

ORDINANCE COMMITTEE MEETING

Tuesday, June 6, 2023, 6:00 PM
Town Council Chamber and Zoom Meeting
Agenda

Videoconference Link:

<https://berlinc-t-gov.zoom.us/j/84253964881?pwd=OFITeWpNMEQvc3QzVU9KWGhXcTJWUT09>

Conference Call Information:

Dial: +1 929 205 6099
Meeting ID: 842 5396 4881
Passcode: 083738

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. AUDIENCE OF CITIZENS
4. APPROVAL OF MINUTES – March 21, 2023
5. REMOTE MEETING ACCESS ORDINANCE
6. ADJOURNMENT

Attachments:

- Minutes of March 21, 2023, Meeting
- Draft of Remote Access Meeting Ordinance

ORDINANCE COMMITTEE MEETING MINUTES

Tuesday, March 21, 2023, 6:00 PM
Town Council Chamber and Zoom Meeting
Agenda

Videoconference Link:

<https://berlinct-gov.zoom.us/j/89574668536?pwd=cnhVTFZlMGxlNmpNRTJveitTbVlTdz09>

Conference Call Information:

Call-in Option: 929 205 6099
Meeting ID: 895 7466 8536
Passcode: 024759

Members Present:

Mayor Mark Kaczynski – Chairman, Councilor Sandra Coppola, Councilor Charles Paonessa, Councilor Donna Risolo (arrived at 6:21pm)

Members Absent:

Councilor Peter Rosso

Staff Present:

Arosha Jayawickrema – Town Manager
Jennifer Coppola – Corporation Counsel

1. CALL TO ORDER
Mayor Mark Kaczynski – Chairman at 6:02pm

2. PLEDGE OF ALLEGIANCE

3. AUDIENCE OF CITIZENS

Postponed until later in the meeting.

4. APPROVAL OF MINUTES – February 21, 2023
Councilor Paonessa moved to approve the February 21, 2023, meeting minutes, seconded by Councilor Coppola.

Those voting in favor: Mayor Kaczynski, Councilor Coppola, Councilor Paonessa

Vote being: 3-0. (MOTION CARRIED)

5. NEW BUSINESS – None

6. OLD BUSINESS – Discussion on Off-Road Vehicles

Corporation Counsel Coppola presented red lined changes to the ordinance based upon last meeting's discussion and comments from audience of citizens.

Mayor Kaczynski thanked Corporation Counsel Coppola and asked for council input.

Councilor Paonessa believes the changes to the ordinance are reasonable and covers the current issues.

Councilor Coppola expressed concern that the hours of operation may be too short during the school year and suggested extending from 4pm to 6pm. In addition, she is concerned about limiting the use to two vehicles at the same time in relation to families who have minor children and need to ride with a parent. Only one child at a time would then be able to ride due to this limitation.

Corporation Counsel Coppola explained the change came at the request from a citizen who wanted to limit the number of simultaneous vehicles being ridden to one. Corporation Counsel Coppola believed one vehicle would be too restrictive and is suggesting two so parents can ride with a child.

AUDIENCE OF CITIZENS

Rita Bissonnette, 135 Devonshire Way

While Ms. Bissonnette understands Councilor Coppola's concern for wanting school aged children to have time to ride after school, the noise of the off-road vehicles prevents her from being outside and enjoying her backyard after work. The noise is so loud Ms. Bissonnette can hear it from her kitchen inside her home. The constant noise over a 4–6-hour period of time is frustrating and keeps her from relaxing and enjoying the outdoors. Ms. Bissonnette expressed her concern with the ordinance. Each neighbor has a 2+ acre lot of land therefore each neighbor could ride on their property which would create chaos. Ms. Bissonnette would like to see her neighborhood grandfathered in to prevent this possible occurrence.

Roman Borysiuk, 121 Devonshire Way

Mr. Borysiuk and his wife chose their current home because it was part of a residential community where they could enjoy peace and quiet. While he wants his neighbors to enjoy ATVs, he does not want his peace to be impacted. Mr. Borysiuk does not want to call the police and be a nuisance.

Town Manager, Aroscha Jayawickrema, sought to clarify what Mr. Borysiuk would like to see in the ordinance. Mr. Borysiuk would like the committee to consider having only one off-road vehicle driven at a time, increase the distance from the property line, limit the hours, and have no

riding on Sundays. In addition, Mr. Borysiuk would like time to review the current ordinance and the proposed red lined changes and come back with a more informed opinion.

Lydia Borysiuk, 121 Devonshire Way

Ms. Borysiuk explained how their neighbor chooses to ride far away from their home and along the property line causing noise and dust to impact their neighbors. The neighbor has built a riding track close to the neighbor's property lines. Ms. Borysiuk reiterated the noise amplification when riding more than one vehicle at a time. In addition, she is frustrated by the amount of dirt coming into their yard. They have planted pine trees to act as a buffer, but they are dying due to the off-road vehicles. Ms. Borysiuk has also observed the wildlife they once enjoyed leaving due to the impact of the riding. Ms. Borysiuk invited members of the committee to visit her backyard and hear how loud the vehicles are when driven.

Counselor Risola empathizes with the situation and acknowledges it clearly affecting the quality of life. The off-road vehicles are impacting all aspects of life – work, leisure, enjoyment, and value of home for the entire neighborhood. Counselor Risola inquired how often the neighbors rode their vehicles this past season. The response was every single day for hours at a time with no regard to the neighborhood. Counselor Risola feels a day of reprieve is not unreasonable. Historically, Sunday has been a day of peace.

Corporation Counsel Coppola believes that distance is a zoning piece and can solicit input from the Town Planner. The ordinance may need to look at distance from property line instead of the distance from the dwelling.

Corporation Counsel Coppola proposed looking at a compromise regarding Sunday hours. Perhaps 12noon-4pm. She also inquired about the possibility of grandfathering in residents who currently live on a property of less than 2 acres and ride off-road vehicles.

Rita Bissonnette, 135 Devonshire Way

Ms. Bissonnette would like to see riding hours on Sunday adjusted. She built her home to raise her family and entertain. People come over to swim and she hosts picnics 4-5 times a year. The neighbors riding their off-road vehicles, with the noise and dust, prevent her from being able to entertain.

Counselor Paonessa understands the current situation to be a problem. He believes two vehicles riding at a time to be okay. He requested the audience of citizens to come to the next meeting with specific proposals so the committee could get a better idea of what changes are needed.

Mayor Kaczynski would like the committee to digest the comments made during the Audience of Citizens. A new committee meeting time will be determined.

7. ADJOURNMENT – 6:47pm

Councilor Paonessa moved to adjourn at 6:47 p.m.

Seconded by Councilor Coppola.

Those voting in favor: Mayor Kaczynski, Councilor Coppola, Councilor Paonessa, Councilor Risolo

Vote being: 4-0. (MOTION CARRIED)

Next Meeting date: To Be Determined

Respectfully Submitted by Robin Evans

DRAFT OF REMOTE MEETING ACCESS ORDINANCE

All meetings of elected boards and commissions of the Town (Board of Police Commissioners, Board of Assessment Appeals, Board of Finance, Board of Education, and Town Council) shall be accessible to the public and recorded via Zoom or other conferencing platforms unless the Town Council, for good cause, excuses an individual board from said requirement for a particular meeting. The Town shall provide advance notice of the meetings, including whether the meetings are to be held in-person, hybrid or fully remote, in accordance with Connecticut law and the meetings shall likewise be conducted in compliance with applicable law, including the Connecticut Freedom of Information Act.