

Public Hearing Meeting Minutes
Town of Montville Town Council
Monday, May 14, 2012
6:30 p.m. – Town Council Chambers – Town Hall

1. Call to Order

Vice Chairman Caron opened the public hearing at 6:30 p.m. after establishing a quorum. Since Mayor McDaniel is out of town on vacation, according to the Charter, Chairperson Buebendorf is the Acting Mayor in his absence and therefore will abstain from voting during this meeting.

2. Pledge of Allegiance followed by a moment of silence in honor of our military.

3. Roll Call

Present were Councilors Buebendorf, Jones, Longton, McFee, Murphy, Tanner and Caron. Also present was Fire Marshal Ray Occhialini and Finance Director, Terry Hart.

4. Public Hearing

Vice Chairman Caron read an overview of the following ordinance;

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held April 9, 2012 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, May 14, 2012 at 6:30 P.M.

ORDINANCE IMPLEMENTING FEES FOR

FIRE MARSHAL'S OFFICE PERMITS AND INSPECTIONS

WHEREAS the Fire Marshal is required by state law to conduct annual inspections of a variety of businesses and further required to review plans and structures associated with most construction activities within the Town; and

WHEREAS the cost of reviewing plans and inspecting businesses is significant and is not reimbursed by the state

Section 1. Permits.

- A. No building or structure subject to the Connecticut State Fire Safety Code and/or State Fire Prevention Code shall be constructed, used, occupied, enlarged, altered or repaired unless a permit has been granted for said activity by the Fire Marshal.
- B. No person shall undertake any of the operations or activities described in Section 2C of this chapter until such person shall have obtained a permit from the Fire Marshal. Said permit shall be valid for twelve (12) months from date of issue. No continuation, expansion, diminution or modification of said operations shall be undertaken without obtaining a permit from the Fire Marshal.
- C. No person shall install, enlarge, alter, remove, repair or replace any fire protection system in any building or structure subject to the Connecticut State Fire Safety Code and/or State Fire Prevention Code, until such person shall have obtained a permit from the Fire Marshal.

- D. The permit(s) required pursuant to this section shall be required in addition to any other permits or licenses required by federal, state or local law.

Section 2. Schedule of fees.

- A. The fee for Plan Reviews for new construction, renovations, additions or modernization of buildings or structures shall be at the following rates. For purposes of this subsection, Fast Track is an expedited plan review which will be conducted in one week or less, subject to staff availability.
- (1) Fire Plan Review (Not Including R-3 Occupancies): 65% of the Building Permit Fee or 100% for Fast Track Review.
 - (2) Mechanical Plan Review (Fire Protection Systems): 100% of Building Permit Fee or 135% for Fast Track Review.
 - (3) Electrical Plan Review: 35% of Building Permit Fee or 70% for Fast Track Review.
- B. The fee for field inspections, approval and acceptance of new construction, renovations, additions or modernization of multi-family residential (Not Including R-3 Occupancies) and commercial buildings or structures associated with the issuance of a Certificate of Occupancy shall be at the following rates:

Estimated Construction Cost (From Building Permit Application):	Fee Formula:
\$1 to \$500	\$10.41
\$501 to \$2,000	\$10.41 for the first \$500 plus \$0.26 for each additional \$100 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$14.31 for the first \$2,000 plus \$1.04 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$38.25 for the first \$25,000 plus \$0.78 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$57.77 for the first \$50,000 plus \$0.52 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$83.80 for the first \$100,000 plus \$0.46 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$271.18 for the first \$500,000 plus \$0.42 for each additional \$1,000
\$1,000,001 & up	\$479.38 for the first \$1,000,000 plus \$0.26 for each additional \$1,000 or fraction thereof
Manufactured Structures Set-Up Fee	\$10.41 per section, with a minimum fee of \$20.82 per permit

- C. Any person engaged in any of the following operations and/or occupancies shall obtain periodic inspection thereof according to the schedule set forth in CGS §29-305 as that section may be amended or recodified from time to time. Single Use inspections shall be valid only for a one-time event at a single venue. Multi-Use inspections shall be valid for twelve (12) months from date of issue and shall apply to multiple venues if the inspected configuration or process does not change. All inspections include both fire permit and fire inspection. The fee(s) for the annual permit required pursuant to Section 1B, including such inspection(s), shall be as follows:

Operation Permit Fee Table

Operations and Materials	Permit Required	Permit Fee
Aircraft Hangars	For servicing or repairing aircraft	\$ 100.00 per year
Airport Terminal Buildings	For operation	\$ 100.00 per year
Ambulatory Health Care occupancy	To operate a ambulatory health care occupancy	See Occupancy Permit Fee Table
Ammonium Nitrate	For storage	\$ 250.00 per year
Apartment Buildings and Dormitories	To operate an apartment building or dormitory	See Occupancy Permit Fee Table
Automobile Wrecking Yards	To operate automobile wrecking yards	\$ 100.00 per year
Battery System	To operate stationary lead-acid battery systems having an electrolyte capacity of more than 100 gal. (379 L) in sprinklered buildings or 50 gal. (189 L) in nonsprinklered buildings	\$ 75.00 per year
Business occupancies	To operate a business occupancy	See Occupancy Permit Fee Table
Candles, Open Flames, and Portable Cooking	To use in connection with assembly areas, dining areas of restaurants, or drinking establishments	\$ 30.00 – Single Use \$ 60.00 – Multi-Use
Cellulose Nitrate Film	For storage, handling, or use	\$ 100.00 per year
Cleanrooms	For operation	\$ 150.00 per year
Combustible Material Storage	To store more than 2500 ft ³ (70.8 m ³) gross volume	\$ 250.00 per year

Operation Permit Fee Table

Operations and Materials	Permit Required	Permit Fee
Commercial Rubbish-Handling Operation	To operate	\$ 150.00 per year
Consumer Fireworks (1.4G)	For the sale, on-site handling, manufacture, and storage of consumer fireworks (1.4G)	\$ 150.00 per year
Covered Mall Buildings	Annual requirement for facilities that utilize mall area for exhibits or displays with 4 conditions	\$ 250.00 per year
Cutting and Welding Operation	For operations within a jurisdiction	\$ 30.00 – Single Use \$ 60.00 – Multi-Use
Day-care occupancies	To operate a day-care occupancy	See Occupancy Permit Fee Table
Drycleaning Plants	To engage in business of drycleaning or to change to a more hazardous cleaning solvent	\$ 180.00 per year
Dust-Producing Operations	To operate a grain elevator, flour mill, starch mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, or sugar, etc.	\$ 250.00 per year
Educational occupancy	To operate an educational occupancy	See Occupancy Permit Fee Table
Exhibit and Trade Shows	For operation of all exhibits and trade shows held within a jurisdiction	\$ 250.00 per event
Fairs – No rides	To conduct the events	\$ 50.00 per event
Flame Effects	Use of flame effects before an audience	\$ 180.00 per event
Health Care facility	To operate a health care occupancy	See Occupancy Permit Fee Table
High-Piled Combustible Storage	To use any building or portion thereof as a high-piled storage area exceeding 500 ft ² (46.45 m ²)	\$ 250.00 per year
Hot Work Operations	For hot work. For additional permit requirements for hot work operations, see 41.1.5	\$ 30.00 – Single Use \$ 60.00 – Multi-

Operation Permit Fee Table

Operations and Materials	Permit Required	Permit Fee
		Use
Hotels and Bed and Breakfast Establishment	To operate a hotel, motel or bed and breakfast establishment	See Occupancy Permit Fee Table
Industrial occupancies	To operate an industrial occupancy	See Occupancy Permit Fee Table
Industrial Ovens and Furnaces	For operation of industrial ovens and furnaces covered by Chapter 51	\$ 100.00 per year
Lumberyards and Woodworking Plants	For storage of lumber exceeding 100,000 board ft	\$ 250.00 per year
Membrane Structures, Tents, and Canopies — Permanent	For construction, location, erection, or placement	\$ 100.00 per Structure
Membrane Structures, Tents, and Canopies — Temporary	To operate an air-supported temporary membrane structure or tent having an area in excess of 200 ft ² (18.6 m ²) or a canopy in excess of 400 ft ² (37.2 m ²). <i>Exception: Temporary membrane structures, tents, or canopy structures used exclusively for camping</i>	\$ 50.00 – Single Use \$ 100.00 – Multi-Use
Mercantile occupancies	To operate a mercantile occupancy	See Occupancy Permit Fee Table
Organic Coatings	For operation and maintenance of a facility that manufactures organic coatings	\$ 150.00 per year
Places of Assembly, including Special Amusement Buildings	To operate a place of assembly	See Occupancy Permit Fee Table
Pyrotechnics Before a Proximate Audience	For the display and use of pyrotechnic materials before a proximate audience	\$ 150.00 per Event
Propane Filling Station	Where cylinder refilling takes place	\$50 per year
Propane Tank Installation	Inspection of all propane installation, Residential and Commercial	\$20 for permit
Propane Tank Use at Events	Tanks used at events or fairs	\$20 per tank

Operation Permit Fee Table

Operations and Materials	Permit Required	Permit Fee
Refrigeration Equipment	To operate a mechanical refrigeration unit or system	\$ 50.00 per year
Repair Garages and Service Stations	For operation of service stations and repair garages	\$ 50.00 per year
Residential Board and Care occupancies	To operate a residential board and care occupancy	See Occupancy Permit Fee Table
Rocketry Manufacturing	For the manufacturing of model rocket motors	\$ 250.00 per year
Rooftop Heliports	For operation of a rooftop heliport	\$ 250.00 per year
Special Outdoor Events, Carnivals, and Fairs	For the location and operation of special outdoor events, carnivals, and fairs	\$ 60.00 per Event
Special Structures and High-Rise Buildings	To operate special structures and high-rise buildings	See Occupancy Permit Fee Table
Storage occupancies	To operate a storage occupancy	See Occupancy Permit Fee Table
Tar Kettles	For placement of a tar kettle, placement shall be obtained prior to the placement of a tar kettle	\$ 30.00 – Single Use \$ 60.00 – Multi-Use
Tire-Rebuilding Plants	For operation and maintenance of a tire-rebuilding plant	\$ 150.00 per year
Tire Storage	To use an open area or portion thereof to store tires in excess of 1000 ft ³ (28.3 m ³)	\$ 150.00 per year
Torch-Applied Roofing Operation	For the use of a torch for application of roofing materials	\$ 30.00 – Single Use \$ 60.00 – Multi-Use
Wildland Fire-Prone Areas	For use of hazardous areas within fire-prone areas.	\$ x.00 per year
Wood Products	To store chips, hogged material, lumber, or plywood in excess of 200 ft ³ (5.7 m ³)	\$ 150.00 per year

Occupancy Permit Fee Table				
	Occupancy Group 1 Annual Renewal A, E, H-1, I-1 & R (Not Including R-3 Occupancies)	Occupancy Group 2 Biannual Renewal H-2, I-3, I-4, B-Medical & B-College	Occupancy Group 3 Triennial Renewal B, H-3, M, S-1	Occupancy Group 4 Quadrennial Renewal F-1, F-2, H-4, H-5, S-2 & U
0 - 3,000 sf.	\$60	\$60	\$60	\$60
3,001 - 5,000 sf.	\$95	\$95	\$95	\$95
5,001 - 7,500 sf.	\$125	\$125	\$125	\$125
7,501 - 10,000 sf.	\$135	\$135	\$135	\$135
10,001 - 12,500 sf.	\$150	\$150	\$150	\$150
12,501 - 15,000 sf.	\$170	\$170	\$170	\$170
15,001 - 17,500 sf.	\$180	\$180	\$180	\$180
17,501 - 20,000 sf.	\$190	\$190	\$190	\$190
20,001 - 30,000 sf.	\$205	\$205	\$205	\$205
30,001 - 40,000 sf.	\$230	\$230	\$230	\$230
40,001 - 50,000 sf.	\$245	\$245	\$245	\$245
50,001 - 60,000 sf.	\$260	\$260	\$260	\$260
60,001 - 70,000 sf.	\$275	\$275	\$275	\$275
70,001 - 100,000 sf.	\$285	\$285	\$285	\$285
100,001 - 150,000 sf.	\$305	\$305	\$305	\$305
150,001 - 200,000 sf.	\$340	\$340	\$340	\$340

- D. All permit fees established pursuant to this section are due when an application is submitted to the Fire Marshal.

Section 3. Penalties for offenses.

- A. Any person who commences any work which is subject to the permit requirements of Section 1A or 1B without first obtaining a permit shall be required to pay a penalty of \$500 in addition to the permit fee otherwise applicable. No such penalty shall be imposed upon a person who commences emergency repair work without a permit provided that a permit is sought promptly thereafter.
- B. Any person who conducts any operation which is subject to the permit requirements of Section 1B without first obtaining a permit shall be required to pay a penalty equal to the amount of the permit fee otherwise applicable. Said penalty shall be payable in addition to the required permit fee. No such penalty shall be imposed upon a person who commences emergency repair work without a permit provided that a permit is sought promptly thereafter.

Section 4. Penalties for non-payment

Failure to pay fees as prescribed by this document may result in a penalty of legal action of closure and /or in Interest on delinquent bills will be charged at the rate of one and one-half percent (1½%) per month from the due date (18% per annum). Minimum interest charged is \$2.00 per bill. Any fees owed will negate the issuance of any further permits until the fees are paid in full. Emergency work will be considered if it poses a threat to life safety. The Fire Marshal may choose to write infractions for operating without a Town permit in accordance with the Fire Prevention Code

Section 5. Agencies exempt from fees; exception.

Agencies of the Town of Montville and the Montville Board of Education shall be required to obtain all permits and/or inspections required pursuant to this Chapter but all fees associated therewith shall be waived.

This Ordinance shall be effective thirty (30) days after its adoption.

Dated at Montville Connecticut this 10th day of April 2012.

Lisa Terry, Montville Town Clerk

Vice Chairman Caron asked three times if there was anyone from the public who would like to come forward to discuss the proposed ordinance and invited Mr. Ray Occhialini, Fire Marshal forward to discuss the proposal.

Mr. Ray Occhialini, Fire Marshal stated the ordinance is fair and he stated this ordinance if passed will be the first of its kind in this area and urged the Council to pass the ordinance. He explained how the fees will help to recoup costs of operating the office and to conduct site inspections. Councilor Longton inquired how the Fire Marshal's office will distinguish fees between a business and a single family residence and Mr. Occhialini stated the ordinance will not affect single family homes at all. A discussion was held regarding the use of candles in restaurants and Mr. Occhialini stated it is not the intent to fine restaurants for using candles on tables. Councilor Jones asked for clarification regarding the candles to avoid confusion in the future. A discussion was held regarding removing the word "candles" and leave portable cooking and open flames. A discussion was held regarding the use of sterno for buffet tables at restaurants. Councilor Caron inquired regarding the determination of the meaning of a multi-

family and Mr. Occhialini stated three or more housing units define a multi family dwelling in the Town of Montville. Discussions were held regarding regulations for canopies, tents, bounce houses, propane tanks, fairs, carnivals, public gatherings, and cooking inspections at events. Mr. Occhialini stated he has not added any additional inspections to the list, the inspections are currently being conducted by his office but fees are now being added for these inspections.

Councilor Tanner stated she considers the fees to be reasonable and she is not in opposition of the proposed ordinance.

Mr. Occhialini stated the fees collected will be used for offsetting the daily operating costs of the Fire Marshal's office.

Vice Chairman Caron asked three times if there was anyone from the public who would like to speak regarding the proposed ordinance.

5. Adjournment

Motion made by Councilor Tanner, seconded by Councilor Jones to adjourn the meeting at 6:47 p.m. Discussion, none, voice vote, 6-0-1, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.

Conflict of Interest Disclosure Form

In accordance with Section C903 of the Town's Charter, I, Candy Buebendorf, a member of the Montville Town Council at the meetings dated May 14, 2012 have disclosed that I have a conflict of interest and would recuse myself from voting. Below is the basis of the conflict of interest.

In the Mayor's absence, I am the acting Mayor and therefore cannot participate in voting.

Signature *C Buebendorf* Date May 14, 2012

This form shall be incorporated in the minutes of the particular board, commission, or office and a full copy of such minutes shall be filed in the office of the Town Clerk.