



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, MAY 19, 2016

The meeting convened at 7:03 p.m., Thursday, May 19, 2016. Present were: Ed Jurkiewicz, chairman, Mike Vollono, vice chairman, David Goshdigian, secretary, Pat Miller, Dick Alden, Dave Wagner, and John Derewonko, members, and Ginger Doherty and Gary Wesolowski, alternates.

Citizens in attendance included: Maddie Murdick, Trevor Baker, Ivan Gonzalez, Jr., Katelynne Webb, and Emily Sigan.

Citizen Comment:

Barbara Dahle reported that she attended a Board of Selectman meeting where Officer Mellon of the Burlington Police Department (BPD) expressed his opinion on potential ordinances for rails-to-trails and commented on the need to post signage. According to Ms. Dahle, Mellon reported that if he issued a citation the person cited would go to court and there would not be a hearing in town. Ms. Dahle also stated that she would like a correction made to the draft minutes for the April 21, 2016 meeting. She would like it clarified that she wrote a letter to the State's Attorney's Office, Division of Criminal Justice, and that she did not speak to various law enforcement agencies.

Acceptance of March 17, 2016 Meeting Minutes:

Miller moved to amend the minutes to incorporate Ms. Dahle's correction and accept the minutes as corrected. Vollono seconded the motion, and the motion passed unanimously.

Continued Discussion of Proposed New Ordinances:

Mike Vollono – Recommendations from the Burlington Police Department

Vollono circulated two versions of the proposed ordinance to the committee, one containing specific rails-to-trails language and another concerning municipal land in general. He noted that he was under the impression that the Board of Selectman and BPD wanted these ordinances enacted as soon as possible, but his correspondences to the First Selectman and BPD went unanswered. Vollono stated that he believed the appropriate signs would be posted at rails-to-trails once the ordinances were enacted.

Derewonko suggested posting signs before the proposed ordinances are enacted. Goshdigian and other members commented this might not be a good idea.

Miller noted that some areas of this proposed ordinance might overlap with behavior regulated by other ordinances, for example, the proposed peddlers and hawkers ordinance. Miller also stated that she thought the Board of Selectman may have discussed a higher penalty under this ordinance, and that they had sent the ordinance to the town attorney for review. Goshdigian opined that some of the regulations were too restrictive, for example, the prohibition on picking flowers without permission. Jurkiewicz disagreed and thought some of the specific behavior detailed should be prohibited.



Town of Burlington

The committee members generally discussed whether the proposed ordinance should prohibit swimming in the rails-to-trails area. The committee discussed whether swimming should be prohibited altogether, or whether there should be signs posted that people may swim, or boat, at their own risk. Ginger commented that the regulations should not be too specific in order to avoid restraining the officer's ability to use discretion in enforcing the ordinances.

Vollono stated that he will send to the committee members a summary of the discussion tonight, and the committee agreed that this ordinance should be a recurring agenda item.

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

Doherty talked to Tim Tharau, the town fire marshal, who recommended adopting the ordinances in Torrington and stated that he would provide a copy. The committee read aloud portions of the Torrington ordinance, which gives residents and business owners twelve hours to clear snow from sidewalks. Doherty reviewed for the committee the ordinances in other towns, including Tolland, which gives residents and businesses twenty-four hours to remove snow from sidewalks, and Milford, which does not require residents or businesses to remove snow, but admonishes property owners that failing to clear snow from a hydrant inhibits the fire department's ability to fight a fire. Doherty stated that she has attended some recent town meetings regarding the upcoming land purchase, and she believes that residents will eventually begin to request sidewalks. Therefore, it is important to enact the relevant regulations now. Doherty, and other members of the committee, also expressed an interest in proposing an ordinance in accordance with General Statutes § 7-163a (b) to limit the town's liability for injuries sustained on sidewalks.

Doherty said that she will reach out to the fire department and report back on their position regarding a proposed ordinance. She also will work on a draft ordinance. Jurkiewicz suggested that an ordinance could be subdivided into districts or zones, giving residential areas more time to clear snow.

Pat Miller – Peddlers and Hawkers Ordinance

Miller reviewed the amendments adopted during the last meeting, and stated that the only unresolved issue regarding this proposed ordinance was whether to include a hearing procedure. This committee, however, has not received any feedback regarding this issue.

Miller moved to recommend to the Board of Selectman that the proposed Peddlers and Hawkers Ordinance be adopted, as amended in the last meeting. Vollono seconded the motion, and the motion passed unanimously.

Dick Alden – Report on Proposed Ordinance to Create an Agricultural Committee

Alden presented a copy of this proposed ordinance to the committee, reminding the committee that we had voted to recommend creating a separate agricultural committee. Alden reported that he reviewed the ordinance from other towns, and the main difference among them is the number of members and alternates on the agricultural committee. He noted that there is a provision to remove a



Town of Burlington

member if they miss too many meetings. Alden recommended amending the proposed ordinance by removing the provision that allowed the agricultural committee to solicit or receive gifts and donations.

Alden move to recommend to the Board of Selectman that the proposed Agricultural Commission ordinance be adopted without the provision allowing the commission to solicit or receive gifts.

Vollono seconded the motion, and the motion passed unanimously.

New Business

Discussion of Fish and Game Ordinance

Miller and Wesolowski stated that they believed the Department of Energy and Environmental Protection (DEEP) already has significant regulations regarding hunting. Miller reported that she did not believe that there were any more private game reserves in town. Wesolowski stated this ordinance predates the DEEP, and now the agency has regulations governing the subject of this ordinance.

Vollono moved to recommend to the Board of Selectman that this ordinance be repealed, Miller seconded, and the motion passed unanimously.

Discussion of Hearing Procedure Ordinance

The committee discussed that we need guidance from the Board of Selectman regarding whether they would like a single hearing procedure ordinance, or a separate hearing procedure for each ordinance.

Update on General Code from John Derewonko

Derewonko reported that General Code indicates that it should be done with the first review of the ordinance by the first week of June, and we will have July to review the report. Derewonko stated that he will distribute the report to the committee when he receives it, and reiterated that committee members can contact General Code either directly or through him.

Items for June 16, 2016 Meeting

Items on the next agenda will include: Vollono report on recommendations from the Burlington Police Department, Doherty report on snow removal from sidewalks and hydrants draft ordinance, response from Board of Selectman regarding proposed Peddlers and Hawkers ordinance, discussion of proposed hearing procedure ordinance, update on General Code from Derewonko, Goshdigian report on alcohol ordinance, report on alarm ordinance, and report on drone state legislation.

There being no further business, Alden moved to adjourn, Miller seconded, and the committee voted unanimously to adjourn the meeting at 8:32 pm.

Respectfully Submitted,

David Goshdigian
Secretary, Ordinance Committee