

Town of Montville Town Council
Public Hearing Meeting Minutes of Monday, April 11, 2011
6:30 p.m. – Montville Town Hall – Council Chambers

Chairperson Jacobson opened the public hearing at 6:30 p.m.

Councilors stood for the Pledge of Allegiance.

Roll Call: Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Also present was Town Attorney Bruce Chudwick and Mayor Jaskiewicz.

Chairperson Jacobson read the following into the record;

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held March 14, 2011 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, April 11, 2011 at 6:30 P.M.

AN ORDINANCE REGARDING TOBACCO-FREE
COMMUNITY RECREATION

THE TOWN OF MONTVILLE HEREBY ORDAINS:

SECTION 1 - FINDINGS AND PURPOSE.

- A. The Town Council endorses the following:
1. The mission of the Town Recreation Department is to provide recreational and leisure opportunities that enhance the quality of life for its citizens and provide safe environments, the Town Recreation Department has an obligation to prohibit those activities which it deems contrary to this mission.
 2. The Town cares deeply about promoting the good health and quality of life for its citizens and visitors.
 3. Tobacco use is the single most preventable cause of death and disease in the United States.
 4. Secondhand smoke contains many harmful chemicals and cancer-causing agents and is a serious health risk to humans, especially to infants, children and pregnant women; and increases a non-smoker's risk for asthma, heart disease and lung cancer.
 5. Chewing tobacco contains many harmful chemicals and cancer-causing agents, and its use is associated with cancers of the mouth, gums, tongue, and throat.
 6. The use of chewing tobacco is associated with saliva or spit being cast upon the ground, seating areas, and other surfaces in recreational areas, resulting in increased risk of non-users being exposed to bacteria and viruses of a variety of respiratory illnesses.
 7. Tobacco use in and around these recreational facilities creates the contradictory message of young people being encouraged and coached by adults to engage in healthy activities, while at the same time being exposed to adults and older youth using tobacco products which cause adverse health effects as the result of exposure to secondhand smoke and/or spit saliva.

8. The Town hosts many recreational programs on fields and other facilities owned by the Town.
 9. Tobacco use, exposure to secondhand smoke, and exposure to tobacco saliva are clearly contrary to enhancing the quality of life and providing safe environments.
- B. Based on the endorsements listed in Section 1.A. above, the purpose of this Ordinance is to provide for the health of and protect the safety of the inhabitants of the Town by regulating, pursuant to Section 7-148(c)(7)(H)(xvi) of the Connecticut General Statutes, activities deemed to be deleterious to public health on property owned by the Town and used for recreational purposes. This Ordinance will enhance the enjoyment of all persons using said property.

SECTION 2 - DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the meanings indicated.

- A. Recreational Property - means property owned by the Town and which is under the supervision and control of the Recreation Department and used in connection with recreational programs, including athletic facilities, parks, playgrounds, trails and other areas where people may assemble for recreational purposes. Recreational Property shall not include School Grounds. Recreational Properties at the time of the adoption of this Ordinance are: Camp Oakdale; Large and Small Pavilions; Conservation Trail; Fair Oaks; and Desjardin Park.
- B. School Grounds - means a parcel of land or portion thereof used for school purposes and operated by the Town of Montville Board of Education.
- C. Smoke or Smoking – means the lighting or carrying of a lighted cigarette, cigar, pipe or similar device.

SECTION 3 - VIOLATION. It shall be a violation of this Ordinance for:

- A. Any person to use tobacco in any form on or within any Recreational Property, including without limitation, Smoking, chewing or spitting tobacco or tobacco products.
- B. Any person to use Smoke on or within any Recreational Property.

SECTION 4 - PENALTIES FOR OFFENSES. Any person who violates any provision of this Ordinance shall be subject to a ninety-nine dollar fine (\$99.00) for each separate offense or violation. Any and all remedies which the Town has in enforcing this Ordinance, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

SECTION 5 - RECREATION DEPARTMENT. The Recreation Department may, but is not required to; post a sign or signs on a Recreational Property stating such Recreational Property is a “Tobacco-Free Zone” to indicate that said Recreational Property is subject to this Ordinance.

SECTION 6 - SAVINGS CLAUSE. If any section, clause, provision or portion of this Ordinance, or if any regulation established pursuant to the terms of this Ordinance, shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this Ordinance or of any regulation established pursuant to the terms of this Ordinance.

SECTION 7 - ACTIVITIES OTHERWISE PROHIBITED. No provision of this Ordinance shall serve to validate any activity otherwise prohibited by State or local law or lawfully enacted zoning regulations.

SECTION 8 - EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from the date of its adoption.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 15th day of March 2011.

Lisa Terry, Town Clerk

Chairperson Jacobson inquired if there was anyone from the public who would like to address the Council regarding the public hearing matter.

Ms. Eileen Cicchese, 3 Michaels Way, Vice Chair of the Town of Montville Parks & Recreation Commission, stated she has been in the Parks and Recreation field for over thirty years as a professional and she urged the Council to vote favorably for the ordinance. There are over five hundred towns, cities, and/or counties in the United States that have a ban on smoking in their parks and recreation areas unless they are commercially run. It is important that the youth of Montville get the message that the town cares about what happens in the parks. One of the items that prompted this ordinance was while the Parks & Recreation Commission was conducting a walk through of the facilities while a football game was being played. The Commission was walking around the football field and there were many people smoking and the Commission members were taken back by the amount of people smoking at the sporting event. She urged the Council to support the ordinance, stating there was a lot of work put into implementing the ordinance.

Mr. Stanley Gwudz, Chairman of the Parks and Recreation Commission introduced Mr. Pat McCormick from Uncas Health and stated they are at the meeting to answer any questions the Council may have and to support the ordinance.

Chairperson Jacobson inquired three times if there was anyone who would like to address the Council regarding the proposed ordinance.

There being no more questions or comments, Chairperson Jacobson closed the public hearing at 6:34 p.m.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville