

**BOARD OF ALDERMEN
ORDINANCE COMMITTEE
MEETING AND PUBLIC HEARING
MAY 4, 2009**

The Ordinance Committee of the Board of Aldermen held a meeting and public session on Monday, May 4, 2009. Chairman Patterson called the meeting to order at 7:07 p.m. and proceeded to read the public notice as it appeared in the New Haven Register on April 29, 2009.

MEMBERS PRESENT

J. Patterson, Chairman
J. Blacketter, Vice Chairman
N. Veccharelli
A. Giannattasio

Ald. Ditchkus was excused due to a family emergency.

Chairman Patterson opened the public session of the Ordinance Committee at 7:08 p.m. regarding the following Ordinances:

1. An Ordinance Establishing Chapter 7, Article V, Sections 7-77 through 7-83 of the Milford Code of Ordinances of the City of Milford (Open Burning).

Chairman Patterson stated he would entertain a motion to waive the reading of the Ordinance in its entirety.

Ald. Blacketter and Ald. Veccharelli made and seconded a motion to waive the reading of the Ordinance in its entirety. Motion carried unanimously.

Speakers in Favor - None

Speakers Opposed:

D. Miller – 30 Lawrence Avenue - stated he was speaking for the third time on this Ordinance and noted it was pulled twice. He stated he had a problem with the language and that it was inconsistent in several places. He also stated it exempts recreational fires. He stated while he supports the concept, the bill does not meet the standard. He went on to cite various areas in the Ordinance. He also spoke regarding the nuisance clause for bar-b-que's, cooking, etc but not for recreational fires. He also expressed concern regarding air quality and the standard as cited in the Ordinance. He stated the Ordinance needed to define how it would be enforced and that as it currently reads it cannot be enforced.

S. Urban – 58 Naugatuck Avenue (Walnut Beach) – expressed concern with this Ordinance. She stated over the last 6 years she has had a problem in her neighborhood with fires in excess of 6 feet. She stated the properties in Walnut Beach are very small. She stated two weeks ago she called the fire department when she saw furniture, woods, etc being cut and burned. She stated it was said to her by an officer that the fire was ok because it was in accordance with the Ordinance. She stated she called again this weekend and spoke with a

Fire Chief who stated the Ordinance had not been enacted. Ms. Urban stated the fire department came out and put it out. She stated these are examples of what happens when guidelines are vague, therefore she just could not support this. She stated she is not against bar-b-que's, cooking, etc. but these large fires. She asked the Board not to allow something this size to continue and expressed her hope the Ordinance would be considered for the public's safety.

J. Fiorentino – 1 ½ Spencer Street – thanked Milford for putting this together. He stated his issue is with the brick pizza oven next to his apartment. He explained the property lines and that the owner actually had to have a crane come in and move it away from the fence. He stated the problem is the excessive smoke because the oven has to be a certain temperature which is usually 3-4 hours of heating with excessive amounts of smoke. He also spoke regarding the fire department that is so careful about inspecting chimneys and in this case of an outside oven there is no inspector. He expressed his hope the Board would address this as well.

A. Berman – 77 Pelham Street – shared information with the Board regarding the dangers of wood smoke. She stated the Ordinance is confusing pointing out it says you can burn brush. She also commented that smoke permeates a house which is a real problem. She also pointed out the Ordinance does not address fire pits and the like. She stated another issue she stated she wished to point out is a person could burn smokeless if they wanted by using those "smokeless" logs. She cited a recent Court case in Trumbull regarding wood smoke as a public nuisance and stated there needed to be a way to address a public official.

Being no other speakers, Chairman Patterson declared the public session closed at 7:24 p.m.

Ald. Blacketter and Ald. Veccharelli made and seconded a motion to forward to the full Board with a favorable recommendation an Ordinance Establishing Chapter 7, Article V, Sections 7-77 through 7-83 of the Milford Code of Ordinances of the City of Milford (Open Burning).

Ald. Veccharelli stated it was because of the people who were having trouble with no recourse that they brought this forward. He stated this Ordinance would be able to allow some recreational burning and proceeded to read portions of the Ordinance. Ald. Veccharelli stated this is a starting point adding that currently there isn't much at all. He stated they also put into the Ordinance language regarding prohibitive burning and read the language from the Ordinance.

Ald. Blacketter and Ald. Veccharelli made and seconded a motion to amend the Motion and insert under Sec. 7-80 (a) (2) the language "*provided that no other Nuisance is created*". This language would be added to the second to last sentence in that paragraph. Motion carried unanimously.

On the main motion, motion carried unanimously.

Ald. Veccharelli and Ald. Giannattasio moved to adjourn. Motion carried unanimously.

The Committee adjourned at 7:30 p.m.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary