

MINUTES OF PUBLIC HEARING ON AN ORDINANCE AMENDING THE RISK
MANAGEMENT ORDINANCE

October 10, 1995

Council Chambers

1327

President Sandy F. Klebanoff called the hearing to order at
9:50 p.m.

Present were Councilors Robert Bouvier, Owen Eagan, Sandy F.
Klebanoff, Charles R. Matties, Patrick McCabe, Madeline S.
McKernan, Larry Price, Andy Schatz and Alfred Turco.

President Klebanoff: Mr. Feldman.

Mr. Feldman: Madam Mayor, the change in the ordinance is
relatively modest. What the ordinance change consists of is
to insert in place of the Director of Finance title the
title of Town Manager or his or her designee in certain
different places in the ordinance itself. I could elaborate
if you would like but again it is relatively modest.

President Klebanoff: Any questions for Mr. Feldman? No one
has signed up to speak. Is there anyone who wishes to
speak? I will close this public hearing.

The hearing adjourned at 9:51 p.m.

Norma W. Cronin
Recording Secretary

MINUTES OF PUBLIC HEARING ON AN ORDINANCE EXTENDING THE PERIOD OF TIME IN WHICH SIDEWALKS MUST BE CLEARED OF SNOW AND ICE.

October 10, 1995

Council Chambers

999

President Sandy F. Klebanoff called the hearing to order at 9:52 p.m.

Present were Councilor Robert Bouvier, Owen Eagan, Sandy F. Klebanoff, Charles R. Matties, Patrick McCabe, Madeline S. McKernan, Larry Price, Andy Schatz and Alfred Turco.

President Klebanoff: Mr. Feldman.

Mr. Feldman: Madam Mayor, briefly and of course I will elaborate if you would like. The genesis of the change was in large part done because of the amount of time it takes Town trucks, Town equipment and private contractors to clear the streets in a fairly sizable snowstorm. We have noticed over the years that many residents are concerned and want to get out and clean their sidewalks, clean their driveway while we are still plowing the roads. Inevitably what will happen is that the town's plow will come along and deposit snow back up on the sidewalk and the apron so then immediate conflict with our residents.

To the credit of the Public Works Director Dana Hallenbeck we propose and I am here tonight to propose to you a modification to the current ordinance that requires residents to remove snow within five hours or immediately after sun up to change that to twenty four hours. I must tell you that there is nothing magical about twenty fours. There probably was nothing magical about five hours. We do believe five is too limited. We did a quick survey of other towns in the area. They range from twenty four hours in Manchester, twenty four hours in South Windsor, twenty fours in Farmington, twelve hours in Windsor, twenty fours in Wethersfield. The City of Hartford has three hours but apparently they don't enforce their provision. The Town of Newington has twelve hours but their comment was that that is not enough time I gather for the residents to remove snow. Glastonbury had eight hours but they were looking to change it to twenty four.

I think it is fair to say that at least for those communities that we surveyed many have certainly far more than the five that we have and a healthy majority seem to have twenty four and some have something less but even in those communities that have something less they are looking at twenty four hours.

My recommendation to you is that as I may have mentioned to one or two members of the Council that asked me questions

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about it earlier, there is no hard data that says twenty four hours has to be twenty four hours but if you are so inclined to grant the twenty four hours, we should live one or two winters with it, see how people react to it. There was some concern about children walking to school that this would somehow impede children walking. I guess my response would be with heavy snow the probability of school being cancelled is pretty possible. That may not be as problematic as some might think it would be.

We should evaluate it together both from your standpoint as well as your constituents standpoint and if twenty four seems to be too generous and we have some problems with it, perhaps in a year or two we want to go back and visit it or look at it again but certainly we think five hours is way too constraining and really sets up that conflict between the town and the residents as they try to remove snow.

President Klebanoff: Thank you, Mr. Feldman. Mrs. Wilder.

Mrs. Wilder: Madam Mayor, members of the Council, it is important to clarify one point though. This change will, if you were to adopt it, would not allow the town to ticket if you don't clear the snow in less than twenty four hours. We would be able to ticket if you don't clear the snow in more than twenty four hours. It doesn't absolve the property owner from the responsibility if someone fell and got hurt during that twenty four hour period. I want to be clear because I don't want this change to aggrieve our property owners if one of their neighbors should slip and fall and could sue them and the court may say you had enough time, three hours or two or five hours later to clear your walk.

President Klebanoff: Mr. Price.

Councilor Price: As I understand Marge as she pointed out to us, our ordinance then tracks the requirement for half the liability to the homeowner.

Mrs. Wilder: That is correct.

Councilor Price: You could still be liable subject to a lawsuit and potentially found negligible. Do you think that impinges then the viability of the statute or our ordinance in passing the liability on to the homeowner or have we possibly moved away from the criminal component or the punitive component enough that we would open ourselves up to something?

Mrs. Wilder: I don't think it would affect the town's liability but honestly you could read it either way. It is possible that a court would say that a town's legislative body in its wisdom felt twenty four hours was a reasonable

time to clear snow and ice and therefore, that could be weighed in determining a case of liability or they may say you know a reasonable time and the circumstances of a particular case may be less than twenty four hours but I don't think it will necessarily hurt anyone's case but I don't want our property owners to be misled either.

President Klebanoff: Mr. Schatz.

Councilor Schatz: (inaudible)

President Klebanoff: Mr. Feldman, do you have any information on how frequently the town cites people who do not comply with the five hour restriction?

Mr. Feldman: Madam Mayor, nothing at my finger tips. If that is important to you, I will try to get some information. As you probably all know by now, we don't go out necessarily looking to cite people. We do get calls from residents.

President Klebanoff: Six hours or seven hours?

Mr. Feldman: I wouldn't want to speculate. My sense tells me that we probably just get lots of calls and complaints, when they come in I'm not sure.

Councilor Schatz: (inaudible)

President Klebanoff: Mr. Matties.

Councilor Matties: On that same note, no matter what the statute says I think we are reassuring the town that they won't have to jump out there until a reasonable period of time has passed. As we all know, in this section of the country we get some queer snow storms that last I don't know how many hours and the town's plow trucks are working on the street and throwing it on my sidewalk and we will be out with a hatchet trying to break the stuff. It is such a difficult thing. How long do you figure the Town crew, I think I heard eight hours.

Mr. Feldman: Madam Mayor, I was going to say I think, I don't know if there is such a thing as a standard or a typical snowfall in New England but generally eight hours would be a fairly good rule of thumb. Now, inevitably that answer is tempered by all sorts of external problems but eight hours would be a fair average.

Councilor Matties: I'm just thinking about that late evening snow storm, if it is a wet storm it solidifies after the truck throws it in my driveway and I go out and try to get out in the morning and it is a near impossibility. Is there any logic in at least putting a

number of inches snow fall before this sets in?

President Klebanoff: Mr. Feldman.

Mr. Feldman: Madam Mayor, Mr. Matties, I suppose you can discuss that further. I'm not sure how we would try to evaluate that. As you just indicated, sometimes a two or three inch, very heavy, wet snow is worse to remove than five or six or seven inches of the light powder. Again, I think I just want to re-echo what Mrs. Wilder said which is this is only a time limitation as far as our ability to cite them on when they need to clean their sidewalk. The homeowner is still left up to her or his own best judgment as to when that snow should be removed. All we are trying to do is to remove what we thought was a fairly restrictive constraint making people go out perhaps far earlier than what they needed to do or have even worse pay somebody to remove snow from their sidewalk and driveway and still have the Town plows come along and just redeposit it. Depending upon the snow, if it is as bad as the one you just described, people may be out a lot earlier than certainly twenty four hours to get it off their walk. It doesn't mean you can't shovel. It just says that in all probability you are going to see the Town truck on your street a few more times before we are done plowing all the snow.

President Klebanoff: Mr. Matties.

Councilor Matties: Do we have any assurance as to how to make sure that the blade isn't turned too far to the right so that it throws it well onto the sidewalk? It is a very important factor.

Mr. Feldman: All I can tell you is that having spent enough hours of my life with them at certain points over the winter, it is not quite as easy as people would think to reposition that blade so it doesn't go up on your sidewalk or mine but we will try to remind them again to be careful of that.

President Klebanoff: Mr. Price.

Councilor Price: I like what Barry had to say. I'm sorry we are having a hearing but the intent of this as I understood it was in responsive to neighbors in part who have as we all know pointed out that they go out and shovel their walk and three hours later the plow comes up and creates for some people a bigger mess than they shoveled before. I'm sure the Council has all had those complaints so that is the intent and then the notion is, Barry, that we will watch it for a couple of years and see how they respond. The intent is not to insulate the homeowner from sort of liability by extending the time. As Marge correctly pointed out, I think we have to make clear to people that is

not the case. By extending the time on our punitive component of the statute the law in a civil action could care less. It is that specific and it is reasonable and whatever. The intent of our ordinance makes a lot of sense I think.

President Klebanoff: Are there further questions? If not, the first speaker is Domenico Genduso.

Mr. Genduso: Domenico Genduso, 80 Blue Ridge Lane, West Hartford. Madam Mayor, members of the Town Council. I have been hearing some words that I don't like that the homeowner can be sued by somebody that slips on a sidewalk that is not the owner's property. They don't own the sidewalk. The Town built it and the Town is supposed to take care of it. I have been opposed all the time and I will talk about it in a little while about the twenty four hours.

I have been contacted by at least twelve or fourteen people, most of them elderly, and they asked me to speak tonight as usual because they know I speak on things that I feel it is my duty to say something about the way I think when some things are supposed to be done or not. They approve of the postponement of instead of five hours, six hours or whatever it was before, to twenty four hours because a lot of people have been talking about cleaning the sidewalk and the end of the driveway and then the plow goes by and then when you are 70 or 75 years, even with a snow blower it is not a piece of candy that you just chew slowly. You can get heart attacks or some people cannot afford to hire somebody to do it. At least up to twenty four hours there is a good chance that the plow went by and will not come back after you clean the sidewalk and stuff.

Like I said, in my opinion, I have been always thinking this since the first time when I came to West Hartford and I heard about the ordinance about clear the sidewalk. I don't think it is the homeowner's responsibility really to render a service for the town because he is not paid by nobody. If he wants to do his civic duty it is okay but not that he can be obligated in cleaning the sidewalk or be, I'm not a lawyer but I know some of the laws are supposed to make sense. If they don't make sense, they are not good laws and they are supposed to be abolished.

If the person don't own the sidewalk he cannot be sued. I approve of the change and I want to thank Dana Hallenbeck for thinking about that stuff because it alleviates some of the problem and will not make me mad every time I do clear my driveway because the driveway is always at the end, the last ten feet of the driveway, if there is four inches of snow, there will be at least fourteen inches of ice and snow and take a couple of times to finish all the driveway and then doing that little piece. Anyway, I don't know exactly

because I didn't read the new ordinance but I hope in the ordinance it says that the homeowner is not responsible for any liability because the homeowner what he is doing is a favor to the town to clear the sidewalk, really, if he wants to do it voluntarily. Thank you for listening.

President Klebanoff: Thank you. The next speaker I'm sorry I can't read your name. It is William.

Mr. Cannon: My name is William Cannon. I live at 382 Fern Street. Most of my speech has already been said but why can't we train these snow plow jockeys not to throw the snow all over the sidewalk. You will remember I talked to you one time three or four years ago, five years ago, I don't recall just when it was after the meeting, and I told you about the snow being thrown up on the sidewalks and you pooh poohed the thing. You are in good shape and you running and so forth. I'm not in that good shape and I resent the heck out of the fact, and I've seen the plow coming down the street thirty miles an hour and the snow flying over the sidewalk and I have shook my fist at him. I have done everything and I don't know why these guys can't be trained. This hasn't been something that has been going on for years.

One day when I saw Mr. Bouvier say it he thought it was a good idea in the paper, so I thought that he thought it was a good idea and I asked where does he live. He lives up on Hunter Drive. So I went around to all the Councilors houses and I saw Mayor Klebanoff and Council people didn't have any walks. Owen Eagan had six or seven feet between the sidewalk and the curb. That is much better than my three and a half or four feet. Chuck had seven and a half to eight feet. This is not taking a shot at you people. I'm just saying I can see why this ordinance doesn't bother you people at all. You don't have much either. Neither does Mr. McCabe but the point I am trying to make is that I don't see why these jockeys can't be trained to plow without plowing snow all over the sidewalk.

The driveway aprons we know are going to get plowed in. I don't think it should be happening to the sidewalk.

President Klebanoff: Thank you.

Mr. Cannon: I hope you will take something into consideration here. Thank you.

President Klebanoff: The next speaker's last name I can't read either. Ed, 502 Trout Brook Drive.

Mr. Brouillet: My name is Ed Brouillet. I live at 502 Trout Brook Drive. I'm here tonight to voice my opinion against changing the ordinance from five hours to twenty four hours. My main concerns are safety related issues.

Besides being a resident of the town, I am also a letter carrier with the United States Post Office. I deliver here in Elmwood. I walk the sidewalks of West Hartford five days a week, about six hours a day out in the street so I know the sidewalks pretty good in West Hartford. I'm concerned with the people who use the sidewalks in West Hartford besides myself, the kids, the elderly, people jogging, people walking their dog, people just walking and I think that the snow that is left on the sidewalk any longer than it has to be, is more dangerous. I'm especially concerned for the kids and the elderly. The kids in elementary school now have to walk a mile, middle school a mile and a half and high school two miles.

When I see sidewalks that aren't cleared, the people walk along the sidewalk and then what they do is they walk along out to the apron and they walk out in the street and then they come up the next cleared apron so they are out in the street. I think that is going to be more dangerous. We might have more accidents like the two ladies who were run over by the garbage truck a few months ago.

I'm also concerned with the elderly. Many of them are concerned. My mother lives over at the Westgate Apartments over on Farmington Avenue where they had the fire a few months ago. They were all talking about that when they were sitting outside when they read the article in August and they said they were concerned because most of them don't drive. Her building is about eighty percent elderly and they like to walk around. They are concerned about falling and breaking their hips.

I'm also concerned that is the new School Superintendent going to be cancelling or delaying school if there is snow on the ground. What I think this town has to do it has to be concerned with a number of areas. One, vacant and foreclosed houses. I have had foreclosed houses on my route and you know what happens, in the summertime the grass is up to the knees and probably some of you have gotten calls about that and in the wintertime they don't shovel. I have had two foreclosed houses on my route and you know what happens. They just sit there with snow all winter. Most of the time the banks might be out of State in Kansas or Washington. People complain to the town during the summertime when the grass is high because they are out but in the wintertime when they are in the house, the snow just sits there so people march along. They see the snow. They go out in the street.

So as far as the ordinance being changed, I think there should be more publicity when wintertime comes in the West Hartford News and maybe the Trade Winds or on Channel 5 asking people to get out there and shovel as soon as possible because what I can see walking the streets it can

be pretty dangerous out there if you have one inch, two inches or a foot so that is about all I have to say. Thank you.

President Klebanoff: Thank you. Anybody else wish to make a comment on the ordinance? We will close the public hearing.

The hearing adjourned at 10:11 p.m.

Norma W. Cronin
Recording Secretary