



Town of Burlington

ORDINANCE COMMITTEE MEETING THURSDAY, OCTOBER 20, 2016

The meeting convened at 7:08 p.m., Thursday, October 20, 2016. Present were: Ed Jurkiewicz, chairman, David Goshdigian, secretary, Dick Alden, John Derewonko, Dave Wagner and Pat Miller, members, and Ginger Doherty and Gary Wesolowski, alternates.

Citizen Comment:

Barbara Dahle commented on the current ordinance entitled, "The Terms of Office of the Town Clerk and the Registrar of Voters." She noted that the ordinance states that the Town Clerk is elected, but this is in conflict with the Town Charter that states the Town Clerk is appointed by the Board of Selectman. The committee wanted to determine when this provision of the Town Charter was added or amended.

Acceptance of September 15, 2016 Meeting Minutes:

Ed Jurkiewicz stated that the second paragraph of the Discussion of the Proposed Drone Ordinance should state that "[Ed] removed language regarding the use of drones below 400 feet because it was *inconsistent with* the FAA regulations," instead of "redundant in light of."

Ed also commented that the upshot of the discussion of the proposed Drone Ordinance was to remove the First Selectman's ability to issue permits for drone use. The committee reviewed the minutes and agreed that the permit issue was not decided at the last meeting, and agreed to take up the issue tonight.

Pat Miller moved to accept the September 15, 2016 minutes as amended, Dick Alden seconded the motion, and the motion passed unanimously.

John Derewonko Update from General Code:

John reviewed his report to the Board of Selectman at the Board's September 27, 2016 meeting. He informed the Board that the Town was running out of time to approve the new ordinances so that they could be included in the codification process with General Code. He reviewed our timeline, which is to submit new ordinances by early December so that they will be included in the draft that General Code submits to the Town in January. After that deadline, the next deadline is to have new ordinances to General Code in early April so that they can be included in the final document the company will deliver in August. If the Town misses these deadlines, adding new materials to the code will cost \$18 per page.

The committee discussed our approach going forward in light of these deadlines. It agreed that, because we will be reviewing the materials from General Code in January, we should focus on the new ordinances that we are currently drafting through the end of this calendar year. The new ordinances also will have to be approved at a Town Meeting, convened by the Board of Selectman, in order for them to be included in the new code.



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The committee had some questions regarding the process by which a new ordinance is approved, specifically, whether there needs to be a public hearing on each ordinance prior to the town meeting. Ginger Doherty stated that the hearing can be on the same day as the vote, but that this timing may leave citizens feeling surprised and less likely to approve a new ordinance.

The committee agreed that the Board of Selectman should understand the time sensitive nature of the approval process for new ordinances in light of the deadlines discussed above.

Discussion of Proposed Drone Ordinance:

Ed reviewed the changes he made to the proposed Drone Ordinance after our discussion at the last meeting. He added a section entitled, "Reckless Conduct With A Drone Prohibited," and a section that prohibits operation of a drone over school grounds or within 100 feet thereof without the express permission of the school. Furthermore, he amended the section permitting drone use by fire, law enforcement, and public safety personnel to include conservation personnel.

The committee discussed the provision permitting drone use by fire, law enforcement, conservation, and public safety personnel and volunteers. Dave Goshdigian suggested limiting this exception to certain sections of the ordinance, such as the "Privacy Not To Be Infringed" section, but not others, such as the "Using Drones To Collect Or Hack Computer Data Prohibited." Ed noted that the ordinance states that this ordinance does not replace or supersede other statutes or regulations, therefore, Constitutional protections would still apply to drone use by law enforcement. In response to comments from the committee, Ed stated that this exception for public safety personnel should not be limited to immediate public safety emergencies so as to avoid constraining the use of drones by these public safety and conservation entities. David Goshdigian noted that the scope those persons allowed to use drones, specifically, the fire, law enforcement, conservation, and public safety personnel and volunteers, should be the same as the persons listed in the section that prohibits interference with certain public safety operations.

The committee discussed the prohibition of drone use on or near school grounds. The consensus was to amend this provision to require the express permission of a school administrator.

The committee agreed that there should be no local permit process for the use of drones.

Dick moved to recommend the proposed Drone Ordinance to the Board of Selectmen for a Town vote with the amendments previously discussed. Pat seconded the motion, and the motion passed unanimously.

Discussion of Proposed Alcohol Ordinance:

Dave Goshdigian reviewed the changes he made to the proposed Alcohol Ordinance in light of the committee's last meeting. He changed the definition of "Town Property" so that it mirrored the definition used in the proposed Public Place Ordinance. Dave limited the exceptions to sections two and three of the ordinance, which prohibit possession by a minor and hosting.

With respect to the permitting process, Dave added a provision that states consumption of alcohol on rails-to-trails is absolutely prohibited, notwithstanding the ability to secure a permit. He added



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language to the effect that the applicant for a permit must be either a resident of the Town or a charitable organization whose mission or purpose is substantially related to the Town or its residents. Moreover, he changed certain language so that the First Selectman has the discretion to either grant or deny a request for a permit, as opposed to he or she shall issue a permit. Furthermore, the factors the First Selectman can consider are whether the event is substantially related to the Town or its residents, and whether the Town's insurance carrier is satisfied with the applicant's insurance coverage.

Ed moved to recommend the proposed Alcohol Ordinance to the Board of Selectman for a Town vote; Dick seconded the motion, and the motion passed unanimously.

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

Ginger Doherty stated that the only provision missing from the proposed ordinance is a provision regarding penalties, which she will add. Pat opposed the proposed ordinance. She stated that businesses will take care of clearing the sidewalks themselves, without the need for an ordinance requiring that they do so. Furthermore, Pat did not believe that the Town had reached the point where there was enough sidewalks to need this ordinance. Other members of the committee commented that, although sidewalks are not widespread at this point, they probably will be in the future, necessitating this proposed ordinance.

Dick moved to recommend the proposed Ordinance Requiring Homeowners and Business Owners to Shovel Snow from Fire Hydrants and Sidewalks to the Board of Selectman for a Town vote; John seconded the motion, and the motion passed five in favor and one against (Miller).

Report on Presentation to Board of Selectman

Ed reviewed what he, Dave Goshdigian, and John reported to the Board of Selectman at the September 27, 2016 meeting. John reminded the Selectman that the matter was urgent, as there is deadline in December to get new ordinances to General Code for inclusion in the initial draft of the code.

Dave Goshdigian recounted that Selectman Salsedo had suggested that the committee draft a blight ordinance. Dave Wagner reported that Bristol has a comprehensive blight ordinance. Pat advised the committee to be cautious when drafting a blight ordinance, as it is a step towards eminent domain and the Town could be left owning properties that could cost the Town money. Ginger agreed with this comment. Furthermore, she advised being careful about how blight is defined in the proposed ordinance. Dave Wagner commented that the property maintenance code, which he believed Bristol follows, has a clear definition of blight. Ed noted that, as a practical matter, the committee probably would not be able to draft and revise before a potential informational meeting December.

Discussion of Public Information Session

The committee previously discussed the need for a public information session on proposed ordinance before a Town vote. As noted previously, adding new ordinances is time sensitive in light of the



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deadlines from General Code. Any informational sessions will have to be scheduled with a view to these deadlines.

New Business

The committee discussed what proposed ordinances and amendments it is currently drafting or revising: Public Place Ordinance, Alarm Ordinance, and the Ethics Commission, which would like more flexibility in scheduling its annual required meeting. The chair recognized Ms. Dahle, who reported that there is a conflict between the position of Building Inspector and the Enforcement Officer. She reported that there is an ordinance that says once the Building Inspector is hired and sworn in he or she is the enforcement officer, but in practice these two positions are filled by two different individuals. The committee agreed that this issue should be addressed.

Dave Goshdigian addressed the current Ordinance Concerning Roaming Dogs and Penalties for Violations. Specifically, he disagreed with the penalty that, "[i]f the victim [of the dog bite] is a person, [a penalty of] \$250.00 plus \$100.00 for each day that such victim is unable to perform his/her normal functions shall be paid." He also noted that there is a leash ordinance, which could be combined with the dog bite ordinance into one ordinance regarding dogs.

The committee also discussed the proposed Solid Waste Ordinance that was presented at a previous meeting. The committee expressed concern with the penalty for homeowners who mixed recyclables with non-recyclables, but thought this ordinance might no longer be before this committee.

Items for November 17, 2016 Meeting

Dave will e-mail the ordinances approved at tonight's meeting to the Board of Selectman for their review. John will continue to provide updates from General Code. Ed and Dave will report on an upcoming meeting with the Town Attorney. Additional changes to the proposed Public Place Ordinance will be discussed.

There being no further business, Dick moved to adjourn, Pat seconded, and the committee voted unanimously to adjourn the meeting at approximately 9:23 pm.

Respectfully Submitted,

David Goshdigian
Secretary, Ordinance Committee