

**MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW
COMMITTEE MEETING HELD ON TUESDAY, JANUARY 8, 2013 AT 6:45
P.M. IN ROOM 210, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT
06410**

Present

Sylvia Nichols, Chair; Peter Talbot, James Sima
Staff: Louis Zullo, Personnel Director; Jerry Sitko, Economic Development
Coordinator; George Noewatne, Acting PW Director
Others Present: John Purtill, Chairman, Public Building Commission;
Vincent Robitaille, PBC Member; Jeanne Chesanow, Chair, Historic District
Commission.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. DEMOLITION DELAY ORDINANCE, possible action

Mr. Sitko distributed copies of information on the number of structures in Cheshire which are 75 to 100 years old. There are 941 structures which are 75 years old, and 531 structures which are 100 years old, and these include residential, commercial and barn structures.

Ms. Chesanow discussed the issue of whether or not a demolition delay saves buildings. She talked about Norwalk CT where a 90 day delay resulted in finding buyers for 3 buildings, and they are now residential condo units. In Southington CT, the Andrew Only building owned by the YMCA is under a demolition delay through an injunction until January 30, 2013. There are now talks between the Connecticut Trust and the Y to find a use for the building, in this historical area of the town, and there could be funding available for the Y to keep the building.

At the last Ordinance committee meeting, Mr. Sitko noted that there was a request made for information about the towns which have a delay ordinance. Most are 90 days and some are 60 days, and under State statute there can be a 180 day delay.

Ms. Nichols commented on the final draft of the ordinance having some changes made as the committee asked.

Mr. Sima stated he is not in favor of infringing on someone's property rights and what they can, and cannot do, on their property. He understands the difference between historic and non-historic areas. However, with the historic district, people voted to stay within this community. And, he noted that some buildings

out there are not worth saving, and people have the right to their property. This is not a right of the Town Council to tell people what to do with their property. Mr. Sima did say that the Commission addressed some of the questions raised from the last meeting. From the information received there are about 1000 properties being exposed with this demolition delay ordinance, and Mr. Sima is not in favor of this revision to the ordinance.

Mr. Talbot stated his agreement with Mr. Sima's comments as the rights of property owners comes first. What is requested in the demolition delay ordinance is too much to be considered.

Ms. Nichols also agreed with the comments stated, and the question is what should and should not be preserved. She questioned whether there is another way to handle this issue, without legislation, through the Historic District Commission, since some of these 100 year old properties are not worthy of preservation. Ms. Nichols suggested the Commission reach out to these property owners so they can utilize resources available to them should they want to demolish a piece of property.

Following discussion and comments, it was the decision of the Ordinance Review Committee that the demolition delay ordinance would not be forwarded to the full Town Council.

4. PUBLIC BUILDING COMMISSION ORDINANCE REVISION (possible action)

PBC Chairman Purtill and PBC member Robitaille submitted a copy of the draft of the proposed new ordinance dated July 10, 2012 to the committee for review and discussion.

Mr. Purtill gave an overview of the process which started a few years ago to shorten the development time for construction projects, which includes five round trips for a project to the Council. However, the committee dropped the matter and nothing was ever changed. There has been recent dialogue between Mr. Purtill and Town Attorney Johnson, and it was decided to move this matter forward. A draft ordinance was created, taken back to PBC, and it is believed it could be passed and recommended to the Council. Attorney Johnson worked on the draft ordinance and PBC made some more changes, followed by another review from Attorney Johnson and Mr. Purtill.

Mr. Robitaille stated that the changes to the ordinance tighten up the language and enables the Council and PBC to work together more efficiently. Town Attorney Johnson is on board with the proposed new ordinance.

The proposed new ordinance was reviewed and discussed by the committee with the PBC members.

Page #1 – (B) (a). For this section, Mr. Sima stated he wants to insure that we keep in effect the terms that are in place right now, that the PBC always has a quorum, and that terms end on the last day of January. He noted that the Town Clerk's office must keep track of terms of office. If a person remains on the commission until there is a replacement, there could be a question of when the term of office starts.

According to Mr. Zullo, all terms are for four years, and all terms end on the last day of January of the four years.

Mr. Robitaille said that subsection (c) covers this concern. A person filling an unexpired term goes to January of the last year of the four year term.

Mr. Sima stated that this section of the new ordinance must be cleared up further...and could read "last day of January of the four year term" or "last day of January of the existing term."

It was noted by Mr. Talbot that the committee is looking for cleaning up of the language so there is no situation of staggered terms.

Mr. Purtill will check with Town Attorney Johnson on this issue of "terms".

Mr. Zullo said the Council wants to have appointments of 3/3/3 on PBC.

Page 2 – 3 (b) – it was clarified by Mr. Purtill that a "non-user member" could be a representative from the Energy Commission.

Mr. Purtill explained that the changes to the ordinance makes things more formal and incorporates, by reference, the PBC procedures and bringing things up to date. Each PBC member will receive a copy of the handbook of operations.

3 (C) -2 (f) – this is a new subsection to the ordinance and it was drafted by Mr. Purtill and Attorney Johnson. The PBC has used project committees, and Mr. Purtill said the first revision was not clear, and he submitted another section (f) which reads as follows:

(f) *The commission may appoint a project committee to oversee specific projects undertaken by the commission. A project committee may include temporary user and non-user members. The authority of project committees shall include the day to day management of the project through completion, including expediting, design changes, approvals of materials and construction methods and issuance of project change orders within limits that shall be determined by the commission and council.*

Mr. Purtill noted that after further review the Town Attorney recommended that "council" be deleted from this section.

The purpose of this section is to delineate what the project committee does. As there are more and more projects to be handled by PBC this language delineates the overall responsibilities of the project committee. This must be part of the PBC procedures; the project committee takes ownership of the job, and this has worked well for PBC. There are people who can make on the spot changes, as necessary, and there is a \$5,000 change order authorization in place. Larger change orders are handled through a meeting of the PW Director, Town Manager's office, Clerk of the Works and PBC project committee, along with a Dept. of Education representative for school projects. This is what is in the ordinance without improper delegation of the commission's authority. PBC believes that section (f) covers the project committee issues.

In section 2(c) Mr. Sima questioned deletion of the last sentence that starts with "Thereafter, the commission's recommended choice of consultant..." as this could be a requirement of Town Council approval.

According to Mr. Purtill the town attorney was okay with removal of this sentence.

Mr. Sima said he wants this discussed with the town attorney to make sure it follows the Charter. Stating he has faith and admiration on how the PBC does its job, there could come a time when the group does not work well, and the Town could be faced with a project going bad. Fingers would be pointed at the Council and Town Manager. Mr. Sima believes the Ordinance Review Committee should meet with the Town Attorney on the proposed PBC ordinance.

Mr. Purtill commented on two bottlenecks in the PBC process...what is included in (f) and what comes out of the competitive bid.

The part about "life cycle costs" was raised by Mr. Sima, which is on page #1, under Purpose, and he said this almost means that this is the only criteria to be used.

Mr. Purtill said that life cycle costs will be looked at further. Use of the modifier possibly implies there needs to be judgment used in determining what the criteria are for use, selection and implementation.

This is the beginning of the proposed new ordinance, and Ms. Nichols stated the need for a meeting of the Ordinance Review Committee, PBC and Town Attorney Johnson to adequately and fully review the ordinance.

5. ADJOURNMENT

MOTION by Mr. Talbot; seconded by Mr. Sima.

MOVED to adjourn at 7:26 p.m.

VOTE The motion passed unanimously by those present.

ATTEST:

Marilyn W. Milton, Clerk