

## **Agenda Item Summary**

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: All-Terrain Vehicle (ATV) Noise

### Background

Due to an increase in the noise generated by ATVs in the area of Hebron Road, the Board of Selectmen may wish to take action on this subject in the form of adopting a town ordinance.

### Discussion/Analysis

The State of Connecticut already prohibits and regulates many facets of ATV operations that have reportedly been an issue here in Bolton. General Statutes Sec. 14-387 details the state rules of operation, which includes a prohibition on using ATVs in the following manners:

- On a public highway or roadway;
- In such a manner that the ATV makes excessive or unusual noise;
- Without a muffler;
- In a manner to harass any game, wildlife, or domestic animal; or
- On any private land without written permission of the owner, or on state-owned or municipally-owned land.

The current state penalty for each of the above-listed infractions is subject to a \$250 fine per each offense. Sec. 14-390 allows municipalities to further regulate the operation and use of ATVs, including hours and zones of use. In cases where the municipal population is under 20,000 residents, penalties set up by municipal ordinance may not exceed \$1,000 for a first violation, \$1,500 for a second violation, and \$2,000 for a third or subsequent violation.

### Financial Impact

Potentially a slight increase in costs if Resident State Troopers are asked to work overtime to investigate ATV noise. Potentially a slight increase in income by way of fines if high fines are adopted and enforced by the Town.

### Other Board Action Required

None.

### Recommendations

If the Board is in agreement that the adoption of a more stringent ATV Ordinance would be beneficial to the town, they may direct the Administrator to draft a set of policies for review at the next Committee meeting.

### Attachments

None.

## Agenda Item Summary

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: Narcan/Naloxone Policy

### Background

On average, two people in Connecticut die each day from opioid overdoses, and Bolton has not been a stranger to this ugly trend. As the overdose-prevention medication Naloxone, known commonly by the trade name “Narcan,” becomes more widely used and given that opioid-related deaths have seen a sharp increase in the state over the past decade, the Board of Selectmen must decide whether or not town facilities should carry Narcan and if staff should be trained to use it.

### Discussion/Analysis

Naloxone has been available and used as a treatment to opioid overdoses since the 1970s. It operates by blocking “mu” opioid receptors in the body; the receptor is responsible for the pain-relieving effect of opioids, but when over-activated it leads to a life-threatening decrease in respiratory rate. While much coverage of the opioid crisis has taken aim at the use of illicit opioids like heroin, it is important to consider that 191 million opioid prescriptions were dispensed across the country in 2017, and that there are many in our community that have been legally issued opioids who may be at increased risk of addiction and overdose.

According to the National Institute of Health, data shows that making naloxone available to people who are at risk of experiencing overdose is associated with reduced heroin consumption, fewer opioid-related emergency calls, and a 30% decrease in opioid overdose deaths. About 45% of overdoses occur outside a home environment; given that many of our facilities are public gathering locations, it stands to reason that future overdoses may occur in or around our locations.

Bolton has an opportunity to take advantage of local nonprofits, like Greater Hartford Harm Reduction, to acquire Narcan for each town facility and get town staff trained in its use for free. Both Bolton High School and Bolton Center School already have Narcan available on-hand. Public Act 14-61 provides immunity to any person who administers naloxone on a suspected overdose victim.

### Financial Impact

None, as trainings and Narcan are available for free through local nonprofit agencies.

### Other Board Action Required

None.

### Recommendations

If the Board is in agreement, the following motion is recommended for approval:

**“MOVE that the Committee recommends to the Board of Selectmen that the attached draft policy, entitled ‘Naloxone Inventory & Use,’ be adopted.”**

### Attachments

Draft Naloxone Policy.

**TOWN OF BOLTON, CONNECTICUT  
POLICY MEMORANDUM**

**Subject:** Naloxone Inventory & Use

**Number:** \_\_\_\_\_

**Distribution:** All Town Departments

**By:** Joshua Steele Kelly, Administrator

**Drafted:** December 5, 2019

**Approved:** \_\_\_\_\_

**PURPOSE**

The purpose of the Naloxone Inventory & Use Policy is to require that the staff members within each of the main town facilities develop a plan to get personnel trained to possess and use Naloxone on an as-needed basis in the event that a member of the public or a fellow staff person ever experienced the effect of an opioid overdose.

**PROCEDURES**

1. Staff members that work in common public convening areas; including but not strictly limited to Town Hall, the Library, and the Senior Center; shall meet to develop a plan to get at least one staff member from that building trained in the administration of naloxone.
2. Any staff member that wishes to be trained in the administering of naloxone shall be granted the opportunity to receive that training so long as it is free-of-charge to the Town, the staff member's supervisor has approved their time away from the office, and that the training takes place during normal operating hours for that individual. Trainings that occur outside working hours shall be compensated with an equal amount of compensatory time, so long as the training does not exceed two hours in total length.
3. No staff member shall be permitted to attend the same naloxone training more than once every two years.
4. Staff members that receive naloxone administration training shall be expected to handle the substance with care, keep it safely guarded near their work station, and inform the Administrative Officer when the substance will imminently expire.
5. The Town shall do everything in its power to acquire new naloxone product free-of-charge from area nonprofits and state agencies; in the event that free-of-charge product is not available, it shall be the decision of the Administrative Officer, in consultation with the Board of Selectmen, whether or not new naloxone is purchased to replace expiring product.

**Bolton Board of Selectmen  
Public Hearing – Minutes  
7:00 PM - Wednesday, September 18, 2019  
Bolton Town Hall, 222 Bolton Center Road**

The Board of Selectmen held its public hearing on the subject of the proposed blight ordinance (attached) at the Town Hall with First Selectman Sandra Pierog presiding. Also in attendance were Deputy First Selectman Robert Morra, Selectmen Mike Eremita, Selectman Kim Miller, Administrative Officer Joshua Kelly, and more than twenty members of the public.

First Selectman Pierog called the meeting to order at 7:02 PM.

**PUBLIC COMMENT**

Thomas Davoren, of 152 Camp Meeting Rd, submitted written testimony regarding the City of Groton's blight ordinance and how it has fared over time,

Richard Treat, of 8 Lyman Rd, asked a question of the written testimony.

Paula Meyers, of 57 Country Club Rd, stated that she was concerned with the subjectivity of the draft ordinance. She agrees with the intent, but does not agree with the subjective nature of the item. She specifically questioned the text of Section 6, asking whether or not grass would be considered a "weed" under the ordinance. She also questioned the logistics and clarity of 9b.

Morra noted that he was grateful for input from the public and encouraged attendees to speak if they had concerns.

Kiera Catolane, of 33 West St, noticed that the ordinance excludes barns and town buildings but not houses built before 1900. She commented that the town bulk pickup and transfer station are closed or unavailable for much of the year and asked what the Board would do to help alleviate issues around enforcement in those off-months, when folks are unable to get rid of their extra junk that may be considered blight.

Pierog replied by stating that the flexibility with the enforcement timeline was meant to give relief to folks for the issue that the previous speaker had noted.

Morra reminded the attendees that the chore program is available to those in need through the town's Social Services office.

Tyler McNutt, of 33 West St, stated that he was concerned about the ordinance sections that claim that machinery no longer in use constitutes blight. Also expressed concerns about the lack of exemption for houses undergoing renovation or restoration.

Paula Meyers echoed the sentiments of the previous speaker.

Pierog shared an anecdote about such an instance of long-term renovation to exemplify the application of the ordinance.

Morra asked Tyler McNutt for clarification on his comments.

Eremita addressed concerns and spoke in favor of maintaining reasonable property rights.

Pierog turned attention to Section 8b, subsection 2, to point out flexible nature of the ordinance.

Jonathan Treat, of 87 Bolton Center Rd, asked a question pertaining to the “lots, plots, or parcels not adjacent to the dwelling” line found in Section 6. He also questioned the definition of “community standard” under Section 3.

Eremita and Pierog addressed Jonathan Treat’s questions.

Eric Luntta, of 384 Lake St, stated that, as a past member of the Planning & Zoning Commission, he feels strongly that this ordinance should not be put into effect. He noted that the town attorney once gave specific advice against a rural community such as Bolton adopting a subjective blight ordinance. Stated that he fears it will drive neighbors against neighbors, and he asked the Board to consider putting the ordinance up for referendum instead of passing it on their own.

Sandra Turkington, of 26 Llynwood Dr, stated that she has lived in town for 25 years and feels the ordinance is strongly needed. Trash sorting has occurred on the lawn of nearby properties to her house and she has measured grass as long as 36”, and she hopes the town will adopt a blight ordinance to help combat these happenings.

Paula Meyers, of 57 Country Club Rd, added that Section 4.1, Section 8.3b, and Section 4.2i are all either too subjective or pertain to automobiles, which she feels should not be covered under this ordinance.

Kim Welch, of 51 Vernon Rd, noted that inclusion of automobiles may be a “deal breaker” and added that she hopes the ordinance will include a timeline for construction projects.

Sandy Turkington, of 26 Llynwood Dr, posed the question of why automobile work should be exempted from the ordinance when it could easily be done in one’s backyard, away from the sight of neighbors.

William Bosworth, of 239 Hebron Rd, stated that his concern is that commercial activity in some areas leads to blight, and that this ordinance does not seem to cover those issues as effectively.

Pierog stated that town zoning regulations govern issues on commercial properties.

Lisa Anderson, of 64 Shoddy Mill Rd, stated that she personally knows of individual properties around town that truly require attention from a regulation like the proposed draft ordinance.

MOTION by Morra, seconded by Miller, that the public hearing be extended to the October 1, 2019 regular meeting of the Board of Selectmen, until which time the Selectmen’s Office will collect comments and at which time more public comment may be given in the form of verbal testimony.

VOTING IN FAVOR: Unanimous.

Pierog adjourned the meeting at 7:56 PM.

Respectfully submitted,

Joshua Steele Kelly  
Administrative Officer

Please see minutes of subsequent meetings for corrections to these minutes and any corrections hereto.

# DRAFT

## PROPERTY MAINTENANCE REGULATIONS ORDINANCE

### 1. Intent: authority

A. This ordinance is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable diseases; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and nonresidential structures, equipment and properties as provided by this ordinance. This ordinance is also further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied properties and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said properties, the community and the general public. This ordinance is further intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted properties. In addition, this ordinance is intended to protect Bolton's rural character and allowing, as is deemed appropriate, areas deliberately being returned to its natural state.

B. This ordinance shall establish minimum standards and responsibilities for the maintenance of all properties and delegates administrative responsibility and enforcement powers and creates enforcement procedures.

C. This ordinance is adopted in accordance with the provisions of Connecticut General Statutes § 7-148, § 7-148aa and § 7-152c.

### 2. Scope of provisions

#### Applicability

- (1) This ordinance shall apply uniformly to the maintenance, use and occupancy of all properties now in existence or hereafter constructed, maintained or modified and shall include:
  - (a) Dwellings or dwelling units, including one-family and two-family dwellings and multiple dwellings.
  - (b) Lots, plots or parcels of land whether vacant or occupied.
  - (c) Buildings of non-dwelling use, including commercial properties.
  - (d) Accessory structures accessory to any building.
  - (e) All apartments, boardinghouses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.
- (2) This ordinance shall not apply to any barns built before 1900, except when the Board of Selectmen or their designee determines that existing conditions pose a threat to the health, safety and/or welfare of the public.

### 3. Definitions

The following definitions apply to this chapter.

**Accessory structure** shall mean a structure, the use of which is customarily incidental and subordinate to that of principal building, structure or use on the same parcel.

**Community standard** shall mean a judgment by a reasonable member of the Bolton community taking into consideration Bolton's rural character.

**Connecticut General Statutes** shall include any applicable amendments.

**Owner/occupier** shall mean any person, institution, foundation, entity or authority which owns, leases, rents, possesses, occupies or is responsible for property within the Town.

**Proximate property** shall mean any properties or parcel of land within one thousand (1,000) feet of a blighted property.

**4. Blighted properties shall include:**

any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

- (1) The Board of Selectmen or their designee determines that existing conditions pose a serious threat to the health, safety and welfare of the persons in Town;
- (2) It is not being maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:
  - (a) Missing, broken or boarded windows or doors;
  - (b) Collapsing or deteriorating exterior walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
  - (c) exterior walls which contain holes, breaks, loose or rotting materials;
  - (d) foundation walls which contain open cracks and breaks, exempt are loose laid stoned foundations and crumbling foundations due to pyrrhotite issues;;
  - (e) overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain significant rust or decay,
  - (f) presence of an unusually large number of insects or animals in a place so as to potentially cause damage or disease;
  - (g) garbage or trash improperly stored or accumulated on the properties ;
  - (h) in the case of fence, broken or rotted boards or in an otherwise significantly dilapidated condition; or
  - (i) debris visible to the public that is incapable of performing the function that it was intended to do; automobiles, furniture, tires, batteries, cans, and appliances.
  - (j) any other exterior condition reflecting a level of maintenance which is not in keeping with community standards or which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood.
  - (k) Any of the above conditions shall be exempt if the property is under a state of ongoing repair due to a fire or natural disaster.
- (3) It is creating a substantial and unreasonable interference with the use and enjoyment of other properties within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.

**5. Signs: awnings and marquees**

A. Signs. All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner of the sign.

B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the properties shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

#### **6. Removal of weeds and similar vegetation**

Every owner/occupier of property shall keep their property free from vegetation of any type which, in the opinion of the Board of Selectmen or their designee, is injurious to public health. A substantial area of lawn/grass that is fifteen (15) inches or higher for fifteen (15) days or more shall constitute a blighted property. Lots, plots or parcels not adjacent to the dwelling are exempt from the height restriction. Any violation of this section shall constitute a nuisance which may be abated by the town at the expense of the owner, lessor, lessee or any other person in possession or any one or more of them to whom the Board of Selectmen or their designee has given not less than 10 days written notice of intention to abate such nuisance. Such expense shall constitute a lien on the premises pursuant to section 49-73b of the Connecticut General Statutes and may be collected by the town in a civil action against any one or more of the above-named persons responsible therefore.

#### **7. Storage: littering**

A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on property in the town in such a manner as to create an offensive, unsightly or unsanitary condition.

B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment and appliances, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment and appliances, stored out of doors shall be stored in an orderly fashion and, to the extent reasonably feasible, shall be located in the rear yard.

C. Throwing or depositing in town. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables in any part of the town in such a manner as to create an offensive, unsightly or unsanitary condition. Property owners shall maintain their property litter free.

D. Throwing or depositing on streets and public grounds. It shall be unlawful for any person to throw or deposit solid waste, material designated recyclable or recyclables upon streets or sidewalks, in any catch basin, drain or watercourse or in parks or any public grounds in the town, except that solid waste, material designated recyclable and recyclables may be deposited in proper containers.

#### **8. Blighted Properties: Certification List**

A. No owner/occupier of real property within the Town of Bolton shall cause or allow blighted properties to be created nor shall any owner/occupier allow the continued existence of blighted properties.



B. Blighted Properties Certification List (Certification List).

(1) Immediately following enactment of this ordinance, the Town Administrative Officer shall request that all Town department heads report any property as defined by this ordinance which they are aware which appears to be blighted or have received complaint(s). Such reports shall be submitted within thirty (30) days of the Town Administrative Officer's request. On an ongoing basis, staff shall submit complaints to the Administrative Officer within thirty (30) days of receipt.

(2) The Town Administrative Officer shall use this information and any other available information to complete a list of blighted properties within sixty (60) days of their original request. On or before January 15 of each subsequent year, the Town Administrative Officer or his or her designee shall renew the process of completing a list of blighted properties as specified in this section.

(3) Within sixty (60) days of its completion, the Town Administrative Officer shall present the list to the Board of Selectmen which shall approve, disapprove, or modify the list. In the event that the Board of Selectmen fails to approve, disapprove or modify the list within thirty (30) days from the date it received it, then the list shall be deemed to have been approved.

(4) Maintenance of the Certification List. The Town Administrative Officer may request the deletion of any properties from the blighted properties list for consideration by the Board of Selectmen. In the event that the Board of Selectmen fails to approve, disapprove or modify any such request within sixty (60) days from the date it received such request, then the request shall be deemed to have been approved.

(5) Additions to Certification List. The Town Administrative Officer or his/her designee shall investigate any and all complaints made under Section 9.A herein. If the Town Administrative Officer or his/her designee has reason to believe that an owner/occupier of property has violated the provisions of this ordinance, he shall request addition of the subject property to the blighted properties list for consideration by the Board of Selectmen. In the event the Board of Selectmen fails to approve, disapprove or modify any such request within sixty (60) days from the date it received such request, then the request shall be deemed to have been approved.

**9. Complaints: Notice of Violation**

A. Any individual, civic organization, municipal agency, or town employee affected by the action or inaction of an owner/occupier of property subject to the provisions of this ordinance, may file, a complaint of violation of this ordinance with the Board of Selectmen on the form prescribed by the Town. The Board of Selectmen or their designee, upon his or her determination of whether there is a violation of this ordinance, shall forward a notice of violation letter to the owner/occupier at the time such determination has been made, and shall include the property for consideration of inclusion on the Certification List.

B. Such a notice of violation letter from the Board of Selectmen or their designee shall be issued prior to issuing a citation.

C. Such notice of violation letter shall include:

(1) a description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;

(2) a due date, within a reasonable time, for the performance of any act required; and

(3) the amount of the fines, penalties, costs or fees that may be imposed for noncompliance.

D. Neither the owner nor occupier can contest a notice of violation before the Citation Hearing Board.

E. Delivery of a notice letter or citation to the owner/occupier shall be by one of the following methods:

(1) By personal delivery to the owner and occupier or by leaving the citation or notice letters at the usual place of abode of the owner/occupier with a person of suitable age and discretion;

(2) By certified or registered mail addressed to the owner and occupier at their last known address, with postage prepared thereon and return receipt; or

(3) By posting and keeping posted for 24 hours a copy of the citation or notice letter in placard form in a conspicuous place on the properties.

#### **10. Enforcement by Citation**

A. If the corrective actions specified in the notice of violation letter are not taken by specified due date, the Board of Selectmen or their designee shall issue a written citation to the owner/occupier.

B. A citation shall be in writing and include:

(1) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;

(2) Detailed information regarding the contents of the notice letter (which may be a copy of such notice letter) and the failure of the owner/occupier to take the corrective actions specified therein;

(3) The amount of the fines, penalties, costs or fees due for noncompliance; and

(4) A statement that the owner/occupier may contest their liability and request a hearing before the Citation Hearing Board by delivering in person or by certified mail written notice of objection within ten days of the date of the citation.

C. Delivery of the citation shall be by the manner provided in 9. This includes posting and keeping posted for 24 hours a copy of the citation or notice letter in placard form in a conspicuous place on the property.

#### **11. Hearing**

A. An owner/occupier may request a hearing after receiving a citation. Said owner/occupier must make their request for a hearing within ten (10) days of their receipt of the citation.

B. The Citation Hearing Board (which may designate a "Citation Hearing Officer" and either term used herein shall include the other) will conduct hearings in accordance with Conn. Gen. Stat. Sec. 7-152c (a)-(f) when requested by an owner/occupier who has been cited under this chapter.

C. Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Board of Selectmen. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the citation shall be deemed to have admitted liability, and the Board of Selectmen or their designee shall certify such person's failure to respond. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and may, if not paid upon entry, follow the procedures set forth in Connecticut General Statute Section 7-152c(f) and/or see Section 7-148aa providing for a lien to be placed on the property.

D. Any person who requests a hearing shall be given written notice of the date, time and place for a hearing to be held not less than 15 nor more than 30 days from the date of the mailing of notice. The Citation Hearing Board may grant a postponement or continuance for good cause. An original or certified copy of the citation and notice shall be filed and retained by the Board of Selectmen.

E. Pending the hearing before the Citation Hearing Board no further enforcement activity shall occur until either a hearing is held and the Citation Hearing Board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Board assesses fines, penalties, costs and/or fees. This section shall not preclude the accrual of fines during the period from the issuance of the notice until a hearing is held.

## **12. Appointment of Citation Hearing Board**

The Board of Selectmen shall appoint three Bolton residents to serve as a Citation Hearing Board and who individually or collectively shall constitute the Citation Hearing Officer. Members shall not be an employee of the Town nor serve on any other elected or appointed board or commission. Such members shall serve staggered terms of three years each. Proceedings of the Citation Hearing Board shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the charter or ordinances of the Town of Bolton generally applicable to its boards and commissions.

## **13. Penalties for offenses: prejudgment lien**

A. The owner/occupier of property where a violation of any of the provisions of this ordinance shall exist or who shall maintain any building or property in which such violations exist may:

(1) Initially, be fined not more than \$100 for each violation. Each day that a violation exists after a citation as described in 10 is given to the owner/occupier, a fine of \$25 per day may be imposed for each such violation; and/or

(2) Be required to abate the violation at the owner/occupier's expense.

B. Any unpaid fine imposed by a municipality pursuant to the provisions of this ordinance shall constitute a lien upon the real estate against which the fines or associated costs was imposed from the date of such fine pursuant to Connecticut General Statute Section 7-148aa. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 2007 except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.

C. In addition to all other remedies and any fines imposed herein, the provisions of this ordinance may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorneys' fees, expended by the Town in enforcing the provisions of this ordinance.

#### **14. Appeals: Special Consideration**

A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Board may take an appeal in accordance with Conn. Gen. Stat. § 7-152c(g) which states an appeal must be instituted within thirty (30) days of the mailing of the assessment by filing a petition to the Superior Court.

B. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly or disabled and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the Properties for the cost thereof in accordance with the provisions of this ordinance.

C. This section shall not preclude the accrual of fines during the period from the issuance of the notice until an appeal occurs.

#### **15. Severability**

In the event that any part or portion of this ordinance is declared invalid for any reason, all the other provisions of this ordinance shall remain in full force and effect.

#### **16. Terms and Provisions**

A. Where terms are specifically defined or the meaning of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this ordinance.

B. Where terms are not specifically defined and such terms are defined in the Charter and Ordinances of the Town of Bolton, such terms shall have the same meaning for the interpretation and enforcement of this chapter.

C. Where terms are not specifically defined in this ordinance, they shall have such meaning as the context may imply. When a definition is not included in this ordinance, then the definition found in the most recent version of Merriam-Webster Collegiate Dictionary shall be used.

D. The provisions of this ordinance shall not be construed to prevent the enforcement of other ordinances, ordinances or regulations of the Town of Bolton.

E. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Charter and Ordinances of the Town of Bolton or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Bolton shall prevail.

FINAL

## **Agenda Item Summary**

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: Fire Commission & Commission Attendance Policy

### Background

Due to an increase in the number of residents interested in serving on the body and a decrease in attendance from current members, the Fire Commission is interested in potentially expanding the size of its membership and instituting a commission attendance policy. The Board of Fire Commissioners is governed by the Town Charter (Chapter 7.4B), and a commission attendance policy could be adopted by the Board of Selectmen and enforced by the Town Clerk.

### Discussion/Analysis

The number of members on the Board of Fire Commissioners is governed by Town Charter (Chapter 7.4B), which states that “the Board of Fire Commissioners shall consist of no less than five (5) members each of who shall serve a term of five (5) years on a staggered basis”. There is nothing in the Town Charter explicitly prohibiting the appointment of more members. At no time can more than two members of the volunteer fire company concurrently serve on the Fire Commission.

Commission attendance policies have been adopted by a number of municipalities across the state, including the relatively-close Town of Windsor. Their policy is attached as a sample for you to review and consider.

### Financial Impact

None.

### Other Board Action Required

None.

### Recommendations

If the Board is in agreement that the Fire Commission can be expanded in total membership, they may begin accepting applications to fill more seats at their leisure.

If the Board is in agreement that the adoption of a Bolton Commission Attendance Policy would be beneficial, they may direct the Administrator to draft a set of policies for review at the next Committee meeting.

### Attachments

Sample Commission Attendance Policies – Windsor, CT.

Sample Commission Attendance Policies – Windsor, CT

Board/Commission	Approved
<p><b>Board of Assessment Appeals</b></p>	<p><u>Regular Members</u> – Must attend 60% of held appeals hearing meetings &amp; must attend a minimum of 75% of scheduled hearing panel meetings during a calendar year.</p> <p><u>Alternate members</u> - Must attend 50% of held panel meetings when requested with a 7 day notice &amp; Must attend a minimum of 50% of scheduled hearings during a calendar year if requested to serve on the hearing panel. (Alternates do not attend hearings unless requested to serve on the hearing panel)</p>
<p><b>Board of Ethics</b></p>	<p>Full attendance shall be required at all special meetings and hearings and the Board of Ethics will endeavor to accommodate the schedule of all members for these meetings and hearings. Failure to attend three consecutive regular meetings shall be grounds to consider removal from the Board of Ethics.</p>
<p><b>Capital Improvements Committee</b></p>	<p>Full attendance shall be required at all meetings. The Capital Improvements Committee will endeavor to accommodate the schedule of all members for these meetings. Failure to attend three consecutive meetings shall be grounds to consider removal.</p>
<p><b>Commission on Aging &amp; Persons with Disabilities</b></p>	<p>If a member has five (5) or more absences during any calendar year, said absences may be cause fo removal from the commission by the town counsil, at the recommendation of the chariperson. The town council shall have the authority to appoint a successor to serve the unexpired portion of the existing term.</p>
<p><b>Conservation Commission</b></p>	<p>The Conservation Commission has 9 meetings per year. Regular attendance at meetings is important for the Commission to be able to reach a quorum and also for the group to make progress towards goals and objectives. It is expected that each member will attend at least 6 of the 9 meetings. This represents 67% of the annual meetings. If a member needs to miss a meeting, it is expected that the member will contact the Commission Chair by phone or email as far as possible in advance of the meeting, but not less than 24 hours in advance (unless the absence is due to illness or another situation which cannot be anticipated).</p>

	<p>Missing more than 3 meetings per year constitutes grounds for removal from the Commission. After a member has missed 2 meetings in a calendar year, the Commission Chair will counsel the member about the attendance policy. When a member has missed 3 meetings in a calendar year, the Commission Chair will inform the member that the full Commission will discuss the member's absences and vote on whether to recommend Town Council removal.</p>
<p><b>Economic Development</b></p>	<p>It shall be the policy of the Economic Development Commission that commission members regularly attend commission meetings. If a commission member has 3 or more absences during any calendar year, said absences shall be brought to the attention of the Town Manager and may be cause for removal from the commission as provided in Section 14-62 of the Code of Ordinances.</p>
<p><b>Fair Rent Commission</b></p>	<p>Full attendance shall be required at all special meetings and hearings and the Fair Rent Commission will endeavor to accommodate the schedule of all members for these meetings and hearings. Failure to attend three consecutive regular meetings shall be grounds to consider removal from the Fair Rent Commission.</p>
<p><b>Historic District Commission</b></p>	<p>Every Commissioner and Alternate Commissioner is required to attend the regular meeting in January for election of officers and signing of the Town code of ethics acknowledgement form. If a member is unable to attend a meeting scheduled by the call of the chair, they should notify the Chairperson or staff as soon as possible. Should a Commissioner be found absent for more than 25% of the meetings that were held in the year, the Commissioner will be contacted to alert him/her that this is a problem and their attendance will be subject to Town Council Review.</p>
<p><b>Inland Wetlands and Watercourses Commission</b></p>	<p>Absences from three or more regularly scheduled meetings in any calendar year will be subject to a review by the Town Council and shall constitute cause for removal. Notification for an absence will be made to the Chairman and to the Wetlands Agent prior to regularly scheduled meetings.</p>

<b>Library Advisory Board</b>	Members are expected to attend all meetings during the year. If a member is unable to attend, appropriate notice shall be given to the Chair. Failure to attend 3 meetings during any calendar year shall constitute a cause for removal. After missing 2 meetings, the Chair shall notify the member in writing of the absences. The Library Advisory Board shall have the authority to deliberate a member's removal for cause.
<b>Public Building Commission</b>	<p><u>Regular Member:</u>  1. Must attend a minimum of 75% of regular, scheduled meetings during a calendar year.  2. A missed special meeting will not be counted as a missed meeting.</p> <p><u>Alternate Member:</u>  1. Must attend a minimum of 60% of regular, scheduled meetings during a calendar year.  2. A missed special meeting will not be counted as a missed meeting.</p>
<b>Town Planning &amp; Zoning Commission</b>	Every Commissioner and Alternate Commissioner is expected to attend a minimum of 75% of regular, scheduled meetings during any calendar year, but if they are unable to attend, they are expected to watch the live-stream of the meeting on the town website when it is made available, so that they are familiar with what occurred at the meeting they missed. If a member is unable to attend a meeting, they should notify the Chairperson or staff as soon as possible.
<b>Youth Commission</b>	The appointing authorities shall fill all vacancies in the membership of the commission and remove any member for cause. Council appointees shall be removed in the manner provided in Section 6-3 of the Charter. Failure to attend the three (3) consecutive meetings of the commission shall constitute a cause for removal.
<b>Zoning Board of Appeals</b>	Members, including alternates, are requested to attend all regular meeting during the year. Any member with more than 25% absences will be subject to removal from the membership on the Windsor Zoning Board of Appeals. All members are expected to notify the town liaison of attendance during regular business hours.



## Agenda Item Summary

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: Open Space Committee

### Background

On April 16, 1996, the Board of Selectmen adopted an ordinance that established the town's Open Space Acquisition and Conservation Preservation Committee. That committee currently has no sitting members, and volunteer rates are generally down across the state and country. Given that state statute empowers local conservation commissions to operate as the primary agency in charge of developing and updating goals for open space preservation and proposing plans for acquisition, as well as the fact that Bolton currently has a successful and active conservation commission, the question presented to the Board of Selectmen is whether or not the Open Space Committee should be dissolved and their duties referred to the Conservation Commission.

### Discussion/Analysis

Connecticut General Statutes Sec. 7-131a (b) outline the duties and responsibilities of conservation commissions, which includes the following:

- "A conservation commission shall conduct research into the utilization and possible utilization of land areas of the municipality".
- "It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps, and other wetlands, for the purpose of obtaining information on the proper use of such areas, and my from time to time recommend to... the legislative body plans and programs for the development and use of such areas."
- "It may, with the approval of such legislative body, acquire land and easements in the mane of the municipality".
- "The commission may receive gifts in the name of the municipality for any of its purposes and shall administer the same for such purposes subject to the terms of the gift."

Given that the State already empowers and, in some cases, requires local conservation commissions to act on items that the town had previously charged its Open Space Committee, the continued presence of the Open Space Committee is arguably a redundancy in our government that could be consolidated. This would require an amendment to the aforementioned ordinance establishing the Open Space Committee.

### Financial Impact

Slight reduction in costs associated with paying Board Clerks for time spent at Open Space Committee meetings.

### Other Board Action Required

None.

### Recommendations

If the Board is in agreement that the Open Space Committee responsibilities should be consolidated and jointly managed by the Conservation Commission and Board of Selectmen, as described by the General Statutes, the following motion is recommended for approval:

**“MOVE that the Board of Selectmen holds a public hearing on the removal of Section 5 of the ordinance entitled ‘Open Space Preservation, Acquisition, and Conservation Ordinance’ for the purpose of dissolving the Open Space Committee and consolidating its responsibilities.”**

Attachments

1. Bolton’s Open Space Preservation, Acquisition, and Conservation Ordinance.
2. Connecticut General Statutes Sec. 7-131a.

## OPEN SPACE PRESERVATION, ACQUISITION AND CONSERVATION ORDINANCE

Adopted by the Board of Selectmen April 16, 1996.

Published in the Manchester Extra April 25, 1996.

Effective date: May 10, 1996.

1. It is recognized that pursuant to Connecticut General Statutes S7-148(c)(2)(k), that a special fund to be known as the Open Space Preservation, Acquisition and Conservation Fund (the "Fund") be established, which Fund shall be used in whole or in part to acquire by gift or purchase, conservation easements, development rights, or parcels of property.
2. The Fund shall be in the custody of the Treasurer of the Town of Bolton and all or any part of the monies in said Fund may, from time to time, be invested in any securities in which public funds may lawfully be invested. All income derived from such investments shall be paid into the Fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal from such investment for use as provided in paragraph 1, above.
3. Annually, the Treasurer shall submit to the Board of Selectmen, and the Board of Finance, a complete and detailed report of the condition of said fund, which report shall be made a part of the Bolton annual report.
4. Decisions regarding the use of monies in said Fund shall be made by the Board of Selectmen in their discretion. The Selectmen may consult, to the extent they deem appropriate, with other boards and agencies in the Town concerning the administration and carrying out of the purposes of such Fund.
5. The Board of Selectmen shall appoint an Open Space Acquisition and Conservation Preservation Committee which will consist of seven members and would include one member each from the Planning & Zoning Commission and the Conservation Commission. These two positions would be viewed as positions of those respective commissions, i.e., any member of those commissions can substitute for each other as members of the Open Space Preservation Acquisition and Conservation Committee. The five additional members would be appointed by the Board of Selectmen without restriction. The term of these five members will be three years and shall be staggered. The Open Space Preservation, Acquisition and Conservation Committee would consult with and invite the attendance of the Town Planner and members of the Selectmen to be in attendance at their meetings. The Open Space Preservation, Acquisition and Conservation Committee shall strive to accomplish the following purposes:
  - i. To develop and continually update a set of goals for open space preservation in Bolton;
  - ii. To develop a plan for attaining the goals;
  - iii. To make contact and work with land owners and developers in order to suggest and discuss ways in which important open space could be preserved; and
  - iv. To initiate programs for the funding of the goals set forth herein through donations.
6. There shall be deposited in such Fund (a) all monies received by the Town from whatever source and from whatever means are gifts for open space preservation purposes; (b) all monies received by the Town as government grants or loans for open space preservation purposes; (c) all monies received by the Town from the sale or voluntary conveyance of town owned land without buildings; and (d) all monies appropriated to said Fund.
7. The Fund shall continue in existence until by ordinance it is determined to amend or discontinue the same.
8. Upon dissolution of the Fund, any remaining balances shall be paid over into the general fund or such other fund as the ordinance terminating said Fund shall direct.

## Connecticut General Statutes Sec. 7-131a: Conservation Commissions

**Sec. 7-131a. Conservation commissions.** (a) Any town, city or borough, by vote of its legislative body, may establish a conservation commission for the development, conservation, supervision and regulation of natural resources, including water resources, within its territorial limits. The commission shall consist of not fewer than three nor more than eleven members and not more than three alternates, to be appointed by the chief executive officer of the municipality, to serve for terms to be designated by the legislative body establishing the commission. Such alternate members shall, when seated, have all the powers and duties of a member of the commission. The chief executive officer may remove any member or alternate for cause and may fill any vacancy.

(b) A conservation commission shall conduct research into the utilization and possible utilization of land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes. It may propose a greenways plan for inclusion in the plan of conservation and development of the municipality prepared pursuant to section 8-23. It may inventory natural resources and formulate watershed management and drought management plans. Such plans shall be consistent with water supply management plans prepared pursuant to section 25-32d. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas, and may from time to time recommend to the planning commission or, if none, to the chief executive officer or the legislative body plans and programs for the development and use of such areas. It may make recommendations to zoning commissions, planning commissions, inland wetlands agencies and other municipal agencies on proposed land use changes. It may, with the approval of such legislative body, acquire land and easements in the name of the municipality and promulgate rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes as set out in this section. It may supervise and manage municipally-owned open space or park property upon delegation of such authority by the entity which has supervisory or management responsibilities for such space or property. It shall keep records of its meetings and activities and shall make an annual report to the municipality in the manner required of other agencies of the respective municipalities. The commission may receive gifts in the name of the municipality for any of its purposes and shall administer the same for such purposes subject to the terms of the gift.

(c) A commission may exchange information with the Commissioner of Energy and Environmental Protection, and said commissioner may, on request, assign technical personnel to a commission for assistance in planning its overall program and for coordinating state and local conservation activities.

(d) Any town, city or borough may appropriate funds to such commission.

## **Agenda Item Summary**

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: Gun & Lethal Weapon Policy

### Background

On September 28, 2016, a resident inquired at the Library whether or not guns or other weapons were permitted in town buildings. More residents have inquired since then, and town staff has asked that the Board of Selectmen consider the need for a policy on this subject, as the town currently has no written policy on the matter.

### Discussion/Analysis

According to Bolton's Resident State Troopers, while the town is a public entity, when it comes to buildings and grounds that the town owns, the town reserves the right to set a policy on one's ability to carry and use weapons. In the absence of such a policy, as is currently the case, the town by default allows for all weapons to be carried or used so long as it is done in a manner consistent with state law.

A few towns in Connecticut, including Woodbridge (see attached), have adopted ordinances that totally disallow the possession and use of firearms, air guns, air rifles, crossbows, archery equipment, and other weapons on town property, with the exception of town-owned roads, highways, and streets. Other towns have followed our current approach and have taken no action to curb the possession of weapons in town buildings and on town grounds.

### Financial Impact

If a policy is adopted, there is a slight potential increase in costs associated with calling Resident State Troopers to address individuals openly wielding or suspected to be carrying deadly weapons.

### Other Board Action Required

None.

### Recommendations

If the Board is in agreement that an ordinance addressing this matter should be adopted, the Administrator may be directed to develop potential ordinance language and have it reviewed by the Town Attorney.

### Attachments

Woodbridge, CT's Weapons Ordinance (Chapter 231).

## **Woodbridge, CT Weapons Ordinance (Chapter 231)**

### **§ 231-1 Policy and purpose.**

In the interest of safety, and in recognition of the increased density of population throughout the Town of Woodbridge, it shall be the policy of the Town to discourage the use of firearms in Town, and to prohibit hunting of any kind on Town-owned land, particularly Town-owned land dedicated to passive recreational use or land preserved for open space. It shall further be the policy of the Town of Woodbridge to encourage private landowners to strictly comply with state regulations regarding the use of firearms on private property and to refrain from permitting hunting on private property, particularly on private property that abuts or adjoins Town-owned land. In furtherance of these goals, this chapter is amended and restated as follows:

The provisions of this chapter shall not apply to a peace officer, as defined in Section 53a-3(9) of the Connecticut General Statutes, when acting within the scope of his/her duties or as otherwise authorized by law.

### **§ 231-2 Restrictions on discharge of firearm, air gun, air rifle, crossbow, or longbow, archery equipment or other weapon.**

No persons shall discharge any firearm, air gun, air rifle, crossbow, longbow, archery equipment or other weapon in the Town in such a manner or under such circumstances as to place any person or property in jeopardy of injury therefrom. The discharge of any said weapons within 500 feet of any dwelling or building accessory thereto or within 500 feet of any person not in the company of such person carrying said weapon shall be prima facie evidence of a violation of this section. This § 231-2 shall not apply to any person discharging said weapons in self-defense as permitted by state law.

### **§ 231-3 Town property.**

A. No person shall possess a firearm, air gun, air rifle, or crossbow, longbow, archery equipment, or other weapon on any Town-owned property and/or in Town-owned buildings, except any lawful possession of firearms on roads, highways, and streets within the Town shall be permitted.

B. No hunting or target shooting or any other activity involving the discharge of a firearm, air gun, air rifle, crossbow, longbow, archery equipment, or other weapon shall be permitted on any Town-owned property or in Town-owned buildings.

### **§ 231-4 Penalties for offenses.**

Any violation of § 231-2 or § 231-3 of this chapter shall be a violation punishable by a fine of not more than \$500.

## Agenda Item Summary

Date: December 6, 2019  
To: Members of the BOS Finance & Administration Committee  
Prepared By: Joshua Steele Kelly, Administrative Officer  
Subject: Student Representatives to the Board of Selectmen

### Background

As a means of increasing youth interest and engagement in democratic processes, the Bolton Board of Selectmen has an opportunity to invite 1-2 students at Bolton High School to attend Board meetings and act as “Student Representatives.” While these Representatives would not be empowered to vote at Board meetings, they would be invited and encouraged to attend each meeting, listen to each item on the agenda as a means of learning more about the community, and express their opinion in detail during the discussion that follows each motion.

### Discussion/Analysis

In the past, the Board of Selectmen has invited Student Representatives to serve and participate in Board meetings; this practice ended years ago in part due to a lack of interest from the student body. While a lack of interest remains a concern, there are several actions that can be taken to cultivate a greater interest going forward. Such actions may include:

- The creation of a robust election process at the high school that seeks to grab the attention of more prospective participants in the program,
- Better advertising the opportunity as a way to gain graduation-required volunteer hours; and
- Creating a Senior/Junior program that aims to have each selected student serve for two years, one year as a trainee (junior) and one year as a trainer (senior), so that a level of continuity is ensured and so that inspiration and interest is passed from one Representative to the next.

At the October 1, 2019 Board meeting, the Administrator presented several goals to the Board for the remainder of the fiscal year. The seventh of those goals was to “Establish Regular Learning-Through-Service Opportunities.” This initiative accomplishes that goal very well, as it encourages a deeper understanding of municipal government among the youth of our town, it empowers more high school-aged students to make their voices and opinions heard, and it provides our students to complete their graduation-required volunteer hours in a way that is constructive and that benefits the town as a whole.

### Financial Impact

None.

### Recommendations

If the Board is in agreement that they tentatively wish to proceed with this initiative, the following motion is recommended for approval:

**“MOVE that the draft resolution entitled ‘Draft Resolution to Adopt a Program for Student Representatives to the Board of Selectmen’ be sent to the Bolton Public Schools administration for general review and comment.”**

### Attachments

Draft Resolution to Adopt a Program for Student Representatives to the Board of Selectmen.

**Town of Bolton, Connecticut  
Draft Resolution**

**To Adopt a Program for Student Representatives to the Board of Selectmen**

WHEREAS, the Board of Selectmen values increased participation in town democratic processes; and

WHEREAS, residents age 18 and younger comprise a considerable portion of the population and are generally underrepresented in town discussions and decision-making processes; and

WHEREAS, the Board of Selectmen wishes to encourage students in the Bolton Public Schools system to feel connected to their town and voice their ideas and concerns openly; and

WHEREAS, the Town wishes to introduce the concept of serving on local boards and commissions to residents at a young age so as to continue developing an active, engaged, and civically-minded town population; and

WHEREAS, the Town wishes to introduce the concept of public service as a career choice to students in the hopes that today's students may one day seek to become a member of the town's staff; therefore be it

RESOLVED, that the Board of Selectmen hereby invites the Principal of Bolton High School, in consultation with other members of the Bolton Public Schools administration, to each academic year select up to two current students of the Bolton High School community to serve as Student Representatives to the Bolton Board of Selectmen; and it is further

RESOLVED, that the Board of Selectmen hereby recommends that the selection process for the Student Representatives be made as public affair as possible, possibly in presented in an election form, as a means of garnering more interest in the opportunity and as a means of modeling democracy in action for our young residents; and it is further

RESOLVED, that the Board of Selectmen views this opportunity as a volunteer learning experience and encourages the Bolton High School administration to allow for participating students to be awarded graduation-required volunteer hours; and it is further

RESOLVED, that the Student Representatives shall be invited to each Board of Selectmen meeting and empowered and encouraged to speak at any time in which a Selectman is allowed to do so, but the Representatives shall not be allowed to motion, second, or vote on any item.

Drafted December 5, 2019.

Approved: \_\_\_\_\_