



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, MARCH 17, 2016

The meeting convened at approximately 7:00 PM, Thursday, March 17, 2016. Present were: Ed Jurkiewicz, chairman, Pat Miller, Dick Alden, John Derewonko, and David Wagner, members, and Ginger Doherty and Gary Wesolowski, alternates.

Citizen Comment:

Barbara Dahle asked a question about the February 18, 2016 minutes, specifically, Pat's concerns regarding the logistics and costs of working with General Code. John Derewonko responded that he did not believe that there would be an additional cost for a copy of the code that the town could edit.

Sergeant Bob Russell of the Burlington Police Department commented regarding the issues Officer Mellon discussed concerning rails-to-trails. He said that there are comments on social media regarding the lack of ordinances to curtail certain disruptive behavior, including but not limited to alcohol consumption. Sergeant Russell opined that he would prohibit swimming in the river, or that he would post a sign that people may swim at their own risk.

Acceptance of February 18, 2016 Meeting Minutes:

In response to Ms. Dahle's comments, Pat wanted to change the language in the minutes to accurately reflect her thoughts. Pat would like the minutes to reflect that, upon the termination of the contract with General Code, the town would own a version of the code that it could use itself or take to another vendor. In other words, the town would not be left with a read-only version of the code.

Ed noted that the secretary, David Goshdigian, was not present tonight and perhaps this could be addressed in the next meeting. The minutes were then accepted unanimously.

Discussion of Proposed New Ordinances:

Pat Miller – Peddlers and Hawkers Ordinance

Pat distributed copies of the relevant state statute and ordinances from neighboring towns regarding peddlers and hawkers. The committee discussed the fee aspect of the ordinance. Generally, the committee agreed that the fees in the ordinance needed to be increased, and Pat indicated that other ordinances require that the fee be set periodically by, for example, the board of selectman. Ted Shafer, First Selectman, indicated that there is an additional charge for a background check, which is another fee that should be considered if a background check is required by the ordinance. Furthermore, Pat noted that the ordinance could indicate that the First Selectman may grant certain exemptions from the ordinance for special events such as Tavern Day.

The committee raised an issue concerning whether a vendor who sells items at a single location, but not a traditional brick and mortar establishment, would fall under either the current ordinance or the state statute, which intimates that the vendor must sell from more than one place. Ed suggested that we could add language to the state definition in order to cover the situation when a vendor sells from



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a single location. Ginger Doherty questioned whether Tavern Day would fall under a single location provision, and expressed concerns that inhibiting vendors from coming to Tavern Day would concurrently decrease attendance. Members of the committee responded that there could be an exemption for Tavern Day, and also noted that many current vendors that operate from a single location do not present a problem. The committee reviewed the exemptions contained in the state statute. With respect to the student exemption, the committee discussed that the exemption should apply to Burlington residents who are students, regardless of whether they are enrolled in a Burlington public school. Ginger suggested that the ordinance could specify that it applied to commercial entities, which might avoid the need for an exhaustive list of exemptions. Ed remarked that we might to be more specific to prevent an unregulated influx of nonprofit peddlers and hawkers.

Ted commented that the town residents might be particularly concerned with the door-to-door aspect of the ordinance in order to protect the privacy and security of residents. Pat raised the possibility of an "opt out" list that would prohibit vendors from coming to addresses on the list. She also suggested posting on the town website when a company is granted a license so residents will have notice of who is vending and can check whether a vendor has a license. The committee discussed whether this website notice requirement could be part of the ordinance.

Pat agreed to draft a copy of a proposed ordinance in light of the discussion.

Mike Vollono – Recommendations from Burlington Police Department

This item was tabled until the next meeting.

Dick Alden – Proposed Agricultural Commission Ordinance

Dick stated that if the town wanted the same commission to do both conservation and agriculture, we should work agriculture into the existing Conservation Commission ordinance. His only concern was with regard to the commission's ability to accept donations and gifts, which he felt was inappropriate for this ordinance. Dick also disagreed with Dr. Salsedo's suggestion that an agricultural commission could mediate farmer-neighbor disputes. Dick stated that this committee must first decide whether we need an agricultural commission in light of the existing state statute, and, if we did decide that there should be an agricultural commission, this committed should then consider whether it would be an independent commission. Dick did not see a major problem with a combined agricultural-conservation commission.

Ed stated that he felt there was enough interest for an agricultural commission, and his concern was that combining an agricultural commission with a conservation commission would inhibit the conservation commission's ability to work towards the preservation of open space in town. Ed felt strongly that an agricultural commission should not be combined with the conservation commission. Dave Wagner agreed with Ed that there is value in having two separate commissions.

Ginger reported that, of the towns with less than 25,000 residents, about half have agricultural commissions, and about half of those commissions are combined with a conservation commission. This indicated to her that there was no clear cut pattern. Ginger would lead towards combining the two commissions because she is not sure that there would be enough farmers to staff the agricultural



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commission, and the conservation commission currently has several farmers on it that expressed an interest in a combined commission. Dick stated that an agricultural commission would not have to be staffed by farmers, and advised against a requirement that a certain number of members be farmers. Dave Wagner agreed, and thought that there would be a benefit to a diverse agricultural committee that was not exclusively farmers.

Ted stated that the Board of Selectman is not concerned with the ability to fill an independent agricultural commission. He also noted that agricultural commissions in other towns sponsor agricultural related farms.

Ed commented that the draft before the committee did not read like an enabling ordinance because it does not state that an agricultural commission be established.

Vote on Whether to Recommend the Adoption of Any of the Proposed New Ordinances to the Board of Selectman:

Proposed Agricultural Commission Ordinance

The committee voted four to three in favor of recommending to the Board of Selectman that the town adopt an independent, stand-alone agricultural commission. Dick stated that he will not be at the next meeting, but he will be able to draft an ordinance for an upcoming meeting.

Update on General Code from John Derewonko:

The contract with General Code has been signed and the first official meeting will occur in the near future, during which an official copy of the town ordinances will be submitted to General Code.

New Business

John reviewed the substance of a meeting he had with a Farmington Police Officer regarding potential ordinances. One ordinance that could be considered is a town prohibition on unauthorized parking in handicapped spaces, so that the town would receive the fine instead of having the majority of a fine going to the state. He also discussed posting signage regarding ordinances such as littering and alcohol prohibitions. John also mentioned the possibility of an appeal process to ensure due process, which this committee discussed. The officer also opined that a noise ordinance is difficult to enforce because of the need for a meter.

Ed expressed an interest in discussing the possibility of regulating drone use in town. He indicated that this is being discussed on a state level, but that this committee could also consider the issue.

Ginger raised the possibility for an ordinance requiring that homeowners or business owners shovel fire hydrants and sidewalks adjacent to or on their property; currently, the volunteer fire department does this. Pat stated that she thought this ordinance should wait until there are more businesses in the center of town. Also, Pat expressed concern with the fact that some individuals who work in hospitals, for example, might not be available to shovel snow in the 24-48 hours following a storm.



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Items for April 21, 2016 Meeting

The following items were proposed for the April 21, 2016 meeting: Mike will report on recommendations from the Burlington Police Department; vote on whether to repeal certain ordinances; Ginger will report on an ordinance requiring that homeowners and business owners shovel fire hydrants and sidewalks.

The agricultural commission ordinance will be discussed at the May, 2016 meeting.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

David Goshdigian
Secretary, Ordinance Committee