



# 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 <b>public utility</b> Water Company providing public water supply in the Town</i></p>	

#	Section	Comments	Rationale
6	157-2	<p>Add a definition of "business"</p> <p><i>Or and alternative</i></p> <p>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.</p>	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	<p>Although requested in an earlier review please delete:</p> <p>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.</p>	<p>1) Earlier provisions and later provisions provide adequate language for both notification prior, and periodic review after implementation.</p> <p>2) If there is an emergency it may be detrimental to wait 30 days.</p>
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