

MINUTES OF PUBLIC HEARING ON AN ORDINANCE IMPLEMENTING FINES FOR VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF WEST HARTFORD (PUBLIC HEARING CONTINUED FROM 2/13/2001)

March 13, 2001

Council Chambers

459, 999

President Rob Bouvier called the hearing to order at 7:25 p.m.

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

President Bouvier: I would like to extend a formal welcome to Mr. Harris, his first public hearing.

Councilor Harris: Thank you very much.

President Bouvier: Now we will proceed with our Town Manager, Mr. Feldman.

Mr. Feldman: Mr. Mayor this is a public hearing on a change in an ordinance pertaining to violations, people who violate our IWW, the Inland Wetlands Watercourse regulations.

President Bouvier: Thank you Mr. Feldman. Any questions or comments for the administration? There is no one signed up on the sign up sheet. Any questions from the Council? Mr. Donatelli.

Councilor Donatelli: Just one. Looking at the referral from the TP&Z I guess, number two, they find that those that violate wetland protective regulations should be forced to offset Town costs. They are not now or I mean are they responsible for any damage done?

Mr. Feldman: Mr. Mayor, Mr. Donatelli, I don't believe there is any offset right now and I don't believe it is in the ordinance. It is apparently a recommendation from the TP&Z.

Councilor Donatelli: So this isn't looking to do that?

Mr. Feldman: No.

Councilor Donatelli: That would be a separate issue we would look at?

Mr. Feldman: It would be a separate issue. I suppose you could continue the public hearing if you wanted us to take a look. It is an interesting thought and I suppose you could handle it one of two ways. One is that you could consider adoption of what is before you or continue the public hearing and give us a little bit of time to think through how that actually would be implemented in an ordinance.

Councilor Donatelli: Okay.

President Bouvier: I'm sorry. Mr. O'Connor.

Mr. O'Connor: Through you Mr. Mayor to Mr. Donatelli and Barry. My understanding of that and I was a bit confused too when I read it was that perhaps what they are saying is that increased fines would help offset our costs but I don't think we can determine our costs but on a case by case basis so you would have to basically say you will be fined in an amount to compensate the Town for its costs but typically what we do is we try to establish fines that will be applied toward those costs but on each violation the cost would be anywhere from zero to whatever so I don't know if we could have an ordinance that necessarily would set the fine based on the actual cost to the Town. It is usually just we pick numbers that we think are fair and that money would be used obviously to cover those losses.

President Bouvier: Mr. Donatelli.

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Councilor Donatelli: Thank you Mr. Mayor. Without holding up this particular ordinance if that is something we could maybe perhaps and discuss and find out if there is a way to recoup, if there was major damage that the Town wanted them to pay for is there a way to recoup it from a developer.

President Bouvier: Mrs. Gillette.

Councilor Gillette: How is major damage that is caused by something like this that is not to the Town or repairs that are not made by the Town but are made by abutting private owners? I understand I'm going afield from this Code of Ordinance text amendment but it is not just the Town that suffers the effects of some of these violations. Is that between the resident and the developer in civil court? Is that how that is usually handled?

President Bouvier: Mr. O'Connor.

Mr. O'Connor: Through you Mr. Mayor to Mrs. Gillette, I would imagine that would be the case. There would be private remedies for that. I mean anytime you set a fine, for instance speeding, how do you quantify what is an appropriate fine. I think you consider the costs of monitoring speed traps as a basis for \$100.00 fine although it might cost us a little more or a little less so there is really no science to it.

President Bouvier: Thank you Mr. O'Connor. Mr. Feldman any thoughts on how you would like to proceed with the ordinance?

Mr. Feldman: Well Mr. Mayor maybe what Mr. Donatelli just alluded to which is you may want to give consideration to what is in front of you and then let the charge to Mr. Donatelli's committee to consider how other pieces might also then be made a part of this particular ordinance.

President Bouvier: So we could proceed with the adoption of this specific ordinance then. Thank you Mr. Feldman.

Mr. Feldman: Yes sir.

President Bouvier: Any questions or comments from the Council? If not we will close the public hearing.

Mrs. Cronin: You should read into the record the recommendation from the TP&Z.

President Bouvier: I have a recommendation to table the Code of Ordinance text amendment. I didn't have any action in my folder.

Mrs. Cronin: They recommend approval.

Councilor Shulansky: They recommend approval.

President Bouvier: Okay, I have it. If we could, I would just like to reopen the public hearing so that we can read into the minutes the Town Plan & Zoning Commission dated March 13th, 2001 recommending their approval. Okay? Now we will close the public hearing.

The hearing adjourned at 7:25 p.m.

Norma W. Cronin
Town Clerk/Council Clerk