

**REGULAR MEETING
BOARD OF ALDERMEN
PUBLIC HEALTH & SAFETY COMMITTEE
WEDNESDAY, JUNE 2, 2010
7:00 P.M. IN ROOM 104
SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT**

MINUTES

◆ CALL OF THE MEETING/PLEDGE OF ALLEGIANCE

The Meeting was called to order by Chairman Papa at 7:05 P.M. All in attendance recited the pledge of allegiance. Chairman Papa asked for a moment of silence for Staff Sgt. Edwin Rivera who died in combat in Afghanistan this week.

IN ATTENDANCE: Alderman Papa, Chairman
Alderman John "Jack" Finn, excused
Alderman Noreen McGorty

ALSO IN ATTENDANCE: Alderman McPherson
Chief Hurliman
Fire Marshal Tortora

- ◆ PUBLIC PORTION**
- ◆ AGENDA ITEMS**
- ◆ CORRESPONDENCE**

1. APPROVAL OF MINUTES

1. REGULAR MEETING APRIL 7, 2010

Alderman McGorty Moved to waive the reading and approve the minutes of the Public Health & Safety Meeting of April 7, 2010. Seconded by Alderman Papa. All in favor. Motion carried 2-0

2. NEW BUSINESS

2.1 INTERSECTION OF ISINGLASS ROAD AND ROUTE 108

Alderman Papa placed this on the agenda because he had a couple of inquiries about it. He states it is a State Road (rte 108). The Chief will investigate it. There is a blinking light there now. The Chief had the traffic division go back and check the history (fatal accident). There have been one fatality which is the the recent accident and the another 30 years ago. The Chief investigated it 30 years ago and speed and alcohol was a factor. The recent accident, they are still waiting for some evaluations from the State. The car (Ford Escape SUV) was traveling towards Trumbull and 108 and a Chevy Silverado pickup truck was coming on Isinglass and stuck the Ford. The vehicles were very heavily damaged. The person in the Silverado was injured and the Escape was a fatality. The Chief will send a letter to the State asking them to investigate that intersection. Then the Chief will incorporate that into his report.

Alderman Papa asked about how many accidents that were not fatalities. The Chief states about less than ten.

2.2 TRINITY LUTHERAN CHURCH REQUEST REGARDING THE ONE WAY STREET

Jack Whritenour pastor of Trinity Lutheran Church (residence 170 Marshall Lane, Derby) was in attendance. He states a lot of people visit for Funerals and Weddings. It is one way on Myrtle Street. People have to go past and turn on Park St. He was wondering about pushing the one way back past parking lot. He spoke to PD and drove around with them. Another solution is that Park St is two way and not any wider than Myrtle St. The church requested this as a one way in the 1950's because the church had no parking lot.

Alderman Papa suggests that they turn this over to the Chief for investigation. Chief will send out Traffic Division and will give him a report and he will look at it himself and come up with a solution. Pastor said he thought of maybe making Myrtle Street one way in the opposite direction.

2.3 PROPOSED AMENDMENT TO ORDINANCE #370 – FIRE LANES

This is an email from Aldermen Finn that was read into the minutes.

Page 1 of 1

Theresa Adcox

From: JF30790@aol.com
Sent: Tuesday, June 01, 2010 4:30 PM
To: diaduit@sbcglobal.net; papa_john_p@sbcglobal.net; aldermanemc@sbcglobal.net
Cc: boaclerk@cityofshelton.org; Mweber@cityofShelton.org
Subject: Proposed amendment to Ordinance #370 - Fire Lanes

Hi John, Noreen,

I'm not sure I will be back from VT in order to be present at our meeting this Wednesday . The author of this amendment is unknown Please have my comments part of the public record.

In the third paragraph " There should be a \$25.00 fine. In my option the recommended fine is way to low. I have seen, school buses, trucks, all sorts of vehicles parked all over our community in Fire Lanes. A \$25.00 fine will not deter a person from parking in a Fire Lane. I would recommend that we look at a fine in the area of \$125.00 or \$200.00 or cap it at the state limit for fines.

Why is the reference to section 1-11 being omitted from the amendment?

Thank you in advance

Jack Finn

6/1/2010



City of Shelton
Fire Marshal

54 Hill Street
Shelton, Connecticut 06484

James M. Tortora
Fire Marshal
203-924-1555 ext. 340

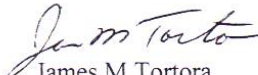
04/30/10

To: John Papa, Chairman
Public Health & Safety Committee

RE: Fire Lane Ordinance

Dear Alderman Papa,

May I please submit for review and possible action, an amendment replacing Ordinance #370 Fire Lanes? The existing ordinance is outdated and I recommend it be updated with the attached. This revised ordinance is based on the newest requirements of the Connecticut Fire Safety Code and applicable regulations. It will also allow property owners the option to mark fire lanes in a more appropriate manner that would coincide with the occupancy, thereby making enforcement easier. I will gladly meet with you to discuss this request further should you wish. Please feel free to contact me with any questions or if you need further information. Thank you.


James M Tortora
Fire Marshal

The Following is the original Ordinance #370

ESTABLISHING FIRE LANES AT PLACES OF PUBLIC ASSEMBLY
AND OTHER PLACES OF HUMAN OCCUPANCY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON THAT:

1. Fire lanes shall be established by the Fire Marshal at all buildings and structures designed for human occupancy, to minimize danger to life and safety from fire or other emergencies. This ordinance shall encompass all places of assembly and occupancies as defined in Chapter 4, Section 29-41-4.01 through Section 29-41-4.11 of the State Fire Safety Code. Nothing herein shall prevent the use of an existing driveway or public street from serving as a Fire Lane providing, in the judgment of the Fire Marshal, said existing driveway or public street provides sufficient access for fire and other emergency vehicles to the particular building.
2. It shall be the responsibility of the property owner to mark and maintain, in legible condition, the fire lane upon the pavement. The property owner shall install traffic control signs on buildings or stanchions at an elevation of approximately 8' 0" to the bottom of a sign 10" in width and 18" high. This sign shall read "FIRE LANE" - "NO PARKING OR STANDING" - TOW ZONE".
3. There shall be a \$25.00 fine for violation of this ordinance and the enforcing authority is empowered to have motor vehicles towed away at the owner's expense in order to clear a Fire Lane.

The following is Fire Marshals recommendations

FIRE LANES
AND
EMERGENCY APPARATUS ACCESS ROADS

- (a) Fire lanes and emergency apparatus access roads shall be established by the fire marshal at all buildings and structures designed for human occupancy, to minimize danger to life and safety from fire or other emergencies. This section shall include but not limited too, all places of assembly and other occupancies listed in the Connecticut Fire Safety Code (CFSC). Nothing herein shall prevent the use of an existing driveway or public street from serving as an emergency apparatus access road providing, in the judgment of the fire marshal, the existing driveway or public street provided sufficient access for fire and other emergency vehicles to the particular building. The fire marshal shall determine the length and width of the fire lanes and emergency apparatus access roads as deemed appropriate for the occupancy.
- (b) It shall be the responsibility of the property owner to mark and maintain fire apparatus access roads. When required by the fire marshal, approved signs, pavement markings and/or other notices shall be provided for fire apparatus access roads to identify such roads and prohibit the obstruction thereof. Signs and notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when required to provide adequate visibility.
- (c) Any person violating the provisions of this section shall, upon conviction, be punished in accordance with section 1-11 and the enforcing authority, the police or fire marshal, shall be empowered to have motor vehicles towed away and objects removed at the owners expense in order to clear a fire lane.

Fire Marshal states that the old ordinance had outdated statutes. In section (a) of his proposal he does not list any statutes instead it refers to Connecticut Fire Safety Code which will cover everything.

In section (b) it refers to markings. He is having problem with people marking fire lanes, Especially with Condo's. Signs and notices shall be maintained and noticed. It does not have to be marked if the Fire Marshal just requires signs rather than markings. He did not add fines. He left that up to the Committee and Corporation Counsel. Alderman McPherson mentioned in the past fines were 5 or 10 dollars and no one cared. If you raise the fee people will not want to spend so much.

Fire Marshal will monitor markings and signs.

Alderman Papa asks about fines. They are \$25.00 now. How high do you want them? It is mentioned that fines just went up to \$250.00 on other

violations. This will be sent to Corporation for his knowledge. The old ordinance #370 WILL be appealed and a new ordinance will be voted on.

Chief Hurliman states there is also a state infraction. He will look up the fine for that and send to Corporation Counsel his findings.

It should not be more than the State in this case so it can hold up in court. This may fall under improper parking.

ALDERMAN MCGORTY PROPOSES TO RECOMMEND TO CORPORATION COUNSEL TO REPEAL ORDINANCE #370 FIRE LANES AT PLACES OF PUBLIC ASSEMBLY AND TO IMPLEMENT THE PROPOSED ORDINANCE WITH FINES PER CHIEF HURLIMAN AND THE NEW ORDINANCE PER RECOMMENDATION OF CORPORATION COUNSEL. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

2.4 STREETLIGHT REQUEST ON SOUNDRIERGE ROAD

ALDERMAN MCGORTY MOVED TO FORWARD THE REQUEST FOR STREETLIGHTS ON SOUNDRIERGE ROAD TO THE CHIEF OF POLICE FOR REVIEW AND RECOMMENDATION. SECONDED BY ALDERMAN PAPA. ALL IN FAVOR. MOTION CARRIED 2-0.

3. OLD BUSINESS

3.1 REVIEW OF IDENTIFICATION OF LANDLORD ORDINANCE

ian McPherson's Proposed Changes to

IDENTIFICATION OF A LANDLORD ORDINANCE

ORDAINED BY THE BOARD OF ALDERMEN THAT:

~~In accordance with Connecticut Public Act No. 05-223 Every non resident property owner or their agents in charge of any rental property within the city limits shall be required to maintain their current residential addresses and telephone number(s) on file with the Assessor of the City of Shelton appropriate Municipal Departments including but not limited to: the Fire Marshal, Building Official, Tax Assessor and Police Department. On and after ___ days of the effective date of this Ordinance. The property owner shall file with the Tax Assessor of the City of Shelton a notarized statement containing such information together with five(5) copies thereof. Such Assessor shall provide one copy to each of the following: Fire Marshal, Building Official, Chief of Police and to such other departments as the Board of Aldermen may by resolution direct from time to time.~~

-) The property owner or agent shall maintain the residential address on file whether the rental property is occupied or vacant.
-) The property owner or agent shall inform the Tax Assessor appropriate municipal departments when his/her residential address changes not more than ten (10) twenty one days after the date that the address change occurred. The Tax Assessor shall notify the individuals designated in paragraph(a) above.
- l) If the non resident owner or agent fails to file an address and telephone number(s) with the city, the address to which the city mails property tax bills for the rental property shall be deemed to be the nonresident owner or agents current address.
-) Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders.
- f) Any person who violates any provision of the ordinance shall be subject to a fine of \$250.00 for each day that the violation continues~~have committed an infraction with a fine of \$250.00 for each offense.~~

~~In the event the owner fails to pay the fines imposed for violations of said ordinance and fines reach an excessive amount (to be determined by the City), the City shall place a lien on the property until all fines are paid in full.~~

~~g) That the ASSESSOR shall be designated as the one central person to be notified of the change of address and telephone number(s) referred to herein and the ASSESSOR shall be responsible to inform all other pertinent City Departments of the change.~~

~~g) The Fire Marshal ^{- A} and Assistant Fire Marshal shall impose the fines as stated in article (f) in said ordinance are designated to enforce this Ordinance, and to issue citations for violations hereof~~

The Fm & Asst Fm

DEFINITIONS:

1. Address means a location as described by the full street number, if any, street name, the city or town and the state. A post office box shall not be considered an address.
2. Agent in charge means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

Dwelling Unit means any house ~~being~~ ~~be it single family or otherwise~~ or building, or portion thereof, ~~(which includes single family, multi – family apartment building, apartment etc)~~ which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premise, and having a common right in the halls, stairways or yards.

Alderman Papa asked about information from Corporation Counsel.

This is the changes that Corporation Counsel sent the committee.

Alderman Papa mentions the questions from the last meeting that were sent to Corporation Counsel. *Italic and Underlined is what the new ordinance should contain.*

- 1. \$250.00 fine but there is no defining authority and we are very generous with the time an absentee landlord has to notify the city w/telephone number etc. It is 21 days in the original ordinance and they would like to see 7 days.**

Answer: it will change to 7 days

- 2. Alderman questioned Fire Marshal or Assistant to impose fines in Art. “F”. They think it should be Building Official oversee and Tom Dingle (P & Z) authority to impose fines. *Answer: (g)The Fire Marshal and Assistant Fire Marshal is designed to enforce this Ordinance. The Fire Marshal shall then issue citations for violations hereof.***
- 3. They question Dwelling – Single Family or Multi Family – issue is if you are a landlord you have responsibilities for your tenants. Would inspection be on single or multi family homes? *Answer: Definitions Dwelling Unit means***

any house, or building, or portion hereof, which includes single family, multi-family apartment building, apartment, etc.

4. **Article “G” Failure to pay fines and fines reach a certain amount (to be determined by City) the City would impose a lien on the property until fines are paid in full.** Answer: Alderman McPherson wants this in – discussion – the aldermen want the sentence in (f) In the event the owner fails to pay the fines imposed for violations of said ordinance and fines reach an excessive amount (to be determined by the City.), the City shall place a lien on the property until all fines are paid in full. This should be included with the first paragraph of (f)
5. **Do we have to have an appeals board?** Answer: a city ordinance ticket is taken to city appeals officer. Question if this is coming under Building Board of Appeals - send this question to Corporation Counsel

Alderman McPherson would like (c) to be changed to 7 seven days.

Alderman Papa would like (d) to include owner or agent’s cell phone number also

Fire Marshal said this helps when it is needed in the early morning or days have passed and he can’t reach owner.

The Committee asked the Fire Marshal when he has a report could he please send a copy to this committee.

They are told he doesn't get a report out every month but would be glad to send when he can.

A Review of changes to ordinance is:

Answer: (g)The Fire Marshal and Assistant Fire Marshal is designed to enforce this Ordinance. The Fire Marshal shall then issue citations for violations hereof.

Answer: Definitions Dwelling Unit means any house, or building, or portion hereof, which includes single family, multi-family apartment building, apartment, etc.

.(f) Any person who violates any provision of the ordinance shall be subject to a fine of \$250.00 for each day that the violation continues. In the event the owner fails to pay the fines imposed for violations of said ordinance and fines reach an excessive amount (to be determined by the City.), the City shall place a lien on the property until all fines are paid in full.

? Appeals Board ?Answer: a city ordinance ticket is taken to city appeals officer. Question if this is coming under Building Board of Appeals - send this question to Corporation Counsel

Alderman McPherson would like (c) to be changed to 7 seven days.

Alderman Papa would like (d) to include owner or agent's cell phone number also

3.2 STREETLIGHT REQUEST – POLE #142 S – INTERSECTION OF AUDUBON & CORAM AVENUE

Chief Hurliman states he went back and checked and this is still a priority 2. This is a second review. There is a question about moving the light to a nearby pole. The Chief will look at it again about the moving the light.

4. REPORTS OF THE EMERGENCY SERVICES

EMERGENCY MEDICAL SERVICES

Their minutes will be included as part of the minutes.

POLICE SERVICES

The Chief is making a verbal report. He is very happy to report the arrest of Justin Bonner – at 9:50 a.m. today under 641F flight risk. This was the kidnapping and assault of clerk.

Police worked with helpful citizens who called in and ID the person.

The Chief would like to work on proposed ordinance for Pawn Shops. It is electronic reporting – they will be able to look up on their Law Enforcement Computer. Waterbury already has it electronically. This needs to be done. The pawn shop will have to have a computer – it will be electronically reported instead of manually as it is done now. This needs to be done. They have ordinances from other towns to show the committee.

May Infraction Report is also attached

FIRE SERVICES

Report from Fire Chief Jones is also attached

OFFICE OF EMERGENCY MANAGEMENT

Alderman McGorty would like a memo sent again to John Millo and ask again for a report from his service. Alderman Papa would like him to know that they just want copy of his report, for example, the report from the Fire Chief and EMS. They realize that some things are not available for security reasons but they would like to know what is out there.

E. FIRE MARSHAL

ADJOURNMENT

Alderman McGorty moved to adjourn at 8:10 P.M. Seconded by Alderman Papa. All in favor. Motion carried 2-0

Respectfully submitted,

Margaret Weber, Clerk
Public Health & Safety Committee