

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
December 18, 2006**

Present: Sue Kay, Chairperson
Michael Smart
Arthur E. Mathews
Greg Shanahan
Kevin Whitaker

Also Present: George Lane, Town Solicitor

Recording Secretary: Janet Murray

Chairman Kay called the Ordinance Committee Meeting to order at 6:30pm.

06 125-Utility Applications/Petitions Proposed Changes

This item was referred on 6/19/06. The Committee has met on 7/25/06, 9/14/06, 10/19/06, and 11/13/06. At each meeting the item was continued.

Solicitor Lane stated that he reviewed the proposed changes with the attorney from National Grid. She was cordial in her response to the proposed changes.

Solicitor Lane stated that he has not yet heard back from Verizon.

It was agreed to continue this item in order to wait for further response from the utility companies.

This measure necessitates carrying over to the 2007 calendar year.

A MOTION was made by Councilor Smart to request to carry over item number 06 125 to the 2007 calendar year and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Kay noted that requests from Keyspan are down for the year 2006.

The question was raised as to whether there has been a drop-off in service installation or if Keyspan is circumventing the ordinance process in some way. It was suggested that a listing of all utility projects for the town is requested from Keyspan.

A MOTION was made by Councilor Smart to REQUEST a listing of all utility work performed by Keyspan for the town and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to CONTINUE item number 06 125 and was seconded by Councilor Whitaker and was UNANIMOUSLY VOTED.

06 126-Utility Pole Removal Proposed Ordinance

There have been complications as to the placement of fire boxes on poles. 100 of 174 poles have been removed.

This item was referred on 7/25/06. The Committee has met on 7/25/06, 9/14/06, 10/19/06, and 11/13/06.

Once the alarm boxes are removed from the remaining poles, the Committee will move forward.

A MOTION was made by Councilor Shanahan to request to carry over item number 06 126 to the 2007 calendar year and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Whitaker expressed concern regarding the trend towards the upper half of poles being left and the lower half cut off.

06 143- Yard Sale Ordinance Review

This item was referred on 9/5/06. The Committee has met on 9/14/06, 10/19/06, 11/13/06, and 12/18/06.

Solicitor Lane has made revisions to the proposed changes. A preliminary draft is ready for review.

The public hearing is tentatively scheduled for January 2, 2007. The date depends on whether the Committee votes this out this evening.

Solicitor Lane stated that there was a productive meeting on 11/13/06. Various suggestions were made at this meeting.

President Smart questioned Item B number 2 - the Council setting a fee. Solicitor Lane stated that the fee would be set by the Council in order to be able to make future fee changes without needing to rewrite the ordinance.

Councilor Mathews asked that the process be made available on- line.

Councilor Whitaker stated that he still has some objections to the ordinance itself. He requested that the language be changed so that the first offense for violating this ordinance is a warning and the second offense is a \$100 fine.

Councilor Whitaker stated that he did not think that having a fee was necessary as the object of the ordinance is to keep track of how many yard sales an individual is having.

Councilor Whitaker questioned why the application needs to be forwarded to the Police Department.

Councilor Kay stated that it has proven helpful in other towns for the Police to have the application readily available for tracking purposes.

Councilor Whitaker suggested that the Committee not make a recommendation until after the public hearing.

A MOTION was made by Councilor Mathews to make the following changes:

First offense will receive a written warning

Second offense will be a \$100 fine

Third offense will be a \$200 fine

Fourth offense will be a \$300 fine

and was seconded by Councilor Shanahan and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Shanahan to remove the fee from the ordinance and was seconded by Councilor Mathews. The following discussion ensued.

President Smart stated that the fee was instituted for accountability reasons.

Councilor Mathews asked Ms. Hackett if procedurally, we are able to process fees on-line. She noted that property taxes can be paid on-line at this time but not Water & Sewer bills.

Councilor Shanahan WITHDREW the MOTION.

President Smart stated that he believes that the application should be forwarded to the Police Department.

Councilor Whitaker stated that his concern is that the Police Department has already lost one patrolman position and does not need the added task of tracking yard sales.

Councilor Kay stated that she did not see the Police Department assigning an officer specifically to monitor yard sales.

A MOTION was made by Councilor Shanahan to recommend FAVORABLE ACTION on item number 06 143, replacing the existing ordinance and was seconded by Councilor Mathews.

Councilor Whitaker made a SUBSTITUTE MOTION to CONTINUE this item and was not seconded.

Councilor Whitaker asked that the question be divided. Chairperson Kay agreed to allow the question to be divided.

A MOTION was made by Councilor Shanahan to recommend favorable action on item 06 146 with the exception of Paragraph B-2 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Whitaker made a MOTION that Paragraph B-2 - be amended so that it reads that the application is to be filed at the Clerk's Office and that a copy be sent to the Police Department and was seconded by Councilor Mathews. The MOTION FAILED 2-3.

A MOTION was made by President Smart for FAVORABLE ACTION on Paragraph B-2; the fee to be set by Council, the permit filed with the Clerk's Office and the Police Department and was seconded by Councilor Shanahan. The MOTION PASSED 3-2.

At 7:25 pm, there being no further business, A MOTION was made by President Smart to ADJOURN and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Approved by: _____
Sue Kay, Chairperson