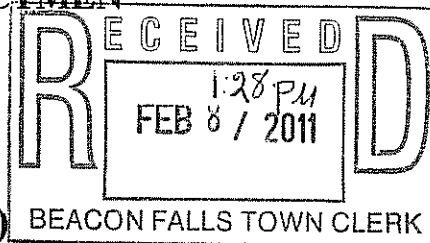


Town of BEACON FALLS
Connecticut



BEACON FALLS BOARD OF SELECTMEN
BOARD OF SELECTMEN
TOWN MEETING
LAND USE ORDINANCE
February 7, 2011
MINUTES
(Draft Copy-Subject to Revision)



S. Cable called the Town Meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Present: First Selectmen S. Cable, Selectman M. Krenesky and approximately 16 town residents.

The Temporary Clerk (Lauren Classey) read the call.

J. Rodrigo, 42 Bonna St., motioned to accept the call. J. Dowdell, 32 Wolfe Ave., 2nd the motion. All voted aye.

J. Rodrigo motioned to nominate L. Classey as the permanent clerk for this meeting. M. Krenesky 2nd the motion. All voted aye.

S. Cable asked if there were any other nominations 3 times.

J. Rodrigo motioned that the nominations are closed. M. Krenesky 2nd the motion. All voted aye.

Lauren Classey will be the permanent clerk of this meeting.

J. Rodrigo nominated S. Cable as the Permanent Moderator for this meeting. C. Beilik 2nd the motion. All voted aye.

L. Classey asked if there were any other nominations 3 times.

Nominations closed: 1 ballot for S. Cable. S. Cable will be Permanent Moderator for this meeting. All voted aye.

S. Cable explained that there was a public hearing held on the ordinance before them. She noted that a few questions came to her at that time; making sure that not too much power was given to the Conservation Commission and one of the concerns was that the power was not taken away from the other Boards. These questions were answered by the Land Use Attorney S. Byrd. S.

Cable noted that they are comfortable with the ordinance that is before them. She asked that a motion be made to accept this motion.

Anita Goerig, 65 Cambridge,Ct., motioned to accept the motion. J. Dowdell, 32 Wolfe Ave., 2nd the motion.

Discussion:

J. Rodrigo noted that this ordinance did address some of the issues but did not address all of the concerns of the other Boards and Commissions it effects. Examples are: Item 4: Town Land Management - authorization of the Conservation Commission to develop these rules and regulations may be the same as Park in Rec but they may also be in conflict and item 4 does not address how it will satisfy a conflict.

J. Rodrigo notes that under section 5: Regulations for all Assigned Town Owned Lands: B.: Trails shall be constructed only after their location and construction has been reviewed and approved by the Conservation Commission. Again, this gives the authority to the Conservation Commission and not Park and Rec.

J. Rodrigo notes that under section F: Overnight camping will be allowed where approved by the Conservation Commission. J. Rodrigo notes, again the authority goes to the Conservation Commission.

J. Rodrigo notes that under section 6: Concurrent Authority with Other Town Agencies-J. Rodrigo objects the strongest to the last line in this section: "However , such rules and regulation should be referred to the Beacon Falls Conservation Commission so as to insure that their rules and regulations are not in conflict with the rules and regulation adopted by the Conservation Commission - certainly implies that the authority of the ruling body would go to the Conservation Commission.

J. Rodrigo noted that there are two reason that this was written; one of the reasons was to protect the town against liability. He noted that currently there are a senate bill and a house bill being presented at the state legislature to basically immune municipalities against any liability. He noted that because there are two bills in both houses, that there is a good probability that both bills will pass which will make this document null and void by the end of May. He encouraged those voting to not support this ordinance.

Ed Groth, 13 Laurel Ridge, noted that it seems like one part of the ordinance would be nullified by the state bill that would be coming but not the rest. J. Rodrigo noted that is correct, the liability issue is what will be addressed by the state. J. Rodrigo noted that the rest of the ordinance regarding managing the property will be shifted from Parks and Rec and given to Conservation Commission.

S. Cable noted for clarification purposes that she is very involved with these bills that are being presented and does not believe this ordinance will affect us so negatively as being presented. S. Cable noted that the ultimate authority is with BOS. S. Cable noted that they generally allow their boards to run pretty much clear and that they are proud of their boards. She noted that they

wouldn't promote something that we feel would put a conflict between the boards and cause further problems. She noted that they are not a BOS that dictates to the Boards and noted that everything comes back to the Board of Selectmen.

Diane Betkowski, 133 Blackberry Hill, Chairman of the Conservation Commission: She clarified that the Conservation Commission is governed by the standing CT general statute noting the commission has no authority. The purpose of the Conservation Commission is strictly to advise. The research and work done by this commission is just brought to the other commission and the selectman who have the authority. Diane noted that they have been working with the appropriate staff and town to mark boundaries, assess resources and make recommendations for possible use. She also noted that Atty. Byrne recommended that the commission put together an ordinance. After several revisions, this ordinance was brought to Land Use (which is made up of representatives of every board) for their input which was put into this revision. D. Betkowski noted that she certainly endorses this ordinance and thinks it's in the best interest of the town and if changes come out in the state level, the ordinance can be modified. She would like to move forward with the management of open space and encourages all to support this ordinance.

M. Krenesky, 22 Maple Ave., noted that based on what the Chair of Conservation just said (he noted he supports Item 7) : the conservation is controlled and regulated by state statutes but looking at item 6, it appears that they are trying to put an authority in place that maybe shouldn't be there noting that D. Betkowski noted that they do not have any authority however item 6 is stating that another commission has to abide by the rules and regulations of the Conservation Commissions authority. He noted that this is a grey area that doesn't make any sense. He's concerned that they are trying to put something into place that based on what Diane just said, may be in conflict with state statute.

D. Betkowski responded by saying that they hired an attorney to address this matter and basically the authority is really the responsibility or task, authority not meaning "power", it's the responsibility to identify resources and make appropriate recommendation keeping in line with the responsibility of what a Conservation Committee does. She noted that Attny Byrne has looked at this document multiple times and she does not believe that he would ill advise us. She noted that ultimately the BOS is the elected body that has the responsibilities for all properties in this town.

S. Cable clarified that General Statutes supersede any of our ordinance. She noted that when ordinances are put together they are for guidelines with plans - she noted that yes we can find fault in them if they are analyzed enough but they are meant as guidelines to move us in a positive direction.

Anita Goerig, 65, Cambridge Court., noted that she believes that when there are changes to any park and rec, they should be bringing these changes to the BOS. She noted that basically what the conservation committee does is work with Land Use and also work with the BOS. Anita noted that she thinks that part of the problem is that they don't all want to work together and that has been very clear in the last year and a half. She noted that the Conservation Commission has no desire to take over any other commissions. She noted that this came up as a result of trying to determine the best use of two open space parcels.

J. Rodrigo noted that Anita may be right however the document states that their authority will be put on the conservation commission therefore the ordinance should be re-worded noting what their intent is rather than transferring authority

M. Krepinevich, 134 Essex Ct. asked if that just because we say this will stop liability, does it really mean we can? **S. Cable** answered that no, nothing does.

L. Krepinevich, 134 Essex Ct., Summarized that the Conservation Commission is saying that they do not have authority but want to make recommendations however he noted that on the other hand they are asking to pass an ordinance which appears to give them authority and noted that the Conservation Commission will make recommendations whether we pass this ordinance or not.

S. Cable noted that nothing in the ordinance should be interrupted as denying a town agency to adopt rules and regulations for the town. The key is communication comparing them to rules and regulations that are set by the Conservation Commission. **S. Cable** noted that she has gone over this with other towns, etc. **M. Krenesky** noted that the BOS voted to bring this ordinance to a vote. **S. Cable** noted that if there are conflicts or changes with the ordinance by any selectmen, they should be resolved before it is brought to the town.

C. Beilik, noted that this ordinance documents the procedure of what the Commission is to do. There is no ordinance in place at this time and this would put something in place.

Allison Sirowich, 153 Munson Road noted that she is on the Parks and Rec committee and that if the ordinance were to be reworded it would be fine however, she does not agree that it tightens up or clarifies the Conservations proposes, she thinks it just adds another layer of bureaucracy to keep things from being done. She suggested that it either be re-worded or re thought out. She noted that the conservation commission is saying that they have no authority but she did read the ordinance and it is stating that it does give the conservation committee authority.

Lisa Swanson, 12 Fawn hill Road, Chairman of Park and Rec, noted that she does not recommend that we pass this ordinance because it starts to tell you what you can and can't do on Park and rec noting that Park and Rec already have a set of rules. She noted that it sounds like the Conservation Commission also has their rules.

S. Cable noted that she did not ask for a motion as to how to vote so would like to make a motion to vote. **M. Krenesky** noted that there is already a motion on the floor so the motion on the floor needs to be withdrawn.

A. Goerig withdrew her motion to accept the ordinance. **J. Dowdell** withdrew his 2nd.

J. Rodrigo motioned to vote by a show of hands. **J. Dowdell** 2nd the motion. All voted aye.

A show of hands was counted to be 18.


A. Goerig motioned to accept the ordinance. C. Beilik 2nd the motion. All voted aye.

All those in favor of supporting this Land Use Ordinance were asked to raise their hands. After a count of hands, 7 were in favor and 11 were opposed. Ordinance did not pass.

J. Rodrigo motioned to adjourn the Town Meeting. A. Sirowich 2nd the motion. All voted aye.

Meeting was adjourned at 7:30 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lauren Classey".

Lauren Classey
Clerk for the Board of Selectmen and Finance

FEB - 7 2011