

Special Town Meeting
September 1, 2009

A Special Town Meeting of the Town of East Windsor was held at the East Windsor Town Hall on Tuesday, September 1, 2009. The meeting was called to order by First Selectman, Denise Menard at 7:31 P.M.

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

Motion was made by Marie DeSousa and seconded by Gil Hayes that nominations for Moderator be closed.

Both motions passed unanimously.

Town Clerk, Karen W. Gaudreau read the call to the meeting.

Moderator read the statement of eligibility to vote.

First Selectman Denise Menard stated that Items 1-11 were year-end transfers within the 2008-2009 budget, they are not over expenditures.

The following resolution was introduced and read by Kathy Pippin.

RESOLVED: To transfer \$200 from Selectman's postage line (1-01-10-1010-5-545-0000-0) to the Fire Protection line (1-01-15-2160-5-544-0000-0) in the 2008-2009 budgets.

Mrs. Pippin moved the resolution, seconded by Ron Savaria.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Bob Slate.

RESOLVED: To transfer \$700 from the Selectman's Travel line (1-01-10-1010-5-580-0000-0) to the Fire Protection line (1-01-15-2160-5-544-0000-0) in the 2008-2009 budget.

Mr. Slate moved the resolution, seconded by Marie DeSousa.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Dale Nelson.

RESOLVED: To transfer \$1,500 from the Health Insurance Premium line (1-01-10-1195-2-200-0000-0) to the Police legal line (1-01-10-1015-3-351-0000-0) in the 2008-2009 budget.

Mrs. Nelson moved the resolution, seconded by Marie DeSousa.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Paul Anderson.

RESOLVED: To transfer \$3,000 from the FICA Medicare line (1-01-10-1195-2-201-0000-0) to the Police legal line (1-01-10-1015-3-351-0000-0) in the 2008-2009 budget.

Mr. Anderson moved the resolution seconded by Dale Nelson.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Mark Simmons.

RESOLVED: To transfer \$12,000 from the PD Gas/Oil line (1-01-15-2145-6-620-0000-0) to the Public Works Heat Energy line (1-01-25-3180-6-621-0000-0) in the 2008-2009 budget.

Mr. Simmons moved the resolution, seconded by Dick Pippin.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Dick Pippin.

RESOLVED: To transfer \$16,000 from the Street Lighting line (1-01-25-3185-5-546-0000-0) to the Public Works Heat Energy line (1-01-25-3180-6-621-0000-0) in the 2008-2009 budget.

Mr. Pippin moved the resolution, seconded by Bob Slate.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Gil Hayes.

RESOLVED: To transfer \$9,000 from the Town Property Heat Energy line (1-01-10-1085-6-621-0000-0) to the Public Works Heat Energy line (1-01-25-3180-6-621-0000-0) in the 2008-2009 budget.

Mr. Hayes moved the resolution, seconded by Kathy Pippin.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Marie DeSousa.

RESOLVED: To transfer \$4,000 from the Senior Center Gas/Oil (1-01-10-1130-6-620-0000-0) to the Public Works Gas/Oil (1-01-25-3180-6-627-0000-0) in the 2008-2009 budget.

Mrs. DeSousa moved the resolution, seconded by Dale Nelson.

No discussion followed and resolution passed unanimously

The following resolution was introduced and read by Dale Nelson.

RESOLVED: To transfer \$22,000 from the Public Safety Health/ Life Insurance Premium line (1-01-15-2195-2-200-0000-0) to the Public Works Gas/Oil line (1-01-25-3180-6-627-0000-0) in the 2008-2009 budget.

Mrs. Nelson moved the resolution, seconded by Gil Hayes.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Kathy Pippin.

RESOLVED: To transfer \$2,000 from the Park & Recreation Gas/Oil line (1-01-40-6315-6-620-0000-0) to the Public Works Gas/Oil line (1-01-25-3180-6-627-0000-0) in the 2008-2009 budget.

Mrs. Pippin moved the resolution, seconded by Bob Slate.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Martha Ceppetelli.

RESOLVED: To transfer \$5,500 from the Contingency fund (1-01-50-8410-8-890-0000-0) to the Public Works Gas/Oil line (1-01-25-3180-6-627-0000-0) in the 2008-2009 budget.

Mrs. Ceppetelli moved the resolution, seconded by Kathy Pippin.

No discussion followed and resolution passed unanimously.

The following resolution was introduced and read by Michael Ceppetelli.

RESOLVED: To adopt an Ordinance entitled "Wetland Violation Citations & Procedures".

Mr. Ceppetelli moved the resolution, seconded by Ron Savaria.

Discussion:

John Burnham: Alternate on the Inland Wetlands Commission, spoke against the proposed ordinance. He stated if someone violates this ordinance on someone else's property, the property owner would be held liable for the cleanup. He further stated that less than 15% of Connecticut's 169 Cities and Towns have fines for violations. He stated that the Cease & Desist orders have worked since 1972.

Kathryn Roloff: rebuked John Burnham's statement. She stated people are ignoring the Inland Wetland rules and that there are no teeth in the regulations.

Steve Dearborn questioned the Inland Wetlands Officer fining violators, however after taking time to read the proposed ordinance, he felt all of his questions were answered.

Robin Newton: Inland Wetland Officer explained that this ordinance is similar to the Zoning Ordinance that was recently adopted. She went on to say that the Town must sue a landowner for compensation and a fine would be a last resort action. She further stated that the Inland Wetlands Commission not the Inland Wetlands Officer that determines if a citation is issued.

Laurie Whitten: Town Planner stated anyone who receives a fine has the opportunity to appeal to a hearing officer, similar to anyone receiving a parking violation.

Ron Savaria: Inland Wetland Commission stated the commission had many discussions and would be very reluctant to issue fines; they would only be issued as a last resort.

Dick Pippin: Selectman, agrees with John Burnham. He doesn't feel the landowner should be responsible for others dumping on their property.

Robin Newton: Inland Wetlands Officer stated a citation would go to the violator not the property owner.

Paul Anderson: Asked how a violator is identified as opposed to a property owner.

Robin Newton: Inland Wetlands Officer stated the Inland Wetlands Commission would investigate.

Marie DeSousa: Asked if property owners would be held liable for others polluting their properties.

Robin Newton: Stated it is not something a property owner would be cited for.

John Burnham: Feels that once the authority to fine is established, it would be difficult to take back.

Denise Menard: First Selectman stated that any ordinance could be repealed.

Marie DeSousa: Stated the Hearing Officer is a volunteer.

Kathryn Roloff: Stated any citations were by a majority rule of the Inland Wetlands Commission.

Mark Simmons: Asked what investigatory rules are in place. It was answered that the Public Works and Police Department get involved, and if there is evidence of Hazardous Materials, the DEP is brought in.

Dick Pippin: Stated he had to clean up his property from illegal dumping by someone else, prior to getting approval for building lots. He urged a no vote on this ordinance.

Dale Nelson: This ordinance appears to have good checks and balances. Reminded that this was a wetlands issue only, not dumping issues.

John Burnham: Reiterated he has a problem with owner versus violator.

Gil Hayes: Asked if liens would be filed for violation fines? Would there be a court process. He urged postponement of voting on this ordinance.

Robin Newton: Stated liens could be filed.

Laurie Whitten: Ordinance is attempting to circumvent court action.

Paul Anderson: Thinks John Burnham has a valid concern. If the violator has nothing to lien, the property owner will be faulted. He does not feel this ordinance is reasonable.

Robin Newton: Currently the Town issues a notice of violation, a cease and desist, and then it reverts to court. At that time the property owner is named in the court action.

Michael Ceppetelli: The commission has spent up to two years trying to adopt an ordinance, to prevent builders and developers from disrupting wetlands.

Moderator asked for a hand count. Aye 6 Nay 8. Ordinance did not pass.

The following resolution was introduced and read by Dale Nelson.

Resolved: To adopt an ordinance entitled "Ordinance Concerning Abandoned Motor Vehicles, Abandoned Motor Vehicle Parts and Other Unsightly Material".

Mrs. Nelson moved the resolution, seconded by Paul Anderson.

Discussion:

George Butenkoff: Has strong objections to the ordinance. He feels the text of the ordinance only mentions car parts and feels "other unsightly materials" needs defining.

Denise Menard, First Selectman: There are provisions in place in the form of the Property Maintenance Code and the Hearing Officer.

George Butenkoff made a motion to table, seconded by Paul Anderson.

Kathryn Roloff feels other unsightly material is too broad by definition.

Motion to table passed unanimously. Ordinance did not pass.

Motion was made by Marie DeSousa and seconded by Paul Anderson to table Item #14 on the call "To repeal Ordinance #89-3"

Motion to table passed unanimously. Ordinance #89-3 was not repealed.

Motion was made by George Butenkoff and seconded by Bob Slate to adjourn. Meeting was declared adjourned at 8:23 P.M.

Respectfully Submitted

Karen W. Gaudreau

Attest: _____
Town Clerk