

**ANNUAL TOWN BUDGET MEETING
TUESDAY, JUNE 6, 2023
7:30 PM
TOWN HALL AUDITORIUM**

The Annual Town Budget Meeting of electors and citizens qualified to vote in Town Meetings in the Town of Burlington, CT was called to order at 7:30 pm by First Selectman Douglas K. Thompson. Selectmen James Chard, Tom Zabel, David Goshdigian and Cheryl Byrne were present.

Twenty-five (25) individuals were present.

First Selectman Thompson called for nominations for moderator. Chard/Zabel nominated Doug Thompson as moderator of the meeting. Upon no further nominations, a motion to close nominations was made by Zabel/Goshdigian. Motion was approved by voice vote. Chard/Zabel made a motion to appoint Doug Thompson as moderator. Doug Thompson was voted moderator by unanimous voice vote.

Call of the meeting was read by Mary-Jane Ugalde, Town Clerk.

ITEM #1: To consider and act upon the acceptance of the Town Budget for the fiscal year beginning July 1, 2023.

Gerry Mullen, Chairman of the Board of Finance gave a summary of the 2023-2024 budget. The total expenditures for this budget are \$39,652,496; up 1% from last year. The Regional School #10 portion of the budget is \$29,072,492 up \$660,134 or 2.32%.

The budget was presented differently this year. The purpose behind this change is to give a more accurate breakout of revenue received through ECS, State Aid, Parks & Recreation revenue, grants, and taxpayer property tax revenue required.

Revenue that is specifically targeted to an expense account has been "Offset" in the revenue and specific expense account totals. This creates a wash for State, Federal or Grant money received by the Town.

By subtracting the \$5,161,127 in the "Offset" column from the total \$39,652,496 expenditures the new Net Budget total is \$34,525,369.

The second change in the budget presentation is the Separating out of the Senior Housing Revenue/Expenses Budget.

If the budget is approved, a mil rate reduction of ½ mil is expected.

Selectman Goshdigian moved to accept the 2023-2024 budget; Sue Brault seconded. There being no questions or comments the moderator called for a vote on the 2023-2024 budget as discussed by Jerry Mullen, Chairman of the Board of Finance.

Item #1 passed unanimously by voice vote.

ITEM #2: To authorize the requisition from the State of Connecticut LOCIP funds the sum of \$75,000 and to use those monies for Capital Improvement to the Town and to further authorize the First Selectman to execute all necessary document related to same.

Goshdigian made a motion to authorize the requisition from the State of Connecticut LOCIP funds the sum of \$75,000 and to use those monies for Capital Improvement to the Town and to further authorize the First Selectman to execute all necessary document related to same. Byrne seconded.

There being no questions or comments Item #2 passed by unanimous voice vote.

ITEM #3: Discussion and a resolution to authorize the board of selectmen to negotiate and execute a ten-year lease renewal for the Nassahegan fields for a total consideration payable to the State of Connecticut of \$5000.

A motion to authorize the board of selectmen to negotiate and execute a ten-year lease renewal for the Nassahegan fields for a total consideration payable to the State of Connecticut of \$5000 was made by Zabel; seconded by Chard.

The moderator read a letter from the Town Attorney regarding the review of the lease and their recommendation to execute the lease as written by the State.

There being no question or comments Item #3 passed by unanimous voice vote.

ITEM #4: Discussion and a resolution to authorize the board of selectmen to negotiate and execute sales agreements for the following town owned properties:

180 Stafford Rd, 5.90 acre property
Blueberry Ln, 1.31 acre property
Stone Rd, 7.00 acre property
Vineyard Rd, 1.00 acre property
Rowe St, .12 acre property
32 Monce Rd, .23 acre property
149 Belden Rd, 1.39 acre property

A motion to authorize the board of selectmen to negotiate and execute sales agreements for the above listed properties was made by Byrne, seconded by Goshdigian.

Thompson opened the discussion. The Town was approached regarding the property at Rowe St. This led to a review of other Town owned properties. Per Town Charter, the sale of properties must be approved at a town meeting. The vote tonight will allow the Board of Selectmen to look for the best ways to market the properties. The Board of Selectmen will discuss any potential sales at BOS meetings and hear public comment before any decisions are made.

Questions & Comments

Scott Tharau, Burlington Public Works Director commented that the property on Vineyard Road has a chip pile that can be used by residents.

There being no further questions or comments Item 4 passed by unanimous voice vote.

ITEM #5: Discussion and a vote on the Illicit Discharge Detection and Elimination "IDDE" ordinance.

A motion to vote on the Illicit Discharge Detection and Elimination "IDDE" ordinance was made by Zabel, seconded by Chard.

Jerry Burns, Zoning Enforcement Officer and Wetland Agent, gave a brief recap of the ordinance. The Town must comply with requirements of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) issued by the Connecticut Department of Energy and Environmental Protection (DEEP). Drainage must be kept out of the rivers and streams and filter back into the ground. This ordinance is also required by the settlement agreement from litigation against the Town by the Save the Sound Organization. The informational session held on May 17, 2023, is posted on the town's website for review. Ken Slater, Burlington's Town Land Use Attorney requested two minor amendments be made to the proposed ordinance at section 13 (typo reading 180 days should be 120 days) and section 11 (Typo reading North Grosvenordale CT 06255 should be removed).

A motion by Zabel, seconded by Chard to amend the proposed ordinance correcting the above errors was passed by unanimous voice vote.

There being no questions or comments the Illicit Discharge Detection and Elimination "IDDE" ordinance as amended was passed by unanimous voice vote.

A motion to adjourn the meeting was made by Zabel, seconded by Chard. The meeting was adjourned at 7:51 pm.

Respectfully submitted,
Mary-Jane Ugalde
Town Clerk

	Town of Burlington	SUPPLEMENTAL 6/1/2023						
	REVENUE	Actual Restated 2020-2021	Actual Restated 2021-2022	Proposed Restated 2022-2023	Proposed 2023-2024	Offset	Total 2023-2024 Proposed Revenue	Notes
10-40110	Current Year Tax Collections	32,359,863	33,128,143	33,180,238	32,821,437		32,821,437	
10-40210	Prior Year Tax Collections				175,000		175,000	
10-40310	Tax Collection Interest & Fees				75,000		75,000	
20-42801	Zoning & Building Permits	286,018	247,330	175,000	150,000		150,000	
20-42802	IWWC Permits	2,192	4,092	1,000	500		500	
20-42803	Peddlers/Other Permits	300	1,125	500	300		300	
20-42804	ZBA Permits	698	261	100	200		200	
20-42805	Planning &Zoning Permits	2,966	2,694	100	200		200	
20-42833	Pistol Permits	12,110	5,740	4,000	4,000		4,000	
30-41220	Conveyance Tax	224,748	222,108	165,000	150,000		150,000	
30-42951	Town Clerk	123,216	71,905	80,000	50,000		50,000	
40-44210	Interest Revenue - Treasury				325,000		325,000	
40-44300	Miscellaneous	20,114	22,580	20,000	10,000		10,000	
40-44310	Other Income - Cash Rewards	0	550		250		250	
50-45001	Park & Recreation Comm.	0	0	0	0	160,000	160,000	Offset in Park & Rec 641-50180
51-45011	WPCA-Farmington, Canton, Bristol Usage	0	0	0	0		0	Moved to its own Fund 282
51-45012	WPCA-LakeGarda Farm/Bristol Assess	0	0	0	0		0	Moved to its own Fund 282
52-45002	Waste Collection	0	0	0	0	34,000	34,000	Offset in Waste Removal 603-50180
54-45004	BVFD/Ambul. Fees	0	0	0	0	220,000	220,000	Offset in Ambulance 206-50180
54-45005	BVFD/Tower Rental	106,923	115,967	117,800	122,000		122,000	Lease JE 6/30/22 reversed \$106,145
54-45010	EMPG Matching Stipend/Salary Grant	0	0	0	0	5,000	5,000	Offset in Emergency Mgmt 203-50180
54-45015	Fire Fighter EMT Grant	0	0	0	0	30,000	30,000	Offset in Fire 204-50280
54-45020	Fire Chief Salary - ARPA	0	0	0	0	0	0	Offset in Fire 204-50180 (Removed from ARPA)
55-45006	Sr. Housing Bond	0	0	0	0	65,000	65,000	Offset in Gen Obligation Bond 902-50180
60-45007	Senior Transportation Grant	0	0	0	0	20,717	20,717	Offset in Senior Citizen - Dial A Ride 122-50280
70-48110	State Aid - Roads	0	0	0	0	260,254	260,254	Offset in Public Works 301-50280
70-48111	State Owned Prop. Lieu of Taxes	22,931	41,755	41,880	41,002		41,002	
70-48112	State-PropTaxRelief.Hom/Disa/Vets	1,463	1,422	0			0	
70-48113	State Court Fines	550	1,375	500	500		500	
70-48114	State Education	0	0	0	0	4,364,956	4,364,956	Included with Education 810-50280
70-48115	State Municipal Grants in Aid	15,300	15,300	15,300	15,300		15,300	
70-48118	State Motor Vehicle Tax Reimbursement	0	0	103,234	34,099		34,099	
70-48119	State Muni Stablization Grant	34,417	34,417	34,417			0	
70-48120	State Supplemental Revenue Sharing Grant				34,417		34,417	
70-48210	Connecticard CT State Library	0	0	0	0	1,200	1,200	Included with Library 850-50280
70-48310	Muni Nips Envir Fee	0	2,349	4,500	4,500		4,500	Deducted out of Public Works 301-53380
71-48050	Interest Earned	31,567	15,273	20,000	75,000		75,000	
	Total Revenue	33,245,374	33,934,386	33,963,569	34,088,705	5,161,127	39,249,832	
	Applied from Surplus	0	0	91,901	436,664		402,664	
	Total Revenue & Receipts = Expense	33,245,374	33,934,386	34,055,470	34,525,369		39,652,496	
	Total Revenue before Taxes & Surplus				1,017,268			

Town of Burlington			SUPPLEMENTAL 6/1/2023					
		Actual Restated 2020-2021	Actual Restated 2021-2022	Proposed Restated 2022-2023	Proposed 2023-2024	Offset	Total 2023-2024 Proposed Expenditures	Notes
EXPENDITURES								
GENERAL GOVERNMENT								
101	Board of Selectmen	146,277	161,509	156,865	162,033		162,033	
102	Human Resources	125	0	2,500	2,500		2,500	
103	Probate Court	3,200	3,200	3,200	3,800		3,800	
104	Inland Wetlands Comm.	1,156	2,078	1,850	1,850		1,850	
105	Elections	35,139	37,843	55,030	59,585		59,585	
106	Board of Finance	284	1,039	1,550	1,600		1,600	
107	Auditing & Accounting	18,975	32,900	33,600	37,750		37,750	
108	Assessors	92,795	101,515	111,858	117,230		117,230	
109	Board of Assess. Appeals	59	52	100	100		100	
110	Tax Collection	82,515	80,406	86,050	88,836		88,836	
111	Finance Office	169,411	209,582	253,565	271,439		271,439	
112	Town Counsel-Retainer-Legal	89,842	73,527	80,000	65,000		65,000	
113	Town Clerk	118,525	120,787	125,167	126,181		126,181	
114	Planning & Zoning Board	1,737	3,365	4,250	4,750		4,750	
115	Zoning Board of Appeals	170	734	600	1,380		1,380	
116	Insurance and Bonds	240,256	257,878	277,846	213,996		213,996	
117	Taxes/Unemployment Comp	212,200	214,422	249,000	228,000		228,000	
118	Economic Development Comm	0	2,084	1,100	100		100	
119	Building Dept/Land Use	173,667	186,444	203,720	200,688		200,688	
120	Retirement Plan	339,587	322,380	204,000	215,644		215,644	
121	Operation of Town Offices	187,253	207,527	222,231	224,512		224,512	
122	Senior Citizens Comm.	19,849	32,328	42,719	57,674	20,717	78,391	Offset with Senior Transportation Grant
123	Town Engineer	24,134	70,098	60,000	60,000		60,000	
124	Health Insurance	659,843	716,491	766,550	826,650		826,650	
125	Historical Society	6,000	6,000	6,000	9,000		9,000	
126	Conservation Commission	64	100	100	100		100	
	Total	2,623,065	2,844,287	2,949,451	2,980,398		3,001,115	
PUBLIC SAFETY								
201	Fire Marshal/Open Burning	70,474	75,859	75,500	74,028		74,028	
202	Police Protection	642,899	589,852	691,475	678,185		678,185	
203	Emergency Mgmt/Civil Prep	2,878	2,994	4,200	9,200	5,000	14,200	Offset with Emergency Mgmt Grant
204	Fire Dept	408,496	399,849	482,411	535,104	30,000	565,104	Offset Fire Fighter/EMT Grant & ARPA Funds
205	Emergency Comm/Twn of Farm	45,494	46,503	49,044	49,591		49,591	
206	Ambulance/Para. Services	267,500	211,430	257,500	334,900	220,000	554,900	Offset with Ambulance Fees
208	Animal Control	40,000	40,000	40,000	23,990		23,990	Prior Years separate fund, General Fund FY24
207	School Resource Officer	5,000	0	0	0		0	Paid by Region 10
	Total	1,482,741	1,366,487	1,600,130	1,704,998		1,959,998	
TRANSPORTATION PROGRAMS								
301	Public Works	1,483,041	1,650,053	1,599,022	1,643,035	260,254	1,903,289	Offset with State Aid-Roads and Nips
303	Snow Removal	284,605	279,988	276,000	275,000		275,000	
304	Street Lights	17,987	18,030	21,000	26,000		26,000	
	Total	1,785,633	1,948,071	1,896,022	1,944,035		2,204,289	
CONSERVATION OF HEALTH								
401	Health District	62,178	72,295	70,924	80,000		80,000	
402	Vital Statics	34	34	100	100		100	
	Total	62,212	72,329	71,024	80,100		80,100	
WELFARE								
501	General Assistance	15,024	18,618	19,935	20,851		20,851	
502	Visting Nurse	2,500	2,500	2,500	2,750		2,750	
	Total	17,524	21,118	22,435	23,601		23,601	
SANITATION								
601	Town Dump	1,854	4,640	2,500	2,688		2,688	
602	WPCA	0	0	0	0		0	All expenses moved to separate fund
603	Waste Removal	1,012,168	954,122	1,023,636	1,109,018	34,000	1,143,018	Offset with Waste Collections
	Total	1,014,022	958,762	1,026,136	1,111,706		1,111,706	
RECREATION								
640	Beautification	6,772	8,009	9,750	9,750		9,750	

Town of Burlington			SUPPLEMENTAL 6/1/2023					Notes
	EXPENDITURES	Actual Restated 2020-2021	Actual Restated 2021-2022	Proposed Restated 2022-2023	Proposed 2023-2024	Offset	Total 2023-2024 Proposed Expenditures	
641	Parks & Recreation	206,968	180,139	164,965	144,198	160,000	304,198	Offset Park & Commision Reimbursement
	Total	213,740	188,148	174,715	153,948		313,948	
	EDUCATION PROGRAMS							
810	Regional School Dist. 10	23,293,028	23,616,854	24,221,540	24,707,536	4,364,956	29,072,492	Offset State Education Cost Sharing
850	Library	406,294	408,014	421,776	431,168	1,200	432,368	Offset Connecticut CT State Library
901	Interest on Debt	159,300	150,000	140,700	131,475		131,475	Clean Water moved to WPCA Fund 282
902	Principal Payment on Debt	240,000	245,000	245,000	240,000	65,000	305,000	Offset Senior Housing/Clean Water to WPCA Fund 282
	Total	399,300	395,000	385,700	371,475		436,475	
	CAPITAL EXPENSE							
903	Capital Highway	244,000	230,508	255,000	117,200		117,200	
	Capital Town Hall	25,000	1,496	0	3,500		3,500	
	Capital Fire Dept.	41,750	110,782	86,860	26,000		26,000	
	BVFD Reserve	284,500	255,500	255,500	225,000		225,000	
	Capital Library	5,566	9,298	17,567	9,090		9,090	
	Capital Park & Recreation	74,521	65,000	65,000	65,000		65,000	
	Capital Police	0	0	0	0		0	
	Total	675,337	672,584	679,927	445,790		445,790	
	MISCELLANEOUS							
990	Planning Agency	7,732	7,763	7,764	7,764		7,764	
	Dog Fund Approp.	0	0	0	0		0	Moved to General Fund 208
	N. C. Consv. District	850	850	850	850		850	
	Contingency Fund	340,000	300,000	360,000	340,000		340,000	
	Construction Project	21,817	22,000	15,000	10,000		10,000	
	Land Purchase	0	15,000	15,000	10,000		10,000	
	Revaluation	5,000	8,000	8,000	2,000		2,000	
	Bridge Projects	200,000	200,000	200,000	200,000		200,000	
	Storage Building Public Works	0	0					
	Bond Repayment Reserve	0	0					
	Total	575,399	553,613	606,614	570,614		570,614	
	Grand Totals	32,548,293	33,045,267	34,055,470	34,525,369	5,161,127	39,652,496	
	EXPENDITURES	Actual 2020-2021	Actual 2021-2022	Proforma 2022-2023	Proposed 2023-2024			Notes
	Senior Housing	226,406	287,208	293,130	279,869			



MEMORANDUM

To: Doug Thompson

From: Duncan J. Forsyth

Date: June 6, 2023

Re: Nassahegan Recreational Complex
Our File No. 19004.01

We have at your request, reviewed the draft lease from the State of Connecticut to the Town of Burlington for the continued leasing of the Nassahegan Recreational Complex. The current draft lease is substantially similar to the prior lease which the Town had entered into. The primary differences are the lease term and amount (now 10 years for a total of \$5,000 rather than 5 years for a total of \$1,000). We have been advised that the lease payment will go to cover the State's administrative costs. It probably is self-evident that an annual lease payment of \$500 for a valuable facility such as the Nassahegan Recreational Complex is, for all intents and purposes, a gift from the State.

It is our recommendation that the Town move forward with execution of a new lease agreement as currently proposed.

If you have any particular questions, please do not hesitate to contact us.

Burlington Illicit Discharge and Connection Stormwater Ordinance

*amended
copy
during
meeting*

ORDINANCE NO. [REDACTED]

SECTION 1. PURPOSE/INTENT

The purpose of this ordinance is to (1) comply with requirements of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) issued by the Connecticut Department of Energy and Environmental Protection (DEEP) pursuant to the authority delegated to it by the US Environmental Protection Agency pursuant to 33 USC § 1342(b) for permitting the discharge of pollutants to waters of the United States under the National Pollutant Discharge Elimination System (NPDES), and (2) provide for the health, safety, and general welfare of the citizens of Burlington through the regulation of non-stormwater discharges to Burlington's publicly owned stormwater drainage system to the maximum extent practicable as required by federal and state law. The objectives of this ordinance are:

- (1) To control the contribution of pollutants to the Burlington's MS4 by stormwater discharges by any person,
- (2) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system, and
- (2) To establish pursuant to § 7-157 of the Connecticut General Statutes the legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2. DEFINITIONS.

As used in this ordinance, the following definitions shall apply:

Best Management Practices or BMPs means the schedule(s) of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

Board of Selectmen means the Burlington Board of Selectmen.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Connecticut Water Quality Standards means those standards adopted and amended by the DEEP pursuant to § 22a-426 of the Connecticut General Statutes.

Construction activity means any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

Director means the Burlington Director of Public Works.

DEEP means the Connecticut Department of Energy and Environmental Protection.

Facility means anything that is built or installed to perform some particular function or anything that aids or makes easier the performance of activities involved in the business of a person or corporation.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit discharge means any discharge to waters of the state that does not consist entirely of stormwater or uncontaminated ground water except those discharges identified in Section 8 of this ordinance.

Illicit connection(s) means (1) any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter Burlington's MS4 including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter Burlington's MS4 and any connections to Burlington's MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by either the DEEP, the Burlington Planning and Zoning Commission, or Burlington Inland Wetlands Commission or, (2) any drain or conveyance connected from a commercial or industrial land use to Burlington's MS4 which has not been documented in plans, maps, or equivalent records and approved by either the DEEP, the Burlington Planning and Zoning Commission, or Burlington Inland Wetlands Commission.

Industrial activity means any activity subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal separate storm sewer system or MS4 means the conveyances for stormwater (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made or altered drainage channels, piped storm drains, retention and detention basins, reservoirs, and other drainage structures) owned or operated by the Town of Burlington or by any state or federal institution and discharging to surface waters of the state.

National Pollutant Discharge Elimination System permit or NPDES permit means any permit issued by the DEEP pursuant to authority delegated to it by the US Environmental Protection Agency pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to Burlington's MS4 that is not composed entirely of stormwater.

Person means any individual, partnership, association, firm, limited liability company, corporation or other entity recognized by law and acting as either the owner or as the owner's agent, except a municipality, and includes the federal government, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation or any member or manager of a limited liability company.

Pollutant means anything which causes or contributes to pollution.

Pollution means any harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters; pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Property means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips, equipment or facility.

Stormwater means waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Stormwater Pollution Prevention Plan or SPPP means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Waters of the state means all rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, marshes, drainage systems and all other surface or underground streams, bodies or accumulations of water, natural or artificial, public or private, which are contained within, flow through or border upon the state of Connecticut any portion thereof.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION 3. APPLICABILITY

This ordinance shall apply to all water entering Burlington's MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Director.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

The Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Director may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Burlington.

SECTION 5. COMPATIBILITY WITH OTHER REGULATIONS

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 6. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION 7. ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 8. DISCHARGE AND CONNECTION PROHIBITIONS

8.1 Prohibition of Illicit Discharges and Exemptions.

No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge into the Burlington's MS4 any pollutants or waters containing any pollutants that cause or contribute to a violation of Connecticut Water Quality Standards as amended.

The commencement, conduct or continuance of any illicit discharge to Burlington's MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated ground water discharges including, but not limited to, pumped ground water, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.
- (2) Any non-stormwater discharge to Burlington's MS4 authorized by a permit issued pursuant to § 22a-430 or § 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

8.2 Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to Burlington's MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person makes a connection conveying sewage to Burlington's MS4, or allows such a connection to continue.

SECTION 9. INVESTIGATION OF SUSPECTED ILLICIT DISCHARGES

Upon the receipt of a complaint or evidence that an illicit discharge and/or connection exists, the Director shall conduct or cause an investigation to determine the existence and/or origin of the illicit discharge and/or illicit connection. The Director will make or cause preliminary contact with the property owner or facility operator and seek abatement of the illicit discharge and/or illicit connection. If the source appears to originate from property containing an industrial or construction site, the Director may or may cause additionally contact the DEEP to determine if the property is subject to permitting by the DEEP and assess if the illicit discharge and/or connection is in violation of the DEEP permit. If within 15 days of the preliminary contact the property owner or facility operator such permitted property does not willingly abate the illicit discharge/ connection the Director shall either issue an Order to Abate pursuant to the provision of this ordinance and/or notify the DEEP of the suspected permit violation for enforcement action by the

DEEP.

SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to Burlington's MS4.

SECTION 11. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, Burlington's MS4, or water of the state said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify DEEP Emergency Response Unit and Burlington's 911 emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Director in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works, Burlington Town Hall, ~~North Grosvenordale CT 06255~~ within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 12. SUSPENSION OF MS4 ACCESS

12.1. Suspension due to Illicit Discharges in Emergency Situations

In the event the Director finds an actual or threatened discharge presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to Burlington's MS4 or waters of the state the Director will immediately notify the DEEP of such danger and may, without additional notice, take actions to cause the immediate suspension of the MS4 discharge access to Burlington's MS4. Such actions may include, but are not limited to the physical blockage to Burlington's MS4 and issuing an order to immediately abate the illicit discharge pursuant to Section 13 of this ordinance.

12.2 Suspension due to the Detection of Illicit Discharge

Any person discharging to Burlington's MS4 in violation of this ordinance may have their MS4 access terminated in accordance with Sections 13, 14 and 17 of this ordinance if such termination would abate or reduce an illicit discharge.

SECTION 13. ENFORCEMENT- ORDER TO ABATE

13.1 Whenever the Director finds that a person has created or is maintaining an illicit discharge and/or illicit connection to the Burlington MS4 in violation of Section 8 of this ordinance, the Director may issue by certified mail a written order to abate such discharge and/or connection and cause the termination of such discharge and/or connection. The order may require without limitation:

- (1) The elimination of illicit connections and/or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration

of any affected property; and

- (4) Payment to recoup costs incurred by the Director;
- (6) Suspension of any discharge to Burlington's MS4 system consistent with Section 12 of this ordinance; and
- (7) The implementation of source control or treatment BMPs.

If abatement of the violation and/or remediation of affected property is required, the order shall set forth a deadline within which such abatement and/or remediation must be completed. Where elimination is not possible within sixty (60) days of source confirmation, a schedule for its elimination will be set for no more than one hundred and twenty ~~180~~ days.

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Said order shall further instruct that, should the actions required by the order fail to be completed within the established deadline, such actions may be performed at the Director's direction person to whom the order is issued is liable for any expenses incurred by the Director in abetting the violation.

SECTION 14. APPEAL OF ORDER TO ABATE

Any person receiving an Order to Abate may in writing appeal the order to the Board of Selectmen for reconsideration. The notice of appeal must be received within fourteen (14) days from the date of the Order to Abate. A hearing on the appeal before the Board of Selectmen designee shall take place within twenty-one (21) days from the date of receipt of the notice of appeal. The decision of the Board of Selectmen shall be final.

SECTION 15. ENFORCEMENT MEASURES AFTER APPEAL

If the illicit discharge or illicit connection has not been abated pursuant to the requirements set forth in the Order to Abate, or, in the event of an appeal, within fourteen (14) days of the decision of the Board of Selectmen upholding the decision of the Director, then the Director shall (1) in the case of industrial discharges refer the matter to the DEEP for its enforcement under § 22a-432 of the Connecticut General Statutes, or (2) in the case of construction activities causing pollution to waters of the state by the failure to control erosion and sedimentation refer the matter to either the DEEP, the Burlington Inland Wetlands Commission or the Burlington Planning & Zoning Commission, as the Director deems appropriate.

SECTION 16. COST OF ABATEMENT OF THE VIOLATION

Within forty-five (45) days after abatement of the violation, the owner of the property will be notified in writing by certified mail of the cost of abatement, including administrative costs, and the payment requirements. The property owner may file a written protest objecting to the amount of the assessed costs within fourteen (14) days of written notification. If the amount due is not paid within a timely manner as determined by the decision of the Board of Selectmen or by the expiration of the time in which to file an appeal, the cost of the abatement charges shall become a special tax assessment against the property and subject to collection pursuant to the provisions of §12-172 and § 12-173 of the Connecticut General Statutes. Payment and interest on abatement charges shall be in accordance with § 12-144 of the Connecticut General Statutes unless otherwise determined by the Board of Selectmen.

SECTION 17. INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance or order to abate, the Director or Board of Selectmen may petition for a permanent injunction restraining the person

from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 18. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties allowed by law, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance.

SECTION 19. REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Director to seek cumulative remedies.

SECTION 20. ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect fifteen [15] days after its publication in a newspaper of general circulation in Burlington. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this [] day of [], 20[]