



## Town of Burlington

### **ORDINANCE COMMITTEE MEETING THURSDAY, FEBRUARY 18, 2016**

The meeting convened at 7:02 PM, Thursday, February 18, 2016. Present were: Ed Jurkiewicz, president, Mike Vollono, vice president, David Goshdigian, secretary, Pat Miller, Dick Alden, John Derewonko, and David Wagner, members, and Ginger Doherty, alternate.

#### **Citizen Comment:**

There was no citizen comment.

#### **Acceptance of January 21, 2016 Meeting Minutes:**

Mike Vollono moved to accept the January 21, 2016 minutes; Pat Miller seconded. The committee voted unanimously to accept the minutes.

#### **Presentation from Dr. Carl Salsedo Regarding Potential Agricultural Commission:**

Dr. Carl Salsedo, a member of the Board of Selectman, provided a model ordinance to establish an agricultural commission. He explained that the purpose of the commission would be focused on land use, directing how the town will capitalize on its natural resources. The proposed commission would represent and advocate for the town farming community by protecting farmland and farming businesses. Specifically, the proposed commission would act to preserve farmland, would review the actions of other town agencies, and mediate farmer-neighbor disputes. He reported that small farms are needed as a food source and that preserving farmland is aesthetically valuable.

Dr. Salsedo stated that he would prefer this to be a standalone commission as opposed to a combined conservation/agricultural commission because conservation and agriculture have two different interests. In his opinion, an independent agricultural commission would require a very small budget. In response to questions from the committee, Dr. Salsedo explained that the members of the proposed commission do not have to be farmers, but having a working knowledge of farming would be helpful.

The chairman allowed Rob Lamothe, a local farmer, to comment. Mr. Lamothe expressed support for an agricultural commission because it would help enhance the town, integrate small farmers into the community, and secure grants for farms. Mr. Lamothe indicated that at one time the Department of Energy and Environmental Protection (DEEP) was going to be reorganized to encompass the Department of Agriculture as well, but that this was not done due to concerns that the Department of Agriculture would not be sufficiently represented in DEEP. This, he represented, is an example why a joint commission might not work because of the unique interests of agriculture.

John Hebert, Chairman of the Conservation Commission, spoke in favor of a joint conservation/agricultural commission. He stated that it would be sufficient to have an agricultural representative on the commission, as the goal of both is to preserve open land. He reported that several active members of the Conservation Commission are farmers. Furthermore, the



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Conservation Commission previously has advocated on behalf of farmers by, for example, submitting a letter to the Planning and Zoning Commission. Dr. Salsedo responded that there may not be an inherent conflict between conservation and agricultural commissions because they are both concerned with land use, but that the advantages for farmers would be more "robust" if there were two commissions.

Pat Miller expressed concerns with a joint commission because, even if a joint commission initially was comprised of farmers, eventually due to turnover in members there could be no farmers on the commission.

Ginger Doherty expressed concern with staffing a separate agricultural commission, which Dr. Salsedo acknowledged was a legitimate concern.

### **Presentation from the Burlington Police Department Regarding General Ordinance Recommendations:**

Officer Kevin Mellon presented general recommendations for potential ordinances on the basis of his experience with the town. He stated that he was primarily concerned with the absence of ordinances governing behavior on town owned or managed land, specifically, the rails to trails system. Officer Mellon recommended ordinances regarding alcohol consumption, dogs, and noise. He gave various examples of when these types of ordinances would have allowed him to cite people who created a disturbance, which he explained would deter future violations by demonstrating to the public that this type of behavior is not tolerated. Officer Mellon recommended looking to the Bristol park ordinances for guidance. He also explained that he would like the authority to expel a party from town managed or owned land in the event of an ordinance violation. He explained that there are problems at night on the rails to trails system, especially during the summer. Officer Mellon also stated that he would like to see all terrain vehicles prohibited from the blue trail.

Aside from these proposed ordinances, Officer Mellon reported that snow removal has caused issues in town. He elaborated that a person will push the snow off of their driveway onto the road. Subsequently, the snow will freeze on the road and it will make it difficult for traffic to pass. He stated that the ability to prohibit this and cite the landowner in violation would be advantageous to prevent this problem. He wanted to be able to cite the landowner, as the person responsible for plowing the snow may leave immediately.

Pat Miller questioned Officer Mellon regarding his recommendation for a noise ordinance based on a reasonableness standard. Officer Mellon was unaware of any other towns with a reasonableness standard, but felt that it could be enforced. He also reported that, currently, loud disturbances are usually quelled with a strong warning which could be followed, if necessary, with a ticket for disturbing the peace.

Ed Jurkiewicz expressed concern about impermissibly regulating citizens' right to peacefully assemble in the park. He also questioned whether a prohibition on alcohol on town owned or managed property would affect town buildings as well, mindful of the ability of nonprofit organizations to raise money through events involving alcohol. Miller stated that members of the public have come



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to her concerned about this issue as well. The Committee discussed that the ordinance could be written such that the First Selectman or his designee could grant a license or exemption.

David Goshdigian asked whether Officer Mellon would like there to be an ordinance regarding alarm systems, specifically, a penalty for a certain number of false alarms. Officer Mellon replied that this is a problem and poses a risk to public safety because an exigent emergency may arise when resources are being directed to a false alarm.

### **Discussion and Vote on Whether to Adopt Proposed Right to Farm Ordinance:**

Ed Jurkiewicz reported that Jonathan Schwartz, a member of the Conservation Commission who had previously presented his personal version of a right to farm ordinance, submitted that ordinance with further revisions directly to the Board of Selectman. As it appeared that the Board of Selectman was going to consider that proposal, Jurkiewicz moved to table this item. David Goshdigian seconded the motion. The committee, however, did not subsequently vote on this motion.

The committee discussed voting on whether to recommend to the Board of Selectman adopting the model right to farm ordinance that had been provided by Joan Nichols of the Connecticut Farm Bureau. Dick Alden expressed concern with language that Mr. Schwartz added to the model ordinance because it had not been properly vetted. He proposed voting on the model ordinance. John Hebert, Chairman of the Conservation Commission, reported that the Commission had voted to propose the right to farm ordinance that he had presented at a prior meeting, but that the Commission not taken any further official action on the right to farm ordinance. Mike Vollono opined that he would like input from the Conservation Commission before recommending a right to farm ordinance to the Board of Selectman.

Vollono moved to recommend to the Board of Selectman that the model right to farm ordinance be enacted. Alden seconded the motion, and the motion was passed unanimously. Goshdigian stated that he would transmit the model right to farm ordinance to the First Selectman accordingly.

### **Update on Hiring General Code from John Derewonko:**

John Derewonko reported that the Board of Finance had approved financing the project, and the next step is to have the contract reviewed by the town attorney before it is signed. Pat Miller raised concerns about the ability to secure a copy of the final version of the code that could be edited, and whether the privacy of the users would be protected. Derewonko reported that General Code does not track the users, there is no login required to access the code, and that we would have a version that could be edited. Miller stated a preference to have this in the contract, as well as a provision that the town retains intellectual property rights in the code.

Next, Derewonko stated that the town would likely enter into the contract in March, 2016, and that he recommended we focus on drafting new ordinances so they could be sent through the General Code process. The Committee then discussed what the process should be with respect to General Code. Some questions raised included whether the ordinances are drafted, brought to a town vote, and then sent to General Code, or are they revised by General Code before a vote? Furthermore, should the



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town be voting on the whole revised code at one time, or should there be a series of votes? Derewonko stated that he will solicit information from General Code on these issues.

Ed Jurkiewicz suggested that we could present some new ordinances for a vote at the June town meeting, namely, the right to farm ordinance, the ordinance enabling an agricultural commission, and some of the ordinances recommended by Officer Mellon. Miller proposed reviewing the model agricultural commission ordinance and voting on it next week. Mike Vollono proposed forming subcommittees to review the ordinances.

### **Discussion of Peddlers and Hawkers Ordinance:**

Pat Miller presented several items she would like to see in a peddlers and hawkers ordinance: proof of a valid sales and use permit, or tax exemption, from the State of Connecticut; a fee; a requirement that a solicitor needs permission from the land owner; a limitation on street vendors to certain areas, on the basis of safety concerns.

Miller's presentation opened up a general discussion on how the committee should proceed reviewing ordinances. The members discussed that, individually, they could take an ordinance and spot issues that they would like addressed. These issues could be presented to the Committee, accompanied by supporting materials, and then passed along to General Code for their review and recommendation.

### **Items for February 18, 2016 Meeting:**

The Committee discussed placing proposed new ordinances as the first agenda item for the next meeting. Pat Miller stated that she would review the Peddlers and Hawkers Ordinance; Mike Vollono stated that he would review Officer Mellon's recommended ordinances; and Dick Alden stated that he would review the proposed agricultural commission ordinance.

### **Discussion of Proposed Ordinances for Repeal:**

Dave Goshdigian reported that he did not find any additional ordinances to propose for repeal. Instead, he researched surrounding towns and found some new ordinances to propose. Goshdigian proposed an ordinance in accordance with General Statutes § 7-152c, entitled "Hearing procedure for citations." Ginger Doherty reported that at the most recent town meeting the town attorney proposed adopting this statute. Doherty stated that the town voted heavily against the proposal. Goshdigian also proposed an ordinance in accordance with General Statutes § 50-9 et seq. regarding lost property. He also supplied the members with copies of alcohol ordinance from Farmington and Canton.

There being no further business, the meeting was adjourned at 10:15 PM.

Respectfully Submitted,

David Goshdigian  
Secretary, Ordinance Committee