

MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE
MEETING HELD ON TUESDAY, JUNE 30, 2015 AT 7:00 P.M. IN ROOM 207, TOWN
HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sylvia Nichols, Chairman and Liz Linehan; Absent: James Sima

Staff: Louis Zullo, Personnel Director; George Noewatne, PW Director; Keith Darin,
Building Official.

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. DISCUSSION AND POSSIBLE ACTION: EDUCATIONAL FEES ON
WAIVED BUILDING FEES FOR TOWN PROPERTIES.

Mr. Darin informed those present that the "educational fees" were implemented at the State level in 2008, with the funds used for training of building officials, fire marshals, and other staff. The current fee is 26 cents per \$1,000 of declared construction value when a building permit is taken out. Although the building permit fees are waived locally for municipally issued permits, it is mandatory that the educational training fees be remitted to the State. Mr. Darin explained that the Building Department pays the fees out of its revenue side of the budget, and said there should be accountability and tracking for all revenue. It is possible to assess the contractor doing the work for these fees of 26 cents per \$1,000 of declared construction value.

Ms. Nichols questioned the accounting for these fees in the budget line item.

Stating he was uncertain how the finance side would account for these fees, Mr. Darin has met with Mr. Milone and Mr. Jaskot on the issue. Mr. Darin noted that each year the exact amount of the fee to be sent to the State is unknown. At the present time there are several projects going on, i.e. Senior Center renovation, CHS Locker Room project, performance contracting, totaling about \$5 million, and the fee will be about \$4,000 to \$5,000, which the Town must pay. He believes there should be a system to evaluate and account for this money, but the question is how, where, and what is the best system.

The question is what the Town Council must do to have this money moved in the department budget, and Ms. Linehan noted it is a procedural change.

In 2005 the building fees were changed, and Mr. Zullo explained that when this happened, the building official at the time, did not want to include the educational fee into the increase. Mr. Zullo said the 2005 resolution could be amended to state

something about the "waiver of the educational fees", and stated Mr. Darin wants transparency for the money missing from the budget.

In that regard, Ms. Nichols asked if the ordinance should state that the Town of Cheshire will absorb this cost. She commented on the simple way to do this would be to change or amend the resolution (#061405-3-c) for clarity due to the fact that municipal projects do not pay a building fee...but the educational fee must be paid by the Town to the State. There must be language in the ordinance stating the Town pays these fees. She asked Mr. Darin to write the language for the ordinance amendment so the Town is in compliance with the State mandate.

MOTION by Ms. Linehan; seconded by Ms. Nichols.

MOVED that the Ordinance Review Committee requests that Building Official Darin and department staff add specific language to Resolution #061405-3 for *Building Fees Ordinance Section 3-3-c* stating the Town of Cheshire will continue to remit the educational fees at a rate of \$0.26/\$1,000 of declared construction cost, as required under Section 29-251-c; the amended ordinance would be effective 21 days after publication.

VOTE The motion passed unanimously by those present.

4. DISCUSSION AND ACTION RE: AMENDED STREET EXCAVATION PERMIT FEES.

Mr. Noewatne reported that one year ago, October 2014, these fees were amended per Resolution #101414-3 for Ordinance Section 14-1(d). The fees were set at a flat fee of \$75 for the first 100 square feet area to be excavated, and an additional \$75 for each 400 square foot area. It was explained by Mr. Noewatne that the fee relates to the amount of review time by Public Work Engineers before the project is permitted. Since the time of the amendment to the ordinance the issue of "driveways" has come up, with most of them falling outside the 100 square foot minimum.

The committee was told by Mr. Noewatne that staff recommends an exemption be made for driveway excavation work to require only a \$75 fee, which would be adequate compensation for PW review of the work. The fee would be the same for commercial and residential properties. He commented on driveway paving being a minimal project, with PW staff checking to insure landscaping is restored and there is no damage to Town road or sidewalks. With a new driveway there is more work, with PW crew members insuring grades are correct, etc. Under the amended ordinance the repair/repaving of a driveway has a \$75 fee, and a new driveway would fall under the current ordinance requirements.

Mr. Noewatne noted that a 400 square foot excavation would be a contractor putting in sewers or gas company work. If property is on a State road, the State handles the permit process.

MOTION by Ms. Linehan; seconded by Ms. Nichols.

MOVED that the Ordinance Review Committee recommends amendment of Town Ordinance Section 14-1(d) as follows: Establish a flat fee of \$75.00 for any repair/repaving of an existing driveway; and creation of a new driveway would follow the ordinance fee structure.

VOTE The motion passed unanimously by those present.

5. ADJOURNMENT

MOTION by Ms. Linehan; seconded by Ms. Nichols.

MOVED to adjourn the meeting at 7:42 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk