

ORDINANCE COMMITTEE MEETING

Special Meeting

Tuesday, June 4, 2024, 6:00 PM

Town Council Chamber and Zoom Meeting

Agenda

Videoconference Link:

<https://berlinct-gov.zoom.us/j/82822981361?pwd=oSp532haEjGZhufRIN0T2XIM3pUsV5.1>

Conference Call Information:

Dial: +1 929 205 6099

Meeting ID: 828 2298 1361

Passcode: 346711

1. Call to order
2. Pledge of Allegiance
3. Audience of Citizens
4. Approval of April 9, 2024, Meeting Minutes
5. Noise Ordinance – Discussion and possible action
6. Public Golf Course Commission Ordinance – Discussion and possible action
7. Adjournment

ATTACHMENTS:

- Minutes of April 9, 2024, Meeting
- Draft Noise Ordinance
- Draft of Amended Public Golf Course Commission Ordinance

ORDINANCE COMMITTEE MEETING

Tuesday, April 9, 2024, 6:00 PM
Town Council Chamber and Zoom Meeting
Agenda

Videoconference Link:

<https://berlinct-gov.zoom.us/j/82486189336?pwd=3L3pTHXjwPQ6mIbXW1CkAeJlqidLED.1>

Conference Call Information:

Dial: +1 929 205 6099
Meeting ID: 824 8618 9336
Passcode: 634750

Members Present:

Mayor Mark Kaczynski – Chairman, Councilor Sandra Coppola, Councilor Charles Paonessa, Councilor Peter Rosso

Members Absent:

Councilor Kate Atkinson

Staff Present:

Arosha Jayawickrema – Town Manager
Jeff Donofrio – Corporation Counsel

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

2. PLEDGE OF ALLEGIANCE

3. AUDIENCE OF CITIZENS - NONE

4. APPROVAL OF MINUTES – March 5, 2024

Councilor Paonessa moved to approve the March 5, 2024, meeting minutes, seconded by Councilor Coppola.

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

Vote being: 4-0. (MOTION CARRIED)

5. Noise Ordinance – Discussion

Deputy Chief Drew Gallupe presented some concerns and suggestions about the proposed noise ordinance:

- The police department has effectively addressed all issues encountered thus far. A noise ordinance may not be necessary if there's no immediate need. Generally, the police can handle noise disturbances using existing CT state law, such as loud parties or late-night music. However, he would advise against creating an ordinance for a specific situation.
- Times should be consistent with the General Construction ordinance.
- There's confusion for officers in enforcing sound levels and meters. They lack information on zoning classifications such as residential, commercial, and industrial.
- The ordinance heavily leans towards police responsibility, neglecting involvement from other departments like zoning, especially concerning businesses versus residential areas.
- The "Instruments and Measures" section poses challenges. Equipment purchases are necessary but can't be allocated to every cruiser due to potential loss or damage. Calibration before and after each measurement, wind screens for outdoor use, and accurate readings one foot beyond property lines add complexity. Average officers may struggle to obtain precise readings, as it's not simply a matter of using equipment and pushing a button.
- The Administration and Enforcement Section stipulates that all tasks must be carried out by the police department. In contrast, the New Britain ordinance, while similar, assigns responsibilities to "the person conducting sound measurements," without specifying the police department. The police department would endorse the ordinance if it involved a collaborative effort between Planning and Zoning, trained on the equipment, and the police, who could assist with enforcement.
- Deputy Chief Gallupe proposes adding the following exemptions to the "Sounds Excluded and Exemptions" section: police range activities, nighttime construction authorized by the state or municipality (i.e. paving), emergency generator operation, and nighttime construction or utility work.

In summary, Deputy Chief Gallupe finds that the proposed noise ordinance would pose challenges for the average patrol officer to enforce. Again, if there isn't a significant issue in town, he believes that the existing laws of the state of CT suffice for most situations. Incidents involving loud noises, such as parties, are relatively infrequent, and when they do occur, most individuals comply with police intervention. If not, the police have the authority to make arrests.

Discussion ensued among the committee members, Corporation Counsel Donofrio, and Town Manager Jayawickrema.

Based on Deputy Chief Gallupe's comments and the meeting discussion, Corporation Counsel Donofrio will make changes to the proposal. Town Manager Jayawickrema will ask Planning and Zoning and the Police Department to review and provide comments. He will also invite the Zoning Enforcement Officer to the next meeting.

6. Squatter's Rights – Discussion

Counselor Coppola has received inquiries from residents regarding the national issue of squatters and their rights as homeowners. Some residents, who spend six months in Connecticut and six months down south, are concerned about returning to their home in town and finding someone living there who refuses to leave.

Corporation Counsel Donofrio explained squatters' rights, also known as adverse possession, refer to a legal claim allowing people to gain ownership of a property that they have occupied continuously for a statutory period. To make an adverse possession claim in Connecticut and gain legal ownership, squatters must meet specific requirements. If a person is in your home or on your property and is not an invitee, guest or tenant, it is trespassing. The police can be called as this is a criminal matter. It is different than a landlord/tenant situation where Housing Court has jurisdiction.

7. ADJOURNMENT – 6:44pm

Councilor Paonessa moved to adjourn at 6:44pm, seconded by Councilor Coppola.

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

Vote being: 4-0. (MOTION CARRIED)

Next Meeting date: To Be Determined
Respectfully Submitted by Robin Evans

NOISE

- § _____ Declaration of purpose.
- § _____ Definitions.
- § _____ Noise zones.
- § _____ Sound levels.
- § _____ Motor vehicle noise.
- § _____ Exhaust discharge.
- § _____ Certain sounds excluded.
- § _____ Exemptions.
- § _____ Instruments and measurements.
- § _____ Administration and enforcement.
- § _____ Violations and penalties.
- § _____ Variances.
- § _____ Coordination with other laws.
- § _____ Compliance with Chapter no defense to nuisance claim.
- § _____ Severability.

§ _____ Declaration of purpose.

Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of Berlin and a detriment to their quality of life. Therefore, this Chapter is enacted to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of Berlin through the control, reduction, and prevention of excessive sound and vibration.

§ _____ Definitions.

When used in this Chapter, the terms below shall have the following meanings:

BACKGROUND NOISE – Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

CONSTRUCTION – Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities or similar property.

DAY – From 7:00 a.m. to 9:00 p.m., local time.

DECIBEL – A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

DEMOLITION – Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

EMERGENCY – Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

EMITTER – The person who creates, causes to be created, or allows the noise.

EXCESSIVE NOISE – Any sound, the intensity of which exceeds the standards set forth in § ____ of this Chapter.

IMPULSE NOISE – A sound of short duration, usually less than one (1) second, and a high intensity, with an abrupt onset and rapid decay. Examples include an explosion, a discharge of a firearm, or a screech.

INFRASONIC SOUND – Sound-pressure variations having frequencies below the audible range for humans.

MOTOR VEHICLE – Defined as per § 14-1(59) of the Connecticut General Statutes.

NIGHT – From 9:00 p.m. until 12:00 midnight, and from 12:00 midnight until 7:00 a.m.

NOISE SOURCE – Any individual, equipment, machine or other item or thing that creates a sound.

PEAK SOUND-PRESSURE LEVEL – The absolute maximum value of the instantaneous sound-pressure level occurring in a specified period of time.

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

RECEPTOR – The person who receives the noise impact.

SOUND – A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL – The A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter properly calibrated and operating on the A-weighting network.

SOUND LEVEL METER – An instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighting networks used to take sound level measurements, which should conform, at a minimum, to the requirements set forth in the American National Standards Institute's American National Standard for Sound Level Meters [ANSI S.1.5 – 1971 (Type S2A) Sound Level Meter].

ULTRASONIC SOUND – Sound-pressure variations having frequencies above the audible sound spectrum for humans.

VARIANCE – A difference between the standards which are required by this ordinance and that which is permitted to exist.

VIBRATION – An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

§ ____ Noise zones.

Noise zone means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as related to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, and waters of the State.

Noise zones within the Town of Berlin shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the Zoning Regulations and Zoning Map of the Town of Berlin.

Zone	Actual or Intended Use	Current Zoning*
A	Residential	R-86,R-43,R-21,R-15,R-11, R-7, PR-1, PR-2, PR-3, POR, OP, MR-1, MR-2, and WHD
B	Commercial	PS-A,PS-B,SP-DD,GC, BT-1, BT-2, CCD-1, CCD-2, SP-DD 2, SP-DD Overlay, and BTB
C	Industrial	OT,OT-2,GI,GI-2, PI, PI-2, POD

*Based on the Zoning Regulations and Zoning Map of the Town of Berlin.

§ ____. **Sound levels.**

- A. It shall be unlawful for any person to emit or cause to be emitted any sound beyond the boundaries of his/her/its premises so as to violate any provisions of this Chapter.
- B. Sound level standards. No person shall emit or cause to be emitted sound beyond the boundaries of his/her/its premises exceeding the levels stated in the table below and applicable to adjacent residential (Zone A), commercial (Zone B), or industrial (Zone C) zones when measured on a receptor's premises:

Receptor's Noise Zone

Emitter's Noise Zone	Zone C Receptor	Zone B Receptor	Zone A/Day Receptor	Zone A/Night Receptor
Zone A Emitter	62 dBA	55 dBA	55 dBA	45 dBA
Zone B Emitter	62 dBA	62 dBA	55 dBA	45 dBA
Zone C Emitter	70 dBA	66 dBA	61 dBA	51 dBA

- C. High background noise levels. In those individual cases where the background noise levels caused by sources not subject to this Chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source

subject to the provisions of this Chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not decrease the permissible noise level standards of Subsection B of this section.

D. Impulse noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.
2. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any noise zone.

E. Infrasonic and ultrasonic sound.

No person shall emit beyond his/her/its property infrasonic or ultrasonic sound in excess of one hundred (100) decibels at any time.

§ ____ **Motor vehicle noise.**

- A. All motor vehicles operating within the limits of the Town of Berlin shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, campers, and dune buggies.
- B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.
- C. No person shall operate, or cause to be operated, any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

§ ____ **Exhaust discharge.**

No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor equipment, unless such discharge is through a muffler or through an apparatus providing equal noise reduction.

§ _____ Certain sounds excluded.

This Chapter shall not apply to:

- A. Sound generated by natural phenomena, including but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- B. The unamplified sound of human voices.
- C. The unamplified sound made by any wild or domestic animal.
- D. Sound created by bells, carillons or chimes associated with specific religious observances.
- E. Sound created by a public emergency sound signal attached to any authorized emergency vehicle in the immediate act of responding to an emergency or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.
- F. Sound created by safety and protective devices, provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- G. Sound created by intrusion alarms, provided that the emission of noise from such devices, from the time of activation of audible signal, does not exceed ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.
- H. Backup alarms required by Occupational Safety and Health Administration (OSHA) or other municipal, state, or federal safety regulations.
- I. Farming equipment or farming activity.

§ _____ **Exemptions.**

The following noise shall be exempted from the provisions of this Chapter.

- A. Noise created by signal testing, principally siren-tested by city fire departments and civil preparedness units.
- B. Noises created by snow removal equipment at any time, provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- C. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. or at such other specified hours provided for in the permits necessary to conduct such activity. Per Connecticut law, blasting is prohibited on Sundays.
- D. Noise generated by the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays provided that the noise generated therefrom does not exceed the limits set forth in § _____. This section does not apply to the use of domestic power tools subject to § _____ below. NOTE: NEED TO DISCUSS WHETHER COUNCIL WANTS (1) Different hours on weekends; or (2) different hours on Sundays; and (3) holiday hours.
- E. Noise generated by the operation of any mechanically powered or gasoline powered saw, drill, sander, grinder, lawn, landscaping, or garden tool, leaf blower, or other domestic power tool or equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that the noise generated therefrom does not exceed the limits set forth in § _____. This section does not apply to the use of snow-removal equipment [see § _____ herein].
- F. Noise created by on-site recreational or sporting activity that is sanctioned by town government, provided that the noise created by the activity is adequately muffled to prevent loud noises therefrom.
- G. Patriotic or public celebrations not extending longer than one calendar day, such as parades, carnivals, and firework displays, are exempted, provided that any necessary permits have been obtained.

- H. Noise created by aircraft or components designed for or utilized in the development of aircraft.
- I. Noise from the activities conducted at the Mattabasett Gun Club in accordance with the Club's Rules and Regulations.
- J. Noise from lawfully operated backup power generators.
- K. Noise from lawfully authorized construction performed by the State of Connecticut or Town of Berlin (including their respective contractors and/or subcontractors) during the otherwise off hours of 8:00p.m.-7:00a.m.

§ ____ Instruments and measurements.

- A. Instruments used to determine sound level measurements shall conform to sound level meters as defined by this Chapter.
- B. All personnel conducting sound measurements shall be trained and experienced in the current techniques and principles of sound measuring equipment and instrumentation.
- C. The general steps listed below shall be followed when preparing to take sound level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements shall be taken at a point that is located about one (1) foot beyond the property line of the emitter's premises within the receptor's premises. The emitter's premises include his/her/its individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
 - 3. While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to ensure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.

§ ____

Administration and enforcement.

- A. The Town Manager shall appoint a Town employee to enforce the provisions of this Ordinance and carrying out the purpose of this Chapter as specified in § _____. The Chief of Police, or his designated representative, shall have the authority to investigate complaints of noise pollution in coordination with the Town employee appointed by the Town Manager and the Chief, his designee or the Town employee appointed by the Town Manager shall have authority to issue citations for violations of this Chapter.
- B. Inspections.
 - 1. For the purposes of determining compliance with the provisions of this Chapter, the Chief of Police or his designated representative and/or the Town employee appointed by the Town Manager is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing, or noise measurement of any activity, device, facility, or process where inspection is sought, the Town may seek from the appropriate court a warrant, without interference, restriction, or obstruction, at a reasonable time, for the purpose of inspecting, testing, or measuring noise.
 - 2. It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative, or the Town employee appointed by the Town Manager, free access to any premise, when the Chief of Police or his designated representative or the appointed Town employee is acting in compliance with a warrant for inspection and order issued by the appropriate court.
 - 3. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Chapter.

§ ____. **Violations and penalties.**

- A. No person shall violate or cause the violation of the provisions of this Chapter.
- B. Any person in violation of the provisions of this Chapter shall be fined one hundred dollars (\$100.00) for the initial violation.
- C. Each day on which a violation occurs or continues shall be considered a separate violation of this chapter. For the second violation and each additional violation thereafter, the fine imposed shall be two hundred dollars (\$200.00).

§ ____ **Variances.**

- A. Any person living or doing business in the Town of Berlin may apply to the Town Council for a variance or partial variance from one or more of the provisions of this Chapter, which are more stringent than the Connecticut Department of Energy and Environmental Protection's regulations for the control of noise, provided that the applicant supplies the following information to the Town Council at least thirty (30) days prior to the start of such activity:
 - 1. The location and nature of the activity;
 - 2. The time period and hours of operation of the activity;
 - 3. The nature and intensity of the noise that will be generated;
 - 4. The reason for which the variance is required; and
 - 5. Any other information required by the Board of Selectmen.
- B. No variance from this Chapter shall issue unless it has been demonstrated that:
 - 1. The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection's regulations;

2. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 3. Compliance with this Chapter constitutes an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure of the Town Council to rule on an application in the designated time shall constitute approval of the variance.
- E. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this section. Any such application shall include a certification of compliance with any condition(s) imposed under the previous variance.

§ _____ Coordination with other laws.

- A. Nothing in this Chapter shall authorize the construction or operation of a stationary noise source in violation of the requirements of any other applicable state law or regulation.
- B. Nothing in this Chapter shall authorize the sale, use, or operation of a noise source in violation of the laws and regulations of the Connecticut Department of Energy and Environmental Protection, Connecticut Department of Motor Vehicles, the Federal Aviation Administration, the U.S. Environmental Protection Agency, or any amendments thereto.

§ _____ Compliance with Chapter no defense to nuisance claim.

Nothing in any portion of this Chapter shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with this Chapter is not a bar to a claim of nuisance by any person. A violation of any portion of this Chapter shall not be deemed to create a nuisance per se.

§ _____ Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this Chapter and the various applications thereof are declared to be severable.

Part J. – Public Golf Course Commission

Sec. 2-190. Establishment.

There shall be and is hereby created, in the Town of Berlin, a Public Golf Course Commission hereinafter referred to as the Commission.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020)

Sec. 2-191. Definitions.

The following definitions shall apply to Sec. 2-193 through Sec. 2-194 herein:

- (a) "Fiscal year" means the fiscal year of the Town of Berlin beginning on July 1 and ending on June 30 of every year.
- (b) "Golf course" refers to Timberlin Golf Course, owned by the Town of Berlin including, without limitation, any and all of the following as they relate to any such Public Golf course: land, rights and interests in land; rights of way, approaches and contract rights; office(s) and other buildings and facilities; paved areas; access roads; garages, parking lots and other parking structures; furnishings, equipment and apparatus; all other structures, facilities and improvements necessary and convenient to the development and maintenance of any such golf course and for the promotion and accommodation of any such golf course; and all other property (real, personal, mixed or otherwise), now or hereafter constructed or acquired, of or belonging to or pertaining to any such golf course.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020))

Sec. 2-192. Composition; appointment, removal, and term of members; annual meeting and election of officers.

The Public Golf Course Commission shall be composed of eight (8) resident electors of the Town. Membership shall consist of at least one member from the men's club, the seniors' club, the ladies' club, the lady niners club, and a non-golfer. All members of the Commission shall be appointed by the Town Council and may be removed by the Town Council. Each of the eight (8) members shall serve for a term of three (3) years, ending each January, with appointments staggered so that replacement/reappointments take place for no more than two (2) or three (3) members each year. Vacancies shall be filled for any unexpired term by the Town Council.

Upon establishment, the Commission shall elect a Chairman, a Vice Chairman, and a Secretary from its members to serve until its first annual meeting. Thereafter, each February, the Commission shall elect a Chairman and a Vice Chairman. At the second meeting of its first full year, a Secretary will be hired to record the minutes of the meetings of the Commission. The Commission shall schedule regular monthly meetings, which schedule shall be filed with the Town Clerk, designating the time and place thereof. The agenda and minutes of all Commission meetings will be filed with the Town Clerk on a timely basis, pursuant to Connecticut General Statutes.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020; Ord. No. 2-2023 added membership)

Sec. 2-193. Powers and duties; staff.

The Commission shall have the power to:

- (a) Make and ensure enforcement of policies, rules, and regulations for the orderly play of golf and the operation of Timberlin Golf Course and attendant facilities, which rules and regulations shall be reviewed and approved by the Town Council;
- (b) Provide input and recommendations to be used in the negotiations of all proposed contracts with any entity involved in the operation of the golf course and attendant facilities, to the Director of Golf and Town Manager; and
- (c) Work with the Director of Golf to develop and prioritize alteration plans, renovations, and capital improvements based on available funds.

The Commission shall submit reports to the Town Manager and/or the Town Council as may be requested from time to time.

Staffing for the operation and maintenance of the golf course shall be provided for in the final Town Council approved budget, prepared and submitted by the Director of Golf to the Town Manager as his direct report. The Commission will have reviewed the budget prior to submission to the Town Manager.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020))

Sec. 2-194. Budget; schedule of charges.

The Director of Golf shall prepare a fiscal year golf course expense budget, to the Town Manager containing his estimate of projected expenses. The Commission will have reviewed the budget prior to submission to the Town Manager.

The Director of Golf will present a schedule of fees, rates, rentals, and charges for the ensuing calendar year, developed in concert with the Commission, to the Town Council for their review and adoption at the first Town Council meeting in January.

The Golf Commission shall make annual revenue projections based upon its recommended rates and present such recommendations to the Town Manager. The recommended rates shall be based upon the Commission's analysis of market (including rates of nearby competitors) and play considerations and shall be set to maximize revenues for the golf course. The revenues projected shall be in an amount which is sufficient to meet current expenses as set forth in the budget finally adopted by the Town Council. The Town Manager shall consider the recommendations of the Commission and present proposed rates to the Town Council for its review and action at a Town Council meeting in January.

If the actual revenues at the end of any fiscal year are less than the expenses, appropriate action shall be taken to ensure the revenues during a three-year period, including the year in deficit, exceed the expenses for the same period. Within forty-five (45) days of the end of any fiscal year in which expenses exceed revenue, the Commission shall present to the Town Council the Commission's plan to ensure that revenues will exceed expenses for the given three-year period. The Commission's plan may include past or future fiscal years when considering a three-year period, but the three-years shall be consecutive to each other.

The course financial performance will continue to be measured based on course revenues, expenses, and charges from other Town departments, e.g. Building Maintenance and Town Garage for in kind services needed at the golf course.
(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Ord. No. 04-20, 3-17-2020; Section No. changed 03-17-2020))