**ORDINANCE COMMITTEE MEETING**

**Thursday, October 14, 2021, at 6:00 p.m.**

**Town Council Chambers and Zoom Meeting**

**Agenda**

Members Present: Mayor Mark Kaczynski – Chairman, Councilor Brenden Luddy, Councilor Charles Paonessa

Staff Present: Arosha Jayawickrema – Town Manager

Jennifer Coppola – Corporation Counsel

1. **CALL TO ORDER**

Mayor Kaczynski called the meeting to order at 6:00 p.m. He informed meeting attendees that the “off-leash” portion of the Leash Law would be set aside for further research and discussion at a future date.

1. **PLEDGE OF ALLEGIANCE**
2. **AUDIENCE OF CITIZENS**

Mary Kathryn Larose, 26 Woodruff Lane – Ms. Larose urged the Ordinance Committee not to pass a new leash ordinance without carving out an off-leash area, stating that it would become an immediate problem for people who use the large field at Bicentennial Park as an off-leash area. She asks that the large field be carved out of the leash ordinance as a designated off-leash area, perhaps adding signage to notify the public.

1. **APPROVAL OF MINUTES**
2. **May 27, 2021**

Councilor Luddy moved to approve the May 27, 2021 meeting minutes.

Seconded by Councilor Paonessa.

Those voting in favor: Mayor Kaczynski, Councilor Luddy, Councilor Paonessa.

Vote being: 3-0. (MOTION CARRIED)

1. **OLD BUSINESS**
2. **Amending Chapter III and Chapter XIII to include a Leash Law for the Town**

Mayor Kaczynski noted that he is not aware of any public objections to strengthening the leash laws throughout the rest of the Town. He suggests that the Committee aim to pass the overall leash ordinance with a carve-out to temporarily designate the meadow at Bicentennial Park as an off-leash area while other options for a permanent location are investigated.

The meeting attendees discussed several possibilities, including:

* Passing the Leash Law ordinance with a future effective date (perhaps 6-months in the future), essentially giving a hard deadline to the Ordinance Committee and Town Council to designate a permanent off-leash area when the ordinance becomes effective;
* Passing the Leash Law ordinance effective immediately, designating Bicentennial Park meadow area as an off-leash area for a temporary period of time;
* Waiting to pass the Leash Law ordinance until a permanent off-leash area is vetted and designated;
* Does Town Council have the authority to designate Bicentennial Park meadow as off-leash if the property is under the purview of the Conservation Commission?;
* There will be a period of time (at least 30-60 days) after the Leash Law ordinance is passed by Town Council before the ordinance is effective in order to communicate with the public and prepare appropriate signage;
* Even if the off-leash area is not fully defined yet, Berlin residents deserve safety and protection from off-leash animals throughout neighborhoods, playing fields and public spaces;
* Although there are no specific provisions for Service Animals, there are other portions of the law that allow people to have a service animal accompany them that would supersede Berlin’s leash ordinance;
* The proposed Leash Law ordinance reduced the lead length from 20-feet down to: 7-feet or less at a school or non-designated property and 10-feet or less at designated public property.

At the direction of the Ordinance Committee, Attorney Coppola will amend the proposed Leash Law ordinance to designate Bicentennial Meadow as an off-leash area for a temporary 6-month period, during which time its usage and impact will be studied. The Ordinance Committee may consider extending or terminating the temporary usage of Bicentennial Meadow at the end of the 6-month period. Attorney Coppola recommends posting use guidelines for the off-leash area.

The Committee agreed to approve the modified Leash Law ordinance including the temporary designated off-leash area of Bicentennial Meadow and move it forward to Town Council for consideration. The Committee members thanked the residents for their input and patience throughout the process.

1. **Discussion on establishing a Leash Free area at Pistol Creek**
2. **NEW BUSINESS**
3. **Sec. 16-15 - Exemption from personal property taxation of vehicles for the handicapped.**

Town Manager Jayawickrema reported that individual residents with vehicles that are modified to transport handicapped individuals (not businesses that transport handicapped individuals) are allowed to request annual requests for exemptions from property tax for those vehicles. Berlin’s Assessor and Town Manager propose that once an individual resident provides a valid request for exemption, it remain in effect as long as the individual is a Berlin resident. (Many times, the annual process of filing the exemption request is burdensome on the handicapped individuals.). The Ordinance Committee agreed to move the item to Town Council for consideration.

1. **Town of Berlin Flag Policy**

Berlin does not currently have a flag policy and Ordinance Committee members agreed it is good to have a policy in place rather than having Town Council consider the issue separately each time there is a request. The proposed Flag Policy would govern all Town-owned property. The Ordinance Committee recommends that the policy be adopted to address flags that are flown or displayed.

The Ordinance Committee agreed to adopt the Flag Policy and recommend to Town Council for consideration.

1. **Using CGS (53a-181a) Creating a Public Disturbance to handle noise complaints.**

A Berlin resident requested that a noise ordinance be created in Town. Berlin Police receives about 2-3 noise-related calls per month, most of which are resolved by the time Police arrive to respond to the complaint. There is a State breach of peace Statute that Berlin Police has used to address noise complaints.

Attorney Coppola has experience with noise ordinances and stated that a sound level meter would be needed to measure decibels of noise against that allowed in a noise ordinance. Staff would need training on the sound meters, and the equipment must be purchased and routinely calibrated in order to measure and enforce the limits of any noise ordinance.

Attorney Coppola does not recommend that Berlin adopt a noise ordinance due to the low number of annual noise complaints, and the State breach of peace statute that is already in place which can be enforced on a loud party or gathering.

1. **ADJOURNMENT**

Councilor Luddy moved to adjourn at 7:00 p.m.

Seconded by Councilor Paonessa.

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

Vote being: 3-0. (MOTION CARRIED)

Submitted by,

Dana Borges