

**TOWN OF WALLINGFORD, CONNECTICUT  
ORDINANCE COMMITTEE**

Room 315  
45 South Main Street, Wallingford  
Tuesday, August 6, 2024  
6:30 pm

RECEIVED FOR RECORD 8/12/24  
AT 9:10am UG AND RECEIVED BY  
Kristen Pango TOWN CLERK

**RECORD OF VOTES AND MINUTES**

The Ordinance Committee Meeting on Tuesday, August 6, 2024, was called to order at 6:30 p.m. There was a moment of silence and the Pledge of Allegiance was said. Councilors in attendance were Samuel Carmody; Thomas Laffin; Council Chair Joseph Marrone, Jesse Reynolds, Christina Tatta, and Autumn Allinson Chairperson. Also in attendance were Mayor Vincent Cervoni and Janis Small, Corporation Counsel.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes of April 2, 2024, Ordinance Committee meeting.

**MOTION WAS MADE TO APPROVE THE April 2, 2024 MINUTES AS PRESENTED.**

**MADE BY: TATTA  
SECONDED BY: REYNOLDS  
VOTE: UNANIMOUS  
MOTION: PASSED**

**5. Discussion and Possible Action Regarding Updates to the CT Line of Duty Statute**

Atty. Small explained that this has to do with the CT Statute for tax abatement for the surviving spouse of a first responder killed in the line of duty. There is a new law that says that Towns need to determine who makes the decision. Atty. Small stated that she discussed this with Chief Ventura and Acting Chief Wilson who agreed that it should be a committee. They suggested that the committee should include at least one of them and someone from HR. Atty. Small added that if we don't enact an ordinance it will fall to the Police Chief. She stated that she will draft an ordinance.

Councilor Tatta asked if it should be a three-person committee. Atty. Small replied that she was open to suggestions. The Department heads would bring expertise and HR would bring perspective.

Councilor Marrone suggested the Fire Chief, the Police Chief, and the Mayor. He also suggested having non-elected people to avoid political issues.

Mayor Cervoni suggested the Police Chief if it had to do with the Police Department, and the Fire Chief if it had to do with the Fire Department with a representative from Human Resources. He added that he works closely with HR, so doesn't need to be on the committee. Or he suggested using the "Mayor or his designee".

Chairperson Allinson confirmed that the consensus is three committee members. She stated that she would rather have the HR Director or designee.

Atty. Small agreed to draft the ordinance.

#### **6. Discussion and Possible Action Regarding Updates to the Outdoor Dining Ordinance**

*In attendance was Justin Rossetti, Chief Building Official, Building Department*

Atty. Small presented the changes discussed at the last meeting including the addition of 62-11.

Mr. Rossetti explained his concern with barriers. He suggested doing away with the barrier.

Atty. Small stated that she would check to see if barriers are required as part of the liquor license.

Mr. Rossetti stated that when they expanded outside dining during COVID no one got hurt. Barriers have to have a base which leaves less room for tables and creates a hazard. We can add a caveat that the businesses still have to follow liquor laws. He painted the green lines on the sidewalk at the 4-foot mark per the Statute. He added that he doesn't mind being the one to enforce the rule. Barriers impede emergency exits and don't take into account handicap accessibility. He stated that most people have obeyed the green line this summer.

Chairperson Laffin noted that he looked it up and the liquor permit wording in CT 30-22A, Café permit, and noted that a barrier is not required for outside service by the Department of Consumer Protection.

Atty. Small stated that she would bring the revised ordinance without barriers with the change in 62-11d and 62-14b in final form to the Council for a hearing.

Mr. Rossetti suggested that the Council think about the unevenness of the sidewalks in the downtown area. He noted that the pavers are not appropriate walking surfaces.

#### **7. Discussion and Possible Action regarding Updates to Building Ordinances (Housing and Blight)**

Atty. Small stated that she compared the existing blight ordinances to the CT Statute and the ordinance needs a complete overhaul to align with updated statutes.

Mr. Rossetti reviewed his procedure which includes employing a Marshal to touch them twice. Sometimes they can't find the owner. He suggested allowing them to serve pro-fascia notices. This would mean they can post the notice on the building and take a picture of it for the files. The ordinance includes certified mail, but people refuse to sign the certified mail card. It costs \$50 every time they send a Marshal out.

Atty. Small added that they would still send a letter as well. They would set the criteria to allow this alternative service.

Mr. Rossetti added that the current ordinance says that they need to keep the property clean for 90 days and he would like to extend the period to 18 months. He also suggested charging the landlord for the cost of the Marshal.

Chairperson Allinson asked if we could recoup the cost of the Marshal. Mayor Cervoni noted that that would mean including it as part of the lien. Atty. Small stated that it has to be authorized as part of the Statute.

Atty. Small added that the Council could decide when we send a Marshal.

Mr. Rossetti explained that his Relocation/Demolition account comes from liens on the property.

Councilor Marrone asked about the magnitude of the blight problem.

Mr. Rossetti replied that he has 6 or 8 ongoing problems, one dating back to 2009. There are several other properties in lien as well. When to foreclose is another discussion. He reviewed the process which starts with a call from a neighbor. The building department determines if it fits the definition and sends the marshal with the notice. They will cite 30 days later or send a thank you if the property is cleaned up. The owner is notified of the appeal process and at the hearing they try to give the owner more time. If still deficient, his department will request a lien. He noted that the Health Department and Police Department can do it as well. Basically, there are two notices and then it is kicked to legal.

Atty. Small stated that she would draft and update the language in the Ordinance, but it would take a while.

Regarding Housing, Mr. Rossetti explained that the purpose is to make sure that people are safe in their tenant spaces. He would like to be able to serve absent landlords pro fascia as well. He explained that if he determines that the housing is unsafe the town will relocate families, move them, store their goods, and find them a place to live. This is required by law. Atty. Small explained that this is through the Relocation Act. There is no end date. Currently, there are two families we are relocating.

Mr. Rossetti explained that the money comes back through the lien. He said that they can notice the landlords but the process has no teeth. They can refuse the inspection or make corrections. He would like the ability to fine the landlords. He suggested doing the inspections every five years instead of every five years or changing in tenancy. He noted that inspectors used to collect \$10 at the inspection and he'd like to do away with that and replace it with an online form. He reported that they are currently bringing in more money than they are expending.

Councilor Tatta asked how the pro fascia notice works if the landlord is out of town. Mr. Rossetti replied that he would still mail the notice. Councilor Tatta suggested that the ordinance state pro fascia and certified mail.

Atty. Small agreed to work on the revision and bring it back to the Council for review.

#### **8. Discussion Regarding Request to Amend Zoning Violation Ordinance (Chapter 97, Zoning Ordinance Penalties) – Kevin Pagini, Law Dept**

Atty. Small explained that she created a proposed change to allow for citation for any violation.

Mr. Pagini referred to the email from the Zoning Enforcement Officer. They send letters repeatedly to zoning violations with no result and often the Law Department involvement results in no changes. There is no deterrent. He proposed allowing citations for egregious recurring or continuing violations and violations with no intent to comply. Currently, they can only issue citations for signage and outdoor storage.

Atty. Small explained the history and that the ability to cite doesn't have to be so limited.

Chairperson Allinson asked for some examples. Atty. Small described a Site Plan situation where an owner paved where they weren't supposed to. They eventually cooperated but it took a long time. This would be an additional tool.

Councilor Tatta asked what would happen if they disputed the citation. Atty. Small replied that they were first sent a letter that they were in violation with notice that they could appeal to the Zoning Board of Appeals. If there is no correction, they can be issued a cease and desist order. They get multiple opportunities before the citation.

Councilor Carmody asked what dollar amounts are being proposed. Atty. Small replied that the ordinance now has fines of \$100 to \$250 a day. Mr. Pagini stated that it is more of a deterrent and added that this was suggested by the Economic Development Commission. Councilor Carmody noted that if someone is in dire straits they might not be able to afford the fines. Atty. Small stated that this would be in addition to the normal legal process.

Chairperson Allinson stated that this will give the Zoning Enforcement Officer the tools to do her job.

Councilor Reynolds asked about the breadth of zoning violations. Atty. Small replied that if something is big it will still go to court. She suggested setting the fine at \$100 for now. She added that in the prior example, if they were able to fine the owner it would have been easier.

Chairperson Allinson asked if \$100 is enough. Atty. Small replied that it's \$100 a day which will get their attention. Mr. Pagini stated that a lot of the violations are for floodplains and special permits. They won't be fining everyone. He added that he works with the businesses and wouldn't go straight to the citation.

Mayor Cervoni suggested putting guardrails on the ordinance to say there is a process before the fine. If there is a good faith dispute, the zoning department will listen. Atty. Small added that there will be notices that say you have a right to appeal.

Chairperson Allinson suggested the wording be 'may assess a fine'. She suggested starting with \$25 a day and increasing over time. She stated that the Council needs to discuss this more. She asked for a draft to review with suggestions for dollar amounts and recourse if we can't collect.

Councilor Tatta asked about the recourse. Atty. Small replied that there could be a court order to remove them and that they would not be fined during the litigation. We can fine before the litigation.

Mr. Pagini stated that this is effective when the situation affects other people's property.

Councilor Carmody asked for the number of current big violations. Mr. Pagini replied that there are usually 5-7 at any time. There is lots of smaller stuff. They get complaints from other business owners that the business didn't do the change properly, drainage was not done properly, etc. Atty. Small clarified that they are not in compliance with what they received approval for.

Chairperson Allinson noted that if it is more businesses than homeowners then it is reasonable to assess fines. Maybe on a scale and state it "as determined, after a certain number of days, after exhausted other means". She noted that there will be lots of judgment needed.

Atty. Small stated that if Council is uncomfortable with 'any violation', they can list specifics like Site Plans not in compliance. Mr. Pagini agreed to provide suggestions.

Councilor Laffin asked for comparisons with other Towns. Mr. Pagini replied that he had already spoken to some other towns and they verified that this is an effective deterrent.

## **9. Adjournment**

**MOTION WAS MADE TO ADJOURN THE AUGUST 6, 2024 ORDINANCE  
COMMITTEE MEETING AT 7:40 P.M.**

**MADE BY: ALLINSON**

**VOTE: UNANIMOUS  
MOTION: PASSED**

Respectfully submitted,  
Cheryl-Ann Tubby  
Recording Secretary