

BOARD OF SELECTMEN – April 25, 2017

MINUTES:

Meeting called to order at 5:00 PM. Present were First Selectman Don Stein and Selectmen Ray Pech and Mark Hemenway.

DELEGATIONS: No delegations were present.

PUBLIC COMMENT: No representatives from the public were present.

MOTION: A motion was made by Ray Pech, seconded by Mark Hemenway, and passed unanimously to approve the minutes of the April 13, 2017 Meeting.

MOTION: A motion was made by Mark Hemenway, seconded by Ray Pech, and passed unanimously to approve the following tax refund:

\$ 69.37	Enterprise F M Trust	refund
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DISCUSSION: Don Stein informed the Selectmen that the Board of Finance had made no changes to the General Government budget and the capital budget at the Annual Budget Hearing. The budgets that had been previously submitted to and approved by the BOF will therefore be presented to the Town at the Annual Budget Meeting. The State budget and the municipal aid numbers are still in a state of flux as the Governor, the Finance Committee and the Appropriations Committee have all submitted separate, distinct budgets and the political parties have their own versions of the legislative budgets. At this point, the Governor's budget values will be the ones presented to the Town with the exception of the sharing of the costs for the Teacher's pensions.

Don Stein also provided an accounting of the Town's outstanding obligations for the current fiscal year highway department expenses, including the two STEAP grants. After the FY '16/'17 expenses are covered with Town Aid Road funds, there will be about \$50,000 available for FY '17/'18 expenses plus the amount allocated by the Town in the General Government budget. The level of TAR and LOCIP allocations for the upcoming Fiscal Year will determine how much funding is available for planned projects.

MOTION: A motion was made by Mark Hemenway, seconded by Ray Pech, and passed unanimously to approve the attached call for the Annual Town Meeting.

MOTION: A motion was made by Mark Hemenway, seconded by Ray Pech, and passed unanimously to approve the attached call for the Annual Budget Meeting.

DISCUSSION: The Selectmen deferred discussion on the proposed easement for Peter Ferraresso pending the vote to be taken at the Planning & Zoning Commission meeting to be held on Thursday, April 27. If that vote were to be positive, this item would be put on the Town Meeting agenda. If negative, that would likely end this action.

MOTION: A motion was made by Ray Pech, seconded by Mark Hemenway, and passed unanimously to approve new sections to be voted on at the Annual Town Meeting to modify ordinance Chapter 150 Property, Town, to add §150-4. Distribution or Circulation of Advertising Matter and Newspapers and §150-5. An Ordinance Establishing the Citation Hearing Procedure. The final language will be submitted to the Town Attorney for his review and concurrence.

No Executive Session was held.

The meeting was adjourned at 5:50 PM. It was noted that the May 9th meeting will be canceled due to the Town Meeting. The next meeting will be the Regular Meeting at 5:00 PM on May 23rd.

Respectfully submitted,

Donald S. Stein
First Selectman

W A R N I N G

**ANNUAL TOWN MEETING
TOWN OF BARKHAMSTED
TUESDAY, MAY 9, 2017
7:00 PM**

The legal voters of the Town of Barkhamsted and those entitled to vote at Town Meetings within said Town are hereby warned and notified that on Tuesday, May 9, 2017 at 7:00 PM, the Annual Town Meeting of the Town of Barkhamsted will be held in the Barkhamsted Elementary School on Ripley Hill Road in Barkhamsted for the purpose of transacting business as follows:

1. To receive and act upon the report of the Board of Selectmen, Treasurer, Board of Education and to hear and act on any other reports made at said meeting;
2. To authorize the Board of Selectmen to enter into an agreement or agreements with the State of Connecticut, through the Department of Transportation Commissioner, thereof, as they deem necessary relative to Town Aid and Dirt Road Appropriation, so called;
3. To authorize the Board of Selectmen to enter into an agreement or agreements with the State of Connecticut, through the Secretary of the Office of Policy and Management, thereof, as they deem necessary relative to Local Capital Improvement Program (LoCIP), so called and subject to the LoCIP capital improvement plan as approved by the Board of Selectmen;
4. To authorize the Board of Selectmen for Fiscal Year 2017/2018 to borrow money in anticipation of taxes from time to time to pay current expenses of said Town and its obligations and to execute and deliver the Town's obligations for the same;
5. To consider and act upon a proposal to authorize the Board of Selectmen to apply for and expend any federal and or state grants for and by the Town;
6. To consider and act upon ordinance Chapter 150 Property, Town: to add §150-4. Distribution or Circulation of Advertising Matter and Newspapers and §150-5. An Ordinance Establishing the Citation Hearing Procedure

Dated at Barkhamsted, Connecticut, this 25th day of April, 2017.

Donald S. Stein
First Selectman

Mark Hemenway
Selectman

Raymond P. Pech
Selectman

§150-3. Littering

- A. It shall be unlawful to deposit, throw or place waste materials, paper or litter upon the roads or public areas of the Town of Barkhamsted, including property owned by the State of Connecticut or the Metropolitan District Commission

- B. Any person or persons throwing such trash on those areas may be punished by a fine not exceeding \$50.

NEW:

§150-4. Distribution or Circulation of Advertising Matter and Newspapers

A. DEFINITIONS

Advertising Matter: "Advertising Matter" means any printed or written matter, including handbills and signs, or otherwise reproduced originals or copies of any matter or literature except a newspaper as defined in this Ordinance, which advertises for sale any merchandise, product, commodity or thing, or which directs attention to any business or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales, or which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as an advertiser or distributor.

Newspaper: "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officer as provided by general law, or any printed matter of general circulation published for the dissemination of local, regional, state, national or international news or information of a general character.

B. DISTRIBUTION OF ADVERTISING MATTER AND NEWSPAPERS ON UNIMPROVED OR VACANT PRIVATE PREMISES

No person shall deposit, distribute, or place any advertising matter or newspaper, or cause the same to be done in or upon any private premises which are unimproved or which are vacant, without first obtaining the permission of the owner or other person in control of such premises.

C. DISTRIBUTION OF ADVERTISING MATTER OR NEWSPAPERS ON PRIVATE PROPERTY

No person shall deposit, distribute, or place any advertising matter or newspaper, or cause the same to be done, in or upon any private premises within the Town when the owner or occupant of said private premises has notified the distributor or disseminator of such advertising matter or newspaper that he or she does not wish to receive said advertising matter or newspaper. Said notice shall be:

1. By written communication to the distributor or disseminator of such advertising matter or newspaper;
or
2. By placing on said premises in a conspicuous place near the entrance thereof, a sign bearing the words "No Advertising," or any similar notice indicating that no such advertising matter or newspaper is to be left upon said premises.

D. EXEMPTIONS

The provisions of this Ordinance shall not apply to the distribution of material through the United States mail, nor to the distribution of material if such distribution is required by federal, state or local regulation.

E. PENALTY FOR VIOLATION

Each violation of this Ordinance shall be considered a separate municipal offense, and each separate offense shall be subject to a fine of \$75.00 payable to the Town of Barkhamsted.

F. ENFORCEMENT

This Ordinance is specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by "An Ordinance Establishing The Citation Hearing Procedure" shall be followed.

§150-5. An Ordinance Establishing the Citation Hearing Procedure

A. PURPOSE

The purpose of this chapter is to establish a citation hearing procedure in accordance with C.G.S. §§ 7-148(c)(10)(A) and 7-152c to be followed in all instances when citations are issued by the Town of Barkhamsted municipal officials.

B. ISSUANCE OF CITATION

1. Regulations and ordinances of the Town may be enforced by citations issued by designated municipal officers or employees, provided that the regulation or ordinance has been designed specifically by the Town for enforcement by citation.
2. Any person receiving a citation issued under any regulation or ordinance of the Town shall be allowed a 30 calendar day period from his/her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Town. If the citation is mailed by regular or certified mail, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.
3. If a person who has been issued a citation does not make payment of the fine specified in the citation to the Town within the time allowed under Subsection B above, the Town shall send notice to the alleged violator no later than 12 months after the expiration of the final period for the payment of the fine for any citation issued under any regulation or ordinance of the Town for an alleged violation, informing the violator and any other persons cited of the following:
 - a) The allegations against the violator and other persons cited and the amount of the fines due;

- b) The alleged violator or other person cited may contest his/her liability by delivering in person or by mail written notice within 10 days of the date of the original notice to said violator that he/she desires to contest his/her liability before a citation hearing officer;
 - c) If the alleged violator does not demand such a hearing, a judgment and fine shall be entered against him/her; and
 - d) Such judgment may issue without further notice.
4. If the alleged violator or the other person or persons to whom notice has been sent pursuant to Subsection C above wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fines in person or by mail to the official designated by the Town. Any alleged violator or other person who does not deliver or mail a written demand for a hearing within 10 days of the date of the first notice provided in Subsection C above shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines provided for by law and shall follow the procedures set forth in Section 3 below.
5. In those instances where there is time to do so and where a continuing violation is not causing immediate or significant harm, a written warning providing notice of the specific violation shall be sent prior to issuing the citation.

C. HEARING PROCEDURE

1. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing officer shall be filed and retained by the Town, shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing officer shall be required at the hearing if such person so requests. The alleged violator or other person wishing to contest liability shall appear at the hearing and may present evidence in his/her behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If the alleged violator fails to appear, the hearing officer may enter a fine by default against him/her upon a finding of proper notice and liability under the applicable ordinance. The hearing officer may accept from such alleged violator copies of documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his/her decision at the end of the hearing. If he/she determines that the alleged violator or other person is not liable, he/she shall dismiss the matter and enter his/her determination in writing accordingly. If he/she determines that the person is liable for the violation, he/she shall forthwith enter and assess the fines against such person as provided by the ordinance.
2. If such fine is not paid on the date of its entry, the hearing officer shall send by first-class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area in which the Town is located, together with an entry fee. The certified copy of the notice of the fine shall constitute a record of the fine. Within such 12-month period, fines against the same person may be accrued and filed as one record. The clerk of the court shall enter judgment in the amount of such record of fines and court costs against such person in favor of the Town. Notwithstanding any other provision of the General Statutes, the hearing

officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution of such judgment may issue without further notice to such person.

3. The person against whom a fine has been levied pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen the levy of such fine, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, in the superior court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.
4. The First Selectman shall appoint one or more citation hearing officers, who shall be other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section. All such officers shall serve for a term of two years.

D. DISPOSITION OF MONEY RECEIVED

All moneys received pursuant to the procedure set forth above shall be remitted to