



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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JAMES M. PRICHARD
Deputy First Selectman

MELINDA M. FERRY
SARAH D. COOK
DAVID E. STAVENS
RONALD F. STOMBERG
JOHN W. TURNER

SPECIAL MEETING
BOARD OF SELECTMEN (BOS)
TOWN ORDINANCE COMMITTEE (TOC)
February 6, 2019
Town Hall Commission Room A

Minutes

MEMBERS PRESENT: Melinda Ferry, John Turner

MEMBERS ABSENT: Ronald Stomberg

OTHERS PRESENT: Sydney Kern, Fire Inspector II; Sgt. Brian Santa, Resident State Troopers' Supervisor; Lori Spielman, First Selectman; Dorian Famiglietti, Town Attorney; Julia Connor, Recording Secretary; James York, Fire Marshal [via phone 1:34 pm to 1:55 pm]

I. CALL TO ORDER:

John Turner called the meeting of the BOS TOC to order at 1:02 p.m.

II. CITIZENS' FORUM: None

III. APPROVAL OF MINUTES:

A. January 14, 2019

MOVED (FERRY), SECONDED (TURNER) AND PASSED UNANIMOUSLY TO APPROVE THE MINUTES OF THE JANUARY 14, 2019 TOWN ORDINANCE COMMITTEE MEETING.

IV. NEW BUSINESS

A. Ordinance Regarding Ticketing

Mr. Turner stated that the Committee is at the point where coordination needs to occur between departments in order to put together a consistent ordinance. The fine amounts and appeals processes should be tied together into a comprehensive, across the board ticketing ordinance. Examples from other Towns have been looked at, but Sgt. Santa is still seeking advice and input on what is best for the Town. Mr. Turner asked if there were any current ordinances that dealt with fees and fines that may also need to be considered under this new ordinance. There should be a uniform process throughout the Town. Attorney Famiglietti will look through the current ordinances to see if there are any others to include. Sgt. Santa asked how fine amounts would be categorized, or if each ordinance would carry its own fee schedule. Melinda Ferry stated that a previous discussion had centered on grouping fire and police-related violations into different classes; Attorney Famiglietti stated that these classes would need to be very clearly defined and stated. Sgt. Santa stated that the Fire Marshal's Office had many more items to be considered for a fine system compared to the State Troopers' Office. Sgt. Santa recommended looking to Mansfield as a good example for these types of ordinances. Attorney

Famiglietti will see if there is a current citations ordinance that relates to zoning and wetlands infractions that can be adapted to fit these other issues. There may also be Public Works-related violations that could be incorporated into this ordinance.

Sgt. Santa suggested that the Committee look into adopting a littering ordinance in the future, as the Town incurs significant expenses depending on what is being dumped. Attorney Famiglietti asked whether a state process is already in place and if so, if it can be supplemented or opted out of or if it needs to be followed exclusively; Sgt. Santa responded that the Town can adopt its own guidelines. Attorney Famiglietti stated that her next steps will be to go through all of the current and proposed ordinances to identify the types of violations that clearly warrant a citation process, to review the citation process already in place regarding zoning and wetlands violations to see if it can be adapted to include this, and, if this isn't possible, to come up with a process that addresses all of the impacted departments and areas to make it uniform. She stated that a meeting in late March or early April will provide sufficient time for her to complete this research.

Sgt. Santa is planning on making revisions to the parking ordinance; however, this will be a different process, as it falls under a different State Statute. Department Heads should be asked to go through existing ordinances that affect their departments in case there are additional revisions that are necessary, as well as any new issues that have come to light that may warrant new ordinances.

B. Right to Farm Ordinance

This proposed ordinance is part of the effort for Ellington to become a certified Sustainable CT Town. Mr. Turner reiterated a question that he had asked at a prior Board of Selectmen meeting confirming that everything in the proposed ordinance is consistent with EPA and DEEP regulations, or if farmers would be exempt from following these upon adoption of the ordinance. Lori Spielman stated that the ordinance complies with these regulations.

Mr. Turner asked if this ordinance would address the odor issue. Attorney Famiglietti stated that her understanding was that this ordinance was simply a codification what is already addressed in State Statutes, which define agriculture and farming operations. These Statutes don't allow farmers to do whatever they want without repercussions; their purpose is to act as protection against certain nuisance claims, including odor. A copy of the draft Right to Farm ordinance will be sent to Attorney Famiglietti for review, and it was agreed that this will be a higher priority for review than the ticketing ordinance.

V. UNFINISHED BUSINESS

A. Proposal for New Ordinance Requiring Permit and Permit Fees for Specific Occupancies, Including a Review of Information Provided by the Fire Marshal

Fire Marshal James York was contacted by phone at 1:34 pm and was put on speaker to take part in this discussion. Attorney Famiglietti had worked extensively on this ordinance with former Fire Marshal Al Lawrence prior to his retirement, and she asked Mr. York if he had further comments or revisions, or if this proposed new ordinance was in its final form. Mr. York stated that he didn't see language that exempts Town agencies, such as the Board of Education, from having to comply with fee requirements. In Sections 1.0 and 1.2, there are subsections that exempt federal agencies; he feels that inter-departmental agencies should be required to acquire the necessary permits but be exempt from paying the related fees. Mr. Turner agreed that all Town and quasi-Town agencies should secure the permits but be exempted from the fee aspects of the process. Attorney Famiglietti pointed out that in Section 2.2.4 of the draft, there was an exemption for Town agencies from paying fees; the section had good language that could be used for setting fines for other violations.

- B. Review Proposed Revisions as Recommended by the Fire Marshal
- i. Chapter 74, Article I – Fire Zones [74-1 through 74.6]
 - ii. Chapter 74, Article II – Open Burning [74-7 through 74-11]
 - iii. Chapter 17, Article II – Use of Outside Areas [17-11 through 17-14]

The prior discussion regarding the ticketing ordinance was briefly relayed to Mr. York. He confirmed that the proposed revisions regarding fire zones, open burning and use of outside areas should be incorporated into the citation process and fee structure established in the new ticketing ordinance. Until the citation language is in place, the proposed revisions cannot be finalized. Sgt. Santa stated that it is important to figure out what will work best for all departments in terms of categorizing and organizing fine amounts. Attorney Famiglietti and Mr. Turner agreed that flexibility with this ordinance is important so that it doesn't require modification every time fees are changed. The Board of Selectmen should be authorized to set fees and review the fee schedule as necessary. Attorney Famiglietti will look into this as well. Mr. Turner asked Mr. York about a prior revision to the proposed fee schedule; the projected annual collection total had been brought down to around \$11,600 from \$50,000. The primary purpose is not to generate revenue but to cover the expenses necessary to provide the proper level of public safety. The phone call with Mr. York was completed at 1:55 pm.

- C. Review Proposed Revisions to Ordinance Chapter 10. Alcoholic Beverages as Recommended by Sgt. Santa, Resident State Troopers' Supervisor

This item was tabled pending research and a finalized fee schedule.

- D. Noise Ordinance – Barking Dogs

Examples from South Windsor and Vernon were mentioned that had been previously reviewed. The majority opinion was that the policy that Vernon had implemented was the direction the Town should go in. Vernon's policy follows the State Statutes already in place. Attorney Famiglietti is going to check if the current Animal Control Officers (ACOs) already have the rights and the authority to deal with nuisance dog barking; adoption of a policy would include a step-by-step process for complainants. Ms. Ferry expressed a concern that adopting a new policy would cause complainants to have to redo steps that they had already completed. The importance was stated of making sure ACOs are clear of their authority and obligation to follow the new proposed policy with citations/summons.

The issue of an alleged "hobby kennel license" was brought up by Mr. Turner; no information has been found about what it covers or where it comes from, and one of the individuals that has been complained about has cited this license as protection against claims. He had also stated that his dogs are protected against nuisance claims because they are farming dogs. Attorney Famiglietti stated that she would look into getting more information about this as well, but that she didn't believe that these were legitimate protections in this case.

V. ADJOURNMENT:

MOVED (FERRY) SECONDED (TURNER) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN TOWN ORDINANCE COMMITTEE AT 2:18 P.M.

Submitted by


Julia Connor
Recording Secretary