

**MINUTES OF WEST HARTFORD PUBLIC HEARING
DECEMBER 13, 2011 LEGISLATIVE CHAMBER 6:45 PM**

**ORDINANCE PERMITTING EXTENDED RETAIL SHOPPING HOURS
DURING THE HOLIDAY SEASON**

President Scott Slifka called the Hearing to order at 7:11 p.m.

President Slifka: We will open the 6:45 Public Hearing, which is an Ordinance Permitting Extended Retail Shopping Hours During the Holiday Season. Mr. Van Winkle...oh, sorry, a roll call first, please.

Present were Councilors Steven Adler, Shari Cantor, Harry Captain, Judy Casperson, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall, Scott Slifka.

President Slifka: Thank you. Back to you, Mr. Van Winkle.

Mr. Van Winkle: Thank you, Mr. Mayor. Several years ago we adopted an ordinance to restrict 24-hour business operation in the Town of West Hartford. In doing that, we precluded a business...most businesses from operating from 2 to 5 a.m. One of the things we didn't think about at the time is the Christmas shopping season, Black Friday, stores that open early or open late at night and stay open all night during that season. So this ordinance is to amend that existing ordinance to allow on Black Friday and on the week before Christmas that stores would be able to open earlier or stay open in that overnight period. They can do this under the adopted ordinance by obtaining a Special Use Permit, going to the Town Planning & Zoning Commission asking for permission to stay open for that holiday season and, as a general rule, the Planning & Zoning Commission has agreed to do those sorts of things. So, since it's a fairly regular annual thing, we elected to provide you with an ordinance change that allowed that to occur without going through another hearing for each of these. These are the Best Buys, the Macys, the things that we see out in that area that obviously tend to use this kind of shopping season.

President Slifka: Thank you, Mr. Van Winkle. Are there any questions from the Council? Mrs. Hall.

Councilor Hall: Mr. Van Winkle, can you tell me how many applications we normally get for this?

Mr. Van Winkle: I can't tell you off the top of my head. Best Buy and Macy's, I think, are the ones that we primarily see. You know, most of our retail stores, certainly out in the mall area, are smaller stores but really don't open at midnight the day after Thanksgiving to sell. It's more of national chain, larger store. So we don't get a lot of these, but we do get them with those two operations.

President Slifka: Thank you. Anyone else? Ms. Kindall?

Councilor Kindall: Mr. Van Winkle, is the only exception then for retail businesses dealing with consumers on the premises, all of the other following categories, banks and personal services and restaurants, etc., don't...this doesn't apply to?

Mr. Van Winkle: That is correct.

Councilor Kindall: Okay. So it's only dealing with a particular kind of business.

Mr. Van Winkle: That is correct.

Councilor Kindall: And why was that?

Mr. Van Winkle: We were trying to look at what to regulate in these 24-hour operations. We have some businesses that do operate 24 hours. Telephone answering system, a number of businesses that you might notice. What we are trying to regulate is a convenience store that might be open 24 hours that draws a lot of public and a lot of coming and going in that...the intent of the ordinance was to try to address the retail business that had that substantial coming and going, not those businesses that might operate in an office somewhere and no one really notices it does but they do.

Councilor Kindall: I'm sorry. My question wasn't clear. Why are we just exempting the retailers with consumers on the premises as opposed to exempting everybody else for Black Friday as well? I'm assuming that that's the only one who's asked for it?

Mr. Van Winkle: Yes, we were just trying to restrict it. It is only intended for that single retail purpose that have customers coming and going and not looking to expand it to any additional...

Councilor Kindall: So we're not expanding it to movie theaters, etc.?

Mr. Van Winkle: That is correct.

Councilor Kindall: Okay. Thank you.

President Slifka: Thank you, Mrs. Kindall. Anyone else? Okay, Mr. O'Brien, could you grab the signup sheet, please? Okay, is there anyone who did not sign up who wish to speak to the subject matter of this public hearing? Okay, seeing none. If there's nothing more from the Council...seeing none. We will close the public hearing. And, we will open the 7 o'clock public hearing, a roll call...subject matter...what's that?

Vice President Cantor: You have to read in...

President Slifka: Oh, you've got to grab me. Okay, we'll back up, still in the 6:45, reading these for the record. Sorry. Getting our rhythm here.

Vice President Cantor: Letter dated November 10, 2011, from Paul Freeman, Chairman of the Town Planning & Zoning Commission, recommending approval for Ordinance Permitting Extended Retail Shopping Hours During the Holiday Season. And letter dated November 18, 2011, from Capitol Region Council of Governments finding no apparent conflict with regional plans and policies or the concerns of neighboring towns for Ordinance Permitting Extended Retail Shopping Hours During the Holiday Season.

President Slifka: Thank you, Mrs. Cantor. Now we'll close the public hearing.
Public Hearing closed at 7:17 p.m.



Essie S. Labrot
Town Clerk/Council Clerk

/cq

APPROVED AT JANUARY 10, 2012 TOWN COUNCIL MEETING