

**MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE  
MEETING HELD ON TUESDAY, FEBRUARY 4, 2020 AT 7:00 P.M. IN ROOM 210,  
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

David Veleber, Chairman; Paul Bowman and Peter Talbot  
Staff: Arnett Talbot, Asst. Town Manager

**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.

Chairman Veleber opened the meeting at 7:00 p.m.

Mr. Veleber stated this meeting will be an overview of ordinances on the docket for ORC including the following:

- Hawkers and Peddlers Ordinance
- Alcohol at special events at Town Facilities Ordinance
- PBC Ordinance
- Review of veterans' local property tax exemption Ordinance
- Unsafe Premises Ordinance

Mr. Walsh commented on the alcohol ordinance for Park and Rec facilities, and the need for clarification on this ordinance. He noted a local organization was recently denied a permit by the Parks and Rec Director to have alcohol at an event at the Youth Center while alcohol was permitted at Mixville Park for an organization last year.

Ms. Talbot said there was another issue on serving alcohol at the Library and Arts Place. She explained the alcohol would be BYOB; there is no sale of alcoholic beverages; and no serving of alcoholic beverages.

**3. Review of status of Public Building Commission (PBC) ordinance  
Amendments.**

There have been many iterations of this ordinance, and Ms. Talbot advised that a Study Group was formed to review this ordinance. Changes were made, and the original goal was to simplify/streamline the process so projects are not delayed because of the process, while still giving PBC oversight.

Mr. Veleber said this matter came before the Town Council with no action taken, as the ordinance was doing what Council thought it should do. There is more to be looked at for this ordinance. He suggested directing the ordinance to the Town Attorney for review and legal opinion.

With regard to changes in this ordinance, Mr. Talbot asked if they came from the Study Group or Council.

Ms. Talbot advised the changes came from the Study Group, which was created by the Town Council to re-work this ordinance. The amended ordinance is a product of the Study Group which worked in conjunction with PBC.

It was stated by Mr. Veleber that Council should start working closely with PBC in a more streamlined manner. The ORC should review the ordinance and think about where it should go, along with forwarding it to the Town Attorney for review.

Mr. Walsh said the amended PBC ordinance should have gone to the full PBC before going to the Council.

The Council is creating the structure under which the PBC functions. Mr. Veleber said the goal is to get the process pared down, clean it up, look at time frames, how consultants are selected, bidding issues and dealing with designers. There are ways to move the process along faster for projects, take some things off the plate of the PBC and develop methodology to streamline the process. Mr. Veleber noted there are some large projects being sent to the PBC.

Mr. Talbot commented on projects given to the PBC and every step of what they did was back to the Council for approval. The goal was to par done the process and move the project steps forward.

It was pointed out by Mr. Walsh that there is lots of red tape on PBC projects, which may cost more in the longer process.

The committee briefly discussed the idea of inclusion of a Clerk of the Works or Owner's Rep built into the regulations...this has not been done before. The ORC members agreed this is a great idea for major projects. The ordinance needs further review for approval. At the next meeting the focus will be on the PBC ordinance.

At a January meeting, the Council passed a resolution assigning PBC with three (3) capital projects, and Ms. Talbot noted Council granted permission for PBC to go directly with design and award to bid.

The PBC Ordinance will be an agenda item at the next ORC meeting.

#### **4. Discussion re: review of local property tax exemptions for veterans.**

The tax exemption for veterans has been raised by Councilor Bowman to insure Cheshire is taking care of its veterans. The exemption is built in because of the State Legislature. Mr. Veleber recommended doing a survey of the State's regulation on

exemptions compared to Cheshire's regulations. The committee agreed that expansion of the exemptions should be discussed, and more could be needed.

#### **5. Continuing review of Unsafe Premises Ordinance**

This ordinance was passed about 1.5 years ago, had a sunset date, and Council moved this date forward for another year. Mr. Veleber said the question is where the Council wants to go with this ordinance...i.e. expand the ordinance to include "blight" conditions and issues. There is a process in place approved by the Council. The current ordinance is neither blight or anti-blight, and is mostly "unsafe" conditions.

The Unsafe Premises and Ordinance Officer is Fire Marshal John Andrews.

Mr. Walsh has been on top of this matter for a blight ordinance in Cheshire. He noted the Council might have to "grandfather in" some structures for historical or other reasons. Mr. Walsh has seen this type of ordinance in other municipalities, and supports expansion for blight issues and situations in Cheshire. He cited a house on Route 10, covered for a long time with a blue tarp, nothing being done and the affect on neighboring properties.

It was pointed out by Mr. Veleber that the ordinance does not address aesthetics of a property...it reacts to unsafe properties, some in poor condition.

The issue of unsafe properties taking out a building permit for work to be done, and letting the permit expire without any work done, was discussed by the committee. Ms. Talbot explained that the Building Department cannot go after property owners because the permit expired.

Mr. Veleber talked about the Council extending this ordinance, and reported that some of the issues being discussed were raised at the public hearing on this ordinance.

In the past, Fire Marshal Andrews visited the ORC meeting to discuss and review the ordinance and its complexity. The committee agreed to extend another invitation to Mr. Andrews to, again, discuss the existing ordinance, possible inclusion of blight issues, enforcement and penalties. When he visited the ORC meeting, Mr. Andrews reported on receiving calls about unsafe premises, which can be addressed, and calls about blight properties for which he can do nothing.

The committee cited the Council's concerns about property owner rights under this ordinance. Mr. Veleber asked if the committee would agree to inviting officials from other towns with a blight ordinance to an upcoming meeting. It was agreed to extend such an invitation to get information on the ordinances and enforcement.

Regarding a blight property, Mr. Walsh cited a Cheshire house in foreclosure, owned by the bank, and the lack of maintenance of this property. The town went after the bank to clean up the property and it was done. He said that without harsher penalties for ordinance violations, the situations will continue.

Ms. Talbot informed the ORC members that there is a quarterly report in Council packets from Mr. Andrews on the unsafe premises ordinance.

During the 2019 campaign, Mr. Veleber said residents talked to him about neighboring properties not being maintained, and dragging down neighborhood property values.

If there are issues with property owners unable to afford cleaning up and/or maintaining their property, Mr. Walsh said this should be turned over to Human Services Department for people to get town assistance.

The current ordinance came out of a hoarding issue and Mr. Talbot said the ordinance was designed for people who cannot take care of their property and need assistance.

Mr. Veleber said the unsafe premises ordinance triggers a mechanism to help people who cannot help themselves, and this has been done in the recent past. The issue is with people who can afford to maintain property, but choose not to do so...and the ordinance is in place to pursue these owners.

The ORC members agreed to inviting Fire Marshal Andrews to the next meeting. An invitation will also be extended to officials of towns with a blight ordinance for a presentation on their ordinance, enforcement, penalties, time frames, etc.

Ms. Talbot explained the Town can do something through the court system, but this takes a long time. Ms. Talbot read an excerpt from the ordinance about "additional time" when a violation has good cause. She said there is a safety measure in the existing ordinance whereby people can receive assistance.

#### **6. Discussion re: potential upcoming ordinance amendments.**

With regard to the Hawkers and Peddlers ordinance, Mr. Talbot said the town is waiting for the latest State statute.

Ms. Talbot reported that CPD Chief Dryfe withdrew his request until the State passes more legislation on the issue. The updated State ordinance will be provided to the ORC.

The committee decided to remove this item from its list of matters for consideration.

Regarding the alcohol at special events ordinance, Mr. Talbot said the matter should be pursued with the new Parks and Rec Director.

Mr. Walsh said this entire policy should be looked at, especially if there are different policies for different town departments. Everything should be under one policy.

The ordinance states alcohol only in parks with approval of the Director, and Ms. Talbot said this can get another look by the ORC. The BOE establishes and adopts its own policies. If the Council passed some sort of legislation, it would supersede the BOE regulation. She said she provide ORC with copies of the ordinance as it relates to Parks and Rec.

Mr. Veleber said the current Library Director is not pushing for events with alcohol, and this should not be pursued further.

There was some insurance and legal information created and Ms. Talbot will find this and forward to the ORC. There was some insurance liability and situations involved.

Mr. Veleber commented on the town hiring a third party liquor server, and the town having responsibility for such an event. People bringing their own alcohol into the Library is another question.

According to Ms. Talbot there could be another ordinance coming forward about the Building Department inspection fees. This would be referred through the Council and then to the ORC.

Mr. Veleber said the ORC members are welcome to submit items for ORC consideration through the Council Chairman.

## **7. ADJOURNMENT**

MOTION by Mr. Walsh; seconded by Mr. Talbot.

MOVED to adjourn the meeting at 7:41 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk