

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3) Next Steps

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

Adjourn

The meeting adjourned at 9:59 am.

Respectfully submitted,

Michael Glidden CFM CZEO
Assistant Town Planner