CALL OF THE MEETING/PLEDGE OF ALLEGIANCE

Alderman Papa called the meeting to order at 7:00 P.M. and all in attendance pledged allegiance to the flag.

IN ATTENDANCE:  Alderman Papa, Chairman
                Alderman Finn
                Alderman Perillo

ALSO IN ATTENDANCE:  Chief Hurliman, Corporation Counsel
Thomas Welch & Canine Control Officer Taylor.

PUBLIC PORTION

Kathy Kane – 78 Harvard Avenue  Ms. Kane would like to complain about the conditions of the roads especially Hillside. She got stuck and had to have the police help her. It was 6:00 in the morning. She asks if this was an unusual situation. Alderman Papa asks if she called Highway & Bridges and did they respond. She said they said the problem with that storm was the duration of it and the crews
couldn’t keep going. She thinks the timing was all wrong. Do we have the ability to do something different about this problem?

Alderman Papa states there are so many roads. She said the sand truck came out pretty quickly and got her out. But every side street she passed was not done. Alderman Papa states they do the main road first. She states this morning was good.

Alderman Papa states that you called Highway & Bridges and put them on alert. They have to start somewhere.

♦ AGENDA ITEMS
♦ CORRESPONDENCE

1. APPROVAL OF MINUTES
   1. REGULAR MEETING DECEMBER 3, 2008

   ALDERMAN PERILLO MOVED TO WAIVE THE READING AND APPROVE THE MINUTES OF THE PUBLIC HEALTH & SAFETY MEETING OF DECEMBER 3, 2008. SECONDED BY ALDERMAN FINN. ALL IN FAVOR. MOTION CARRIED 3-0

2. NEW BUSINESS
2.1 STREETLIGHT REQUESTS
   A. 128 ARMSTRONG ROAD

   ALDERMAN PERILLO MOVED PER THE RECOMMENDATION OF THE CHIEF OF POLICE TO DENY THE REQUEST FOR STREETLIGHT ON THE POLE #2138 IN FRONT OF 128 ARMSTRONG ROAD. SECONDED BY ALDERMAN FINN. ALL IN FAVOR. MOTION CARRIED 3-0.

2.2 PROPOSED DOG ORDINANCE
Alderman Papa states that Canine Office Sheryl Taylor is also in attendance. He tells her nothing will be passed today. They need her to look at it a lot of it will pertain to your responsibility and the Chief of Police. Have you had a chance to look at it?

Alderman Perillo states this was brought to us by some members of the community at the last meeting and they gave us ideas of laws passed in Trumbull and research was done through State of Connecticut as to what is allowed. There is a draft ordinance before us tonight. The goal of this meeting tonight is simply to get more information. Specifically from the Animal Control Officer. There will be no action on this tonight.

Alderman Papa states you should have a copy of the proposed ordinance. Copies are made and handed out to the audience.

Ellen Lewis, Pine Rock Park 92 Algonquin – She has not had a chance to look at this ordinance. She was told it was a breed specific ordinance. She tells a story about her dog being attacked in a park. She has a bit bull. She was attacked by a mixed breed shepherd. It was an emotional story about how the other dog is still off the leash. She wants everyone to know her dog is a pit bull and doesn’t fight back. Her dog doesn’t have aggressive issues just because it is a pit bull. It is about owners that don’t leash their dogs and let them run wild.

Alderman Finn states it is about dogs declared vicious by the CCO.

Laura Johnson – Long Hill Avenue – She owns rottweilers. She is more concerned who will deem the dog vicious. She has a dog that might be deemed vicious and it is always one person’s word against another. Her dog was attacked in Fairfield by a poodle. When the official got there, even though I had my proof of rabies and license with me, the other dog was not cleared of rabies. This dog attacked my dog. Nothing came of it because I have a rottweiler and how could a poodle attack my dog. It wasn’t fair. The laws were in place and nothing happened.

Alderman Papa asked Ms. Taylor if a dog has a history of attacking other dogs and people, than that dog is deemed a vicious dog. Ms Taylor states she doesn’t want to make the decision herself. There should be more qualified people making the decision. One person deemed a vicious dog another one says it is not. You can not go by breed or size of dog. It should be on the owner – a higher fine. Alderman Papa asks where do you start. Owners should have insurance. Not all incidents are reported.
Alderman Papa states a couple of months ago, a dog had to be put to sleep. A man was attacked.

Chris Leward – 12 Manor House – He has spent a lot of years in Law Enforcement he can tell you a lot of problems you run into when you place the duty on the Chief or Animal Control Officer is you put them between a rock and a hard place. You force them to investigate and make a judgment. It will open up to a lot of liability. Someone needs to take a look at the declaration – be presented to a group. Board will determine due to the circumstances what you should or should not do. Alderman Papa states the State Statute said the Animal Control Officer will declare the dog vicious. They could also appeal to the State of Connecticut. Chris states the State would like it to be done this way. It is not always the thing to do. Emotions run high.

Vivian McGhee, Sorghum Road - Her dog has a chip. She would like a panel, like a trainer. Under regulations and control of vicious dogs, Section #5 – vicious dog licensing is this only in the case of vicious dog licensing (Chips & tattooed)? It will be a one time thing.

Corporation Counsel states that at the beginning of that section it states that the Animal Control Officer MAY issue any or all of the following orders. It is not specific.

Ms. Taylor asks do you mean it will be a special or separate license for this dog. If it is tattoo in ear it will stay the same number. It has to be looked at also.

Alderman Finn states it would be a separate license from the one issued in the Town Clerk Office yearly. The vicious dog’s tattoo would be permanent.

Alderman Perillo states his dog has a chip, if it is lost, that is what this is referring to. We would mandate that – there would be a dog history that could be identified.

Susan Carter – Derby, CT - St Bernard Club She represents them nationally. I feel there is a few contradicting comments in this ordinance. #6 says the owner will have to post a sign on his property and in a previous # it says the dog has to be put down. Either it is a vicious dog to be put down or a vicious dog and posts a sign. You can’t have it both ways.

Corporation Counsel states it is either – pick & choose by the Canine Control Officer. (Section B (iii))
Ms Taylor states it opens her up to liability.

Ms. Carter states it is very contradictive and very subjective. It is setting her up for failure from the beginning. Pick and choose on the size or breed of the dog.

Laura Wells – Mohegan Road - If you listen to all these stories, it really comes down to the owner. So rather than ask the dogs to read ordinance (impossible), what we need to do, we can’t change the State Ordinance, why can’t we as a city group impose higher fees on the people. Nuisance dogs that roam all the time, if you stop them in the beginning, fining them, serious fines then these dogs will be kept under control. Nuisance dogs turn into, most of the times, vicious dogs. The bites statistics – the dog that bites the most is a dachshund. We don’t hear about them because there is not a lot of damage. She would like to target the owner.

Many people from audience talking at once (inaudible).

Ms. Taylor states you should hit the pocketbook. It will hurt more.

Alderman Papa asks about how many vicious dogs. Serious ones Frank Drive and Pine Rock Park. Both parties after approaching them in a civil manner, had their dogs put down.

Brian Gorko – Norwalk Trail - he feels it is all about the owners.

Ms. Taylor feels it is all about the fine. Hit them in the pocketbook and they won’t let the dog roam around. They will be more responsible.

Alderman Perillo asks about the current fine for roaming. Ms. Taylor states $15.00. Alderman Papa asks if we can increase the fine by how much. The highest is $250.00 states Atty. Welch.

Vivian McGhee – Sorghum - She thinks that increasing fines might work and the money could go towards the dog shelter. Even if the fines are staggered.

Claudia Ketcher – Princeton – The way we have our DWI drivers go to Driving Class and study clinics – part of our approach when we have a vicious dog is that the owner and dog should have to go to training – Mandatory training – and if the owner doesn’t attend fine them.

Cynthia Kasper – Saginaw Trail - We should fine them each week they do not comply.
Susan Cater states she received six text messages from the national chapter that legislation similar to this was knocked down in Oregon, California & Kentucky. This has all been happening in the last hours. This same bill is being pulled down statewide. Massachusetts has already pulled their bill. We have been flooded with 22,000 letters, 32,000 emails, 5,000 people showed up in Boston. We will all come to fight this bill.

Alderman Papa states we just want to do the right thing. That is why Cheryl is here.

Gail Craig – Christmas Tree Hill Road – She is the owner of pit bulls and she will own nothing else. She is fearful to take the dogs anywhere because they are the ones blamed. She is lucky she has a place to walk them. MsTaylor has said there are State Ordinances – we should raise the fine on the owners and also send them for training and tell them if they go for training the larger fine will be reduced. Stay with what is on the books now.

Laura Johnson – rottweiler club – They were here 5 years ago with same issues and same topic is up again. We should get on this and come up with something. She thinks we should get on this.

Joseph Chickos, Jr. - 5 Windsor Road – He has had dogs for about 22 years, his first from a gas station – free but he put a fence around home and had vet bills. He received a Lab from Cheryl and she warned him about the dog. The dog was fine. He believes it is the owners that make dog vicious. He has rescue dogs from Bridgeport Pound and brought the dog to Litchfield and the dogs never bite anyone. The problems are with the owners.

Alderman Perillo asked about raising all fines. Atty. Welch states we did raise the fines by t#’s of the ordinances. The clerk will send the ordinances to Ms. Taylor to make sure the fine was raised for leash law.

Ms. Morales – Stamford – She works with rehabilitating dogs in Stamford. She has four things that are issues:

1. Dogs are Private Property – can you take private property from someone’s house.
2. Who says who is vicious – ACO has no training in this field.
3. Doesn’t provide for unprovoked. One dog sometimes is not good with some dogs – like some Therapy Dogs. You can deem him vicious not friendly to other dogs but goes back to the owner.
4. Vicious dog law in Europe – Netherlands – took it off wasn’t working – health problems because people weren’t going to the vet because of fines.

Ed Comboni – Shelton Local & State Ordinances are adequate. People need training class to deal with dogs and they should be responsible.

Alderman Perillo states that this is a good meeting. The message from the other meeting was extraordinarily different from this one. The complete opposite. Alderman Papa states the goal is to do the right thing. We have a lot of work to do with all this information.

Alderman Papa states this was a discussion and we will take this feedback about people who love their dogs and also dogs that attack and with Atty. Welch’s notes we will rehash and come back with a new draft.

Alderman Perillo explains the hearing process. Before it goes to the full Board of Aldermen, it has to get through this committee. We are not at a point to even release an ordinance. Then it goes to the full Board and they schedule a Public Hearing at their level. Then you have another opportunity to come back with comments. There are checks and balance to make sure an ordinance that come out gives all people a chance to weigh in.

Alderman Papa states maybe April they will have it back on this committee’s agenda.

Ron Macy – Barbara Dr. – We spoke about the fines per person, what about repeat offenders, who give up the dog and kept getting new dogs, abusers. The history will follow the owner also.

Ms. Taylor states that the people who spoke tonight care about dogs and you can see the perspective from both angles. She keeps a list of all calls that come into the Shelter. You have to report it, to do something about it.

2.3 HILLSIDE AVENUE

Chief Hurliman states he has addressed this before. They want Metal, Plastic Poles. They will interfere with snowplowing. Jersey Barrier is a bad idea – interferes with snowplowing and emergency services. Speed Bumps problem with ice and snowplowing. Red flashing light – it is not that major of an intersection – the complaint is of numerous accidents – there has been one accident since 2005 and the operator had sun in his eyes. The Police Department posted – 2 Do Not Enter signs, 2 Chevrons facing right turn as well,
a 30 x 30 right curve sign southbound, 24 " left curve sign with 15 MPH advisory sign prior to that intersection and a double yellow center line visible to northbound traffic coming down the hill. The Chief states it is not that they don’t want to do, it is a bad idea. The yellow house requested a 4 way stop.

Alderman Papa asks about speed bumps. They are mostly used in private road, condos.

Alderman Finn did see a speed bump in Westport in a crosswalk. Chief Hurliman states that there is a city road near UCONN—right off of 44 – Depot Road – it is a cut through. There have been problems there as well.

3. **OLD BUSINESS**

3.1 **ANTI-GRAFFITI ORDINANCE**

Alderman Papa thanked Atty. Welch for getting this ordinance together. Last month we talked about selling spray paint to minors. Alderman Finn made a suggestion at the last meeting to send to surrounding stores that the City prohibits the sale of spray paint to minors under 18. Alderman Finn is satisfied.

Alderman Perillo said it meets what we addressed at the last meeting.

Alderman Papa points out a clerical correction under “C” Enforcement – change word from “do” to “duty”.

Atty. Welch states the City can not offer rewards.

**ALDERMAN PERILLO MOVED TO RECOMMEND TO THE FULL BOARD FOR PUBLIC HEARING ON ORDINANCES THE ANTI-GRAFFITI ORDINANCE. WITH THE ONE EXCEPTION OF CLERICAL ERROR UNDER “C” ENFORCEMENT THE WORD DO TO DUTY. SECONDED BY ALDERMAN FINN. ALL IN FAVOR. MOTION CARRIED 3-0.**
ANTI-GRAFFITI ORDINANCE

WHEREAS, the Board of Aldermen of the City of Shelton is enacting this Ordinance to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The Board of Aldermen is authorized to enact this Ordinance pursuant to the Charter of the City of Shelton and Connecticut General Statutes §7-148; and

WHEREAS, the Board of Aldermen finds the graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the City of Shelton acts to remove graffiti from public and private property, the graffiti remains and continues to be injurious to the public health, welfare and safety of the City. Other properties will then become the target of graffiti and entire neighborhoods will be affected and become less desirable places in which to be, all to the detriment of the City of Shelton; and

WHEREAS, the Board of Aldermen tends to the adoption of this Ordinance to provide additional enforcement tools to protect public and private property from acts of graffiti, vandalism and defacement. The Board of Aldermen does not intend for this Ordinance to conflict with any existing anti-graffiti laws promulgated by the State of Connecticut.

A. Definitions.

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance.
Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

B. Prohibited Acts.

(1) Defacement. It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any city-owned property or, without the permission of the owner or occupant, on any non-city owned property.

Possession of Graffiti Implements.

(a) By Minors at or Near School Facilities. It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this Section shall not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers.

(b) In Designated Public Places. It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, recreational facility, or other public building or structure owned or operated by the City or while in or within fifty (50) feet of an underpass, bridge abutment, storm drain or similar types of infrastructure unless otherwise authorized by the City.
C. **Enforcement.**

(i) Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours notice by the City or by the owner of the property involved. The City of Shelton Police Department shall be notified and such removal shall be accomplished in the manner directed by the City of Shelton Police Department. Failure to comply with any such demand shall constitute an additional violation of this Ordinance.

(ii) **Property Owner Responsibility.** If graffiti is not removed by the perpetrator according to the Section above, graffiti shall be removed pursuant to the following provisions:

It is unlawful for any person who is the owner or who has primary responsibility for control of property or for the repair or maintenance of property in the City to permit property that is defaced with graffiti to remain defaced for a period of ten (10) days after service by first class mail of notice of the defacement. The notice shall contain the following:

(1) The street address and legal description of the property sufficient for identification of the property;

(2) A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;

(3) A statement that the graffiti must be removed with ten (10) days after receipt of the notice and that if the graffiti is not abated within that time the City will declare the property to be a public nuisance and the City shall have the right to remove the public nuisance at the cost and expense of the property owner.

(iii) **Right of City to Remove.**
(a) **Use of Public Funds.** Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located.

(b) **Right of Entry on Private Property.** Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury. If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Ordinance, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence abatement and cost recovery proceedings for the graffiti removal.

D. **Prohibition of Spray Paint to Minors.** It shall be unlawful for any person other than a parent or legal guardian, within the city limits of Shelton, to sell, exchange, give, loan or otherwise furnish any aerosol point container, broad tipped marker or paint stick, spray paint cans to any individual under the age of 18 years of age without the written consent of the parent or guardian the person. Merchants shall be required to view photo identification from the purchaser of proof of age. The illegal sale of spray paint cans to minors, as well as the above-mentioned crimes, shall be investigated, catalogued and enforced by the Chief of Police and/or his designee and shall be a violation of this Section.
E. **Penalties.** Any person violating this Ordinance shall be punished by a fine of two hundred and fifty ($250.00) dollars.

In addition to any punishment specified in this Section the violator shall make restitution to the victim for damages or loss caused directly or indirectly by the violator’s offense in the amount or manner determined by the court.

NOTE:

The City has specific powers to abate nuisance under §7-148 of the Connecticut General Statutes:

(7) (A) Establish building set back lines, including signs (v)

Over sidewalks (vi)

(E) Definition of nuisance, very broad

(H) Public Health & Safety

Regulate and prohibit unreasonable annoyance (ii)

Regulate public grounds for public and private purposes (xii)

Make and enforce regulations to protect and promote safety (xiii)

A copy of above referenced section is attached.

### 3.2 OUTDOOR BURNING ORDINANCE

Alderman Perillo asks about appeal. He spoke with Atty. Welch and the most sensible thing to do is to send people through the appeals process (**Section 4-48 Appeal :**Any person issued a citation pursuant to this section may appeal said citation in accordance with Section 1-11.1 of this Ordinance.) This already exists. This is how it comes into the Ordinance Book and it will be under 4-48 in the Ordinance Book.
ALDERMAN FINN MOVED TO RECOMMEND TO THE FULL BOARD FOR PUBLIC HEARING ON ORDINANCES THE OUTDOOR BURNING ORDINANCE, SECONDED BY ALDERMAN PERILLO. ALL IN FAVOR. MOTION CARRIED 3-0

ORDINANCE 713

AN ORDINANCE REGARDING OPEN BURNING

SECTION 1 - PURPOSE AND DEFINITIONS

a) Purpose of Ordinance: It is the purpose of this Ordinance to prescribe regulations consistent with State and nationally recognized standards for the safeguarding of life, health and property from the hazards of fire and explosion arising from the kindling of outdoor fires, wood stoves and outdoor wood burning boilers and furnaces.

b) Definitions: The following definitions shall apply to all parts of this Ordinance:

i) Combustible Material: Any substance which is inflammmable, readily ignitable or free burning, such as but not limited to paper, rubbish, wood, grass and leaves.

ii) Grill or Outdoor Fireplace: Any metal or masonry structure used for the sole purpose of cooking outdoors.

iii) Outdoor Fire: Any fire in the open air, or outside the confines of a building for the purpose of disposing of any combustible material.

iv) Nuisance: An interference with public health and safety to an individual or individuals who come within the influence of the regulated activity or that constitutes an unreasonable annoyance to those living or owning property in the vicinity.
SECTION 2 – POWERS AND DUTIES OF THE FIRE MARSHAL

a) Inspection: The Fire Marshal shall be certified as an open burning official as same is defined by Connecticut Administrative Regulation Section 19-508-17, as may be amended from time to time and shall be authorized to enforce the provisions of this Ordinance. To assist such enforcement, the Fire Marshal is authorized to enter any yards for the purpose of detecting and extinguishing fires created without compliance with this Ordinance.

SECTION 3 – PERMITS

a) Application for Permit: All applications for permits required by this Ordinance shall be made to the Fire Marshal in such form and in such detail as he shall prescribe. The Fire Marshal may require, where he deems it necessary, proof of compliance with the City zoning or building ordinances and may revoke a permit in case there has been a false statement or misrepresentation as to a material fact in such application.

b) Issuance or Permits: The Fire Marshal shall issue all permits required by this Ordinance when satisfied that the activity or condition for which the permit is sought poses no threat to life, health or property and is in conformance with the State of Connecticut Administrative Regulations Section 19-508-17 relative to the control of open burning, as same may be amended from time to time.

c) Fire pits, wood fired barbecues, chimineas and campfires are exempt from the open burning permit guidelines provided they do not create a nuisance and are operated in accordance with any restriction or restrictions imposed on such burning.

SECTION 4 – OUTDOOR WOOD BURNING STOVES, BOILER AND FURNACES
a) Outdoor wood burning furnaces, stoves and boilers as defined by Connecticut General Statute 22a-174(k) must comply with all relevant Connecticut Department of Environmental Protection regulations and requirements. Such furnaces, stoves and boilers also require building permits from the building official and fire marshal before installation.

SECTION 5 – NUISANCE AND HAZARDS

a) Any fire shall be considered a non-permitted fire if it is determined to be a hazard or nuisance by the Fire Marshal, even if proper permits have been appropriately issued.

b) The Fire Marshal, after having been made aware of a particular open fire and having satisfied himself as to the circumstances and applicable requirements, shall cause any fire not specifically permitted or any fire deemed a hazard or nuisance to be immediately extinguished as a non-permitted fire and may summon the fire service to accomplish this extinguishment.

c) Upon receipt of a complaint concerning any open fire, the Fire Marshall shall cause an investigation to be made to determine the validity of the complaint and shall take enforcement action when deemed appropriate.

SECTION 6 – APPEAL

a) Any person issued a citation pursuant to this Section may appeal said citation in accordance with Section 1-11.1 of this Ordinance.

4. REPORTS OF THE EMERGENCY SERVICES

A. EMERGENCY MEDICAL SERVICES – None
B. POLICE SERVICES

Chief Hurliman states the number of Citations is down due to weather. It is not the same as when there is no snow. With ice it is sometimes difficult to place the cars for radar.

Alderman Papa asks about where they are as far as frequency.

Chief Hurliman states they hired an engineering firm to make an application for the waiver. We need to secure a letter from the City to say they are going to fund it. It is in the 400 range. The dollar figure, depending on what is awarded, it is in the 7 – 9 ½ million range. It has to come first. It has to go to referendum. It doesn’t really hold it up. There are two things required 1. A letter of support 2. a Letter stating you are going to complete it in a certain time period and the certain time period is 18 months.

Alderman Finn asks if we can loose this frequency and end up with a lower band.

This will include Police Dept., Fire Dept & EMS states Alderman Finn. Chief says EMS will change their channel – they have their own frequency. One radio, multi towers. The towers we have in place are probably too high. WE have one that is 274’. We will have to reengineer and reconfigure. 800 MHZ in Police Dept. right now – that is still going on.

Alderman Finn asks how long after approval to secure. Chief says you secure anyway. You can be granted – 30-60 days.
Alderman Papa asks about grants. Chief states we have already received grants.

Alderman Finn thanks the Chief for officers stopping over at Wabuda Place.

C. FIRE SERVICES - None

ADJOURNMENT

ALDERMAN PERILLO MOVED TO ADJOURN AT 8:20 p.m.
SECONDED BY ALDERMAN FINN. ALL IN FAVOR. MOTION CARRIED 3-0.
RESPECTFULLY SUBMITTED,

Margaret Weber

MARGARET WEBER, CLERK
PUBLIC HEALTH & SAFETY
COMMITTEE