



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, JULY 21, 2016

The meeting convened at 7:04 p.m., Thursday, July 21, 2016. Present were: Ed Jurkiewicz, chairman, Mike Vollono, vice chairman, David Goshdigian, secretary, John Derewonko, Pat Miller, Dick Alden, and Dave Wagner, members, and Gary Wesolowski, alternate member. Also in attendance were Ted Shafer, First Selectman, and Mary-Jane Ugalde, Town Clerk.

Citizen Comment:

Barbara Dahle asked for an explanation of the proposed public place ordinance, which was an agenda item for this meeting. Ms. Dahle also wanted to ensure that the committee members had reviewed certain General Statutes pertaining to municipal hearing procedures before we considered the proposed hearing procedure ordinance, which was also an agenda item for this meeting.

Acceptance of June 16, 2016 Meeting Minutes:

Jurkiewicz asked for a second amendment to the May 19, 2016 minutes. He would like the minutes to reflect that he was not against swimming in the Farmington River. Goshdigian said that he would amend the May 19 minutes and circulate them to the committee.

Alden moved to accept the June 16, 2016 meeting minutes, Miller seconded, and the minutes were accepted unanimously.

John Derewonko Update from General Code

Miller raised questions regarding the "source" column in the proposed table of contents from General Code. She noted that the dates listed are chronological and questioned whether all of these ordinance revisions would be listed in the code or whether only the most recent version that is in effect. Jurkiewicz opined that it would be important to archive the older ordinances somewhere, and Derewonko suggested that they could go in an appendix.

Miller recounted the note in the organizational analysis stating that the purpose of the code is to provide access to current legislation and is not meant to serve as a historical record. Therefore, according to the note from General Code, ordinances that have been repealed or superseded are not included in the code. The committee generally discussed whether outdated ordinances should be included somewhere in the code, with some members in favor of omitting them in order to avoid confusion and make it easier for the public to find the ordinances in effect, while other members favored archiving the older ordinances in an appendix.

The committee also generally discussed whether to adopt the alphabetical order of the chapters in the table of contents as proposed by General Code. Goshdigian was in favor of another order, as detailed in the June 19, 2016 minutes. The committee agreed to continue the conversation with our editor from General Code, Deb Tuszynski.



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Conference Call with Deb Tuszynski, Editor, General Code

With respect to Goshdigian's questions about the table of contents, Ms. Tuszynski counseled to keep the end user in mind and recommended that the chapters be listed in alphabetical in order to facilitate research. Furthermore, she stated that it would be easier to insert new ordinances and that it would be in a familiar format similar to other municipalities if the table of contents was alphabetical.

As to Miller's questions, Ms. Tuszynski stated that the "source" column in the table of contents preserves the historical information regarding each ordinance, but that only the ordinance in effect will be listed in the code. She stated that the historical reference to the date would only be eliminated if the ordinance has been completely replaced. Vollono asked whether some detail could be added to the historical information, such as the reason for the amendment or the effect of the amendment on the ordinance. Ms. Tuszynski replied that General Code does not have that information, but listing the date of a prior amendment to an ordinance still can facilitate further research. For example, someone could go to the town clerk with the date of a prior amendment to an ordinance and be able to find that ordinance as well as other town records surrounding the date it was enacted. The committee thanked Ms. Tuszynski for her time and it continued the discussion of the questions listed in the organizational analysis.

Continued Discussion and Vote on the Remaining Questions Presented in Organizational Analysis

The committee continued to discuss the historical information and table of contents. Goshdigian moved for a vote on the organization of the table of contents, Vollono seconded the motion. The committee voted to approve the table of contents as recommended by General Code, five to two.

The committee, guided by Mary-Jane Ugalde, proceeded to answer the questions in the organizational analysis as follows: there have been no amendments to the charter; special acts will be included in the appendix; ordinances that are no longer in force will not be included in the code or the appendix; the resolution authorizing an agreement to acquire the Old Tavern will be included in a chapter entitled Historic Preservation; the federal flood insurance resolutions will be included in an appendix subject to further review; the resolutions regarding the Resource Recovery Facility, intercommunity agreement regarding solid waste, and ordinance concerning Bristol recover facility will be included in an appendix; the chapter regarding the Library will be moved to part I of the table of contents, which will be organized alphabetically, and the remaining recommendations from General Code regarding the table of contents were adopted; the committee agreed to allow General Code to renumber the ordinances and conform the code to the recommended standardized style.

The committee discussed the procedure for the approval of the new code, specifically, whether the town will vote on every ordinance individually or whether there will be a vote on an entire package. Derewonko and Ugalde reported that, on the basis of their conversations with General Code, they believed that the town would vote on an entire package. The chair acknowledged Ms. Dahle, who stated that other towns may be able to review their ordinances through a town counsel, whereas in Burlington everything must be approved by the citizens. Ted Shafer compared the revision of the ordinances to the revision of the town charter, which was voted on as a package.



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Ugalde stated that she would call Ms. Tuszynski with these questions: will the new ordinances be adopted at a town meeting before General Code revises the ordinance, and will any changes in the existing ordinance be voted on individually or as a package? Vollono noted that this committee should make recommendations to the Board of Selectman, who will then decide how to proceed.

Discussion of Proposed Public Place Ordinance

Vollono reported that he is currently seeking feedback on the proposed ordinance. Shafer stated that there have been some meetings with the trail counsel and the police department regarding this ordinance. Shafer stated that these groups have some feedback, and Vollono stated that he will meet with these groups as a representative of the committee. Vollono will then revise the proposed ordinance and report back to the committee.

The committee generally discussed a potential provision in the proposed public place ordinance regulating camp fires, particularly when conditions are dry.

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

Doherty was not in attendance; the committee tabled this agenda item.

Response from Board of Selectman Regarding Proposed Peddlers and Hawkers Ordinance

Shafer reported that the proposed ordinance is being reviewed by the town attorney and that there is nothing additional to report at this time.

Discussion of Hearing Procedure Ordinance

There was no additional developments regarding this proposed ordinance, and this item was tabled.

Discussion of Proposed Drone Ordinance

Jurkiewicz reviewed the proposed drone ordinance that he drafted. He discussed three areas that he thought this ordinance should address: privacy, weaponizing drones, and disturbing animals. He reported that he looked at the state legislation, discussed last meeting, regarding voyeurism and included a provision to that effect, but revised the language to make it more direct. Wesolowski stated that he has had a drone fly over his residence, and reported it felt like an intrusion. He questioned, however, how the proposed drone ordinance would be enforced.

The committee discussed whether there were legitimate uses of drones, perhaps by town agencies such as the police or fire departments. It also discussed whether there could be specific areas of land where drones could be permitted, or whether the ordinance could be couched in terms of regulating voyeurism and harassment by way of a drone as opposed to regulating the use of drones on private property without consent. Jurkiewicz welcomed proposed changes or additional materials from the committee.

Discussion of Proposed Alcohol Ordinance

Goshdigian reviewed the provisions of the proposed alcohol ordinance that he drafted. He stated that he modeled the hosting provision of the ordinance after the state statute, General Statutes § 30-89a,



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because it contained language that a person had to knowingly, recklessly, or negligently permit minors to drink on said person's property. Goshdigian stated he preferred having a mental state requirement as opposed to a strict liability ordinance.

The committee discussed the prohibition in the proposed ordinance on consuming alcohol on town property. The committee was in favor of a single ordinance regulating alcoholic beverages on all public property. Members requested more criteria and standards for the First Selectman in determining whether to grant a permit for alcohol consumption on town property. Additionally, Miller suggested a residency requirement. Miller and Jurkiewicz were in favor of limited the ordinance to charitable organizations under the U.S. tax code. Goshdigian stated that he will revise the ordinance in light of the committee's comments.

Items for August 18, 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, discussion of proposed hearing ordinance, John Derewonko update from General Code, Ed Jurkiewicz report on revised proposed drone 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