

BOARD OF ALDERMEN
PUBLIC HEALTH & SAFETY COMMITTEE
WEDNESDAY, FEBRUARY 2, 2005
7:00 P.M. IN ROOM 104
SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT

◆ **CALL OF THE MEETING/PLEDGE OF ALLEGIANCE**

Alderman Papa called the meeting to order at 7:00 P.M. in Shelton City Hall. All in attendance pledged allegiance to the flag.

IN ATTENDANCE: ALDERMAN PAPA, CHAIRMAN
ALDERMAN FINN
ALDERMAN LANZI

◆ **PUBLIC PORTION**

Mr. Joseph Keane, Safety Director of John J. Brennan Construction Co., Inc. is requesting a crosswalk and signs posted on Platt Road.

He presented pictures to the committee. The clerk will send the pictures and any information related to this request to the Chief of Police for his review and recommendation. Mr. Keane would meet with the Chief or his designee at any time they request to go over the situation.

◆ **CORRESPONDENCE**

Several letters were read into the minutes and will be attached to the original copy of these minutes in the Town Clerk's Office

1. APPROVAL OF MINUTES

1. REGULAR MEETING DECEMBER 2004

ALDERMAN FINN MOVED TO RECOMMEND TO THE FULL BOARD TO WAIVE THE READING AND APPROVE THE MINUTES OF THE PUBLIC HEALTH & SAFETY MEETING OF DECEMBER 2004. SECONDED BY ALDERMAN LANZI. ALL IN FAVOR. MOTION CARRIED 3-0.

2. NEW BUSINESS

2.1 REQUEST OF CROSSWALK AND SIGNS POSTED ON PLATT ROAD

Alderman Papa states that this is the request from Mr. Keane and a letter with pictures will be send to the Chief for his review and recommendation.

ALDERMAN FINN WAS CALLED FROM THE MEETING TO APPEAR BEFORE THE ETHICS BOARD FOR HIS TESTIMONY AT 7:10 P.M.

2.2 REQUEST OF 4-WAY STOP INTERSECTION – PARK AVE. AT WILLOUGHBY ROAD

The letter from the Chief denying the 4 Way Stop at the Intersection of Park Ave. and Willoughby Rd. was read under correspondence.

Alderman Papa recommends that the suggestions of the Chief be forwarded to the respective departments as follows:

- ***SEND LETTER TO THE TREE WARDEN TO REMOVE THE DEAD DOUBLE TRUNK TREE LOCATED NORTH OF THE INTERSECTION***
- ***SEND LETTER TO REQUEST THE CITY ENGINEER TO REVIEW THIS INTERSECTION***
- ***SEND LETTER TO THE PUBLIC WORKS DEPARTMENT TO TRIM BACK THE BRUSH THAT IS SOUTH OF THE INTERSECTION ON THE NORTHERLY SIDE OF WILLOUGHBY ROAD***

3. OLD BUSINESS

3.1 AMENDMENT OF STREET EXCAVATION ORDINANCE

There is discussion about the recommendations from Atty. Welch to Chief Voccola in a letter dated 12/3/2004 on the proposed draft to amend Ordinance #715.

ALDERMAN LANZI MOVED TO RECOMMEND TO THE FULL BOARD FOR PUBLIC HEARING ON ORDINANCES TO DELETE SUB SECTION #8 AND AMEND SUB SECTION #7 IN ORDINANCE #715. THE NEW ORDINANCE IS TO READ AS FOLLOWS. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0

Amended Ordinance #715
Street Excavation Ordinance

Sec. 14-51. Permit Required

- (a) No person shall make any opening, excavation, or construct any walk, curb, pavement, driveway, or perform other construction work within, on, through, or under any public street, highway or public right-of-way located in the city, including a state highway, for any purpose whatsoever, unless a permit has been obtained pursuant to this article from the director of public works or his designated agent. Any permit issued shall be valid for a period of ninety (90) days from the date thereof. Any work performed pursuant to such permit shall be subject to approval by the director of public works or his designated representatives.
- (b) On state highways located within the city, the city street opening permit must be obtained prior to the issuance of a permit by the department of transportation of the state. This article does not supersede any regulations as set forth by the state with regard to excavation in state highways.
- (c) Street opening permits will not be issued until an applicant has a condition precedent:
 - (1) Paid to the city a permit fee of twenty five (\$25.00) for each opening, excavation, etc.; and
 - (2) Unless exempted as provided in this article, paid to the city a fee for the cost of permanent patching of

the street as calculated on a cost of per square yard basis by the city engineer; and

- (3) Unless exempted as provided in this article, filed with the city a surety bond in an amount which is sufficient, in the opinion of the city engineer, to secure the adequate restoration of the street as required by this article. In lieu of a surety bond the city engineer may require a cash bond or a letter of credit;
- (4) Unless exempted by this article, provided the city with evidence of general liability insurance in minimum amounts of five hundred thousand dollars (\$500,000.00) for each person, one million dollars (\$1,000,000.00) for each occurrence, bodily injury insurance and one hundred thousand dollars (\$100,000.00) property damage insurance which policies shall name the city as an additional insured;
- (5) Shall have provided the city with the full name and business address and telephone number of the applicant, and the name, address and telephone number of two (2) persons with authority from the applicant to take action in case of emergency and who will be available on a twenty-four hour basis;
- (6) Provide a general statement of the scope of the proposed work in such detail as may reasonably be required by the director of public works, or his designated representative, including the number of days that the work is estimated to take and specific plans for safeguarding the work and any condition left prior to the final completion of work. These plans shall be subject to review and approval by the public works director or his designated representative and the public works director or his designated representative and the public works director or his designated representative may make such reasonable requirements as are necessary in order to insure safe passage on the highway and to protect the public health, safety and welfare. Such requirements may include, but are not limited to, provisions for lights, barricades, warning signs and the like depending upon the nature of the work.
- (7) Provide a letter from the Chief of Police or his designee, acting as the Traffic Authority, setting forth such measures as the Chief of Police or his designee

requires in order to insure the safety of the public and to maintain adequate traffic flow and control.

The letter shall specify the type of traffic control, if any, that is required to maintain traffic flow and public safety, to wit: (1) Police Officers; (2) Flag Persons; (3) Signs and/or warning devices; or (4) Exempt (no traffic control required) or any combination of the foregoing.

Utility company service vehicles, such as electric, gas, water, telephone and or cable companies stopping for a short period of time on the traveled portion of the highway in order to complete repairs or to render certain service may be exempt from providing traffic control of the type and form described above, at the sole discretion of the Chief of Police or his designee in order to maintain traffic flow and public safety.

Any work that is being conducted on a public street may be required by the Chief of Police or his designee to post warnings in both directions, provide proper illumination of said warnings for a distance of at least 100 feet to warn motorists.

All flag persons and Police Officers shall be properly trained in accordance with evidence of same provided to the Chief of Police or his designee and equipped at all times with the proper safety equipment.

Sec. 14-52. Same-Notice to director of public works; term.

The director of public works and the police department shall be notified at least twenty-four (24) hours in advance of actually starting any work authorized under a permit. Failure of the permittee to notify the city may result in the revocation of the permit. Permits are void three (3) months after their issue date.

Sec. 14-53. Public service companies

Nothing in this article shall be construed to prevent making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency. In the event of an emergency, the public utility

company shall notify the city immediately or if after hours the start of the next city hall business day at which time application for a permit shall be made. Any public service company which has complied with the provision of section 16-230 of the general statutes shall be exempted from the requirement of posting a bond as hereinbefore set forth and shall be further exempted from the requirement of paying a fee for the cost of permanent patching of the street opening as hereinbefore set forth, provided that the utility shall place on file with the city a written agreement constituting a continuing obligation binding the utility to permanent repair required by this article at its own expense and in such a manner as is required by this article as if the work were to be done by the city contractor as further guaranteeing the quality of the workmanship and materials to the same extent as would the city contractor and agreeing to complete the work at the times required by the city engineer. The utility shall warranty all their permanent repairs for one (1) year.

Sec. 14-54. Requirements if closing of public highway required

No highway may be closed without the approval of the traffic authority. Such approval shall only be issued in extraordinary circumstances, for a short period not to exceed one workday, and when occupied properties can obtain access by an alternate route. If the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing to the traffic authority and to the director of public works or his designated representative twenty-four (24) hours in advance. The traffic authority may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The director or his agent shall provide written notice to the police and fire departments upon receipt of notice of the intent in advance of closing any public highway.

Sec. 14-55 Tunneling or jacking

Tunneling or jacking shall be permitted only when plans prepared by a registered engineer are submitted to and approved by the city engineer.

Sec. 14-56. Materials not to interfere with travel; barricades required

All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Suitable barricades shall be provided, and warning lights kept burning between sunset and sunrise and any other time as may be required by the director of public works or his agent. If the location and extent of work is such that a traffic director, in the opinion of the director of public works or his agent, is required, such traffic director shall be provided at the expense and responsibility of the contractor.

Sec. 14-57. Backfilling

Backfill in trenches within paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director or his agent. Compaction equipment must be at the excavation site and shall be utilized during all backfilling operations. The material used for backfill shall be subject to the inspection and approval of the director, or his agent, and if in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable materials in the amounts and proportions specified by the director or his agent. When backfill has been completed within the fifteen (15) inches of the finished pavement or surface grade, the next fourteen (14) inches shall be filled and compacted using an approved grade of bank-run or processed gravel. The last two (2) inches shall be covered with adequate temporary hot bituminous paving material (when available) and in such a manner as shall be approved by the city engineer.

Sec. 14-58. Inspections

The director or his agent is empowered to inspect all excavations for workmanship and materials. The excavation may not be permanently backfilled without the director or his agent present at the site. The city will require the permittee to excavate and expose for inspection any portion of the excavation backfilled without inspection or authorization to backfill.

Sec. 14-59 Maintenance of work by contractor

The contractor will be required to maintain his work until permanently paved by the city. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor

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fails to make such repairs as are deemed necessary and the city must perform any work, the contractor shall pay the cost of this work. Failure on the part of the city to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.

Sec. 14-60. City responsible for permanent repair

The permanent repair of street openings shall be the responsibility of the city. The city shall charge each permittee a fee for cost of the permanent repair based on the area of the final repair as calculated by the city engineer. The square yard unit prices shall be annually determined by the city engineer in accordance with current costs and construction practices. A uniform method on which to base these costs shall be prescribed by the city engineer and approved by the director of public works. In the event the size of the permanent repair exceeds the estimated size of permanent repair, the permittee shall pay the additional fee to the city within ten (10) working days. Failure to pay the additional fee will result in the permittee forfeiting any rights to future permits until the outstanding balance is received.

Sec. 14-61. Bituminous concrete

Hot-laid bituminous concrete shall be as specified by the state department of transportation in their specification and latest revisions for "Bituminous Concrete, Class 2".

Sec. 14-62. Liability of permittee for unsafe conditions or abandonment.

Any person, firm or corporation who violates any provision of this ordinance shall be subject to a fine of not more than \$100.00 for each violation. Any person, firm or corporation who receives a permit and leaves an excavation in an unsafe condition in violation of any of the provisions of this ordinance or abandons a street opening, shall be subject to a fine of not more than \$100.00 for each violation and shall be liable for all costs incurred by the city to correct any condition.

Sec. 14-63. City's right to not issue, revoke permits.

Any permit may be revoked by the director of public works for just cause including, but not limited to, defective workmanship, trench settlement, failure to notify or nonpayment of additional fees. The director of public works may refuse to issue a permit to any person, firm or corporation which has not paid to the city any

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fees incurred under the provisions of the ordinance prior to making such permit application.

Sec. 14-64. Termination of permit; release of contractor's obligations

Six (6) months after completion of construction, the contractor shall apply for termination of the permit and release from any obligation involved thereafter. If in the opinion of the director or his agent the work is not satisfactorily completed or settlement is occurring, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the director or his agent will be established before release. The installation of permanent repairs by the city, to such opening shall terminate the permit and release the permittee from any obligations thereafter.

3.2 UNREGISTERED VEHICLE ORDINANCE

Tom Dingle, Zoning Enforcement Officer, Planning and Zoning, states that he would like a revised ordinance to assist them in getting unregistered motor vehicles off of private property. There has been a communication between Tom Dingle and Atty. Tom Welch on several revisions. This is a revision of Ordinance #548. He would like to see what the Police Department thinks about these revisions. He would like the Police Department to assign a Lieutenant to go over the proposed ordinance to make sure the procedural thing will work for both Zoning and the Police Department so that again we can accomplish what we intend to do.

Alderman Papa states Tom received this proposal from Corporation Council. He would like to send this on to the Chief of Police for review and also include an officer to work with zoning as to a procedure. This is to make sure the procedure and the ordinance is workable.

The State Statute states that the city can enact an ordinance to remove motor vehicles from private property.

Alderman Papa states prior to this we could go on private property but had to go through the civil court.

Alderman Papa would like this sent to the Chief of Police for his review and send a designee to discuss with Tom Dingle or go over this amendment for any changes or corrections that he would like to add or delete and report back to this committee at the next meeting.

Corporation Counsel has said the city has the authority. This is an addition to the Ordinance #548 – Section 8.

Alderman Papa asks Tom if this has been a constant problem. He states, yes this is a constant problem. Tom states this is not to be used recklessly.

Alderman Papa questions the fine – is it a \$100.00 a day fine. Tom indicates it is a \$100.00 per day and the owner can not just move it to another part of the property.

Ordinance #548

Abandoned or Unregistered Motor Vehicles

Be it ordained by the Board of Aldermen of the City of Shelton:

Section 1:

No person, firm or corporation shall abandon any motor vehicle within the limits of any highway within the City of Shelton or upon property other than his own without the consent of the owner for a period of longer than twenty-four hours.

Section 2:

Any person who abandons a motor vehicle in violation of the provisions of this ordinance shall be fined not more than \$100.00.

Section 3:

This ordinance is supplemental to any previously enacted ordinance concerning the parking of motor vehicles within the City limits.

Section 4:

The last owner of record of a motor vehicle found abandoned, as shown by the files of the State of Connecticut Department of Motor Vehicles, shall be deemed prima facie to have been the owner of such motor vehicle at the time the vehicle was abandoned and the person who abandoned the vehicle or caused or procured its abandonment.

Section 5:

Any police officer of the City upon discovery of any motor vehicle, whether situated within or without any highway of this State or City, which is a menace to traffic is authorized to take such motor vehicle into his custody and cause the same to be taken to and stored in a suitable place.

Section 6:

Any police officer of the City upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of this State or City shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. This notification sticker shall contain the following information:

- (a) The date and time the notification sticker was affixed to the motor vehicle.
- (b) A statement that pursuant to this ordinance and State Statute, if the vehicle is not removed within twenty-four hours of the time the sticker was affixed; it shall be taken into custody and stored at the owner's expense.
- (c) The location and telephone number where additional information may be obtained.
- (d) The identity of the affixing officer.

If the motor vehicle is not removed within such twenty-four hour period, the City Police Department shall tow such motor vehicle and cause the same to be stored in a place designated by the Chief of Police.

Section 7:

If the vehicle is apparently abandoned, a menace to traffic or has no registration marker plates or invalid registration marker plates, the City Police department shall follow the procedures set forth in Connecticut General Statute Section 14-150 as amended relative to the disposition of said vehicle.

Section 8:

- (a) Any motor vehicle located on private property that is abandoned or inoperable or unregistered and remains unmoved for a period exceeding thirty (30) days after the Zoning Enforcement Officer has (1) provided notice to the property owners on which such motor vehicle remains, requesting removal of such motor vehicle and (2) said notice was published in a newspaper having a substantial circulation in such municipality; may be removed by the City of Shelton.

- (b) The Zoning Enforcement Officer shall be responsible for notifying such property owner, publication of the general notice, and for removal and disposition of such motor vehicle by an approved City of Shelton towing company.
- (c) The property owner shall be responsible for the cost of the removal of any motor vehicle and shall be fined not more than One Hundred Dollars (\$100.00) for each day (each day being a separate offense) that the vehicle remains on the property after the thirty (30) day notice expires.
- (d) A property owner that moves the motor vehicle on the property does not exempt said vehicle from this ordinance.
- (e) The Shelton Police Department may issue the ordinance violation ticket prior to the removal of said vehicle.

(Addition to ordinance in red)

3.3 STREETLIGHT REQUEST – PLUM TREE LANE – POLE #3263

ALDERMAN LANZI MOVED TO FORWARD TO THE FULL BOARD PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO APPROVE THE RELOCATION OF THE STREETLIGHT ON POLE #1685 LOCATED ON MEADOW STREET TO THE NEWLY INSTALLED SNET POLE #3263 AT THE INTERSECTION OF MEADOW STREET AT PLUM TREE LANE. PER TERRI ELLER AT UI, THERE IS NO CHARGE FOR THIS RELOCATION. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

3.4 STREETLIGHT REQUEST – ARMSTRONG ROAD – POLE #2137

ALDERMAN LANZI MOVED TO FORWARD TO THE FULL BOARD PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO APPROVE THE INSTALLATION OF A 4000 LUMEN 50 WATT STREETLIGHT ON POLE #2137 LOCATED OPPOSITE 124 ARMSTRONG ROAD AT A COST OF \$96.40 PER YEAR. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

3.5 STOP SIGN REQUEST – EAST VILLAGE ROAD & LONGFELLOW ROAD

ALDERMAN LANZI MOVED PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO DENY THE INSTALLATION OF “STOP” SIGNS ON EAST VILLAGE ROAD AT LONGFELLOW ROAD. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0

3.6 STREETLIGHT REQUEST – 717 LONG HILL AVENUE

ALDERMAN LANZI MOVED PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO DENY THE REQUEST FOR THE INSTALLATION OF A STREETLIGHT AT 717 LONG HILL AVENUE AT THIS TIME. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0

3.7 STREETLIGHT REQUEST – BEACON HILL TERRACE AT SILVA DRIVE

ALDMERNA LANZI MOVED PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO DENY THE REQUEST FOR THE INSTALLATION OF A STREETLIGHT AT THE INTERSECTION OF BEACON HILL TERRACE AT SILVA DRIVE. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

3.8 REQUEST OF SCHOOL BUS STOP SIGNS – THOMPSON STREET AT NORTH PRINCETON DRIVE

ALDERMAN LANZI MOVED TO FORWARD TO THE DIRECTOR OF HIGHWAYS AND BRIDGES PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO APPROVE THE INSTALLATION OF TWO (2) 30 X 30 SCHOOL BUS STOP AHEAD SIGNS TO BE PLACED IN THE IMMEDIATE AREA OF THOMPSON STREET AT NORTH PRINCETON DRIVE. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

ALDERMAN PAPA WOULD LIKE THE CLERK TO SEND A LETTER TO THE PEOPLE WHO ORIGINALLY REQUESTED THESE WARNING SIGNS AND INFORM THEM OF THE CHIEF'S RECOMMENDATIONS. ALSO SEND A LETTER TO THE CHIEF THAT THIS WILL BE GOING TO HIGHWAY & BRIDGES.

4. REPORTS OF THE EMERGENCY SERVICES

- A. EMERGENCY MEDICAL SERVICES**
- B. POLICE SERVICES**
- C. FIRE SERVICES**

The committee is in receipt of the minutes from Board of Fire Commissioners from 11/23/2004, 12/07/2004 and 1/4/2005. Also Officers Council minutes from 12/14/2004.

◆ **ADJOURNMENT**

**ALDERMAN LANZI MOVED TO ADJOURN AT 7:30 P.M. SECONDED BY
ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0**

RESPECTFULLY SUBMITTED,

**MARGARET WEBER, CLERK
PUBLIC HEALTH & SAFETY COMMITTEE**

ATTACHMENTS (7)