

**Town of Stafford  
Special Town Meeting  
September 27, 2018**

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TOWN CLERK

First Selectman Mary Mitta called the Town Meeting to order at 6:30 p.m. in the Veteran's Meeting Room of the Charles Warren Memorial Town Hall at Stafford, Connecticut. Approximately 50 electors and those eligible to vote in town meetings were present. First Selectman Mitta led the legislative body in the recitation of the Pledge of Allegiance.

Beth DaDalt nominated Edward Muska to serve as Moderator. Stephanie Irving seconded the nomination, which passed unanimously.

Moderator Muska asked for the reading of the call of the meeting by Town Clerk Karen G. Troiano. Town Clerk Troiano read the call of the meeting that was posted in the Journal Inquirer on September 19, 2018 and posted with the Town Clerk on that same day.

Beth Dadalt proposed the following motion:

**"I move that the Town of Stafford adopt an Ordinance for Zoning Violation Citations and Procedure as attached."**

Richard Hartenstein Jr. seconded the motion.

Stafford Zoning Enforcement Officer/Blight Officer David Perkins explained that the ordinance would set procedures for issuing citations for violations of local zoning regulations. He felt this tool would quickly address the black and white issues in the regulations without having to go to court. He further stated that this ordinance does not address blight, as we already have a blight ordinance.

Moderator Muska opened the floor for discussion.

Jolyon Sprowles stated that we currently have a blight ordinance citing fines not to exceed \$100.00 per day.

ZEO Perkins responded that CGS 8-12a allows for \$150.00 per day for violations pertaining to zoning regulations. Blight violations are \$100.00 per day.

Polly McCranie stated that she read on Facebook that this would apply to persons not mowing their lawn.

ZEO Perkins stated that lawn height issues are addressed in the blight ordinance.

Jason Lerette stated that he felt the ordinance over-reached. He expressed a concern that the ordinance does not illustrate the procedure, the fine was too expensive, and that it is left to the discretion of just one person.

David Palmberg stated that a clip on social media did not show the full conversation pertaining to a statement he made in his position as a Planning & Zoning Alternate at their September 25, 2018 meeting. He stated that he was not making a joke but was being supportive of the proposed ordinance.

Shane Reichle stated that there is ambiguity allowed with the current zoning commission. He further stated that under this ordinance a one-year fine would be close to \$55,000.00. How many people can afford \$55,000.00? Mr. Reichle also added that the process is not listed in the ordinance. He stated that any ambiguities should be cleared up before it is entered into the books.

Judith Mordasky queried if citations were only issued in the event someone was in violation of a zoning regulation. If within regulations, it does not apply, correct?

ZEO Perkins stated that was correct.

Dianne Bilyak questioned who created this ordinance.

ZEO Perkins stated that it came from himself. It did not come from the Planning & Zoning Commission.

Christopher Joseph stated that he is a Planning & Zoning Commission Alternate and he agrees that a tool should be in place but he was unclear on how it started, how it would proceed, and what prompted the creation of an ordinance. What is the problem, can we address it specifically rather than being broad spectrum? Mr. Joseph stated that he has mixed feelings, feels the ZEO should have a tool to enforce regulations, but wants everyone to understand and agree how this tool works.

ZEO Perkins stated that it is something he has used in other towns and it is another tool. It would be better to have that tool rather than not have that tool. The current superior court process is lengthy and too difficult for a simple zoning violation that is black and white. The dog kennel is too close to the line—we all know it. If it were a more difficult zoning decision that includes interpretation of a regulation, then he would use the current cease and desist order and have a judge make that decision. He would use it only when it is obvious. He is here to get people to comply with the regulations, not to raise money for the Town. ZEO Perkins further stated that he has created a zoning violation procedure, but he has not yet formalized it with Planning & Zoning Commission. He would be amenable to work with the public on the details if the Planning & Zoning Commission agreed to a public hearing before they adopt it.

Gregg DaFoe stated that many of the people in the room probably like and respect the people that currently run our town; we know they are good people and probably would

not abuse any power. He stated that when we grant power to the government we do not grant it to the people we like who are currently in office, but we grant it to the government forever. We have to think about who maybe comes next. Once we give government power, it is hard to get it back. He stated that he is not necessarily opposed to it and thinks there are things that it could use some more time to hash out and get some more particulars back. Mr. DaFoe further stated that \$150.00 is a huge sum of money and most people do not make that in a day.

Jolyon Sprowles indicated that ZEO Perkins rationally verbalized the procedure but it is not illustrated within the ordinance. Further, he would feel better about voting for the ordinance if the things he heard that he liked, are in it.

Nancy Collier stated that she felt the procedure and the time period be spelled out more clearly in the ordinance. She interprets that the ZEO has 12 months to send a notice and someone could be paying uncontested fines for 11 months.

Kalee Mead stated that the ordinance does not specify violations and the regulations are 128 pages deep and that there are a lot of zoning regulations we may or may not be aware of for compliance. Mrs. Mead stated that she would be more comfortable with an ordinance if it specified the potential violations.

David Mordasky stated that Dave Perkins has done a phenomenal job in his short tenure with the Town of Stafford. Moreover, speaking as the chair of the Agriculture Advisory Commission, David Perkins has helped the town tremendously. Mr. Mordasky further stated that anything they can do to help the ZEO do his job is a good thing and that all of the recommendations he has heard are good.

Richard Shaffer questioned how many times in the last 2 years the ZEO has gone to court over violations. He indicated that to him the ordinance seems extreme and it appears that most are remedied through discussion.

Dave Palmberg asked for clarification on issued citations later brought into compliance and/or if a plan of action is in place, does the ZEO have the discretion to nullify the fine?

ZEO Perkins stated that he could.

A number of members stated that a future ZEO might not do so, and it should be spelled out in the ordinance.

Glenda Schlapkohl, spoke to a specific zoning issue that she has personally encountered.

Victoria Mordasky asked for an example of proactive enforcement.

ZEO Perkins responded that we do not allow banners on commercial buildings. If a number of businesses along Route 190 had commercial banners, it would be proactive to write letters to all the businesses to remove the banners.

Judith Mordasky asked if a citation were issued, and is contested, do the fines add up while contesting.

ZEO Perkins stated that it does and it could be addressed with the hearing officer.

Christopher Joseph stated that he would hate to see someone lose their home over zoning violations.

Ryan Wytas asked if the Town of Stafford is liable for all of its own properties as there are a number of current blight issues with Town properties and buildings.

ZEO Perkins stated that the Town of Stafford is not exempt from zoning violations.

Stacy Joseph stated that this seemed like a tax on the poor, as people who lack funds cannot keep up with zoning codes. What if someone is unable to pay, can we address helping instead?

Lauren DaFoe stated that, as we are not sure who the next ZEO is, we need to be comfortable that the ordinance is fully enforced. The next ZEO might not be good. There is room for due process.

Polly McCranie stated there are people in town who are of a lower income and we need to be compassionate as a town.

Kaylee Mead stated that the blight ordinance has some gray areas and there are many residents that could be cited for blight, and a meadow to one is a messy lawn to another, so we need to be clear.

Gregg DaFoe stated that he felt we should invest time and effort in refining this ordinance.

Moderator Muska called for a voice vote on the motion.

Moderator Muska declared the motion failed.

Beth DaDalt proposed the following motion:

**“I move that the Town of Stafford authorize the Board of Selectmen to approve and authorize the sale of any of the Town properties that were reviewed at the August 27, 2018 Public Hearing, and attached here.”**

John Locke seconded the motion.

First Selectman Mitta explained that the purpose of the sale is to get 39 Town owned properties onto the tax rolls. The Planning & Zoning Commission approved the sale.

There was a Public Hearing and the public was enthusiastic. She further explained that a realtor was chosen by bid and that this is the next step in the process.

Moderator Muska called for a voice vote on the motion and declared the motion approved.

Beth DaDalt proposed the following motion:

**“I move that the Town of Stafford take from the table, the motion to approve a lease option with Bloom Energy Corporation from the July 21, 2016 Town Meeting.”**

Glenda Schlapkohl seconded the motion.

Moderator Muska called for a voice vote on the motion and declared the motion approved.

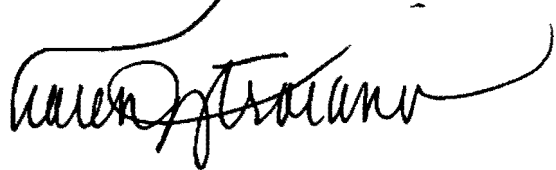
Moderator Muska stated that the matter is now off the table. He further stated that we now needed to vote on the original motion from the July 21, 2016 Town Meeting which was to approve the lease option.

Moderator Muska called for a voice vote and declared the motion defeated.

With no other business to come before the Town Meeting, Moderator Muska entertained a motion to adjourn by Beth DaDalt and seconded by Richard Hartenstein, Jr.

The meeting adjourned at 7:16 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen G. Troiano". The signature is fluid and cursive, with a long horizontal stroke at the end.

Karen G. Troiano  
Stafford Town Clerk

## ZONING VIOLATION CITATIONS AND PROCEDURE

### ORDINANCE RE: ZONING VIOLATION CITATIONS AND PROCEDURE

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STAFFORD IN LAWFUL TOWN MEETING DULY ASSEMBLED, THAT, the following Ordinance be established:

#### AN ORDINANCE FOR ZONING VIOLATION CITATIONS AND PROCEDURE

A. Pursuant to Connecticut General Statutes (CGS) Section 8-12a, the Zoning Enforcement Officer is authorized to issue citations for violations of the Town of STAFFORD Zoning Regulations to the extent and in the manner provided by this section. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States Postal Service mail. The Zoning Enforcement Officer shall retain a copy of the citation.

B. A citation may be issued for any violations of the Town of STAFFORD Zoning Regulations.

C. The fine for each citation shall be \$150.00 (one hundred and fifty dollars) per day, payable to the Town of STAFFORD.

D. Any person receiving such a citation shall be allowed a period of 30 calendar days from receipt of said citation to make an uncontested payment of the fine specified in the citation. If the citation has been sent by regular mail pursuant to the provisions of Subsection A of this Section, the day of receipt of the citation shall be deemed to be four calendar days after the day of mailing of the citation.

E. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation within the time allowed under Subsection D of this Section, the Zoning Enforcement Officer shall send a notice to the person cited, within twelve (12) months of the end of said uncontested payment period, informing such person:

1. Of the allegations against him or her and the amount of the fines;
2. That the person cited may contest liability before a Hearing Officer appointed by the First Selectman as provided in Subsection I of this Section, by delivering, in person or by mail, within 10 days of the date of the notice, a written demand for a hearing;
3. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her;
4. That such judgment may issue without further notice.

F. If the person who is sent notice pursuant to Subsection E of this Section wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine either in person or by mail, to the Planning Office of the Town of STAFFORD. All fines shall be made payable to Treasurer, Town of STAFFORD. 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 notice described in Subsection E of this Section shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify to the Hearing Officer that such person has

failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this section and shall follow the procedures set forth in Subsection H of this section.

G. 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 15 days nor more than 30 days from the date of the mailing of notice, provided that the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of CCGS §52-180 and evidence of the facts contained therein. The presence of the Zoning Enforcement Officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. The Zoning Enforcement Officer may present evidence on behalf of the town of STAFFORD. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Town of STAFFORD Zoning Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such a person unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Section.

H. If such assessment is not paid on the date of its entry, the Hearing Officer shall send, by first class mail, a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court, together with the applicable entry fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

I. The First Selectman shall appoint one citation Hearing Officer to conduct the hearings provided by this section. Hearing Officers shall serve for terms of two years, unless removed for cause. The Zoning Enforcement Officer; the Building Inspector; or any employee or volunteer of the Town of STAFFORD exercising zoning authority may not be appointed to be a Hearing Officer pursuant to this Section.

This Ordinance shall become effective fifteen days after publication in a newspaper having a general circulation in the Town of STAFFORD.

Adopted \_\_\_\_\_

Effective \_\_\_\_\_

MAP / LOT	Assessed Value	Acerage	Address		
59/002	\$43,680.00	0.82	11 PETERSSON CIR	buildable.Rear lot	
59/019	\$32,620.00	0.26	10 HARVEY LA		
59/040	\$5,110.00	0.44	13 PETERSSON CIR	buildable	
62/013	\$22,190.00	0.44	13 BOYER RD	buildable	
62/034	\$8,190.00	0.33	1 OLD CRYSTAL LAKE RD	not buildable corner of	
17/75	\$187,460.00	0.88	76 wales road	boyer and 30	
17/049.2	\$12,950.00	0.45	0 LAKE SHORE BLVD	water front	
18/084	\$10,360.00	0.26	64 LAKE SHORE BLVD	a	
18/083	\$11,900.00	0.26	66 LAKE SHORE BLVD	k	
18/077	\$12,040.00	0.24	78 LAKE SHORE BLVD	e	
18/075	\$12,040.00	0.22	82 LAKE SHORE BLVD	area	
52/036	\$6,090.00	0.09	44 STAFFORD HGTS	o	f
52/035	\$6,090.00	0.09	42 STAFFORD HGTS	l	r
52/034	\$6,090.00	0.11	40 STAFFORD HGTS	d	n
52/033	\$6,090.00	0.12	38 STAFFORD HGTS	s	t
52/032	\$6,090.00	0.11	36 STAFFORD HGTS	u	a
52/031	\$6,090.00	0.11	34 STAFFORD HGTS	b	g
52/028	\$9,800.00	0.12	28 STAFFORD HGTS	d	e
52/020	\$6,230.00	0.06	12 STAFFORD HGTS	i	on
52/027	\$9,800.00	0.14	26 STAFFORD HGTS	v	oak
52/024+25+26	\$12,810.00	0.30	22 STAFFORD HGTS	lo	s
52/022+23	\$12,600.00	0.24	18 STAFFORD HGTS	n	t
52/097	\$23,450.00	0.45	60 WEST MAIN ST	Old Boro FD	
52/052	\$21,980.00	0.22	103 WEST MAIN ST	corner of stafford	
64/028	\$32,200.00	0.18	0000 LAKE VIEW TER	hgts...buildable?	
45/049	\$19,250.00	0.45	64 CRYSTAL LAKE RD	lake area	
46/034D	\$47,390.00	1.37	0 TROLLEY CROSSING	on 30 buildable?	
46/041C	\$23,170.00	1.44	0 ABBY RD	landlocked off abby by	
18/025	\$4,550.00	0.15	5 MEADOW TR	river	
18/026	\$4,550.00	0.16	3 MEADOW TR	landlocked by river	
18/023	\$4,480.00	0.17	8 MEADOW TR	l	
18/022	\$4,690.00	0.17	6 MEADOW TR	a	
18/016	\$4,620.00	0.25	9 FOX TR	k	
18/060	\$11,830.00	0.19	57 COLBURN RD	e	
26/017	\$35,700.00	1.12	17 LAUREL LA	lake area	
26/016	\$35,490.00	1.03	19 LAUREL LA	lake area	
73/055	\$5,110.00	0.42	83 WESTFORD AVE	left over	
40/044	\$203,700.00	1.26	263 EAST ST	from sub division wet	
26/028	\$16,870.00	0.35	0 SUNSET RIDGE	wet	
				pinney school	
				left over see laurel	
				below	