

Beacon Falls Ordinance Review Committee
10 Maple Avenue
Beacon Falls, CT 06403



BEACON FALLS ORDINANCE REVIEW COMMITTEE
Special Monthly Meeting
February 2, 2021
MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance

- Rich Minnick called the meeting to order at 7:01 p.m.
 - **Members Present:** Rich Minnick, Tom Pratt, Don Molleur, Kyle Brennan
 - **Others Present:** none

2. Comments from the Public

- None received.

3. Read & Approval Minutes from Previous Meetings

- **TP: Motion to accept minutes from the October meeting, seconded by DM, unanimous.**

4. Old Business

- RM: I haven't been doing as good a job as chairman as I should, and Tom is doing a terrific job on this, so I would like to transfer the chairman position to him.
- **RM: Motion to nominate Tom Pratt to take over chairman position from Rich Minnick, seconded by DM, unanimous.**
- KB: Tom has been doing a great amount of work with these ordinances, which I appreciate.
- Training on eCode360 system
 - TP: I think everyone has had some experience in the program so far.
 - DM: I'm getting there. I think I have a step or two left to go.
 - RM: This is completely time-consuming, but I feel like I have some work done, so hopefully TP can help me from there.
 - TP: This website allows us the opportunity to edit each ordinance with proposed changes to track the changes. You go to the website, download whichever ordinance you want, and edit it in Microsoft Word. We're tracking changes, so not directly editing. That way we can share with each board, commission, and department for their input.
 - RM: What should we do when state statutes are defined in the ordinances?
 - TP: I'd recommend we pull up the state statute and cross-reference them, then copy and paste. For example, the proposed ordinance change by the Fire Marshal's Office referenced a state statute, so I sent it back to them asking for that to be included. From what I recall, the attorney's advice is that a state statute is probably in there for some legal reason. Another example was the constables referenced in some of the police statutes. I went through with Bert with those – just so everyone knows, our officers are certified police officers through the state. There are no such thing as constables in our town anymore.
 - RM: For consistency's sake, we will all keep our changes in red. Don, one thing we should have in our zoning ordinances is the phrase "may be amended from time to time."

5. Discussion on Procedures to Update/Modify Existing Ordinances

- TP: We had an ordinance approved about elections in 2018, but it had never been included in the full set of town ordinances. That's one I happened to remember. Apparently the Town Clerk's office wasn't always carrying over updated ordinances to eCode360 – we had changed the Town Clerk from election to appointment. So if anyone else remembers other ordinances that have been changed, let's check on that.
- KB: I know the updated service award ordinance isn't included in the file yet, either.
- TP: I have been working with Michael Brennan, the chairman of the service award committee. The service award ordinances were very outdated. Thank God that Michael kept great records because he had the updated changes, and then we had the updates that were voted in this past fall. I'm still working with Michael to make sure everything is updated in terms of items for the assessor's office, etc. I've been going to each department in a similar way — I'm asking departments to review proposed changes and anything else.
- RM: In terms of Inland Wetlands Commission, the section of Illicit Discharge. The town had the option of designating an enforcement official. In the ordinance, it was designated that it would be the Inland Wetlands Commission. I'm going to suggest that everything in Chapter 306 of Illicit Discharge and Connection should be moved into Chapter 54 under a new article of Inland Wetlands.
- KB: That makes sense to me. Why should something under the auspices of Inland Wetlands be in a separate ordinance?
- RM: Upon talking with a land-use attorney, he felt that this was a bit of a problem.
- TP: When the people inputting this into eCode360, they placed things where they thought they belonged. We have every right to change.
- RM: There are other ordinances that are the same way. Fees and fines are separate right now.
- KB: That's a decision we are going to have to make – whether fees and fines become a separate ordinance so they can more easily be updated, or whether they all stay in their individual ordinances.
- DM: For my money, it would be a great to have fees and fines in one ordinance that people can quickly thumb through.
- TP: I asked Natasha Nau [the finance manager] to follow back up with the attorney on that. There may be reasons why you cannot take fees out of some ordinances.
- RM: I think we all agree that the best outcome is to have them in one place.
- TP: She wants them all in one ordinance, too.
- DM: I've taken all the fees and fines that have to do with Planning and Zoning and asked the members of the commission to review them, so hopefully I will have those thoughts back shortly. I compared the fees to surrounding towns — some of them were so out of whack. We want to move them up to scale.
- TP: I'll give an example: Driveway permits for residents. One employee taking care of that, we're losing money. My recommendation is to increase the fee. Snow is another one — you get a written warning for your first one, and then a \$25 fine. I'm suggesting that you get a written warning and two hours to clean up, and then a \$100 fine. I'm not trying to take money from people, but we need to be up to speed.
- RM: We have an ordinance where Inland Wetlands needs a specialist to come and testify, which applies to Planning and Zoning, and Stormwater, and we think we should charge the applicant for that cost. I don't think we need fees and fines to be high, but we need them to be enforced. With Inland Wetlands, we want to stay in tune with Planning and Zoning.
- TP: Don and Rich, do our ordinances spell out that any additional engineering or consulting falls back onto the applicant?
- RM: I believe the wording in the ordinance I'm trying to think about is in there, but I didn't see it in eCode360.
- DM: I interpret it in the master copy as being a site-plan review. If I'm an applicant and I want to build 100 houses on rough terrain—only talking about Planning and Zoning here—we have a

process called site-plan review. It's \$250 per unit, which at \$100 units, that gives us \$22,500. That should cover our expenses for any consultation or expert advice.

- RM: Wetlands is basically the same, but I'm not sure the pricing.
- TP: Don, it's \$250 per unit. Does that applicant submit \$22,500 when submitting the application?
- DM: Yes. That's our buffer for any experts that need to come in.
- TP: Is that trackable?
- DM: Yes. We log that when we receive the application. Sad to say, I don't think it's been enforced.
- RM: The only time I know of money being received was for Chatfield Farms. We ran out of that money, and they didn't know where to put it at first. All I know is that fees and fines have to be centralized.
- DM: I think fees and fines are being missed. We need to emphasize that we need all the fees under one fee schedule.
- TP: Since we're getting into the budget process now, maybe Planning and Zoning needs to have a line for revenue in applications.
- DM: Sure, and if we do that, we're going to need a line item for expert advice. We're missing out on tons of money.
- TP: Putting Lisa Daigle into the land-use office is going to be a plus. Recently, they found a bank check in an envelope from the past.
- DM: Yes, there's a lot out of whack.
- TP: I know when we started, Rich was concerned about the noise ordinance. I checked it with some surrounding towns, and it's pretty consistent. The problem is just enforcement. As we're working through this, the police department is now going to have a list of what they're supposed to be enforcing. They have no problem enforcing it.
- RM: There was one time in our town when you could just pick up the phone and get something done, but those days are gone. I do have a couple of other ordinances to discuss. Training for all land-use boards should be consistent. I think too much training is unrealistic for a volunteer board—a first-year member should have to take a training course, and then that course should be good for a period of time, and I think that should be consistent across boards. We need to talk about what's legally required — at least every two years people should go for training. There's also a proposed change about the open space fund and the Conservation Commission, collecting funds in lieu of open space in development. The original intent of the ordinance was that we were supposed to set aside money to acquire and administer open space. We need to take a look at this ordinance before anything is deleted or reworded; someone has to be accountable for this money. Last one: We have citations for Planning and Zoning, as well as Inland Wetlands, in a separate ordinance. I think those should be filed under each commission's ordinance.
- DM: This brings up again: Should we have a master citation ordinance just like we want to have a master fee ordinance or schedule?
- TP: It's a good point. One argument is to have a master fee and fine schedule that is taken out of the ordinances so that boards and commissions can update their schedules every year without a town meeting, which an ordinance requires. I think we may legally have to keep certain things like citations in the ordinances. A citation is a fine, right?
- KB: If you read this section, almost every citation results in a fine or punishment of some type, so yes, I'd consider most of these fines.
- TP: We just want to make sure that we're not burying fees or fines somewhere difficult to find. There had to be a reason that someone organized these ordinances like this, so let me try to find out.
- DM: There's nothing wrong with cross-referencing. You can have your ordinance and then have it end with "refer to the fee schedule."
- KB: I think it makes sense as someone who has never really needed to consult the ordinances, I would like to see anything that has to do with a certain area, like Planning and Zoning, everything covered in that area should be under that one Planning and Zoning ordinance. I bet

there are 10 separate ordinances that have something to do with Planning and Zoning, which doesn't make sense to me. However, there had to be a reason that they were created like this in the first place, so we need to figure that out before we try to rewrite everything.

- TP: Is everyone on board with the idea that if I sent these ordinances out to each board, commission, and department — if their members vote to approve or suggest changes, that gives us a way to move this forward toward the Board of Selectmen, right?
- RM: Yes, I think that's the way to go. I think Gerry Smith needs to get a letter, not an email, out to each board, commission, and committee that they have a certain amount of time to review these ordinances and proposed ordinances so they can get it back to us.
- DM: I think it's too early to get the selectmen involved. I think a letter should come from our commission to the chairman of each board or commission stating that we want them to review ordinances and proposed changes by a certain date. If they don't respond, then we can go to the selectmen.
- RM: I'm not looking for the selectmen to bang anyone over the head. Does anyone on the Sewer Commission know we're working on this?
- TP: Yes. I sent ordinances to the Sewer Commission. There are some other people in departments who don't use town email. This has been a two-year project for the town. The town is spending a lot of money on email. The days of using personal email addresses are over because this is all town business. Talking to clerks, they said the best way to do it is to include the clerks so they can bring it to the attention of each board and commission. I can talk to Gerry and see how he'd like to run it, but I believe that in my emails, it specified that we're using eCode360 and we want to give each board and committee a chance to give feedback on their ordinances and changes.
- TP: I have two other sections to discuss about zoning regulations and subdivision requirements. Don, do they fall under Planning and Zoning?
- DM: Yes, I'm working on Chapter 380 right now. I finished up on fees, so now I'm working into regulations. I did a quick overview of the first 30 pages and didn't see much except for mapping requirements.
- TP: For Chapter 335, vehicles and traffic, there's an article about outstanding tickets. The police department is working through how they're going to address this. The way it's supposed to work is that if vehicles have outstanding tickets, they can't register their vehicle. This is going to have to tie in with the tax office and the DMV.
- DM: Absolutely, that's the way it should happen.
- TP: Public Works and the town engineer have sent back some recommendations for the ordinance about road width and sidewalks. My street doesn't meet the road-width requirements of today. My question to the town attorney was if someone tries to extend a road, should they be using the current road width or our standard road width? That's something that Public Works wants, to make sure that existing streets have to move forward with current road-width regulations. Chapter 133, the Water Commission, the Board of Selectmen responded for no changes. I'll update our spreadsheet.
- DM: That spreadsheet will be helpful.
- TP: I asked Kyle to look at the open-burning ordinance that the Fire Marshal's Office was working on.
- KB: I think the only major thing that still has to be looked at there is compliance with state statutes. That is an ordinance that has to be updated regardless because the fire marshals have proposed a lot of additions to it.
- RM: Tom, you did a lot of work on the blight ordinance. Where do we think this should go? Enforcement here will be important, like with a lot of these ordinances. This originally came from Planning and Zoning years ago.
- DM: The Zoning Enforcement Officer falls under Planning and Zoning, so I'd think it should be there.
- TP: It looks like it said that blight enforcement is up to the Building Official, the Zoning Enforcement Officer, and the Department of Health.

- DM: How are any of them going to enforce it? That definitely needs to be looked at before we decide where to put it.
- TP: For enforcement, I added police officers along with the others.
- RM: I think that's enough discussion for tonight.

6. New Business

- Revise meeting schedule through May
 - KB: We have a revised meeting schedule to consider because of conflicts with the Board of Finance for the next few months. We will change to the first Tuesday of the month through May, followed by the second Tuesday of June, and back to the third Tuesday for the rest of the year.
 - DM: I'm hoping that by later this year, much of the burden of what we have to do will be over by that point. We've made a lot of progress so far.
 - RM: We're saving a lot of time and effort by modifying the eCode360. We just have to make sure that we show the current ordinances, many of which aren't in eCode360. But starting with eCode360 is helping us skip a step.
 - **RM: Motion to accept revised meeting schedule, seconded by DM, unanimous. Revised schedule attached.**

7. Executive Session

- Not needed

8. Comments from the Public

- None received

9. Adjournment

- **RM: Motion to adjourn at 8:28 p.m., seconded by DM, unanimous.**

Respectfully submitted,

Kyle Brennan

Ordinance Review Committee clerk and member



**TOWN OF BEACON FALLS
ORDINANCE REVIEW COMMITTEE MONTHLY MEETING
C/O TOWN HALL
10 MAPLE AVE.
BEACON FALLS, CT 06403**

February 2, 2021

Town Clerk Leonard C. Greene
c/o Town Hall
10 Maple Avenue
Beacon Falls, CT 06403

Dear Mr. Greene:

Please be advised that the **Town of Beacon Falls Ordinance Review Committee** has revised its schedule of **monthly meetings** for 2021. Some meeting dates have been revised due to conflicts with other board and committee meetings. Until further notice, **meetings will be held at 7 p.m. virtually via Zoom**. When meetings resume in person, locations will be posted in agendas.

If any meetings are cancelled or rescheduled, proper notice will be filed with the Town Clerk. Special meetings will be scheduled as necessary.

2021 Meeting Schedule

February 2, 2021 (changed from February 16)
March 2, 2021 (changed from March 16)
April 6, 2021 (changed from April 20)
May 4, 2021 (changed from May 18)
June 8, 2021
July 20, 2021
August 17, 2021
September 21, 2021
October 19, 2021
November 16, 2021
December 21, 2021

Respectfully submitted,

Kyle Brennan
Member and clerk, Ordinance Review Committee