

REVISED  
REGULAR MEETING  
BOARD OF ALDERMEN  
PUBLIC HEALTH & SAFETY COMMITTEE – MEETING MINUTES  
WEDNESDAY, JANUARY 5, 2011  
7:00 P.M. IN ROOM 104  
SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT

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

The meeting was called to order by Chairman Papa at 7:00 p.m. in Room 104 Shelton City Hall. All in attendance pledged allegiance to the flag.

IN ATTENDANCE:           CHAIRMAN PAPA  
                                  ALDERMAN FINN  
                                  ALDERMAN MCGORTY

ALSO IN ATTENDANCE:   CHIEF HURLIMAN  
                                  ATTORNEY WELCH  
                                  ALDERMAN KUDEJ

• **PUBLIC PORTION**

**Stan Kudej, 43 Plaskon Drive**

Alderman Kudej claimed that on the last 4<sup>th</sup> of July there were people holding private firework displays. His phone was ringing with complaints over the shooting aerial bombs and similar fireworks. The police were called but did not respond immediately. Alderman Kudej called the police, a police officer was sent to the house with the display and told them to put fireworks away. The people had tables with food and liquor and were shooting off fireworks. 40 or 50 people were in attendance. Alderman Kudej did not blame people for getting angry & calling. He added he was not opposed to private firework displays but it should be in small amounts and there should be no alcohol present. People should be made aware of what is appropriate and should get permission from fire department for insurance purposes. He also asked for a way of enforcing it.

Alderman Papa asks Chief Hurliman whether there has been advertising around the time of the 4<sup>th</sup> of July about what is allowable and what is not. The Chief responds that the

state does have it and it is something to look at further.

Alderman Finn asks Chief Hurliman whether the Police Department has looked across from Sunnyside School where the fireworks are sold, also the BP gas station in White Hills and whether those fireworks are legal or not. The Chief responded that the police department has worked with the Fire Marshall in the past to conduct inspections to make sure what is being sold is legal. Alderman Papa adds that many people may buy their supplies from somewhere else. Chief Hurliman stated fireworks are now a free-for-all. Alderman Kudej adds that he would not complain about setting off about a dozen fireworks, but claims this particular display was more than what is used downtown. Alderman Kudej concluded that if there was a way to put a lid on some of this he and his neighbors would be happy.

- **AGENDA ITEMS**

No additional agenda items.

- **CORRESPONDENCE**

No additional correspondence.

## **1. APPROVAL OF MINUTES**

### **1. Regular Meeting of December 1, 2010**

Alderman McGorty moved to waive the reading and approve the minutes of the Public Health & Safety Meeting of December 1, 2011. Seconded by Alderman Finn. All in favor. Motion carried 3-0.

## **2. NEW BUSINESS**

### **2.1 No Items**

## **3. OLD BUSINESS**

### **3.1 Amendment to Article VI. Pawnbrokers**

Alderman Papa claims this was brought to the committee's attention by the Chief of Police who have also worked with the Corporation Council. Back-up is detailed and everything in bold and italicized are additions proposed, but everything that is underlined is to be deleted. The Chairman received a letter from Tom Welch of the Corporation Council on December 9<sup>th</sup>, proposing the amendment to Article VI. Pawnbrokers. He asks Chief Hurliman if he has any questions about it and declares this is only a discussion for the issue. He

suggested they look at it and talk about it to see if they can come up with a final proposal. Chief Hurliman discussed a few things with the Corporation Council, including an appeal process in Ordinance One if you are denied, which is not included in the article at present. Also a change in the Ordinance related to outfits that come and get a permit, reside in the city for three days, buying gold and leave. He suggests a change that would require them to have a business, whether they own or rent it. Alderman Papa asks if that would be considered pawnbroking. The Chief responds that it comes under precious metals, that it is the same type of permit from the police department, but they are so transient that he questions the waiting period and then they are gone.

Attorney Welch said his father did a great deal in putting together this response and all the changes are an effort by the chief and the city to increase or to assist in the enforcement of these pawnbroker shops so that the sole issue is that the state regulates how a person can get a license and whether or not you can have additional criteria to the regulation. He says initial research is showing that you cannot have additional criteria or qualifications. Attorney Welch continues to say that you would have to be a leaseholder or owner of property where you're going to operate the business. He says that there is some additional work needed and that he and the Chief of Police can report back prior to the next meeting with the hope of submitting a final proposal to send to the Board.

Chief Hurliman suggests that electronic reporting is another issue to look at, if someone pawns gold rings or the like, electronic reporting would help determine if the items are stolen from another place and may be recovered.

Alderman Papa reads information from Newtown on the concern of the ability for the Chief of Police to refuse or reject an application. Mr. Welch explains that the application could be denied for just cause. He further explained they are looking at an expansion of the application process and the definition of that. He concluded that there seems to be some move within the legislature to try to address these issues.

Alderman Papa adds that there comments about zoning codes. Chief Hurliman explained that there should be a certificate of zoning compliance for these businesses, addressing them as businesses instead of individuals with permits residing in the city, buying and selling gold and leaving immediately. Mr. Welch adds that the state has set certain parameters for people to get and the issue is can the city expand on that or is it just working within that framework in order to meet the hope or intent of the department. He explained it's exclusive jurisdiction and adds that if the state says in order to get a permit for a pawnbroker

you need x, y and z. If that is the jurisdiction, we can't add a separate criteria to it. Attorney Welch continued, using the example of how to qualify for a driver's license and the age when someone qualifies for that license. Also, that the state sets the rules and regulations and how someone qualifies for a license, and also that the committee is the acting administrative branch, deciding if pawnbrokers meet the qualifications set. He asks if the committee would be able to put in the issue of just cause, based on if they do not think it is appropriate.

Alderman Papa brings up the Blasting Committee and how they were able to add some items and information to the issue of blasting. Attorney Welch explained that it was exclusive jurisdiction to the state. Alderman Papa added that they told neighbors and gave them information as safety precautions. Attorney Welch admitted that these were adopted as a policy for the committee. Alderman Papa said this was much like the pawnbroker issue. Chief Hurliman added that it may also be similar to the pistol permit with its state regulations. Alderman Papa concluded with leaving the matter with Attorney Welch, adding that this is an issue they want to get right and are not rushed to pass it just to pass it. Attorney Welch added that things are changing and now the Board has to deal with the electronic aspect that they, in the past, did not have to deal with. Alderman Papa added that other towns have ordinances pertaining to pawnbrokers.

Alderman Finn moved to table. Seconded by Alderman McGorty. Motion passes, 3-0.

### **3.2 STREETLIGHT REQUEST, ANGELL AVENUE, POLE #4278 OR 4277**

Alderman Papa introduces the next item on the agenda. Alderman Finn reads out the motion, declares he does not support it and would like to make a new motion. He continues to say he has driven through the area during the past week and has looked at both poles. Alderman Finn explained that, in the past, the criteria for installing streetlights was at intersections and rough curves and roadways, the latter of which pertains to the Angell Avenue.

Alderman Papa invites discussion and input from Chief Hurliman, who has researched this and given his recommendation. He reads out the recommendation from the Chief, which states there are no streetlights in the area that could be removed to this location and the only alternative would be the installation of a new streetlight, which does not meet the required criteria for installation. Alderman Finn declared if it does not meet the criteria, they should remove all the lights in the city on curves and that there is a sharp curve in front of the house. Alderman Papa said that not every curve needs to have a streetlight, but that he has not

driven the street and is acting on the Chief's research of the area, as he is the traffic authority. Alderman McGorty brings up what the original motion for this issue is, to deny the installment of a new streetlight. Alderman Finn moves to make an amendment to the motion.

Alderman Finn moves to recommend the installation of a streetlight on pole #4278 on Angell Avenue. There is no second to the motion. Motion does not pass.

Alderman McGorty comments that she understands Alderman Finn's reasons for not supporting the original motion. Alderman Finn responds that he does not understand why it does not meet the criteria. Chief Hurliman stated that Priority One is for intersections with an accident history. Alderman McGorty states that this is a Priority Two with accident history.

Alderman Papa reads out the original motions. Move, per the recommendation of the Chief of Police, to deny the request for a streetlight on Angell Avenue. Seconded by Alderman McGorty. Opposed by Alderman Finn. Motion passes 2-1.

### **3.3 STREETLIGHT REQUEST, SOUNDRIERGE ROAD**

Alderman Papa introduces the next item on the agenda. He discusses the eight letters sent to the Board from residents on this road that are in opposition to the streetlight request.

Alderman McGorty moves, per the recommendation of the Chief of Police, to deny the request for a streetlight on Soundridge Road. Seconded by Alderman Papa. Opens to discussion.

#### **Randy Yarish, 11 Mustang Drive**

I am representing my son, Michael, who lives on 32 Soundridge, he works the night shift at Sikorsky. Question about the eight letters: first of all, will copies be made available to us?

Alderman Papa responds that they will, that they will be available from the Board of Aldermen Clerk at City Hall. She will have copies.

Mr. Yarish continues, also, could you tell me if the people who sent those letters in, people that had already signed that petition to prevent...

Alderman Papa responds that the original petition had been signed by 30. The Chairman explained that usually, like with sewers or water, when given a request, they get a list of all of those who are in favor of either the sewers or water. If the majority of the people

are in favor then they will get them the sewer or water. For this issue, he insists they have to get the idea from the people.

Mr. Yarish continues, the analysis of the petition that was signed that my son sent in, did that get to all the committee members? Because it clearly shows that half the households on the street did not sign that petition. Half of them did. I also did another tour of the surrounding neighborhoods and neighborhood streets and, lo and behold, not only do they have streetlights at all the intersections and sharp curves, they also have a light at the end of every cul-de-sac. There are two cul-de-sacs on Mustang Drive, both which have a light at the end of the cul-de-sac. There's a cul-de-sac on Peachtree Lane that has a light, these are all neighboring streets. I went down Soundcrest and it's cul-de-sac there, they all have lights. There are two lights, two cul-de-sacs on Soundridge: one at the very end of Soundridge, one at the end of Allyndale, neither one of those has a streetlight. There are no streetlights on those cul-de-sacs all the way up until you hit Blaho Drive. There is the original cul-de-sac that was extended to the left hand turn that we talked about at the last meeting and there's no light there, so it's complete darkness from basically Blaho Drive down all the way through Soundridge and Allyndale. No streetlights on cul-de-sacs, no streetlights on intersections and that is the argument we present. And the fact that half the households on the street signed the petition, and half did not...it's not water and sewers, it's safety. And I think more to the policies and past practices of this committee's decisions. Thank you.

Alderman Papa asks if there is any more discussion. Alderman Finn reiterates that he has driven the area and that he originally thought certain poles could be moved to these areas, but are on both intersections and sharp curves. Number 5406, which is an addition near a cul-de-sac that the city should have been abandoned when they extended the roadway. Alderman Finn says if they put a streetlight at the next intersection, pole number 5446, it would illuminate an intersection and a fire hydrant, and the cul-de-sac right there. 5406 is on a curve, which is similar to the curve being discussed. He continues that even though they received these letters in opposition, he disregarded several of them because they were not in the immediate area of the streetlight being requested. Alderman Finn explains he has a lot to entertain an amendment to the motion to install a streetlight on number 5406. Alderman Papa responds that they have talked about this a lot, that they have gotten the recommendation from the Police Chief, who does not think it is necessary to put a streetlight there. He continues to say that they have letters from those who live near the area that are not in favor of the installation of a streetlight. He adds that it was mentioned in the last month

or two that, if someone wants to light up their property, they are able to install a light.

Alderman Finn responds that Alderman Papa has not driven the area at night and there are houses with floodlights and are lit up. Alderman Papa continues saying that if people in an area are against the installation of a streetlight, and a majority of people do not want them, why would the committee override that?

Mr. Yarish reiterates that half the people on the street signed the petition and half did not. Alderman Papa says they signed a petition against it and asks if anyone signed something saying they want a light and that Mr. Yarish is the only one who has said he wants a light. Alderman Papa reads out the numbers of the houses who have signed the petition and explains that these people do not want lights. Mr Yarish asks what the policy and practice of the city is because there are lights in cul-de-sacs, there are lights in intersections and there are lights at strong curves, and yet for all three conditions on Soundridge and Allyndale there are no lights covering those three conditions. So why is that section of Soundridge not treated the same as every other street surrounding that area? Alderman Papa responds, because a lot of lights were put up a long time ago. Mr. Yarish responds that these are brand new streets. Peachtree is a new street. It has a cul-de-sac light, they have an intersection light and they have a medium light. Alderman Papa declares that no light is put up unless this Board approves it. And if the Chief looks at it, and he determines whether he thinks that we need it, then that's what we do. Mr. Yarish asks, isn't that why we set policies and practices? And if they are not evenly applied, and it's just ruled by petition signed by half the households on the street. Alderman Papa responds that it is good enough for him if people don't want a light, it's good enough for him if the Chief says there is no necessity to put in a light and Mr. Yarish is the only individual who wants a light. Mr. Yarish responds, no, there are 17 houses that would like a light in that area and they are not on the petition that says they don't. Alderman Papa says that if he needs a light he should put up his own light and it wouldn't be the city's responsibility. Alderman Finn adds that Mr. Yarish does not live on that street. Alderman Papa repeats that if he wants a light on his property, then he can put one up, you can put up a spotlight or whatever you have to do. He says he does not think it is the city's responsibility. Mr. Yarish says that they are not asking you to light our houses, they are asking you to light our streets. Alderman Papa says, the people in the area don't want it, the Chief does not think it is required. Mr. Yarish replies, no, only half the people don't want it.

Alderman McGorty comments that the question is also, what is the procedure, which is to refer it to the Police Department and a follow-up. Alderman Papa says the Chief looks at it

when everybody who wants a light, requests a light. We have to go through the process. Normally, if it's a four-way stop, it's a bad area, there's a lot of traffic, you would try to put up a light if you could. Chief Hurliman responds that he would, in an intersection that's bad with an accident history, we have those under Priority Ones.

Alderman Finn says that a good point was brought up, how did we end up with streetlights on cul-de-sacs, as they don't really meet the criteria. He says they do not illuminate cul-de-sacs. He continues that originally people asked for lighted cul-de-sacs to keep children safe and they denied many requests because that is not the purpose in illuminating an area. Alderman Papa responds that he does not know.

Alderman Finn moves to make an amendment to the motion for the installation of a streetlight at pole number 5406 on Soundridge Road. There is no second.

Alderman McGorty moves, per the recommendation of the Chief of Police, to deny the request for a streetlight on Soundridge Road. Seconded by Alderman Papa. Motion carried 2-1. (Alderman Finn opposes).

Before moving on to the next item, Mr. Yarish and another gentleman of the public quickly express their gratitude to Alderman Finn for his support of the installation of streetlights in their areas.

### **3.4 UPGRADE OF STREETLIGHT ON POLE #3663 – HUNTINGTON STREET.**

Alderman Papa introduces the next item on the agenda. Alderman Finn moved to table. Seconded by Alderman McGorty. Motion carried 3 – 0. Alderman Papa explains the reason for this is that the individual who requested this, Dr. Montenero, made his request directly to the UI, instead of going through the committee, and received a recommendation from Joe S. Williams, an outdoor lighting specialist, who the committee does not deal with. Alderman Papa would like to get more information on this, e.g. why they want it, whether it is necessary. By the next meeting the committee will have a recommendation from the individual they usually work with at the UI, who will provide the cost and more information. The request is to upgrade from 100 to 150 lumens. The committee agrees to acquire more information from the Board of Aldermen's contact at the UI.

## **4. REPORTS OF THE EMERGENCY SERVICES**

A. Emergency Medical Services – No report.



## B. Police Services

Chief Hurliman reports, along with the infraction report, since the last meeting there have been eleven DUI arrests between November 11-December 29. Some were listed on the report but eleven is the official number. He also reports there has been an increase in crime in the fourth quarter.

Alderman Finn discusses the efforts of straightening out East Village Road and how, over the holidays, a car veered off the road and almost hit a telephone pole. Alderman Kudej comments that many accidents have been happening on Route 8 between Exits 13 and 14 and asks if anything can be done about that area or if there is something in that area that is causing accidents. Alderman Finn adds it may be due to ice on the roads, but admits there are a lot of accidents there. Alderman Papa adds it also has to do with how people drive and asks how is that controlled.

C. Fire Services – No report.

D. Office of Emergency Management – No report.

E. Fire Marshall – No report.

Alderman McGorty comments that the committee should hold each of these services accountable in reporting to the committee. She continues to say it would be fair to ask for a report from each service for every committee meeting. Alderman Papa agrees and the committee decides to have the Board of Aldermen Clerk write a letter to each of the Chairmen of these services in order to obtain a report in advance of each Board of Public Health and Safety meeting.

## **ADJOURNMENT**

Alderman Finn moved to adjourn at 7:43 p.m. Seconded by Alderman McGorty. All in favor. Motion carried 3-0.

Respectfully submitted,

Kim Ballaro

Acting Clerk, Public Health & Safety Committee