



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

**BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Tuesday, June 5, 2018
10:00AM**

Main Meeting Room, Town Hall, 933 Hopmeadow Street

SPECIAL MEETING AGENDA



Call to Order

- 1) Public audience
- 2) Review and discussion regarding draft Water Shortage Ordinance
- 3) Next steps
- 4) Minutes
 - a) April 12, 2017
 - b) June 20, 2017
 - c) May 2, 2018
 - d) May 15, 2018
 - e) May 21, 2018

Adjourn

**TOWN OF SIMSBURY
DRAFT ORDINANCE
WATER SHORTAGES**

May 10, 2018 Draft
May 14, 2018 Draft
May 22, 2018 Draft

Comment [JS1]: Shea changes are in brown fonts.

Sec. 157-1. Authority and purpose.

The Town of Simsbury, under its powers pursuant to state law, has adopted this ordinance to protect public health and welfare. This ordinance implements the Town's authority to impose water use restrictions, conditioned upon a finding by the Board of Selectmen that a water shortage or state of ground water depletion exists, or upon a state of water use restrictions or a declaration of public drinking water supply emergency issued by the Department of Public Health pursuant to C.G.S. 25-32b.

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a finding by the Simsbury Board of Selectmen of a critical water shortage ~~or state of ground water depletion or a declaration by the State of Connecticut of a State Water Use Restriction or State of Public Drinking Water Supply Emergency~~ by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the State of Connecticut.

Comment [CV2]: Add "that water is a community resource..."

Pursuant to the General Statutes of the State of Connecticut, it is hereby declared to be in the best interest of the public health and safety of the residents and citizens of the Town of Simsbury to assist in regulating and restricting the use of water during a critical water shortage ~~or state of ground water depletion~~.

Sec. 157-2. Definitions.

Comment [CV3]: Describe wells, types.

(a) When used in this ordinance, unless the context otherwise requires:

- (1) *Person* shall be construed to mean and include an individual, a corporation, a partnership, a trust, an unincorporated organization, business organization of any kind or any other group or organization.
- (2) *State of ground water depletion* shall exist whenever the Board of Selectmen, after consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem appropriate shall determine that the underground water supplies within the Town are at, or are in danger of reaching, levels insufficient to provide for the needs of the public health, preservation of human life, sanitation, safety, welfare, or economic needs of those served by wells within the Town.

Comment [CV4]: Not meant to be a phrase, just a definition of

Comment [JS5]: This last sentence implies that all wells are to be addressed under this regulation (both public and private wells). I am not sure this is the intent

Comment [CV6]: DPH has definitions for community wells

(3) ~~Threatened~~ water shortage shall exist whenever the Board of ~~Selectmen, in consultation with industry experts that may include: the Water Companies, other government officials, the Farmington Valley Health District, determines persons~~ the Board shall determine that the adequacy of the Town water supply to meet the demands of the Town for health, sanitation and preservation of businesses is threatened after consideration of the following items to wit: amount of water available; water demands; time of year; weather forecast data; and any other relevant factors.

Comment [CV7]: Steps need to be sequential to be clear on process. Threatened – Step 1 Critical – Step 2

Comment [CV8]: Leads to voluntary conservation measures

Comment [CV9]: Can be area of town specific

(4) Town means the Town of Simsbury.

(5) Water means potable water.

Comment [JS10]: We may want to clarify if non-potable sources are regulated under this ordinance. Possibly add definition of a well

(6) Water Company means the Aquarion Water Company, ~~the Avon Water Company Connecticut Water Company~~ or the Tariffville ~~Fire District Water Company~~ or their successors and assigns or any other public utility ~~water company~~ providing public water supply in the Town.

Comment [CV11]: Non-potable wells for irrigation, other purposes? For ag. Purposes? "Water does not mean..."

Comment [CV12]: Definition from Merriam-Webster of "potable water" is "suitable or safe for drinking"

(7) *Critical Water shortage* shall exist whenever the Board of Selectmen, ~~after consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem appropriate;~~ in consultation with industry experts that may include: the water companies, other government officials, the Farmington Valley Health District, determines, after considering the factors set forth in Subsection (2) or (3) above, that the water supplies available to the Town are at, or are in danger of reaching, levels insufficient to provide for the normal needs of the public health, preservation of human life, sanitation, safety, welfare and economy of the Town.

Comment [GM13]: Should this Section deal with Community Wells? Such as Ethel Walker School?

Comment [CV14]: Need definition for wells, inc. what constitutes a community well

Comment [JS15]: Also Latimer Farms

Sec. 157-3. Notice of water use restrictions.

If the Board of Selectmen imposes restrictions under §157-5 and/or §157-6 or modifies existing restrictions to make them stricter or more inclusive, it shall notify the Connecticut Department of Public Health and the Connecticut Department of Energy and Environmental Protection in writing within fourteen (14) days of the effective date of the restrictions or changes. The Board of Selectmen shall give public notice of such restrictions or changes before they become effective.

Comment [JS16]: Should we also notify the water companies and community water systems?

Sec. 157-4. ~~Drought~~ Water "organizational" management plan.

Upon its determination that there is a threatened water shortage, the Board of Selectmen may adopt a drought management plan covering all matters of voluntary water conservation measures.

Comment [CV17]: Or "water management plan"

Comment [CV18]: More flexible to make changes than an ordinance – Don had a draft in January 2017

Comment [RT19]: If we are taking the time to implement this ordinance, why not develop a Drought Management Plan now that could be amended as necessary...

Sec. 157-5. Certain uses prohibited during critical water shortage.

Upon its determination that a critical water shortage exists, and that voluntary conservation measures were implemented and have failed or are deemed inadequate to provide relief for the critical water shortage, the Board of Selectmen in consultation with the Water Companies, in addition to the powers set forth in §157-4 above, shall have the power to declare to be unlawful any or all of the following acts concerning water obtained from the Water Companies, or other public utility water company subject to such reasonable and necessary exceptions as are determined by the Board of Selectmen to be in the public interest. Such action shall be effective upon publication pursuant to §157-3 of this Chapter:

- (a) Using water to sprinkle, water or irrigate any plants, lawns, grass, ground covers, vines, flowers, shrubbery, trees or any other vegetation unless necessary to sustain food crops, crops for harvest or stocks of a business inventory;
- (b) Using water for private and/or public recreational, ornamental or decorative purposes, including but not limited to fountains, pools or ponds;
- (c) Using water to wash or clean motor vehicles or trailers unless done as a means of livelihood at a commercial facility, which use may be limited by the Board of Selectmen to facilities using a completely recyclable water system or those facilities using not more than three (3) gallons of water per vehicle. This restriction shall not apply to vehicles required by law to be washed or cleaned for sanitary, health or safety reasons;
- (d) Using water to wash or flush sidewalks, driveways, pavements, porches or other outdoor surfaces;
- (e) Using water to wash the outside of buildings or structures;
- (f) Using water to wash or clean windows unless done as means of livelihood and only then by washing or cleaning exclusively from a bucket or container of three (3) gallons capacity or less;
- (g) Using water from fire hydrants or fire ponds, other than for health or safety;
- (h) Permitting exterior water supply lines to remain in a state of disrepair, resulting in the escape of water;
- (i) Operating an air-conditioning device or system using water as a coolant unless the same shall be of the water recirculating type;
- ~~(j) Serving water to eating facilities' customers, except on request; and~~

Comment [JS20]: There is no mention previously in the ordinance to voluntary measures

Comment [CV21]: Restrict public Restrict wells Pick from options a-i.

Comment [RT22]: What happens if the BOS and the Water Companies don't agree?

Comment [JS23]: This does not include community water systems or individual private wells

Comment [RT24]: BOS should restrict water use by all residents regardless of the source

Comment [GM25]: How will golf courses be treated based on this section? Courses are already subject to use restrictions based on CTDEEP diversion permits.

Comment [RT26]: Public recreation should be exempt in all but the most critical droughts

Comment [RT27]: ?

Comment [RT28]: Where is this from? No car washes use 100% recycled water

Comment [GM29]: Why 3 gallons?

Comment [RT30]: I don't believe these are used locally?

(j) Such other uses and activities as the Board of Selectmen shall declare following a public ~~hearing~~ comment thereon.

~~The Board of Selectmen may phase in the restrictions to tailor them according to the severity and nature of the water supply emergency.~~

Comment [CV31]: Option to have a public hearing v. public audience.

Comment [CV32]: Time is passing during a critical incident. Schedule a BOS mtg to set a hrg, send to press, 5 days' notice... 1-1.5 weeks

Comment [CV33]: Intent-for other uses outside of the menu of options

Sec. 157-6. State of ground water depletion.

Upon its determination that a state of ground water depletion exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen shall have the authority to apply any or all of the prohibitions contained in §157-5 to the use of water from water wells within the Town, subject to such reasonable and necessary exceptions as are determined by the Board of Selectmen to be in the public interest.

Comment [JS34]: Both public and private wells?

Comment [CV35]: Wells-for drinking? Reservoirs? DPH regulates.

Comment [CV36]: Don't want our water leaving town to serve another town. We're part of MDC Central walk?

Sec. 157-7. Exceptions, application for waiver.

Any water users that consider the restrictions, as imposed, to adversely affect their livelihood, health or sanitation, may make written application for a waiver. Any such application shall be directed to the attention of the Board of Selectmen, which shall refer the application, within three (3) business days, to the Farmington Valley Health District with the request that it make a recommendation, within three (3) business days if possible, as to whether a waiver should be granted. The Board of Selectmen may grant an interim waiver pending receipt of the recommendation. Thereafter, the Board of Selectmen may delegate to Town staff the decision whether to grant a waiver. Direct rain water storage systems shall be exempt from this ordinance.

Comment [GM37]: Staff is granting discretion for granting of waivers however it is unclear who is the responsible party for enforcement of this ordinance.

Comment [CV38]: Was not intent of BOS to hear waivers.

Comment [GM39]: would irrigation ponds for agriculture or similar uses then be exempt based on this language?

Comment [CV40]: Are irrigation ponds considered "direct rain water storage systems"?

Whenever the Board of Selectmen, or Town staff exercising delegated authority, shall make an exception pursuant to §157-5, §157-6 or §157-7, it may attach reasonable conditions.

Sec. 157-8. Use of water to maintain health standards.

The Farmington Valley Health District shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 157-9. Violations and penalties.

Any person, business, or other entity who commits an unlawful act within the meaning of this Chapter shall be subject to a fine not to exceed ~~fifty one hundred~~ fifty one hundred dollars (\$100.00) for each offense. Each violation of a separate section shall be considered a separate offense and shall not merge with a violation of any other section. Any violation continued more than one (1) day shall

Comment [CME41]: We will need to add additional language regarding the authority to designate enforcement officers; would recommend language similar to stormwater ordinance in which the Town Manager has the authority to designate enforcement officers with the ability to issue citations and fines. Would likely be DPW, Engineering, and Planning staff.

constitute a separate offense for each day such violation continues. The Town of Simsbury shall consult with local water ~~companies~~ providers to ensure residents are not penalized by multiple entities for the same offenses.

~~Fines shall be subject to appeal pursuant to the citation hearing process authorized by General Statutes §7-152e.~~

Sec. 157-10. Appeals

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing by the Town, filed with the Town Clerk within ten (10) business days from the date of the fine. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.

Sec. 157-11. Termination of prohibitions.

Any actions of the Board of Selectmen taken under this Chapter shall continue in effect until the Board of Selectmen, ~~after such consultations as it deems appropriate,~~ determines that there is no continuing need for restrictions. The Board of Selectmen shall review any finding of a water shortage or state of ground water depletion ~~at least every thirty (30) days not more than every forty-five (45) days~~ from the date of the initial finding. The Board of Selectmen shall cause notice of the various terminations to be published in the manner provided for in §157-3.

Sec. 157-12. Invalidation.

If any part, subsection, sentence, clause, phrase or other portion of this Chapter is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Comment [CME42]: This language gives the impression that the BOS is compelled to take action. We would recommend language that indicates these are guidelines, or an option.

Comment [CV43]: BOS->Do what is reasonable for the town.

TOWN OF SIMSBURY

DRAFT ORDINANCE WATER SHORTAGES

May 10, 2018 Draft

May 14, 2018 Draft

Sec. 157-1. Authority and purpose.

The Town of Simsbury, under its powers pursuant to state law, has adopted this ordinance to protect public health and welfare. This ordinance implements the Town's authority to impose water use restrictions, conditioned upon a finding by the Board of Selectmen that a water shortage or state of ground water depletion exists, or upon a state of water use restrictions or a declaration of public drinking water supply emergency issued by the Department of Public Health pursuant to C.G.S. 25-32b.

The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a finding by the Simsbury Board of Selectmen of a critical water shortage or state of ground water depletion or a declaration by the State of Connecticut of a State Water Use Restriction or State of Public Drinking Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the State of Connecticut.

Comment [R1]: Somebody needs to think through or talk to Town Attorney about the need to reference a state declaration .

Pursuant to the General Statutes of the State of Connecticut, it is hereby declared to be in the best interest of the public health and safety of the residents and citizens of the Town of Simsbury to assist in regulating and restricting the use of water during a critical water shortage or state of ground water depletion.

Sec. 157-2. Definitions.

(a) When used in this ordinance, unless the context otherwise requires:

(1) Person shall be construed to mean and include an individual, a corporation, a partnership, a trust, an unincorporated organization, business organization of any kind or any other group or organization.

~~(2) State of ground water depletion shall exist whenever the Board of Selectmen, after consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall determine that the underground water supplies within the Town are at, or are in danger of reaching, levels insufficient to provide for the needs of the public health, preservation of human life, sanitation, safety, welfare, or economic needs of those served by wells within the Town.~~

Comment [R2]: Here and elsewhere below there is a need to renumber sections if these changes are adopted.

(3) Threatened water shortage shall exist whenever the Board of Selectmen, ~~in consultation with industry experts that may include:~~ after there has been consultation with the Water Companies, other government officials, the Farmington Valley Health District, ~~and other persons the Board shall deem appropriate,~~ determines ~~personsthe Board shall determine that the adequacy of the Town water supply to meet the demands of the Town for health, sanitation and preservation of businesses is threatened~~ after consideration of the following items to wit: amount of water available; water demands; time of year; weather forecast data; and any other relevant factors.

Comment [R3]: 'after there has been consultation' implies that consultation could be by staff, not necessarily direct BOS consultation.

(4) Town means the Town of Simsbury.

(5) Water means potable water. Water in watercourses, ponds, lakes and reservoirs are presumed to be potable water.

(6) Water Company means the Aquarion Water Company, ~~the Avon Water Company~~ Connecticut Water Company or the Tariffville ~~Fire District~~ Water Company or their successors and assigns or any other public utility ~~Water Company~~ water company providing public water supply in the Town.

~~(7) Critical w~~Water shortage shall exist whenever the Board of Selectmen, after there has been consultation with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem appropriate, determines after considering the factors set forth in Subsection (2) or (3) above that the water supplies available to the Town are at, or are in danger of reaching levels insufficient to provide for the normal needs of the public health, preservation of human life, sanitation, safety, welfare and economy of the Town.

Sec. 157-3. Notice of water use restrictions.

If the Board of Selectmen imposes restrictions under §157-5 ~~and/or §157-6~~ or modifies existing restrictions to make them stricter or more inclusive, it shall notify the Connecticut Department of Public Health and the Connecticut Department of Energy and Environmental Protection in writing within fourteen (14) days of the effective date of the restrictions or changes. The Board of Selectmen shall give public notice of such restrictions or changes before they become effective.

Sec. 157-4. ~~Drought Water~~ management plan.

Upon its determination that there is a threatened water shortage, the Board of Selectmen ~~may adopt a drought management plan covering all matters of water conservation.~~

may instruct the Town Manager to prepare and implement a water management plan, or, if such a plan already exists, to update it. Such water management plan shall address the staffing and processes by which Town staff will address needs occasioned by the threatened water shortage, and its implementation may include, among other activities, consultations with other parties and preparation of tentative recommendations to the Board of Selectmen, including, among other matters, those concerning voluntary water conservation matters.

Sec. 157-5. Certain uses prohibited during shortage.

Upon its determination that a critical water shortage exists, and that voluntary conservation measures were implemented and have failed or are deemed inadequate to provide relief for the critical water shortage, the Board of Selectmen ~~, after there has been in consultation with the Water Companies, in addition to the powers set forth in §157-4 above,~~ shall have the power to declare to be unlawful any or all of the following acts, ~~concerning water obtained from the Water Companies, or other public utility water company~~ subject to such reasonable and necessary exceptions as are determined by the Board of Selectmen to be in the public interest. Such action shall be effective upon publication pursuant to §157-3 of this Chapter:

- (a) Using water to sprinkle, water or irrigate any plants, lawns, grass, ground covers, vines, flowers, shrubbery, trees or any other vegetation unless necessary to sustain food crops, crops for harvest or stocks of a business inventory;
- (b) Using water for private and/or public recreational, ornamental or decorative purposes, including but not limited to fountains, pools or ponds;
- (c) Using water to wash or clean motor vehicles or trailers unless done as a means of livelihood at a commercial facility, which use may be limited by the Board of Selectmen to facilities using a completely recyclable water system or those facilities using not more than three (3) gallons of water per vehicle. This restriction shall not apply to vehicles required by law to be washed or cleaned for sanitary, health or safety reasons;
- (d) Using water to wash or flush sidewalks, driveways, pavements, porches or other outdoor surfaces;

(e) Using water to wash the outside of buildings or structures;

(f) Using water to wash or clean windows unless done as means of livelihood and only then by washing or cleaning exclusively from a bucket or container of three (3) gallons capacity or less;

(g) Using water from fire hydrants, other than for health or safety;

(h) Permitting exterior water supply lines to remain in a state of disrepair, resulting in the escape of water;

(i) Operating an air-conditioning device or system using water as a coolant unless the same shall be of the water recirculating type;

(*) Removal of water from a property by an enterprise other than a regulated water utility for ultimate sale as drinking water

Comment [R4]: Food for thought. Niagara Bottling in Bloomfield is on record as wanting to get truckloads of "spring water" (= ground water) brought in from other towns to supplement its MDC supply.

~~(j) Serving water to eating facilities' customers, except on request; and~~

(j) Such other uses and activities as the Board of Selectmen shall declare following a public hearing thereon.

The Board of Selectmen may phase in the restrictions to tailor them according to the severity and nature of the water ~~supply emergency shortage~~.

~~Sec. 157-6. State of ground water depletion.~~

~~Upon its determination that a state of ground water depletion exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen shall have the authority to apply any or all of the prohibitions contained in §157-5 to the use of water from water wells within the Town, subject to such reasonable and necessary exceptions as are determined by the Board of Selectmen to be in the public interest.~~

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Whenever the Board of Selectmen, or Town staff exercising delegated authority, shall make an exception pursuant to §157-5, §157-6 or §157-7, it may attach reasonable conditions.

Sec. 157-8. Use of water to maintain health standards.

The Farmington Valley Health District shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

Sec. 157-9. Violations and penalties.

Any person, business, or other entity who commits an unlawful act within the meaning of this Chapter shall be subject to a fine not to exceed fifty dollars (~~\$100.00~~) for each offense. Each violation of a separate section shall be considered a separate offense and shall not merge with a violation of any other section. Any violation continued more than one (1) day shall constitute a separate offense for each day such violation continues. The Town of Simsbury shall consult with local water ~~companies~~ providers to ensure residents are not penalized by multiple entities for the same offenses.

~~Fines shall be subject to appeal pursuant to the citation hearing process authorized by General Statutes §7-152c.~~

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Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within ten (10) business days from the date of the fine. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer shall be final.

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Sec. 157-12. Invalidity.

If any part, subsection, sentence, clause, phrase or other portion of this Chapter is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee – Special Meeting
Tuesday June 20, 2017
5:00 PM – Simsbury Town Offices – Main Meeting Room

Minutes

(Completed by member Chris Kelly)

1. Call to Order

The meeting was called to order at 5:00 PM. Present were Selectperson's Chris Kelly and Mike Paine. Also present from the Conservation and Inland Wetland's Commission was Don Rieger.

2. Pledge of Allegiance

3. Public Audience

No comments were made in public audience

4. Review Version of Water Shortage Ordinance Edited for Previous Feedback.

Don Rieger, Mike Paine, and Chris Kelly reviewed a number of areas of the proposed ordinance and identified changes to be submitted to the Town Attorney.

These areas are contained in the grid below. Mike Paine made a motion approved by Chris Kelly to forward these edits to the Town Attorney. The motion passed unanimously.

#	Section	Comments	Rationale
1	157-1	<p>Although we asked to have this included in this draft, we have determined that the final line should be deleted.</p> <p><i>and after a period of voluntary conservation measures have failed to provide adequate relief for the water shortage depletion.</i></p>	<p>1) The ambiguity leaves too much room for confusion and debate.</p> <p>2) The desire to ensure that voluntary measures have been either inadequate or are not the proper action can be addressed by adding a statement to 157-5 and 157-6. See below</p> <p>3) Do not want to have language that can be construed to mean that voluntary efforts have to be tried before implementing the restrictions (typically they will have, but in extreme cases voluntary efforts may be bypassed, based upon the wisdom of the Board.</p>
2	157-5	<p>Change the first sentence from:</p> <p><i>Upon its determination that a water shortage exists, the Board of Selectmen.....</i></p> <p>To</p> <p><i>Upon its determination that a water shortage exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen.....</i></p>	<p>1) This language supports the request from the Board to have language that reinforces a desire to have the Board attempt voluntary efforts first where possible.</p>
3	157-6	<p>Change the first sentence from:</p> <p><i>Upon its determination that a state of ground water depletion exists, the Board of Selectmen.....</i></p> <p>To</p> <p><i>Upon its determination that a state of ground water depletion exists and that voluntary conservation measures have failed or are deemed inadequate to provide relief for the water shortage, the Board of Selectmen.....</i></p>	<p>1) Same as above</p>
4	157 – 2 (2) and (3)(7)	<p>In (2), (3) (7) and replace:</p> <p><i>The Board of Selectman may consult with the Director of Public Works, the Chairman of the Town Conservation Commission, and with the Farmington Valley Health District, prior to making its determination</i></p> <p>With</p> <p><i>The Board of Selectmen may consult with the Water Companies, other government officials, the Farmington Valley Health District, and other persons the Board shall deem as appropriate</i></p>	<p>1) The Board did not want to name Simsbury government entities specifically, but have language leaving it to the wisdom of the Board as to who to include.</p>
5	157 – 2 (6)	<p>Change definition of Water Company from:</p> <p><i>Water Company means the Aquarion Water Company, the Avon Water Company, or the Tariffville Water Company or their successors and assigns or any other Water Company providing public water supply in the Town</i></p> <p>With</p> <p><i>Water Company means the Aquarion Water Company, the Avon Water Company, or the Tariffville Water Company or their successors and assigns or any other public utility Water Company providing public water supply in the Town</i></p>	

#	Section	Comments	Rationale
6	157-2	Add a definition of "business" <i>Or and alternative</i> Can definition of <i>person</i> be expanded to explicitly state <i>business</i> . <i>Person</i> shall be construed to mean to include an individual, a corporation, a partnership, a business, a trust, an unincorporated organization or any other group or organization.	1) Just to eliminate any ambiguity on what constitutes a business in the ordinance.
7	157 - 7	The second reference to days should also be "business days" as in the first reference.	1) Consistency of language
8	157 - 6	Although requested in an earlier review please delete: Such action shall be effective 30 days following publication of notice of the intent to apply the restrictions pursuant to 157-3. During such notice period, individuals (property is a typo) shall have the right to comment on the proposed restrictions.	1) Earlier provisions and later provisions provide adequate language for both notification prior, and periodic review after implementation. 2) If there is an emergency it may be detrimental to wait 30 days.
9	157 - 6	Last sentence.... <i>During such period, property shall have the right to comment on the proposed restrictions. Property</i> ; is this a typo. Should it be <i>people, individuals, etc?</i>	1) Type

7. Adjourn

A motion was made by Mike Paine, seconded by Chris Kelly, and passed by all to adjourn the meeting at 6:05

52 Mr. O'Connell discussed the statutory powers granted to Tariffville Water Company. He did not
53 want to see an ordinance that would dilute their powers.

54
55 Mr. Rieger commented how the state acts on a larger scale and water planning really needs to
56 be locally focused.

57
58 Mr. Paine explained how the Board of Selectmen needs to be the policy maker and there needs
59 to be balance between policy and the needs of utility companies.

60
61 Mr. Rieger felt the penalties of the proposed language by members of Tariffville Water Company
62 were too broad and soft.

63
64 Mr. Kelly liked the wording presented by Tariffville Water Company as it relates to the consulting
65 with the parties.

66
67 Mr. Roy proposed a change to the language which would read, "The Town of Simsbury shall
68 consult with local water providers to ensure residents are not penalized by multiple entities for
69 the same offenses."

70
71 Mr. Roy also noted there are other providers such as operators of community wells which
72 should be included in the future conversations.

73
74 **3) Next Steps**

75
76 Mr. Kelly thanked everyone in attendance. He explained that the draft will be revised to
77 incorporate some of the changes discussed tonight. After the revisions are made, a second
78 meeting will be held of the working group to discuss the ordinance.

79
80 Mr. Paine expressed his concern of the importance of public outreach regarding the matter. The
81 Town will need to work on getting the message out to the target population.

82
83 Ms. Winters suggested the town look into contacting interested parties such as the operators of
84 the local golf courses or larger agricultural operations.

85
86 **Adjourn**

87
88 The meeting adjourned at 5:45 pm.

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90 Respectfully submitted,

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96 **Michael Glidden CFM CZEO**
97 **Assistant Town Planner**

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BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Tuesday, May 15, 2018
9:00AM-Simsbury Town Hall- Main Meeting Room
SPECIAL MEETING

PRESENT: Mike Paine

ALSO PRESENT: Maria Capriola Town Manager, Michael Glidden, Assistant Town Planner, Jeff Shea, Town Engineer, Tom Roy Director of Public Works, Donald Rieger

Absent: Chris Kelly, Margery Winters

Call to Order

Mr. Paine called the meeting to order at 9:00 AM.

1) Public Audience

Mr. Paine asked if there any members of the Public that wished to speak. No one came forward.

2) Review and Discussion of draft Water Shortage Ordinance

Mr. Paine summarized the meeting with Tarifville Fire District meeting and asked staff to discuss comments.

Ms. Capriola explained how staff started reviewing the proposed ordinance. She stated that a document has been prepared which illustrates some of the comments and/or concerns that the staff has developed. Ms. Capriola felt that because of a lot of the comments from the four staff members overlapped, she wanted to review these with the members and see if there was a way to address.

Ms. Capriola suggested that the group would review section by section of the proposed ordinance so that staff comments could be reviewed in detail. Mr. Paine agreed. Ms. Capriola explained that the staff will be reaching out to Aquarion and Connecticut Water to review the proposed ordinance with both utility companies so that the document is fully vetted by all groups. Mr. Rieger explained that some of the conservation measures outlined in the proposed ordinance were similar to those in the Town of Greenwich's ordinance. He felt that Aquarion would be familiar with these and that the company was thinking updating their conservation regulations.

Ms. Capriola began the review of staff comments with the group. Mr. Roy reviewed his comments in Section 157-1. He explained how changes were meant to clarify the language. He felt the proposed was too broad and potentially left to interpretation.

Mr. Roy explained how he edited the definition of threatened water supply to include consultation of industry experts. He felt the consultation would help the Town determine when there is an environmental issue which warranted conservation measures.

Ms. Capriola reviewed the next comment from Jeff Shea concerning the definition of potable water. Mr. Shea felt that clarification as to the definition of potable water needed to be provided.

52 He explained how there are wells in Simsbury which are not meant for drinking water. Mr.
53 Rieger explained how if the source can be used for drinking purposes then it would be subject to
54 the ordinance. Mr. Roy explained the example of many wells in the Northern sections of
55 Simsbury which were compromised due to historical pesticides and some residents kept their
56 wells for lawn irrigation purposes. Mr. Paine agreed and stated although he is from this section
57 of Simsbury it is concerning that the Town would be enforcing these regulations on water
58 company customers while neighbors would be exempt. Mr. Roy also agreed and explained how
59 this could cause conflict.

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61 Ms. Capriola stated the next comment was with water companies and community wells. She
62 stated there are community wells in Simsbury. Mr. Roy and Mr. Glidden referenced community
63 wells such as Ethel Walker School and Quad Hill which were not identified in the ordinance. Ms.
64 Capriola discussed how in Mansfield there were several community wells which served areas of
65 the community that worked with the town. Mr. Rieger felt these community wells would be
66 managed by home owners and others which did not have the professional expertise that water
67 companies have. He also explained that community wells were regulated by the State
68 Department of Public Health. Ms. Capriola suggested that staff contact the State Department of
69 Public Health and get a definition of a community well and provide information on how these are
70 regulated by the state. Mr. Glidden volunteered to investigate this subject and would report
71 back.

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73 Ms. Capriola stated that staff would invite representatives of Aquarion to discuss the
74 regulations. Mr. Roy stated he would coordinate these efforts.

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76 Mr. Glidden asked how the proposed ordinance would affect golf courses such as Simsbury
77 Farms which their irrigation ponds are fed by wells. He explained diversion permits from
78 CTDEEP may have conservation restrictions and this ordinance would severely restrict irrigation
79 practices. Mr. Rieger stated he felt the ordinance would not regulate golf courses.

80
81 Ms. Capriola reviewed the next comment from T. Roy concerning drought management plan
82 referenced in 157-4. Mr. Roy felt that a drought management plan should be adopted or draft
83 before the ordinance. He stated that having the plan in place before a time of crisis would better
84 help the community. Ms. Capriola agreed. Mr. Rieger explained that he drafted a drought
85 management plan and shared a copy with Ms. Capriola. He felt that the developing of such a
86 plan should be tied to a specific event. Mr. Roy, Mr. Glidden, and Ms. Capriola expressed their
87 concern with this section.

88
89 Ms. Capriola stated the next section 157-5 had several comments. Mr. Shea explained his
90 comments regarding recreational uses and how these could apply to Simsbury Farms pool
91 complex among others. Mr. Roy also explained his concerns on how the Town would asking for
92 conservation from citizens and there would issues on how these similar measures could impact
93 town facilities.

94
95 Mr. Paine noted that it was almost 10:00 am. Ms. Capriola apologized to the group but she
96 explained that the group would have adjourn. She wanted to schedule a follow meeting with the
97 group to finish reviewing staff comments. She inquired whether the group would be available for
98 a follow meeting on Monday May 21st. Everyone present stated Monday would work. Ms.
99 Capriola suggested that the group would meet at 10:00am however she would verify with Chris
100 Kelly on his availability. She would follow up with the group on time for the special meeting.

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3) Next Steps

Mr. Paine thanked everyone for their efforts and inputs in drafting the water shortage ordinance. Ms. Capriola asked that adoption of the meeting minutes from previous meetings be table until Chris Kelly is present. Ms. Capriola stated when the ordinance was ready for submission to the Board of Selectmen for adoption that a public hearing would be required because of the amount of changes and time since the Board started the process.

Adjourn

The meeting adjourned at 9:59 am.

Respectfully submitted,

Michael Glidden CFM CZEO
Assistant Town Planner

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BOARD OF SELECTMEN
Water Shortage Ordinance Subcommittee
Monday, May 21, 2018
9:30AM-Simsbury Town Hall- Main Meeting Room
SPECIAL MEETING

PRESENT: Mike Paine, Chris Kelly

ALSO PRESENT: Maria Capriola Town Manager, Michael Glidden, Assistant Town Planner, Jeff Shea, Town Engineer, Tom Roy Director of Public Works, Donald Rieger

Absent: Margery Winters

Call to Order

Mr. Kelly called the meeting to order at 9:30 AM.

1) Public Audience

Mr. Kelly asked if there any members of the Public that wished to speak. No one came forward.

2) Review and Discussion of Draft Water Shortage Ordinance

Ms. Capriola suggested that the group start off the review of the draft with Section 157-6. She read comments from Jeff Shea which questioned the application of the ordinance to wells. Mr. Rieger all drinkable wells regardless of ownership is private or public would be subject to the ordinance. Mr. Paine suggested that well and/or reservoirs be added to the section in order to prevent confusion.

Mr. Roy commented how Aquarion uses water from well locations to be distributed to areas that are within the service area not just Simsbury. He raised a concern that in a time of drought this could be a situation where water is leaving town to an area which may not have a structured or active conservation efforts in place. Mr. Roy noted that this issue is one which is larger than the ordinance and is not something the group can solve.

Ms. Capriola noted the next section there were comments was 157-7 and 157-9. She noted the nature of these comments were lack of delegation of an enforcement official. Ms. Capriola suggested that language could be added that was similar to the blight and storm water ordinances which delegated enforcement powers to a staff member. Mr. Glidden noted the waiver provision which gave some enforcement discretion to staff however it was unclear by the draft who would be the primary staff member for the enforcement of the ordinance. He mentioned the difficult position staff would be in with the ability to grant waivers but no ability to enforce the ordinance.

Mr. Rieger noted that in Greenwich the Police are responsible for enforcing the drought ordinance.

Mr. Kelly noted that the waiver provision was intended to avoid having every single request for waivers to go before the Board of Selectmen. He understood staffs' concern though.

51 Ms. Capriola suggested that staff would provide an appointment language which would mirror
52 other ordinance such as blight and/or storm water which would provide appointment power for
53 designation of enforcement official.

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55 Mr. Paine expressed concern on where appeals for the issuance of citations are to be filed. Mr.
56 Glidden noted that the language for the appeal section was copied from the storm water
57 management ordinance however it could be clarified. He explained other citation appeals such
58 as zoning or blight are filed with the official that issued them. Mr. Paine suggested that the
59 section be changed to read written request for appeals of citations are to be filed with the Town
60 Clerk.

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62 Ms. Capriola reviewed comments to 157-11. She requested clarification on whether the section
63 implied the ordinance was intended to be a guideline or mandatory/compelling document for the
64 Board of Selectmen. Mr. Rieger stated that it is a requirement. Ms. Capriola restated the need
65 for clarification of the overall theme whether it is intended to be mandatory or suggestive. Mr.
66 Rieger stated that it is intended to be mandatory. Mr. Paine questioned whether the 30 day
67 provision within in this section be changed to not more than 45 days.

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69 Mr. Rieger stated his concerns regarding changes made to purpose and authority section of the
70 proposal. He felt that this section was recommended by town counsel and that it should remain.
71 Mr. Roy explained his intentions for changes to the section. He wanted to cut down on the
72 wordiness and have to document read easier for people. Mr. Rieger disagreed.

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74 Mr. Kelly noted there are two options for this section. One is to keep the section as proposed.
75 Two is to adopt the revised section as noted by Mr. Roy.

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77 Mr. Shea noted he still is unclear on whether the ordinance only applies to water company
78 customers or does it apply to private wells.

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80 Mr. Rieger discussed how the ordinance flows thru different stages of conservation.

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82 Mr. Paine noted more information is required to better understand the difference between critical
83 vs. threatened.

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85 Mr. Roy suggested adopting language that the State of Connecticut uses for drought conditions.
86 Mr. Rieger noted that the Board may not want to tie the language to state definitions which are
87 subject to change. Mr. Roy noted flexibility is in the adoption of a plan not the ordinance.

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89 Mr. Paine expressed his concerns that he was not in favor of rigid ordinance which prevents
90 responses.

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92 Mr. Shea noted the section of a drought management plan was not clear. Mr. Rieger stated that
93 the adoption of the plan would be a time where the Town can tool up and the document would
94 give personnel direction. Mr. Paine requested that section 157-4 be changed to water
95 management plan verses drought management plan.

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97 Mr. Roy noted the need for a detailed plan to be adopted before a time of crisis. He felt there
98 were two situations where this ordinance could come into play in this region. One is a situation
99 of prolonged lack of rainfall. Two is a short but very dry period that drought conditions are rapid.

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101 Mr. Kelly noted the plans would be situation or event specific.

102 Mr. Shea asked that Sections 157-6 and 157-7 be re-arranged so that the document read in
103 order which would make sense. Mr. Paine agreed and thought a linear layout of the document
104 would help. He noted that 2 different rules and lack of organization would create chaos. He felt
105 the rules should be consolidated.

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107 Mr. Kelly noted that the change in definition did not affect the enforcement however he liked the
108 separation of terms which was taken in the draft document.

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110 Mr. Roy questioned if there was a way to define water as a public resource. Mr. Rieger stated
111 this is issue that the state of Connecticut is dealing with as developing a drought management
112 plan.

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114 **3) Next Steps**

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116 Ms. Capriola stated staff would amend the ordinance and incorporate some of the comments
117 and changes discussed. She asked whether the group could schedule a follow up special
118 meeting on 06/05/2018 at 10:00am in the Main Meeting Room in the Simsbury Town Hall.

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120 **Adjourn**

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122 The meeting adjourned at 9:59 am.

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124 Respectfully submitted,

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130 **Michael Glidden CFM CZEO**

131 **Assistant Town Planner**