

MINUTES
Ordinance Committee
Monday, August 13, 2012 @ 5:00 PM
Norma Drummer Room/Seymour Town Hall

Members present: W. Kurt Miller, Nicole Klarides-Ditria, Theresa Conroy, Town Counsel Brian LeClaire

ITEM #1: Call meeting to order.

Meeting was called to order at 5:10PM.

ITEM #2: Pledge of Allegiance.

Everyone salutes the flag and states the Pledge of Allegiance.

ITEM #3: Public Comment.

Due to recorder malfunction, the first twelve minutes is missing.

Caryn Rickel: Speaking about Bamboo: It does invade 20 feet. Twelve is a mature growth. When you've allowed it to invade underground for 17 to 18 years on properties you can't go back say you've contained it because you haven't removed the whole tumor. If you look at the email from James Mill with the Federal U.S. Government, they are banning it rapidly from state to state because in Long Island, New York, Pennsylvania, and Delaware all of the streets have it and it is damaging the streets. You can't contain a mature growth with bamboo in the long run because it's going to go over or under. They didn't put the barrier in right; you've got bamboo outside the barrier. You have to look at the Ordinance for the State of Connecticut. You've got to have an exemption. The exemption is very important and something to look at. I'm just saying there should not be a grandfather clause because the rise of invasion increases every year.

Allison Banns, Church Street: I used some information from a world renowned Bamboo Expert and also from the American Bamboo Society and according to both of them the barrier that is recommended, that they have put in, absolutely works. It has been recommended by the experts in bamboo.

Ruthann: I think that if this was a big issue that there would be more than one person here wanting a proposed Ordinance. You have to think of all the citizens in the Town and not just one person's needs or wants. To continuously reap up renowned experts as opposed to online research, I think that is foul. You go to an expert because they have their degree in Botany and the credentials to back themselves up. Anyone can go online and research. I would trust an expert's recommendation over the online research. Bamboo does not cause West Nile Virus in mosquitoes. The virus starts when a mosquito bites a bird then it spreads from mosquito to mosquito.

Darlene Pudium, The thing I find most disturbing is, I have been in the neighborhood my whole life. I find it disturbing that our neighborhood is under attack. I understand she has concerns, but we that live there do not. They raise the bamboo and harvest it and are very generous with their vegetables and bamboo stakes for the rest of our gardeners. We are all getting along and there is no problem.

Caryn Rickel, I'd like to say that I'm working very closely with the U.S. Department of Agriculture and every scientist. Everything that was said was from a Peer Reviewed Journal. My experts are from Connecticut and work with D.E.E.P. and there are facts that are written by them. They have been to my property four times and this is not about me. It's about the Ordinance and how it needs to protect all property owners. This is not about neighborhood strife. This is a problem that is why they are banning

it rapidly. If you don't have a lot of bamboo problems in Seymour, that is a good thing, but what you want to do with the Ordinance is that you want to set the right example.

Caryn goes on to explain how serious of a problem this is. She talks about a law that was passed in New York as an example. She refers to the Delaware Ordinance and other research about bamboo and she would like it off her land.

Male Resident: Please look at the three ways to contain bamboo. There is a way to contain and please research.

Female resident: if it is so hearty in Connecticut, and the economy is so bad in Connecticut, why not get investors and harvest it in contained areas? If it's such a hearty plant and it is capable of spreading so rapidly and so far, why not look into that? Just a thought.

Ruthann, you said not to get personal, but I have already been offended by certain things that someone has said.

ITEM #4: Discussion regarding potential Bamboo Ordinance.

The Committee as a whole, along with Brian LeClaire, discusses and agrees upon the fact that an expert is needed to answer questions and give recommendations. They all agree that it is essential to keep the best interests of the Town of Seymour involved and not neighborhood strife. The Committee agrees that there should be containment restrictions if someone should have bamboo. They agree that there should be some type of penalty if someone has it and does not contain it properly. The focus needs to be on the facts, containment methods, protecting properties who have and don't have bamboo. They agree that the Bamboo Ordinance is going to take some time and a lot of thought will be put into it. Kurt asks those who do have bamboo and would like the Ordinance Committee to see it to email him so he can reach out to them. In regards to Grandfathering, the Committee would like to get more information from a Botanist expert before making any decisions on Grandfathering. They decide that the next step is to go out and visit sites and set up a time for an independent Botanist who hasn't been here yet to come in to ask questions.

Brian LeClaire states that he thinks the Committee is handling it appropriately by understanding the situation first before a major Ordinance is drafted. He suggested going slowly and to look at the proposed legislation and other legislations. He also doesn't see a problem with a strict containment policy. Brian states that it is important to have an expert involved and also something to think about is the Town getting involved.

ITEM #5: Discussion regarding Anti-Blight Ordinance.

Kurt starts out by stating that the current Anti-Blight Ordinance was amended in 2009 and hasn't been looked at or touched in three years. Kurt feels that the biggest concern is the lack of 'teeth,' for lack of a better term. Fines are very low and might not do enough to make someone maintain their property. The Anti-Blight Ordinance is not set to make money for the Town.

Theresa asks about how many people were cited with blight since this has been in effect and Kurt explains that the Blight Reports are in our books in the First Selectman's Office and it gets worse as summer progresses. Kurt continues to explain that 90% of blight claims are foreclosures, bank owned properties, and we are having a problem dealing with banks.

Brian LeClaire states that the statutes allow for an assessment to be put on the land records and for it to become a priority lien against. He suggests that the Committee makes sure this procedure is in here to have notice go out to lien holder.

The Committee agrees that the majority of the issue is the fact that we haven't had an Anti-Blight Enforcement Officer in place who knows the steps. Also, a lot of the claims that come in are not blight related and it's a neighbor that's mad. Kurt then states that outside of the bank owned properties, the vast majority of Seymour didn't realize there was an issue and they go ahead and take care of it within a reasonable amount of time.

The Committee then discusses the 2 or More Abandoned or unregistered motor vehicle exception. Brian LeClaire states that it is not an unusual number for that exception. Brian recommends not in ordinary public view and cites the definition of ordinary public view: "does not apply to a vehicle that is completely enclosed in a building in a lawful manner, not visible from the street of a private property." Theresa asks about recreational vehicles and currently there is nothing in the Anti-Blight Ordinance about recreational vehicles.

The Committee continues to discuss fees. Brian suggests that you don't want to conflict with Zoning regulations. He talks about section 5- Special Consideration that talks about Elderly and Disabled or Low Income individuals. The Committee questions whether with issues that come up with Section 5 should the Enforcement Officer should use his own discretion. Brian then states that other Towns give their officers some discretion. If you have an elderly person, you can't afford to find other services; you try to help the people and want to give them the help they need.

Theresa asks about properties with 12 inches of length of grown brush. Brian states that deciding grass exceptions/rules is the hardest and other Towns had a hard time with it as well. Someone could be growing the hay for an animal and how do you differentiate between ornamental growth and Blight.

The Committee brings up the complaint process. They discuss the pros and cons of the process being done anonymously versus not. With anonymous complaints, you can't follow through with the person who made the complaint. Theresa states that she is leaning more towards anonymous. Kurt believes that it's our responsibility to get back to that person making the complaint for an update. Nicole suggests that the Committee looks at what other Towns do. The members have packets of other Anti-Blight Ordinances from Orange, Derby, Stamford, Griswold, and Fairfield. What Karen Stanek has mentioned about a resident who is redoing his yard little by little was brought up. The Committee discusses whether or not it would be considered blight.

Kurt states that the Blight Reports are currently in Google Docs and is documented through there. The reports can be tracked, but it is not the best system. We are currently looking at a new software package that creates work orders and those work orders goes directly do person responsible. At the end of week the system can generate reports. If we get the software, we will be able to track everything on a monthly basis.

The Committee decides that since the Board of Selectmen are so close to hiring an Anti-Blight Officer, they are going to wait and have the Anti-Blight Officer weigh in on this Ordinance. Kurt states that he will ask two people on the Board of Selectmen to volunteer and go through and do screenings and make recommendations to the Board at the Board of Selectmen meeting September 4, 2012. The members

decide to hold off on the Anti-Blight Ordinance for time being until an Anti-Blight Officer is hired and has a chance to look at the Anti-Blight Ordinance. He/she can sit with the Ordinance Committee and give thoughts.

ITEM #6: Adjournment.

Meeting to adjourn at 6:15PM.

Motion: Nicole Klarides-Ditria

Second: Theresa Conroy

Vote: 3-Yes

0-No

0-Abstain

Submitted by,



W. Kurt Miller
First Selectman

WKM/lps