

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE IMPLEMENTING  
FINES FOR VIOLATIONS OF THE INLAND WETLANDS AND  
WATERCOURSES REGULATIONS OF WEST HARTFORD**

**February 13, 2001**

**Council Chambers**

**459, 999**

President Rob Bouvier called the hearing to order at 7:15 p.m.

Present were Councilors Holly Abery-Wetstone, Rob Bouvier, Kevin Connors, Carl Donatelli, Liz Gillette, Jim O'Brien, Andrew Schoolnik, John Shulansky and Al Turco.

President Bouvier: I would like to read into the record correspondence from our Inland Wetland and Watercourses Agency dated February 8, 2001 regarding the subject application. Mr. Feldman.

Mr. Feldman: Mr. Mayor, you have an ordinance before you that essentially changes the fines for any violation of inland wetlands regulations. The current fine is I believe \$61.00. This ordinance allows the fine to be as much as \$100.00 per violation so it is an actual change in the actual fee charged for violating any IWW regulations.

President Bouvier: Thank you Mr. Feldman. What is the genesis of this?

Mr. Feldman: Well, actually Mr. Alair has had a hand in drafting it but I can quickly tell you that we have had some experience over the years where we have had individuals violate either by accident or knowingly violate our inland water IWW regulations and we have found that perhaps with a stiffer penalty they will be more observant and more willing to comply with those IWW regulations.

President Bouvier: And maybe this is for Mr. Alair, what is the nature of a typical violation of something like this?

Mr. Alair: I'm not sure that there is a typical violation and that is part of the problem in figuring what is the right penalty. If it is a violation by a large scale developer \$100.00 even at this may be more cost effective than compliance or a homeowner who violates even if it is willful \$100.00 is a pretty stiff penalty and that was the dome I think, I wasn't at the Inland Wetlands meeting when this was discussed. I think the maximum penalty under the statute is \$1,000 and some people at least were all for \$1,000 but that seemed little bit stiff in the case of a homeowner so it came down to a judgment call.

President Bouvier: And you have to have one fine for everybody?

Mr. Alair: You could in theory take this, you can take the step of in addition to this penalty going to court and seeking other penalties, re mediation or other things so there are other avenues there. This is what our Inland Wetlands and Watercourses official Don Foster, Mila Limson would be authorized to write a ticket for basically.

President Bouvier: So we do have other recourse if there is willful and repeated violations of a developer for instance.

Mr. Alair: And you can also bear in mind that this is per day. This fine is on a per diem basis so if it is a continuing violation we can go out there each and every day. Normally the practice is you fire the shot across their bow by issuing a ticket and giving them time to comply and if they don't then you start issuing them one on a daily basis.

President Bouvier: Thank you Mr. Alair. Mr. Shulansky.

Councilor Shulansky: Thank you Mr. Mayor. At what point either perhaps to you Mr. Alair, at what point, if any, and you will excuse me if this is a naive question, does the Department of Environmental Protection come into play with violation of inland wetland requirements?

Mr. Alair: Generally if it is enforcement of local ordinances they don't. If it is a violation of statewide standards, channel encroachment lines, water diversion permits, various other water resource programs that the State enforces they will get involved. There are also times when you have to apply to the State for permits related to your inland wetlands permit and it may well be that in those cases you can have a dual violation.

Councilor Shulansky: So if there is persistent and willful, the appearance of a persistent and willful violation we at least have the option of bringing it to the attention of State regulators to see if there may be additional remedies?

Mr. Alair: Yes.

Councilor Shulansky: Thank you.

President Bouvier: Any other comment or questions? There is a sign up sheet. There is no one here. Is there anybody here who would like to speak to this particular public hearing? If not we will keep this public hearing open until....

Mr. Feldman: The IWW apparently meets on March 5<sup>th</sup> and anytime after March 5<sup>th</sup>, maybe at your meeting on the 13<sup>th</sup> is another suggestion.

President Bouvier: Thank you. Okay, it will be 7:15 on March 13<sup>th</sup>.

The hearing adjourned at 7:20 p.m.

Norma W. Cronin  
Town Clerk/Council Clerk