MINUTES OF THE CHESHIRE TOWN COUNCIL PUBLIC HEARING HELD ON TUESDAY, MAY 11, 2010 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

PUBLIC HEARING SUBJECT MATTER:
CONSIDERATION OF A PROPOSED HISTORIC DISTRICT FEES ORDINANCE, SECTION 2-83(h) (new).

Present
Timothy Slocum, Chairman; David Schrumm, Vice-Chairman; Justin Adinolfi, Michael Ecke, Andrew Falvey, Anne Giddings, Thomas Ruocco, James Sima, Timothy White.
Staff: Michael A. Milone, Town Manager; Ramona Harten, Library Director; Robert Ceccolini, Parks and Rec Director.

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

2. Explanation of Hearing Procedure and Agenda.
Chairman Slocum explained the procedures for a public hearing of the Cheshire Town Council.

3. Reading of the Legal Notice.
The Clerk of the Council read the legal notice.

4. Presentation on hearing subject.
Mrs. Giddings, Chair of the Ordinance Review Committee, said she had, at the time of the ORC meeting, recused herself from this matter due to possible conflict of interest as she served as a fiduciary on one of the major properties in the historic district. She no longer serves in this capacity.

Mrs. Giddings explained that this ordinance comes to the full Town Council from the Historic District Commission. At present the commission has only one fee of $25 to accompany applications for Certificates of Appropriateness, and this fee is waived if it is determined no need for this certificate. However, since the general operation of the historic district has fees imposed in order to provide some income to the Town to recoup costs of hearings or other commission expenses, the proposal was presented in line with what is done by other towns. At the time of the ORC meeting, the two other members voted to send the matter to the full Town Council.

5. Questions at the discretion of the chair.

6. Proponents and Opponents statements alternately expressed.
Bob Porter, Shagbark Court, spoke on behalf of the First Congregational Church and the Council was sent a letter which summarized the Church’s concerns
about this ordinance. The Church was in the historic district before there was such a district and even before Cheshire had a history. The Church supports the efforts of the commission to maintain the integrity of this area of Town. The concern is with the proposed fee structure because they are not, necessarily, directly associated with the costs to the Town. When a fee is based on the value of the property for which there will be work done, it does not relate to the Town’s costs. The Church thinks that the fee structure should relate directly to the cost the Town incurs. With two different projects the Town’s responsibilities would be identical, but the costs would be different for someone using more expensive materials. Mr. Porter said the benefits of the historic district do benefit the entire Town with proper maintenance of the district. The property owners have to bear all the costs, but it is hoped the Council would insure they are not paying more than is necessary. He said the historic district fees should not be viewed as a profit center enabling the Town to raise funds for other purposes. The Church’s revenue stream is stressed at least and possibly more than that of the Town, and an increase in fees is a burden to the Church. Mr. Porter said if fees are raised to cover costs, that makes sense. But, if there are identifiable marginal costs that are being incurred to justify the fees then the fee structure should be changed.

Jeanne Chesanow, Chair, Historic District Commission stated that the fees were researched since the letter came from the Church. She discovered that the fees do not cover the Town’s actual expenses. The cost of a public hearing is $117 to review the application, and this includes two public notices, clerical services, and three pages of minutes done by the recording secretary. If the hearing is continued the cost increases. Therefore, the fees now and those proposed do not meet the Town’s cost, and the Town is providing a service by incurring their costs. Ms. Chesanow pointed out that this is just a proposal and the commission will work with whatever fees the Council decides to pass.

Mr. Adinolfi asked if these fees compare to those of other historic districts in other towns, and if this information is available.

In response, Ms. Chesanow said that Cheshire’s commission met with the Old Saybrook commission. The Old Saybrook commission wanted to change its fees to pay for all costs incurred by the town. They did a similar review and have not set a fee for a Certificate of Appropriateness at $125. Other towns in the State have one fee only, i.e. $70 to $150 for everything.

For applicants with a Certificate of Appropriateness there are also fees incurred for building permits and other fees. Ms. Chesanow said the Historic District Commission wanted to set its fees as a token knowing they would not meet the costs.
Mr. Slocum asked if it is advantageous for the Church which has ongoing projects to have to come before the commission for every project, i.e. replacement of windows, or if their projects can be bundled.

When the Church first came before the commission, Ms. Chesanow said they were the first applicant and they came well prepared with a bundle of projects to be reviewed. One fee was charged, and this could be done by any property owner in the district. For multiple projects the Council could consider a cap so fees do not go above a certain amount.

Mr. Slocum asked how many applications have come before the commission in the last few years.

The Council was informed by Ms. Chesanow that over 5 years there have been 56 applications. Most of these, 32, were for exemptions for which fees are exempt for repairs, maintenance, minor work. The other 24 were for full applications; 21 were approved; 3 were denied.

7. Rebuttal at the discretion of the chair.

8. ADJOURNMENT
Chairman Slocum closed the public hearing at 7:44 p.m.

Attest:

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Marilyn W. Milton, Clerk