

Town of East Windsor
Special Town Meeting
October 28, 2009

A Special Town Meeting of the Town of East Windsor was held at the East Windsor Town Hall on Wednesday, October 28, 2009. The meeting was called to order by First Selectmen, Denise Menard at 7:30 P.M.

Motion was made by Gil Hayes and seconded by Dale Nelson that Denise Menard preside as Moderator.

Motion was made by Linda Sinsigallo and seconded by Richard Pippin, Jr. that nominations for Moderator be closed.

Both motions passed unanimously.

Assistant Town Clerk, Joanne M. Slater read the call to the meeting.

Moderator, Denise Menard read the statement of eligibility to vote.

The following resolution was introduced and read by Linda Sinsigallo.

RESOLVED: To adopt an ordinance entitled "An Ordinance Establishing a Volunteer Incentive Committee".

Linda Sinsigallo moved the resolution, seconded by Richard Pippin, Jr.

Discussion:

Denise Menard: The present Volunteer Incentive Committee is an 18 month temporary Committee. This Committee has been used for the Fireman's Incentive Program. The word "any" was added to a section in the ordinance where it says "Volunteer Incentive Program". This was changed so that the ordinance doesn't exclude another volunteer Incentive Program from using this committee. The people in the temporary ordinance will be reappointed once this permanent ordinance is established.

James Balch: Asked why we couldn't get them voted in rather than appointed.

Denise Menard: It was never discussed. We could add this to the list of the boards and commissions that are voted on.

John Burnham: He would like to clarify for the record that the Selectboard would appoint the members on the commission. When their term is over, they come before the Board of Selectmen.

No further discussion followed and the resolution passed unanimously.

The following resolution was introduced and read by Rand Stanley.

RESOLVED: To adopt an ordinance entitled "An Ordinance for Wetland Violation Citations & Procedures." Rand Stanley moved the resolution, seconded by Richard Pippin, Jr.

Discussion:

Robin Newton, Assistant Town Planner/Wetlands Agent and Zoning Enforcement Official for the town. She was asked by the Inland Wetland Commission to research & draft this ordinance when she started work here a year ago. Most of the ordinance is dictated by Conn. State Statues, so there is not a lot of leeway. When she gets a complaint in her office, she checks to make sure there is an actual wetland violation. A notice of violation is sent out for all major violations. The person has 30 days to correct the violation. If no compliance, she has the option to send a 2nd notice of violation or bring it before the Board to vote on whether or not to issue a citation.

Eileen Wagner: Thinks the fine schedule should be included in the ordinance before they vote on it.

Robin Newton: The schedule of fines was originally in the ordinance. When she brought the ordinance to the Selectboard, she was asked to take out the fine schedule. If the fines are not in the ordinance, they won't have to go through the process of bringing the whole ordinance through this process again to change the fines. She does have a draft schedule that has not been adopted yet because this ordinance is not in effect yet.

Eileen Wagner: It is good that you have return receipt requested, but you should make sure that you have the persons signature in hand before you start the violation process to make sure that the person actually knows about the violation.

Robin Newton: Timeline for her starts when she gets the green return receipt card back in hand.

Bonnie Yosky: She is concerned that #4 in the ordinance says to send out the citation by regular mail. Why do you have this in the ordinance when you say that you are sending it by certified mail?

Robin Newton: CT State Statues dictate all the ways that we can send things. They are all listed in section #4. We always use certified mail so that we know the person got it.

Jim Balch: Since you have a new law, will you notify everyone in advance of your laws, or don't we have to worry about it?

Robin Newton: Any present violations would not fall under this new ordinance if it were adopted.

Jim Balch: When would this be adopted?

Denise Menard: 15 days after publication if it passes tonight.

Marie DeSousa: Her understanding is that a current violation being handled presently by the Planning & Zoning office would be exempt from this ordinance and a current violation reported after this ordinance gets approved can become part of this ordinance. Is this correct?

Robin Newton: Yes

Kathryn Roloff: Clarifying for the record that this is not a new law.

Robin Newton: In State Statues in order for us to use this as an enforcement tool, we have to adopt an ordinance.

Ron Savaria: He asked for some examples of the fines.

Robin Newton: She does have a draft fine schedule that will be voted on by the Inland Wetland Comm. This meeting is opened to the public and the public can have input.

Examples from fine schedule:

#1. Conduct, without a permit, activities in the upland review area which do not pose an immediate danger to a wetland or watercourse is a \$150.00 fine. This is a minor violation, something that can easily be fixed. A wetland citation can be issued each day

as a separate offense or just as a one time citation and onetime fee. If it is something of a more serious nature, like #6, they might go the route of charging everyday a new citation. # 6. Conduct, without a permit, any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of a wetland or watercourse, which is a \$1000.00 fee.

Eileen Wagner: What are you doing now to control this? What do you have for power behind you when you see something that's wrong? Why do you feel that our town should have this type of review? Why do we have to have this enforcement?

Robin Newton: Currently we have 3 occasions that if this ordinance were in force it would be utilized. If we use this ordinance once a year, that would probably be a lot. Currently we have notice of violations with 30 days to fix it. If it were something of a more serious nature, she would issue a cease & desist order. This means that you would have to stop all work on the site and come to a show cause hearing of the Inland Wetland Comm. After that, if the person doesn't comply, the next step would be going to court. This would be a costly option.

Eileen Wagner: Uncomfortable voting on this ordinance without a fine schedule in it.

Robin Newton: She will advise the Wetlands Commission to vote on the fine schedule in a Public hearing so that people have input. The purpose of these fines are not to get money for the town but to get compliance and for you to fix whatever issue you have on your site.

Timothy Gerrity: We only go after some of the wetland problems. We should concentrate on the things that are important. Feels like this ordinance is being pushed on people when they don't want it.

Denise Menard: Clarification for the record about the reason for this town meeting. It's a voting process to make ordinances that hopefully help the town.

Steve Dearborn: He is opposed to the ordinance and is afraid that the board will make the fines whatever they want.

Alan Baker: How does this ordinance protect the town against commercial sites when a developer goes belly-up and leaves the site open? Does this give us more ability to clean this up and protect the town or does it just apply to residential property?

Robin Newton: This applies to everyone, Commercial and Residential.

Phil Shultz: What is the current enforcement Authority?

Robin Newton: If I get a complaint in the office, I will talk to the person who is in violation and if it looks like that person is going to comply, we will do it verbally for the time being. If I can't get compliance within a reasonable time, I will send out a notice of violation. That gives the person 30 days to comply. If something is of a more serious nature, I will issue a cease and desist order. If the person doesn't comply, with these 2 letters, the only option is to ask the Selectboard to give permission to bring someone to court. This town doesn't have a legal budget that allows her to do that. If you don't comply, the violations remain. This ordinance is a tool to get compliance. If this ordinance passes we would follow the same process that we have now and this ordinance would come at the end of that whole process.

Charlene Baker: Do we have a lot of people not in compliance? Are we spending a lot of money in town on people that are not in compliance?

Robin Newton: Currently we have issues of people that are not in compliance and the only resort at this point is to ask the Selectboard to take them to Superior Court. That would cost a lot to taxpayers. Have no other tools to use at this point.

Alan Reichle: If someone doesn't comply and pay the fine, than you're in court, right? Is it the fact that you have a few of these violations right now and haven't had any in the last 10 to 15 years; that you want to adopt this ordinance?

Robin Newton: This task was given to her when she came a year ago and she doesn't know the history. She doesn't anticipate that this ordinance would be used that often, but it would be a tool.

Alan Reichle: Guaranteed you get peoples attention when you talk about fines, but you could still be looking at a legal deal if someone doesn't pay the fine.

Robin Newton: Doesn't expect that they would get complete compliance from everyone and would have to go the legal route anyway.

John Burnham: He is not in favor of this ordinance. It's another layer of municipal regulation that he doesn't feel we need in East Windsor. Feels most of the issues in town have been resolved or will be resolved. If someone doesn't comply, you're still going to go to court. We should wait 5 to 10 yrs. to see if we need it. If you go to public hearing vs. a town meeting, the seven people on the wetlands board have the final say on what the fines will be. When Robin issues a cease & desist order, it stops the building process. They can no longer get building permits, cannot get a CO, cannot get bank financing or sell their place.

Robin Newton: 95% of the wetlands complaints that come into her office aren't with people with permits.

John Burnham: He feels it makes a hostile environment when you implement the fines. He likes the way Robin does it now by talking to the violator. He thinks she does a good job.

Laurie Whitten: Her department is hired as professionals to meet CT State Statues. She has limited staff trying to do the job. They are a complaint driven department and unless they get a complaint, this ordinance will not be used.

Joseph Sauerhoefer: Made a motion to move the question, seconded by Marie DeSousa.

Joseph Sauerhoefer: Withdrew the motion to move the question, seconded by Marie DeSousa.

Janice Warren: She served on Inland Wetlands Commission about 18 months ago. The board works hard to follow State Statues. Probably the same 3 issues that were being worked on when she was on the Commission are still being worked on. There is no way to resolve these violations except to go to court, and that is expensive.

Joseph Sauerhoefer: Made a motion to move the question, seconded by Kathryn Rolloff.

Moderator asked for a hand count. Aye 38, Nay 49. The ordinance did not pass.

The following resolution was introduced and read by John Burnham.

RESOLVED: To adopt an ordinance entitled "An Ordinance Concerning Abandoned Motor Vehicles and Abandoned Motor Vehicle Parts." John Burnham moved the resolution, seconded by Gilbert Hayes.

Discussion:

Chief Edward DeMarco: Not an advocate of this ordinance. This ordinance is being brought before the voters because people are making complaints to his office. People are worried about someone getting hurt, devaluating property values, or abandoned vehicles

being an eyesore. There is a policy presently in force. There would be some changes with the new ordinance. It would remove the need to have to go to court.

Deputy Chief Roger Hart: The Planning & Zoning Office and the people in the town are his reason for getting involved. The 1989 ordinance has a Zoning Enforcement Officer. This new ordinance would take it right out of the Zoning Enforcement Officers hands and put it into the hands of the Police Department. If this ordinance is not what the people want, let us know.

Kathryn Rolloff: Problem with ordinance is that it is not appropriate. A person should be able to have a vehicle in their yard if they are taking care of it.

Julio Pantoja: He feels that the ordinance needs better definition.

Chief Edward DeMarco: It is not our definition; it's the State of Connecticut's definition. The ordinance is State Statute driven.

Linda Sinsigallo: Who will determine if it is an abandoned vehicle, the Chief of Police or Designee?

Chief Edward DeMarco: He is accountable. He is not going to ride around the town; he will assign someone to do that job. This ordinance will remove the fine schedule.

Linda Sinsigallo: Will the town take possession of these vehicles?

Roger Hart: We can take possession of these vehicles. If we do, they will be moved to a junkyard somewhere.

Tim Garrity: Are you going to go looking for abandoned vehicles?

Chief Edward DeMarco: No, not at all.

Tim Garrity: If he takes off the registration for the winter, will his car be considered an abandoned vehicle?

Chief Edward DeMarco: If the unregistered vehicle remains unmoved for 30 days it will be considered an abandoned vehicle. If it has been moved within 30 days it won't be considered an abandoned vehicle. We did not define this ordinance, it is all State Statutes. We would like to serve the needs of the town.

Grace Bulula: Is a boat on a trailer considered an abandoned vehicle?

Chief Edward DeMarco: The boat would be exempt according to the ordinance. However, the trailer with an axel would be considered an abandoned vehicle.

Roland Cote, Jr.: Kids left a car in the driveway for 3 months you did nothing.

Roger Hart: That is why we are bringing this ordinance to you.

Steve Dearborn: Can you give us the definition of an abandoned vehicle? Is machinery or an inoperable truck considered abandoned vehicles? I have some equipment & old trucks for parts for other trucks and machinery. Are these considered abandoned?

Roger Hart: They would be exempt because you are using it for your existing business.

David Bajumpaa: Maybe they could consider adding to this ordinance; keeping them out of view behind a fence or so that no one can see them. Maybe this would take care of the problem.

Roger Hart: Case law establishes what they can do and what they can't do. We have no desire to look behind fences.

Scott Riach: The current ordinance has the wording "unsightly material" in it. Is this in this ordinance?

Denise Menard: This wording was asked to be taken out at the last meeting. We are gathering information about the new blight laws. We are looking at updating property maintenance codes.

Kathryn Rolloff: Who is the Zoning Ordinance officer?

Denise Menard: Robin Newton is the Zoning Ordinance Officer.

Wayne Shary: He doesn't think that enforcement by the police Department is solely the answer. The Police Department has enough to do.

Joseph Sauerhoefer: Motion to move question, seconded by Jim Balch.

Moderator asked for a hand count. 14 Aye. The moderator did not count the hands of the voters opposing the ordinance because an overwhelming majority of voters voted against the ordinance. The ordinance did not pass.

Linda Sinsigallo made motion to adjourn, seconded by Richard Pippin, Jr. The meeting adjourned at 9:30PM.

Respectfully Submitted
Joanne M. Slater

Attest: _____
Town Clerk