

my name is Judith Wick

PUBLIC HEARING SB 1030 MARCH 25, 2011

Raised Bill

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SB-331

I am here to speak in opposition to SB-1030. This bill was introduced by Senator Rob Kane of Watertown at the request of the Chairman of the Watertown Planning and Zoning Commission. We believe this is meant to have a chilling effect on citizens who feel their property rights have been infringed.

Don Inland, Watertown

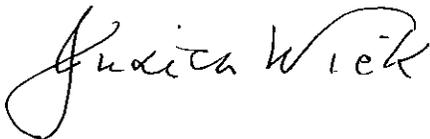
I served on the Planning and Zoning Commission for 23 years and as a Zoning Enforcement Officer for ten years. In all those years, I never witnessed the kind of actions like those perpetrated by the current Watertown Commission.

Even though Courts presume that Planning and Zoning Commissions are acting within their authority, within the past six months, the Watertown Planning and Zoning Commission has lost two lawsuits and had a third remanded back to the Superior Court from the Court of Appeals. In the first two instances, the Commission was chastised for ignoring their own experts and acting in an arbitrary manner. Including the remanded case, there are presently five lawsuits pending against this Commission. This act would allow a Commission to intimidate citizens who would attempt to sue in order to obtain fair treatment.

In several of these cases, the plaintiffs have attempted settlement but have been rebuffed by the Commission. Under present law, individuals who have been damaged must spend their own money to file a suit to protect their rights, as well as pay the taxes that are used by the Commission to defend itself. If this act were to pass, the Commission could continue to pursue a case, whether merited or not, until the plaintiffs run out of money.

If the Legislature is to consider such a law, shouldn't it also provide for Commissioners to be held liable for treble damages if they are found to have acted arbitrarily and outside their authority? Two recently decided lawsuits have stated that the Watertown Planning & Zoning Commission has indeed done that.

A Commission that performs responsibly does not need the protection of this act. A Commission that performs irresponsibly should not have it.



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In the reference made by Mr. Minnich (Chairman of the Watertown Planning & Zoning Commission) to the case in which some of the plaintiffs were determined not to have standing, he neglected to mention that one of the plaintiffs was considered to be aggrieved and the case was remanded back to the Superior Court for adjudication on the issues. Mr. Minnich's claim that this suit was without just cause and solely to delay was simply not true. If this act were passed would he be allowed to pursue treble damages? This would certainly have a chilling effect.

Joan Wick