

**TOWN OF SUFFIELD  
BOARD OF SELECTMEN  
REGULAR MEETING  
November 15, 2023  
7:00 P.M.**

**Hybrid Meeting (In-Person and Zoom)  
83 Mountain Road, Suffield, CT**

**Call-in number: 1-646-876-9923**

**Webinar ID: 858 4955 1331**

**Webinar Passcode: 066706**

**<https://us02web.zoom.us/j/85849551331?pwd=SVpXSsk9vYm41UjlNbUVNTmFCUHNqdz09>**

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**Meeting called:** Board of Selectmen

**By:** First Selectman, Colin Moll

**Type of meeting:** Regular

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**AGENDA**

- 1) Pledge of Allegiance
- 2) Public Comment
- 3) Discussion and approval of the minutes from the November 1, 2023 regular meeting of the Board of Selectmen
- 4) First Organizational Meeting of the Board of Selectmen
  - a. Adoption of Rules of Procedure
  - b. Process for Calling Special Meetings
  - c. Designation of Ex Officio members in the absence of the First Selectman
  - d. Designation of Second Selectman
  - e. Designated signer of checks
  - f. Authorize the First Selectman to approve tax rebates up to \$2,500 per individual rebate
  - g. Approval of meeting schedule for 2024 Board of Selectmen
  - h. Discussion of existing policies
- 5) Discussion and approval to waive building fees for Suffield Community Aid
- 6) Discussion and approval to transfer \$11,645 from Capital Account "SPED Van Replacement" to Capital Account "Activity Van" and refer to Board of Finance
- 7) Discussion and approval to transfer \$35,385.43 from Capital Account "Wash Bay" and \$21,048.57 "Highway Garage Maintenance" to "Dry Storage Building" and refer to Board of Finance
- 8) Discussion and approval of DPW Usage Policy
- 9) Discussion and approval of Landfill Policy
- 10) Discussion of Blight Ordinance
- 11) Call Town Meeting for December 13, 2023
- 12) Selectman Updates
- 13) Public Comment
- 14) Executive Session – Personnel Matter
- 15) Adjournment

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## MEMORANDUM

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**TO:** BOARD OF SELECTMEN

**FROM:** DEREK DONNELLY

**SUBJECT:** LANDFILL

**DATE:** 10/24/2023

**CC:** CHRIS MATEJEK

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There are several issues to be addressed for the Landfill for better management and support of landfill staff.

### **Permits and Setting of Fees**

The Landfill ordinance requires permits for the use of the Landfill. The permits are separated into three categories:

- 1) Resident permits: Available to any resident of the Town for a fee.
- 2) Trash add on permits: Available free to residents who opt out of curbside pickup.
- 3) Contractors with an active building permit. (No fee currently required however construction use is subject to fee schedule).

The Landfill ordinance also delegates specific powers to the Public Works Department for the management of the landfill while certain policies are set by the Board of Selectmen. The Board of Selectman has the Power, under Section 286-4 to set fees for the landfill.

Sometime prior to covid, the Town stopped utilizing the permitting system for the landfill. The lack of this system has created challenges for the landfill staff and has been a missed revenue opportunity for the Town. Additionally, the fee schedule for the landfill has remained unchanged for sometime. These are two areas that can be easily fixed with the Board adopting a "Landfill Policy and Fee Schedule."

**Motion: Beginning on March 1, 2024, Landfill permits shall be required at the Landfill. Permits may be purchased at the Town Clerk's Office according to the following fee schedule.**

**Resident Permits: \$25.00 per year.**

**Trash Add on Permits: Free**

**The Board of Selectmen further sets the following fee increases:**

- **Freon units increase from \$15 to \$20**
- **Bulk waste small items increase from \$10 to \$15**
- **Bulk waste larger items increase from \$20 to \$25**
- **Bulky waste increases from \$80 per ton to \$120 (Covering waste disposed by a commercial hauler, a dual axle trailer or a 1 ton or larger vehicle with dump capabilities. or “for hire” vehicles (U-Haul, Budget, Home Depot or other.**
- **Small tires increase from Tires from \$3 to \$5,**
- **Large tires increase from \$5 to \$12**
- **The fee for specialty tires shall be quoted on a case by case basis by the Landfill Manager.**
- **Propane tanks increase from \$2 to \$5**

**This policy shall stay in effect until repealed or replaced by the Board of Selectmen.**

#### **Landfill Commission**

In the past, the Town had a landfill management commission (See Ch 68 of the ordinances) to manage the landfill. A copy of the ordinance is attached hereto. Among other duties, the Landfill Management Commission was responsible for setting policies and fees at the landfill. The Town has not used the Landfill Management Commission in years. Accordingly, the ordinance should be repealed.

**Motion: “I move to repeal Ch. 68 of the Town Ordinances regarding the Landfill Management Commission and refer to Town Meeting.”**

#### **Longer Term Review**

It would be helpful for the Board to review the Landfill ordinance to ensure that it is meeting the needs of the public and of the landfill. Additionally, there should be a standardized annual review of the landfill’s fees and needs. This likely does not require a formal Landfill Commission and could be done with a working group.

## **Attachment 1**

### **LANDFILL ORDINANCE**

#### **§ 286-2 Definitions.**

The following words and terms used in this article shall have the meanings ascribed thereto, unless the context clearly indicates a different meaning:

#### **ASHES**

The solid residue of combustion of any type of fuel.

#### **BULKY WASTE**

Refuse which is to be brought to the Landfill and sorted by category, such as tinware, scrap metal, auto parts, pipe, other metallic substances, rocks, sod, cinder blocks, earthenware, brick, concrete, plaster and other mineral substances, furniture, bedding, glass, ceramics, rugs, appliances, brush, stumps, logs, wood scraps, furniture (wooden, plastic or metal), metal items, tanks, furnaces, hot water heaters, large plastic items, porcelain items, demolition or remodeling debris (excluding asbestos, radioactive materials, and hazardous waste), batteries, tires, clothing, computers, and electronics.

#### **COMMERCIAL REFUSE HAULER**

Any natural person, firm, partnership or corporation engaged in the business of collecting, transporting and disposing of refuse in the Town. This shall also mean the contractor, if any, performing refuse collection for Town residents pursuant to a contract with the Town of Suffield.

## **COMMERCIAL SEPTIC WASTE HAULER**

Any natural person, firm, partnership or corporation engaged in the business of removing, collecting, transporting and disposing of septic wastes in the Town.

## **CONSTRUCTION AND DEMOLITION WASTES**

Waste and portions thereof resulting from clearing, excavation, demolition, construction or reconstruction performed by any person, firm or governmental agency and as further defined under Connecticut General Statutes § 22a-208x.

## **GARBAGE**

Any animal or vegetable matter or product, or the putrefaction or decomposition thereof, which accumulates in the preparation of food and any offal or refuse of meats, fish, fowl, vegetable or spoiled foods and other refuse or waste subject to decay.

## **GARDEN AND LAWN REFUSE**

Small branches, pruning from trees and bushes, leaves, etc.

[Amended 12-19-2019]

## **HAZARDOUS WASTES**

Those solid and/or liquid wastes as defined by the Department of Environment Protection of the State of Connecticut and the United States Environmental Protection Agency, including wastes in the following classifications:

### **A.**

Explosives.

**B.**

Pathogenic or pathological wastes.

**C.**

Radioactive wastes.

**D.**

Cleaning fluids, insecticides, fungicides, pesticides, commercial fertilizers, acids, poisons or other chemical wastes which either create an immediate safety hazard to persons disposing of the waste or which by virtue of their chemistry and/or method of disposal present a threat to the quality of the air and/or groundwater or surface water.

**LANDFILL**

The Transfer Station and Bulky Waste Facility located at 2715 Mountain Road in West Suffield, Connecticut.

**PERSON**

Any natural person, partnership, firm, or corporation.

**PUBLIC WORKS DEPARTMENT**

The Public Works Department of the Town of Suffield.<sup>[1]</sup>

**RECYCLABLES**

Any items currently defined by the State of Connecticut and the Town of Suffield for mandatory recycling. The current items are defined in the Connecticut General Statutes and are set forth in the definition of "recyclable materials" in § 286-11 in Article III, Recycling, of this chapter. These

recyclables may be revised from time to time, as dictated by contract with the recycling center for disposal and the Town of Suffield, or Connecticut State Statutes.

## **REFUSE**

Shall be construed to be all inclusive and shall include, but not be limited to, solid waste of the Town, including, but not limited to, all garbage, ashes, trade wastes, salvageable trade wastes, papers, cardboard, plastics, metal cans, glass bottles, garden and lawn refuse, packaging material, furniture, bedding, rubber and leather. Refuse shall not include body wastes, septic waste or hazardous waste.

## **SALVAGEABLE TRADE WASTES**

All refuse that has use or value to a person, firm, corporation or establishment or other than those producing the same.

## **SELECTMEN**

The Board of Selectmen of the Town of Suffield.

## **SEPTIC WASTE**

Materials removed from sewers, septic tanks, cesspools and other devices used for the capture and treatment of putrefactive material.

## **TOWN**

The Town of Suffield.

## **TRADE WASTES**



All wastes and portions thereof from wholesale and retail establishments, and products of manufacturing, end products of food preparations for sale, or scraps of leftovers of nonsalable portions thereof.

## **TRASH**

See "refuse."

[1]

*Editor's Note: Throughout this chapter, "Public Works Commission" was amended to "Public Works Department" 12-19-2019.*

### **§ 286-3 Conformance.**

#### **A.**

From and after the effective date of this article, and for reasons of health and sanitation and public welfare, it shall be unlawful for any person, firm or corporation to dispose of or to accumulate or to permit to accumulate upon private property in Town any refuse, septic waste, or hazardous wastes except in conformance with the provisions of this article.

#### **B.**

For the purposes of this article activities usually connected with gardening and agriculture, such as compost, farm manure, fertilizing and storage of lawn and garden refuse as defined in § 286-2, "garden and lawn refuse," shall not be deemed to be violations of the above subsection.

### **§ 286-4 Licenses and permits.**

**A.** It shall be unlawful for any person, firm or corporation to collect septic waste or hazardous wastes in the Town without first obtaining a State of Connecticut license or permit to do so. It shall also be unlawful for any person, firm or corporation to remove or dispose of refuse, septic waste or hazardous waste in the Town without either first being contracted by the Town to do so or authorized by the Town or state to do so.

**B.**

A license or permit issued under the preceding subsection shall not expire or be revoked or cancelled but shall remain in effect during the contract period or agreement with the Town.

**C.**

A resident's permit issued under the provisions of this article shall be valid for a period determined by the Public Works Department and shall be issued only to the residents of the Town of Suffield qualified to receive such permit and upon payment of a fee. Residents' vehicles must display a valid permit for entrance to the Landfill's transfer station.

**(1)**

No permit fee is required for residents qualified to access the bulky waste section of the Landfill. Items must be sorted as specified and fees may be applied as determined by the Public Works Department.

**(2)**

A resident's permit includes the following vehicles:

**(a)**

Private passenger vehicles and station wagons.

**(b)**

Any passenger and/or camper registered vehicle.

**(c)**

Light duty van and/or pickup.

**(3)**

Trash add-on permit. This permit allows residents who qualify for Town pickup and who currently use curbside pickup to bring excess refuse/trash and recyclables to the Landfill's transfer station.

**(4)**

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Household trash permit. This permit allows residents who qualify for Town curbside pickup but who have elected not to have curbside pickup to bring household refuse/trash and recyclables to the Landfill's transfer station. The permit fee is the same as for those who elected curbside pickup per year.

[Amended 12-19-2019]

**D.**

Notwithstanding the foregoing, any person engaged in construction, remodeling, or demolition of a building on real property located in the Town of Suffield, with a valid building permit, may transport and dispose of building materials generated by such construction, remodeling and demolition.

**E.**

All permits shall be nontransferable.

**F.**

The fee schedule shall be adopted by the Board of Selectmen as recommended by the Public Works Department and shall continue in full force and effect until amended. The Public Works Department may revise, as necessary, the fee schedule and on 30 days' notice, by publication in any newspaper serving the Town of Suffield, and after a public hearing and approval of the Board of Selectmen may amend the fee schedule.

**G.**

Collection of refuse from residences by haulers within the Town of Suffield may be carried out daily except on Sundays and holidays as defined in the contract with the Town, and only after 6:00 a.m., and continue until the specific route for that day is completed.

**H.**

No permit shall be issued by the Public Works Department unless it first determines that the issuance of that permit will not endanger the health, safety and welfare of the citizens of the Town of Suffield and will not result in a violation of any environmental law.

§ 286-5 **Vehicles and equipment used by commercial refuse haulers.**

**A.**

Any refuse, other than garbage and other putrescible waste, may be transported in nonwatertight vehicles when such vehicles are sufficiently covered to prevent the escape, release or leakage of materials being transported. All vehicles used for transportation of garbage or any type of putrescible wastes must be equipped as specified by the State of Connecticut with covered watertight metal containers unless the vehicle itself is of closed construction on the bottom, front, rear and sides. All such vehicles shall be equipped with metal covers and/or loading doors constructed to prevent leakage, access of flies, or the scattering of contents. All covers, loading doors, and like openings of said vehicles and equipment shall be kept closed except when loading and unloading and except during portal-to-portal pickups on local streets between houses.

**B.**

All vehicles and equipment used for refuse disposal by commercial refuse haulers shall be kept clean and sanitary at all times and shall meet the requirements of the North Central Health District and the Department of Energy and Environmental Protection of the State of Connecticut.

**C.**

This section shall not apply to farm vehicles engaged in farm operations.

**§ 286-6 Separation and container provisions.**

**A.**

Every resident who qualifies and opts for curbside pickup to dispose of his refuse, etc., shall prepare the same as follows:

**(1)**

All refuse shall be drained of liquid insofar as practical and shall be placed in approved containers.

**(2)**

All recyclables such as newspapers, magazines, catalogs, and corrugated cardboard shall be separated from regular refuse or garbage and placed in approved containers. Any excess recyclables may be bundled and tied or placed in bags, in such a way to keep them from being scattered, and left beside the recycle container, when necessary. See § 286-17, Source separation and recycling.

(3)

The containers shall be approximately either 60 or 90 gallons in size, furnished by the hauler, remain the property of the hauler, and shall be replaced by the hauler when broken, stolen or no longer in good condition. A container is assigned to the property, not to the owner of the property, and is to remain with the property upon change of ownership. Any person obtaining a sixty- or ninety-gallon container by unlawful means for which the Town is not collecting the yearly fee, and such person unlawfully uses the trash service, will be subject to the fines as outlined in § 286-9. Any person who vandalizes or acquires a container by unlawful means will be also subject to the fines as outlined in § 286-9.

**B.**

Cold ashes, vacuum cleanings, disposable diapers, pet litter and other like items of garbage and refuse shall be placed in sealed, watertight bags.

**C.**

All refuse shall be assembled, boxed or bundled and tied in such a way that it will not be scattered by wind and create litter while awaiting collection.

**D.**

This section shall not apply to the use of wood ashes.

**§ 286-7 Public or private dumps.**

**A.**

No person other than the State of Connecticut Department of Energy and Environmental Protection and the Town shall use, or permit to be used, any location or place within the Town as a public or private dump for refuse or other waste materials.

**B.**

No person within the Town shall bury refuse, septic waste or hazardous wastes upon public or private property.

**C.**

All items as stated in § 286-15 shall also apply to this section, except as to trash and recyclables.

**D.**

Scattering or littering of refuse is prohibited under this article.

**E.**

This section shall not apply to wood ashes.

**§ 286-8 Operation of Landfill.**

**A.**

No person or vehicle shall be admitted to the Landfill without first displaying a valid permit for admission, issued by the Public Works Department, and available at the Landfill only.

**B.**

No material originating outside of the Town of Suffield will be accepted at the Landfill.

**C.**

The vehicle entrance to the Landfill will be closed by a fence and gate, and said gate will be open only:

**(1)**

When an authorized Town employee is on the premises.

**(2)**

Between such hours as determined by the Public Works Department, such hours to be posted at the entrance to the Landfill site.

**D.**

The Landfill will be open on Tuesday, Thursday, and Saturday or such other times or days as determined by the Public Works Department for residents and commercial vehicles. The Landfill

Manager or his agent may upon four hours' notice permit the Landfill to be open to commercial vehicles on alternate days.

**E.**

The Landfill will be closed on all Sundays and certain holidays designated by the Public Works Department, except in times of emergency declared to be such by a majority of the members of the Public Works Department.

**F.**

Any unauthorized person who enters or otherwise causes entry of a vehicle or other persons at the Landfill in violation of any provision of these regulations will be prosecuted to the full extent of the law.

**G.**

The Landfill will be operated in conformity with the applicable regulations of the State Department of Energy and Environmental Protection.

**H.**

Licensed haulers or their agents and residents must, when at the Landfill, obey the directions of the Landfill Manager, or his assistants, in § 286-9.

**I.**

Separate sites will be maintained at the Landfill for the disposal of specified categories of material.

**J.**

The following items will be accepted at the site and will be prepared and sorted by the individual into categories as posted by the Landfill Manager, such as:

**(1)**

Stumps.

**(2)**

Green and dead brush may be mixed; the maximum length of any item of brush shall be 48 inches and four inches in diameter, and must be free of other refuse.

**(3)**

Logs must be cut into ten-foot lengths or less and stacked when dumped.

**(4)**

Rocks, boulders and clean fill.

**(5)**

Building and construction materials.

**(6)**

Scrap metal and metal appliances.

**(7)**

Bulky items, such as furniture, rugs, bedding and similar nonmetallic items.

**(8)**

Glass and ceramic items; windows.

**(9)**

Tires.

**(10)**

Corrugated cardboard not exceeding four feet by three feet, and free of packing materials.

**(11)**

Newspapers, magazines, and catalogs.

**(12)**

Bottles, cans and recyclable plastics.



**K.**

The following items will not be accepted at the site: hazardous wastes or sludge from septic systems, road-worthy vehicles and boats. The Public Works Department hereby reserves the right to refuse to accept at the Landfill site any of the items defined in § 286-2 at any time, without notice, if it is deemed inadvisable, dangerous or unhealthy to deposit such materials, such determination to be made by the Public Works Department, North Central Health District or State of Connecticut Department of Energy and Environmental Protection.

**L.**

Residents displaying a valid "household trash" permit or a "trash add-on" permit may dispose of household garbage and recyclables at the site.

**M.**

The attendant at the site will personally inspect and approve each load of material before it is removed from the vehicle. Vehicles containing materials not conforming to the above regulations will not be allowed access to the site.

**§ 286-9 Penalties for offenses; enforcement.**

**A.**

Violators of any provision of any section of this article shall be regulated as described below. In addition, any violation shall be subject to a fine of not more than the maximum amount authorized by the Connecticut General Statutes and/or the permit shall be revoked for a duration as decided by the Public Works Department as long as each violation or failure to comply continues.

[Amended 12-19-2019]

**B.**

The Public Works Department, or its agent, will issue a written letter warning any individual, hauler or commercial operator who violates any of the provisions of any section of this article or any pertinent regulation(s) of the Department of Energy and Environmental Protection or the North Central Health District. Subsequent violations by the same individual, hauler, or commercial hauler shall result in the revocation of any permit or privileges issued under the provisions of this article;

provided, however, that any individual, hauler or commercial hauler alleged to have violated any section of this article shall be given seven days' notice thereof by the Public Works Department and an opportunity for a hearing before the Public Works Department. The Public Works Department at that hearing may grant to such permittee a reasonable period of time to correct such violation. The Public Works Department shall render a decision on such hearing within seven days after the close of the hearing.

## **Attachment 2**

### **LANDFILL MANAGEMENT COMMISSION**

**§ 68-1 Creation; membership.**

There is hereby created the Suffield Landfill Management Commission consisting of five members and two alternates.

**§ 68-2Term of office.**

Three members shall be appointed for four years and two members shall be appointed for two-year terms commencing on the effective date of this chapter. Thereafter, all members shall be appointed for four-year terms. Alternates shall be appointed for four-year terms. Appointments shall be made by the Board of Selectmen and terms shall be extended until a successor is appointed.

**§ 68-3Bylaws.**

The Commission members shall adopt bylaws establishing the officers required and the manner and method of holding meetings in conformity with the Connecticut Freedom of Information Act.

**§ 68-4Duties.**

The Commission shall have the following responsibilities and duties:

**A.**

Oversee the collection, transportation, and disposal of all solid waste and hazardous waste as mandated by Connecticut Statutes generated within the Town of Suffield.

**B.**

Develop plans that consider optimum recycling and the ultimate disposal of solid waste in future years.

**C.**

Develop an aggressive communications and educational program to familiarize every Townsperson, including adult residents, school children, business people, and government officials, of the need for recycling and proper solid and hazardous waste storage, handling, transportation, and disposal procedures.

**D.**

Work with the landfill staff to develop operating and capital expenditures.

**E.**

Assist the Selectmen and landfill staff to establish and/or maintain ongoing liaison with the Department of Energy and Environmental Protection, Materials Innovation and Recycling Authority, Connecticut Conference of Municipalities, and Capitol Region Council of Governments, and to obtain financial assistance for programs.

[Amended 12-19-2019]

**F.**

Assist the Selectmen and landfill staff to explore the pros and cons of participating in the Mid-Connecticut Energy Recovery Project (trash to energy).

**G.**

Assist the landfill staff to find markets for recyclable materials.

**H.**

Recommend licensing and usage fee schedules to the Selectmen annually.

**§ 68-5 Regulations.**

In order to carry out the foregoing duties, the Commission shall have the power to adopt regulations which shall be consistent with all federal and state laws and Town Code and Charter provisions.

**§ 68-6 Budget.**

To assist it in carrying out its responsibilities, the Commission may create and submit to the Board of Selectmen a budget for inclusion in the annual Town budget.

## TOWN OF SUFFIELD

### DPW REIMBURSEMENT POLICY

1. The purpose of this policy is to set clear guidelines for when DPW staff or equipment may be used to assist with outside events and to appropriately reimburse the Town for man hours dedicated to private events. This policy is further intended to create consistency across Town Departments.
2. Definitions:
  - a. Direct Benefit: A benefit to the Town that can be calculated in terms of actual dollar value.
  - b. DPW: The Town Department of Public Works
  - c. Equipment: Town property assigned to the DPW that are not mechanized and are not vehicles.
  - d. Non-Profit: Organizations recognized as tax exempt under Internal Revenue Code Section 501(C)(3).
  - e. Outside Event: Activities sponsored by organizations that are not the Town of Suffield or an Agency or political subdivision thereof such as the Board of Education, Housing Authority, or WPCA.
3. Any organization holding an Outside Event may request the assistance of the DPW or the use of DPW equipment. Organizations seeking such assistance shall apply to the Director of DPW on an application created for that purpose no later than three weeks prior to the date of the Outside Event.
4. The Director of DPW shall review the application and shall have the discretion to approve the application if DPW staff are available on the date in question and the Outside Event meets the following criteria:
  - a. If DPW staff assistance is requested, the requested assistance is of the same nature as those duties performed by DPW staff and the DPW staff is available on the date requested.
  - b. If DPW equipment is requested, the DPW equipment is available on the date requested.
  - c. The outside event has no less than \$1,000,000 in liability insurance and has furnished proof of a declaration page naming the Town of Suffield as an additional insured.
  - d. The organization agrees to pay the costs associated with the assistance of DPW staff or use of DPW equipment.
  - e. The organization has agreed to pay the replacement cost value of any equipment damaged, stolen, lost or destroyed while under its control.
  - f. The organization agrees to indemnify and hold the Town Harmless for any accident, injury or harm associated with the assistance of DPW staff or use of DPW equipment.
5. Upon the approval of the application, the DPW director shall provide the organization hosting the approved Outside Event with an event invoice stating the costs associated with the use of DPW staff and/or equipment. The organization shall pay the event invoice no later than 3

business days before the event. Failure to pay the event invoice 3 business days before the event shall be deemed to be a withdrawal of the application.

6. The Town of Suffield reserves the right to cancel the assistance of DPW at its sole discretion related to weather, emergency situation or sudden unavailability of DPW staff or equipment. In the event of cancellation, the approved organization shall receive a refund of all fees paid.
7. Prior to the use of any equipment, the condition of the equipment shall be documented by DPW personnel. Not later than seven days following the event, all equipment must be returned to the DPW. Upon return of the equipment the condition shall be documented and compared to the documented condition before it was used in order to determine if there is any damage that requires the equipment to be replaced by the organization. Organizations who do not return equipment by the eighth day following the event will be charged the full replacement cost value of the unreturned equipment.
8. The Director of DPW shall create a fee schedule calculating the overtime cost of DPW personnel and the use of Equipment. Said fee schedule shall be reviewed and approved by the First Selectman and published on the DPW website.
9. An organization holding an Outside Event may request a waiver of the event invoice which shall be granted only if:
  - a. The organization hosting the event is a Non-Profit; and
  - b. During the previous five years, the organization has provided a direct benefit to the Town in an amount that exceeds the value of the event invoice.
10. Fee waiver requests shall be made in writing to the Office of the First Selectman and shall be granted provided that the criteria set forth in paragraph 9 are met.

# BLIGHT ORDINANCE

## for the

## Town of Suffield

### Section I: Purpose.

This Ordinance is enacted pursuant to the Municipal Powers Act (Sec. 7-148, et seq) of the State of Connecticut General Statutes (CGS). It is hereby found and declared that there may exist within the Town of Suffield a number of real properties, which are vacant and/or in a blighted condition, whose continued existence may contribute to the decline of the Town. It is further found that the existence of such properties adversely affects the economic well-being of the Town and is unfavorable to the health, safety, and general welfare of its residents. It is further found that many of the properties can be rehabilitated, reconstructed, or reused so as to provide decent, safe and sanitary housing and commercial facilities, and that such rehabilitation, reconstruction, or reuse would eliminate, remedy and prevent the adverse conditions described above. This ordinance is sensitive to the private property rights of the citizens of Suffield and to extenuating circumstances due to age, disability, and citizens' economic situations.

### Section II: Scope of Provisions.

No owner of real property located in the Town of Suffield shall allow, create, maintain, or cause to be created or maintained, blight. This Ordinance shall apply to the maintenance of all properties now in existence or hereafter constructed, maintained, or modified but shall exclude: any active farm as defined in the Zoning Regulations, land preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

### Section III: Definitions.

For the purpose of this article, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

- 1) *Abandoned and/or Vacant* shall mean any property which by any reasonable objective observation, has been relinquished and is vacant.
- 2) *Blight Enforcement Officer* shall mean any individual appointed by the First Selectman to enforce the provisions of this article.
- 3) *Blighted Property* or *Blighted Properties* shall mean, as the case may be, the condition of any structure, or any part of a building or structure that is a separate unit, or parcel of land upon which a structure is located in which at least one of the following conditions exist:
  - a) It is in a condition, which poses a serious threat to the safety, health, and general welfare of the community, i.e., a life-threatening condition or a condition, which puts at risk the health or safety of citizens of the Town, as determined by the designated

Blight Enforcement Officer, the Building Official, the Fire Marshal or the North Central District Health Department.

- b) It is attracting illegal activity as documented by the Police Department.
  - c) It is a fire hazard as determined by the Fire Marshal or as documented in Fire Department reports.
  - d) It is not being maintained as evidenced by the existence of at least one of the following conditions: it is open to the elements, or has collapsing or missing walls or roofs, missing or boarded windows or doors, siding that is seriously damaged or missing, or is unable to provide shelter, or serve the purpose for which it was constructed due to damage dilapidation, decay, or severe animal infestation; the property in the public view is chronically neglected or abandoned.
  - e) It has material which is incapable of performing the function for which it is designed including, but not limited to: abandoned, discarded, or unused objects; more than one abandoned, discarded, or unused motor vehicle; equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, garbage, and all such other debris that are in the public view. Notwithstanding the foregoing, Blighted Properties shall not include such temporary conditions, not to exceed six (6) months in duration, as may be reasonably related to the repair or restoration of the property.
- 4) *Dilapidation* shall mean partial ruin, decay or disrepair of any property such that it would not qualify for a certificate of use and occupancy, or which is deemed unsafe or which is designated as unfit for habitation as defined in the current edition of the Connecticut State Building Code.
- 5) *Blight* shall mean the existence of a Blighted Property, whether the property is a residential or commercial building.
- 6) *Premises* shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this ordinance.
- 7) *Property maintenance violations* shall mean the violation of the following standards with respect to buildings and structures:
- a. The exterior of buildings and structures shall be maintained so that it is not dilapidated, deteriorating, or decaying, nor open to the elements. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not



limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.

- b. *Property maintenance violations* shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk as described in the towns Sidewalk Ordinance, and/or public or private street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.
- c. *Property maintenance violations* shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by complaint(s) from adjoining and nearby property owners.

8) *Public view* shall mean visible from any public or private right-of-way or neighborhood.

#### Section IV: Prohibition against creating or maintaining blighted properties.

No person, firm, business entity, voluntary association or nonprofit organization shall cause or permit a Blighted Property or Blighted Properties, as defined herein, to be created, or the existence thereof continued, on any real property located in the Town of Suffield in such a manner that it causes or contributes to blight.

#### Section V: Special Consideration.

Special consideration may be given to individuals that are disabled, elderly, or low income in the Town's effort to correct blight. If an individual cannot maintain a reasonable level of upkeep of his or her owner-occupied residence and no capable person resides in the residence, the town may give the person a reasonable amount of time to correct the problem, the duration of which shall be at the discretion of the Blight Enforcement Officer.

- 1) *Capable Individual* shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.
- 2) *Disabled Individual* shall mean, in the case of an owner occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have a household member capable of providing the necessary maintenance.
- 3) *Elderly Individual* shall mean an individual sixty-five (65) years or older, who does not have a household member capable of providing the necessary maintenance.

- 4) *Low Income Individual* shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of “qualifying income” established by CGS Section 12-170d(a)(3).

## Section VI: Enforcement

- 1) *General Provisions.* The Board of Selectmen shall be responsible for administering and supervising the enforcement of this Ordinance.

The Board of Selectmen shall appoint a Blight Enforcement Officer. The Blight Enforcement Officer shall enforce the provisions of this section and any rules or regulations promulgated under this section. The Blight Enforcement Officer may initiate inspections and investigations of blight and shall receive information and complaints concerning violations of this section. The Blight Enforcement Officer shall determine violations of this section; may order the owner of the Blighted Property to abate such violations, issue citations and penalties for violations of this section; and may effectuate the removal or abatement of the blight condition under the procedures set forth in this section.

The Blight Enforcement Officer shall serve a written notice to an owner of the Blighted Property of the violation(s) of this section by leaving a copy of such notice with the owner or mailing such notice by regular mail to the owner’s last known address on file with the tax collector. Nothing in this section shall preclude the Town of Suffield from providing notice in another manner permitted by applicable law. The failure of the owner to receive the Notice of Violation shall not affect the validity of the service.

- 2) The notice of violation shall contain the following information;
  - a) The address of the affected property.
  - b) The exact nature of the violation.
  - c) The time allowed for corrective action (not to exceed 30 days).
  - d) The penalty for continued violation of this ordinance and the \$100 fine for each day the Blighted Property remains in violation of this ordinance which can be enforceable subsequently as a lien on the owner’s property and which may also be converted into court judgments.
  - e) Inform the owner that they may schedule a resolution conference with the Blight Enforcement Officer within ten (10) days from the date of the Notice of Violation.

3) *Imposition of Fine.* If the owner fails to remediate the violation within thirty (30) calendar days after the Notice of Violation is served, the Blight Enforcement Officer shall impose a penalty against the owner in accordance with Section 7-148. Each day that the Blighted Property is in violation of this article shall constitute a separate offense and the penalty shall begin to accrue on the thirty-first (31) day after the date of the Notice of Violation and continue to be levied each day until the violation is corrected and the owner informs the Blight Enforcement Officer that the blight violation has been remediated. All fines imposed for violations of this article shall be paid to a fund maintained by the Town of Suffield.

4) *Citation.* If the owner fails to remediate the violation within thirty (30) days after the Notice of Violation is served, the Blight Enforcement Officer shall serve a written civil citation upon the owner of the premises by having such notice served by State Marshal with the owner or by mailing such notice by certified mail to the owner's last known address on file with the tax collector. Nothing in this section shall preclude the Town of Suffield from providing notice in another manner permitted by applicable law. The failure of the owner to receive the citation shall not affect the validity of the service.

The citation shall inform the owner:

- a) Of the allegations against said person and the amount of the fines, penalties, costs, or fees due.
- b) That the fines, penalties, costs or fees will continue to accrue on a daily basis until the owner remediates the blight violation and provides notice to the Blight Enforcement Officer that the blight violation is remediated.
- c) That said person may contest his or her liability before the Blight Appeals Committee by delivering, in person or by first class mail, written notice to the Blight Enforcement Officer within ten (10) days of notice.
- d) That if said person does not demand such a hearing, an assessment and judgment shall be entered against him or her.
- e) That such judgment may issue without further notice.
- f) That any unpaid fine imposed pursuant to the provisions of this section shall constitute a lien upon the property against which the penalty was imposed from the date of such penalty.

#### Section VII: Resolution Conference

Within ten (10) days of the date of the Notice of Violation to the owner of a property, the owner may request a resolution conference with the Blight Enforcement Officer. The purpose of the resolution conference is to determine whether the owner is willing and able to remediate the Blighted Property.

Neither the request for, nor the scheduling of a resolution conference shall toll or abate the service of a civil citation upon the owner or the imposition of fines in accordance with this ordinance. However, at the resolution conference the Blight Enforcement Officer may grant an extension of time to complete the remediation at his or her sole discretion. If the owner completes remediation within the time granted, the Blight Enforcement Officer shall waive all fines imposed.

#### Section VIII: Hearing Procedure for Citations.

- 1) The Town hereby specifically adopts the provisions of CGS Section 7-152c for the establishment of a citation hearing process for alleged violations of this and other ordinances.
- 2) There shall be a Appeals Committee consisting of three (3) residents of the Town of Suffield, appointed by the First Selectman and approved by the Board of Selectmen, who shall act by majority vote as citation hearing officers in all hearings for alleged violations of this and other Ordinances.
- 3) The Blight Enforcement Officer, at any time within three (3) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued for an alleged violation of this ordinance, shall send notice to the person cited. Such notice shall inform the person cited with the same information in the written civil citation as required by Connecticut General Statutes.
- 4) If the person who is sent notice pursuant to subsection (3) of this section wishes to admit liability for any alleged violation, they may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Clerk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and the Blight Enforcement Officer shall certify such person's failure to respond to the Appeals Committee. The Appeals Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in CGS Section 7-152c(f).
- 5) Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Appeals Committee shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be as provided in CGS Section 7-152c. The Town of Suffield may place a lien on the property or the insurance policy covering the property may be assessed per CGS Sections 47a-53 and 49-73b for costs incurred to remedy the blight.

#### Section IX: Minimum Standards

Nothing in this ordinance shall limit the power and authority of the Town Building Official, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall. The

Suffield Police Department or the North Central District Health Department to enforce their respective regulations.

- 1) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health, safety, and property values of the people such provision shall be enforceable pursuant to the procedures established herein.
- 2) This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

#### Section X: Blight liens authorized.

The Blight Enforcement Officer is hereby authorized, in accordance with the provisions of Section 7-148aa of the Connecticut General Statutes and this article, to place a lien on any and all Blighted Property as security for any unpaid penalty or fine on behalf of the Town. Each such lien may be continued, recorded, and released in the manner provided by the general statutes for continuing, recording, and releasing property tax liens and may be enforced in the same manner as property tax liens, including enforcement by foreclosure.

#### Section X: Blight Receivership authorized.

The Blight Enforcement Officer is hereby authorized, in accordance with the provisions of Section 8-169aa of the Connecticut General Statutes and this article, to apply for a Receivership on qualifying Blighted Property as set forth in the statute.

#### Section XI: Waiver of Liens and Penalties.

Prior to the commencement of litigation, and subject to the review of the First Selectman, the Blight Enforcement Officer may waive and release said penalties and liens in the event the Town acquires the property; or at the time of the owner's sale of the Blighted Property to a bona fide third party purchaser if, in his or her opinion, the buyer has the financial ability and intention to immediately rehabilitate the Blighted Property; or hold all penalties and liens in abeyance until all rehabilitation is completed. Subsequent to the commencement of litigation, the Town Attorney shall have the authority to compromise, waive and release said penalties and liens at his or her sole discretion.

#### Section XII: Administrative responsibilities.

- a) The First Selectman may prescribe administrative procedures for the purpose of implementing the provisions of this article.

- b) All funds collected by the Blight Enforcement Officer shall be deposited into a continuing account dedicated for the expenses of the municipality related to the enforcement and administration (i.e. legal fees, court costs, service of process, mailing, copying costs, etc.) of ordinances regulating blight and state and local health, housing and safety codes and regulations, including expenses related to community police and the remediation of blighted conditions, when authorized. The account shall be administered by the Board of Finance.

Section XIII. Effective Date.

Effective Date: This Ordinance shall be effective thirty days after passage by Town Meeting.

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