

Minutes of the Town of Farmington
Regular Town Council Meeting November 9, 2021
Held in Person and by
Zoom Webinar Meeting

Attending:

C. J. Thomas, Chair
Joe Capodiferro
Brian F. X. Connolly
Christopher Fagan
Edward Giannaros
Peter Mastrobattista
Gary Palumbo

Kathryn Krajewski, Asst. Town Manager
Paula B. Ray, Town Clerk

A. Call to Order

The Chair called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

The Council and members of the public recited the Pledge of Allegiance.

C. Presentations and Recognitions

1. Veterans Day Proclamation

Mr. Fagan read the following proclamation into the record:

PROCLAMATION

WHEREAS, the citizens of our country are justly proud of the men and women who have fought to defend the principles of liberty and freedom on which our nation was founded, and

WHEREAS, from the Revolutionary-era militias through today's sophisticated defense structure, American service members have defended our country in times of challenge, brought honor to the United States and created a solid foundation for its continued security, growth and prosperity, and

WHEREAS, despite the tremendous perils and pressures of wartime, our Armed Forces have defended the country with conviction and courage. In admiration of the strength of our convictions, other nations have looked to America for leadership, and our allies have always been secure in the knowledge that our proud country will not allow its principles and beliefs to be compromised, and

WHEREAS, the citizens of the United States will forever owe an immense debt of gratitude to our Veterans for the sacrifices they have made to secure the safety of our country, and

WHEREAS, as an expression of that gratitude, President Dwight D. Eisenhower signed into law an act calling for the observance of Veterans Day on November 11th of each year, and in 1921 that date was originally designated as Armistice Day in remembrance of the end of World War I and as a perpetual reminder of the blessings of peace, and by 1954, the observance widened to honor the courageous Veterans of all foreign conflicts, and

WHEREAS, our Veterans reflect the preeminent qualities of patriotism and courage in all of us and continue to make countless contributions to military and civilian life. In addition, many men and women from the Connecticut National Guard are serving in Iraq or Afghanistan, or are scheduled to be deployed there shortly, along with many other Connecticut residents serving with the United States Army, Air Force, Navy, Marines and Coast Guard.

Now, therefore, be it resolved, that the Farmington Town Council hereby thanks the many contributions and accomplishments of all our Veterans.

DATED AT FARMINGTON, CONNECTICUT this 9th day of November 2021.

C.J. Thomas, Chair
Farmington Town Council.

2. 2021 Firefighter of the Year – Russ Nelson

Mr. Mastrobattista thanked Mr. Nelson for his service and read the following proclamation into the record:

PROCLAMATION

WHEREAS, Russ Nelson has served the Town of Farmington as a Firefighter for 34 years at the East Farmington Volunteer Fire Department beginning his service on July 21st, 1987, and

WHEREAS, Russ Nelson, has held numerous social and line officer positions for the East Farmington Volunteer Fire Department, to include President, Vice President, Lieutenant, Captain, Deputy Chief, Assistant Chief and then becoming Chief in 2004 holding that position for 16 years; and;

WHEREAS, Russ Nelson, has continued to enhance the fire service within the State of Connecticut through his position as a Regional County Coordinate for Hartford County, a Task Force Team Leader for Taskforce 54 under the Statewide Fire Service Disaster Response Plan, and Vice President of the Capital Region Fire Chiefs Association; and;

WHEREAS, Russ Nelson, has made immeasurable contributions to the Town of Farmington and its residents such as fundraising for a regional burn building to enhance firefighter training, serving on numerous apparatus committees to ensure the department has the safest and most efficient equipment, and continuing a high level of response to calls for service; and;

WHEREAS, Russ Nelson has always maintained a focus on the public good and acted to protect the public interest while donating countless hours of time, energy and personal commitment to better our community and enrich the lives of the residents of the Town of Farmington.

NOW, THEREFORE, the Farmington Town Council hereby commends Russ Nelson for his excellent work on behalf of the community and we congratulate him on his 2021 Firefighter of the Year Award. The Farmington Town Council hereby proclaims November 9, 2021 as Russ Nelson Day in Farmington, Connecticut.

DATED AT FARMINGTON, CONNECTICUT this 9th day of November 2021

C.J. Thomas, Chair
Farmington Town Council

Mike Demicco, Representative 21st District read a citation from the Connecticut State General Assembly in honor of Mr. Nelson and thanked him for his service.

The Chair asked Mr. Demicco, because of resident concerns, to investigate why the Farmington sidewalk project took so long to be approved by the State and report back at the December meeting.

D. Public Hearing

1. To amend the Farmington Town Code, Chapter 78 "Animals" to add Article 2 "Wildlife Feeding."

The Chair opened the public hearing at 7:10 p.m., and the Clerk read the legal notice recorded with these minutes as Agenda Item D-1 into the record. Brenda Pflugbeal, Animal Control Officer and Paul Melanson, Chief of Police reviewed the presentation recorded with these minutes as Agenda Item D-1. The Chair opened the hearing for public comment and hearing none closed the hearing at 7:17 p.m.

E. New Items

There were no new items added to the agenda.

F. Public Comments

There were no public comments made in person or from Zoom.

G. Reading of the Minutes

1. October 12, 2021 Regular Town Council Meeting

Motion was made and seconded (Mastrobattista/Capodiferro) to approve the minutes of the October 12, 2021, Regular Town Council Meeting.

Adopted unanimously

H. Reading of Communications and Written Appeals

There were no communications or written appeals.

I. Report of the Committees

1. Land Acquisition Committee
2. Green Efforts Committee

There were no reports for Agenda Items I-2.

3. Farmington High School Building Committee

Mr. Fagan reported the Committee had met and received updates from their professional partners regarding meetings with State of Connecticut pertaining to the schematic design of the building, meetings with the design teams from the High School to review the Educational Specifications, meetings with the Town Plan and Zoning Commission regarding the height of the building and meetings regarding cost estimates. The Communications Committee was planning a newsletter for the end of November. The Committee approved an RFQ for HVAC issues.

4. Racial Equality Taskforce

Mr. Capodiferro reported the Taskforce was continuing its work and the next meeting was scheduled for November 29, 2021.

5. American Rescue Plan Act (ARPA) Ad-Hoc Committee

The Chair reported the Committee had met that evening prior to the Council Meeting and continued to discuss possible uses for the \$7,500,000. A new option involved a component for replacing loss revenue during Covid. He hoped after one or two more meetings a recommendation for a plan to expend the funds would be in place.

J. Report of the Council Chair and Liaisons

1. Chair

The Chair explained he had become aware of the concerns regarding the sidewalk project in Farmington Center, which he had mentioned to Mr. Demicco earlier in the meeting and concerns over the uses for the Parson's property. He explained the deed wording for the property had just been completed, but he was told by his opponent in the election there was wide-spread support for developing the property. He asked anyone in support of development to contact the Town Manager's office. The conditions of purchase and purchase price would be affected by using the land for development. He told the public that \$675,00 had been transferred from the Capitol Improvement Plan Budget back into the General Fund during the last budget process, because of the current plan for purchase and when an RFP was issued for a developer for the property there had been no responses. He was glad the election was over and hoped the personal attacks would stop. He asked anyone who was concerned about the integrity of the voting in Farmington to volunteer as a poll worker, which would give them an inside look at the process. He congratulated the newly elected Town Officials

2. Board of Education Liaison

Mr. Fagan reported the US News & World report listed West District School as the 10th

best Elementary School in the State of Connecticut. He listed the topics covered at the Board of Education meeting including:

- Congratulations to the Mascot Committee for completing their work
- Teacher grants from the Farmington Public Schools Foundation
- Discussion of Dawalli as a school holiday and the GSA at Irving I Robbins School
- Enrollment & Class size reports
- A K-8 School facility report
- Coordination with the Town's Racial Equity Taskforce
- Standardized testing
- Budget reports
- Policy updates.

3. Economic Development Commission Liaison

Mr. Giannaros reported the October meeting had been cancelled and the next meeting was scheduled for November 10, 2021.

4. Farmington Historic District Commission

Mr. Connolly reported the Commission had approved an application for 17 Tunxis Street and denied an application for 40 Colton Street. It was approved the meetings would start at 5:00 pm beginning in November.

5. Housing Authority

There was no report for Agenda Item J-5.

6. Human Relations Commission

Mr. Capodiferro reported that Shannon Rutherford, Town Planner gave a presentation about the Town's Affordable Housing Plan. The Commission approved four goals based on the needs assessment that had been done and a rating scale to vet events, activities and acknowledgements. Planning was being done for a Human Rights Day on December 10, 2021. The next meeting was scheduled for November 22, 2021.

7. Library Board

8. Town Plan and Zoning Liaison

There were no reports for Agenda Items J-7 or J-8.

9. Unionville Historic District Commission

Mr. Giannaros reported a certificate of approval for work at the Unionville Museum had been approved at the November meeting, and it was expected at the December meeting the Unionville Museum would be presenting again.

10. Unionville Village Improvement Association Liaison

11. Water Pollution Control Authority

12. Other Liaisons

There were no reports for Agenda Items J-10 through J-12.

K. Report of the Town Manager

Kathryn Krajewski, Assistant Town Manager reviewed following report and answered

Council questions:

Veterans Day

A short ceremony will be held at the Farmington Town Hall, 1 Monteith Drive, in front of the Veterans Memorial Monument at 11:00 a.m. on Thursday, November 11, 2021 If you have any questions regarding the ceremony, please contact Paul Krause at 910.376.5454.

Town Council Reception

On December 14, 2021 from 6:00 p.m. to 7:00 p.m., prior to the regular Town Council Meeting, there will be a reception honoring the outgoing members of the Farmington Town Council and the Town Clerk, Paula Ray.

Motion was made and seconded (Mastrobattista/Capodiferro) to accept the report of the Town Manager.

Adopted unanimously

L. Appointments

1. Building Code Board of Appeals (Das)
2. Conservation & Inland Wetlands Commission **alternate** (Berlandy)
3. Economic Development Commission (Philips)
4. Green Efforts Commission (Barnes)

There was no action taken for Agenda Items L-1 through L-4.

5. Housing Authority

Motion was made and seconded (Mastrobattista/Capodiferro) that Gary Gross be appointed to the Housing Authority for the balance of a five-year term beginning immediately and ending September 30, 2026.

Adopted unanimously

6. Housing Authority

Motion was made and seconded (Mastrobattista/Capodiferro) that Ann Newberry be appointed to the Housing Authority for the balance of a five-year term beginning immediately and ending September 30, 2026.

Adopted unanimously

7. Lower Farmington River and Salmon Brook Wild & Scenic Management Plan (LFSWS) (Schlegel)
8. North Central Regional Mental Health Board Inc. (Plona)
9. North Central Regional Mental Health Board Inc. (Marsh)
10. Plainville Area Cable TV Advisory Council (Bernier)
11. Plainville Area Cable TV Advisory Council (Parlow)
12. Green Efforts Commission (Messier)
13. Town Plan and Zoning Commission **alternate** (Halstead)
14. Unionville Historic District & Properties Commission (Horton)

There was no action taken on Agenda Items L-7 through L-8.

M. Old Business

There was no Old Business conducted.

N. New Business

1. To amend the Farmington Town Code, Chapter 78 "Animals" to add Article 2 "Wildlife Feeding."

Motion was made and seconded (Mastrobattista/Capodiferro) to approve the motion recorded with these minutes as Agenda Item N-1.

Adopted unanimously

2. To refer the transfer of a 2,216 square foot piece of Town open space property to Wilson Development in exchange for a 5,252 square foot piece of property to be made permanent open space to the Town Plan and Zoning Commission for a report under Section 8-24 of the Connecticut General Statutes

Motion was made and seconded (Mastrobattista/Capodiferro) to refer the transfer of a 2,216 square foot piece of Town open space property to Wilson Development in exchange for a 5,252 square foot piece of property to be made permanent open space to the Town Plan and Zoning Commission for a report under Section 8-24 of the Connecticut General Statutes.

Motion was made and seconded (Mastrobattista/Capodiferro) to table the motion indefinitely.

Adopted unanimously

3. To approve the attached Fire Station Comprehensive Building Project Statement of Needs, and to appoint a Fire Station Building Committee

Motion was made and seconded (Mastrobattista/Capodiferro) to approve the attached Fire Station Comprehensive Building Project Statement of Needs, and to appoint a Fire Station Building Committee with the following voting members.

_____, Chair, Town Council member

_____, Town Council member

_____, East Farmington Fire station member

_____, Farmington Fire Station member

_____, Tunxis Hose Fire Station member

_____, Resident, 1st District

_____, Resident, 2nd District

And the following non-voting members

Kathleen Blonski, Town Manager

Steve Hoffman, Director of Fire and Rescue Services

_____, Clerk of the Committee

And,

To approve the following Charge of the Fire Station Building Committee.

Part 1-

- a. The Committee shall review the approved Statement of Needs, the 2014 Facilities Study, and the 2018 Fire Station Location and Deployment Study. These reports include conceptual designs and cost estimates.
- b. That once the review is complete the Committee will make recommendations to the Town Council on a comprehensive building project. The Committee will obtain an updated preliminary cost estimate based on their selection of one or more of the following:
 1. Renovate and or expand the existing fire stations based on individual needs.
 2. Consider new locations for the new construction of fire stations
 3. Consider any potential consolidation of fire stations.
- c. The Committee shall prioritize the Fire Station(s) needs based on the following: code and safety compliance, lack of available space for expansion, lack of available space for use, upgrades of major building systems, upgrades to building infrastructure and energy efficient code and standard compliance issues. These recommendations should meet current standards while ensuring they support the future needs of the Town of Farmington.

And,

That once the Town Council has reviewed and approved the recommended project by the Committee and the preliminary cost estimate it shall recharge the Committee with an overall project scope and budget.

The Committee will then begin Phase 2 preliminary plan development per Section 53-4

(b) of the Town Ordinance.

Motion was made and seconded (Mastrobattista/Capodiferro) to table the motion until the December 14, 2021 Town Council Meeting.

Adopted unanimously

4. To award a contract in the amount of \$74,985.96 to J&S Radio Sales Inc. for Communications Upgrade Phase 2, under Connecticut State Contract 19PSX0088

Motion was made and seconded (Mastrobattista/Capodiferro) to award a contract in the amount of \$74,985.96 to J&S Radio Sales Inc. for Communications Upgrade Phase 2, under Connecticut State Contract 19PSX0088.

Adopted unanimously

5. That Section 55-1 of the Town Code of Ordinances be waived and that SWAB Wagon Company, Inc. of Elizabethville, Pennsylvania be awarded a contract to refurbish Medic 16's Advanced Life Support fiberglass body unit and remount it on a new cab and chassis at a total cost of \$55,000

Motion was made and seconded (Mastrobattista/Capodiferro) that Section 55-1 of the Town Code of Ordinances be waived and that SWAB Wagon Company, Inc. of Elizabethville, Pennsylvania be awarded a contract to refurbish Medic 16's Advanced Life Support fiberglass body unit and remount it on a new cab and chassis at a total cost of \$55,000.

Adopted unanimously

6. To approve property tax refunds

Motion was made and seconded (Mastrobattista/Capodiferro) to approve the following property tax refunds.

Name	REASON	
Ally Financial	Assessor adjustment	\$401.82
Auerswald Lois	Assessor adjustment	\$30.34
Bedig Lillian	Assessor adjustment	\$5.65
Carpenter Quinn	Assessor adjustment	\$164.91

Corelogic	Assessor adjustment	\$11,602.52
Ct. Jr. Soccer	Assessor adjustment	\$198.31
Faibush Ronald	Assessor adjustment	\$206.71
Financial Services	Assessor adjustment	\$936.78
Good Peter	Assessor adjustment	\$20.34
Honda Lease Trust	Assessor adjustment	\$175.45
Howley Edmund & Maureen	Assessor adjustment	\$59.15
Johnson Ernest	Assessor adjustment	\$77.21
Lorocco Paul	Assessor adjustment	\$27.72
Minerly Kaela	Assessor adjustment	\$1,267.71
Mittal Sanjay & Jyoti	Assessor adjustment	\$18.76
Nagel James	Assessor adjustment	\$1,297.80
Nissan Infiniti	Assessor adjustment	\$431.63
Okeefe Scott	Assessor adjustment	\$15.12
Petrini Joseph	Assessor adjustment	\$22.76
Porsche Leasing	Assessor adjustment	\$2,010.34
Romanov Alexander	Assessor adjustment	\$61.65
Romanov Elizabeth	Assessor adjustment	\$305.10
Smith John J 3rd	Assessor adjustment	\$93.11
Thota Ujwala K	Assessor adjustment	\$16.82
Toyota Lease Trust	Assessor adjustment	\$673.58

VW Credit	Assessor adjustment	\$919.32
Total		\$21,040.61

Adopted unanimously

O. Executive Session

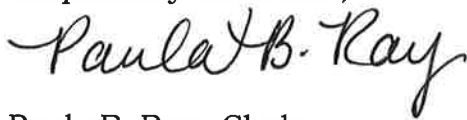
There was no Executive Session held.

P. Adjournment

Motion was made and seconded (Mastrobattista/Capodiferro) to adjourn the meeting at 7:50 p.m.

Adopted unanimously

Respectfully submitted,



Paula B. Ray, Clerk

**LEGAL NOTICE
TOWN OF FARMINGTON
PUBLIC HEARING**

A Public Hearing will be held on November 9, 2021 at 7:05 p.m. in the Town Hall Council Chambers to amend the Farmington Town Code, Chapter 78 "Animals" to add Article 2 "Wildlife Feeding."

To access the meeting:

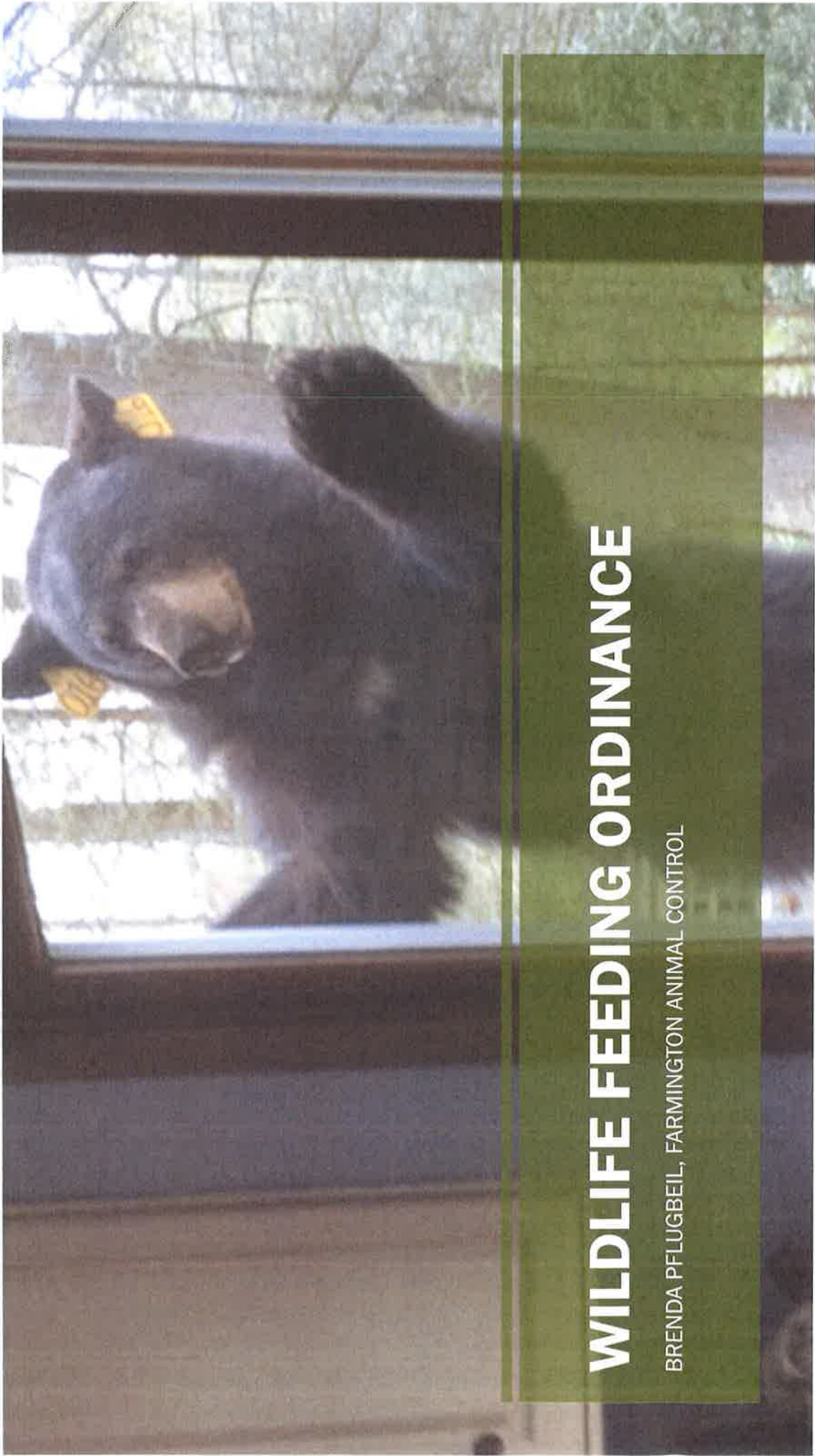
<https://us02web.zoom.us/j/84548681607>

Dial: +1 312 626 6799

Webinar ID: 845 4868 1607

Dated at Farmington, Connecticut this 26th day of October 2021.

Kathleen A. Blonski
Town Manager



WILDLIFE FEEDING ORDINANCE

BRENDA PFLUGBEIL, FARMINGTON ANIMAL CONTROL

D-2

Agenda Item

STOP ATTRACTING WILDLIFE CLOSE TO OUR HOMES

- Many report concern for children and pets in their neighborhood
- Many complain about having to clean up trash after wildlife has spilled its contents all over
- Many love and invite wildlife into their property



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CONNECTICUT

Record numbers of bears are entering Connecticut homes this year, DEEP warns numbers will continue to rise this fall as bears bulk up for winter



Concerns are being raised over the increase in bear and coyote sightings.

She said people can encounter bears almost anywhere in the state.

"We don't want to create a situation where bears associate people with food. So, anything we can do to make it hard for them to get an easy meal, the better off we'll be," Dickson said.

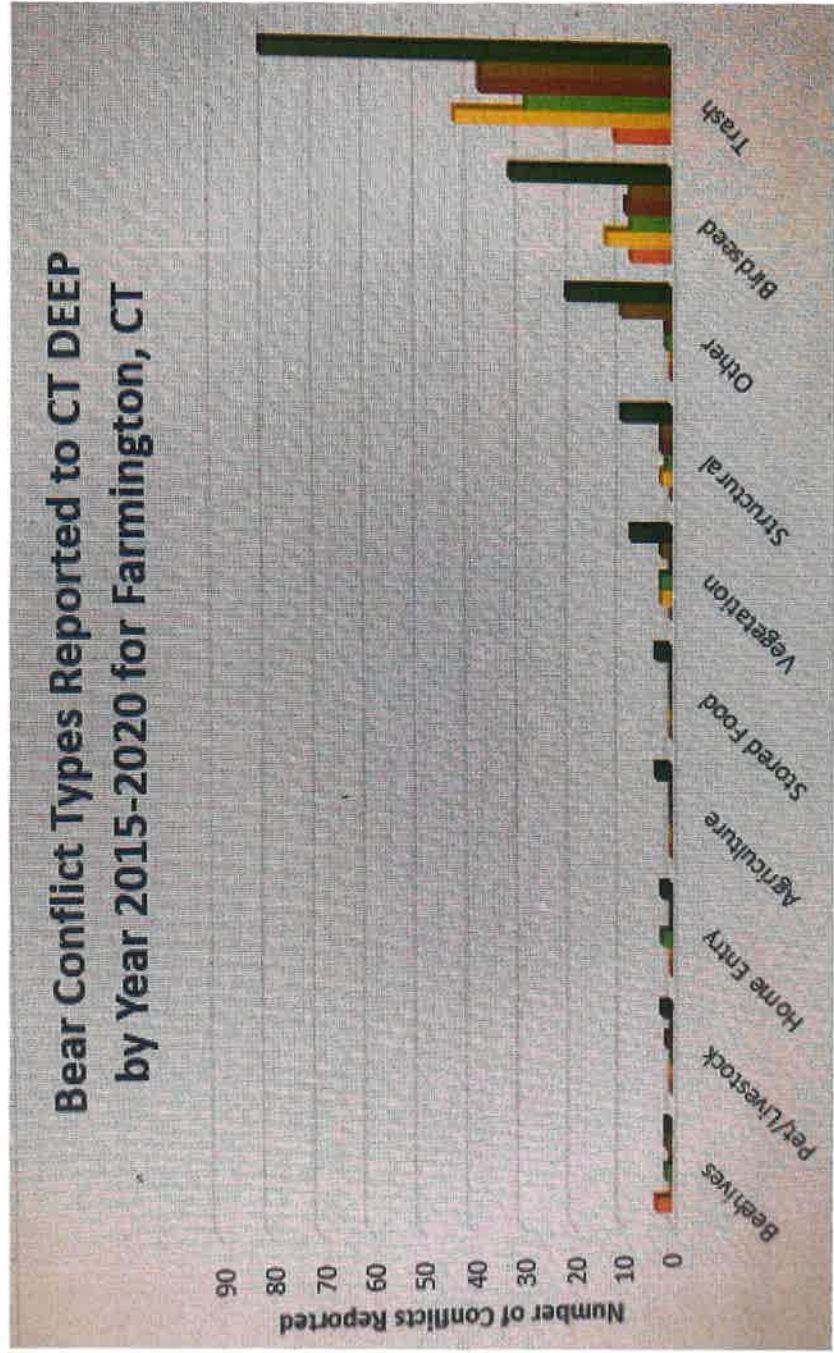


BEAR CONFLICTS

- A Bear desires to gain as many calories using as little energy as possible.
- Black Bear mothers (Sows) are raising their cubs eating more of our trash and birdseed. This takes less effort than foraging for their natural foods.
- As a result, they grow and lose their natural fear of humans.



DEEP BEAR CONFLICT CHART





Bear conflicts will continue and increase if we do not make some changes.

With some simple steps, We can adapt our behavior and coexist with wildlife here in beautiful Farmington Connecticut.

ORDINANCES IN OTHER TOWNS

Four towns in Hartford County currently have an ordinance against feeding wildlife.

- Barkhamsted 2020
- East Granby 2020
- Granby 2021
- Simsbury 2020

There are two towns in Litchfield county that have an existing ordinance.

- Colebrook 2010
- Hartland 2019



GOAL OF THE WILDLIFE FEEDING ORDINANCE

This ordinance is intended to assist our residents, guests, and other stakeholders to coexist with wildlife peacefully and safely.

- Initial educational opportunity in response to a complaint
- Enforcement for those that do not comply after initial discussions



SUMMARY OF THE WILDLIFE FEEDING ORDINANCE

Prohibited Activity:

- **Intentional Feeding of Wildlife**
- **Feeding Birds-** Bird feeders may not be used from April 1st through November 30th, unless the source is recognized as not being desirable to bears
- **Improperly Storing Food, Refuse, or Other Wildlife Attractants**

Violations and Penalties:

The Authorized enforcement agency is a fine in the amount of one hundred dollars (\$100.00) for each offense. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues.

MOTION:

Agenda Item N-1

To amend the Farmington Town Code, Chapter 78 "Animals" to add Article 2
"Wildlife Feeding" as attached.

Chapter 78

ANIMALS

GENERAL REFERENCES

Noise — See Ch. 135.

Dogs on Town-owned property — See Ch. 148.

ARTICLE I
Dogs
[Adopted 10-26-1993]

§ 78-1. Purpose.

The purpose of this article is to regulate the keeping of dogs and prohibit the roaming at large of dogs and other animals in the streets and public places of the Town and to prevent cruelty to dogs and other animals, pursuant to C.G.S. Section 7-148(c)(7)(D)(i) and (ii), and to prescribe penalties and enforcement procedures for violation of local and state regulations pertaining to dogs and other animals as set forth in C.G.S. Article 435, as amended, C.G.S. Secs. 7-152c and 7-148(c) (10) and this article.

§ 78-2. Prohibited acts.

It shall be a violation of this article for any owner or keeper of a dog:

- A. To allow such dog to roam at large upon the land of another and not under control of the owner or keeper or the agent of the owner or keeper, or to allow such dog to roam at large on any portion of any public highway and not attended by and under control of such owner or keeper or his agent; the unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on any portion of a public highway, when such dog is not attended by and under the control of such owner or keeper, shall be prima facie evidence of a violation of the provisions of this article.
- B. To obstruct or attempt to obstruct the canine control officer or warden engaged in the discharge of such person's duties.
- C. To perpetrate any act of cruelty upon any dog or other animal.
- D. Not to have a tag or plate on a collar around the neck or on a harness on the body of such dog.
- E. Not to have complied with any order or regulation relating to rabies applicable to such dog.
- F. To abandon or neglect or cruelly treat any such dog.
- G. Not to have such dog licensed in the Town Clerk's office as required by state law.
- H. To allow such dog to inflict damage or harm to human beings, domestic animals or property.
- I. To allow such dog to go on a highway and growl, snap, bite or otherwise annoy any person or domestic animal lawfully using such highway or chase or interfere with any motor vehicle so using such highway.
- J. To permit such dog to become a nuisance by reason of vicious disposition or excessive barking or any other disturbance or by permitting such barking or other disturbance when such is a source of annoyance to any sick person residing in the immediate vicinity.

- K. To crop or cut or cause to be cropped or cut off the whole or any part of the ear of a dog unless such person is a registered veterinarian surgeon.
- L. Not to clean up or dispose of immediately any feces or other waste matter discharged by a dog on public property, including highways and sidewalks, or on any private property not owned or controlled by the owner, agent or keeper of the dog.

§ 78-3. Violations and penalties.

Any person violating any of the above provisions shall be fined not less than \$25 nor more than \$100. The Town canine control officer or warden shall issue citations for violations of any provisions set forth above. All moneys received shall be remitted to the Office of the Tax Collector.

§ 78-4. Hearing procedure for citations.

- A. The Town Manager shall appoint one or more citation hearing officers, who shall be other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section.
- B. Within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under this article, the Town shall send notice to the owner or keeper of the dog. Such notice shall inform said owner or keeper of the following:
 - (1) The allegations against said owner or keeper and the amount of the fines, penalties, costs or fees due.
 - (2) That said owner or keeper may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date of the notice.
 - (3) That if the owner or keeper does not demand such a hearing, an assessment and judgment shall be entered against said person.
 - (4) That such judgment may issue without further notice.
- C. If the owner or keeper who is sent notice pursuant to Subsection B above wishes to admit liability for any alleged violation, said person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to an official designated by the Town. Any owner or keeper who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided in Subsection B above shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth below.
- D. Any owner or keeper who 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 15 days nor more than 30 days from the date of the mailing of the notice, provided that 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 Town official shall be filed and retained by the Town. The presence of the issuing official shall be required at the hearing if such owner or keeper so requests. An owner or keeper wishing to contest his/her liability shall appear at the hearing and may present evidence in his/her behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If such owner or keeper fails to appear, the hearing officer may enter an assessment by default against him/her upon a finding of proper notice and liability. The hearing officer may accept from such owner or keeper copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer 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. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the owner or keeper is not liable, the hearing officer shall dismiss the matter and enter his determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such owner or keeper as provided by this article and applicable law.

- E. If any assessment entered by the hearing officer 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 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the Hartford/New Britain judicial district, together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, multiple assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the Superior Court shall enter judgment in the amount of such record of assessment and court costs of \$8 against such person in favor of the Town. 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 of such judgment may issue without further notice to such person.
- F. The owner or keeper against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry for a small claims case pursuant to C.G.S. Section 52-259 in the Superior Court for the geographical area in which the Town is located, which shall entitle said owner or keeper to a hearing in accordance with the rules of the judges of the superior court.

ARTICLE II
Wildlife Feeding
[Tentative Adopted 11-09-21]

§ 78-5 Purpose.

The Town of Farmington, under its powers pursuant to state law, has adopted this ordinance to protect public health, safety, and welfare by prohibiting the intentional feeding of wildlife. This ordinance is intended to assist our residents, guests, and other stakeholders to coexist with wildlife peacefully and safely.

§ 78-6 Definitions:

When used in this ordinance, the following terms shall have the meanings indicated:

Authorized Enforcement Agency- All sworn personnel of the Police Department and Animal Control Officers. Additionally, any employees or designees of the town as designated by the Town Manager to enforce this ordinance.

Person- Person shall be construed to mean and include an individual, a corporation, a partnership, a non-profit, a trust, an unincorporated organization, business organization of any kind or any other group or organization.

Town- Town means the Town of Farmington.

Wildlife- Wildlife includes, but is not limited to, non-domesticated animals that due to intentional feeding have been determined to be a nuisance or threat to public health, safety, and welfare such as bears, deer, coyotes, bobcats, fishers, turkeys, and wild birds. Wildlife does not include livestock used for agricultural purposes.

§ 78-7 Prohibited Activity.

In recognition that these animals are wild and should be left alone for the health, safety, and welfare of both the wildlife and our residents, guests, and other stakeholders, the following is prohibited activity:

- A. Intentional Feeding of Wildlife.** Feeding, giving, placing, exposing, depositing, distributing, or scattering any edible material, attractant, or other substance with the intention of feeding, attracting, or enticing wildlife.
- B. Feeding Birds.** Bird feeders may not be used from April 1st through November 30th, unless the source is recognized as not being desirable to bears, such as but not limited to Nyjer or thistle.
- C. Improperly Storing Food, Refuse, or Other Wildlife Attractants.** Improperly storing food, pet food, refuse (garbage), or other attractants and substances in a manner that result in wildlife feedings.

§ 78-8 Exceptions.

A. Unintentional Feeding of Wildlife. Unintentional feeding of wildlife means using or placing any material for a purpose other than to intentionally attract, entice, or feed wildlife but which results in unintentionally attracting, enticing, or feeding of wildlife. Composting that was properly secured but unintentionally led to the feeding of wildlife is excluded.

- i. Unintentional feeding will become intentional feeding if a written notice is issued by an Authorized Enforcement Agency and ignored.

B. Feeding Birds. Bird feeders may be used from December 1st through March 31st.

- ii. If the source is recognized as not desirable to bears, such as but not limited to Nyjer or thistle, bird feeders may be used year-round.

C. Permitted Activity. This ordinance does not apply to any person with a valid permit issued by the state of Connecticut, Department of Energy and Environmental Protection.

D. Wildlife Rehabilitation. Any person providing care to wildlife for the purpose of an animal's rehabilitation due to illness or injury, as part of a recognized for-profit or non-profit entity providing for such care of wildlife.

§ 78-9 Violations and Penalties.

Whenever the authorized enforcement agency determines that a person has violated any of the above provisions, the authorized enforcement agency is authorized to issue a fine in the amount of one hundred dollars (\$100.00) for each offense. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues. All monies received shall be remitted to the Office of the Tax Collector.

§ 78-10 Hearing procedure for citations.

The hearing procedure for any citations issued for violations of the above ordinance shall be the procedures set forth in Chapter 91 of the Code of the Town of Farmington.