



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, JUNE 16, 2016

The meeting convened at 7:01 p.m., Thursday, June 16, 2016. Present were: Ed Jurkiewicz, chairman, David Goshdigian, secretary, Pat Miller, Dick Alden, and Dave Wagner, members. Also in attendance were Ted Shafer, First Selectman, and Mary-Jane Ugalde, Town Clerk.

Citizen Comment:

Barbara Dahle commented that the ordinance entitled, "The Terms of Office of the Town Clerk and Register of Voters," has been changed since it was originally enacted. She stated that she would like a record of how it was changed. Ms. Dahle also provided the committee with a copy of General Statutes § 7-152c, regarding the municipal hearing procedure, along with a Judicial Branch form related to that statute.

Acceptance of May 19, 2016 Meeting Minutes:

John Derewonko, member, arrived at 7:05 p.m. before the committee voted on the May 19, 2016 minutes.

Jurkiewicz commented that he would like some amendments to the minutes of the discussion on recommendations from the Burlington Police Department. He wanted it clarified that, while he disagreed with Goshdigian's opinion that some aspects of the proposed ordinances were too restrictive, he did not specifically disagree with the example stated in the minutes. Instead, he would like the minutes to reflect that he disagreed that a prohibition on removing salamanders from the Farmington River was too restrictive.

The committee also generally discussed some of the other provisions in the proposed Public Place Ordinance submitted by Mike Vollono at the last meeting, specifically, whether swimming at rails-to-trail should be permitted, prohibited, or permitted in select areas. The committee also discussed posting swim at your own risk warnings. Ted reported that the Department of Energy and Environmental Protection (DEEP) regulates activities on the river, but a Burlington constable who is also a DEEP officer would be able to provide more detail in this area.

Miller moved to accept the minutes, as amended. Alden seconded the motion, which passed unanimously.

Discussion of Proposed Public Place Ordinance:

Vollono was not in attendance and, as a result, the committee tabled this agenda item.

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

Doherty was not in attendance and, as a result, the committee tabled this agenda item.



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Response from Board of Selectman Regarding Proposed Peddlers and Hawkers Ordinance

Shafer reported that the proposed Peddlers and Hawkers Ordinance that this committee recommended to the Board of Selectman for adoption was being reviewed by the town attorney. He indicated that proposed ordinance as well as the proposed Public Place Ordinance will be discussed at an upcoming Board of Selectman meeting.

John Derewonko Update from General Code

Derewonko recounted that the Town has received the initial package from General Code: the organizational analysis, disposition list, and proposed table of contents. There are items in the organizational analysis that the committee has to agree upon and send back to General Code. Derewonko is planning on having a conference call with our editor from General Code to review the discussion at this meeting and to seek clarification on certain aspects of the materials provided.

Discussion of Disposition List, Table of Contents, and Organization Analysis

Miller questioned why certain items in the disposition list were deemed "not code material" while other items were not. Pages four to five of the organizational analysis explained that these items were not code material, but Miller thought some other ordinances, such as the ordinance withdrawing from the Central Connecticut Regional Planning Agency and joining the Northwest Hills Counsel of Governments, would also have been deemed not code material. The committee wanted to know the reasoning why some ordinances were considered not code material while other similar ordinances were code material.

The committee also discussed what should be done with the resolutions, such as the ordinance authorizing the Town to acquire the Old Tavern. Miller and Jurkiewicz were in favor of a separate appendix with the resolutions and ordinances that were not included in the code, in order to preserve them for historical purposes. Goshdigian wanted to ensure a copy of the ordinances as they existed before codification by General Code would be available in the Town Clerk's office. He also suggested a note in the new code book to that effect.

The committee then answered the questions posed by General Code in the organizational analysis and made the following comments. The committee indicated that there have been no amendments to the Charter, and that this committee would like to include special acts in an appendix, there being no additional special acts that have been enacted. With respect to the inclusion of the resolution to acquire the Old Tavern, Derewonko stated that he would ask General Code if this could be included in an appendix. As to the item regarding federal flood insurance, Goshdigian indicated that he would like more information before determining whether the two January, 1975 resolutions regarding federal flood insurance should be included in the code. He stated that he was concerned about the effect that removing the ordinances could have on properties that are potentially covered under federal flood insurance at the relevant time. The committee indicated that it would like to include in an appendix, if possible, the contracts and agreements between the Town and other agencies listed on page five.



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As to the organizational aspects of the code detailed on page five, the committee had the following discussion. Goshdigian and Miller felt that the Library should be included in the Administrative Legislation section of the code. Derewonko stated that he would ask General Code about the location of the library provisions. Goshdigian also opined that Taxation and the Building Construction Board of Appeals should be listed under the Administrative Legislation section as well, while other members opposed those changes. Goshdigian stated that he was not in favor of the alphabetical organization of the proposed table of contents, but Wagner and Alden were supported that method of organization to facilitate research. Goshdigian proposed changing the order of the Administrative Legislation section of the code as follows: General Provisions, Elections, Officers and Employees, Code of Ethics, followed by board and commissions alphabetically. This new organization was not opposed. The committee agreed to authorize General Code's standard system of numbering. As for the inquiries regarding style on pages 7 and 8 of the organization analysis, Goshdigian stated he would like a way to review the grammar, spelling and punctuation changes before they are final. The committee agreed that that remainder of the style changes were acceptable.

Derewonko and Ugalde stated that they would have a conference call with General Code regarding the committee's responses to the organizational analysis. They will also ask for clarification as to whether certain materials can be included in appendices.

Discussion of Hearing Procedure Ordinance

Shafer reported that currently there is no formal process for citation hearings and there is no procedure for enforcing the local ordinances. The issue of enforcing ordinances initially arose when the Board of Selectman attempted to address a different issue by enacting a proposed ordinance that included a citation hearing procedure. The ordinance was not adopted. Shafer provided a draft of the hearing procedure included in that ordinance.

The chair recognized Ms. Dahle, who stated that she opposed a citation hearing procedure ordinance.

Shafer indicated that the town attorney was working on broadening the draft hearing procedure provided to the committee in order to make it applicable to more ordinances. Miller was concerned that certain aspects of the procedure would have to be clarified, for example, the calculation of the per day fines. Jurkiewicz expressed concern that some ordinances would have their own procedure for citation hearings, while there would also be a generic procedure in a separate ordinance. Goshdigian commented that certain other towns have this arrangement where an ordinance will either have their own hearing procedure or reference a separate ordinance for enforcement procedures. Miller was in favor of procedures tailored to the ordinance.

Jurkiewicz stated that this would be a continuing agenda item.



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New Business

Reports from David Goshdigian on Proposed Alcohol Ordinance, Proposed Alarm Ordinance, and state legislation regarding drones

Goshdigian reported that the bill regarding the state regulation of drones passed the state House of Representatives but never came to a vote in the Senate. The legislation was aimed at prohibiting weaponizing drones, changing the definition of plain view for purposes of the voyeurism criminal statute, and adding certain warrant requirements for the use of drones by law enforcement.

Goshdigian reported that an earlier version of the bill that passed the House included a provision that municipalities were precluded from enacting ordinances to regulate drones, but that provision was removed before it passed the house.

Jurkiewicz stated that he saw three major issues related to drones: weaponizing drones, privacy, and the protection of wild life. The committee discussed what type of "airspace rights" could be regulated by legislation. Miller agreed that protecting privacy with respect to drones would be a good issue to address. Jurkiewicz stated that he would draft an initial ordinance, which the committee could revisit if the General Assembly attempted to regulate drone use in the future. Derewonko indicated that he would ask General Code whether a model ordinance was available.

Goshdigian reported on the general characteristics of the alcohol ordinances he had reviewed for Simsbury, Farmington, Avon, and Bristol. He stated that they all prohibit possession by minors, but Simsbury has an exemption for possession without intent to consume. The towns also have exceptions for, among other things, possession in the presence of a parent or spouse over the age of twenty-one. All towns also have provisions that prohibit hosting, which is knowingly permitting minors to consume alcohol illegally on one's property. Also, the surrounding towns regulate to what extent alcohol can be consumed on town property.

Miller and Jurkiewicz commented that the Town should have a clear policy regarding alcohol consumption on Town property. They noted that charitable organizations would have clear guidance as to whether they can hold fundraisers that include alcohol on Town property. The committee discussed generally how this ordinance would interact with the proposed Public Place ordinance.

The committee agreed that the Town needs an alcohol ordinance. The members agreed that it should include a hosting prohibition and that the issue of consumption on Town property needed to be addressed. Alden opined that he did not want to permit outside alcohol consumption on Town property; Miller stated that she wanted charitable organizations to be able to engage in fundraisers involving alcohol. Jurkiewicz stated that he would not want to limit fundraising in this manner to only charitable organizations, but give the Town the discretion to permit alcohol consumption on Town property. Goshdigian stated that he would draft an initial ordinance for the next meeting.

Goshdigian reported on the alarm ordinances for Simsbury, Farmington, Avon, and Bristol. The committee generally discussed whether an ordinance should regulate audible alarms. Wager stated he believed that audible alarms were mainly components for older systems and that generally systems that directly call local police are not permitted. Goshdigian stated that he would draft an initial ordinance based on the ordinances in surrounding towns.



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Items for June 16, 2016 Meeting

Items on the next agenda will include: discussion of proposed Public Place ordinance, report from Ginger Doherty on proposed ordinance requiring homeowners and business owners to shovel snow from fire hydrants and sidewalks, response from Board of Selectman regarding proposed Peddlers and Hawkers Ordinance, John Derewonko update from General Code, Ed Jurkiewicz report on draft drone ordinance, David Goshdigian report on draft alcohol ordinance and draft alarm ordinance.

There being no further business, Miller moved to adjourn, Wagner seconded, and the committee voted unanimously to adjourn the meeting at 9:54 pm.

Respectfully Submitted,

David Goshdigian
Secretary, Ordinance Committee