

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
www.trumbull-ct.gov

TOWN HALL
Trumbull

TELEPHONE
(203) 452-5000



LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
MARCH 28, 2016

The Chair called the Legislation & Administration Committee to order at 7:06 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

The clerk called the roll and recorded it as follows:

PRESENT: Enrico Costantini, Chairman, Jack Testani, Vice Chairman, Joseph Pifko, Edna Colucci, Thomas Whitmoyer, Mark Block, Alternate and Jason Marsh.

ABSENT: William Mecca, Alternate.

ALSO

PRESENT: Town Council Chairman Carl A. Massaro, Jr., Chief of Staff Lynn Arnow, Town Attorney Dennis Kokenos, Frank Smeriglio, Town Engineer/Sewer Administrator, Director of Health Rhonda Capuano, Town Council Members Matthew Caron, Dawn Cantafio, Lisa Valenti and Mary Beth Thornton.

Moved by Pifko, seconded by Testani to take Resolution TC26-38 out of order.

VOTE: Motion CARRIED unanimously.

1. RESOLUTION TC26-38: Moved by Pifko, seconded by Testani
BE IT RESOLVED, That the Health Department fee schedule is hereby amended. (Fee Schedule Attached)

Ms. Capuano explained the fees are based on a cost analysis done by her department. They are based on the average time of work required to complete the task and overhead. If during the department's tenure they had not performed a certain task those fees remained the same. Some of the Farmers' Market fees are exempt. They did not want to discourage participation. The fees for pools are for commercial pools only. Private residents' pools are not licensed. Mr. Block requested the schedule for pool fees be amended to read "non-residential pools". Ms. Capuano agreed. The fees in blue were hard to read. Ms. Capuano listed the amounts in blue for the committee.

Immunizations costs fluctuate and do include administrative charges. The committee discussed the fact that if this resolution was adopted with a fixed immunization fee that would be what would have to be charged no matter whether the costs fluctuate or not. The schedule would need to be amended to allow for this fluctuation. After discussion the committee suggested the phrase “market rate” be used instead of an exact fee identified.

Mr. Whitmoyer stated the immunization fees are listed but do not include the \$21 fee. Ms. Capuano confirmed the \$21 is added per session but noted the exception of the flu and pneumonia vaccines. Those are reimbursed by the residents’ health insurance. The \$21 session fee is charged only one time per session not per vaccine.

The fees are comparable to other communities in the area. The Health Department does not operate as a primary care facility. The agreement does not allow billing the insurance companies for the other immunizations. Some of the vaccines are received from the State at no charge and therefore they only have to charge the session fee, (\$21). Mr. Block spoke in favor of denoting the immunizations’ fees as “market rate”. The public is aware of the costs associated with the vaccines. Ms. Capuano stated when promoting the flu vaccines they list the insurance that is taken. The consent form includes a clause if the insurance company does not cover the resident would be responsible for the cost. New vaccines have been promoted in the newspaper and includes language to call the Health Department for the particular fees. Receipts are given to the people and they can also try to submit them to their insurance. This is common practice for Health Departments. The department is not set up for taking credit cards they would like to look into this because it would be helpful due to the cost of some of the vaccines.

There is a large population of public school employees and their families as well as the Town employees who use the vaccine service, the rest of the users are seniors.

Mr. Massaro requested the immunizations listed in the fee schedule include the following language “Current Rates: *Actual rate at the time of the session” and send the revised final version to the clerk for distribution to the council before the April 4, 2016 meeting. Ms. Capuano agreed.

VOTE: Motion CARRIED unanimously.

Moved by Pifko, seconded by Testani to take Resolution TC26-48 out of order.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC26-48: Moved by Colucci, seconded Testani
BE IT RESOLVED, That the First Selectman is hereby authorized to execute an application along with all necessary agreements/contractual documents for the State Department of Transportation Highway Safety Office grant.

Deputy Chief Kirby explained the state DOT offers municipalities grant blocks on an annual basis to conduct specified enforcement of a certain topic. Distracted Driving and DUI grants are the grants the Trumbull Police Department applies for every year. The Trumbull Police

Department has been doing these block grants for years. The Charter specifies grants that are not 100% funded require council approval. The state sends the award every year, but only gives the municipality two weeks to apply and lock it in. The Distracted Grant application has already been submitted for this year. If this body does not approve it will be redacted. He would like to have something similar to the emergency management grants that are done yearly which would necessitate him coming to this body once a year, not twice. The Distracted Driver program's first portion starts in April and the second portion is done in August. The DUI detail is done in late May or June and the fall.

Typically on a Distracted Driver detail there are four (4) police officers at one location. Based on these enforcements they have issued 130-160 citations per detail. This is a 6-7 hour detail. Distracted driving is not the only activity found during the detail, DUI's are sometimes involved as well as narcotics arrests.

The committee asked for the summary page of the grant be distributed after this meeting to the full council. Cell phones have consumed our lives. The attached project worksheet breaks down the cost of running the Distracted Driving Detail. The estimated wages, overtime and fringe benefits are calculated. The federal funds cover 75%, and the Town's required contribution would a maximum of \$7,575.

VOTE: Motion CARRIED unanimously.

Moved by Pifko, seconded by Testani to take Resolution TC26-46 out of order.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC26-46: Moved by Marsh, seconded by Whitmoyer
BE IT RESOLVED AND ORDAINED, procedures and fines for violation of inland/wetland violations are hereby established. (Full Ordinance Attached)

Mr. Bill Maurer, Engineering Department and Wetlands Agent, Richard Girouard, Inland Wetlands Commission Chairman and Town Counsel Barbara Shellenberg were present.

Mr. Girouard explained the commission had done extensive research on this. This was a year and a half in the making. They looked at 169 towns and cities. The commission is not looking to be punitive but would like to have a little bit of bite. Mr. Maurer explained the type of violations the department has, they are land disturbances within the regulated area, also known as the upland review area, which is any area within 100' of wetlands and/or a watercourse. Some examples of these land disturbance are tree cutting, land clearing and any land disturbance within the upland review area.

Mr. Girouard modelled the ordinance off of the Town of Washington, and also of part of Westport's, Greenwich's, Branford's, Shelton's.. They are trying to curb future violations. Attorney Shellenberg stated this type of ordinance is very common and is found in many municipalities, such as Easton, Monroe, Newtown, Westport and Fairfield and throughout the state. Mr. Maurer stated there would not be any additional cost to the department. The ordinance is not meant to be punitive it is meant to be a deterrent. Mr. Girouard hopes they

never have to use it but it is there if necessary and it will serve as a great deterrent especially to contractors. Attorney Shelleberg stated the property owner can ask for a hearing and then file an appeal if not happy with the outcome of the hearing. The \$1,000 fine, which is the outer limit is found in most of the ordinances and is statutory. The property owner would be made aware of the violation by the issuance of a citation. Mr. Girouard stated the commission does try to educate the public, for example included in the annual tax billing to the Town residents is a notice that reads if "They are looking to start any project to please call the Inland Wetlands Department beforehand to see if a permit is necessary".

The commission would determine the fine amount. Attorney Shellenberg stated the fines are discretionary, since the language "up to" is used. Mr. Girouard explained remediation is usually involved. The commission questioned the criteria used to determine the fee amount. The Chair stated there would be no way to list every offense that could occur and attach a fine to each offense, which explains why the discretionary language was used. They work with the resident to try to fix the issue first. The issue only arises when they do not fix the issue, that is when the ordinance would kick in. Mr. Girouard stated other towns have full time enforcement officers our town does not. Mr. Maurer stated educating the public to deter these activities is the Town's best recourse, but unfortunately it still happens. Mr. Girouard added that many times the homeowners rely on their contractor and they fail to follow the process, this ordinance does address this issue. The contractor can be held responsible and be fined. Many of the larger contractors call and check with the department before starting a job but many of the smaller ones do not. Mr. Pifko spoke in favor of the ordinance, he had attended one of the commission's meetings and saw their frustration after a contractor had clear cut a property.

VOTE: Motion CARRIED unanimously.

4. RESOLUTION TC26-47: Moved by Testani, seconded by Colucci to HOLD IN COMMITTEE.

BE IT RESOLVED, That funding for a modification to the existing labor agreements between a coalition of Unions and the Town regarding changes to the Town's Health Plan is hereby approved contingent upon ratification of the covered bargaining unions, and if applicable, the State of CT.

Mr. Massaro stated this item does not need to move forward.

Moved by Testani, seconded by Colucci to HOLD IN COMMITTEE.

VOTE: Motion CARRIED unanimously.

Moved by Pifko, seconded by Testani to take RESOLUTION TC26-49 out of order.

VOTE: Motion CARRIED unanimously.

5. RESOLUTION TC26-49: Moved by Testani, seconded by Whitmoyer.

BE IT RESOLVED, That the First Selectman is hereby authorized to accept and enter into and execute any and all agreements, contracts and documents necessary on behalf of the Town of Trumbull, a 2012 State of Connecticut Department of Mental Health & Addiction

Services in the amount of \$20,000 to undertake renovations at the Trumbull Senior Center kitchen/snack bar.

Ms. Arnow explained resolutions TC26-49 and TC26-50 had been previously approved by the council while the grants were under the Department of Social Services. The grants were transferred to the Department of Mental Health & Addiction Services and in order to finalize them need to be adopted under that name. This is a housekeeping issue. The 2012 references 2012 because that was when the state bond issuance took place. The resolutions were adopted by this body in 2014 and 2015. The reason for the transfer was due to a staffing change at the state level.

Moved by Pifko, seconded by Testani to amend by inserting the word “grant” after the phrase State of Connecticut Department of Mental Health & Addiction Services.

VOTE: Motion CARRIED unanimously.

Ms. Arnow stated they would now be applying for a combined amount of \$170,000. The Town has not received the \$20,000 to date.

VOTE: Motion CARRIED as amended unanimously.

Moved by Pifko, seconded by Testani to take RESOLUTION TC26-50 out of order.

VOTE: Motion CARRIED unanimously.

6. RESOLUTION TC26-50: Moved by Colucci, seconded Whitmoyer
BE IT RESOLVED, That the First Selectman is hereby authorized to accept on behalf of the Town of Trumbull, a Department of Mental Health & Addiction Services grant in the amount of \$150,000 to undertake renovation and improvements to the kitchen facilities at the Trumbull Senior Center, and
BE IT FURTHER RESOLVED, that First Selectman is hereby authorized to enter into and execute any and all agreements, contracts and documents necessary to obtain and administer the aforementioned Department of Mental Health & Addiction Services grant.

Ms. Arnow indicated the explanation is identical to the resolution that came before this item. They will start as soon as possible after they determine whether or not they are staying at this location. They plan to open the upstairs Senior Center kitchen in a couple of weeks for a light breakfast. It has been determined and the language has been modified so the grant money can be moved to a different location. The grant is not site specific but it is meant for a senior kitchen. They can take the funds to a new location as long as the funds are used for a senior kitchen. There are current plans for the Senior Center kitchen. Ms. Arnow confirmed for Mr. Marsh if the equipment is replaced at Priscilla Place it can be moved to a new location and if the funds are not used at Priscilla Place they can use the funds at a new location.

VOTE: Motion CARRIED unanimously.

7. RESOLUTION TC26-45: Moved by Whitmoyer, seconded by Colucci.
BE IT RESOLVED, That a Wastewater Agreement between the Town of Trumbull, the Trumbull WPCA, and the City of Bridgeport and the Bridgeport WPCA and funding of the

same, is hereby approved and that the town attorney is authorized to settle related litigation pending among the parties to the agreement.

Moved by Testani, seconded by Whitmoyer to enter into Executive Session.
VOTE: Motion CARRIED unanimously.

The L&A Committee ENTERED into Executive Session at 8:19 p.m. with L&A members, Enrico Costantini, Chairman, Jack Testani, Vice Chairman, Joseph Pifko, Edna Colucci, Thomas Whitmoyer, Mark Block, Alternate and Jason Marsh, Town Council Chairman Carl A. Massaro, Jr., WPCA Vice-Chairman Fred Palmieri, Town Attorney Dennis Kokenos, Esq., Town Engineer/Sewer Administrator Frank Smeriglio, Chief of Staff Lynn Arnow, Town Council members, Matt Caron, Lisa Valenti, Mary Beth Thornton and Dawn Cantafio.

Motion made by Pifko, seconded by Testani to END Executive Session.
VOTE: Motion CARRIED unanimously.
The L&A Committee ENDED Executive Session at 9:15 p.m.

VOTE: Motion CARRIED 5-0-1 (ABSTENTION: Marsh)

There being no further business to discuss and upon motion made by Testani, seconded by Testani the L&A Committee adjourned by unanimous consent at 9:15 p.m.

Respectfully Submitted,

Margaret D. Mastroni
Town Council Clerk

**Rumbull Health Department
Licenses and Permits
FY 2016-2017**

Type	Current Fee	Cost of Service	Proposed Fees
SEPTIC SYSTEMS			
New Construction (Permit)	175	163	175
Repair (leaching fields/septic tank) (Permit)	100	163	165
Individual Condo Unit Floor Plan	25		25
Plan Review (New Construction Only)	175	103	175
Soil Tests (per-lot residential)	135	158	160
Soil Tests (per-lot commercial less than 2000 gallons per day)	175		175
Soil Tests (per-lot commercial more than 2000 gallons per day)	350		350
Not ready for Inspection (after request)	50		50
Commercial Construction (Permit)	300		300
Commercial (Plan Review)	300		300
More than (1) plan revision (<i>per each revision after first</i>)	50		50
Minor Repairs (riser, lid, piping, d-box)	10		10
Minor Repairs (<i>riser, lid, piping, d-box if notified after</i>)	100		100
Sewer Extension Site Visit	135	63	135
B100a Plan Reviews for Building Additions (includes site visit if needed)	25	54	60
B100a Plan Reviews for an Accessory Structure	25	27	30
WELLS			
Drilling Permit	100	53	100
Well Abandonment	50	53	60
DAY CARE			
Daycare Inspection	100	63	100
Home Daycare Inspection	50	63	65
Day Care Food Plan Review	50	63	65
Intermediate Environmental Inspection	50	63	65
POOL LICENSE			
Seasonal	100	152	155
Full year	150	305	310
Reinspection	-	76	100

No Change
 Increased Fee
 New Fee Introduced

Type	Current Fee	Cost of Service	Proposed Fees
COSMETOLOGY			
1 - 3 Work Stations (License)	135	125	135
4 - 6 Work Stations (License)	195	125	195
7 or more Work Stations (License)	255	152	255
Tanning Salons (License)	100	125	130
Reinspection Fee	50	63	100
Plan Review Fee 1 - 3 Stations	135	90	135
Plan Review Fee 4 - 6 Stations	195	103	195
Plan Review Fee 7 or more Stations	255	117	255
License Renewal Late fee (per business day)	50	-	50
FOOD SERVICE			
Class I Plan Review	100	90	100
Class II Plan Review	150	90	150
Class III Plan Review	275	90	275
Class IV Plan Review	350	103	350
Class I License	100	53	100
Class II License	150	134	150
Class III License	275	324	325
Class IV License	350	431	435
License Renewal Late fee (per business day)	50	-	50
Caterer License	150	53	150
Re-inspection fee	100	76	100
Reinstatement Fee (After suspension of license)	100	-	100
Itinerant (per vehicle)	150	95	150
Seasonal License	80	27	80
Non-Profit License	-	27	-
Temporary (14 Days or less per booth or trailer)	60	63	65
Non-Profit Late Fee (if not submitted 14 days prior to event)	20	-	20
Commerical Vendor Late Fee (if not submitted 14 days prior to event)	50	-	50
Schools	-	324	-
FARMER'S MARKET			
Selling whole produce only	-	90	0
Individually wrapped, prepackaged (no tasting / no sampling)	50	90	75
All other vendors	100	90	100

	No Change
	Increased Fee
	New Fee Introduced

* Currently no data exists to support costs of these services and their fees have remained the same

1 - Farmers participating in a CERTIFIED FARMERS MARKET (authorized by the Department of Agriculture) are exempt from any fees .

**TRUMBULL HEALTH DEPARTMENT
PROPOSED FEE SCHEDULE
EFFECTIVE JULY 1, 2016**

SEPTIC SYSTEMS

New Construction (Permit)	\$ 175.00
Repair (leaching fields/septic tank) (Permit)	\$ 165.00
Individual Condo Unit Floor Plan	\$ 25.00
Plan Review (New Construction Only)	\$ 175.00
Soil Tests (per-lot residential)	\$ 160.00
Soil Tests (per-lot commercial less than 2000 gallons per day)	\$ 175.00
Soil Tests (per-lot commercial more than 2000 gallons per day)	\$ 350.00
Not ready for Inspection (after request)	\$ 50.00
Commercial Construction (Permit)	\$ 300.00
Commercial (Plan Review)	\$ 300.00
More than one (1) plan revision (<i>per each revision after first</i>)	\$ 50.00
Minor Repairs (riser, lid, piping, d-box)	\$ 10.00
Minor Repairs (<i>riser, lid, piping, d-box if notified after</i>)	\$ 100.00
Sewer Extension Site Visit	\$ 135.00
B100a Plan Reviews for Building Additions (includes site visit if needed)	\$ 60.00
B100a Plan Reviews for an Accessory Structure	\$ 30.00

WELLS

Drilling Permit	\$ 100.00
Well Abandonment	\$ 60.00

DAY CARE

Day Care Inspection	\$ 100.00
Home Day Care Inspection	\$ 65.00
Day Care Food Plan Review	\$ 65.00
Intermediate Environmental Inspection	\$ 65.00

POOL LICENSE

Seasonal	\$ 155.00
Year Round	\$ 310.00
Reinspection Fee	\$ 100.00

Fee Increase
New Fee Introduced

COSMETOLOGY

1 - 3 Work Stations (License)	\$ 135.00
4 – 6 Work Stations (License)	\$ 195.00
7 or more Work Stations (License)	\$ 255.00
Tanning Salons (License)	\$ 130.00
Re-Inspection Fee	\$ 100.00
Plan Review Fee 1 – 3 Stations	\$ 135.00
Plan Review Fee 4 – 6 Stations	\$ 195.00
Place Review Fee 7 or more Stations	\$ 255.00
License Renewal Late fee (per business day)	\$ 50.00

**Each Private Treatment room will be counted as one station*

FOOD SERVICE

Class I Plan Review	\$ 100.00
Class II Plan Review	\$ 150.00
Class III Plan Review	\$ 275.00
Class IV Plan Review	\$ 350.00
Class I License	\$ 100.00
Class II License	\$ 150.00
Class III License	\$ 325.00
Class IV License	\$ 435.00
License Renewal Late fee (per business day)	\$ 50.00
Caterer License	\$ 150.00
Re-inspection Fee	\$ 100.00
Reinstatement Fee (After suspension of license)	\$ 100.00
Itinerant (per vehicle)	\$ 150.00
Seasonal License	\$ 80.00
Non-profit License	\$ 30.00
Temporary (14 Days or less per booth or trailer)	\$ 65.00
Non-Profit Late Fee (if not submitted 14 days prior to event)	\$ 20.00
Commercial Vendor Late fee (if not submitted 14 days prior to event)	\$ 50.00

** Facilities licensed by the Trumbull Health Department are required to pay the fees for a temporary food service license.*

FARMERS MARKET

Selling whole produce only	\$ -
Individually wrapper, prepackaged (no tasting/no sampling)	\$ 75.00
All other food vendors	\$ 100.00

**Fees are per season*

Fee Increase
 New Fee Introduced

IMMUNIZATIONS / SCREENINGS

Administer Vaccination	\$ 21.00
Influenza	\$ 30.00
Shingles	\$ 225.00
Pneumonia	\$ 100.00
Tdap (Whooping Cough)	\$ 21.00
Hepatitis	\$ 60.00
Meningitis	\$ 120.00
MMR	\$ 21.00
PPD	\$ 20.00
Cholesterol Screening	\$ 25.00

MISCELLANEOUS ITEMS

Tick Identification	\$ 3.00
NSF - Returned Check Fee	\$ 35.00
Photo Copies per page	\$ 0.50

Fee Increase 
New Fee Introduced 

DRAFT COPY

An Ordinance Establishing Citation Procedures and Fines for Violations of the Inland Wetlands and Watercourses Regulations of the Town of Trumbull

ORDINANCE

A. Purpose. The Purpose of this Ordinance is to establish an additional means by which the Town of Trumbull may effectively enforce its Inland Wetland and Watercourses Regulations by the implementation of a citation procedure for the imposition of fines for violations and continued noncompliance with the Regulations.

B. Authority. This Ordinance is authorized pursuant to Connecticut General Statutes, Section 22a-42g.

C. Definitions. The following word, terms and phrases used in this Ordinance shall have the following meanings:

a. “Commission” means the Trumbull Inland Wetland and Watercourses Commission, acting as the local wetland agency under Section 22a-36, et seq. of the Connecticut General Statutes.

b. “Agent” means any designated representative or agent of the Town of Trumbull responsible for the supervision of the Inland Wetland and Watercourses Regulations, anyone who implements the policies and Regulations of the Commission, or any person so authorized by the First Selectman of the Town of Trumbull.

c. “Regulations” shall mean the Inland Wetland and Watercourses Regulations of the Town of Trumbull, as the same may be amended from time to time.

d. “Person” mean any individual, person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

D. Issuance of Citation. Following the issuance of a Notice of Violation that provides for at least thirty (30) days to cure any claimed violation of the Regulations and providing that any Person receiving a Notice of Violation fails to correct any stated violation or take other appropriate action, the Commission or its Agent is hereby authorized to issue citations to any Person who commits a violation of the Regulations. In such instances, each citation will apply jointly and severally to the owner of the subject property and his/her agents, tenants, occupants, licensees, lessees, sublessees, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense, for which a separate citation and fine may be issued.

E. Delivery of Citation. Any such citation may be delivered either by in-hand delivery or by certified mail to the Person named in the citation. The Commission or Agent issuing a citation shall retain a copy of the citation. In addition, a copy of the initial citation shall be reported to the Connecticut Department of Energy and Environmental Protection in accordance with section 22a-39-14 of the Connecticut State Regulations. In the event that a citation is served by certified mail and a Person refuses to accept such certified mail, the citation shall be served through in-hand or abode service by the Agent.

F. Content of the Citation. The citation shall inform such Person: (1) of the allegations against such Person and the amount of the fines; (2) that the Person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date that the citation was mailed) to make an uncontested payment of the fines; (3) that payments shall be made payable to the Town of Trumbull at the Trumbull Town Hall; and, (4) that any Person wishing to contest such citation may make written request for a hearing before a hearing officer pursuant to the provisions of Conn. Gen. Stat. §7-152c and section N (c) of this ordinance.

G. Failure to Pay. If the Person cited does not pay the fine within thirty (30) days from the date of the citation, then at any time within twelve months from the expiration of the thirty (30) day period, the Agent shall send a notice to the Person cited, by hand delivery or certified mail, informing such Person:

- (1) of the allegations against him or her and the amount of the fine;
- (2) that the Person cited may contest liability before a Hearing Officer appointed pursuant to this Ordinance, by delivering to the Agent, c/o the Inland Wetlands and Watercourses Commission, in Person or by certified mail, return receipt requested, within thirty (30) days of the date of the notice, a written demand for a hearing;
- (3) that if the Person cited does not demand such a hearing, the Person shall be deemed to have admitted liability and an assessment of the fine may be issued without further notice; and,
- (4) that a judgment may issue without further notice.

H. Amount of Fine. The following fines may be assessed by citation for a violation of the Inland Wetlands and Watercourses Regulations:

(a) For conducting or allowing the conduct of any regulated activity within any portion of an inland wetland or watercourse without a permit or in violation of any permit, including deposition of any material, removing of any material, discharging, polluting, excavating, filling, draining, grading, clear-cutting, removal of vegetation, planting invasive vegetation, or other activities resulting in direct impacts, to any portion of an inland wetland or watercourse: a fine of up to \$1,000 for each offense.

(b) For conducting or allowing the conduct of, undertaking, permitting the existence of, or allowing any regulated activity outside of the upland review area without a permit or in violation of any permit which causes, directly or indirectly, pollution, draining/drying, erosion, filling, damage to native vegetation, or other negative impacts to an inland wetland or watercourse or any portion thereof: a fine of up to \$500 for each offense.

(c) For noncompliance with permit conditions and/or limitations or with enforcement orders, where such noncompliance is not described in Subsection H.(a) or (b) of this section: a fine of up to \$1,000 for each offense.

(d) For conducting any other regulated activity without the issuance of a permit, where such activity is not described in Subsection H.(a), (b) or (c) of this section: a fine of up to \$500 for each offense.

(e) Each violation is a separate and distinct offense, and in the case of a continuing violation, each day's continuance is a separate and distinct offense.

I. Additional penalties and remedies. At its discretion, the Commission may seek additional penalties and remedies in accordance with the Regulations.

J. No limitation on Authority. The provisions of this Ordinance shall not be construed to limit or alter the authority, duty and responsibility of the Commission as granted and established under Connecticut's Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, the Regulations, and other legislation that may apply.

K. Existing Violations. Violations of the Regulations in existence at the effective date of this Ordinance shall be deemed violations under this Ordinance, and fines may be issued accordingly.

L. Special Land Acquisition Fund. Any fine collected by the Town of Trumbull pursuant to this Ordinance shall be deposited into the Town's land acquisition fund.

M. Admission of Liability without Hearing. If the Person who is sent notice pursuant to Subsection D of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in Person or by mail, to the Town. Any Person who does not deliver or mail a written demand for a hearing within thirty (30) days of the date of the notice described in Subsections D, E and F of this Ordinance shall be deemed to have admitted liability and the Wetlands Citation Officer shall certify to the Hearing Officer that such Person has failed to respond. The Hearing Officer shall thereupon enter and assess the fine provided for by this Ordinance and shall follow the procedures set forth in Subsection N (d) of this Ordinance.

N. Wetland Citation Hearing Procedure and Post Hearing Procedure.

(a) **Establishment.** There is hereby established, in accordance with Connecticut General Statutes Section 7-152c, a Wetland Citation Hearing Procedure for the Town of

Trumbull for purposes of providing a hearing procedure under this Ordinance. The superior court has the authority to enforce the assessments and judgments provided for under this article.

(b) **Appointment of Hearing Officer.** The First Selectman, acting within his or her capacity as chief executive officer, shall appoint one (1) or more citation Hearing Officer(s), other than a member of the Commission, an employee of the Town, a policeman serving the Town of Trumbull or Persons who issue citations, to conduct the hearings authorized by this Ordinance.

(c) **The Hearing.** Any Person who timely requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice of hearing, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Agent or the Commission shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if such Person so requests. A Person cited wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Agent or other designated municipal official or officials, may present evidence to the Hearing Officer on behalf of the Commission. If such Person cited fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under this Ordinance. The Hearing Officer may accept copies of investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of a Person to supply said reports and documents is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date. The Hearing Officer shall announce his decision within sixty (60) days of the hearing. If he determines that the Person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the Person cited is liable for the violation, he shall forthwith enter and assess the fines against such Person as provided by this Ordinance.

(d) **Enforcement.** If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the Person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same Person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and applicable court costs, against such Person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the

effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such Person. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes, as amended.

(e) **Appeal.** A Person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with the applicable court entry fee, at the superior court designated by the Chief Court Administrator.

O. Exemptions. Notwithstanding the foregoing, pursuant to Section 22a-42g, no fine shall be levied against the State of Connecticut, any employee thereof acting within the scope of his or her employment, the Town or any employee thereof acting within the scope of his or her employment.