

**MINUTES
ORDINANCE SUBCOMMITTEE
REGULAR MEETING
AUDITORIUM / ZOOM
MARCH 4, 2024**

A **REGULAR MEETING** of the Ordinance Subcommittee of the City Council was held on Monday, March 4, 2024. Present at City Hall were Councilors Anne Ruwet, Paul Cavagnero, Molly Spino, Corporation Counsel Michael Magistrali, and WPCA Administrator Ed Tousey. Assistant City Planner Nate Nardi-Cyrus joined via Zoom.

Chairman Ruwet called the meeting to order at 5:32 p.m.

Meeting Minutes Approval

On a motion by Councilor Spino, seconded by Councilor Cavagnero, the Ordinance Subcommittee voted unanimously to approve the Meeting Minutes from February 5, 2024.

Discussion: Creation of Inland Wetlands Commission

On a motion by Councilor Spino, seconded by Councilor Cavagnero, the Ordinance Subcommittee voted unanimously to move the amendments to Chapter 33, the creation of the Inland Wetlands Commission, to the City Council to schedule a Public Hearing for April 8, 2024. Mr. Nardi-Cyrus explained the reason for the changes to this chapter is to help the Inland Wetlands Commission have a quorum. Some applications must be approved by Inland Wetlands before being passed to Planning & Zoning, if there is no quorum, these can get held up for months because they don't have the approval. He said that this allows the Commission to do business with fewer members. Atty. Magistrali asked why they proposed removing the section where a member was appointed from the Planning & Zoning Commission, Mr. Nardi-Cyrus said that this doesn't add anything to the Ordinance, and it is unnecessary because they do not require this to be a part of the Commission. Councilor Spino asked why they were going from having seven members currently, to having five regular members with three alternates, Mr. Nardi-Cyrus explained that this was to be able to call on the alternates for voting purposes to ensure there is a quorum. Councilor Cavagnero said he would support changing the numbers for a year-trial basis. He would like to see it before the City Council after a year for a review to see how the commission made out.

Discussion: Citation Procedures and Fines for Inland Wetlands and Watercourses Violations

On a motion by Councilor Spino, seconded by Councilor Cavagnero, the Ordinance Subcommittee voted unanimously to move the amendments to Chapter 114-2, Citation procedures and fines for Inland Wetlands and Watercourses violations, to the City Council to schedule a Public Hearing for April 8, 2024. Mr. Nardi-Cyrus explained that currently, the Inland Wetlands Commission cannot provide any fines. The maximum fine per violation would be \$1,000. He said that there have been quite a few wetlands violations, with setting a fee schedule the Commission is not looking for revenue, but to gain compliance without having to go to Corporation Counsel and Court right away. Councilor Ruwet clarified if the fine would be a \$1,000 maximum per owner, Mr. Nardi-Cyrus said that it would be per violation, so if the owner has two violations, it would be a \$2,000 maximum. Councilor Ruwet shared her concerns with farmers being impacted by these violations, Mr. Nardi-Cyrus said that farming is exempt from inland wetlands regulations. Atty. Magistrali added that there is an application for exemption for agricultural uses. He also said that this tracks the State Statute for the City to be able to impose penalties and be able to appeal these violations with a hearing officer.

Discussion: Property Maintenance (Blight)

On a motion by Councilor Cavagnero, seconded by Councilor Spino, the Ordinance Subcommittee voted unanimously to move the amendments and corrections for Chapter 161, Property Maintenance (Blight), to the City Council to schedule a Public Hearing for April 8, 2024. Atty. Magistrali explained that there are some definitional changes and additions, for instance adding mixed-use buildings and industrial buildings that can be blighted. He went on to explain that these changes stem from the State Statute (CGS 7-148) changes that amended how a City or Town can adopt regulations. He said that the State Statute eliminates non-owner occupants, this takes them out of the equation, as it should be the landlord's responsibility if the property becomes blighted. Atty. Magistrali said that the current Ordinance doesn't specify the amount that a fine can be, and the State Statute increased the fines. The fees were added to the City Ordinance with the language stating: or such other amount as specified in C.G.S. 7-148 (c) (7)(H)(xv), as may be amended from time to time. Atty. Magistrali stated that in the amended State Statute you no longer need to have the owner's permission to go on a property, this is strictly to enter the property, not the dwelling. Councilor Ruwet asked how the City would be collecting imposed fines, Atty. Magistrali said that if the fines were not paid, the City would put a lien for the fines on the property, that way if the house was sold those liens would have to be released. Atty. Magistrali said that the hearing procedures for the citations have also been updated. The owner will get a warning for a violation, in which they have 30 days to remedy it, at the end of the 30 days there will be a citation notice, when the fees start to incur, in which the owner can request a hearing. Atty. Magistrali added that the Blight Committee would like to include that City Officials may enter the property to remediate blighted conditions, as it follows the State Statute. He said this is not something that they have ever done but would like it in the Ordinance in case they ever needed to gain access to the property. Atty.

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Magistrali told the Committee that if the changes are adopted there will be new forms that the Blight Committee would use for violations to make the expectations clear.

Discussion: Board of Ethics

Councilor Ruwet would like to ask the Board of Ethics Commission if the regulations suggested are still warranted, Assistant City Clerk Heather Abraham said she would email the Commission to get an answer.

Discussion: Sewers

Mr. Tousey explained that the changes in this Ordinance were updating the name of the facility from the Water Pollution Control Facility to the Water Resource Recovery Facility. He also said that they were replacing the Torrington Water Company, with a generic Water Company Supplier, so in the future, if there are changes in who supplies the water to the City, there would be no issues. Mr. Tousey said that there are some other additions at the end of the Ordinance that he would like to work with Corporation Counsel to clarify. Councilor Ruwet said this will be placed on the next Ordinance Subcommittee Meeting Agenda.

Business by Members

Councilor Ruwet said the next meeting will be April 15, 2024, at 5:30 p.m.

Adjournment

On a motion by Councilor Cavagnero, seconded by Councilor Spino, the Ordinance Subcommittee voted unanimously to adjourn at 6:28 p.m.

Respectfully submitted by

Heather Abraham, Asst. City Clerk

ATTEST:


CAROL L. ANDERSON, CITY CLERK