

Minutes of the Town of Farmington
Regular Town Council Meeting
June 9, 2015

Present:

Nancy W. Nickerson, Chair

Jeffery P. Apuzzo

Jon Landry

Peter M. Mastrobattista

Amy Suffredini

Meredith A. Trimble

Jon Vibert

Kathleen Eagen, Town Manager

Paula B. Ray, Clerk

A. Call to Order

The Chair called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

The Council and the Public recited the Pledge of Allegiance.

C. Proclamations and Recognitions

There were no proclamations or recognitions.

D. Public Hearing

1. A Public Hearing to amend Chapter 98 "Fees" of the Farmington Town Code

The Chair called the public hearing to order at 7:02 p.m., and the Clerk read the legal notice recorded with these minutes as Agenda Item D-1. The Manager reviewed the proposed amendments to Chapter 98 "Fees" using the presentation recorded with these minutes as Agenda Item D-2. Hearing no public comments the Chair closed the hearing at 7:07 p.m.

E. New Items

No new items were added to the Agenda.

F. Public Comment

No public comments were made.

G. Reading of Minutes

1. May 12, 2015 Regular Town Council Meeting

Motion was made and seconded (Apuzzo/Landry) to approve the minutes of the May 12, 2015 Regular Town Council Meeting.

Adopted unanimously.

2. May 26, 2015 Regular Town Council Meeting

Motion was made and seconded (Apuzzo/Landry) to approve the minutes of May 26 Regular Town Council Meeting.

Adopted unanimously.

H. Reading of Communications and Written Appeals

1. Kathleen Eagen, Town Manager Correspondence - SB 593
2. Kathleen Eagen, Town Manager Correspondence - 8-24 Legal Opinion
3. Duncan Forsyth, Town Attorney Response- 8-24 Legal Opinion (attachment)
4. Bernie Dayton, Correspondence

The Manager reviewed the communications and written appeals for the Council, which was recorded with these minutes as Agenda Items H-1 through H-4. The Council had several follow up questions for the Town Attorney regarding the necessity of 8-24 referrals, and it was the consensus of the Council to send Bernie Dayton's letter to the Pension Committee for consideration.

I. Report of Committees

1. UCONN Committee(s)

The Chair reported the next UConn Committee meeting was scheduled for July 24, 2015.

2. Land Acquisition Committee
3. Green Efforts Committee

There were no reports for Agenda Items I-2 or I-3.

4. Joint Town of Farmington/City of Hartford Committee

Mr. Mastrobattista reported an environmental consultant had been picked for the project. They would be doing a Phase I Environmental Report, a wetlands delineation project, an archeological resource review, a natural diversity data base review and a vernal pool investigation. They would then be doing mapping and schematics for the project. He expected the studies to be done by the end of July and to have report for the Council by September.

5. Bicycle Advisory Committee

Mr. Vibert reported the next committee meeting was scheduled for June 11, 2015.

6. Farmington Gateway Committee

Mr. Apuzzo reported the Committee had met on June 2, 2015 at which time they had received the Consultants draft. They had requested the Consultant write and executive summary for the report and to do some re-organization of the report. He emphasized that they were not to change the content but just re-organize it. He expected the next steps to be after the report was released for approximately six weeks, the Committee wanted to hold several meetings over the summer at which they hope to hear public feedback on the report. In September, the Committee planned to hold a public hearing on the report with the Consultant present. Then one or two of the plans would be submitted to a phase two consultant.

7. Web Page Sub-Committee

Mr. Landry reported the Committee had selected Vision Internet out of Santa Monica, California to redesign the Town of Farmington website. The Committee would be meeting with the division heads and the Economic Development Commission in July to begin the process. The Committee wanted new photography for the website, to show case the character and history of the Town. Mr. Vibert told the Council that Vision Internet had designed the Town of Glastonbury website and suggested the Council members take a look at it to get a feel for their work.

J. Report of the Council Chair and Liaisons

1. Chair Report

The Chair thanked everyone that had been involved with Relay for Life and congratulated them on its success. She thanked the Farmington Community Chest for their successful Farmington Cares Day at which many Farmington residents had received help around their homes. She reported she had attended the CCROG Transportation meeting and Farmington Valley Collaborative and the theme of both meetings had been concern about loss of funding and new unfunded mandates in the proposed State budget. She thanked the Manager and the Finance Director for keeping the Council informed on the budget developments. She pointed out that the Town of Farmington was the only one of the surrounding Towns to get a decrease in budget funds from the State in the proposed budget. Mrs. Suffredini reported the Farmington Library would be holding Farmers Markets on Fridays beginning July 17th.

2. Board of Education Liaison Report

Mr. Landry reported the Farmington High School graduation was scheduled for June 17, 2015 and that the meeting at which the Board of Education was to discuss broadcasting their meetings on Nutmeg TV had been cancelled. The Council questioned if it would be on the agenda of their next meeting.

3. Unionville Village Improvement Association Liaison Report

Mrs. Trimble reported that UVIA had held two successful information sessions on the proposed development for the Charles House site at which the developer had an opportunity to hear resident concerns and that the Unionville Festival was scheduled for September 27, 2015.

4. Town Plan and Zoning Liaison Report

Mr. Mastorbattista reported the TPZ had hired a third party consulting firm to review traffic issues associated with the proposed development for the Charles House site, which would be paid for by the developer. He reported the TPZ had approved a new tea shop for 29 Mill Street, a new restaurant for the Matthews location, and a small subdivision of four houses on Mountain Spring Road with frontage on Prattling Pond Road.

5. Water Pollution Control Authority Report

There was no report for Agenda Item J-5.

6. Economic Development Commission Liaison Report

Mr. Apuzzo reported the next meeting was scheduled for June 10, 2015.

7. Human Relations Commission Report

Mrs. Suffredini reported the next meeting was scheduled for July 8, 2015.

8. Chamber of Commerce Report

Mr. Landry reported the Chamber of Commerce had held their Annual Dinner last week and Senator Christopher Murphy had been the speaker and their next meeting was scheduled for June 10, 2015 at Winding Trails followed by a Business After Hours session.

9. Other Liaison Reports

There were no other liaison reports.

K. Report of the Town Manager

Bond Refinancing

The Manager reported that Joseph Swetcky, Director of Finance and Administration had successfully refunded \$7.4 million in bonds and \$725,000 in bond anticipation notes for a savings of \$294,448 dollars which equaled a 3.82% savings. She noted that interest was shown from Connecticut dealers as well as national mutual fund firms.

Northeast Tower Application Update

The Manager reported that it appeared the Town had been successful in having the Siting Council oppose the approval of the lattice tower on Brickyard Road. It was their finding for a lattice tower approval would have to come from the local Town Plan and Zoning Commission.

Rotary Club

The Manager reported the Rotary Club had requested the Town to donate as an in-kind service the services of a police officer for their 5K Road Race to be held in conjunction with the Unionville Festival. It was the consensus of the Council to donate the services.

Motion was made and seconded (Apuzzo/Landry) to accept the report of the Town

Manager.

Adopted unanimously.

L. Appointments

1. Plainville Area Cable TV Advisory Council (Erickson) (R)
2. Plainville Area Cable TV Advisory Council (Landry) (R)
3. North Central Regional Mental Health Board, Inc. (Wienke) (R)
4. North Central Regional Mental Health Board, Inc. (Parady)
5. Farmington Valley Health District (Jones) (D)
6. Housing Authority (Cowdry) (R)
7. Building Code Board of Appeals (Schadler) (R)
8. Water Pollution Control Authority (McGrane) (U)
9. Tourism Central Region District (Bremkamp)
10. Green Efforts Committee (Grouten) (R)
11. Conservation and Inland Wetlands Commission **Alternate** (Jones) (R)
12. Human Relations Commission (Elling) (D)

There was no action taken on Agenda Items L-1 through L-12.

13. Human Relations Commission

Motion was made and seconded (Apuzzo/Landry) that Donna Mambrino be appointed to the Human Relations Commission for a two-year term beginning July 1, 2015 and ending June 30, 2017.

Adopted unanimously.

14. Plainville Area Cable TV Advisory Council (Montes) (R)

There was no action taken on Agenda Item L-14.

15. Unionville Historic District and Properties Commission

Motion was made and seconded (Apuzzo/Landry) that Robert Hoffman be appointed to the Unionville Historic District and Properties Commission to fill a vacancy for the balance of the five-year term beginning immediately and ending September 30, 2015.

Adopted unanimously.

16. Land Acquisition Committee

Motion was made and seconded (Apuzzo/Landry) that Evan Cowles be appointed as a Farmington Land Trust representative to the Land Acquisition Committee beginning immediately for an indefinite term.

Adopted unanimously.

17. Land Acquisition Committee (Delaney)

Motion was made and seconded (Apuzzo/Landry) that Richard Kramer be appointed as a Farmington Land Trust representative to the Land Acquisition Committee beginning immediately for an indefinite term.

Adopted unanimously.

M. Old Business

There was no Old Business conducted.

N. New Business

- 1. To amend Chapter 98 "Fees" of the Farmington Town Code.

Motion was made and seconded (Apuzzo/Landry) to approve the motion recorded with these minutes as Agenda Item N-1.

Adopted unanimously.

- 2. To approve the Town Council meeting schedule for 2016 and to set the date of the Annual Town Meeting.

Motion was made and seconded (Apuzzo/Landry) to approve the following Town Council Meeting schedule for 2016 and to set the date of the Annual Town Meeting.

TOWN COUNCIL MEETING SCHEDULE

January 12	January 26
February 9	February 23
March 8	March 22
April 11 (Monday)	April 26
May 10	May 24
June 14	June 28
July 12	
August 9	
September 13	September 27
October 11	October 25
November 8	
December 13	

ANNUAL TOWN MEETING(s) AND REFERENDUM(s)

April 25 First Annual Town Meeting

- May 5 First Referendum
- May 9 Second Annual Town Meeting (if needed)
- May 19 Second Referendum (if needed)

3. To approve the 2016 Town Council budget workshop sessions.

Motion was made and seconded (Apuzzo/Landry) to approve the 2016 Town Council budget workshop sessions.

BUDGET WORKSHOP SESSIONS

- March 9 (Wednesday) 4:00 p.m. to 9:00 p.m.
- March 10 (Thursday) 4:00 p.m. to 9:00 p.m.
- March 12 (Saturday) 9:00 a.m. to 12:00 noon
- March 14 (Monday) 4:00 p.m. to 9:00 p.m. (if needed)
- March 15 (Tuesday) 4:00 p.m. to 9:00 p.m. (if needed)

4. To approve property tax refunds.

Motion was made and seconded (Apuzzo/Landry) to approve the following property tax refunds.

NAME	REASON	AMOUNT
1)V. Govindarajan	Assessor's correction	\$ 58.25
2)Maria Macaro	Overpayment	\$810.77
3)E. & M. Nepomuceno	Overpayment	\$500.00
4)Toyota Motor Credit	Assessor's correction	\$ 95.39
5)Toyota Lease Trust	Assessor's correction	\$247.21
6)VW Credit Leasing LTD	Assessor's correction	\$416.63
	TOTAL:	\$2,128.25

Adopted unanimously.

O. Executive Session

Motion was made and seconded (Apuzzo/Landry) to move to Executive Session at 7:48 p.m. with the Town Manager and Town Council present for the discussion of the selection of a site or lease, sale or purchase of real estate.

Adopted unanimously.

The Council returned to Open Session at 8:00 p.m.

P. Adjournment

Motion was made and seconded (Apuzzo/Landry) to adjourn the meeting at 8:00 p.m.

Adopted unanimously.

Respectfully submitted,

Paula B. Ray, Town Clerk

**LEGAL NOTICE
TOWN OF FARMINGTON
PUBLIC HEARING**

A Public Hearing will be held on June 9, 2015 at 7:05 p.m. in the Town Hall Council Chambers to amend Chapter 98 "Fees" of the Farmington Town Code.

Dated at Farmington Connecticut this 26th day of May 2015.

Kathleen A. Eagen
Town Manager

REVISIONS TO
CHAPTER 98 "FEES" OF THE
FARMINGTON TOWN CODE



HISTORY OF CHAPTER 98 "FEES"

- Adopted by Town Council in 1987
- Amended in its entirety in 1992
- Partially amended 1999
- Partially amended 2002

CHAPTER 98 "FEES"

- There has not been an increase in Town of Farmington fees for the past 13 years.

RESEARCH FOR ORDINANCE REVISIONS

- Examined fee schedules of Avon, Glastonbury, Simsbury, South Windsor, West Hartford and Windsor
- Set Chapter 98 “Fees” to be on par with neighboring towns

AMENDMENTS INCLUDE:

1. Update existing fees
2. Delete fees that had outdated language or are no longer applicable
3. Set new fees according to "best practices"

SUMMARY OF CHANGES TO EXISTING FEES

- **Permits for zone changes, Commercial/Industrial site plans, Commercial/Industrial site plans for additions and renovations** – these fees were increased from \$25 to \$35 per acre with a minimum fee of \$100 increased to \$150.
- **All special permits pertaining to residential properties** were increased from \$75 to \$150.
- **All special permits pertaining to commercial properties** were increased from \$75 to \$200 plus \$35 per 1,000 square feet of building space.
- **All permits pertaining to wetland or upland review areas** were increased from \$100 to \$150.
- **Miscellaneous permits** were increased based on the research collected from other towns.

NEW FEES

- **Work started without a permit fee:** This fee refers to any permit that is sought after the activity has already been initiated or completed prior to seeking the required permits. This fee will be twice the original permit fee.
- **Certificate of Approval:** Certificates of Approval will now cost \$5.00. This Certificate will help the Building Official track open building projects.
- **Permit to Excavate (Roadway):** This fee has increased from \$50 to \$100 if a homeowner or contractor needs to perform roadwork in the Town road.
- **Permit to Obstruct Traffic:** This permit will apply to projects that will add to traffic congestion on Town roads. The fee is \$100.

Kathy Eagen

Agenda
corresp.
H-1

To: Brendan.Sharkey@cga.ct.gov; joe.Aresimowixz@cga.ct.gov;
Themis.klarides@housegop.ct.gov
Cc: Farmington Legislators w/ aides 2014
Subject: SB 593

Dear Speaker Sharkey, House Majority Leader Aresimowixz, and House Minority Leader Klarides

On behalf of the Town of Farmington I respectfully urge you all to oppose SB 593.
SB 593 is a huge unfunded state mandate.

SB 593 is not "narrowed-down" — it's actually been "doubled-up", as it would force towns to pay for both mandated cancer presumptions (for a wide variety of cancers) and highly subjective mental stress claims for "witnessing" crimes or the "aftermath" of crimes, without any connection to the use of deadly force. SB 593 would include full wage replacement and dependents benefits.

In states that passed such laws, like Pennsylvania — which passed a cancer presumption law -- **virtually all underwriters left the market.** The few that stayed charged exorbitant rates — insurance premiums in towns increased by 400 percent.

SB 593 is costly. For the cancer presumption mandate alone, the City of Torrance, CA (pop. 147,000) paid over \$1.1 million over 3 years.

SB 593 is unprecedented, as it would **mandate special cancer benefits for firefighters up to 5 years after they retire** -- regardless of their experiences several years after being paid and/or volunteer firefighters.

SB 593 is the opposite of the Speaker's MORE Commission, which was created to implement efficiencies in local government and mandates relief.

SB 593 exacerbates Connecticut's property tax crisis by requiring property taxpayers to shoulder the burden of providing a state-mandated benefit to special interests.

The science is not conclusive on the link between cancer and firefighters. The Centers for Disease Control (CDC) has been studying the correlation between firefighting and cancer for several years — and is still studying the matter. The CDC says that continued study will "improve our understanding of cancer risks and the fire service." It also said, "the risk of cancer in the fire service is still poorly understood." In addition, cited studies discussed involve career firefighters, not volunteer firefighters. *70% of firefighters in the US are volunteers.*

Presumptions put towns in the position of trying to prove a negative. It's a no-win predicament for towns.

Towns already provide first responders with extensive medical coverage — and physical and mental health

services.

Please do not hesitate to contact my office at 860.675.2350 or by email at eagenk@farmington-ct.org with any questions on either of these issues.

On behalf of the residents of the Town of Farmington, I would like to thank you in advance for your advocacy on these issues.

Thank you.

Kathleen Eagen
Town Manager

Agenda H-2

Office of the Town Manager
Memorandum

TO: Duncan Forsyth, Town Attorney
FROM: Kathleen A. Eagen, Town Manager KE
RE: Legal Opinion – 8-24 of Connecticut General Statutes
DATE: April 21, 2015

As you know, the Town has historically sent open space properties to the Town Plan and Zoning Department for a Connecticut General Statutes 8-24 referral.

In reviewing Section 8-24 of the Connecticut General Statutes, it does require a referral to the Town Plan and Zoning Commission if a town is going to acquire or lease a property for *development*. The 8-24 statute is very specific but I do not see the requirement that specifically states that a town must require a referral from TPZ when the town is acquiring land purely for *open space*.

You and I discussed this very briefly at the end of February and I asked for a preliminary opinion.

On February 24, 2014 you responded that even though the State Statute 8-24 is not 100 percent clear, you felt that 8-24 (2) requires any proposed acquisition of "municipality owned property" go to the TPZ for a review. It is your opinion that it is not limited to situations involving municipal development projects. You also stated that you were not aware of any towns that did not send open space acquisitions to their respective Plan and Zoning Commissions.

The Town Council has requested a more comprehensive review of this issue. The Town Council is specifically asking for relevant case law and/or legal decisions which support your initial opinion.

Please feel free to give me a call if you have any questions regarding this request.

Thank you.

MEMORANDUM FROM THE LAW OFFICES OF
HALLORAN & SAGE LLP
225 Asylum Street
Hartford Connecticut 06103

TO:	Kathleen A. Eagen
FROM:	Duncan J. Forsyth & Kelly C. McKeon
DATE:	May 18, 2015
RE:	Conn. Gen. Stat. § 8-24 Review of Open Space Acquisition

You have requested that we provide a comprehensive review of Connecticut General Statute § 8-24 as it pertains to a purposed acquisition of open space by a municipality.¹ It is our understanding that historically, when the Town intends to purchase land to be used as open space, it has referred those proposals to the Town Plan and Zoning Commission pursuant to § 8-24, a practice which we believe is followed in all municipalities. However, the issue has been raised as to whether § 8-24 actually requires such a referral when the Town intends to acquire property merely for open space, as opposed to, for example, acquiring property for development purposes.

SHORT ANSWER:

Based on a comprehensive review of relevant caselaw, the application of well-established rules of statutory construction², as well as an in depth analysis of the legislative history of the statute, it is our conclusion that a referral to the Commission is required under § 8-24(2) when the Town seeks to acquire land for open space.³

¹ Conn. Gen. Stat. § 8-24 reads, in pertinent part: "No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report."

² Well-established "principles of statutory construction . . . require us to construe a statute in a manner that will not thwart its intended purpose or lead to absurd results. We must avoid a construction that fails to attain a rational and sensible result that bears directly on the result that the legislature sought to achieve." *State v. DeFrancesco*, 235 Conn. 426, 436 (1995). In construing any statute, "our fundamental objective is to ascertain and give effect to the apparent intent of the legislature In seeking to discern that intent, we look to the words of the statute itself, to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter." *Gipson v. Comm'r of Correction*, 257 Conn. 632, 639 (2001).

³ As part of our analysis we also solicited comments from other municipal attorneys as to thoughts regarding the requirement for 8-24 review for the acquisition of open space. Without exception, the belief was that such review

BACKGROUND:

First and foremost, it should be noted that our research found no cases which directly addressed this issue; however, it did return several cases from which we can make strong inferences that a referral in the foregoing situation is required. It should also be noted that the plain language of the statute is, many times, ambiguous and challenging to understand. This is likely a result of the fact that the statute itself was first drafted in 1949, and was passed with virtually no debate in either the House or the Senate. The statute has undergone numerous revisions (1959, 1963, 1971, 1985, and 2009). For many years, the statute was one long run-on sentence, but this changed in 1985 when the legislature inserted numbers to indicate four separate subsections. In *Riggione v. Town of Orange*, WL 497101, at * 7 (Nadeau, J., 4/19/2001), the court, in interpreting § 8-24, held that this indicates that the legislature “clearly intended” that these subsections “be truly separable from one another.” Therefore, this legal memorandum addresses subsection two and subsection three (the two subsections relevant for purposes of this memorandum), separately.

ANALYSIS:

1. The plain language of § 8-24(2) provides that the acquisition of land by a municipality for any purpose must be referred to the commission for a report.

It is well-settled law that when the language of a statute is plain and unambiguous, we need to look no further than the words themselves because we assume that the language expresses the legislature’s intent. *Rizzo Pool Co. v. Del Grosso*, 240 Conn. 58, 74 (1997). The plain reading of § 8-24(2) requires a referral for the acquisition of land by a municipality, regardless of why the municipality intends to acquire the land.

The language of § 8-24(2) has not significantly changed since the statute was passed in 1949. Today, it states:

No municipal agency or legislative body shall . . . (2) locate, relocate, substantially improve, *acquire land for*, abandon, sell or lease any airport, park, playground, school *or other municipally owned property* or public building . . . until the proposal to take such action has been referred to the commission for a report.

Conn. Gen. Stat. § 8-24(2) (emphasis added). While § 8-24(2) lists specific examples of municipally owned property – airport, park, playground, school – this subsection, by its terms, is not limited to only those types of properties. Subsection (2) uses the phrase “or other municipally owned property” as a catchall, which would include land to be acquired by a municipality for open space.

was statutorily required.

Our conclusion is further buttressed by taking a look at the statutory scheme as a whole, as well as several cases which have touched upon § 8-24(2) referrals in the context of land acquisitions for open space.

2. The statutory scheme in which § 8-24 is located relates to a planning commission's ability to make planning decisions for the use of land, and acquiring land as open space certainly requires planning.

"It is a basic tenet of statutory construction that the intent of the legislature is to be found not in an isolated phrase or sentence but, rather, from the statutory scheme as a whole." *State v. Breton*, 235 Conn. 206, 226 (1995). Therefore, "[a] statute should be read as a whole and interpreted so as to give effect to all of its provisions." *Pintavalle v. Valkanos*, 216 Conn. 412, 418 (1990). Furthermore, "a statute must be read in light of the purpose it intends to serve." *Figueroa v. C and S Ball Bearing*, 237 Conn. 1, 7 (1996).

Section 8-24 is part of Chapter 126 of the General Statutes, which "provides in general for the creation and functioning of municipal planning commissions." *Aunt Hack Ridge Estates, Inc. v. Planning Comm'n of City of Danbury*, 160 Conn. 109, 112 (1970).⁴ In other words, the statutory scheme in which § 8-24 is located all relates to a planning commission's ability to make planning decisions for the use of land. For example, § 8-23, which is also part of Chapter 126, authorizes a planning commission to adopt and amend a plan of development for the municipality embodying the commission's recommendation for the most desirable use of land, the most desirable dispersal of the density of population and, among other things, provision for streets, parks, playgrounds, and utilities. The plan is required to be "based on studies of physical, social, economic and governmental conditions and trends and shall be designed to promote with the greatest efficiency and economy the coordinated development of the municipality and the general welfare and prosperity of its people." As the Connecticut Supreme Court stated, "the obvious legislative purpose disclosed by § 8-23 is to provide an agency to plan the coordinated development of the municipality in anticipation of changed conditions." *Id.* at 113. To that end, chapter 126 continues with the provision in § 8-24 which requires referral to the commission for a report when a municipal agency or legislative body intends to, for lack of a better term, change the use of land.

In *Aunt Hack Ridge Estates*, the court was asked to determine whether the portion of § 8-25 of the General Statutes, which pertains to open spaces for parks and playgrounds, was unconstitutional.⁵ In holding that § 8-25 was constitutional, the court explained

⁴ Any town may designate either its zoning commission or planning commission as a combined planning and zoning commission for the municipality either by ordinance or by vote of its legislative body. See Conn. Gen. Stat. § 8-4a. The designated commission then has all the powers and duties of both a planning commission and a zoning commission, superseding the authority of the other commission. In Farmington, the Town Plan and Zoning Commission is a combined Commission, which means that all regulations adopted by it as well as the powers it exercises are based on the provisions of Chapter 124 (Zoning) and Chapter 126 (Planning).

⁵ Conn. Gen. Stat. § 8-25, which deals with subdivision approval, provides, in pertinent part:

Such regulations shall also provide that the commission may require the provision of open spaces,

In these days of burgeoning populations, critical housing problems and the incentive which they create for the activity of land developers, the need for parks, recreational areas and open space for the welfare of people looms large. Planning commission recommendations for recreational purposes, for controlling the density of population and for parks and playgrounds would be of little value if, as open spaces are built upon, reasonable provision to accomplish those purposes could not be required. . . . There can be no question that § 8-25 specifically empowers the commission to make provision in its regulations concerning open spaces for parks and playgrounds. Nor can there be any doubt that the regulations which are authorized are designed to implement the commission's planning.

Id. at 114 (internal citation omitted).

It is our conclusion that in light of the conditions to be met by the Commission in carrying out its other functions under Chapter 126, § 8-24 would not be interpreted so as to not require a referral when the Town intends to acquire land for open space. The Commission has powers under Chapter 126 to make planning decisions and recommendations, and acquiring land to be owned by the Town, even if merely for open space, certainly requires planning. Therefore, based on the statutory scheme in which § 8-24 is located, the only logical conclusion is that where the Town intends to acquire land for open space, a referral should be made to allow the Commission to issue a report as part of its planning duties under Chapter 126.

3. Two Connecticut cases demonstrate that “acquiring land for” open space requires referral to the Commission pursuant to § 8-24(2).

First and foremost, we must establish the scope of the term “open space.” “Open space areas provide a place for *recreation*, for contemplation and rejuvenation and for education about nature. In addition, open space is necessary for environmental preservation and conservation, to preserve and create *parks*, wetlands, coastal regions, floodplains and other sensitive areas.” 8 Nichols, Eminent Domain (3d Ed. 2006) § 14D.01[1], p. 14D-3 (emphasis added). In Connecticut, open space is defined in Title 8 as land that is “especially valuable for *recreation*.” See § 8-13m(15), which references § 7-131d(b); see also *Borough of Fenwick v. Town of Old Saybrook*, 133 Conn. 22, 29 (1946) (“[t]he common understanding [of] a *park*, in this country, is a piece of ground in or near a city or town for ornament and as a place for *recreation* and amusement, and it is usually laid out in walks, drives and recreation grounds”). Open space is also defined in Title 51 (Civil Actions), as land which includes, but is not limited to, “any *park*,

parks and playgrounds when, and in places, deemed proper by the planning commission, which open spaces, parks and playgrounds shall be shown on the subdivision plan. Such regulations may, with the approval of the commission, authorize the applicant to pay a fee to the municipality or pay a fee to the municipality and transfer land to the municipality in lieu of any requirement to provide open spaces. Such payment or combination of payment and the fair market value of land transferred shall be equal to not more than ten per cent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value shall be determined by an appraiser jointly selected by the commission and the applicant.

forest, wildlife management area . . . owned by the state, [or] a political subdivision of the state . . .” (emphasis added).

Based merely on the foregoing citations describing the scope of the term “open space,” we believe that the legislature’s use of the word “park” in § 8-24(2) encompasses “open space” because open space is a form of a park, which means that referral is required. In fact, we have found two Connecticut cases that demonstrate that “acquir[ing] land for” open space does require referral to the commission pursuant to § 8-24(2): (1) *Riggione v. Town of Orange*, WL 497101 (Nadeau, J., 4/19/2001) and (2) *Riverfront Future Partners v. Gilbert*, 2010 WL 5158372 (Shortall, J., 12/2/2010). The latter of these two cases also demonstrates that “open space” is a form of “park.”

In the first case, *Riggione v. Town of Orange*, WL 497101 (Nadeau, J., 4/19/2001), the court addressed a matter of “first impression” involving the issue of “when local planning commission review is required under § 8-24 as to certain ‘municipal improvements.’” *Id.* at *1. In *Riggione*, the plaintiffs argued that the town violated § 8-24(2) by “acquiring land for” a road construction project prior to making its referral. The court held that § 8-24(2) prohibits unreviewed “acquiring land for” airports, parks, playgrounds, schools or other municipally owned property or public buildings, but that street-related land acquisitions do not fall into this category because such review is addressed in § 8-24(1), the subsection that already expressly pertains to road modifications.⁶ The plaintiffs argued that the court should read into the catchall phrase “other municipally owned property” of § 8-24(2) the street rubric found in subsection one. In other words, the plaintiffs argued that acquiring land for street improvements and/or construction is also required to be reviewed by the commission prior to acquiring said land, just like it is required prior to acquiring land for parks, playgrounds, and schools because roads are “*municipally owned property.*” (emphasis added). The court dismissed this argument, stating:

First, the legislature demonstrates that it knew how to describe road work, having done so scant words earlier. It need not have used a new and quite oblique reference to do so. It is almost certainly more likely that the phrase ‘or other municipally owned property or public building’ was something of a final catchall device added to the list which immediately precedes it (airport, park, playground, school . . .). The legislature wisely avoided falling into the trap of listing every conceivable purpose (skating rink, swim pond, *open space*, teen center, stadium, etc.) without a catchall and risk missing one that could then go unreviewed for the omission.

Id. at *8 (emphasis added). While this language is dicta, the court clearly believed that acquiring land as “open space” under § 8-24(2) would require a referral to the commission, as it was viewed as being part of the catchall provision – “or other municipally owned property.”

In the second case, *Riverfront Future Partners v. Gilbert*, 2010 WL 5158372 (Shortall, J.,

⁶ C.G.S. § 8-24(1) states, in pertinent part: “No municipal agency or legislative body shall . . . (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way . . . until the proposal to take such action has been referred to the commission for a report.”

12/2/2010), the town wanted to acquire land located along the Connecticut River. In furtherance of that plan, the town council passed an ordinance stating the town's intent to purchase the property, and thereafter, the town council made a § 8-24 referral to the commission, wherein it merely stated that it wanted to acquire the property for a "public purpose." In other words, at first it was unclear exactly what the land would be used for, other than for a "public purpose." On 8/10/2006, the commission gave its approval, concluding that the proposal "is consistent with the Plan of Conservation and Development." The plan provides: "Focus on River-Related *Open Space*, 3. Consider acquiring the property whenever riverfront property becomes available." *Id.* at *6. Thereafter, on 5/4/2009, the town adopted another ordinance that authorized the town to purchase the property. *Id.* at *2. This time, however, the town did not refer the proposal to the commission, and instead, after the plaintiff refused the town's offer, the town commenced condemnation proceedings. *Id.* at *4. Only after the town brought a condemnation proceeding did it refer the proposal contained in the 5/4/2009 ordinance to the commission pursuant to § 8-24, which the commission approved. *Id.* The legal question in the case was whether the town council violated § 8-24 by failing to refer the 2009 ordinance to the commission prior to commencing condemnation proceedings.

The court found a "de minimis" change from the 2006 proposal to the 2009 proposal in that the latter specified that the public purpose would be for a "*public park*." *Id.* at *5 (emphasis added). The court, in concluding that the change was "de minimis" and therefore a second referral was unnecessary, focused on the fact that one of the commission members considering the 2009 referral remarked that the "plan is quite clear that they are working towards making this area '*open space*'" and that such an acquisition of land certainly "fits in the Planning and Zoning Commission's planning as a Planning Agency where the Plan of Development adopted in 2001 indicated that the location indicated in the General Statutes § 8-24 is in agreement with the Plan of Development for the development of a *public park*." *Id.* at *6 (emphasis added). In other words, here, the court is suggesting that open space is a form of park, and under the plain language of the statute, requires a referral under § 8-24(2). However, regardless, we still believe that the plain and unambiguous reading of § 8-24(2) requires a referral for the acquisition of land by a municipality, regardless of why the municipality intends to acquire the land.

4. Acquiring land for open space does not require a referral under § 8-24(3).

As previously noted, prior to 1985, § 8-24 was one long run-on sentence with no numbered subsections. The portion of the statute that would eventually become subsection three read: "No municipal agency or legislative body shall . . . extend or locate any *public housing project or redevelop, recondition or improve any specific area*, . . . until the proposal to take such action has been referred to the commission for a report." After the 1985 legislative session, the statute was revised and subsection three took on what is now its present-day form. Today, § 8-24(3) states: "No municipal agency or legislative body shall (3) locate or extend any *public housing, development, redevelopment or urban renewal project* . . . until the proposal to take such action has been referred to the commission for a report." (emphasis added).

In his introduction of the bill in 1985, Senator Consoli states:

[A] municipality currently cannot begin certain development projects unless it has given the planning commission an opportunity to comment. The bill would extend this requirement to include projects substantially improving municipal property, projects locating or extending public utilities and terminals, and, 3. *projects extending public housing developments, redevelopments or urban renewal projects.*

See 1985, SB 701, S.Proc., pg. 2015 (emphasis added). Senator Consoli's remarks suggest that the inclusion of a comma after "public housing" was an oversight. The transcript of his remarks clearly indicates a pause after the word "developments" instead of after "public housing," which suggests that the legislature actually intended subsection three to state: "public housing development, redevelopment or urban renewal project." (emphasis added).⁷ Further research into the definitions of "public housing development," "redevelopment" and "urban renewal project," as well as their relationship to one another within Connecticut's statutory scheme, provides further support for this construction.

Chapter 130 of the General Statutes (§ 8-124 through § 8-169w) defines both "redevelopment" and "urban renewal project." Section 8-125(1) defines "redevelopment" as "improvement by the rehabilitation or demolition of structures, by the construction of new structures, improvements or facilities, by the location or relocation of streets, parks and utilities, by replanning or by two or more of these methods." A "redevelopment area" is "an area within the state that is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community." In other words, the word "redevelopment" pertains to the improvement and rehabilitation of blighted and/or deteriorated and substandard areas. Similarly, § 8-141 provides that an "urban renewal project" includes "undertakings and activities for the elimination, and for the prevention of the development or spread, of slums or substandard, insanitary, blighted, deteriorated or deteriorating areas, and may involve any work or undertaking for such purpose constituting a *redevelopment project* or any rehabilitation or conservation work, or any combination of such undertaking or work." (emphasis added). In other words, the definitions of "redevelopment" and "urban renewal project" within Connecticut's statutory scheme indicate that the legislature, by including these terms within § 8-24(3), intended to require referrals to the commission when a municipality proposed projects involving the rehabilitation and transformation of run-down and blighted areas. Two Connecticut cases provide additional support for this conclusion.

In *Maritime Ventures, LLC v. City of Norwalk*, WL 2220561 (Rogers, J., 9/5/2003), the town council passed a resolution approving a redevelopment plan that encompassed approximately 70 acres, which required the city to take certain land by eminent domain. The

⁷ In *Riggione v. Town of Orange*, WL 497101 (Nadeau, J., 4/19/2001), the court spends time addressing Senator Consoli's comments made during the 1985 legislative session. In describing his comments, the court states: "Senator Consoli mentions that the revision extends the review of the planning commission to include . . . projects extending public housing developments, redevelopments or urban renewal projects." *Riggione*, WL 497101, at *8 (emphasis added). In other words, the court, while summarizing rather than quoting Senator Consoli's comments, again indicates that the comma and point of pause should be placed after the noun, "public housing development."

court states that a § 8-24 referral was made to the commission, which approved the redevelopment plan. While subsection three is not specifically referenced, we can infer that this was the subsection used, as the defendant was the Norwalk Redevelopment Agency, which is an agency responsible for preparing and implementing plans to redevelop the city of Norwalk pursuant to Chapter 130. *Id.* at *1. The Agency's plan was to redevelop certain land in Norwalk that had "deteriorated" and become "seriously blighted." *Id.* at *2. In such a situation, a § 8-24(3) referral certainly must be made. Similarly, in *Vegliante v. Town of East Haven*, WL 1120565 (Skolnick, J., 3/29/2007), the town sought to take certain property pursuant to an "Urban Renewal Plan for the East Haven Center Urban Renewal Area." The court states that the "East Haven legislative council approved the plan; and that it obtained § 8-24 approval from the planning and zoning commission . . . prior to the underlying condemnation action." *Id.* at *8. Again, although the court does not specifically state subsection three as being the section under which the referral was made, we can infer that this was the case, as the town was seeking to obtain property via eminent domain based on an Urban Renewal Plan that was adopted under the provisions of Chapter 130.

In both *Maritime* and *Vegliante*, the § 8-24 referral made (presumably under subsection three), was a result of the town seeking to take deteriorated and/or blighted property for redevelopment purposes. In both cases, the court looked to the statutory scheme located in Title 8, Chapter 130.

Chapter 130 does not define the standalone word "development." In such a case, "resort to other sections of the general statutes for illustration of the meaning of statutory language is proper." *Kaufman v. City of Danbury Zoning Com'n*, WL 316792, at *2 (Mottolese, J., 8/13/1993). Conn. Gen. Stat. § 8-37r(b) establishes the Department of Housing, whose powers and duties relate to "housing, community development, *redevelopment* and *urban renewal* as set forth in chapters 128, 129, 130, 135 and 136." (emphasis added). The Connecticut Department of Housing is "designated a *public housing* agency for the purpose of administering the Section 8 existing certificate program and the housing voucher program pursuant to the Housing Act of 1937." C.G.S. § 8-37r(b) (emphasis added).⁸ In other words, the Connecticut legislature regulates public housing development under the same set of statutes it regulates "redevelopment" and "urban renewal projects," providing more support for the conclusion that the comma after "public housing" must be read out of § 8-24(3) so that it reads "public housing development, redevelopment or urban renewal project." Such a construction gives effect to the apparent intent of the legislature in requiring referrals to the commission for projects involving the rehabilitation of blighted areas.

The last indication that the legislature intended the comma be placed after "public housing development" instead of having "development" act as a standalone word within § 8-24(3) is that the prior language stated "public housing project or redevelop, recondition . . ."

⁸ Chapter 128 pertains to the regulation of low and moderate income rental housing; Chapter 129 establishes the Connecticut Housing Authority; Chapter 130 pertains to redevelopment and urban renewal; Chapter 135 is the Uniform Relocation Assistance Act, which establishes a policy for the fair and equitable treatment of persons displaced by the acquisition of real property by the state or local governments; and Chapter 136, provides, among other things, helps to low-income residents to obtain financial resources to make down payments on housing.

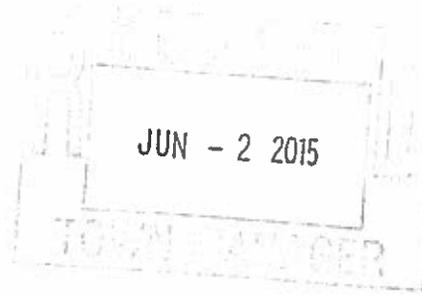
(emphasis added). There, the comma is placed after the noun, “public housing project” which further indicates that this was merely an error in drafting.

In conclusion, this subsection dealing with development of municipal property is not applicable to the acquisition of property for the purposes of open space. However, even if a court were to conclude that the legislature did in fact intend the comma to be placed after “development,” the result, for purposes of determining whether a referral is required under § 8-24 when the town intends to acquire land for open space, is the same. Black’s Law Dictionary defines “development” as “1. A substantial human-created change to improved or unimproved real estate, including the construction of buildings or other structures. 2. An activity, action, or alteration that changes undeveloped property into developed property.” Black’s Law Dictionary (10th ed. 2014). Furthermore, Merriam–Webster’s Dictionary defines “develop” in a land context as follows: “to convert (as raw land) into an area suitable for residential or business purposes.” In short, acquiring land to be used merely as open space certainly does not qualify as “development” and would make this section inapplicable.

CONCLUSION:

Based on our comprehensive review of relevant caselaw, the application of well-established rules of statutory construction, as well as a review of the statutes legislative history, it is our conclusion that a referral to the Commission for the proposed acquisition of land for open space is required under § 8-24(2), but is not required under § 8-24(3).

Town Council Members
1 Monteith Drive
Farmington, CT 06032



June 1, 2015

Dear Town Council Members,

I write to you today on behalf of the current and future retirees of the Town of Farmington's Defined Pension Plan. My name is Bernadine Dayton and I have been an employee and participant in the Town of Farmington defined pension plan for 29 years. I am a resident of South Glastonbury and a property owner in Farmington.

It has been brought to my attention that it has been more than 5 years since the Board of Administration (aka Pension Board) has initiated a study by the pension plan actuary to determine what effect the economic conditions have had on existing retiree pensions.

The language concerning this required study can be found in the Town of Farmington Charter which states:

§ 51-69 Pension benefit review.

The Board of Administration shall cause a study to be made by the plan actuary and prepare a report to the Town Manager for submission to the Town Council every five years, commencing with the fiscal year ending June 30, 1991, on the current status of the pension benefits made to all retirees who were previously employees and the effect of economic conditions on the payments over that period. The Town Council, after receiving the report referred to, shall have the right, in its sole and exclusive discretion, to make adjustments in the payments being made to former employees previously retired under this plan. The Town Council shall vote on any such proposed adjustment within 90 days from the date it receives the report from the actuary.

I request that this study be conducted without delay so that those affected retirees can be made whole.

Thank you for your consideration and I look forward to the results.

Best regards,

Bernie Dayton
Bernie Dayton

cc: AFSCME #1689
IBPO #331
IAF #3103
SEIU #2001
Kathy Eagen, Town Manager

MOTION:

Agenda Item N-1

To amend Chapter 98 "Fees" of the Farmington Town Code per the attachment.

NOTE:

At the request of the Town Council, I have been working with Town staff to amend Chapter 98 "Fees" of the Farmington Town Code. Chapter 98 outlines a schedule of fees for the processing of permit applications by the Planning, Building, and Engineering Departments. The Town Council adopted Chapter 98 in 1987 and the ordinance was amended in its entirety in 1992. Since then, the ordinance has been partially amended twice: once in 1999 and once in 2002.

In preparation for this ordinance revision, I researched the fee schedules set forth by other towns that are similar to Farmington. Specifically, I examined the fee schedules of Avon, Glastonbury, Simsbury, South Windsor, and Windsor. I was interested in comparing our fee schedule to that of our peers. I also used this research to guide the setting of new fees that were on par with our neighbors, but also low enough to encourage homeowners to make improvements to their properties and to encourage continued commercial development in Town.

In general, I have increased the required fees for most permits. Many of the increases can be grouped into general themes:

- Permits for zone changes, Commercial/Industrial site plans, Commercial/Industrial site plans for additions and renovations – these were increased to \$35 per acre with a minimum fee of \$150.
- All special permits pertaining to residential properties were increased to a minimum fee of \$150. Special permits for commercial properties now include a base fee of \$200 plus \$35 per 1,000 square feet of building space.
- All permits pertaining to wetland or upland review areas begin at \$150.
- Miscellaneous permits have been increased based on the research collected from other towns.

Additionally, I have included some new fees in order to better oversee the building work in Farmington and to reduce the disruptions to our roads and traffic.

- **Work started without a permit fee:** This fee refers to any permit that is sought after the activity has already been initiated or completed prior to seeking the required permits. This fee will be twice the original permit fee. This fee will discourage people from working without permits and then applying for building permits and certificates of occupancy when the building is up for sale.

- **Certificate of Occupancy/Approval:** Each new building project requiring a permit must be officially closed by the Building Official. The Building Official will give a Certificate of Occupancy for buildings. Certificates of Approval are given for structures such as sheds. These certificates will help the Building Official track open building projects.
- **Permit to Excavate:** This permit will apply to contractors and homeowners who need to excavate the roadway in order to complete their projects. This will ensure that the Town is compensated for damages incurred to the roadway as a result of these projects. This permit will not apply to utility companies.
- **Permit to Obstruct Traffic:** This permit will apply to projects that will add to traffic congestion on Town roads.

I have attached a red line copy of Chapter 98.

Attachment

Chapter 98, FEES

[HISTORY: Adopted by the Town Council of the Town of Farmington 11-24-1987 by Ord. No. 86; amended in its entirety 1-30-1992. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- Building construction – See Ch. 83.
- Food-processing establishments – See Ch. 106.
- Inland wetlands and watercourses – See Ch. 125.
- Subdivision regulations – See Ch. 172.
- Zoning regulations – See Ch. 197.

§ 98-1. Fees established. [Amended 9-28-1993]

The following schedule of fees for the processing of applications by town agencies and for the use of the town's Geographic Information System (GIS) is established to be effective on and after December 1, 1993:

NOTE: Sections A-P are subject to an additional mandated \$60 State of Connecticut Department of Energy and Environmental Protection (DEEP) fee. [2015]

Comment [GT1]: The State of Connecticut collects \$60 from the Town for each of the permits described in sections A-P.

- A. Zone change:
 - (1) ~~Twenty-five~~ **Thirty-five** dollars per acre. [Amended 5-25-1999]
 - (2) One hundred ~~and fifty~~ dollars minimum fee.

Comment [GT2]: Outdated language

- B. ~~Development plan~~ **Special Permit** for multifamily residential use **(3 or more units)**:
 - (1) ~~Twenty-five~~ **Fifty** dollars per unit. [Amended 5-25-1999]
 - (2) One hundred ~~and fifty~~ dollars minimum fee.

~~C. Zone change and site plan:
 Twenty-five dollars per acre plus \$25 per 1,000 square feet of building space.
 [Amended 5-25-1999]
 (2) One hundred dollars minimum fee.~~

Comment [GT3]: "Zone Change and site plan" is covered by "Site plan (commercial/industrial)" as described below.

- C. Site plan ~~(commercial/industrial)~~:
 - (1) ~~Twenty-five~~ **Thirty-five** dollars per acre plus ~~\$25~~ **\$35** per 1,000 square feet of building space. [Amended 5-25-1999]
 - (2) One hundred ~~and fifty~~ dollars minimum fee.

- D. Site plan for additions and renovations ~~(commercial/industrial)~~:
 - (1) ~~Twenty-five~~ **Thirty-five** dollars per 1,000 square feet of building space. [Amended 5-25-1999]
 - (2) ~~Seventy-five dollars~~ **One hundred and fifty dollars** minimum fee.

E. Modification of prior approval: \$150. [Amended 5-25-1999]

- F. ~~Special permit or special exception: \$75.~~
 - (1) ~~Residential special permit: \$150~~
 - (2) ~~Commercial special permit: Base fee of \$200 plus \$35 per 1,000 square feet of building space.~~

Comment [GT4]: Separate categories for residential and commercial.

- G. Modifications of special permit or special exception: ~~\$75~~ \$150
- H. Change in text of Zoning or Subdivision Regulations: \$250. [Amended 5-25-1999]
- I. Signs: ~~\$4950~~.
- KJ. Subdivisions and Resubdivisions:
 - (1) Two hundred dollars per lot fronting on existing street. [Amended 5-25-1999]
 - (2) Two hundred fifty dollars per lot fronting on proposed street. [Amended 5-25-1999]
 - ~~(1) Payment of these fees may be made in two installments, the first at the time of filing in the amount of \$50 per lot and the second within 20 days following the date of approval in the amount of the balance of \$100 or \$150, respectively, per approved lot. The fee for each lot proposed to contain an affordable housing unit, as defined by Article II, Section 25.F.1 and 2 of the Zoning Regulations, shall be \$25.~~
- K. Variance: ~~\$400~~ \$150.
- L. Use variance: ~~\$200~~ \$150. [Amended 5-25-1999]
- M. Appeal from decision of Zoning Enforcement Officer or Building Official: \$150. [Amended 5-25-1999]
- ~~O. Regulated activity in a wetland: \$100 plus \$5 per wetland acre.~~
- N. Regulated activity in a wetland or upland review area requiring public hearing: ~~\$400-150~~ plus \$5 per wetland acre, plus \$75.
- O. Change in wetland boundary: ~~\$400~~ \$150 plus \$5 per wetland acre.
- P. Modification of prior wetland approval: \$150.
- Q. Building permit: ~~\$13-\$14~~ 15 per each \$1,000 of building costs or portion thereof. [Amended 5-25-1999]
- ~~R. Work started without a Permit Fee: The fee for any permit required or sought after the fact (that is for which the activity has already been initiated or completed prior to seeking the required permit(s)), shall be two times the fee(s) required herein. These fees shall be in addition to any fine(s) as may be properly imposed by the Building Official or Hearing Officer or Court.~~
- S. Certifications of
 - ~~(1) Certificate of eOccupancy: \$1.00 - \$40~~ \$15.
 - ~~(2) Certificate of Approval: \$5~~
- ~~U. Permit to Excavate

 - (1) Within right-of-way: \$50
 - (2) Within Roadway: \$100~~

Comment [GT5]: This is an out-of-date process and it can be administratively burdensome.

Comment [GT6]: Covered by section below.

Comment [GT7]: Many peer governments have this type of fee to discourage people from beginning and completing projects without permits and then applying for a permit when they are trying to put the house up for sale.

Comment [GT8]: Each new building project requiring a permit must be officially closed by the Building Official. The Building official will give a Certificate of Occupancy for buildings. Certificate of Approvals are given for structures like sheds.

Comment [GT9]: This permit will apply to contractors and homeowners who need to excavate the roadway in order to complete their project. Will apply to utility companies.

V. ~~Permit to Obstruct Traffic: \$100~~

Comment [GT10]: Permit for projects that will add to the traffic congestion on Town roads.

U. ~~Zoning compliance certificate: \$ 2.00 - \$12~~

Comment [GT11]: No longer necessary

W. Health and sanitation permits and services: The Farmington Valley Health District sets its own fee schedule annually and can be found at www.fvhd.org.

X. Geographic Information System Data. [Added 9-28-1993]

1) ~~Programming time: thirty five dollars (\$35.00) forty five dollars (\$45) per hour, minimum charge of twenty dollars (\$20). Seventy five dollars (\$75) per hour, minimum charge of seventy five dollars (\$75).~~

Comment [GT12]: Covers the hourly rate of the Town's Draftsperson

2) ~~Central processing unit time: thirty dollars (\$30.00) forty five dollars (\$45) per hour, minimum charge of ten dollars (\$10).~~

Comment [GT13]: Central processing unit time and plotter time are now covered in programming time due to technological advances

3) ~~Plotter time: twenty five dollars (\$25.00) thirty five dollars (\$35) per hour minimum charge of ten dollars (\$10).~~

4) ~~Media costs:~~

~~(a) Vellum/Bond (A-D size): two dollars (\$2) three dollars (\$3).~~

~~(b) Vellum/Bond (E size): thirty dollars (\$30) four dollars (\$4).~~

~~(c) Mylar (A-D size): three dollars (\$3) five dollars (\$5).~~

~~(d) Mylar (E size): four dollars (\$4) eight dollars (\$8).~~

~~(e) Five and one fourth inch diskette: two dollars (\$2).~~

~~(f) Recordable CD: Three dollars (\$3)~~

~~(g) Three and one half inch diskette: two dollars and fifty cents (\$2.50).~~

~~(h) Paper copy of Town topographic maps: ten dollars (\$10).~~

Comment [GT14]: These media costs are now out-of-date. Typically we will give someone a print out or a digital pdf file.

Y. ~~Use of Municipal Buildings (Excluding School Facilities)~~

1) ~~Non-profit Groups/Community Organizations (Farmington-based) - Janitor Fee (if needed)~~

2) ~~Non-profit Groups/Community Organizations (Not Farmington-based)~~

~~a) Janitor Fee (if needed)~~

~~b) \$25.00 building usage fee~~

3) ~~Profit Groups~~

~~a) Janitor Fee~~

~~b) \$300.00 Building Usage Fee~~

Comment [GT15]: Community and Recreational Services updates the fee schedule for the Community & Senior Center annually. These fees do not need to be included in an ordinance

§ 98-2. Exceptions.

Fees shall only be waived for projects on Town owned land or as prohibited for other governmental agencies.

§ 98-3. Refunds.

In the event that an application is withdrawn at the request of an applicant, the application fee shall be refunded in a sum according to the following conditions:

Kathy/ordinances/chapter98fees

A. The application fees for subdivisions and resubdivisions, special permits, zone changes, variances, special exceptions and significant wetland activities shall be fully refunded where an application is withdrawn within one week of the date of submission, except that portion of the fee already spent on the cost of the legal advertisement.

~~B. Up to one-half (1/2) of the application fee for applications specified in Subsection A above may be refunded where an application is withdrawn prior to the date of the scheduled public hearing. In the process of establishing the specific amount of money to be refunded, the agency shall consult with town staff as to the number of hours already spent on the review of such application.~~

Comment [GT16]: This is covered by subsection A of Section 98-3

~~B. No portion of a fee shall be refunded where an application is withdrawn on or after the date of the scheduled public hearing.~~

§ 98-4. Costs of special studies or consultations. [Amended 3-26-2002]

Certain applications for extraordinarily large or otherwise significant projects pose environmental, traffic and/or other issues beyond the expertise of the Town Plan and Zoning Commission's staff to evaluate and make appropriate recommendations. In such instances, which occur only infrequently, if the Commission, after reviewing the matter with its staff, reasonably concludes that outside, independent studies and/or consultations are necessary for the Commission to decide the issues before it, the Commission may require an applicant, as a condition of processing its application, to pay for the costs of such studies or consultations. The total amount of such costs which an applicant shall be required to pay shall be reasonable. The Commission shall seek, to the extent practicable, to identify the need for such studies or consultations prior to the commencement of the public hearing process; provided, however, that the Commission may also make such a determination during the hearing process. The Commission shall notify the applicant of its determination that such studies or consultations are needed as soon as practicable following such determination. The Commission shall select, at its sole discretion, the persons or entities who are to perform such studies or consultations, and the Commission shall direct the performance of such studies or consultations. The Commission may require the applicant to post a cash bond secured by a passbook savings account, or any other form of security satisfactory to the Town Manager, in an amount reasonably calculated to reflect the anticipated actual cost of such studies or consultations. Any portion of such bond or other security which is not exhausted shall be returned or released to the applicant. The provisions of this section shall also apply to applications ~~made to the Commission in its capacity as to~~ the Farmington Inland Wetlands and Watercourses Agency.

~~§ 98-5. Hearing transcript.~~

~~When a copy of a transcript of any hearing is requested, there will be a charge of \$3 per page.~~

Comment [GT17]: This is rarely used because of technological advances in text-to-speech software and the availability of digital recordings

§ 98-56. Changes.

Changes in the above fees may be made by resolution adopted by the Town Council or by the Farmington Valley Health District, whichever is applicable, and such changes shall be filed in the office of the Town Clerk.