

Beacon Falls Board of Selectmen
10 Maple Avenue
Beacon Falls, CT 06403



BEACON FALLS BOARD OF SELECTMEN
Public Hearing
March 5, 2019
MINUTES
REVISED

1. **Call to Order/Pledge to the Flag**

First Selectman Chris Bielik called the Public Hearing to order at 7:15 P.M.

Members Present: First Selectman Chris Bielik, Selectman Mike Krenesky, Selectman Peter Betkoski

Others present: Len Green, Chief Brian DeGeorge, Jamie Linley, Gerald Smith, and John Weid

2. **Public Hearing:**

PUBLIC HEARING
TOWN OF BEACON FALLS
Tuesday, March 5, 2019

The Beacon Falls Board of Selectmen will hold a **PUBLIC HEARING** of the electors and citizens of the Town of Beacon Falls, on **Tuesday, March 5, 2019** beginning at **6:00 P.M.** in the **Beacon Falls Senior Center, 57 North Main Street, Beacon Falls, CT 06403** for the following:

1. Call to Order / Pledge of Alliance
2. Shall the Town of Beacon Falls adopt the proposed changes to each of the following ordinances?

a. Tax Incentive Program Ordinance

CB: Talked about the Tax incentive, Changes start on page 2 of the ordinance: (See insert,) under items C&D for manufacturing only and there are other business in town, but it's not covered under the ordinance, need to modify section C&D, personal property included and resale and wholesale. Also under section 7, the responsibly

EDC will have EDC will review the application first and then they will pass it onto the next steps the BOS.

Subsection H under 7, there is a requirement you need to submit a new application for a revised project with 30% high the original project if it's rejected by the town.

CB: Any questions on this first ordinance?

Gerald Smith Lasky Rd: Referred to EDC does EDC vote and approve? Raise the project by 30% and reapply. If it goes to the legislative body, coming up with a %, maybe it should be a time frame; you can't bring it back for another six months maybe. If you're turned down by the town there is still not a time frame, when can you come back again?

CB: EDC will review it and send it to the BOS. And try and help the applicant.

PB: Where did that come from the percentage amount?

CB: Wanted something that didn't need any type of interpretation. No time frame was put into it. I don't like an artificial time frame, and setting something like that defeats the purpose. With the 30%, there is added value, if you bring in value worth more it's more of tax value.

MK: I understand when you apply with the application you apply with a dollar amount, you don't need to show what that money is? Once it's approved you build your building you come back with all the cost and its how we will base what incentive you have equaled. If you haven't reached the threshold you don't get it at all or at a lower rate. I'm not sure if it's worth going back to the public and say I've added another 30%, I feel there is a whole again.

GS: You're not sure what the legislative body said no to, so the 30% doesn't mean anything, I'm not sure that spurs economic development.

CB: I think we should be in the business for encouraging economic development in this town, setting a time limit, is the wrong way to go. I'm much more comfortable with doing it this way and make it a better opportunity. If I was a developer, and I got turned down, I would be finding out what the issue is.

GS: if it's 30% and it's still shot down again, what's that developer's next option? With 30 days you still have other options. With 30% you need to raise it again 30%. If EDC gives me some suggestions and I change A, B and C and I bring it back to EDC and then maybe they will give me a go. I think 30 days would be a good idea.

BD: I kind of agree with both parts, I feel adding 30% is saying get out, but I also see there should be something there, I feel it would be more conducive if they met with

EDC and find out why, and then maybe they can tell the developer and help them. If you're going to spend 500,000.00, I would come in and tell you a lower amount, knowing I may have to raise the amount.

MK: This is an attempted to force a change because it has happened before. Someone got turned down and came in the next day with the same application. We want it done once and done.

PB: Who makes the final decision?

CB: It's a town meeting vote.

PB: They should go to EDC and talk to them.

CB: That piece of it was done with the EDC Coordinator, now it's the EDC Coordinator and the EDC Board before it even gets to the BOF, or the BOS or a Town Vote.

PB: So now you have a checklist.

BD: Is an approved an option from the Board of EDC, and give a recommendation. If they go with the proper channels it shouldn't fail.

Len Green 110 Feldspar; you need to define what the 30% is, that is no real concrete way that is. And the reason I voted against it because this developer has been working on it since 2012, fortunate for him this ordinance went into effect and then wanted money for it. If it was a brand new project then I would have had no problem with it.

CB: Yes that project has been going on for a long period of time when he heard about the tax incentive it got him to expedite his projects when he saw an opportunity for him. I believe that building would still be unoccupied and not finished if we didn't adopt this ordinance.

LG: I do have attorney Stanek opinion here, has anyone else ever seen these things?

CB: Yes all of the BOS have seen this and all the information with this. And Sadie gave it to the Chairmen of EDC to look at it.

LG: You have a proposed ordinance and the BOS says yes and then have the attorney draft it up and then we had a Town Meeting to discuss it right away.

CB: Because you only need 24 hours for the notice to go up.

LG: then there won't be any new draft going into the meeting, you can't do it that way, we should just slow down, let do it within the next week or two weeks.

b. Beacon Hose Co No1 Service Award Program Ordinance

CB: We have fortunately to have Jamie Linley here from the service award program, we have a bunch of manuals that makes it difficult to understand and it's very cumbersome the difficulty the board has in administrating the program so the board made some recommendation to streamline the process and make it easier for the board to manage and still provide incentive for all of the people involved. (See insert)

Jamie Linley: I'm on the board and I didn't even know about it.

BD: I actually just found out about coming today, I agree with a lot of the changes procedurally is okay, but the changes with the benefits and I wasn't told about it at all. And the % in the top tier officers, I've never talked about this at all. With the meeting %, I agree with. I do have an issue is holding the value to either FF1 or EMT I hope it would be address to either the Fire Department, there is value in an EMR and there is value in firefighter 1 and now this is making them be state certified, FF1, and to me this is downgrading membership if it was addressed in the group, I think part of this needs to be addressed to the company, the changes are more procedural based I just don't understand why a change in benefit.

CB: The way it was explained to me the Chairmen had reviewed all these changes, and I was under the impression that it had been reviewed by the entire board. Amount of the incentives in there tracking of it and the administration of it, far out way by the amount of effort to track it, he felt the tradeoff was not worth it from a tracking standpoint and that is how we addressed it in the BOS meeting, then this is something that needs to go back and BHC#1 needs to have a meeting.

BD: I feel like it was lost in the process.

PB: We haven't had a meeting in over 2 years.

JL: I agree with Brian on the procedure, but I don't agree with the supplement benefits, you're doing it because you want to be in a leadership role; this is just something to thank you to take that step.

CB: I believe this is where the chairman was coming from when these changes were made and I thought there was a consensus from the entire board. If it happened at a meeting and two reps were not there, then it looks like it needs some more work on it.

PB: I thought Mike would have run it by the Fire Chief and to the Board.

c. Park and Recreation Ordinance

CB: Only one substantial change, from Park and Rec, that to expand their membership to 7 members with an alternate, in section 2 and a slight moderation on section 5. Those are the proposed changes. (See insert)

Len Green: I think adding an alternate member to a board having trouble getting people to show up is like putting a band-aid, I think you need to look into the members and see why? And if there are problems ask them to step down.

CB: The Chairman has looked into this problem, and this is why he wants the alternative to hopefully rectify the problem.

LG: How does this change the minority on the board, there is a state statute and this one say 5 of the same political party. So it mixes it up fine, and in 10 years will we have this problem? How will that work do we need two alternatives one from each party? Attorney Stanek, he has a couple of more ordinances to write up and maybe we can do them all at once since we have a new ordinance to take care of.

PB: Are there any other board having a problem?

CB: P&Z must have on documented training and if you fail you will be asked to be removed, but they don't have an ordinance for how many meeting you must attend.

PB: A lot of people say I'm just a volunteer, yeah but what if our Fire Department did that for a fire.

MK: Following up with the Minor no more than 5 members can serve at the same time; it doesn't say the alternate member is they servicing? I don't think they can be the sixth member of the same party.

CB: I don't think there are any problems where at a meeting only 4 of the same party show up, and the only time they are necessary is when they need to vote.

MK: You still are serving even if you are needed for a vote.

LG: Zoning Board has two alternatives? And I think they are of different parties.

CB: I don't think it causes any issues with what we are discussing here tonight, working with the Chairmen of Park and Recs so political has nothing to do with what they do. But we don't control that.

2. Shall the Town of Beacon Falls acquire a Freightliner Plow Truck by means of a lease/purchase through the appropriation of the sum not to exceed \$188,072.35 payable in five (5) yearly installments of \$37,614.47 each which sum shall be partially offset by a DERA Grant of \$40,905.04 from the State of Connecticut?

CB: Currently Public works has two vehicles of this size capability are at least 19 years old. We have a 2001 and 2002. And 2002 is the better of the two structurally EPA is trying to take a dirty older vehicle off the road. The way we have been replacing vehicle we try to use the long-range capital projects so they are all not coming due at the same time. We have an opportunity to do a 5-year lease purchase for this vehicle, and it pays the first payments so this year budget it would not affect it. We need to drill a hole in the engine block and still use the rest of the parts for the other 2002 truck to help with it. The replacement has been on Public works list for many years. We have been pushing it down the road and now we have an opportunity with some help with the payments. It will be 4 years of less the \$37,000.00. There is a timeline to act on it, we have to complete the purchase of the vehicle by the end of August, and so they need to start building it now. So we need the legislative body to approve it.

JL: When does the grant expire? Are there any vehicles currently that are a capital project for the town garage?

MK: We need to have the truck by August 2019.

CB: This is the only one they would have. Yes, we are paying on one right now. It only has two more payments on it.

PB: We will use it for parts only the truck that needs to come off the road.

GS: It wants the receipt for scrap value?

CB: We could tell them the value can be zero.

MK: The program says you need to

GS: EPA photograph evidence of the scrap.

CB: Show them that there is a hole in the engine.

JL: The paper says up to \$40,000.00 is there any more?

CB: The grant is for \$40,905.00.

BG: If you have a \$20,000.00 trade-in value, then you would only be getting \$20,000.00, for the grant.

JL: The expiration for this quote is the 8th, so a decision needs to be made quickly.

GS: I'm looking at a letter and I know the board has stood on Mr. Stanek recommendations for a long time. So I think on Thursday night and you pay for his legal opinion, I don't have an opinion one way or the other, but as far as ordinance goes there were a lot of holes and a lot of questions I think to move forward on the ordinance is a direct opposite opinion then what your legal attorney said, go forward with the truck is fine.

CB: your opinion has been noted for the recorder.

GS: It's not my opinion, it's the lawyer's opinion, and I'm just reading the letter from the paid attorney opinion. I would like it on the record. (See insert)

MK: That section of what the attorney says should be included in the minutes.

MK: Looking at what Mr. Smith pointed out Beacon Falls shall render the replaced vehicle and it's engine render inoperable and cutting its frame and drilling holes in the engine, anything that is not part of the engine or chassis maybe be salvaged. And anything taken off the truck needs to come off of the grant or reported as income.

CB: The parts are interchangeable with 2002

MK: Based on public comments, it would be my recommendation on Thursday night, you table the three ordinances and the only piece of discussion should be the truck.

3. **Adjournment**

Motion to Adjourn the Public meeting; Betkoski/Green; No discussion; all ayes.

With no further business to discuss at tonight's Public Hearing, C. Bielik indicated that the Public Hearing was closed at 8:19 PM.

Respectfully submitted,

Joann Overby
Clerk, Board of Selectmen

- B. Only legally existing uses, businesses relocating to the town, new business development, and business expansion listed in Section 2A above and located within a district zoned for such purposes by the Planning and Zoning Commission are eligible to participate in a tax incentive program under this ordinance. Home occupations (as defined by the Beacon Falls Zoning Regulations), and all other land uses are not eligible to participate in a tax incentive program under this ordinance.
- C. Only manufacturing facilities, as defined in subdivision (72) of CGS 12-81, and wholesale and retail businesses, as defined in subdivision (54) of CGS 12-81, are eligible to participate in the benefits authorized under CGS 12-65h.
- D. In accordance with the provisions of CGS 12-65h, the special town meeting called by the Board of Selectmen may enter into written personal property tax agreements with owners of real property located in a manufacturing facility as defined in subdivision (72) of CGS 12-81 or wholesale and retail business as defined in subdivision (54) of CGS 12-81.

Section 4 – Abatement Schedule

The Board of Selectmen, as authorized at a special town meeting, may enter into a tax agreement with any party owning or proposing to acquire an interest in real property in the Town of Beacon Falls fixing the assessment of the real property which is the subject of the agreement and all improvements thereon or therein and to be constructed thereon or therein, subject to the cost of the project improvements (based on the valuation of construction and/or renovations) exceeding the following thresholds:

Real Property Tax Incentive Options

Value of Capital Improvements	Number of Years Eligible to Receive Incentives
\$2,500,000 or greater	5
\$300,000-\$2,499,999	4
\$150,000-\$299,999	3

Capital Improvements of \$150,000 or Greater

Any applicant who obtains commercial/industrial property for the purpose of engaging in any of the activities or uses contemplated for this tax abatement program, or who engages in a capital improvement project for an already existing business enterprise located in the Town of Beacon Falls which qualifies under this tax abatement program,

Section 7 – Application Procedure

- A. Any eligible owner may apply under this ordinance in writing to the Economic Development Commission by submitting the approved application form to the Economic Development Coordinator, which shall be provided by said Economic Development Coordinator. The applicant shall provide all required information in sufficient detail to allow the Town to determine the costs and benefits associated with the implementation of the requested tax agreement.
- B. The Economic Development Commission, at its next regular meeting, shall review the application and invite the proposed developer/owner to engage in a discussion on the project so long as the application is received by the 3rd Monday of any given month.
- C. The Economic Development Commission shall examine the application to determine if it conforms with the Town's requirements and is likely to support further economic development. At that meeting, the Economic Development Commission will offer a non-binding opinion on the application, which will be forwarded to the Board of Finance, along with the application.
- D. The Board of Finance, at its next regular meeting, shall review the application and invite the proposed developer/owner to make a formal presentation so long as the application is received by the 2nd Thursday of any given month.
- E. The Board of Finance shall examine the application to determine if it conforms to and complies with the Town's requirements. Each application shall be reviewed on a case by case basis. Within 30 days of receipt of the application, the Board of Finance shall report its findings in writing to the Board of Selectmen with its recommendation on whether to refer the application to a special town meeting.
- F. The Board of Selectmen shall act upon the Board of Finance's report within 30 days by either returning the matter to the Board of Finance for further action based on its recommendations for changes to the proposed tax abatement agreement or scheduling a special town meeting to vote to approve the applicant's tax abatement agreement. The Board of Selectmen's decision shall be based upon the Connecticut General Statutes, the information provided in the application package, the recommendation from the Board of Finance, and Section 6 of this ordinance.
- G. The final decision shall be the sole responsibility of the special town meeting. In the event of unusual or extraordinary circumstances, the special town meeting

may alter or waive any requirements contained herein so long as any requirements of the Connecticut General Statutes are not violated.

- H. In order to re-apply for this program using the same property and building thereon, the applicant must demonstrate that the value of the project as described in the new application is at least 30% higher than the value listed on previous application.

Section 8 – Agreement

- A. Pursuant to the affirmative vote of the special town meeting, the First Selectman on behalf of the Town of Beacon Falls shall enter into a written agreement with the owner of real property, fixing the assessment of the real or personal property for the terms of the agreement.
- B. The fixed assessment period shall commence with the first fiscal year of the Town of Beacon Falls for which a tax list is prepared on October 1st immediately following the issuance of a Certificate of Occupancy for any construction. The assessment of the real property for the period prior to the affixed assessment period shall be determined in the normal course pursuant to state and local laws and ordinances.
- C. With regard to the incentive program, Year 1 of the abatement agreement begins October 1st immediately following the application process, the approval process and a Certificate of Occupancy being issued.
- D. After approval of any such tax agreement, construction shall commence within twelve (12) months and shall be completed within twenty-four (24) months. In the event that construction is not commenced and/or completed within the specified timeframe, then any agreement entered into pursuant to this ordinance shall immediately terminate and the full amount of the tax (including accrued interest) that would otherwise be due shall immediately become due and payable, unless alternative arrangements are authorized by the Board of Selectmen.
- E. If an applicant fails to comply with the payment of taxes upon the due date required, then any agreement entered into pursuant to this program shall immediately terminate and the full amount of the tax (including accrued interest) that would otherwise be due shall immediately become due and payable.
- F. Any person or firm who is delinquent in any taxes, interest, or liens (including water and sewer user fees) that are due to the Town shall be ineligible to enter

ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS OF THE PARK AND RECREATION COMMISSION


Sections 1, 2, and 5 of the Ordinance Creating a Park and Recreation Commission of the Town of Beacon Falls is hereby repealed and the following is substituted in lieu thereof:


SECTION 1.

There is established in the Town of Beacon Falls a Park and Recreation Commission to be composed of seven (7) members and one (1) alternate member, all of whom shall be electors in the Town of Beacon Falls.

SECTION 2.


The members of said Park and Recreation Commission shall be appointed by the Board of Selectmen as follows:

- 
- Two (2) members for six (6) years.
 - Two (2) members for two (2) years.
 - Three (3) members for four (4) years.
 - One (1) alternate member for six (6) years.



Biannually thereafter, the above membership terms shall be filled by six (6) year appointments replacing those members whose terms have expired. No more than **five** (5) members of the same political party shall serve at the same time. (according to Connecticut General Statutes, Section 9-167a). The alternate member can attend all Park and Recreation Commission meetings and participate in the discussion, yet they have no voting rights on any matters before the Board unless required for the purposes of establishing a quorum.

SECTION 5.



With the exception of the alternate member, the office of any one of said Park and Recreation Commission shall be declared vacant if without reasonably satisfactory explanation to said Board, any one of said Commissioners shall fail to attend three (3) successive meetings of said Board, said Commissioners having been duly notified of said meetings. Any such vacancies shall be filled in the manner herein after provided.

This amendment becomes effective on TBD

SCHEDULE A

Fire
Service
Award

To be eligible to participate in the Service Award Plan, a Volunteer Firefighter/Ambulance Person must be a probationary or a regular member of the department and hold an EMT or FireFighter I state certification, or better ~~Also meeting the criteria set forth in Section 2.1 of the Plan.~~

~~A Volunteer Firefighter/Ambulance Person earns one point each time he/she participates in any Fire Department related activity (fire, meeting, training exercises, medical dispatch, Company or community related activities etc.), social activities not included.~~

A Volunteer Firefighter/EMT earns 3 points for each emergency response or training session and 1 point for all other Fire or EMS related activity as described in schedule "B". Social activities are not to be included. IT IS THE MEMBERS RESPONSIBILITY TO ENSURE THEIR ATTENDANCE IS PROPERLY RECORDED.

To qualify annually for the Service Award Plan, Volunteer Firefighter/Ambulance Personnel must accrue:

1. A minimum of 50 points as per Schedule B.

AND

2. ~~Attendance at 33% of the training or drills.~~

Attendance at a minimum of 6 complete training or drill sessions

AND

3. Must complete all training mandated by Federal and/or State law or regulation, i.e. Blood and Air Borne Pathogens, Hazardous Materials Awareness, etc.

SECTION 5

ENTITLEMENT BENEFITS

5.1 (a) Normal Entitlement Benefit The monthly amount of Normal Entitlement Benefit payable to a Participant retiring on his Normal Entitlement Date shall be the Participant's number of years credited Service, not to exceed thirty (30) years, multiplied by \$5.00. The minimum Benefit payable would be \$35.00 per month. The maximum Benefit payable would be \$150.00 per month. ~~excluding Incentive Service Award Benefit, which would be added to this amount.~~

~~(b) Incentive Entitlement Benefit~~ Any Participant who as of his Normal Entitlement Date, has completed at least three (3) years of Service as an Officer is eligible to receive the supplemental Officer Benefit as described below:

<u>Grade Level</u>	<u>Supplemental Benefit</u>
2nd Lieutenant	\$1 per month
1st Lieutenant	\$2 per month
Non-Line Officers	\$3 per month
Captain	\$3 per month
Assistant Chief	\$4 per month
Chief	\$5 per month

~~A Participant will receive the Supplemental Officer Benefit applicable to the highest grade level at which he has completed at least three (3) years of Service. If a Participant has not completed three years of Service at the highest grade level attained, the grade level which determines the Supplemental Officer Benefit is the lowest grade level included in the following accumulation to a maximum of three years of Service:~~

- ~~(a) Years of Service at the highest grade level attained.~~
- ~~(b) Years of Service at the second highest grade level attained.~~
- ~~(c) Years of Service at the third highest grade level attained.~~

5.2 All benefits determined pursuant to this Section 5 are subject to and limited by the Participant's Vested Percentage pursuant to Section 7

SCHEDULE B

EARNED SERVICE POINTS

CERTIFIED or SPECIALIZED FIRE/EMS TRAINING COURSES: (i.e. EMT, Firefighter 1-2, Haz-Mat Tech etc.)

50 Point Maximum (Certificate of course completion must be turned into the Company for points to be awarded):

Courses under 20 hours duration-----5 points per course.

Courses of 20 to 45 hours duration-----10 points per course.

Courses of 45 to 100 hours duration----15 points per course.

Courses over 100 hours duration-----25 points per course.

DRILLS / TRAINING:

~~50 Points Maximum: 5 points per drill, minimum of two hours per drill. The Department Captain is responsible for recording attendance. 3 points per completed session, minimum of two hours per drill. To receive credit, members are required to be in attendance for the duration of the event.~~

The ranking officer or instructor is responsible for recording attendance which shall include signatures of attending participants.

SLEEP-IN or STAND-BY

20 Point Maximum:

- a) Sleep-in: ~~1 point~~ 3 points each full night.
- b) Stand-by: ~~1 point each.~~ 3 points. A stand-by is defined as an on-duty activity of the Fire Department, lasting at least 2 hours, not falling under any other category.

LINE OFFICERS /CHIEF ENGINEER/COMMITTEE CHAIRMEN:

~~25 Points Maximum.~~ 15 Point Maximum

ATTENDANCE AT ORGANIZATION MEETINGS:

25 Points Maximum. Each member shall receive 1 point for recorded attendance at monthly meetings, committee meetings, or any official meeting of the organization. Recorded attendance is the responsibility of the Secretary for monthly meetings or his designee for official meetings, and committee chairmen for committee meetings.

PARTICIPATION IN DEPARTMENT RESPONSES *

<u>Minimum % of Responses</u>	<u>Minimum % of Responses</u>
<u>Required To Earn 25 Points</u>	<u>Required To Earn 10 Points</u>
	25%
	10%

3 points shall be earned for each EMERGENCY RESPONSE.

To receive credit, members are required to be in attendance for the duration of the event or until released by the officer in charge.

* Included and credited as a response are ambulance equipment checks ~~performed by weekend duty crews~~ and fire apparatus equipment checks ~~performed by firefighters~~.

ASSIGNED NON-EMERGENCY RELATED ACTIVITIES:

25 Point Maximum (i.e., fund raisers, demonstrations, community related activities).

Each member shall receive ~~5 points~~ 1 point for recorded participation in any of these activities. Committee chairmen are responsible for recording attendance.

MILITARY SERVICE

~~50 points per year of full-time military service (maximum 4 years)~~

The Honorable Christopher J. Bielik, First Selectman
Re: Procedure for Adoption of Ordinances or Procedures
Page Two

Notwithstanding that neither the Connecticut General Statutes nor the Ordinance specify how much advance notice is required to publish notice of a public hearing, it is my understanding that it has been past practice in the Town of Beacon Falls to hold a public hearing well in advance of the town meeting to enact a new ordinance or to revise an existing ordinance. It is accordingly my recommendation that the past practice be followed whereby a public hearing is scheduled with notice published by the Board of Selectmen and a town meeting is scheduled subsequently on a later date following an intervening Board of Selectmen meeting so that the Board of Selectmen may consider comments provided by the public to possibly revise the proposed ordinance or proposed changes to an existing ordinance prior to the town meeting to enact the same. However, my recommendation is just that-a recommendation, but not required by law.

If I may be of any further assistance regarding this matter, please do not hesitate to contact me.

Very truly yours,



Frederick D. Stanek

FDS/ko
cc: Cindy Bernardini

RECEIVED

MAR 01 2019

BEACON FALLS TOWN CLERK