

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



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

1. Call to Order / Pledge of Allegiance

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

2. Comments from the Public

- None received.

3. Read & Approval Minutes from Previous Meetings

- **RM: Motion to accept minutes from the February meeting, seconded by KB, unanimous.**

4. Old Business

- None.

5. Discussion on Procedures to Update/Modify Existing Ordinances

- RM: I've gotten feedback already on the Inland Wetlands ordinances and the proposed fee schedule. One member on the commission is already looking at it. We had one particular ordinance: No. 67 (Land Use Committee), we started talking about it when Gerry was running for First Selectman. We have some suggested changes and we want to run it through the town attorney. We feel as though there are still benefits to the committee, but verbiage should be change. We think it can be beneficial now that we have Lisa Daigle in the Land Use Office. At a meeting, you cannot, as a member of Inland Wetlands, Planning and Zoning, Storm Water Management, there should be Waste Water Management, you cannot have a predisposition. You can ask for more information, but those meetings need to be run very carefully. The wording will need to be run past the town attorney to see if we can do it.
- TP: Do you think the Land Use Committee should be the first go-to committee that if someone is coming into town, they should go to first?
- RM: Absolutely. My thoughts on putting it together is not just to have the commissions talk, but if you have a developer coming in, instead of going to 10 different places, they can get all the information up front. They spend engineering fees—I'm looking at this from the perspective of the developer, and the industrial park with the Economic Development Commission was in mind—and it's not fair.
- TP: How would a developer know where to start? I know this isn't our problem, but maybe the verbiage in the ordinances needs to be made to help people understand.
- RM: Gerry and I spoke, and the verbiage leaves things to the chair's discretion. If the chair doesn't know, they can't do anything. We think someone in the Land Use Office as the primary contact for major projects, that person should call a meeting.

- TP: Is it feasible on P&Z, Inland Wetlands, Storm Water Management, to put verbiage at the top of those ordinances to guide them to Land Use?
- RM: I don't think so because once somebody hands you an application, the clock starts. It has to be up front.
- TP: If someone looked at our ordinances or policies, and if they all had the same verbiage at the top — "best start at Land Use Committee" — I don't know.
- RM: I told Gerry, if we're not going to use this committee, let's get rid of it. That's where I started from. We don't have a procedure in place. We think it's beneficial to have the land use commissions talking to each other, and right now we're helpful that a procedure for when people come in as developers they'll know where to go. I think there's some sort of checklist started. The idea is before a permit is granted, a shovel is in the ground, that Lisa starts on another checklist.
- TP: We just want to figure out how it's going to work in the long run. Maybe it's something we can't completely do through ordinances, but it needs to be done in a procedure or policy.
- RM: At one point in time, the process had like eight carbon copies that was step to step. By the last step, it didn't work, but it had the right process. It's all about starting the clock — you have to hit certain steps. Either way, all of this stuff requires people to enforce it.
- TP: Planning and Zoning just finished their fees. I gave Rich a copy this morning, so they pretty much match each other and line up. Dollar-wise, Planning and Zoning brought up their fees to a better standard. We're going to send that to Natasha Nau for the master fee schedule. She understands that Rich and Inland Wetlands are also working on it. We're not going to push it through the Board of Finance until everything is good to go. We want to make sure there are policies in place that might not go with ordinances — Don is working on that, too.
- RM: State-wise, I think we're in good shape. It took a while to get the right verbiage on some of these things to align with state statutes, but I think we've got it.
- TP: I emailed everyone and gave you the updated contents of where we are right now. I gave a breakdown of the phases in the ordinance process—I think we're about 85 percent done. All of the boards and commissions that have received the ordinances, I'm going to make sure their clerks take some action on it—if they're not going to add, they should at least approve it. Water Pollution Control Authority has had theirs. The Fire Marshal one I sent back, I haven't heard from them quite yet. There are a few things verbiage-wise in some of these ordinances where it says "fines" and "penalties," and we need to define if there's a difference. I know the ordinances are on the Board of Finance's agenda, too.
- RM: On "illicit discharge," that was quite controversial with the fines involved. We need to think about how enforceable some of these things are. We talked about trying to find language that is enforceable — it involved federal regulations on small towns.
- TP: One of the goals we have here is making fees, fines, and things like that easy to find, and we don't want to let one word get in the way of it. I think right now we're a lot farther along than the town has ever been.
- KB: I'm very happy with the progress that the committee has made, and I appreciate the work that Tom, Rich, and Don have put in. I know the current ordinances are a pain to find anything—it's a scanned copy of PDFs that are very hard to search and there's information in a lot of different areas, so our final product will make this much more helpful. The way I understood our original job was to focus on ordinances with fees and fines so they could easily be recognized, prioritized, and removed from the ordinances to set into a master fee and fine schedule. It's really going to modernize our town. The experience that these members of the committee has is really helpful, and if there's anything needed of me besides clerking, I'll be happy to help.
- TP: One of the difficult parts about this has been the fact that we're essentially being governed by a binder of ordinances while we're working on the eCode version of ordinances in progress. Rich and I are trying to cross-reference as best as we can because we don't want a little mistake to put this project behind.

- RM: I know that I'm going over paper copies with red ink and then going back into the online version and doing the same thing. I'm trying to explain our process to anybody who has asked because we want to make sure they know it's being done the right way. We're not taking fees and fines out of ordinances — they're just being referenced to a different document.
- TP: I know the Finance Department is also very appreciative of what we've been doing.
- RM: What we want is for the master fee and fine schedule to be more easily updated. They will all still have to be approved by each committee and board. We just don't want these stuck in ordinances to where you have to go through 10 ordinance change processes when we can in reality change one document with the right process.
- TP: With blight, I handed off a copy of the markup to the Building Inspector and the Zoning Enforcement Officer. Lisa was going to hand them to those guys. They're going to be the people who have to enforce the ordinances, so they should get some input. After that, we can pass it over to Don and the P&Z net.
- RM: Can you pass to Keith, too? When we first started, he said that the changes will be just fine, but how are you going to enforce it? He's seeing how we'll enforce it now, so his input will be good.
- TP: Does anyone have anything else? We're plugging along well.
- RM: I don't know if I can get the Inland Wetlands regulations through the commission on the timetable we want to have these done, but they're interested.
- TP: We want everyone to buy into this. We want the boards and commissions to function better without the headaches. I've talked to a few people so they know what's going on with ordinances. Public Works gave me feedback on two items, so I amended theirs. My approach, and I learned this from Don and Rich, on P&Z, when they take a vote, they have a separate sheet with all the members names on it. That's how they track voting.
- RM: Within 48 hours of a commission meeting, any of those commissions or boards, you have to publish the votes within that time period.
- TP: I think it's important, once we hand back these ordinances to the commissions and boards, I'd like a sheet like that for documentation purposes.
- KB: Sure. I mean, I type our minutes as we speak and make sure that I record all the motions in bold, per Kerry McAndrew's advice when I started doing this. It's probably the same idea but just done differently.
- TP: What are your thoughts on having each board and commission have a sheet that has to be filled out to show the voting and acceptance of proposals? I don't want backlash later where someone says they don't know what it's about. I want to close that gap.
- KB: I don't think it could hurt. You can already find the information in the minutes so I don't think it's completely necessary, but if we want to standardize this through the clerks for this project, the redundancy couldn't hurt.
- TP: I just don't want us to get backstabbed by the end, so that record will help. I've talked to the clerks of the commissions and boards, and they want to get this on their agenda. If we have stuff that's ready.
- RM: One thing I want to figure out is why ordinances about the flood plain is under the building inspector. This goes back many years, there was a house that the town had to pay to move a house because we allowed it to be built in a flood plain. I think it should be moved to Inland Wetlands.

6. New Business

- None.

7. Executive Session

- Not needed.

8. Comments from the Public

- None received.

9. **Adjournment**

- **RM: Motion to adjourn at 7:47 p.m., seconded by KB, unanimous.**

Respectfully submitted,

Kyle Brennan

Ordinance Review Committee clerk and member