



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, APRIL 21, 2016

The meeting convened at 7:04 p.m., Thursday, April 21, 2016. Present were: Ed Jurkiewicz, chairman, Mike Vollono, vice chairman, David Goshdigian, secretary, Pat Miller, and John Derewonko, members, and Gary Wesolowski, alternate.

Citizen Comment:

Barbara Dahle commented that she has spoken to various law enforcement agencies and First Selectman Ted Shafer regarding the enforcement of the ordinance requiring that dogs be on a leash. Dahle reported that First Selectman Shafer referred her concerns to the Ordinance Committee, and that this exchange is detailed in the March 22, 2016 Board of Selectman meeting minutes. Dahle stated that this ordinance has not been enforced for some time. Jurkiewicz stated that Shafer has not contacted him with respect to this matter.

Acceptance of March 17, 2016 Meeting Minutes:

Miller moved to accept the minutes, Wesolowski seconded the motion. The motion passed unanimously, except for Goshdigian and Vollono, who abstained.

Discussion of Proposed New Ordinances:

Mike Vollono – Recommendations from the Burlington Police Department

Vollono looked at issues raised in a prior meeting by Officer Mellon of the Burlington Police Department. With respect to potential ordinances for rails-to-trails, Vollono discussed an alcohol ordinance, prohibiting either intoxication or possession, and ordinances governing swimming, camping, fires, and noise. Specifically regarding a noise ordinance, the committee expressed concern that it would be difficult to enforce and would require the use of a decibel meter. Jurkiewicz expressed support for a noise ordinance to preserve the quiet environment of the town, but opposed an ordinance limiting the use of rails-to-trails to set hours, e.g., half hour before sunrise to an hour after sunset. Ginger Doherty, alternate, arrived and read from a picture of the signs posted at the Farmington entrance to rails-to-trails. Goshdigian proposed an ordinance requiring pet owners to clean up after their pets at rails-to-trails.

The committee also discussed whether these ordinances would apply only to rails-to-trails, or whether they would apply to public lands generally. The committee agreed that it was a priority to recommend ordinances for rails-to-trails in response to concerns from Officer Mellon, and due to the fact that the area will be used increasingly during the warmer months.

Miller thought that a hearing procedure should be included in these proposed ordinances, opining that the hearing procedure used should vary depending on the ordinance being enforced. Goshdigian expressed concern with a different hearing procedure in every ordinance.



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Vollono stated that he would solicit input from First Selectman Ted Shaffer and the police before preparing a draft of these ordinances for the next regular meeting. Wesolowski moved to call a special meeting to discuss Vollono's forthcoming draft; Doherty seconded the motion. After a discussion, the vote on whether to call a special meeting was tabled.

Ginger Doherty - Report on Ordinance Requiring Homeowners and Business Owners to Shovel Snow from Fire Hydrants and Sidewalks

Doherty reported on the ordinances that surrounding towns have governing removing snow from sidewalks after a storm. The variables in each ordinance were the length of time following a storm allotted for the resident to remove snow, and the amount of the fine. Generally, most towns have an ordinance governing sidewalk snow removal, but only the major metropolitan areas have ordinances requiring snow removal from fire hydrants. Most ordinances reference General Statutes § 7-163a which may limit a town's liability in certain instances.

In Doherty's opinion, although there are not a lot of sidewalks in town presently, there may be many more in the future, thus, she feels this would be an important ordinance to have enacted. Doherty stated that she would solicit input from the fire department on these ordinances. Being that this ordinance is not a high priority at this time, the committee discussed making this a continuing agenda item.

Pat Miller – Peddlers and Hawkers Ordinance

Miller drafted a Peddlers and Hawkers Ordinance based on General Statutes §§ 21-36 through 21-38 and what the committee has discussed previously. She included a hearing procedure in the proposed statute because she thought the Board of Selectman wanted to enact the ordinance as quickly as possible, and that this would require a hearing procedure. Miller mentioned that she was not sure about whether to include a charitable organization exemption, noting that Farmington's exemption provides that the charity must be based in town. Although this might limit the number of charities claiming the exemption, Miller reported that there are several registered charities in Burlington.

Jurkiewicz discussed his comments on the proposed ordinance. His recommended setting the hours in the ordinance as 9 am to 7 pm, questioned how the "established place of business" exemption would be enforced or whether it should be removed, and mentioned the possibility of having the license in effect for a fixed term as opposed to the calendar year. In response to these comments, the committee discussed defining the holidays persons are prohibited from peddling/hawking and canvassing/soliciting as either state or federal holidays.

Goshdigian recommended defining a "temporary location" in the ordinance, limiting the exemption for those eighteen and under to students enrolled in elementary, middle or high school, and removing the hearing procedure. Goshdigian also asked whether all peddlers, hawkers, solicitors, and canvassers would need to be licensed under the statute. Miller said, according to the state statutes, the town could not require that solicitors and canvassers, as defined in the proposed ordinance, obtain a license. The committee discussed, given this prohibition per state statute, what types of persons could be required to get a license under the proposed ordinance. Miller stated that she felt it was



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important that, at a minimum, the names of all persons going door-to-door in town—peddlers, hawkers, solicitors, and canvassers—were maintained on a list and available to the public. The committee discussed referring this proposed ordinance to General Code.

The committee also discussed the hearing procedure that Miller included in the proposed ordinance. Doherty and Miller explained that, at a recent Town Meeting, this type of hearing procedure was proposed and met with resistance from citizens. Dahle, with permission from the chair, expressed her concern that if the First Selectman is allowed to appoint hearing officers in accordance with a hearing procedure, then they would be allowed to enter private property unreasonably and without a warrant. The committee then discussed various hearing procedures already included in the ordinances, specifically, the hearing procedure in the code of ethics and the one contained in the littering and dumping ordinance.

Ultimately, based on Jurkiewicz's recommendation, the consensus was that the committee would defer devoting additional time to a proposed hearing ordinance. Goshdigian agreed to incorporate the changes discussed into the draft of the Peddlers and Hawkers Ordinance for the next regular meeting.

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

Jurkiewicz moved to table this item, Vollono seconded, and the committee vote unanimously to table this agenda item.

Vote on Whether to Recommend Repealing Certain Ordinances to the Board of Selectman:

After a brief discussion, Vollono moved to recommend to the Board of Selectman repealing the Town Landfill Ordinance and Central Connecticut Regional Planning Agency Ordinance. Miller seconded the motion, which passed unanimously

Update on General Code from John Derewonko:

Derewonko reported that the kickoff meeting with General Code took place on April 8, 2016, via teleconference. Derewonko read the names of our contacts at General Code. He said that he would initially act as a liaison, but that he will circulate a copy of the contact information to the committee at a later date so that members may contact General Code directly. Mary-Jane Ugalde sent an official copy of the ordinances to the company, who is in the process of reviewing the ordinances and preparing the relevant reports in accordance with the timetable outlined in the contract. Derewonko stated that new ordinances may be submitted to General Code for review.

New Business

Derewonko would like to address a potential hearing procedure ordinance in the near future. Jurkiewicz said that he can contact First Selectman Shafer regarding this manner, but it is his inclination to hesitate acting on this issue currently.



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Items for May 19, 2016 Meeting

The following items were proposed for the May 19, 2016 meeting: Vollono, Doherty, and Miller will continue to report on their respective proposals in light of what was discussed at today's meeting; the committee will discuss the pheasant hunting on Sundays ordinance; there may be a separate agenda item regarding the hearing ordinance.

There being no further business, Vollono moved to adjourn, Miller seconded, and the committee voted unanimously to adjourn the meeting at 9:44 pm.

Respectfully Submitted,

David Goshdigian
Secretary, Ordinance Committee