RECEIVED AND FILED
TOWN OF SUFFIELD
OCT 19 2021
SUFFIELD TOWN CLERK

Minutes of Suffield Town Meeting
10/12/2021

The Town Meeting of the Town of Suffield was called to order by Town Clerk Kathy Dunai, at 7:03 PM. The Town Meeting was held at the Suffield Middle School, 350 Mountain Road, Suffield, CT.

Upon nomination by Kim Worthington, 21 Clay Creek Drive, with a second by Derek Donnelly 988 Russell Avenue, Edward McAnaney, 85 Wren Drive, was unanimously elected moderator by voice vote.

There were no additional nominations for moderator from the floor.

The Pledge of Allegiance was orchestrated by Moderator McAnaney.

Town Clerk Kathy Dunai read the Legal Notice into record as published in *the Journal Inquirer* on October 1, 2021.

A motion was made by Derek Donnelly, 988 Russell Avenue that all votes conducted tonight be made by voice vote. This motion was seconded by Kathleen Harington, 700 North Street,

The motion passed unanimously by voice vote.

Kathleen Harrington, 700 North Street, with a second by Eleanor Binns, 1174 Blossom Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2025 for the 10-acre Stratton Farms open space property to Nowak Farms,LLC.

Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield was invited to the podium to present the PowerPoint and address questions regarding the renewal of the above lease.

The motion passed unanimously by voice vote.

Larry Plano, 771 Thompsonville Road, with a second by Kim Worthington, 21 Clay Creek Drive, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2025 for the 15.2-acre Malec Farms open space property to Bielonko Farms, LLC.
Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield remained at the podium to present the PowerPoint and address questions regarding the renewal of the above lease as well.

The motion passed unanimously by voice vote.

Kathleen Harrington, 700 North Street, with a second by Eleanor Binns, 1174 Blossom Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2026 for the 41-acre property known as Hilltop West to Sunny Hill Farm, LLC.
Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield remained at the podium to present the PowerPoint and address questions regarding the renewal of the above lease as well.

The motion passed unanimously by voice vote.

Kacy Colston, 489 Warnertown Road, with a second by Howard Orr, 32 Deep Brook Harbor, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield authorize the three, seven year lease renewals through December 30, 2042 for 60 acres of the 79 acre Hilltop Farm East property to Friends of the Farm at Hilltop.
Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield remained at the podium to present the PowerPoint and address questions regarding the renewal of the above lease and the improvements made to the property over several years.

The motion passed unanimously by voice vote.

Martin Deren, 1077 Halladay Avenue West, with a second by Eleanor Binns, 1174 Blossom Street, presented the following resolution

Resolved: That the Town Meeting of the Town of Suffield authorize the expenditure of $104,730 from the Open Space Fund for the purpose of purchasing the Development Rights from the Mol Farm consisting of 35 +/-acres located off of South Grand Street.

Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield remained at the podium to present the history and mission of the Farmland Preservation Program in our town. The PowerPoint was explained addressing questions regarding the purchase of the above development rights.

The motion passed unanimously by voice vote.

Kathleen C. Dunai, 1510 North Stone Street, with a second by Martin Deren, 1077 Halladay Avenue West, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield authorize the expenditure of $507,500 from the Open Space Fund for the purpose of purchasing a Conservation Easement from the Falkowski/Stearns property consisting of 98.5 +/-acres located off of North Main Street.
Further Resolved: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town Planner and Economic Director Bill Hawkins for the Town of Suffield remained at the podium to present the PowerPoint and address questions regarding the conservation easement.

The motion passed unanimously by voice vote.

Kim Worthington, 21 Clay Creek Drive, with a second by Michele Urch, 312 North Grand Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby waives the reading of the Illicit Discharge and Connection Stormwater Ordinance.
Further Resolved: That the Town Meeting of the Town of Suffield hereby adopts the Illicit Discharge and Connection Stormwater Ordinance, as presented.

Town Attorney Derek Donnelly for the Town of Suffield was invited to the podium to present the PowerPoint regarding the stormwater ordinance and address questions regarding the regulations and its purpose.

The motion passed unanimously by voice vote.

Ann Borg, 1310 Mountain Road, with a second by Geert Mol, 399 South Grand Street, presented the following resolution.

Resolved: That the Town Meeting of the Town of Suffield hereby authorizes the transfer of the landlocked parcel at 1027 North Stone Street to Jane Beresford.

Town Attorney Derek Donnelly for the Town of Suffield remained the podium to present the PowerPoint regarding the transfer of this property and address questions regarding the unique situation where a very historic tree once stood.

The motion passed unanimously by voice vote.

Moderator McAnaney asked for a motion to close the town meeting.

Kathleen Harrington, 700 North Street, with a second by, Derek Donnelly, 988 Russell Avenue motioned to close the town meeting. The motion to adjourn passed unanimously by voice vote.

The Town Meeting concluded at 7:55 PM.

Respectfully Submitted,

Kathleen C. Dunai, CCTC
Town Clerk

RETURN OF NOTICE

I HEREBY CERTIFY that on October 1, 2021, I caused notice to be given of the foregoing Warning for a Town Meeting to be held October 12, 2021 by posting upon a signpost or other exterior place near the office of the town clerk of the Town of Suffield a printed or written warning signed by the selectmen.

I HEREBY CERTIFY that on October 1, 2021, I published a like warning in the Journal Inquirer, a newspaper having a circulation in Suffield.

I HEREBY CERTIFY that such posting and such publication all being at least five days previous to holding the meeting, including the day that such notice was given, but not including the day of the holding of such meeting

I HEREBY CERTIFY that a copy of such Warning is hereby filed with the Town Clerk of Suffield.

Kristen O. Lambert
Assistant to the Board of Selectmen

I hereby certify that on or before the day of such meeting, the foregoing Notice and Return of Notice are duly recorded in the records of the Town of Suffield, Connecticut.

Kathleen Dunai
Town Clerk

Dated: October 1, 2021

RECEIVED AND FILED
TOWN OF SUFFIELD
OCT 01 2021
SUFFIELD TOWN CLERK

LEGAL NOTICE

NOTICE OF A TOWN MEETING
TOWN OF SUFFIELD

Notice is hereby given that a Town Meeting of the inhabitants of the Town of Suffield, Connecticut qualified to vote in Town Meeting, will be held in the auditorium at the **Suffield Middle School, 350 Mountain Road** on **Tuesday, October 12, 2021 at 7:00 p.m.** for the following purpose to wit:

a. To approve a five (5) year lease extension of town owned land located off of Edgewood Drive (Stratton Farms Subdivision) to Nowak Farms, LLC; and

b. To approve a five (5) year lease extension of town owned land located off of Lise Circle (Malec Farms Subdivision) to Bielonko Farms, LLC; and

c. To approve a five (5) year lease extension of town owned land located off of Mapleton Avenue to Sunny Hill Farm; and

d. To approve a seven (7) year lease extension of town owned land located off Mapleton Avenue with two (2) seven (7) year options to FOFAH, Inc; and

e. To approve the expenditure of $104,730 from the Town of Suffield Open Space Fund to purchase the development rights to the Mol Farm located at 399 South Grand Street; and

f. To approve the expenditure of $507,500 from the Town of Suffield Open Space Fund to purchase a conservation easement on the Falkowski/Stearns property located at 380 North Main Street; and

g. To approve Illicit Discharge and Connection Stormwater Ordinance

h. To approve the transfer of landlocked parcel within 1027 North Stone Street to Jane Beresford

Dated at Suffield, CT this 29th day of September, 2021.

BOARD OF SELECTMEN-TOWN OF SUFFIELD

Melissa M. Mack, First Selectman
Timothy Reynolds, Selectman
Peter Hill, Selectman
Kathleen Harrington, Selectman
Jeremiah Mahoney, Selectman

RECEIVED AND FILED
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OCT 1 2021
SUFFIELD TOWN CLERK

Town Meeting

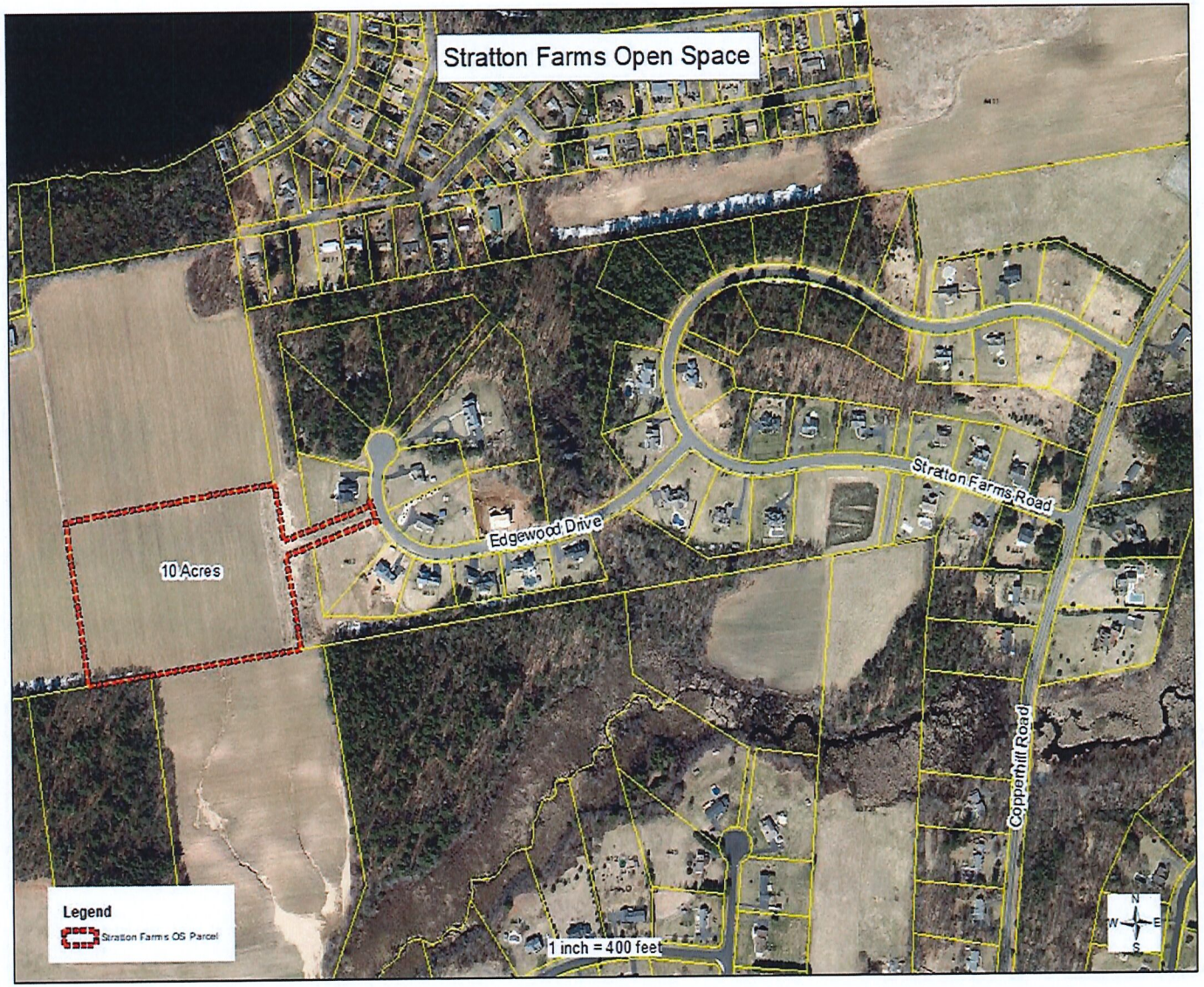
October 12, 2021

Leasing Town Owned Land

- Stratton Farms Open Space – Edgewood Drive
- Malec Farms Open Space – Lise Circle
- Hilltop Farm West – Mapleton Avenue
- Hilltop Farm East – Mapleton Avenue

Stratton Farms Open Space

- Leased to Suffield based Nowak Farms, LLC since 2012.
- Property is 10 acres and used for the cultivation of tobacco.
- Seeking a five-year lease renewal through March 31, 2025. Most current lease expired in 2020.
- Rate is $2,677 per year for each year of the lease ($13,385 total).


Stratton Farms Open Space
10 Acres
Edgewood Drive
Stratton Farms Road
Copperhill Road
Legend
Stratton Farms OS Parcel
1 inch = 400 feet
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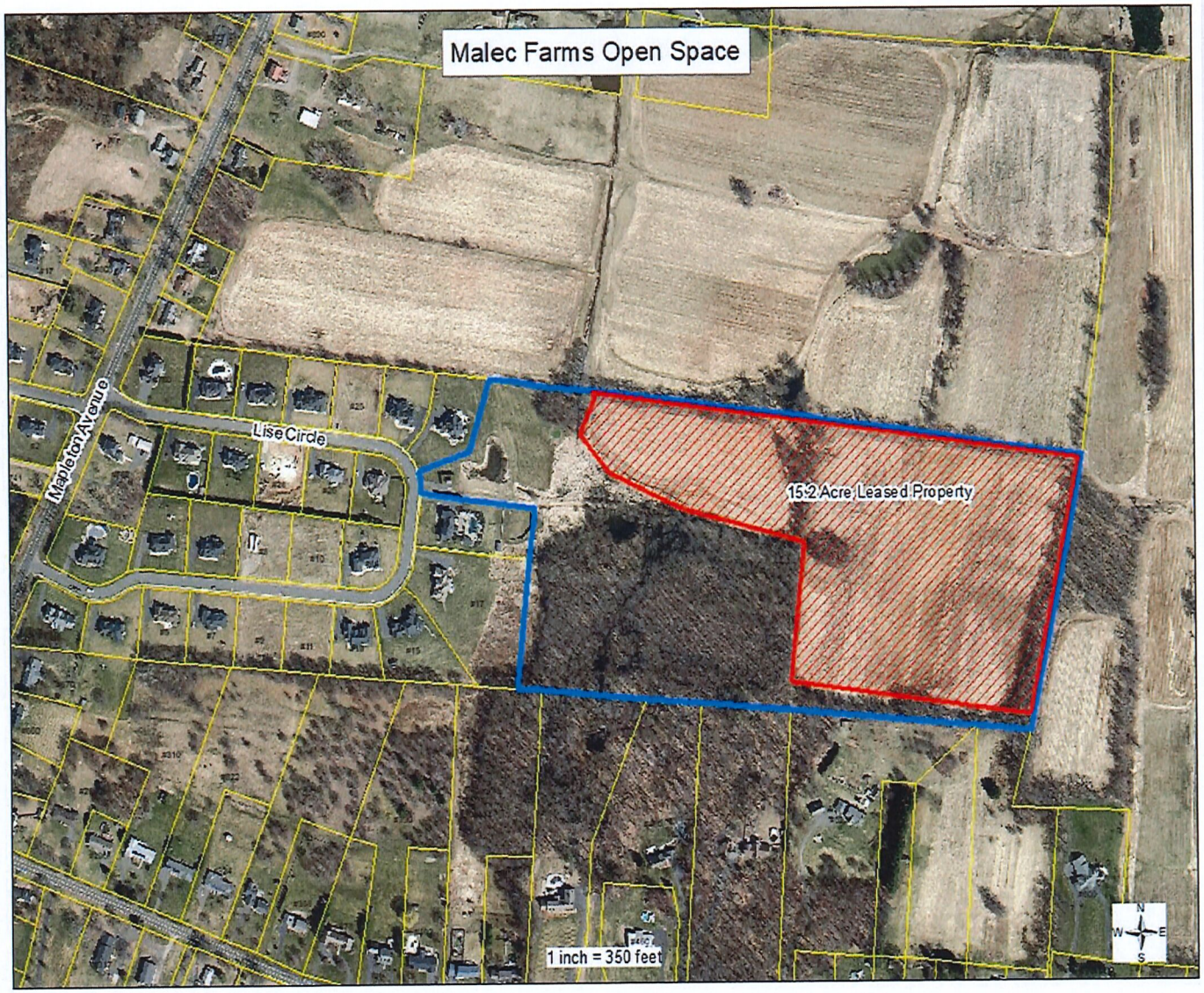
Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2025 for the 10-acre Stratton Farms open space property to Nowak Farms, LLC.

- **Further Resolved:** that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Malec Farms Open Space

- Leased to Bielonko Farms, LLC since 2010.
- Leased area is 15.2 acres and is used for cultivation of corn.
- Seeking a five-year lease renewal through March 31, 2025. Most current lease expired in 2020.
- Rate is $760 per year for each year of the lease ($3,800 total).


Malec Farms Open Space
Lise Circle
Mapleton Avenue
15.2 Acre Leased Property
1 inch = 350 feet
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Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2025 for the 15.2-acre Malec Farms open space property to Bielonko Farms, LLC.

- **Further Resolved:** that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Hilltop Farm West

- Leased to Suffield based Sunny Hill Farm since 2016.
- Property is 41 acres and used for cultivation of hay.
- Seeking a second five (5) year lease term.
- Rate is $500 per year for each year of the lease ($2,500 total).


Hickory Street
Hilltop Farm West
Approx. 41 Acres
Mapleton Avenue
Pleasant View Drive
Legend
Hilltop Farm West
1 inch = 400 feet
N
W
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Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield authorize the five-year lease renewal through March 31, 2026 for the 41-acre property known as Hilltop West to Sunny Hill Farm, LLC.

- **Further Resolved:** that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Hilltop Farm East

- Approximately 60 acres of 79 acre parcel has been leased to FOFAH since 2004.
- The property is used for a number of agricultural and educational activities.
- Seeking lease renewal of three (3), seven (7) year terms.
- Rate is $4,100 per year. Lease allows for a credit against the rent for work done to maintain the property.

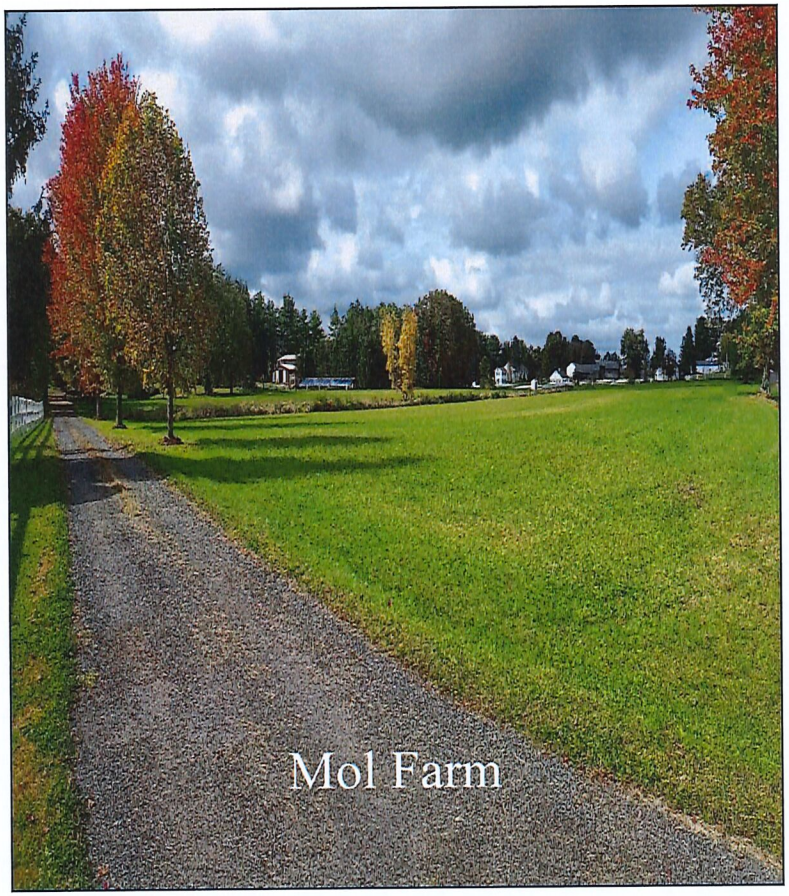

Hickory Street
Mapleton Avenue
Hilltop Farm East
Approx. 79 Acres Total
Approx. 60 Acres Leased
Pleasant View Drive
Legend
Approximate Leased Area
Hilltop Farm East
1 inch = 400 feet
N
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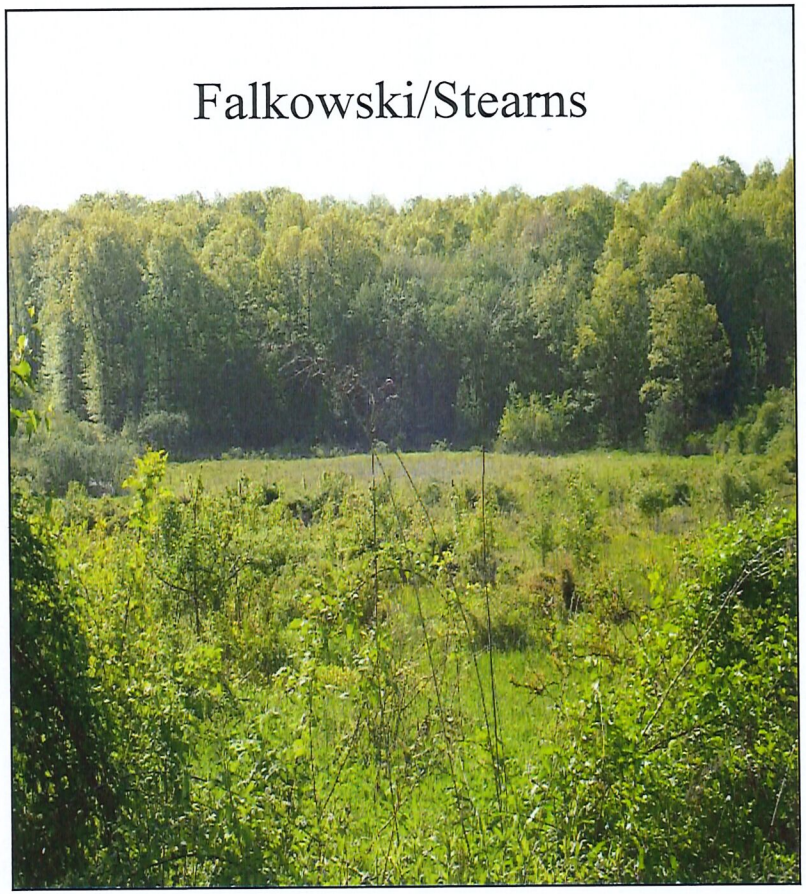
Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield authorize the three, seven year lease renewals through December 30, 2042 for 60 acres of the 79 acre Hilltop Farm East property to Friends of the Farm at Hilltop.

- **Further Resolved:** that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Mol Farm – 399 South Grand Street
Falkowski/Stearns Property – 380 North Main Street





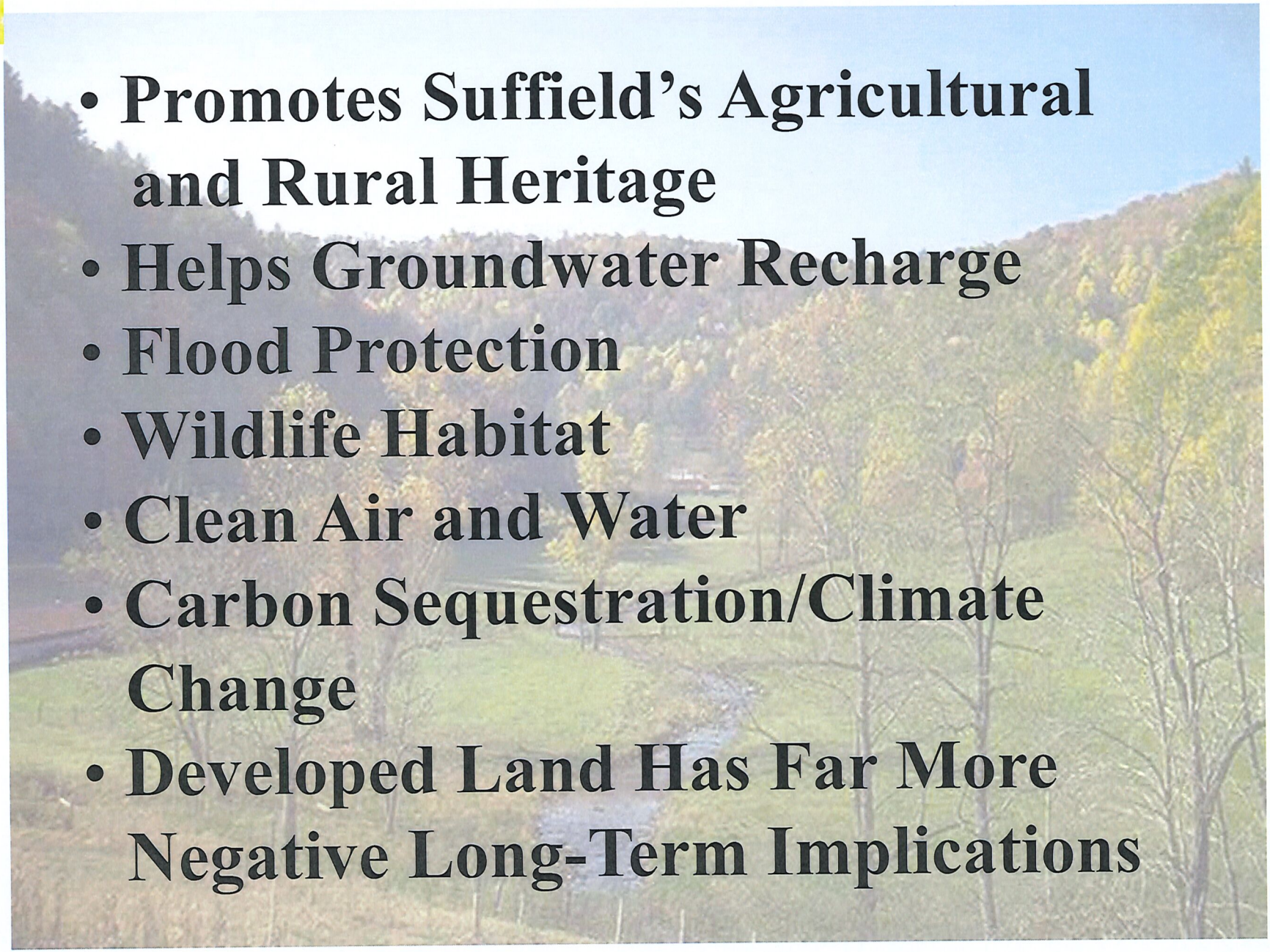
Why Save Farm and Forest Land?

Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation



Natural Resource Protection

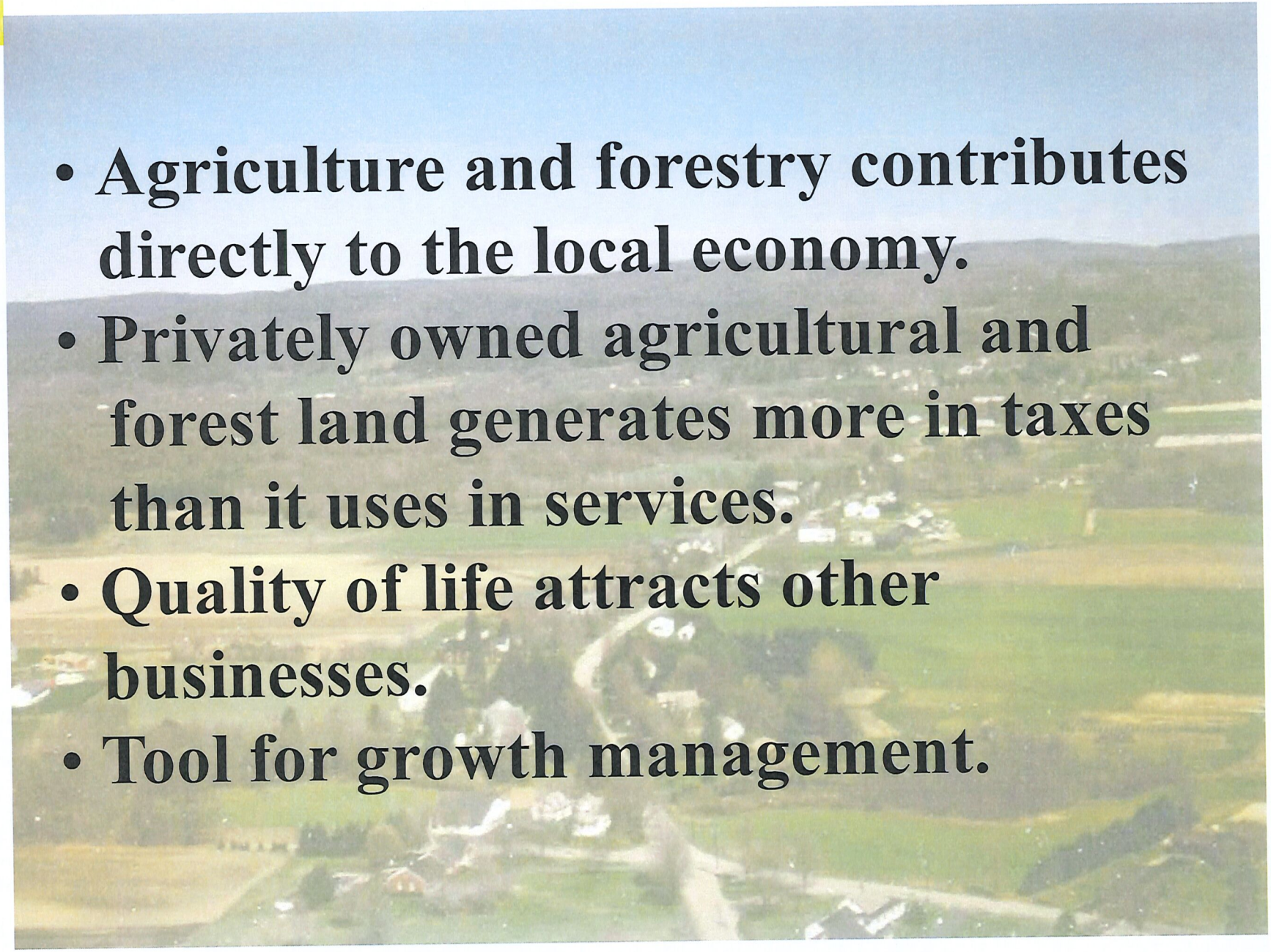
Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation



- Promotes Suffield's Agricultural and Rural Heritage
- Helps Groundwater Recharge
- Flood Protection
- Wildlife Habitat
- Clean Air and Water
- Carbon Sequestration/Climate Change
- Developed Land Has Far More Negative Long-Term Implications

Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation

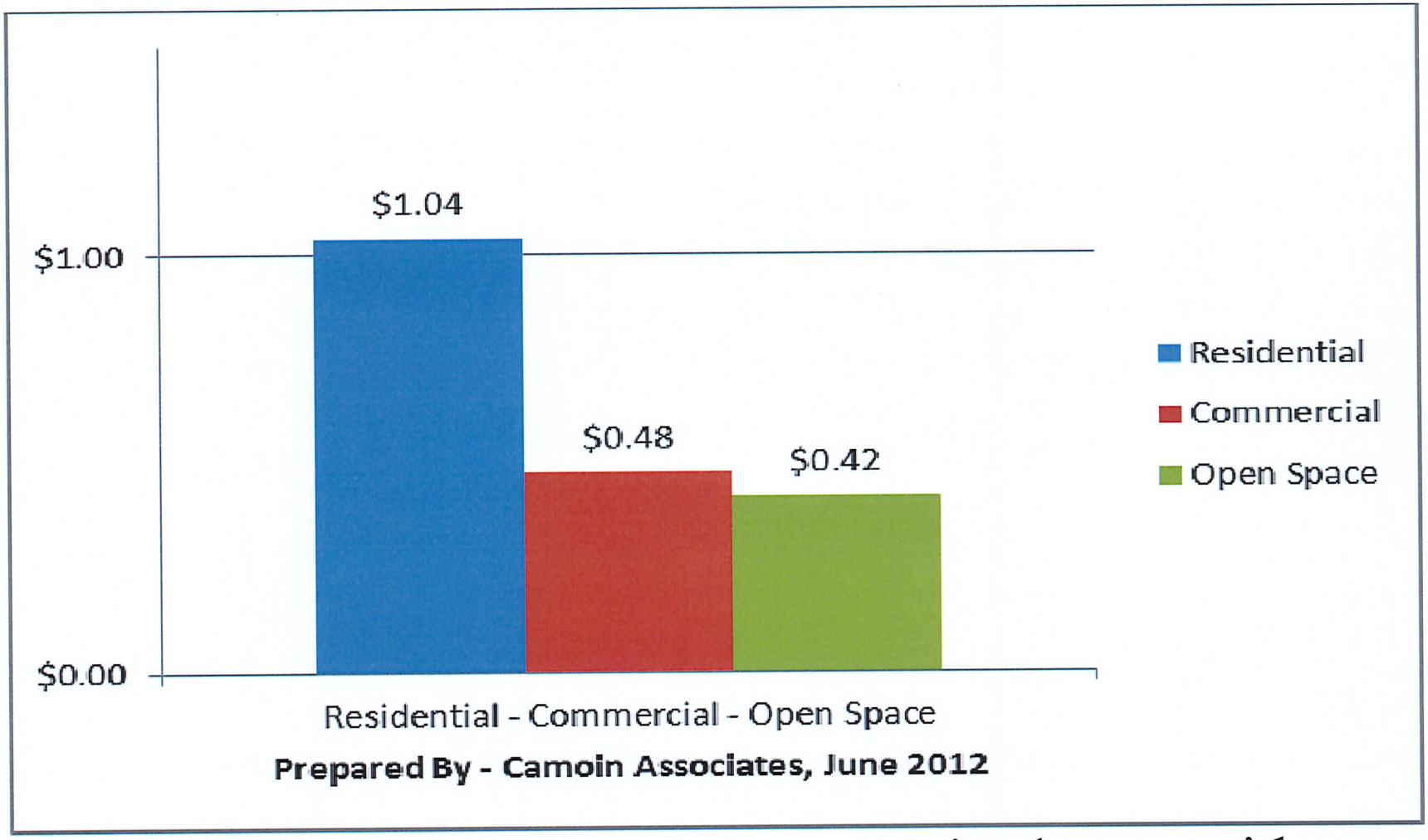
Fiscal and Economic Stability



- Agriculture and forestry contributes directly to the local economy.
- Privately owned agricultural and forest land generates more in taxes than it uses in services.
- Quality of life attracts other businesses.
- Tool for growth management.

Cost of Community Services

Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation



Median cost per dollar of revenue raised to provide public services.



Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation

How Does Purchasing Development Rights and/or acquiring a Conservation Easement Work?

The town pays a one-time fee to a property owner who is willing to sell the development rights or permanent easement on their land which prohibits non-agricultural development.



Purchasing Development Rights/ Conservation Easements for Protection of Open Space and Farmland Preservation

What Happens to the Land Once the Town Purchases the Development Rights or acquires a Conservation Easement?

- These properties remain in private ownership and pay taxes.
- Owners may sell their property for farming or open space purposes.
- Helps keep farmland affordable for future generations.

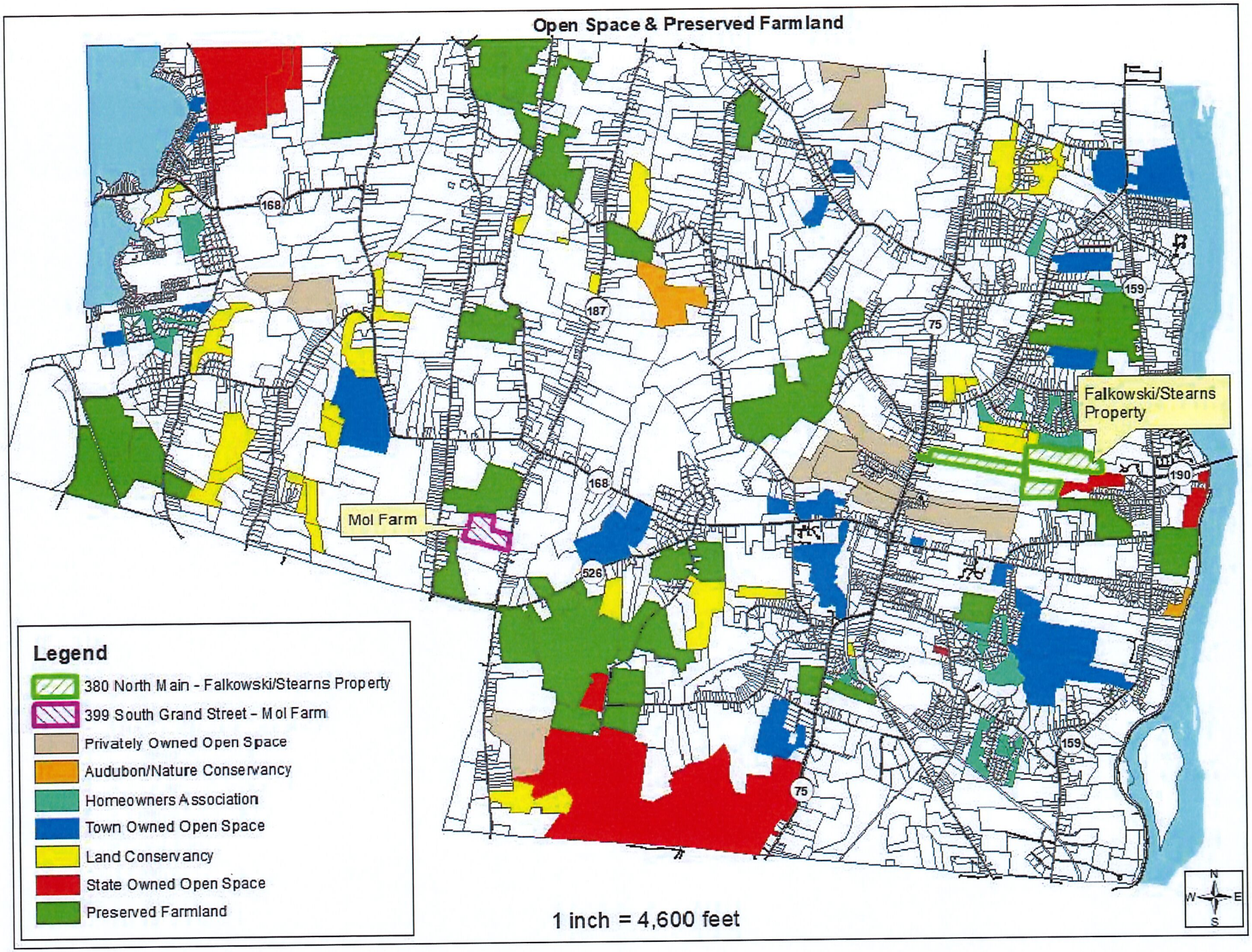
Farmland / Open Space Subcommittee

Members: Bill Leahey, Jack Quinn, Mike Stanley, Ray Wilcox

Subcommittee reviews requests made by Suffield Farmers who are interested in inclusion in the Farmland Preservation Program.

LOCAL RATING CRITERIA

	Points		
	1	**2**	**3**
1. Size of Parcel (Acres)	20-50	50-100	>100
2. Suitability for Agricultural Use (Soils)	moderate	good	excellent
3. Site Location			sewered area
4. Contiguous with Open Space	no	nearby	adjacent
5. Visual impact from Public Streets	low	medium	high
6. Natural Resource Significance (DEP & Biodiversity Maps)		yes	
7. Residential Development Pressures	low	medium	high
8. Within DNL of 65 dB of Bradley Airport		yes	
9. Town Funding Level (percent of easement value)	30-51%		<30%
10. Percent Cropland	<50%	50-75%	>75%


Open Space & Preserved Farmland
168
187
75
159
168
526
75
159
190
Falkowski/Stearns Property
Mol Farm
Legend
380 North Main - Falkowski/Stearns Property
399 South Grand Street - Mol Farm
Privately Owned Open Space
Audubon/Nature Conservancy
Homeowners Association
Town Owned Open Space
Land Conservancy
State Owned Open Space
Preserved Farmland
1 inch = 4,600 feet
N
W
E
S

Account Sources

Open Space Fund Account Sources

State Prison Expansion (2001)	$ 1,000,000
Town Budget Allocation (FY 1999-2010)	$ 1,935,000
Town Budget Allocation (FY 2011-2020)	$ 1,350,000
Town Budget Allocation (FY 2021)	$ 350,000
PZC Fee-in-lieu of Open Space (began 1991)	$ 286,207
TOTAL	$ 4,921,207

Account Summary

Open Space Fund Account Since Inception	$4,921,207
Less Committed Open Space Funds	$3,772,856
Less Pending Development Rights Purchase (Mol)	$104,730
Less Pending Conservation Easement Purchase (Falkowski/Stearns)	$507,500
Remaining Open Space Funds	**$536,121**

Farmland Preservation Program

- Leveraged $10,387,031 in State & Federal Funds
- Town's Share of Total Cost - 32.52%
- 1,506 Acres Preserved
- Cost to Town - $2,757/acre
- Estimated 677 homes could be developed on these properties

Town of Suffield

Development Rights purchase & Conservation Easement acquisition approved for Town Meeting by:

- Open Space Sub-Committee
- Board of Selectmen
- Board of Finance
- State Properties Review Board
- CT Department of Agriculture
- CT Department of Energy & Environmental Protection

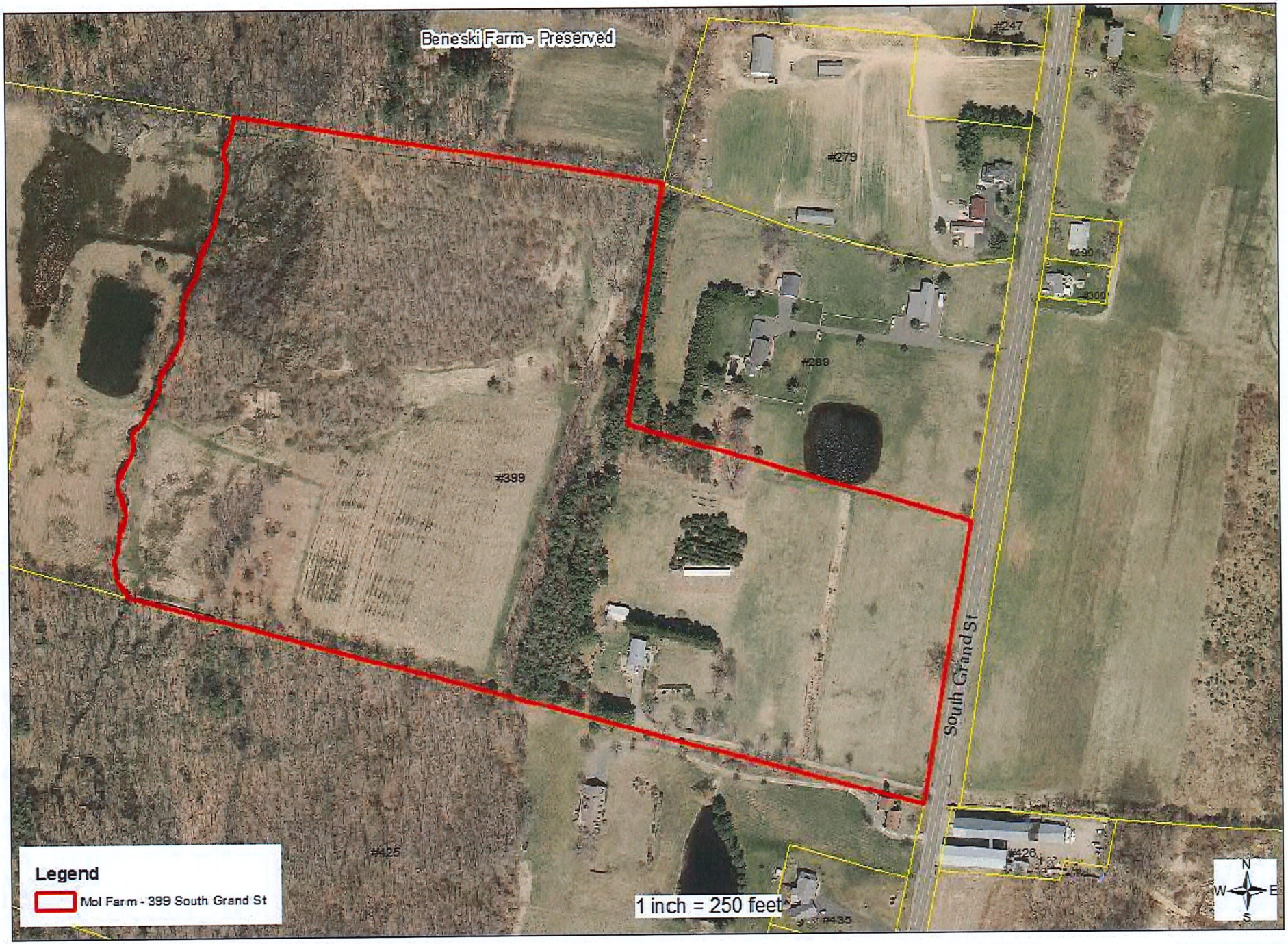
Town of Suffield

Purchase of Development Rights (34.9+/-Acres)

- **<u>Mol Farm– 399 South Grand Street</u>**

  Total Cost: $219,933 ($6,283/acre), includes State Grant totaling $115,203

  Town Cost: $104,730 ($2,992 per acre) from Town Open Space Account


Beneski Farm - Preserved
#247
#279
#290
#304
#289
#399
South Grand St
#425
#426
#435
Legend
Mol Farm - 399 South Grand St
1 inch = 250 feet
N
W
E
S


Mol Farm





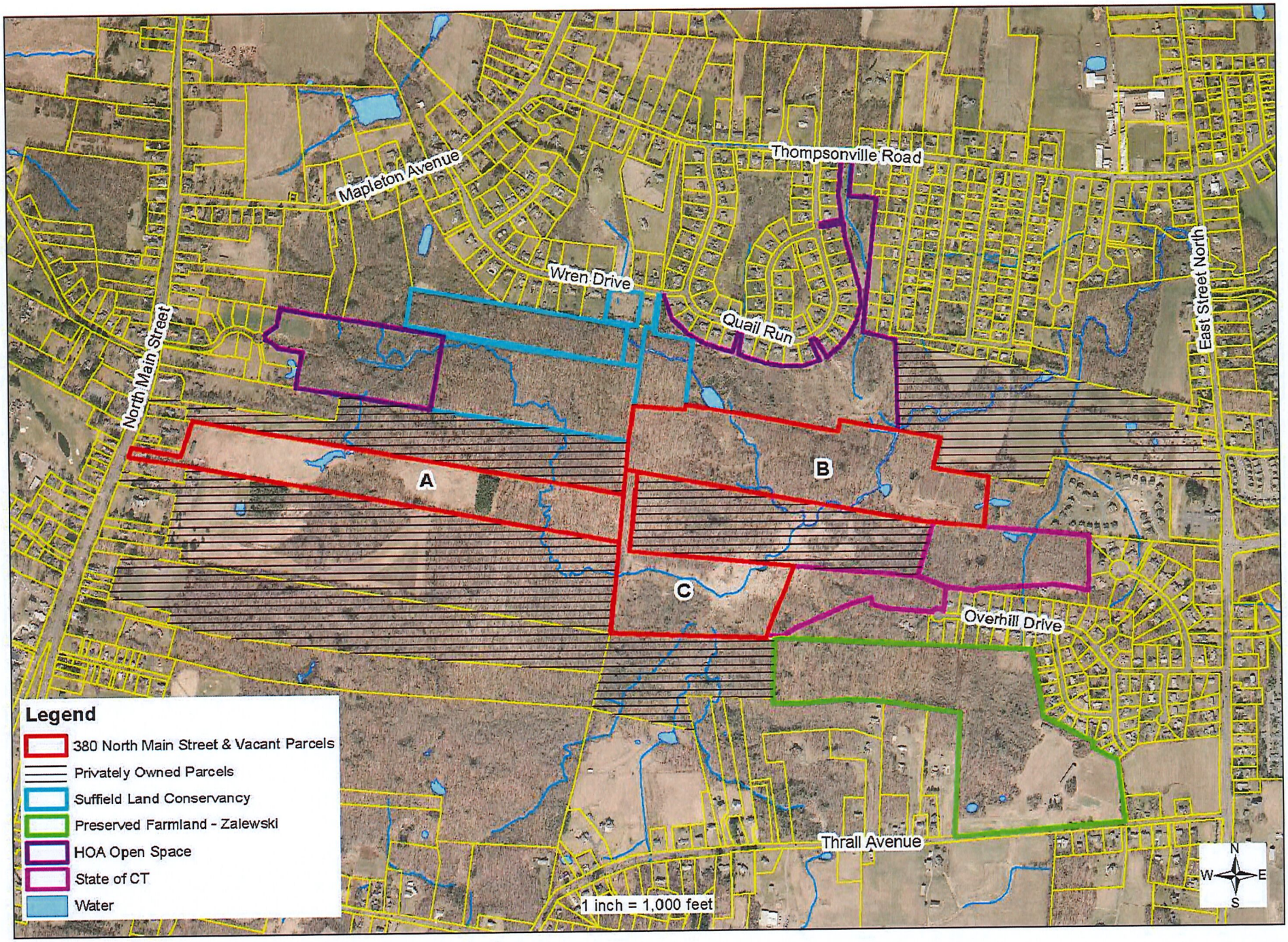
Town of Suffield

Conservation Easement Acquisition (98.5+/-Acres)

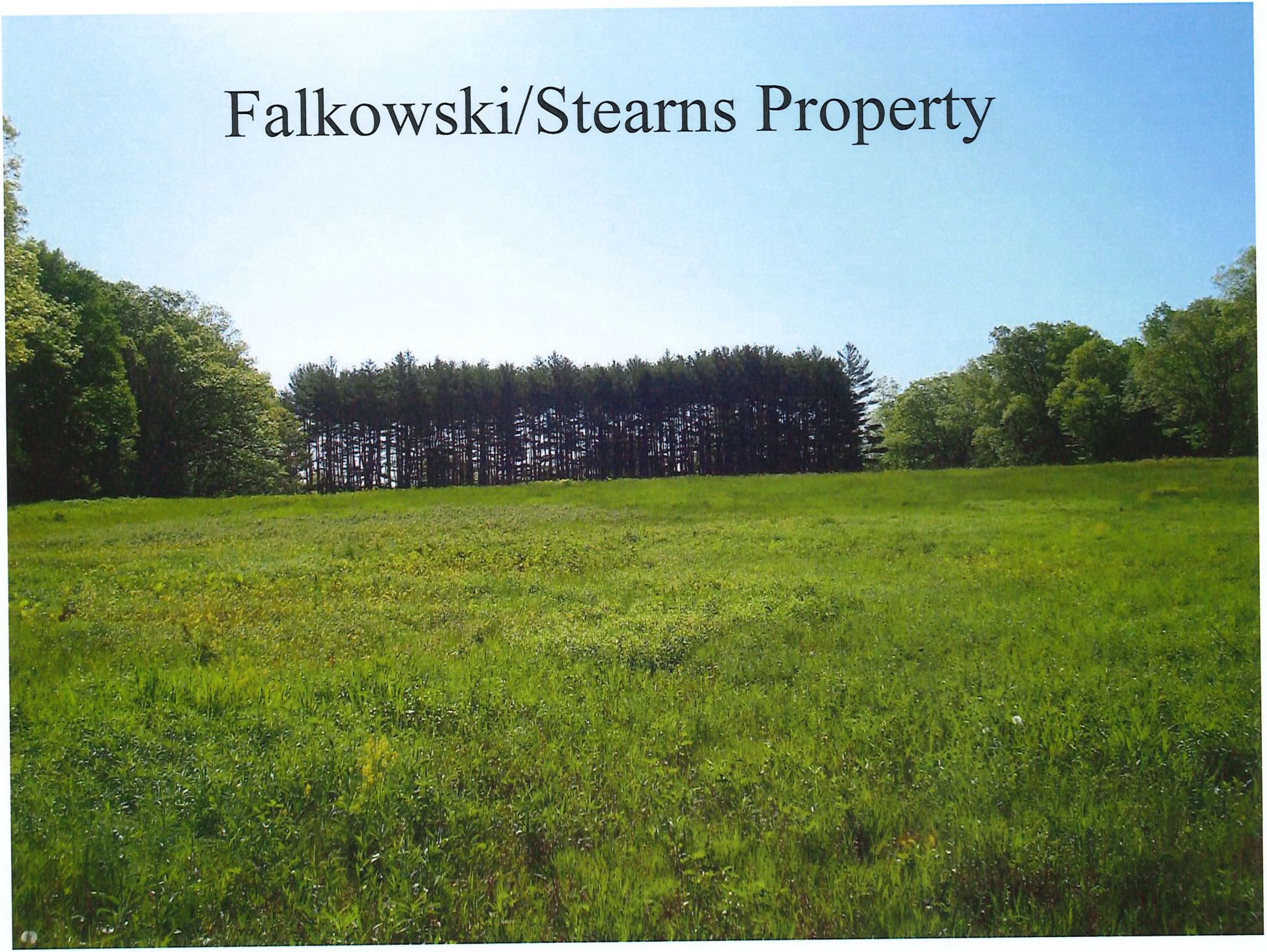
- **<u>Falkowski/Stearns Property – 380 North Main Street</u>**

  Total Cost: $665,000 ($6,751/acre), includes State Grant totaling $157,500

  Town Cost: $507,500 ($5,152 per acre) from Town Open Space Account


Mapleton Avenue
Thompsonville Road
Wren Drive
Quail Run
North Main Street
East Street North
A
B
C
Overhill Drive
Thrall Avenue
1 inch = 1,000 feet
N
W
E
S
Legend
380 North Main Street & Vacant Parcels
Privately Owned Parcels
Suffield Land Conservancy
Preserved Farmland - Zalewski
HOA Open Space
State of CT
Water

Falkowski/Stearns Property







Town of Suffield

Public Input and Vote on Resolution

- **Resolved**: That the Town Meeting of the Town of Suffield authorize the expenditure of $104,730 from the Open Space Fund for the purpose of purchasing the Development Rights from the Mol Farm consisting of 35 +/- acres located off of South Grand Street.

- **Further Resolved**: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Town of Suffield

Public Input and Vote on Resolution

- **Resolved**: That the Town Meeting of the Town of Suffield authorize the expenditure of $507,500 from the Open Space Fund for the purpose of purchasing a Conservation Easement from the Falkowski/Stearns property consisting of 98.5 +/- acres located off of North Main Street.

- **Further Resolved**: that the First Selectman is authorized to sign and execute all documents necessary to complete the above transaction.

Approval of Illicit Discharge and Connection Stormwater Ordinance

Stormwater Ordinance

- Due to recent updates, Federal EPA guidelines and local CT DEEP regulations now require that the Town administer the policing and prevention of illicit dumping into the Town's storm water system.
- This is a requirement for the certification of our Stormwater system by DEEP.
- Using the approach taken by multiple Towns of similar size to Suffield, Karen Isherwood, Town Engineer crafted a ordinance that fulfills the Town's requirements.

Stormwater Ordinance

Ordinance:

1) Prohibits and eliminates illicit connections and discharges to the municipal storm system.
2) Establishes legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance.

Stormwater Ordinance

- Ordinance was approved by the Board of Selectmen on 7/7/2021.
- Copies of the Ordinance are available in the auditorium if you would like to review a copy.

Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield hereby waives the reading of the Illicit Discharge and Connection Stormwater Ordinance.

- **Further Resolved:** That the Town Meeting of the Town of Suffield hereby adopts the Illicit Discharge and Connection Stormwater Ordinance, as presented.

Transfer of Landlocked Parcel at 1027 North Stone Street to Jane Beresford

1027 North Stone Street

- In 1955, the Beresford family, deeded a small landlocked parcel to the Town of Suffield, so that the Town could maintain same and allow its citizens to view a historic oak tree.
- The Deed contains a right of reverter back to the Grantors if the tree died.
- The tree has died and by law the Town is bound to return the land back to the Beresford family. However, the Charter requires Town Meeting approval for such a transfer.

Public Input & Vote on Resolution

- **Resolved:** That the Town Meeting of the Town of Suffield hereby authorizes the transfer of the landlocked parcel at 1027 North Stone Street to Jane Beresford.

TOWN OF SUFFIELD

83 Mountain Road
Suffield, CT 06078

Illicit Discharge and Connection Stormwater Ordinance

ORDINANCE NO. _____

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Suffield through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the General Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) issued by the Connecticut Department of Energy & Environmental Protection (CtDEEP). The objectives of this ordinance are:

(1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system

(2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Authorized Enforcement Agent (AEA) – The Town Engineer, unless otherwise designated by the First Selectman to enforce this ordinance.

Best Management Practices (BMPs) - Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

Facility – Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Hazardous Materials - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing Officer – One or more individuals appointed by the First Selectman, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this Ordinance.

Illegal Discharge - Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections - An illicit connection is defined as either of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an AEA or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an AEA.

Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Non-Stormwater Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

Person - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects or accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Storm Drainage System - Publicly-owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater - Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Stormwater Pollution Prevention Plan (SWPP)- A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater - Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION 3. APPLICABILITY.
This ordinance shall apply to all water entering the Town's storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the AEA.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.
The AEA shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the AEA may be delegated in writing by the AEA to persons or entities acting in the beneficial interest of or in the employ of the AEA.

SECTION 5. SEVERABILITY.
The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. ULTIMATE RESPONSIBILITY.
The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 7. DISCHARGE PROHIBITIONS.

A) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except when described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation, farm irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

(2) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

B) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to the Detection of Illicit Discharge:
Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The AEA shall issue such suspension subject to Section 14 of this Ordinance and the violator shall have all rights to appeal subject to Section 15 of this ordinance.

Suspension due to Illicit Discharges in Emergency Situations
The AEA may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. The violator shall have all rights to appeal the decision of the AEA subject to Section 15 of this ordinance.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the AEA prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES.

A) Applicability.
This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B) Access to Facilities.

(1) The AEA shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the AEA.

(2) Facility operators shall allow the AEA ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The AEA shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the AEA to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The AEA has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the AEA and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the AEA access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the AEA reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(7) If the AEA has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the AEA may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The AEA will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a SWPP as necessary for compliance with requirements of the NPDES permit.

SECTION 12. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the AEA in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the AEA within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years by the AEA.

SECTION 14. ENFORCEMENT.

A) Notice of Violation. Whenever the AEA finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the AEA may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit connections or discharges;
(3) That violating discharges, practices, or operations shall cease and desist;
(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
(5) Payment of a fine or penalty to recoup costs incurred by the AEA;
(6) Suspension of any discharge to the MS4 system consistent with Section 8 of this ordinance; and
(7) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Where elimination is not possible within 60 days of source confirmation, a schedule for its elimination will be set for no more than 180 days.
Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The AEA shall cause a notice as required by C.G.S. 7-152(c), to be delivered by hand or by first class mail to such person or persons. Thereafter the procedures for conducting hearings shall be determined by the Town.

B) Procedure for issuance of citations.
(1) The AEA shall issue a written notice of violation to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of their employment. All written notices of violations issued pursuant to this section shall explain the nature of the violation and the steps required for compliance, shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the AEA, setting forth a reasonable time period for correction of the violation as agreed upon by the AEA, and shall inform the recipient of the means by which to appeal the notice of violation. A written notice issued pursuant to this subsection shall be served:
(a) By hand delivery, at which time the seventy-two hour period shall begin; or
(b) By certified mail return receipt requested and by regular first class mail. Five (5) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two hour period.
(2) Within two (2) business days after the period for correction established in subsection A expires, the AEA shall re-inspect the subject property to determine compliance.
(3) If the violations set forth in the written notice have not been corrected at the time of re-inspection, the AEA may issue a citation and fine of up to one hundred dollars ($100.00) for each violation by hand, or by certified return receipt requested, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of their employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

C) Compliance periods after citation.
(1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection B of this section shall be a new violation of this ordinance, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation and a new fine of up to one hundred dollars ($100.00).

(2) The AEA shall not be responsible for a daily re-inspection. Rather the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the AEA.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the AEA. The procedure for appeal will be contained in the Notice of Violation. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal shall take place within 30 days from the date of receipt of the notice of appeal. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as deemed fair and appropriate, and as otherwise provided in C.G.S. § 7-152c.The hearing officer shall render a written decision to affirm or reverse the decision of the AEA. The decision of the Hearing Officer shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of hearing officer upholding the decision of the AEA, then representatives of the AEA shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, by the AEA. The property owner may appeal the amount of the assessment within 15 days as set forth in Section 15. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 18. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the AEA may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The AEA may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 19. COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the AEA may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 21. CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this ordinance shall be may be reported to the State's Attorney's Office for criminal prosecution and or penalty.

SECTION 22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the AEA to seek cumulative remedies.

SECTION 23. ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effect 30 days after its final passage and adoption by Town Meeting. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this [__] day of [_____], 2021, by the following vote: