

TOWN OF SOMERS
PUBLIC HEARING
Tuesday, December 21, 2010
Town Hall Auditorium

Call to Order - The meeting was called to order at 6:00 PM by First Selectman Lisa Pellegrini and everyone participated in the Pledge of Allegiance.

Doug Minich read the Legal Notice for the Public Hearing.

Mrs. Pellegrini gave a brief overview of the items on the hearing agenda beginning with the **Animal Control Services Cost Sharing Agreement by and Between the Towns of Somers and East Windsor**. She informed the audience that this venture would save the taxpayers approximately \$10,000 per year. Mr. David Pinney of 214 North Maple Street, Somers, CT asked why our facility was less efficient than that of East Windsor. Mrs. Pellegrini responded by stating that several factors, including inefficient appliances and heaters, most of which have been corrected, contributed to the high cost. Mrs. Carol Pyne suggested that the agreement include the address of the East Windsor facility. Mr. Barry Moynihan of 119 Maple Street inquired of the condition of the east Windsor facility and was assured by Mrs. Pellegrini that it is satisfactory condition.

Anti Blight Ordinance – After a brief overview of the proposed ordinance Carol Pyne asked if Historic Buildings would be exempt. The proposed ordinance does not state that they would. Mr. Rick Leno 80 Pond circle asked if other towns had similar ordinances covering weeds and grass. Attorney Carl Landolina replied that this was based on the Enfield Blight ordinance and only the first 25' abutting a public way must be maintained. Dave Birkenshaw 129 Stafford Road asked if equipment and machinery in the process of repair on an owned property would constitute a violation of the ordinance. Attorney Landolina cited the 90 day time frame from purchase to comply with the ordinance. David Pinney asked if farm equipment would apply and was referred to the agricultural exemption. Rick Leno asked if subdivisions in progress would apply. Attorney John Parks suggested that all work in progress be exempt from the ordinance. Mr. Chet Ladd inquired where the idea for the ordinance arose and also asked if this wasn't already addressed in the Zoning regulations and stated that mowing could be an issue and asked for clarification. Attorney Landolina said the ordinance could be altered to allow for grass height. George Roberts 8 Autumn Lane expressed that the ordinance was a good idea and would protect neighbors who keep their property in good repair. Attorney George Shober noted that the Town is exempt in the ordinance and suggested they should not be. He also suggested the ordinance could lead to persecution of particular individuals by the ZEO.

Ordinance to Create and Become a Member of the Central Connecticut Solid Waste Authority. Mrs. Pellegrini explained that the CRRA agreement was expiring at the end of this year and that the CRRA was appointed by the Governor. The new authority ("CCSWA"), would be appointed by member towns and be able to bid for waste disposal. Mr. Pinney reminded the assembly that Somers was not a member of CRRA and asked if we joined, would we be obligated to a bid.

Mrs. Devlin confirmed we were not members, and Mrs. Pellegrini said that 13 towns were members with 4 others considering joining. She also stated this would have no impact on present private curbside pickup. Chet Ladd asked if this authority would be like the CRRA and was assured that it was not. Rick Leno asked if this association would lead to lower cost per ton and was told this was the goal. George Roberts thought it was a good idea, would bring some competition for the CRRA and that other options, such as private curbside pickup were available.

Design Advisory Board Ordinance. Mrs. Pellegrini explained that this ordinance was adopted on April 17, 2006 at a Town Meeting, but an effective date was never fixed. Dave Birkenshaw asked how to rid of the ordinance. Chet Ladd thought this ordinance and Board was another layer of government not needed. Mrs. Devlin pointed out that the current POCD suggested the need for this ordinance. Rick Leno said that if the ordinance was on the books for 4 ½ years with no activity, why was it needed now. Attorney Landolina said that if the Townspeople wanted to repeal the ordinance, they could but the proper procedure was to fix and effective date then repeal it. Carol Pyne expressed the view that this was put in place to keep the town looking nice. Attorney Landolina stated that if Somers adopts a Village District, the Town must have a design review board. Dave Pinney wanted to know if this ordinance covered commercial and multifamily buildings but not residential and was assured that this was correct. Attorney Shober asked why the Town could not just let it hang out there. Attorney Landolina restated the proper procedure for handling the ordinance and assured Attorney Shober that the project he represents would not be impacted by this ordinance.

An Ordinance Establishing Fees for Significant Land Use Applications and Affordable Housing Applications. Mrs. Pellegrini explained that this ordinance would require applicants to provide \$10,000 for outside consultation on difficult projects and \$250 to be used for advertising payable to a fund for Planning and or Zoning Commission. Rick Leno pointed out that as developer, he has to pay consultants and pays the Town Engineer through his taxes. Chet Ladd asked for the definition of significant. Attorney parks expressed his opposition to this proposal. George Roberts thought it was fair to have and that the town runs into projects that, from time to time, require the need for outside consultants. Jason Avery said the construction of the Senior Housing addressed the ability of the local officials to handle a sizeable project. Rick Leno has installed septic fields in his subdivisions and is confident in Sanitarian Steve Jacobs ability to monitor plans. Attorney Landolina pointed out that there may be times when the Town needs the advice of outside experts and there will be issues that the Town does not know about. Attorney Parks said that the word significant was perhaps, the wrong word, and should be amended. Attorney Landolina allowed that this suggestion had merit. Dave Pinney corrected Mr. Avery's statement about Senior Housing and said that the DEP designed the septic system not the Town. Attorney Parks again expressed his concern regarding the terms significant and large. Selectman Joe Tolisano suggested that significant and large is replaced with "technically complex". Rick Leno asked if the Town had ever hired outside experts because issues were outside the area of expertise of Town employees. He also asked who votes, and Attorney Landolina said the Selectmen vote and outlined the procedure for citizens to repeal an ordinance. Chet Ladd objected to the word significant. Attorney Shober referred to his current

project saying it was not complex, and passing this ordinance with its fee may be contrary to state law. He also asked if the \$10,000 fee applied to each applicant and each board they must pass. Mrs. Pellegrini said that the Board of Selectmen must protect the interests of the taxpayers of the Town of Somers. Attorney Shober again expressed concerns about his ongoing project and both Attorney Landolina and Mrs. Pellegrini said his concerns were noted and asked him to speak about his project at the proper forum, which is an upcoming Town Meeting. Chet Ladd thought the town is on the right track and that in the scope of a project \$10,000 is not a deal killer, and again expressed his concern about significant. George Roberts asked what would become of the fee if some or all of it was not used, and was told it would be returned to the developer.

Mrs. Diane Lopez of Sunset Farm asked when she could speak about stop signs and Mr. Minich advised her it was not on any of the evening's agendas and could not be brought up. He gave her his card and asked her to contact him to schedule the discussion for a future Selectmen's meeting.

Mrs. Pellegrini made a motion to adjourn the Public Hearing and Mr. Tolisano seconded and the vote to adjourn was unanimous at 7:31 PM.

Respectfully submitted,
Douglas H. Minich – Recording