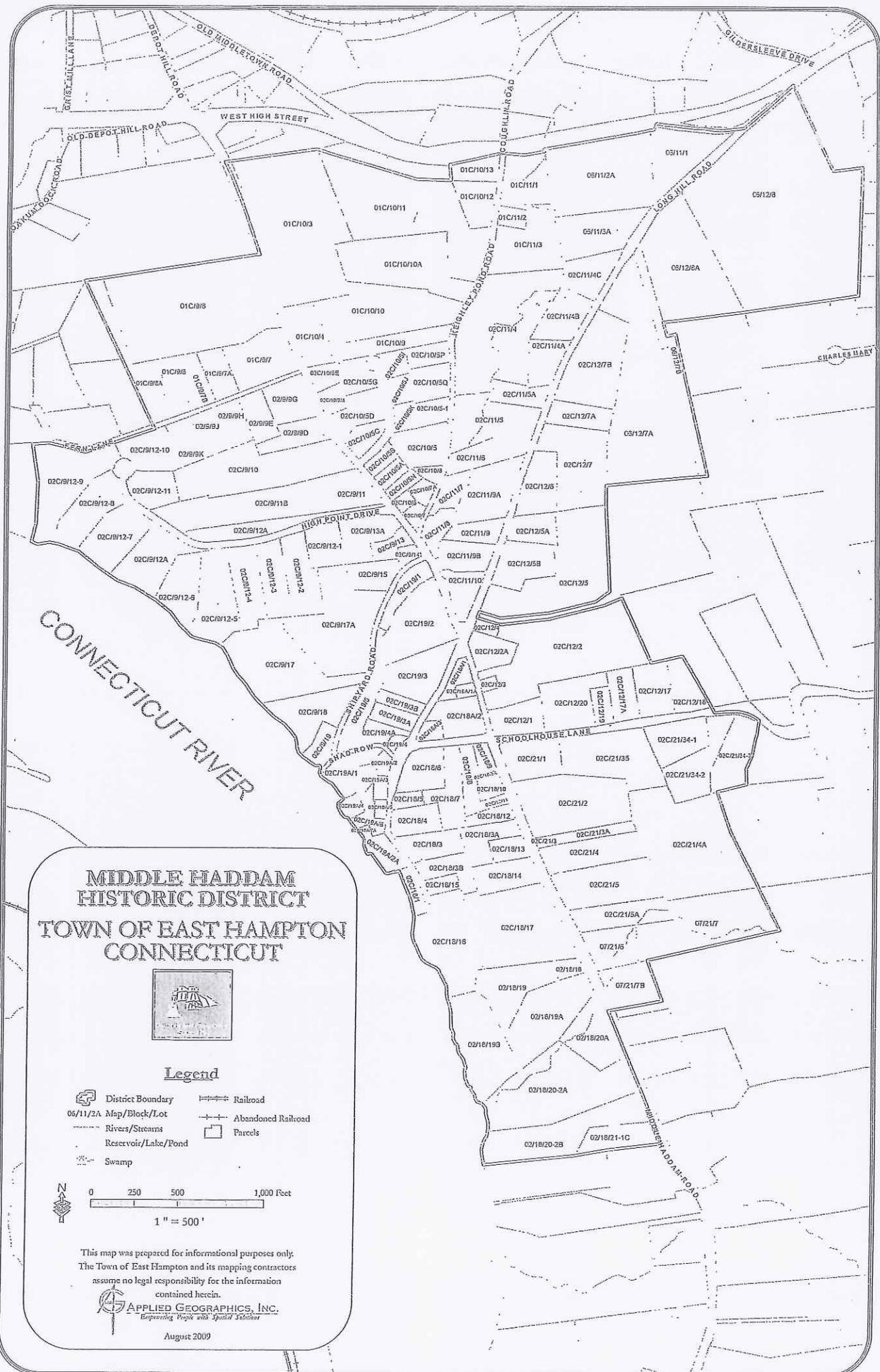
Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of East Hampton not more than fifteen days nor less than five days before such hearing.

Amend § 211-8 by adding the following sentences at the end of A:

No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness.

Amend § 211-8B by deleting the date of "May 11, 1977" and substituting the date of "October 1, 1973."

Delete § 211-15.

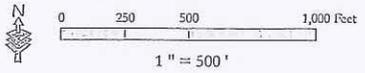


**MIDDLE HADDAM  
HISTORIC DISTRICT  
TOWN OF EAST HAMPTON  
CONNECTICUT**



**Legend**

- District Boundary
- Map/Block/Lot
- Rivers/Streams
- Reservoir/Lake/Pond
- Swamp
- Railroad
- Abandoned Railroad
- Parcels



This map was prepared for informational purposes only. The Town of East Hampton and its mapping contractors assume no legal responsibility for the information contained herein.

**APPLIED GEOGRAPHICS, INC.**  
*Empowering People with Spatial Solutions*

August 2009

O'Keefe, Jeff

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**From:** James Royster [jyroyster@sbcglobal.net]  
**Sent:** Tuesday, September 29, 2009 10:40 AM  
**To:** O'Keefe, Jeff  
**Cc:** Sirois, Cathy; Engel, Melissa  
**Subject:** Proposed Historic District Ordinance changes

Dear Mr. O'Keefe:

With reference to the Town Council's proposed changes to the Middle Haddam Historic District ordinance, as transmitted to me by your office via email on September 8, 2009, this is to inform you that the Middle Haddam Historic District Commission reviewed those proposals at its regular meeting on September 24, 2009, and voted to inform the Town Council that the commission has no additional comments or suggestions in connection with those proposed revisions.

Very truly yours,

James Royster  
Chair, MHHDC

9/29/2009

I am concerned about the proposed revisions to the Middle Haddam Historic District Ordinance, agenda item 6A, especially "deleting entirely the attachment labeled 211 Attachment "Historical Classifications of District."

Under Connecticut State Statutes Chapter 97a, section 7-147b in order to create a local historic district a study committee must prepare a report that includes "an analysis of the historically and architecturally significant properties in the proposed district and the significance of the district as a whole." As such, in the mid-1970's Middle Haddam's Period of Significance was determined and 60 unique structures were identified that signified this circumscribed historic period (1730's-1880's). These buildings were analyzed and compiled into a chart, which has been attached to the Middle Haddam Historic District Ordinance since 1977. **This chart outlines the Districts priorities and justifies its existence.**

The present Historic District Commission wishes to remove the original listing of significant properties from its ordinance, and not replace it. The reason given for this action is that the attachment references lots as designated on the original map and uses outdated owner information. It would take very little effort to update the chart with the new lot numbers and use street numbers instead of owner names, which were not available at the time the chart was originally created.

It should be noted that I was asked to update the historic district ordinance in 2006, when I was a commissioner. At that time, I also updated the chart of contributing resources in light of research by professional preservationists and architectural historians that had been produced since the chart was first written. Street numbers and the original owner of the houses were added, the dates of construction and property descriptions were updated, and the structures' identifying numbers on the *Connecticut Historic Resources Survey* and *National Register* were included so that the information could be checked and cross-referenced, which verifies its accuracy. For dubious reasons, the commission decided not to include this updated chart, but fortunately the 1977 listing of significant properties remained attached to the ordinance. It is now threatened with deletion.

The council should question WHY the commission wishes to deny the established purpose of the Middle Haddam Historic District and WHY it is attempting to homogenize it. There is no legitimate reason to remove, and not replace, the attachment to Chapter 211 that has been an integral part of the town's ordinance for 32 years. If this issue goes to public hearing you will be receiving a large volume of correspondence from the owners of the properties whose investments are being de-listed.

I respectfully ask the council to carefully consider the implications of the proposed changes to the Middle Haddam Historic District Ordinance, question the Commission's motivation, and act in the best interest of our town's vulnerable historic and cultural heritage. Thank you.

My second concern with the proposed changes to the Middle Haddam Historic District Ordinance is moving the District's western boundary from the thread of the Connecticut River to the riparian property lines.

The new district map produced by Applied Graphics shows an incorrect western boundary defined by properties abutting the Connecticut River. As per the February 17, 1977 minutes of the Historic District Study Committee, the legally recognized precursor to the MHHDC, "It was unanimously voted to move the west boundary from the edge of the Connecticut River to the center of the river to coincide with the Town boundary." The boundary was subsequently defined in the 1977 ordinance as follows: "The west boundary for the entire District shall be the legal town line of the Connecticut River." Further as per the National Register District established in 1984, "the western boundary is extended to the mid-line of the river (Middletown's corporate boundary) to include possible submerged remains of historic archaeological sites associated with shipbuilding." The western boundary for both the local and national districts has always been the legal town line at the center of the Connecticut River, and there is no sound reason for it to be altered in 2009.

I believe this issue should be addressed before the Middle Haddam Historic District ordinance goes to public hearing.

Sincerely,

Margaret McCutcheon Faber  
Middle Haddam

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

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

DATE: January 12, 2009  
SUBJECT: Resolutions for Charter Revision  
DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Adopt resolution to Commence Action to Amend the Town Charter of the Town of East Hampton; and adopt resolution defining the Charge of the Charter Revision Commission and Appointing Members to said Commission.

BACKGROUND

At the December 8, 2009 council meeting the Town Council directed staff to draft Resolutions to Commence Action to Amend the Town Charter of the Town of East Hampton; and adopt a resolution defining the Charge of the Charter Revision Commission and Appointing Members to said Commission.

The proposed resolutions are attached.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

Minimal, any legal fees incurred for review of the draft report will be absorbed through the existing operating budget. The Town Clerk will oversee the process and work with the Commission to insure all State Statues and timelines are being properly followed.

EH: Clerks Office

AGENDA ITEM: 6C

**Town of East Hampton  
20 East High Street  
East Hampton, CT 06424**

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

**January 7, 2010**

**To: The East Hampton Town Council**

**Please find copies of tax refunds for your review. The total  
refund equals \$2,956.00.**

**Thank you for your assistance.**

*Melanie B. Jumps for Nancy Hasselman*

**Nancy Hasselman, CCMC  
Collector of Revenue**



000	0.00	*
	2,722.72	+
	233.28	+
002	2,956.00	*