

**MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE
MEETING HELD ON THURSDAY, JULY 11, 2019 AT 6:30 P.M. IN ROOM 210
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Patti Flynn-Harris, Chairperson; Paul Bowman. Absent: David Veleber.

Staff: Arnett Talbot, Asst. Town Manager; John Andrews, Fire Marshal; Al Smith, Town Attorney; Attorney Patti Boye-Williams.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

Ms. Flynn-Harris moved agenda item #5 to current status on the agenda.

5. REVIEW OF UNSAFE PREMISES ORDINANCE

Fire Marshal Andrews submitted a report summarizing eight (8) months of unsafe structure and premises ordinance activity. He received five (5) complaints for which he used the ordinance for demolition of structures, without associated fines, or any costs to the Town. According to Mr. Andrews the ordinance is very helpful to address property issues quickly and property owners were responsive to the ordinance and needs of their property.

Mr. Andrews informed the committee that the majority of complaints received were for blight issues and concerns. These complaints cannot be addressed through the Unsafe Premises ordinance as the properties are not in unsafe condition. It was recommended by Mr. Andrews that the ordinance be expanded to handle some of the blight problems. The blight issues usually include furniture on the front or side of the property, piles of debris, etc., all leading to an unsafe property/structure.

With regard to a 'blight ordinance' Mr. Bowman is not a proponent of such an ordinance, but he is pleased to learn of the results of Mr. Andrews' efforts with unsafe structure and premises ordinance. He talked about looking at other blight action options for occupied properties, and consideration of a blight ordinance for properties unoccupied more than 90 days. With an unoccupied building, he said there is more leverage with the enforcement action of the ordinance.

Ms. Boye-Williams reported that the Town of Farmington has a blight ordinance for unoccupied premises.

Ms. Flynn-Harris asked about the verbiage..."excluding those properties bordering on blight and address the homeowner".

A property on Moss Farms Road was pointed out by Mr. Andrews. The renter moved out; the property became unsightly; he called the owner, explained the situation, and it was taken care of by the owner. He noted there are many cases in Town where property is neglected resulting in neighborhood problems.

In that regard, Ms. Flynn-Harris commented on being pleased to know that Mr. Andrews contacts the property owner for what appears to be a “blight” situation; the owner is responsive; and there is a good outcome.

For the five (5) properties cited in the report, Mr. Andrews advised the outcome took a fraction of the time and cost of prior situations. He stated that a blight ordinance for unoccupied property would benefit the Town.

Sunset Clause – the date for the sunset clause is September 30, 2019.

MOTION by Mr. Bowman; seconded by Ms. Flynn-Harris.

MOVED that the Ordinance Review Committee approves extending the sunset clause for the Unsafe Structure and Premises Ordinance to September 30, 2020, and forwards this recommendation to the full Town Council for approval. The Committee will further investigate “blight” and review with the Town Council.

Discussion

Ms. Talbot stated that in the next year the ORC can further investigate a blight ordinance for unoccupied properties.

Mr. Bowman commented on further review of a blight ordinance, and knowing of three (3) unoccupied properties in bad condition. He believes there are situations in which the Town can assist a property owner, i.e. mowing a lawn.

The committee was told by Fire Marshal Andrews that this has been done for people who need some help, i.e. mowing a lawn every other week.

With regard to certain situations, Attorney Smith said there must be enforcement discretion by the Town.

VOTE The motion passed unanimously by those present.

3. SOLID WASTE ORDINANCE REVIEW AND UPDATE

Attorney Smith advised the only significant change is the editing of the “penalty” Section (7-b). The committee agreed with the change.

MOTION by Mr. Bowman; seconded by Ms. Flynn-Harris.

MOVED that the Ordinance Review Committee approves the amended Solid Waste Ordinance and forwards this recommendation to the full Town Council for approval.

VOTE The motion passed unanimously by those present.

4. CT's MS-4 ILLICIT DISCHARGE AND CONNECTIONS STORMWATER ORDINANCE

Ms. Flynn-Harris pointed out the major changes in the ordinance – elimination of Sections 12 and 21.

Ms. Boye-Williams reviewed **Section 13 –Enforcement**. Two options were added...(h) and (i) (from Somers CT ordinance). Under (i) she advised that if the situation is too much of a problem, the Town can report the situation to the State DEEP.

The committee was informed by Ms. Talbot that the Public Works Department staff has received the proposed changes, has no issues and is satisfied with them.

Attorney Smith said that specific circumstances could require more knowledge than the local officials have, and the State also has more technical resources available.

For a septic problem, Ms. Flynn-Harris stated the Town must stop at the property line, and this becomes a Chesprocott problem. She noted there are boundaries on the staff level as to how far they can or would go.

According to Ms. Talbot there could be internal policies in place which provide guidelines for when the situation would escalate to the State level.

This is a State requirement and Attorney Smith advised if it becomes problematic the ordinance could be amended.

- August 13, 2019 – Public Hearing on the MS-4 Ordinance.
- September 10, 2019 – MS-4 Ordinance on the Council agenda.

MOTION by Mr. Bowman; seconded by Ms. Flynn-Harris.

MOVED that the Ordinance Review Committee approves the MS-4 Illicit Discharge and Connections Stormwater Ordinance and forwards this recommendation to the full Town Council for approval.

VOTE The motion passed unanimously by those present.

**5. REVIEW OF UNSAFE PREMISES ORDINANCE
(moved up on the agenda)**

6. REVIEW OF BAZAARS AND GAMES OF CHANCE ORDINANCE

Ms. Flynn-Harris stated the further review of this ordinance is brought back to the committee due to questions raised on the impact to Senior Center bingo activities. Advertised games require enforcement, and the Senior Center posts ads about games in its newsletter...this is considered an advertisement to the public. There are questions about the Town having verbiage which would exempt groups from enforcement.

The Town ordinance goes by the State Statute. It has two sections that the ORC did not look at...***"recreation bingo for parent-teacher associations or organizations requirements and senior citizen recreation for everyone playing +60 years old"***. There is a difference between the two cited groups. For PTO organizations it says they must pay a one-time annual registration fee of not more than \$75.

Ms. Flynn-Harris posed two questions. 1)...where is the ability to have discretionary capability of waiving the fees for certain groups; and 2)...what about non-advertised games.

According to Ms. Boye-Williams the fees in the statute are set up as a maximum, and in the statute a fee does not have to be charged.

There was a brief discussion about the "fee charges"; having a one-time annual fee of \$50 or even down to a \$5 fee for a senior center or parent-teacher organization; or having no fees at all.

Bingo Permits (per statute)

Class C - is a one-day per month permit; no more than 40 or less than 15 bingo games per day each month.

Class A – is an annual permit for one-day per week.

Class B – is an annual permit for 10 successive days.

If the fee is made smaller, Attorney Smith noted the difference between Classes A/B/C are practically worthless...and everyone would get a Class A permit.

Total Fees for FY 18-29 – Ms. Flynn-Harris received information from Ms. White (CPD) and the total revenue was \$415 for bazaars and raffles. There was no revenue information from bingo games. Ms. Talbot will contact Ms. White for this information.

The committee and staff discussed imposing an annual fee of \$5 for bingo games; the costs are minimal; it would be one permit per year for \$5 fee; and only one report to the State from the CPD staff.

Ms. Boye-Williams read Section 169 (i) into the record. After a game is over, there must be a form filed with the State and submission of 5% of the receipts less prizes.

Senior groups (all participants must be over 60 years old) and parent-teacher groups are exempt from the 5% revenue from receipts.

It was pointed out by Ms. Talbot that taking out one permit, with submission of one report to the State, is the best and easier way to move forward. There would be loss of some revenue, which would be made up by efficiencies and staff time.

7. ADJOURNMENT

MOTION by Mr. Bowman; seconded by Ms. Flynn-Harris

MOVED to adjourn the meeting at 7:25 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk