

**MINUTES OF WEST HARTFORD PUBLIC HEARING
JUNE 25, 2013 - LEGISLATIVE CHAMBER
ORDINANCE PERMITTING BEER AND WINE (BYOB) IN PARKS AT TOWN-
SPONSORED SPECIAL FUNDRAISING EVENTS**

Public Hearing called to order at 7:15 p.m.

President Slifka: Roll call please, Ms. Labrot.

Present were Councilors Adler, Davidoff, Doar, Hall, Kindall, and Slifka. Councilors Cantor, Captain, and Casperson were absent.

President Slifka: Begin with the administration, Mr. Van Winkle.

Mr. Van Winkle: Yes, Helen Rubino-Turco, our Director of Human and Leisure Services, is here to discuss the planned ordinance.

President Slifka: Welcome, Helen. You have obviously been here numerous times but not in, I think, this is your first visit in this capacity.

Ms. Rubino-Turco: Yes, I...

President Slifka: So congratulations and welcome.

Ms. Rubino-Turco: Thank you, thank you. Thank you for allowing me to speak and this is really a way of explanation about how we came about with the idea of a farm-to-table dinner and why we're requesting an ordinance change. So, Westmoor Park, as you know, has been owned, was donated to the town in the early 70s by the Hunter family, and their intention was that it wouldn't be a burden to West Hartford residents, that it would, their trust fund would help pay for the operating costs of the farm, as well as any of the earned income that might take place through programs. And over the years, that has carried on beautifully; but in recent times, with the change in economy, the interest from the Hunter trust, what didn't, wasn't able to cover all of the operating costs of the farm, so they started to dip into a rainy day fund. And really, we were trying to think creatively about different ways to raise funds for Westmoor Park, as well as perhaps awaken or reawaken relationships with the farm that residents have, in hopes that they would be interested in revisiting the park and supporting the park. So, that's where this came from. As I said, the fiscal way that the farm is supported is a little complicated but it's really, this is twofold, this effort is twofold. One is to raise some funds for the essential park programs, and Doug Jackson will give you a brief run through of some of the programs that we have there, as well as to perhaps increase some of the enrollment in the programs. As you can imagine, with the slight dip in enrollment in public schools, there's also a slight dip in enrollment in summer camps, so we wanted also to reach out to the adult population. We have a great role model in the Noah Webster House. They also faced a similar issue and they created the very popular tavern night. So we sort of wanted to

dovetail on their experience and perhaps create something that might be just an annual event at Westmoor Park that would raise some funds, as well as really awaken some additional interest from adults. And as you know, adults do like to enjoy a glass of wine or a beer with a festive celebration and really, that's what this was intended to do. People could bring their own and enjoy it with the meal that would be prepared and served at the farm in an outdoor setting and really that's the full intent of what we imagine would happen at this point.

President Slifka: Thank you Helen. Any questions for Helen at this point in time? Sounds like there's more to come.

Ms. Rubino-Turco: Yes, Doug Jackson is going to just give a little brief run through of some of the programs and some of the needs that the park has.

President Slifka: Ok great, thank you. Welcome Doug.

Mr. Jackson: Thank you, thank you Mayor. I'm glad to be here. What I wish to share and build on what Helen had said is that Westmoor Park is a very unique park from any other in town. It does operate as a self-sufficient nonprofit entity, not relying on taxpayer revenues for its operating budget, and to accomplish all that, it has done over all these years. A couple of the particular points of interest, one program we're very proud of and that has brought the park a lot of recognition is our Plant a Row for the Hungry program. It was started in 1998, and has operated since then with a couple of part-time salary staff members and a corps of volunteers. It is built into our curriculum as a teaching resource for many of the school students that come to visit the park in our summer camp program, and as the Plant a Row for the Hungry, we've dedicated that most of what is grown is donated to local food shelters. It serves the two senior centers in town here and a facility called the House of Bread in Hartford. And we thought that the farm-to-table meal concept would be a nice programmatic addition to this giveback to the community that we already present. Also, school groups, last year, year 2011-2012 fiscal year, Westmoor Park had a visitation of approximately 109,000 people. About 88,000 people were attending the park through general visitation; just walkers, joggers, people who come to see the farm, just like I said general visitation. About 15,000 people attended the park for educational camps and classes and about 5,000 people for our special events that we run. We have the annual pumpkin festival and the annual farm day, which takes place in May. Those special events are free to the community, just come and enjoy the park and they are wonderful for promoting all that is Westmoor Park and opening the door and sharing it with new visitors, so hopefully they'll come back and enjoy an educational program as well. Back to the Plant a Row program, I mentioned it has brought Westmoor Park some fame, if you will. Back in 2009, it was featured on a program called, that HGTV runs, called "Gardening by the Yard," and it is a nationally syndicated television show for HGTV, and we had a segment of a program on that. And then the Plant a Row for the Hungry program caught the eye of singer/songwriter Jack Johnson and he invited us to participate in a music concert event in Hartford in 2010, and it was all because of our Plant a Row for the Hungry and the unique opportunity that that presents. So, we would like to have permission to build upon this and open that to the adult community.

President Slifka: Are there any questions for Doug? Okay, thank you for now. Do you have something else?

Mr. Van Winkle: I just wanted to ask if Pat would step up. He is the one who wrote the ordinance and to describe the restrictions that we have put into the ordinance. In our public parks and playgrounds we do not allow alcoholic beverages, and we are seeking a special small relief from that.

Mr. Alair: Yes, right now our ordinance contains a blanket prohibition against possession of alcohol in the parks. What this would allow is a narrow carve out to that. For one, special events, it's not an everyday thing; and two, it is special events where the town has specifically said you're welcome to bring beer or wine into these events. It is limited to beer and wine and it is limited to town-sponsored events, so it's not like the family picnic that gets together at Beachland Park all of a sudden can have beer and wine, it has to be a town-sponsored event and it has to be specifically identified.

President Slifka: Can you explain how that happens, what is the procedure for being town-sponsored, specifically identified, etc?

Mr. Alair: Sure. Helen may want to weigh in on what she has in mind operationally, but the sort of example that we're using here is the farm-to-table dinner, where it would be a town-sponsored event. In other words, we would advertise it as a Westmoor Park official event, if you will, and number 2, the announcement would specifically say BYOB, beer and wine is permitted. That's the sort of...

President Slifka: Maybe the question is more for Mr. Van Winkle. I understand how we get there, but how do you, I understand the example that's been provided to us. We, I think we all understand what Helen and Doug are trying to achieve but somebody else sees this. Now does the ordinance read this would open this type of option up to all of the parks? How does something, what if I have an idea for one of these events, how does that then become a town-sponsored event, who's the screener of that, etc?

Mr. Van Winkle: A town-sponsored event would mean something, A, sponsored by the town. So if you wanted to have a family event, the answer is no, you can't have a family event. A town-sponsored event for a particular purpose would generally come out of our parks department, if they had an idea that they wanted to do. You've, I'm sure have all gone to summer concerts where the Hartford Symphony plays or something along that, that could be done in a park now, and you could bring a bottle of wine and a bucket of chicken and sit and listen to the music but right now you can't do that. But it would have to be something that the town manager says, yes this is a town-sponsored event and I agree with the purpose of this event and would sign off on that permit to allow it to happen.

President Slifka: There is A, we would, at some point, make available the information as to how somebody could approach us about that and there is a document that would show that it indeed was sponsored by the town.

Mr. Van Winkle: Yes, there will be. We haven't done that yet but there will be, you know certainly we have many groups in West Hartford that do wonderful things for us and raise money for wonderful kinds of nonprofit organizations, so we may well have someone come and say we'd like to do Shakespeare in the Park at the Park Road Playhouse and we'd like people to be able to bring blankets and sit and can you give us permission to do a BYOB so that they feel free to have a glass of wine. So, those kinds of things we probably will see at some point.

President Slifka: Just to maybe put another example in there and I'm not singling out, I will single out a group only because I may or may not have been affiliated with them at one point in time. If the spirit of this is for these events for community groups, maybe for fundraising events and such but if the West Hartford Men's Softball League says, hey we'd like it to be BYOB, we're likely not to approve something like that.

Mr. Van Winkle: Yes, we are not interested in approving a kegger after a good game. The point of this is not so much the celebration but a town, again town sponsored, something that we have an interest in and are trying to promote. We are not looking to bring alcohol into the park for the purpose of consumption of alcohol; it is for the purpose of raising funds associated with something other than events where alcohol is minor.

President Slifka: Just want to provide a little guidance in case there is a question.

Mr. Van Winkle: Softball guys drink a lot of...whatever.

President Slifka: No, don't stereotype you know. But, Pat, I was struck by the language specifically allowed at the end of this and it specifically allowed what you, when you indicated the part about the advertisement that would say listed at the bottom that that's the requirement, the legal requirement that it actually has to state it as such that it is a BYOB event? Okay.

Mr. Alair: Got me too, um yes, the specifically allowed is there so that the presumption is no beer or wine unless you see on the leaflet, the flyer, whatever event notification you get that it's specifically allowed.

President Slifka: Thank you. I've been hogging the mic, Mr. Doar.

Councilor Doar: Thank you, Mr. Mayor. Mr. Alair, does Elizabeth Park, is it subject to this ordinance?

Mr. Alair: No it's not. Our park rules and recs, park and rec rules only apply to the parks owned or operated by the Town of West Hartford.

Councilor Doar: And just for the public, I thought, I was under the assumption that half of Elizabeth Park was owned by West Hartford.

Mr. Alair: No. All of Elizabeth Park is owned and operated by the City of Hartford. It was donated to the city under the will of Pond, Charles Pond, in memory of his wife, Elizabeth, and it's always been owned and operated by the city.

Councilor Doar: Thank you.

President Slifka: Thank you Mr. Doar.

Councilor Hall: So, if I live next to Westmoor Park, and I love the idea of the farm-to-table dinner and this will allow this, what would give residents comfort that the town might not start having parties every week there? Like how is there any control that we envision with that or...?

Mr. Alair: I would refer this to the town manager.

Mr. Van Winkle: If we start having parties every week in the park, they're probably gonna talk to you and you're gonna talk to me, because this would be permitted by me, so I understand this intent. This is not supposed to be every week or every month; this is supposed to be an occasional kind of thing for some specific purpose that we've all agreed that is a useful purpose. So should some future town manager decide that it should be an every week party, I'm sure you will help them understand the intent of the ordinance better. So, we'll all keep an eye on it but certainly it's not our intent.

Councilor Hall: Okay and then, and I realize that but I'm just thinking that someone might have that question. And also as I drove by Westmoor Park on my way here tonight and saw the TPZ sign up there saying this property is the subject, since this would be applicable to any, or maybe is there some other thing going on there? There was a TPZ sign.

Mr. Van Winkle: There's something else.

Councilor Hall: There's something else, okay, cause I looked at that and I then said, oh do we need...so we've got something different going on there, so that doesn't apply to this.

Mr. Van Winkle: About the beavers.

Mr. Jackson: The special use, no the TPZ sign you saw is in regard to a hearing. We are applying for a wetland permit to address the flooding problems caused by a family of beavers in the pond, to finish it.

Councilor Hall: Okay good thank you, because I was wondering if we did that there, wouldn't we have to do that for all the parks but got it, thank you.

President Slifka: Thank you. Mr. Adler?

Councilor Adler: Thank you, Mr. Mayor, and by the way, if there is a party at Westmoor every week, you know, I'm not running next year so I'll have a lot of time on my hands. A couple of questions; with respect to alcohol being served at events, is there an hours of limitation? I don't anticipate a wing-ding going on at Westmoor to the wee hours of the morning but is there, is there parameters as to when alcohol would get shut off?

Mr. Alair: To be clear, we're not serving, so important buzz words because service implies a permit as for hours of operation I don't know if the town manager had any.

Mr. Van Winkle: All of our parks close at 9 but in that portion of the ordinance it says that it can stay open later under a supervised program of the town. So should we choose to stay open til 10 and again if we're open til 2 in the morning, I'm sure we'll hear from the neighbors and that'll be the last time we'll be open til 2 in the morning. You know this, all of our parks are in residential neighborhoods, so we're not interested in changing the quality of life around those neighborhoods by some loud sorts of things. I would guess that we would be out and that later evening and certainly not go on from there but....

Councilor Adler: Just one last question and thank you. Have we, have we done anything in terms of looking at other communities who have similar ordinances and how they're working out? I'm sure there's probably not a lot of issues but just out of curiosity.

Mr. Alair: I did not. I don't know if Helen had done any research on similar programs before she did. This was sort of a, no pun intended, a homegrown idea, so we didn't look around at what other towns were doing.

Mr. Doar: Mr. Adler, maybe I can just contribute. The reason I asked the question about Elizabeth Park, since I live in that neighborhood, and we're the beneficiary of a number of summer events using the shell or the band and I know for a fact that many of my neighbors, maybe even my wife, brings liquor and beer to that event and we've never been arrested, so we assume that it is legal, so the state of Hartford seems to have an ordinance that permits it, but I could be, I may be wrong about that.

Mr. Alair: I think what it boils down to is they are not subject to our ordinance and whether they have their own ordinance is another matter entirely.

President Slifka: And as you know, Mr. Doar, ignorance of the law is....

Mr. Doar: Is one pint or a fifth?

President Slifka: I was just hoping Mr. Adler could define a wing-ding for me.

Councilor Adler: Well, in the Yiddish sense of the wing-ding, it's like the high holidays but multiplied a couple times without the Manischewitz.

President Slifka: We actually do have one more serious question, Mrs. Hall.

Councilor Hall: No, just one. So, we're talking about BYOB, the town would not be in the business of selling liquor. Would we be willing to give a permit to a vendor to sell there or that would not be allowed? I'm just trying to think about how, you know a lot of the local vineyards, their local wine is sort of treated the same way as, you know, farm goods. You could always, before we changed the law, you could buy wine up at the vineyard on a Sunday, so I'm just wondering how that might play into any of this?

Mr. Alair: One of the problems we have, and the reason we opted to do this as a BYOB ordinance is we currently prohibit, under our zoning ordinances, the sale of liquor within I think it's 200 feet of a public park. That ordinance, we would have had to open that up and that's a much broader public discussion before you get into sales of liquor at events like that. There is a very narrow class of permit called a catering permit, which we use to allow people to sell here and by sell I mean serve at events in the auditorium. Theoretically, somebody could take a portable catering permit and bring it or a winery permit perhaps and bring it to an event but you'd still have that prohibition against selling within 200 feet of a public park, so we'd still have to change that ordinance and our discussion was, let's move into this slowly, carefully, do it as a BYOB not sort of cross that bridge just yet.

Mr. Slifka: Thank you Ms. Hall. Anybody else? Mr. Davidoff.

Councilor Davidoff: Thank you. I'm just wondering, Mr. Alair, whether or not the discussion we've had this evening is adequate with respect to the administrative regulations and procedures that are going to be in place should this pass, where the council has delegated the authority to make the decision to the town manager and no where is it listed here in the ordinance.

Mr. Alair: I think the short answer is, under our Charter, the town manager is the CEO of the organization. He has the day-to-day operation of the town. If you wish to put specific limitations on him, in how he delegates that, you could certainly do it by putting in rules and regs or further conditions into the ordinance. Otherwise, it's to the town manager to operate within the limit of the ordinance as it is, he's given you an, if you will, legislative history on how he intends to operate under the terms of the ordinance and since, if memory serves, you hire and fire him, I think that's sort of your ultimate authority over how it runs.

Councilor Davidoff: All right, thank you.

President Slifka: Thank you Mr. Davidoff. Anybody else? Okay. Check the signup sheet for us please. We have three people signed up, two of whom we've already heard from so, I'm assuming, they've been very polite, so that leaves Chris Bennett.

Mr. Bennett: I'll be brief. My name's Chris Bennett. I live at 1249 Boulevard in the old Dr. Zimmerman house. I've been here about 7-1/2 years. After the first five years

