

MINUTES OF THE ORDINANCE COMMITTEE
Town Hall Council Chambers
AUGUST 9, 2004

PRESENT: Paul Leary – Chairman, Michael Smart, Colin McPherson, Arthur Mathews, Ken DiFazio

OTHERS: Dick Swanson, Frank Fryer, George Lane, Jane Hackett, Greg Shanahan, T. J. Lacey, Michael Molisse

Chairman Leary called the meeting to order at 7:00 p.m.

03 008 – Revisions to Section 9 of the Municipal Code

Chairman Leary stated that originally the intent was to address hawkers and peddlers and many other items were revised in Section 9. Everyone has received a copy of the revision of Section 9. Measure #03 008 will be a revision to Section 9 301, Regulation of Hawkers and Peddlers. It is a rewrite of that section. It does not eliminate any verbage, but some items were added to the section to make it clearer. He questioned Attorney Lane if the fine was changed from \$25 to \$300. Attorney Lane stated that after the last meeting Lee Hultin was to retype and change the fine to \$300. If the change was not done, Mr. Leary stated they should make that change to keep the sections consistent.

Discussion was held on what changes were made to Section 9-301 Regulation of Hawkers and Peddlers; Section 9-401 Regulation of Canvassers and Solicitors; and Section 9-402 Outdoor Business License. Colin McPherson suggested when they make the changes they black line the drafts so they would know what was altered. The Chairman stated it was a good suggestion. Chairman Leary stated they should change Section 9-301, Item J to read a fine of \$300 in lieu of \$25. The following changes were suggested for Section 9 301 Regulation of Hawkers and Peddlers: (A) is now (B); A new (A) was inserted. The new paragraphs are (C), (D), (E), (F) & (G). Crying of Wares is now (I). The section on badges is now (J), with the fine changed to \$300. Attorney Lane stated a correction under section (C). The word ‘of’ would be deleted after ‘no hawker or peddler shall’. Also, there is no 7B under this item. It should read Section 17.

Chairman Leary stated the only change under Section 9-401 Regulation of Canvassers and Solicitors at this time is the fine structure. In 2005 every ordinance will go under review.

Chairman Leary stated the only change under Section 9-402 Outdoor Business License was the fine structure.

Ken DiFazio asked if they could delete the canvassers and solicitors regulation, as they all seem so similar. Attorney Lane stated he would be attending a seminar on drafting smart ordinances. Some of the ordinances have to do with free speech and some religion. He suggested they go into the ordinances in more depth at a later date after he reviews the

seminar information and reviews what other towns are drafting. Mr. Smart stated after meeting with Mr. Lane and Mr. Leary they discovered each ordinance has a slight difference and they were unable to delete any of them at this time.

Colin McPherson asked when they go to pass the ordinances, would they vote on all three together. He asked if the motion would be to place the revised 301, 401 and 402 following a favorable public hearing. The Chairman concurred. Attorney Lane stated they should assign different measures to each in case there is a problem with one area. Mr. Leary stated it would require three separate advertising and three hearings. It can be discussed at the public hearing. Colin McPherson suggested as they go to Town Council they summarize the points in writing before they go to the meeting. Mr. Leary stated they would have a copy of the revised sections.

T. J. Lacey asked for clarity on Solicitor Lanes request to break it out into three measures. Mr. Leary stated they would keep it as one revision to Section 9 and advertise once for the public hearing that will contain those three items. When it goes to a vote, it would be all three measures.

A MOTION was made by Michael Smart to send favorable action to the full Town Council on the revisions to Section 9 of the Municipal Code following the public hearing and was seconded by Arthur Mathews and was UNANIMOUSLY VOTED.

Mr. DiFazio thanked Mr. Lane for his work on the sections. Attorney Lane thanked the members.

04 133 – Rezoning Request at Libbey Park

Chairman Leary stated they had a joint public hearing with the Planning Board. The Planning Board did not have a quorum. There seemed to be no opposition at that time. He stated he would like to move the item forward to the full council following the Planning Board public hearing.

Arthur Mathews stated that if the committee does vote for the measure, he would vote in favor of it. He heard from the public last week and there was only one concern regarding traffic. There was another that spoke in favor that stated it might help the traffic flow along. He believes it would be a tax benefit for the town. Currently there are six vacant buildings, some with space available and one for sale.

Colin McPherson stated he could not locate the measure, and asked if it was the one sentence change. Mr. Leary stated it is the one sentence change that allows medical use in a planned office park. Prior to that, it just stated office use.

Councilor Smart asked if they must wait for the Planning Board hearing before they can move forward with the item. Solicitor Lane stated the stature provides that you must receive written recommendation before the full Town Council can vote on the matter.

T. J. Lacey stated that since the Planning Board was unable to vote at their last meeting, they have scheduled a meeting for August 24, 2004. Pending that, they then can submit that report to the Ordinance Committee and submit it to the Town Council.

Councilor Smart MOTIONED to recommend favorable action on measure #04 133 to the full Town Council with a favorable report following a favorable report from the Planning Board. Councilor Matthews seconded and it was VOTED UNANIMOUSLY.

ADJOURNMENT

Councilor McPherson MOTIONED to adjourn. Councilor Mathews seconded and it was VOTED UNANIMOUSLY.

Respectfully submitted,
Doreen Teodorson, Recording Secretary

Approved by: _____
Paul Leary, Chairman