

Mary Ann Jacob, Chair  
James S. Belden  
A. Jeffrey Capeci  
George T. Ferguson  
Robert Merola  
Richard Woycik



3 Primrose Street  
Newtown, CT. 06470  
Tel. (203) 270-4210  
www.newtown-ct.gov

## TOWN OF NEWTOWN

### Minutes of the Legislative Council Ordinance Committee DRAFT-DRAFT-DRAFT

The Ordinance Committee met on July 13, 2011 in the Council Chambers of the Newtown Municipal Center at 6:00 pm. Chairman Jacob called the meeting to order at 6:03pm.

Present: Ms Jacob, Mr. Belden, Mr. Capeci, Mr. Ferguson, Mr. Merola.  
Absent: Mr. Woycik.

Others: First Selectman, Llodra, Borough Warden, James Gaston, Police Chief, Kehoe, two members of the public, David Dovin and Courtney George of Cohen & Wolf, one member of the press.

**PUBLIC PARTICIPATION:** Richard Cole, 72 Main Street. Mr. Cole stated that he has been a Newtown resident for ten years. He has seen drastic changes in some of the homes on Main Street. Many need not “drastic work” to improve their appearances; paint or weeding. North of the flagpole there are homes he would rate as “tens” next door to “twos”. It is time to look into an [anti blight] ordinance. A house across from the Middle School is a disgrace, it is time to clean up our town.

**APPROVAL OF MEETING MINUTES:** Mr. Capeci made a motion to approve the minutes of the June 1, 2011 meeting. The motion was seconded by Mr. Ferguson, all in favor.

**ORDINANCE TO CONTROL FELINES:** Chairman Jacob asked Chief Kehoe to start the discussion on the requested ordinance. Chief Kehoe noted that the new animal control facility to be built this fall has been designed to house cats. To do so, the town must pass an ordinance. Some of the concerns to be addressed include cross contamination and rabies control. There are several known feral cat communities in town that are monitored by animal control. We must be able to take cats in for humane reasons but specific protocols are required. A balance between treatment verses leaving them in the community must be reached. Half of dog license fees collected by the town are used by animal control; the other half are turned over to the state. Chief Kehoe noted that cats are personal property and there must be clear legal authority allowing the town to take it away.

Mr. Dovin stated that cats can be picked up for reasons including cruelty or roaming. Without an ordinance, legality of doing so can be challenged.

Mr. Belden asked if the registration of feral cats gives them existence in the eyes of the law. Mr. Merola read the definition of a feral cat as being a cat that does not have an owner. Ms George stated that keeper has the obligation to register the cat(s) and to vaccinate and sterilize. Mr. Belden asked how a person becomes a keeper. Does the act

of feeding a stray cat make someone a keeper? Chief Kehoe said his concern is with communities of cats rather than those who happen to stray to someone's door for an occasional meal.

Ms George stated that there is an important distinction between parts A & B of the state statute. Without an ordinance, the animal control officer can pick up a roaming or injured cat or if the cat is in danger of harm or neglect. The ordinance gives the animal control officer the authority to pick cats up that cause damage or an unsanitary or dangerous condition as well as affirmative authority to sterilize. Chief Kehoe expressed a need for policy on humane killing. CGS 22-323 addresses the impounding and disposition of roaming or mistreated animals as well as the steps a municipality must take to identify the owner of such animals. If such efforts fail, the municipality can adopt the pet out or it can be mercifully disposed of. CGS requires an ordinance for keeping cats at the pound.

**ANTI BLIGHT ORDINANCE:** Mr. Gaston said that he had been contacted by several people with regard to establishing an ordinance. He has brought the idea to the Board of Burgesses. Questions such as "Do we want one?" and "What will it look like?" arose. He believes if such an ordinance is enacted it should be very narrow in scope. He likes most of the Seymour language but believes our must be more specific should we choose to enact one. He also believes six or seven more ordinances should be looked prior to making a decision.

Mr. Capeci asked why an ordinance is needed, currently enforcement of zoning regulations have a similar affect. Mr. Gaston noted that remedy through zoning regulations can take a long time and some blight may not fit neatly under zoning enforcement. Mr. Dovin stated that such an ordinance must contain notice provision and an appeal procedure. It allows the municipality to make repair, if necessary, and to recoup the cost through liens or a special blight assessment (CGS 7-148c(7)h(15) 7-148ff).

Mr. Ferguson noted that community standards are important and expressed concern for those who may not be caring for their homes due to the economic conditions or financial difficulties. Mr. Gaston noted that such an ordinance should contain a hardship clause. Ms. Llodra suggested engaging Social Services in the process.

**AMENDING ORDINANCE §79 TAX ABATEMENT FOR VOLUNTEER FIRE AND RESCUE PERSONNEL TO INCLUDE NEWTOWN UNDERWATER SEARCH AND RESCUE (NUSAR) VOLUNTEERS:** Ms Jacob stated that she had received notice from First Selectman Llodra that the CT General Assembly passed an amendment to state statutes allowing NUSAR to be included in those volunteer personnel eligible for tax abatement. Mr. Merola noted that the ordinance in the code book did not contain an amendment made on 4/28/2007 so he got a copy from the Town Clerk's office. He noted that he made the changes he believes necessary to include NUSAR volunteers in the town tax abatement program. He provided a markup including changes to the name of the ordinance and he listed the names of organizations eligible to receive

abatement including NUSAR and Newtown Volunteer Ambulance Corp. Mr. Capeci suggested leaving the ordinance general without names such that should the specific organizations change the ordinance will not need to be amended. Mr. Ferguson asked how many hours NUSAR volunteers perform their services relative to Fire and Ambulance personnel. Mr. Merola noted that the ordinance has minimum volunteer hour requirements that must be met. Mr. Ferguson stated that those requirements should be review to make sure they are appropriate across all the volunteer organizations. Mr. Merola will look into this prior to the next meeting. Mr. Belden expressed concern that volunteers may be able to “double-dip”.

**DISCUSSION OF FUTURE MEETING DATES:** Next Meeting will be held on August 31 at 6:00pm

**VOTER COMMENT:** None noted.

A motion to adjourn was made by Mr. Capeci and seconded by Mr. Belden, all in favor. Chairman Jacob adjourned the meeting at 7:19pm.

Respectfully Submitted,  
Jeff Capeci