TOWN OF WALLINGFORD, CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

ORDINANCE COMMITTEE

Tuesday, March 2, 2021
6:30 P.M.

HELD REMOTELY VIA GOTOMEETINGS

RECORD OF VOTES AND MINUTES

The meeting was called to order at 6:30 P.M. The Pledge of Allegiance was said. The following Councilors were in attendance: Vincent Cervoni, Craig Fishbein, Thomas Laffin, Joseph Marrone, Gina Morgenstein, Christina Tatta, Jason Zandri, and Chairman Christopher Shortell. Also in attendance was: Corporation Counsel Janis Small.

Chairman Shortell explained what the Ordinance Committee does and how the meeting will work.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Approval of Minutes of February 2, 2021, Ordinance Committee meeting.

   MOTION WAS MADE TO APPROVE THE FEBRUARY 2, 2021 MINUTES AS PRESENTED.

   MADE BY: SHORTELL
   SECONDED BY: CERVONI
   ABSTAIN: FISHBEIN
   VOTE: UNANIMOUS
   MOTION: PASSED

5. Discussion and possible action concerning Town Fees for Use in Parks, Ordinance §151-9.

Councilor Marrone explained that the ability to tax or levy fees is held solely by the Council per the Charter. The Council often delegates this authority via ordinance. The park permits/rules/regulations are under the control of the Recreation Commission. The ability to set fees for park use was granted to the Recreation Commission by the Town Council in 2003. He explained that some fees are set by ordinance, some by Council, and only a few have no Council review. He stated that if the fee is a tax, they have given taxing authority to volunteers. He shared the existing ordinance and proposed a motion to add the

following to it: "Facility permit fee structures require the approval of the Town Council. Fee structure changes will take effect a minimum of six months after approval by the Council." He proposed a discussion on whether Council should have given up the authority to a volunteer group if the 6 months is reasonable, if there should be a formal process to request fees, what the parameters would be and if all groups using the parks are created equal.

MOTION WAS MADE TO APPROVE THE PROPOSED ADDITION TO ORDINANCE §151-9 AS FOLLOWS FACILITY PERMIT FEE STRUCTURES REQUIRE THE APPROVAL OF THE TOWN COUNCIL. FEE STRUCTURE CHANGES WILL TAKE EFFECT A MINIMUM OF SIX MONTHS AFTER APPROVAL BY THE COUNCIL.

MADE BY: MARRONE
SECONDED BY: SHORTELL

DISCUSSION:
Councilor Fishbein asked for the reason for the six months. He suggested an annual review of the fees instead. Councilor Marrone explained that lead time would be needed to determine changes. He noted that if someone renting a park had special arrangements other than the standard fee it would come to the Council. Councilor Fishbein asked if the Council takes back power to set fees, would the Council be responsible for dealing with waivers. Councilor Marrone replied that the current ordinance says the Department has the power to negotiate fees but they would be approved by the Council.

Chairman Cervoni noted that ordinances usually have 30 days before they take effect. He disagreed with the six months. He suggested allowing people who booked in advance, to keep that fee as of the time it was booked. It can state that this will apply to reservations made going forward.

Atty. Small suggested that instead of six months, state that when the Council approves the fees they will set the effective date.

Kenny Michaels, Director of Parks and Recreation, stated that six months is a long timeframe to wait for approval to adjust fees. He noted that the last facility fee adjustment was in 2015, though they are reviewed annually. This year they looked at who is using the facilities. He noted that this is the first time in 18 years he has seen the Council involved in the decision on park fees.

Councilor Marrone stated that the question came up due to issues mentioned in the newspaper with the YMCA and Doolittle Park. He stated that there is no offense intended to the Recreation Commission.

Councilor Morgenstein stated that she is not an expert in the functioning of the parks and asked if the Council can determine the fees.

Jason Michael, Parks and Recreation Commissioner, stated that the Commission has the expertise. They oversee the Department, the parks, the usage, and the needs and are in the best situation to set rates. He stated that he agreed to the Council reviewing any changes in the fees.

Councilor Fishbein stated that 30 days is sufficient and he agreed to add a grandfather provision. He suggested possibly increasing fees incrementally to match changes to the mill rate. For waivers, he stated that there have to be set criteria. He is okay with bringing power back to the Council.

Chairman Cervoni stated that he doesn't see this as a tax but a user fee. He agreed with some metrics to periodically adjust the rates. He disagreed with using the mill rate. He stated that he is not sure that the proposal is the right solution to the current problem. The problem is not a change in the amount of the fee, but a policy decision on who should pay the fees. The Commission is advisory to the Park & Recreation Department. The relationship has worked well historically.

Councilor Shortell stated that he disagreed that expertise is an issue. He agreed that there are two separate issues. One is the philosophical discussion of should the Council take back some kind of veto power, which will not affect the current issue.

Councilor Tatta explained that she received calls and messages from YMCA camp participant parents. She stated that the proposal was an attempt to step in. She noted that she is not interested in setting fees for the parks but this is something the Council can do. She asked if Parks & Recreation is not receiving enough money and why they eliminated the waiver.

Mr. Michaels replied that there was never an official waiver for organizations such as the YMCA or the Boys & Girls Club. The document with the fees states that they may be waived and lists categories and organizations. It does not say that it will be waived. He noted that their budget was cut last year so they are trying to do more with user fees and rely less on tax dollars. He stated that the fees go back into the park facilities and programs. They are always trying to make the park system better.

Councilor Marrone stated his concern is that someone else has the authority over something that should be under Council control. He asked where the fees are used. Mr. Michaels replied that the registration and facilities fees go into the Program Revenue fund. The fees are for the rental of pavilions, baseball fields, etc. The money is disbursed back into the parks for maintenance and repairs. He gave some recent examples. Councilor Marrone stated that his concern was more with how the rates are set than how they are spent.

Councilor Fishbein noted that the draft proposal means that the Council is responsible for the current fee structure. He suggested removing the second sentence and to run it as a friendly amendment. He proposed changing it to: 'Fee structure changes will take effect 30 days after action by the Council unless the Council determines otherwise.' Councilor Marrone agreed and accepted that amendment to the Motion. Councilor Shortell amended his second.

Mayor Dickinson explained that fees should be connected to the cost borne by the department or town as a result of use, i.e. more grass cutting, more wear and tear on facilities. He fears that fees could become burdensome or discriminatory without relation to the use of the property. User fees need a connection to the impact on the organization using the park as well. If there is no analysis, what is the basis for fees and how are we ensuring they are not arbitrary or discriminatory?

Councilor Tatta asked for verification that this only refers to park and facility fees, not all of the Parks and Recreation catalog. Chairman Shortell noted that it should include things like pool tags, but the assumption is that Council would get a list of fees for park facilities. Atty. Small agreed that this Ordinance is specifically for the park facilities. Councilor Tatta asked if we want to add 'fees and/or waivers' to the proposed language to address the current issue. This means the Council also approves waivers.

Chairman Shortell asked how many waivers are given each year. Mr. Michaels replied that there was never a formal waiver process and there are no applications. Based on the wording in their fees document, they usually don't charge volunteer-based programs. He stated that the language in the package says that there could have been a charge. Chairman Shortell asked if waivers are an administrative decision. Mr. Michaels replied yes. Chairman Shortell noted that the proposed language doesn't change that. Atty. Small stated that a legislative authority would need to set criteria or require them to come back to the council with a written procedure. If no there is no criterion for waivers it is open to uneven treatment. The fee structure could include the process for something being waived. She noted that it is not unusual to have an ordinance such as this delegating the authority or stating that the Council must approve. Atty. Small suggested discussing whether the power stays with the Department and Commission or comes back to Council. She recommended some parameters on waivers.

Councilor Tatta asked that 'fees and/or waivers' be added to the Motion. Councilor Marrone stated that the word waiver would be redundant. Atty. Small stated that Council can include clarifying language on a waiver process. Councilor Marrone agreed to add 'and waivers' to the Motion. Atty. Small recommended changing the first line to read 'facility permit fee structures including waiver provisions require the approval of the Council.'

Mr. Michaels asked if waiver requests will have to go to Council. Atty. Small responded that the criteria would be set by Council. The Department would approve the waivers. Councilor Marrone agreed to that change to the motion. Chairman Shortell agreed to amend the second.

Kim DePiero, 314 Main Street, Wallingford, asked via the chat, how the fees are determined and if they are shared with the public before being levied. Chairman Shortell replied that fees are discussed at public meetings with agendas that are posted ahead of time. Mr. Michaels stated that the facility fee structure has been in place since 2015. The Department looks at what is charged in surrounding towns and what they need to support the facilities. He noted that Public Works doesn't track the costs of park maintenance.

Jason Michael stated that the last fee change happened when they looked at the pool on a long-term basis and realized how underpriced the pool tag was. There wasn't enough money coming in to support the pool. He stated that they also started looking at all their fees. He noted that the current issue is about increasing the Doolittle Park rental fee from $750 a day to $800 a day. This came from comparisons with other towns and looking at relationships with non-profits. He noted that the parks are tired and the buildings need work. If fees are tweaked the money will be there to maintain the parks.

Councilor Laffin asked about the process for approving a waiver. If the Council will be doing it will there need to be enough time to get it on the agenda. Do we have to wait until a change occurs before reviewing them? Chairman Shortell stated that there would have to be criteria for the waiver and the Council would influence that criterion. Atty. Small stated that if Council passes the ordinance, Council would approve the fees and waiver structure. She stated that the waiver structure can be part of the ordinance or the Department and Commission can propose a fee structure and waiver provisions. They say how the waiver is determined and processed and the Council will sign off. The waiver applications wouldn't come to Council. The process would be approved by Council.

Councilor Laffin asked about changes made before the law approved because they can't go backward. He stated that he doesn't want to take responsibility from Commission. Atty. Small stated that at the time the Ordinance becomes effective, the Department and Commission would submit their proposal for approval. She added that up until the time ordinance passes, the authority to set fees is with the Commission. Councilor Laffin asked if the Council would get a list of fees and waivers. Atty. Small stated that Council would review the fee structure. The only thing currently missing is the structure of how waivers are determined. Councilor Laffin asked if the Ordinance will compel them to give a complete report to Council or only if there are changes. Atty. Small replied that when it's effective, they have to submit the fee structure to Council for approval.

Chairman Shortell noted that Council has been involved in the approval of the use of the Parade Grounds and the Parisi Chambers. Council also changed the pool tag price in 2019 when we kept the pool open longer.

Councilor Fishbein stated that without criteria, the waiver process can be discriminatory. This needs to be resolved. He stated that Council is not in a position to determine fees. We have to give trust to those we have appointed based on the criteria we set. He suggested setting up a system of criteria for waivers that provides a paper trail to avoid complaints of discrimination. Chairman Shortell stated that the Department and Commission would still determine the fees. They need to develop the criteria for waivers and Council can review them. Councilor Fishbein stated concerns with Council approving the fees without the expertise.

Councilor Tatta asked how the fees are used to offset the costs when all the revenue goes to the Town. Mr. Michaels replied that fees are assigned to the Parks and Recreation revenue account. He stated that they do get the exact amount back but it doesn't roll over at the end of the budget year. Councilor Tatta asked what happens if Council doesn't agree with the fee structure presented. Atty. Small replied that ultimately the Council makes the decision. In the normal course of events, the Commission would make changes based on the direction of the Council. It is not likely the Council would have to step in and set the fees.

Jason Michael stated that he understands that the Council would approve the fees set by the Commission. He noted that there is misinformation that is upsetting people in town. He explained that the $800 fee was not considered to be applied to any group. He noted that if you pay the full park fee, you are entitled to the entire park. In the current situation, the entirety of Doolittle Park is rented for the summer, for 45 days. He stated that a 25% fee was proposed for Doolittle Park which works out to less than $1 per

camper per day, using their numbers. The Commission is trying to make it so everyone can use the park whether part of the camp or not. The Commission is not taking the park away from the kids. He agreed that it is important to look at who is getting waivers. They are looking at how to define or categorize non-profits for waivers. Mr. Michael asked if Council will also look at the Board of Education facility fees. Atty. Small stated that they have no authority over the Board of Ed.

Councilor Morgenstein stated that we are looking at deferred maintenance in the parks and other parts of town that will have to be considered during the budget process. She noted they are spending time based on Facebook rumors that were not based on fact.

Councilor Marrone stated that this addresses the creation of waiver criteria as well as allowing the Council to review the fees and waiver policy. The reason we have a Council is to make these decisions. A political issue developed and this is why it should go before a legislative body.

Chairman Shortell called for public comment. Hearing none he called for a vote.
The Amended Motion was reviewed.

MOTION TO APPROVE THE PROPOSED ADDITION TO ORDINANCE §151-9 AS FOLLOWS FACILITY PERMIT FEE STRUCTURES, INCLUDING WAIVER PROVISIONS, REQUIRE THE APPROVAL OF THE TOWN COUNCIL. FEE STRUCTURE CHANGES WILL TAKE EFFECT 30 DAYS AFTER ACTION BY THE COUNCIL UNLESS THE COUNCIL DETERMINES OTHERWISE.

ROLL CALL VOTE:		**MORGENSTEIN:**	**YES**
CERVONI:	**NO**	**SHORTELL:**	**YES**
FISHBEIN:	**YES**	**TESTA:**	**ABSENT**
LAFFIN:	**YES**	**TATTA:**	**YES**
MARRONE:	**YES**	**ZANDRI:**	**YES**

7 – AYE
1 - NAY
1 - ABSENT
0 - ABSTAIN
MOTION: PASSED

6. Discussion and possible action concerning Metal Detectors in Parks.

Kenny Michaels, Director of Parks and Recreation explained that there is an issue with people using metal detectors in open fields, open spaces, and conservation areas causing a problem for public works. For example, people are finding the metal pins that Public Works uses to mark fields, dig them up and discard them. This causes extra work to replace the pins. There are also erosion problems and digging-up plants in Tyler Mill. He requested an ordinance against metal detecting and digging on town property.

Chairman Shortell asked where an ordinance can be incorporated. Atty. Small suggested looking at a list of other items that could be included in a section of things you are prohibited from doing and can be fined. If they just want to ban metal detectors, she suggested a separate section and a fine of up to $250.

Councilor Fishbein stated that he understood the concern, but doesn't see the remedy as banning metal detecting in the parks. He suggested education or licensure instead. The parks belong to the townspeople. He also suggested rethinking the field markers.

Councilor Tatta asked if a section could be added to Section 151-5 under Parks and Park Facilities where it says alcohol and tobacco are prohibited. Atty. Small agreed.

Councilor Marrone stated that the metal detecting isn't the problem as much as the digging. He stated that he doesn't agree that the digging counts as public use because it destroys the use for others. He agrees with banning metal detecting in public space.

Councilor Laffin agreed. He focused on the intended use of the athletic fields. The rules are to protect the use of the fields. He has no problem with prohibiting metal detecting in designated areas.

Councilor Morgenstein agreed. She stated that no one should be digging in the parks. There has to be wording about digging affecting the nature of the park or physical disruption of the park.

Mary Heffernon, Conservation Commission, agreed that there should be no digging on public open space. She agreed that it belongs to the public but it is not their property to do with as they choose. They are not supposed to be taking objects out of public space. She is not in favor of metal detectors.

Councilor Fishbein asked about the extent of the problem and how big the holes are. He agreed with the concern about digging in soccer fields and erosion based on digging at Tyler Mill.

Chairman Shortell stated that the fields are intended for athletic use. The system the town uses to draw the lines to change from one sport to another uses metal pins.

Councilor Fishbein suggested posting a sign notifying people of the pins. He asked if he could take a rock home from Tyler Mill. Mary Heffernon replied that he is barred from taking a rock from Tyler Mill because it is a natural feature. She stated that the holes in Tyler Mill are big. She noted that no one would read a sign.

Chairman Cervoni stated that the problem is the destruction of Town property as well as the holes causing danger. He doesn't disagree that it's all of our property the way it is, not to take pieces of it. He is in favor of legislation to preserve the parks.

Andrew Vacco, 4 Franks Court, Wallingford, spoke on behalf of the Nutmeg Treasure Hunter Club. This is a hobby. He explained that he typically digs with a trowel that is 2 inches by 6 inches and replaces the sod and dirt leaving no indication that the property has been disturbed. He stated that metal detectorists don't dig holes and don't use shovels. He also noted that they often remove hazardous metal and sharp

objects from the property. They have a code of ethics (FDMAC) that includes restoring the property. He agrees that signage would protect the field pins. He stated that they often do surface hunting in fields that involve no digging. He stated that they are often involved in law enforcement recoveries.

Wayne Aguiar, 20 Hanson Road, Wallingford, stated that he is a member of several clubs. He agrees that education is needed. The clubs have a policy of leaving no trace; they only go 2-3 inches down. He is happy to do demonstrations. He stated that if they find identifiable things they try to return them. He stated that they often remove metal trash from parks and beaches as part of their honor code. The Federation of Metal Detectors has a code of ethics. He discouraged penalizing a group of people who have perfected the technique. They don't do it to become rich, they like finding and preserving history. He supports giving fines to people that don't follow the correct procedures He has no problem with Tyler Mill being prohibited.

Michael Luksic commented in the chat that he is an avid detectorist and respects the environment and park settings. He stated that they don't go where they are not allowed. He also stated that you wouldn't know they had been there.

Daniel Hott, 75 Todd Drive South, North Haven, a member of the Nutmeg Treasure Hunters Club, noted that there are no holes left by responsible metal detectorists. He stated that they don't remove plants or stones and fill in any holes. He stated that education is needed. He asked the Council to consider not generalizing hobbyists that use parks responsibly.

Councilor Marrone stated that he appreciated the comments. He asked for suggestions for the problem with pins in fields being removed. Mr. Michaels noted that they use 3-inch bolts with washers and Public Works uses metal detectors to find them to line the fields. Different numbers of washers represent different sports so the fields can be lined for different sports.

Councilor Fishbein suggested using plastic markers at the surface of the ground for the field markers to indicate that the pin is there for a reason.

Mr. Aguiar stated that he had not heard of detectorists digging up field pins. He will spread the word to not detect in athletic fields and suggested thinking outside the box for a plastic alternative or a different way to mark the pins. He also encouraged education.

Chairman Shortell asked Mr. Michaels to come back next month with a proposal. Mr. Michaels agreed.

7. Discussion on panhandling

Councilor Tatta told of a recent complaint from a resident and stated that she understood that panhandling is covered under free speech based on a Supreme Court decision. But if it becomes more prevalent it can hurt businesses. Her research says that it usually happens on private property in large shopping centers. The police can't do anything until they get a complaint from business owners.

Chairman Shortell asked Council to look at the issue holistically, including what to do to help these people.

Chief Wright stated that panhandling is protected under the First Amendment. They are aware of all the activity on the Rt. 5 corridor. They have received complaints from property owners. They do enforce posted loitering. He stated that the State DOT has recognized the use of the Rt. 5 corridor by pedestrian panhandling as lawful use of the highway as long as it's not reckless. He stated that determining State property on Rt. 5 vs. private property isn't always easy. He added that once people are spoken to they usually move along. The police offer services from the town Social Services and other resources but are always denied. He explained that they can't do anything unless the people are using Rt. 5 in a reckless manner or trespassing on private property. He noted that these people know where they can be and when.

Mandy Miranda, Director of Youth and Social Services stated that they work with the Police Department and are in conversation about having a social service caseworker go out with the Police. She stated that they are available to help. She added that the people the police talk to don't seem to want help.

Atty. Small stated that it is protected speech so it is hard to create an ordinance. Strict scrutiny is applied based on the Reed vs. Town of Gilbert case. She cited some examples of ordinances that were struck down in the court system. The courts say panhandling ordinances are unconstitutional. The police can do something on private property with posted no loitering or if a person is aggressive.

Councilor Fishbein stated that he is sympathetic to the individuals that have to panhandle. He quoted the simple trespass statute 53110A and asked if it has been employed. Chief Wright explained that they have used trespass infractions. If they knock on someone's car window or create an annoyance, police can take action. Councilor Fishbein stated that this is troubling because some of these people do need help.

Councilor Zandri stated that you can often tell who needs help and who doesn't. Those who will accept a sandwich are the ones who need help. He stated that we are part of the problem. If we stop giving them money, they will go away. Those who generally need help know where to go to get it. These people know their rights. They cause risk when they block traffic or get aggressive. He agreed that it is escalating. He has sympathy for those who need help. He stated that if people want to help, they can donate food to Master's Manna or donate to other programs. He asked what else we can do.

Chief Wright replied that reckless use of a highway is an infraction and depending on the activity may be a breach of peace. The issue has to be handled on a case-by-case basis but unless they are called, the Police can't be proactive. Councilor Zandri stated that since the police department is willing to engage with them, maybe give them a fine and make it not so lucrative. He appealed to the public if you want to help, support the organizations that help.

Councilor Fishbein suggested creating a licensure system with a waiver process and code of some sort. Atty. Small stated that the constitutionality of that is questionable, but she offered to look into it. Councilor Fishbein stated there would need to be a waiver for non-profits. Atty. Small asked if non-profits have a better right to do something, Councilor Marrone stated that licensing would separate those who really need the help as they wouldn't apply. Chairman Cervoni asked who would administer the

license and logistics and agreed it would be a hurdle for the neediest people. Councilor Fishbein suggested that police officers could give people the application and the waiver.

Chairman Shortell asked Chief Wright if panhandling is in the top five problems they deal with. Chief Wright replied possibly, as it is becoming an issue. In the grand scheme of things, it's not big, but it makes people uncomfortable.

Chairman Shortell asked Council if they support researching licensing.

Councilor Zandri asked if wealthy communities have similar problems. Chief Wright replied that it's probably just as prevalent. They might have an ordinance on blocking the sidewalk because you can't impede the flow of traffic. It's a case-by-case decision. He noted that if an officer decides there's a trespass in an unsafe situation, the officer can remove the people. They usually depend on negotiation.

Chairman Shortell stated that he didn't see support for researching licensing and thanked the group for the good discussion. He stated he struggles with this personally and asked if someone other than the police offered help would it do any good.

Councilor Tatta thanked Chief Wright, Ms. Miranda, and Atty. Small. She thanked everyone for what they are doing. She noted that based on our discussion, we are doing everything we can at this point.

8. Discussion and possible action on Littering on town property, Ordinance §139

Atty. Small shared a draft of the ordinance and asked for input. She asked if she went too far by adding dumping and for input on the fines for section 139-3. She noted that she added depositing household or commercial litter into a public receptacle. As an example, she stated that if we issued infractions, littering would be $219. Littering on public land would be $319. If we issued an infraction for unauthorized disposal of waste in a refuse container more than a cubic foot it would be $75. Based on the statutes, Council has the authority to go up to $1000. In terms of depositing household or commercial litter into public receptacles, she asked if the Council wants the basic littering offense to be less than 1 cubic foot. One cubic foot is half of a 13-gallon kitchen garbage bag. She asked for assistance in filling in the numbers for 139-3 which is the basic littering offense.

Councilor Zandri thanked Atty. Small for her work. He stated he was okay with littering and dumping being together or in separate ordinances. He agreed with adding dumping because it becomes a road hazard. Regarding the fines, he is okay with heavier fines as long are there are signs. He wants to see this resolved. Atty. Small stated that dumping is an entirely different level. There is a Statute that if you get caught you can forfeit the vehicle you used. Councilor Zandri said Council would need to socialize and advertise the impact and financial risk. Atty. Small noted that dumping can cross over into blighted properties so it is beyond littering. Councilor Zandri stated that he supported doing both.

Councilor Fishbein asked for clarification of the fines in new 139-4 A and B. Atty. Small asked if Council wants to consider something less than 1 cubic foot or trigger the fines at 1 cubic foot. Do we want to make a distinction? Councilor Fishbein clarified that under letter A they get fined for littering,

under letter B they get fined for littering at what we've deemed to be an excessive amount. He proposed $100 for the first offense, $200 for the second, and if it gets to 1 cubic foot, $300 for any offense. Regarding 139-3, the new letter C, he suggested changing it to 'shall undertake reasonable efforts'. Atty. Small stated that she was attempting to update the existing language which was too complicated. She agreed to look at it again. Chairman Shortell asked the Council if they supported this effort by Atty. Small. No objections were stated.

Councilor Fishbein thanked Atty. Small for all her work and noted that in D and E the term 'immediately' is too subjective. Atty. Small replied that it is in the existing ordinance but she will take a look at the wording. Chairman Shortell confirmed that Council has no objections to these efforts. No objections were stated.

Councilor Fishbein noted in H the term 'prima facia'. He suggested 'a rebuttable presumption' instead. Atty. Small replied that this is standard language and maybe a statutory reference. She agreed to look at that and report back.

Councilor Fishbein asked why 139-4 is crossed out and who will enforce this. Atty. Small replied that the Police Chief says the Police Department will enforce and that the language on enforcement is in 139-6. She agreed it should be moved up and she will look at it again.

Councilor Fishbein asked where the appeal process is. Atty. Small stated that 139-6C references the citation appeal procedure instead of repeating it. It is laid out in the Dumping section as drafted, but it's under Conducting an Investigation. Councilor Fishbein stated that he didn't see anything in present 139-6 that was objectionable. Atty. Small stated that she will take another look. She agreed, there should be some elaboration of the process. Councilor Fishbein stated that if 139-6 is put back in, section F needs to be updated because the court reference is out of date. Atty. Small agreed.

Chairman Cervoni stated that most people don't realize that most moving violations are strict liability offenses. He has no objection to the prima facia language in that section. He thanked Atty. Small for her work.

Chairman Shortell asked Atty. Small if she has what she needs from Council. Atty. Small said yes and that she would have a closer-to-final draft for the next meeting. Councilor Fishbein restated his suggested fees for 139-4 a second offense $100, second offense $200, and in section B, 1 cubic foot or more $300 for any offense. Chairman Shortell asked for objections to those fines and heard none. Councilor Zandri stated that they approved of the proposed fines.

Chairman Shortell asked for public comment and none was given. Chairman Shortell announced the next Ordinance Committee meeting is April 1st and declared the meeting adjourned at 10:11 pm.

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary