

MINUTES OF PUBLIC HEARING OF WEST HARTFORD TOWN COUNCIL ON AN ORDINANCE REQUIRING NOTIFICATION WHEN MORE THAN FIVE SINGLE FAMILY OR MULTI-FAMILY RESIDENCES ARE OWNED BY A SINGLE PERSON WITHIN AN AREA OF ONE-HALF SQUARE MILE

June 24, 1997

Council Chambers

999

Vice President Klebanoff called the hearing to order at 6:42 p.m.

Present were Councilors Rob Bouvier, Liz Gillette, Bernard Jacques, Sandy Klebanoff, Patrick McCabe, Madeline McKernan and Alfred Turco. Councilors Kevin Connors and Nan Glass were absent.

Vice President Klebanoff: Mr. Feldman, does the administration have a presentation?

Mr. Feldman: The public hearing is on an ordinance that essentially establishes certain requirements for an individual who would own more than five single family and/or multi family residences within one half square mile of West Hartford. The Director of Health shall be provided a list of such residences and that list also shall be posted in the Office of the Town Clerk. If there is one person who owns more than ten single family and/or multi family residences within one half square mile, in addition to that notification procedure that I just outlined, by the Director of Health and then posting it in the Town Clerk's Office, the other owners of property within that one half square mile should be notified by mail as to the ownership of those ten homes.

There is another provision in the ordinance that requires whenever a person, the owner, receives five or more notices from the Town regarding certain repair or maintenance improvements required within a twenty four month period then not only shall all the enforcement procedures be affected but also the Director of Health shall have that person's name posted within the Town Clerk's Office with the intention of notifying the public as to the violations as to what this individual has not complied with.

The ordinance goes on to say nothing shall in any way limit the Director of Health from enforcing the provisions of the minimum housing code to effectuate any and all repairs on those properties.

Vice President Klebanoff: Thank you, Mr. Feldman. Questions from the Council? Mrs. Wilder.

Mrs. Wilder: I just wanted to say that I have spent some time with the Director of Health reviewing this ordinance.

Public Hearing
June 24, 1997

He and his staff suggests minor clarifications but I thought I would put it on the table for you and the public. One to be sure that by person that also includes a corporation, association, a partnership in each case where person is used and secondly with regard to Section 1, paragraph a and b, to clarify that where it says five single family and/or multi-family residences that it doesn't mean you have to have five single family and five multi-family but the combined total of five single family and/or multi-family homes.

Vice President Klebanoff: Section B?

Mrs. Wilder: A and B.

Vice President Klebanoff: Oh, A and B.

Mrs. Wilder: Yes, so before and the first line of each of those paragraphs after the words owns more than it would say a combined total of five single-family and/or multi-family residences.

Vice President Klebanoff: May I ask you a question?

Mrs. Wilder: Please.

Vice President Klebanoff: Regarding these changes. Are these substantive changes or are they merely clarifying?

Mrs. Wilder: I believe they are points of clarification. They are before you and the public as part of this hearing and I do not think they would require a new hearing.

Vice President Klebanoff: Questions? Mrs. Gillette.

Councilor Gillette: In understanding the new section, does this give new powers or enforcement of our existing code whether it be health or zoning code violations to the officers?

Councilor Jacques: Mrs. Klebanoff.

Vice President Klebanoff: Mr. Jacques.

Councilor Jacques: It does not give new powers to the zoning officer. It does not give new powers to the Health Director. What it does is it puts both of those entities, that is the zoning and the health people, on notice and what it does is it helps prevent someone coming in and purchasing a number of homes, allowing a number of homes in an area to deteriorate. So it is more a notice provision to ensure that the town has vigorous and prompt enforcement. As you know now oftentimes when we have a single residence which would have some violations the Town does not move always as

expeditiously as we might like. This with this notice pattern will be more easily recognized a pattern and hence will be more prompt to respond and that is what it does.

Vice President Klebanoff: Are there further questions? If not, we have a sign up sheet. We have two people who have signed up. The first person is Augusta Apter. Please come to the podium on your left and give us your name and address for the record.

Ms. Apter: I am Augusta Apter and I live at 37 Shepard Road in West Hartford. A few weeks ago on the editorial page of the Hartford Courant there was an article that appeared at the bottom of the page and its heading is "Let Mall Idea Wither on the Vine" and I would like to read a few passages from this article.

A proposal to level one hundred twenty homes in West Hartford's Astronaut Village and build a mall in their stead is de-stabilizing the residential neighborhood and would increase the commercialism of an already retail saturated area. Though this idea of Bristol based real estate developer Victor Basile is purely speculative it has been controversial enough to generate strong and mixed reaction in West Hartford's southwest corner near Newington and Farmington.

Some homeowners are intrigued by the possibility of selling their houses at a substantial profit. The words substantial profit are in quotation marks in the paper. Mr. Basile has vowed he will abandon the idea if he is unable to find enough interest. That would be the best outcome but the neighborhood would be wise to flash Mr. Basile an early red light before his idea sows too many more seeds of discord and I think personally that because this appeared on the editorial page in the Courant, it has a great deal of significance.

Now I want to make a few personal comments. In front of my house there is a for sale sign. My husband died one year ago. Up until that time we had been living there happily for over twenty six years. If he were alive we would never consider selling. I am alone now in a big house. I'm far from my family and my friends and every day I have to drive past the Rockledge Country Club where my husband died while he was playing golf and that is hard for me to bear. That is another reason I want to sell my home.

I have some questions for those people who want to sell to Mr. Basile. Do you know how the market value of a home today is determined? Much lower than what you think it is. How much of a substantial profit would Mr. Basile be giving you? When will you receive payment for the house from Mr. Basile? Will it be in a lump sum or will it be in

Public Hearing
June 24, 1997

4.

installments? Now I have some more personal comments. I don't think that the residents of this area need more money. I think they just want more money. Please I tell them, I beg of them, don't sacrifice decent, moral behavior and fine praise worthy character to what I think might be just plain greed. Thank you.

Vice President Klebanoff: Thank you. The second speaker is Domenico Genduso.

Mr. Genduso: Domenico Genduso, 80 Blue Ridge Lane, West Hartford. Madam Mayor, members of the Town Council, before I forget I want to answer a little bit the lady what she said that because the article appeared on the editorial page quote is of a great deal of significance. Now, I don't know if you read the Courant. I don't read the Courant or anything. I read it to see all the junk they put in the paper and those people that write the article yesterday was one really pea brain writer and the day before, always. Then one thing lately they have interfered with the business of the town. The newspaper has the stuff to publish the news what is going on not to tell the town what to do because they don't pay anything. The only thing they pay, \$150 I think it used to be, about three years ago in West Hartford. I don't want any of those people who pay \$150 for those ugly boxes. They are put in a place that is not legal to put on the highway on Route 44 or Route 187 or whatever State route it is in West Hartford, right on the sidewalk because people stop and interfere with the traffic.

Going back to the ordinance, I love this all whereas and everything, you know and there is one it says in the middle whereas the residents of a neighborhood should be able to enjoy their property free of nearby public nuisance. Where do they have a nuisance over there in the Shepard Village or Bishops Corner? Nobody does anything about it except when somebody from the Council is interested in the business then you have an article in the Courant, ordinance presented, but for years since Finast came to Bishops Corner we have not had peace anymore.

Part of this is due to the inefficiency of the town employees because a town employee that thank God is not here anymore, and I wish some of those town employees were let go. When I asked a question, I said the loading dock under the stairway....

Vice President Klebanoff: Excuse me, Mr. Genduso. This ordinance is regarding people who own five or more homes.

Mr. Genduso: Yes and that is what I am coming to. The guy said they had before this stuff but I said before the tenant wasn't a grocery store. It was a dry goods store. There is a difference. You see when people don't know anything about

the rules or what is going on they are not supposed to be in authority to make a decision. Now, first of all this business of five stuff. What is the purpose really? I don't understand why you have five houses. There is one here on Mountain Road before you reach Albany Avenue going north, on the left side that house has been boarded for I don't know how many years and it is full of wood around and stuff like that. When you get stopped at the light, waiting for the light to go on Albany Avenue or keep on going on Mountain Road it looks like if you ever see those Discovery channel, the jungle in Brazil, I ever saw shocks better than those and nobody does anything about.

Now, why five? Why not one, two, three, five? This is actually in controversy that is coming up in that part of the south part of town because this guy Mr. Basile I think his name is from New Britain. He wants to buy a lot of houses at regular price that the market was evaluated in 1989 instead of selling for \$90,000 or \$100,000 the guy is willing to pay \$150,000 or \$200,000 or whatever was assessed. They think that the development will make something bad. I don't know. I'm not interested in development because I have enough trouble in Bishops Corner with the commercial business you know. I think there was something on this appearance, this stuff going on you know and that is what I want to say most of all because if we have, I didn't read the ordinance but I know one thing years ago I read something about the maintenance of the house. We have already on the books and it doesn't matter if the person has one house, five houses or ten houses, it is single family or double family. I don't give a damn if it is not well kept the town has to go up to them. If the grass is over one foot high they have to go and cut the grass and then charge the guy. If the house is a mess or the driveway is full of junk cars like the one we had in one circle here, street in West Hartford that took three or four years to get rid of that stuff. I don't think we need this except that if somebody tells me what the real reason is then I believe it. Thank you very much for listening.

Vice President Klebanoff: Thank you Mr. Genduso. That completes the sign up sheet. Is there anyone else here this evening that would like to address the Council on the ordinance which is the subject of this hearing? Yes, please come to the podium and give us your name and address and I saw another hand over there if you would come next.

Mr. Hathiramani: Good evening ladies and gentlemen and fellow neighbors. My name is Prakash Hathiramani resident of 9 Chaffee Road. My beautiful wife Angela and I moved to the neighborhood about a year ago and bought our first dream house in this neighborhood. We have worked with our hands to do what we could to this house. We love this place a lot. Mr. Jacques is our neighbor and I'm very proud to have a

Public Hearing
June 24, 1997

wonderful neighbor like him like all these people that are here. I think this ordinance should go through because it is not just about money. It is more about the quality of life. It is a home. We have a home here and I would like to have my children running around in this neighborhood, too. Thank you very much.

Vice President Klebanoff: Thank you.

Ms. Gonzalez: My name is Mary Ann Gonzalez and I live at 25 Clover Drive and I moved in about a year ago and I am for the ordinance and the reason is because I worked very hard. I am a single mother and I have worked very hard to try to get my kids in a neighborhood and in a school system that would give them a good living. I really love the place where I live. The neighbors are wonderful and I am very happy with the school system. I have invested a lot of money into the home and I don't care how much money Mr. Brasile is offering. As the last speaker said, the quality of life is more important to me than money and not just for us to have a home but to have a good education and to basically live a decent life. When I received notice about the hearing I'm normally not a person that speaks out but this is very important to me. I don't know if my friend will also speak but we have talked with many other residents and neighbors and I know that I have a neighbor who is not able to be here but she also asked me to speak for her. She is also in favor of it. Basically I would like this to go through.

Vice President Klebanoff: Thank you. Anyone else who wishes to speak? Mr. Patrissi and then the other gentleman.

Mr. Patrissi: Good evening. My name is Rob Patrissi. I live at 93 Shepard Road in West Hartford. I am also very strongly in favor of the ordinance. I have lived on Shepard Road for too many years actually. It is actually my parents house. I did move away for a while and realized what a great neighborhood I had and decided to move back. I currently am looking to buy a house in the neighborhood. My sister lives in the neighborhood and so do many of my friends and co-workers. We also are very strongly in favor of this. Many people who haven't come up are also very strongly in favor of this ordinance. We feel it is a protection to not just our neighborhood but to everybody else's neighborhood in West Hartford because if this is going to happen in our neighborhood, who is to say it is not going to happen in your neighborhood or somebody else's neighborhood. We are here not just in support of ourselves but of everyone in the whole town. That is the point that I wanted to get across.

At first it may seem like a selfish sort of thing to come up and especially seeing that Mr. Jacques lives in the

neighborhood but I'm sure he feels that if this wasn't his neighborhood he would be doing it for other neighborhoods as well. I stand up here in front of all of you and say please consider this ordinance strongly and that we certainly don't want to go anywhere. Thank you.

Vice President Klebanoff: Thank you.

Mr. McGuire: Good evening. My name is Tim McGuire. I'm here with my wife Susan. We live at 27 Grissom Drive. I look across the street at Bernie Jacques' house and I first and foremost want to thank him for what he has done in support of the efforts in opposition to this proposal. Although I respect those on the opposite side, I feel very strongly that our position needs to be made very clear, those of us who are opposed to Mr. Basile's proposed development. We are strongly in favor of the ordinance. My wife and myself we have lived in the neighborhood for ten years. We are both life long residents of West Hartford as are both of our parents, our families. We like West Hartford. We like the area. I could say even with the mall around us the biggest complaint we have over there is the traffic light is too long on Shepard Road and New Britain Avenue though we have learned to live with that.

It just seems to me that Mr. Basile's, the entire project to me is just very unsettling and the whole manner in which it is being played out. He is secretive. He is calling people individually. He is not forthcoming when you have a public meeting with him. It just lacks an awful lot of detailed information and I think raising people's expectations, there is no pot of gold at the end of this road. I can't imagine how the town would ever allow the zoning to be changed. I think back to some of the issues at the mall and the proposed expansions were being discussed and the traffic problems and the environmental run off issues. I mean it is just inconceivable to me that this could be allowed to happen in this area even if he had overwhelming support of the neighborhood which I don't believe he has.

I know that the Town Council has stood tall on those previous issues when it was Home Depot, and the impact to Charter Oak School, whether it was the mall expansion, the Talcott School in Elmwood. We have watched all of those events play out. I hope we don't have to watch this one play out for that much longer. We don't want this to become another Buckland Hills. We don't need that I don't think in West Hartford. But I will tell you what bothers me the most, one of the things that bothers us the most is I have a set of drawings here for an addition to our house. These drawings were made up last fall. We haven't started anything yet because of this issue and that really upsets us. I am ready to come down here and take out a permit. People are trying to sell their houses, normal things, like

Public Hearing
June 24, 1997

one of the earlier speakers mentioned. This man is preventing us from moving forward with our lives and our plans. This neighborhood is a fine neighborhood. It is probably not the best neighborhood in West Hartford but it is our neighborhood and we are very proud of it. We just hope that we have your support as this continues in the weeks and months ahead and you can expect to see many more of us here for all future meetings and again, I just want to ask your consideration and we appreciate Bernie's efforts to date and I think the picture in the Courant aptly describes the feelings of many of us here today. Thank you very much.

Vice President Klebanoff: Thank you. Is there anyone else who would like to speak? Well, if not, are there any further questions or comments from the Council before we close the hearing? Mrs. Gillette.

Councilor Gillette: Could we have some background on how this ordinance will interact with the situation that is happening over around Grissom Drive.

Councilor Jacques: Certainly. I would be happy to answer that question. I will also be happy to explain how the ordinance would affect the rest of West Hartford.

As you know, there is a plan to buy 172 homes in my neighborhood and in an adjacent neighborhood and with all due respects to my neighbor, I do think it is the best neighborhood. The plan as Mr. Basile has related the plan to me is that he is going to 172 individual homeowners, families, and asking them to sign an option to buy giving him the right to buy the property. He has represented to me that he will not go forward until and unless he has an overwhelming majority of the residents agreeing to the option to buy. He has not defined as far as I know to either myself or my neighbors what overwhelming majority means.

Mr. Basile's offer to purchase the 172 homes and literally bulldoze them and replace them with a commercial development raises two issues. Issue number one, is whether individuals can be forced out of a neighborhood because someone has desired it for commercial development. That is should someone come in and engage in some kind of unscrupulous practices they could destroy a neighborhood, reduce the values of homes in that neighborhood and thereby achieve their objective of purchasing the homes at a reduced rate. That problem is addressed in part by these ordinances. That part of that problem is addressed by putting us on notice as an individual begins to accumulate properties in a neighborhood and would allow those properties to deteriorate so as to depress the values of neighboring homes or simply frighten others into moving. That is what this is designed to do. What it does it piggy

backs on our present enforcement. We presently have enforcement against individuals who would allow their homes to deteriorate. There are two problems with that. Problem number one, we are not always as we would like to be on top of that situation. Problem number two is we have the authority to go in and repair that home and then put a lien on that house. The town does not see that money until the property is transferred. If, however, we are on notice that an individual or a group of individuals is artificially depressing prices by allowing buildings to remain in a sub standard condition we can move more quickly and that is what this ordinance does. It puts us on notice. That is the problem it addresses.

There is a second problem that Mr. Basile's offer raised which this ordinance does not address and that unfortunately is the uncertainty that all of us living in that neighborhood must deal with. There are some of my neighbors as mentioned who have postponed additions. Some have postponed roof jobs. Some have postponed painting. That does not address that issue and there is nothing we can do about that except stand firmly and tell Mr. Basile we are simply not interested in selling.

Vice President Klebanoff: Are there further questions? If not, I will close the public hearing.

The hearing adjourned at 7:10 p.m.

Norma W. Cronin
Town Clerk/Council Clerk

BRONX SECTION
EXPROPRIATION
MAY 1997