

W A R N I N G

**SPECIAL TOWN MEETING
TOWN OF BARKHAMSTED
FEBRUARY 7, 2023
7:00 P.M.**

All electors and persons qualified to vote in town meetings of the Town of Barkhamsted (the "Town") are hereby notified that the Board of Selectmen of the Town are convening a Special Town Meeting to be held at the Barkhamsted Community Room, 33 New Hartford Road, Barkhamsted, Connecticut on February 7, 2023 at 7:00 p.m. for the following purposes.

Item 1. To consider, discuss, and vote upon an appointment to the Stanclift Cove Authority for the term from 02/07/2023 to 12/31/2026.

Item 2. To consider and act on a new Town Ordinance regarding Open Burning

Item 3. To consider and act on a revision of the Town Ordinance regarding Snowstorm Parking

Item 4. To consider, discuss and act on a Five Year Local Capital Improvement Program Plan (LoCIP), so called, as approved by the Board of Selectmen;

Dated at Barkhamsted, Connecticut this 24th day of January, 2023.

Donald S. Stein
First Selectman

Nick Lukiwsky
Selectman

Raymond P. Pech
Selectman

OPEN BURNING

Section-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BRUSH - Shrubs, vegetation or prunings; the diameter of which is not greater than 3" at the widest point.

CERTIFICATE - A Certificate of Open Burning issued by the Open Burning Official in such form or detail and valid for such period as the Open Burning Official may prescribe and which is compliant with State requirements.

COMMISSIONER – The commissioner of the State of Connecticut Department of Energy and Environmental Protection (DEEP).

GRILL, BARBECUE OR OUTDOOR FIREPLACE - Any masonry or metal structure used only for cooking outdoors or is being used as for a campfire/fire pit and not used for any disposition of material specified in the definition of Open Burning.

OPEN BURNING - Any fire in the open air or otherwise outside the confines of a building for the purpose of:

- A. The prevention, control or destruction of diseases and insect infestations, and agricultural burning for vegetation management;
- B. The disposal of Brush by a person on residential property, which property such person: (i) owns; or (ii) resides upon, with the written permission of the property owner to so dispose. The clearing of a building lot for future construction or if a residence is unoccupied is not allowed
- C. Any other open fire other than those set forth in Section-2A of this ordinance.

OPEN BURNING OFFICIAL - Any person nominated by the First Selectman and certified by the Commissioner as a local Open Burning Official. The Open Burning Official may serve in a temporary capacity from the date of his or her appointment, until such individual is certified by the Commissioner.

Section-2. Permit required; distance from structures.

A. No person shall kindle an Open Burning within the Town of Barkhamsted without first obtaining a Certificate. The Certificate requirement does not apply to the following:

- (1) The use of an outdoor Grill, Barbecue or Outdoor Fireplace to cook food for human consumption;
- (2) Any burning confined to a fire pit of not more than 5 feet in diameter or similar contrivance solely for recreational purposes; and
- (3) Fires to abate an immediate fire hazard, provided the abatement fire is supervised by a responsible fire official.

B. Subject to all other requirements of this Ordinance, no person shall kindle an Open Burning unless: (i) the location of such Open Burning is: at least 50 feet from any building or other structure, woodlands or grasslands; or as the Open Burning Official otherwise deems to be an appropriate distance; and (ii) adequate provision is made to prevent the fire from spreading to any structure or other combustible material in an uncontrolled manner.

Section-3. Hours; weather conditions.

Open burning shall be done only in daylight between the hours of 8:00 a.m. and 5:00 p.m., or ½ hour past sunset, whichever comes later, or as may be further specified on the Certificate, and shall only occur when wind speed is no more than 15 miles per hour. The Open Burning Official may extend the hours, at their discretion, during summer months.

Section-4. Certificate holder presence at Open Burning.

The Certificate holder shall constantly be present at the subject Open Burning until the fire is extinguished. The Certificate holder shall have extinguishing equipment ready and immediately available for use.

Section-5. When fires shall be prohibited. Authority to prohibit burning during hazardous circumstances.

Notwithstanding the issuance of any Certificate, per Conn. Gen. Stat. § 22a-174, no Open Burning of Brush shall occur: (i) when national or state ambient air quality standards may be exceeded; (ii) where a hazardous health condition might be created; (iii) when the forest fire danger in the area is identified by the Commissioner as extreme (high or very high) and where woodland or grass land is within one hundred feet of the proposed burn; (iv) where there is an advisory from the Commissioner of any air pollution episode; or (v) where otherwise prohibited by this or any other Town of Barkhamsted authority.

Without limitation of the preceding paragraph, the Open Burning Official or the Fire Marshal may prohibit any or all Open Burnings when atmospheric or local circumstances make such fires hazardous, in the opinion of such official.

Section-6. Certificate procedures

- A. A signed Certificate from the Open Burning Official is needed for each specific location of an Open Burning.
- B. Each Certificate shall be valid only for the period specified on the Certificate (in compliance with DEEP "fire index" ratings) as posted in the Daily Forest Fire Danger Report on the CT DEEP website or as identified by the State Forest Fire Warden.
- C. The Open Burning Official reserves the right to deny issuance of any permit request where he/she believes that the Open Burning operation cannot be completed in a safe fashion. One Open Burning Official cannot over-rule the denial of another Open Burning Official.

Section-7. Burning restrictions.

- A. The burning of non-processed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning.
- B. Fires in "salamanders" or other similar devices used by construction or other workers for heating purposes, which fires are used for street installation or paving activities, the repairing of utilities or other similar work shall be allowed.
- C. Fires set for the purpose of fire-training exercises under the supervision of an officer of the Fire Department when only liquid fuels are burned shall not require a permit.

The following shall not be burned under any circumstances (and the following restrictions shall also apply to outdoor Grills, Barbecues, Outdoor Fireplaces, Outdoor Furnaces and Fire pits):

- A. Tires, waste oil, waste fuel or any other material (including green or unseasoned wood) that emits large quantities of smoke.
- B. Garbage, animal or vegetable waste.
- C. Automobiles, or parts removed from automobiles or other vehicles.
- D. Paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste.
- E. Processed wood (or lumber); including pressure-treated wood, drywall and insulation, or other construction debris.

Section-8. Enforcement.

This chapter shall be enforced by the Fire Marshal, Open Burning Official and/or CT State Police/town constable.

Section-9. Penalties for offenses.

Any person who kindles or directs another person to kindle a fire in the open air without proper authorization or otherwise violates this Ordinance shall be subject to such penalties as set forth in Conn. Gen. Stat. § 23-48.

In addition, any person who violates any provision of this Ordinance may be subject to a municipal fine of \$100 for a first offense; and not more than \$200 for any repeat offense(s). No Certificate shall be issued to any person in whose name unpaid fines are outstanding.

Penalties may be appealed in writing to the Board of Selectmen. Appeals must be received in the Office of the First Selectmen within 30 days of the date of issuance. Failure to appeal within a timely fashion results in an automatic mandatory denial of the appeal.

Snow Storm Prohibitions.

Pushing Snow onto a public road

No person shall throw, place or push or cause to be thrown or placed or pushed and leave any ice or snow on the traveled portion of any public highway within the Town of Barkhamsted from any private driveway or roadway entering onto any such public highway or from any land adjacent to any such public highway.

Parking or obstruction during storms

- A. Speedy and efficient removal of ice, snow, sleet or hail from the highways and public ways of the town is hereby declared to be vital to the public health and safety.
- B. No operator of a vehicle shall permit the same to remain standing on any highway or public way during an ice, snow, sleet or hail storm which shall have been in progress one (1) hour or for 48 hours after the end of the storm.
- C. The parking of all vehicles or any other obstructions that are situated so as to interfere with snow plowing activity on Town highways is prohibited.
- D. This restriction will apply 24 hours a day, 7 days a week from December 1 through March 31. Plowing activity can occur at any time and includes set back plowing in clear weather.
- E. Interference with plowing can occur unless a parked vehicle is at least 6 feet from the traveled or paved portion of the highway.

Penalties

The penalties for parking in violation of this Article for pushing snow onto the traveled portion of a town road or for illegal parking during a snowstorm shall be as follows:

- Any person violating the provisions of may be fined not more than \$100 for each violation.

Notice of violation

Any officer appointed under C.G.S. § 7-92. Special Constables or 29-5. Resident state policemen may attach to any vehicle found in violation of any of the foregoing parking provisions a citation notice to the owner or operator that such vehicle has been parked in violation of this Article, which notice shall indicate the nature of the violation and instruct such owner or operator to pay the penalty for such violation to the Town of Barkhamsted at the Barkhamsted Town Hall. The payment of such penalty shall be made within seven (7) days of the issuance of such notice. If payment is not made within such seven-day period, the penalty for such parking violation shall double.

Removal of illegally parked vehicle

Whenever any vehicle shall be parked in violation of this Article, such vehicle may be removed or conveyed by or under the direction of any officer appointed under C.G.S. § 7-92 or 29-5 by means of towing the same, and such removal shall be at the risk of and at the expense of the owner of the vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the towing company, he shall furnish evidence of his identity and ownership or right to possession, shall sign a receipt for said vehicle and shall pay the parking violation penalty fee and all towing and storage charges.

Town of Barkhamsted

5-year Capital Improvement Program (CIP)

This plan covers the general description, need, and estimated cost of each individual capital improvement, and the proposed funding source for each individual capital improvement in the first year of the plan. The CIP has been approved and adopted by the Board of Selectmen, and with the approval of the Annual Town Meeting, is supplemental to the capital Improvements approved at the Annual Budget meeting to be funded by the Town's Capital Reserve Fund.

The projects below are to be funded by a combination of Town Highway Department funding (General Government Budget), Town Capital Projects Fund, the State's Local Capital Improvement Program (LOCIP) and Town Aid Road (TAR) funds. These figures are a maximum for each category and will be evaluated each year.

2023-2028	- Paving	\$150,000
(per year)	- Chip Seal	\$100,000
	- Crack Seal	\$15,000
	- Highway Department Equipment	\$50,000

Note: these figures are approximate as the actual costs for the road repair items may vary from year-to-year.

Approved by Barkhamsted Board of Selectmen at meeting, dated: January 24, 2023