

MINUTES
SPECIAL TOWN MEETING
February 19, 2013

A Special Town Meeting of the electors and those qualified to vote at the town meetings of the Town of Lebanon was held on Tuesday, February 19, 2013 in the Lyman Memorial High School Auditorium, 917 Exeter Road, (Route 207) Lebanon, Connecticut. Audience: 118

First Selectman Joyce R. Okonuk called the meeting to order at 7:30 PM.

The meeting was opened with the Pledge of Allegiance.

Selectman Okonuk then called for nominations for moderator.

Moved by John Bendoraitis, seconded by John Lyon to appoint Al Vertefeuille as moderator.
Vote called – Motion passed

Moved by Rick Nelson, seconded by Bob Slate to wave the reading of the call of the meeting.
Vote called – Motion passed

Moved by John Bendoraitis, seconded by Joyce Okonuk to bring item 1 to the floor. *“Consider and act upon the expenditure of up to twenty two thousand dollars and no cents (\$22,000.00) from the Capital Budget, Open Space Account #220-00-461-2701-0060 for the purpose of preserving the 65 acre Williams Farm on 234 Goshen Hill Road.”*

Town Planner Philip Chester spoke to items one and two, as they both have to do with preserving two parcels of land totaling 153 acres owned by Williams Properties. Chester stated the following. Town Meeting is being asked to release up to \$50,000 from the Town's Open Space Account to help defray the cost to purchase a \$783,360 easement to the 65 and 88 acre parcels located at 231 and 234 Goshen Hill Road. The Town's \$50,000 share represents 6 percent of the total easement cost. Another 6 percent will come from Connecticut Farmland Trust, and another 87 percent will come from the state Department of Agriculture's Purchase of Developments Rights Program. This request has been unanimously endorsed by the Board of Selectmen, the Planning and Zoning Commission and the Conservation and Agriculture Commission.

(a copy of the property map follows these minutes)

Moderator Vertefeuille called the question. Vote called - Item 1 passed

Moved by John Bendoraitis, seconded by Joyce Okonuk to bring item 2 to the floor. *“Consider and act upon the expenditure of up to twenty eight thousand dollars and no cents (\$28,000.00) from the Capital Budget, Open Space Account #220-00-461-2701-0060 for the purpose of preserving the 88 acre Williams Farm on 231 Goshen Hill Road.”*

Moderator Vertefeuille called the question. Vote called - Item 1 passed

Moved by Joyce Okonuk, seconded by John Bendoraitis to bring item 3 to the floor *“Consider and act upon eliminating the Town Ordinance Concerning the Issuance of Building Permits on Unaccepted Roads.”*

First Selectman Joyce Okonuk spoke to the question as follow. This ordinance is related to seasonal housing at the lakes. Whereas seasonal zoning will no longer exist after March 1, 2013, the Board of Selectmen is recommending that the ordinance be eliminated as it is no longer applicable.

(a copy of the ordinance follows these minutes)

Moderator Vertefeuille called the question. Vote called - Item 1 passed

Moved by Joyce Okonuk, seconded by Linda Finelli to wave the reading of the Proposed Ordinance for the Conversion of Seasonal Dwellings to Year-Round Use as it has been distributed and to bring item 4 to the floor. *“Consider and act upon a Proposed Ordinance for Conversion of Seasonal Dwellings to Year-Round Use.”*

First Selectman Joyce Okonuk stated that on January 14, 2013 the Planning and Zoning Commission voted to eliminate seasonal zoning. The Health and Building Departments have created the proposed ordinance to regulate the conversion process.

Health Director Dr. Robert Powitz gave an overview of the proposed ordinance and stated that when seasonal dwellings are converted to year-round use, they must meet State Health Code Regulations.

Sanitation Officer Reed Gustafson stated that the Health and Building Departments have identified approximately 300 homes that were built or have been used as seasonal dwellings, a notice of which will be placed on the Lebanon Land Records.

Moved by Keith LaPorte, seconded by David Smith to end discussion and call the question. A standing vote was taken. 41 Yes , 52 No Motion failed.

Discussion continued, with Dr. Powitz noting Public Health Code Regulations concerning Building Conversion and Changes in Use.

Moved by John Bendoraitis, seconded by David Smith to end discussion. Vote called, motion passed.

Moved by John Bendoraitis, seconded by Linda Finelli to conduct the vote on item 4 by paper ballot. A standing vote was taken. 56 Yes 27 No Motion passed

A paper ballot vote was taken on item 4 to *“Consider and act upon a Proposed Ordinance for Conversion of Seasonal Dwellings to Year-Round Use.”*

Paper ballot results were: 58 Yes 35 No Item 4 passed.

(a copy of the Ordinance follows these minutes)

Moved by David Smith, seconded by Joyce Okonuk to bring item 5 to the floor. *“Consider and act upon the expenditure of up to twenty five thousand dollars and no cents (\$25,000.00) from the Emergency Services Capital Account #220-00-422-2715-0020-0000 to purchase equipment for the ambulance.”*

Board of Finance Chairman Liz Charron explained the release of funds from the Emergency Services Capital Account that are received from ambulance billing. Fire Chief John Lyon explained that the equipment is a power load fastening system for patient transport in the ambulance which will protect against lifting related injuries.

Moderator Vertefeuille called the question Vote called - Item 5 passed

Moved by David Smith, seconded by John Bendoraitis to bring item 6 to the floor. *“Consider and act upon authorizing a loan of one hundred thousand dollars and no cents (\$100,000.00) from fund balance to the new Enterprise Fund WPCA/Amston Lake Sewer User Fees with the intention of a no interest loan with a payback period of no later than five years from the date of the loan.”*

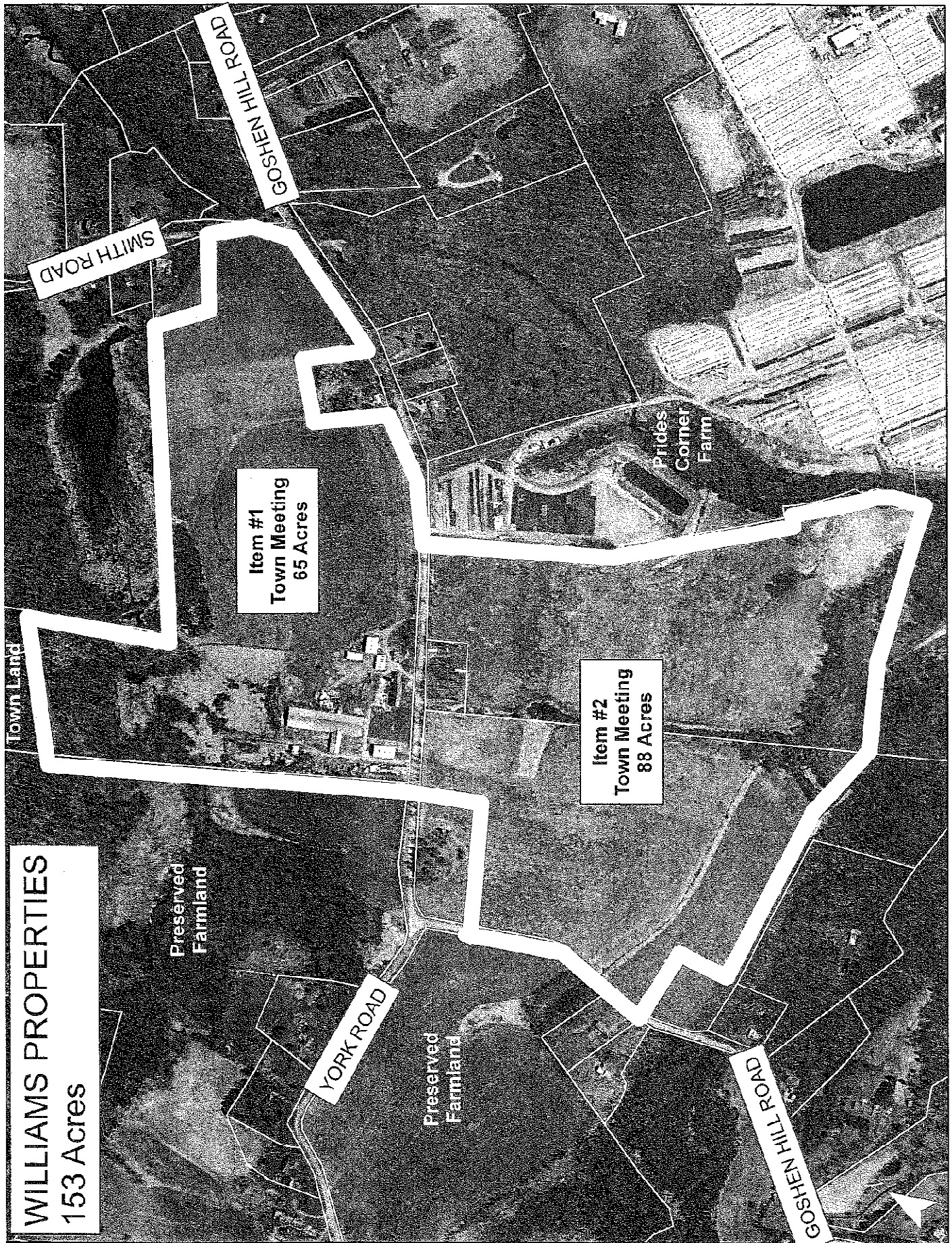
Board of Finance Chairman Liz Charron spoke to the question as follows. An Enterprise Fund has been set up by the Finance Department for the WPCA/Amston Lake Sewer User fees. Start-up funds are needed to hire operations people to begin the process. The proposed no interest loan has a payback period of no longer than five years.

Moderator Vertefeuille called the question. Vote called - Item 6 passed

Moved by John Bendoraitis, seconded by Bob Cady to adjourn at 10:20 PM.
Vote called: Motion passed

Respectfully submitted,

Susan C. Coutu CCTC
Town Clerk



AN ORDINANCE CONCERNING THE ISSUANCE OF
BUILDING PERMITS ON UNACCEPTED TOWN ROADS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Special Town Meeting held December 10, 1987:

A. The ordinance concerning the issuance of building permits on unaccepted town roads adopted by the Town Meeting on December 17, 1974 is hereby repealed.

B. No building permit shall be issued by any official or department of the Town of Lebanon for the erection of any building or structure on any lot abutting unaccepted highways or streets within said Town except that:

- 1) A seasonal permit for a seasonal structure may be issues.
- 2) A permit may be issued for structures on lots that are part of a subdivision that has been approved by the Planning and Zoning Commission

and the plan has been signed and filed in the land records of the Town of Lebanon.
- 3) Definition

The words as used herein shall be defined as set forth in "Zoning Regulations for the Town of Lebanon, Connecticut," as amended.
- 4) This ordinance shall take effect (15) fifteen days after publication in

accordance with General Statutes.

Ordinance for Conversion of Seasonal Dwellings to Year-Round Use

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 19th day of February 2013.

The Town of Lebanon Health and Building Departments have identified homes that were built or have been used as seasonal dwellings to be more particularly set forth in a Notice to be placed in the Lebanon Land Records. Owners of these properties who wish to convert to year-round use and occupancy shall prepare and file with the Town of Lebanon Land Use Department the Residential Conversion Application. Once a dwelling is approved for year-round use and occupancy the Town will file a Notice in the Land Records to that effect.

1) **APPLICATION PROCESS.** The application shall include the following:

- a) information on the existing active or abandoned septic system, water supply and heating system;
- b) location of any planned improvements to the dwelling and its water supply and sewage disposal system;
- c) requisite soils data which may require deep hole testing (test pits) which shall be conducted during the wet season (February through May) as defined in CT Public Health Code, unless determined otherwise by the Health Department;
- d) information on the location of all well or wells located on other properties within 75 feet of the boundaries of the lot and, if so, the name and address of the owner and general location of such well(s); and
- e) \$50 application fee.

All information presented in the application will be based on current available data.

2) **HEALTH STANDARDS.** The sewerage disposal system serving the proposed year-round use and occupancy of the dwelling must have the approval, in writing, of the Lebanon Director of Health and be in compliance with CT Public Health Code Section 19-13-B100a, as amended.

3) **BUILDING STANDARDS.** The dwelling must have the approval, in writing, of the Lebanon Building Official and be in compliance with the following minimum standards established for year-round dwelling purposes:

- a) **Structural**
 - i) Foundation elements display no evidence of pending or actual failure;
 - ii) Visible exterior and interior framing elements appear in good condition and adequate for the intended loading;
 - iii) Exterior walls and roof(s) display no evidence of excessive settlement or structural distress;
 - iv) Building determined to be relatively weather-tight;
 - v) At least one window suitable for egress exists in each bedroom area;
 - vi) All entry areas deemed safe and clear; adequate railings provided; and
 - vii) Light and ventilation minimum standards: 8% of floor area (4% operable) in each room, except lavatories.
- b) **Electrical**
 - i) Service entry cable, meter housing, ground rod(s) and distribution panel are determined to be in safe and serviceable condition;
 - ii) Electrical service capacity appears adequate for existing or planned loads;
 - iii) Distribution panel and circuitry appear adequate for existing or planned loads;
 - iv) Distribution panel indexed for individual circuits;
 - v) Smoke detectors and carbon monoxide (if appropriate) detectors in place and operable;
 - vi) Minimum of two (2) receptacles available in each room (excluding bathrooms); and
 - vii) Ground fault circuit protection installed as a minimum on kitchen, bath and exterior receptacles.
- c) **Plumbing**
 - i) Residence supplied with reliable and safe potable water. Provide well water potability test results taken not less than 30 days prior to application by a CT certified laboratory or vendor;
 - ii) All plumbing (supply and drainage) lines protected against freezing and physical damage;
 - iii) Residence provided with reliable domestic hot water at all sinks utilized for cooking, cleaning or bathing;
 - iv) Minimum of one water closet, one lavatory, and one bath or shower;
 - v) No apparent leaks in either supply or waste water systems; and
 - vi) Sump pump discharge not directed to public way or creating a nuisance.
- d) **Building Energy**
 - i) Windows - Minimum of double pane glass or single pane with storm units installed; and
 - ii) Heating system - appears adequate, operable, safe, and accessible.

- 4) PUBLIC WATER. For seasonal dwellings served by or to be served by public water, the owner must obtain confirmation from the public water service provider that all necessary improvements have been made sufficient to supply year-round water.
- 5) APPEAL PROCESS.
 - a) Any owner of a property designated by Building and Health Officials as built or used as a seasonal property who disagrees with such designation may contact said Officials to address the issue further; and the Building and Health Officials may make any adjustments to such designations they deem appropriate.
 - b) If unsatisfied with the resolution after having met with Building and Health Officials, such owner may appear and be heard before the Lebanon Board of Selectmen on the issue of whether such property should have been designated as having been built or used as seasonal property. The Lebanon Board of Selectmen shall have the power to make any adjustments to such designations as it deems appropriate.
 - c) If unsatisfied with the outcome before the Board of Selectmen, such owner may appeal to the Superior Court.
- 6) DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the meanings indicated:
 - a) YEAR-ROUND USE AND OCCUPANCY - The continuous, regular, or periodic use of a building or structure throughout any given calendar year and which is not a seasonal use.
 - b) SEASONAL DWELLING - A dwelling unit designed, used or intended to be for Seasonal Use. Seasonal Use is defined as the continuous, regular, periodic, or occasional use of a building or structure for dwelling purposes principally and primarily between April 1st and November 15th of each year.
 - c) OCCASIONAL USE AND OCCUPANCY – Nothing in this ordinance shall be construed as prohibiting the infrequent or occasional use of a seasonal dwelling outside of the April 1 to November 15 period, nor shall this infrequent or occasional use be evidence of the year-round use and occupancy of the dwelling. Infrequent or occasional use shall mean (1) occupancy or use of the residence for a period not to exceed 72 consecutive hours or (2) occupancy or use of the residence not to exceed two 48-hour periods per calendar month.
- 7) PENALTIES. Any person or persons found to be in violation of any section or provision of this Ordinance shall be subject to enforcement or penalty actions as provided for by the Connecticut General Statutes, Connecticut Public Health Code and Ordinances of the Town of Lebanon, including but not limited to a fine of \$25 a day.