

REGULAR MEETING
BOARD OF ALDERMEN
PUBLIC HEALTH & SAFETY COMMITTEE
WEDNESDAY, AUGUST 5, 2009
7:00 P.M. IN THE ROOM 104
SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT

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

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

**IN ATTENDANCE: ALDERMAN PAPA, CHAIRMAN
ALDERMAN FINN
ALLDERMAN MCPHERSON**

**ALSO IN ATTENDANCE: CORPORATION COUNSEL ATTORNEY
THOMAS WELCH, AND CHIEF OF POLICE, JOEL HURLIMAN**

◆ **PUBLIC PORTION**

Mr. Joseph Krapik, 23 Stonewall Lane spoke of a situation in his neighborhood concerning fireworks. There were great concussions on the 4th of July, rockets over his house and also on Summit Ridge Road and there were no arrests. Some years ago he had a conversation with the Police about the situation. The situation, around 4th of July and New Years Eve, with fireworks, (some of these fireworks are of a major nature) are going off all night. These decline the quality of life. Last year he got no information from the dispatcher

when he complained. This 4th of July you could turn in any direction and there were explosives – it was like being in downtown Baghdad. He called the next day, with all these violations going on all over the city, and asked if anyone was arrested. There are flagrant violations – for a 2nd year in a row. He got no response from his emails. Not a single arrest. He would like something done. Some infants are sleeping, elderly sleeping. On the 4th of July, he can understand fireworks for an hour or so but this goes on all hours of the night, significant explosions. He has not gotten any effect to put an end to this problem. This comes from Wake Robin Rd. also. Chief Hurliman states last year we made an arrest. It was after they spoke to Mr. Krapik. It is sometimes hard to tell where it comes from.

◆ **AGENDA ITEMS**

◆ **CORRESPONDENCE**

1. APPROVAL OF MINUTES

1. REGULAR MEETING JUNE 3, 2009

Alderman McPherson Moved To Waive The Reading And Approve The Minutes Of The Public Health & Safety Meeting Of June 3, 2009. Seconded by Alderman Finn. All in favor. Motion carried 3-0.

2. NEW BUSINESS

2.1 ANIMAL CONTROL BOARD (APPEALS BOARD)

Alderman McPherson moved to approve of the recommendations of Ms. Laura Wells, Dr. Jim Micinilio and the Chief of Police or his designee to be appointed as members of the Animal Control Board of Appeals as per ordinance. Seconded by Alderman Finn. All in favor. Motion carried 3-0.

2.2 NELLS ROCK ROAD – WIRES RUNNING ALONG HOPE LAKE

Alderman Papa states the wires are A T & T lines. The clerk spoke to the company and they are talking about a pole in middle to pick up wires. They will get back to us on the result.

2.3 REQUEST FOR MIRROR AT CORNER OF FAWN MEADOW & MOHEGAN ROAD

Letter read into the record from Chief Hurliman and will be attached at the end of the minutes.

Mirror is not recommended at this time.

**** CLERK SHOULD SEND COPY OF CHIEF'S MEMO TO MR. HIGGINS WHO EMAILED THE REQUEST.**

2.4 REQUEST FOR SIGN AND TREES TO BE CUT ON ANDREW DRIVE

Letter from Chief Hurliman was read into the record and will be included at end of minutes. Department of Public Works was contacted regarding trimming of the tree that is obstructing the sign. A "slow children" sign work order will be sent to Public Works for installation.

**** CLERKS SHOULD SEND A COPY OF THE CHIEF'S MEMO TO STEPHANIE COVINO OF ANDREW DRIVE/**

3. OLD BUSINESS

3.1 ANTI-BLIGHT ORDINANCE

Alderman Papa, Finn & McPherson discuss the changes with Atty. Welch and Director of Community Development Mrs. Charlene DeFilippo. Each section will be discussed and changed as per the group

(a) DEFINITIONS

(2) THE DIRECTOR OF COMMUNITY DEVELOPMENT AND/OR ANY OTHER INDIVIDUALS DESIGNATED BY THE MAYOR ARE CHARGED WITH THE ENFORCEMENT OF THIS ORDINANCE. THE DIRECTOR IS HEREBY AUTHORIZED TO TAKE SUCH ENFORCEMENT ACTIONS AS ARE SPECIFIED IN THIS ORDINANCE.

Atty. Welch states his suggestion is to make it clear that there is an anti-blight officer. The director can appoint someone with the approval of the mayor to help carry out enforcement.

Alderman Finn asks about a new Mayor's appointment. In all communities the Mayor appoints Anti-Blight Officer. Alderman McPherson wants someone responsible to get ball rolling. Someone to levy fines. Atty. Welch will work on wording to that order. Mrs. DeFilippo has been doing it for 10 years. Atty. Welch states it should be a Pyramid – return some power to Anti-Blight Officer. There will be a chain of command.

Atty. Welch will be moving some of the paragraphs around to where they actually should be listed.

IT IS NOT BEING ADEQUATELY MAINTAINED, THE FOLLOWING FACTORS MAY BE CONSIDERED IN DETERMINING WHETHER A STRUCTURE OR BUILDING IS NOT BEING ADEQUATELY MAINTAINED; MISSING OR BOARDED WINDOWS OR DOORS; COLLAPSING OR MISSING WALLS, ROOF OR FLOOR; SIDING THAT IS SERIOUSLY DAMAGED OR MISSING, WATER DAMAGE, FIRE DAMAGES, A FOUNDATION THAT IS STRUCTURALLY FAULTY; GARBAGE, TRASH, RUBBISH, BOXES, PAPER, PLASTIC

OR REFUSE OF ANY KIND, OLD FURNITURE, BEDDING, APPLIANCES OR ANYTHING OF THE LIKE, OR ABANDONED CARS, BOATS, OR ANY MOTORIZED VEHICLE OR OTHER INOPERABLE MACHINERY SITUATED ON THE PREMISES OR THE PUBLIC RIGHT OF WAY (UNLESS THE PREMISES IS A JUNKYARD LEGALLY LICENSED BY THE STATE OF CONNECTICUT). RODENT HARBORAGE AND/OR INFESTATION, OVER-GROWN BRUSH, SHRUBS, WEEDS OR GRASS MORE TEN (10) INCHES HIGH.

Alderman Papa asks if this list is necessary. Aldermen Finn & McPherson want this left in. It is all necessary. Alderman Finn states it should be added that it does not affect farm land. Discussion on various homes and there appearances and violations.

Atty. Welch asks the Chief if he has any hesitancy on the power to issue citations. Chief Hurliman states as far as Zoning Officer or Mrs. DeFilippo if they issue citations for this he is in favor of. As far as the abstracts of blighted properties – the zoning officer should do that. The Derby court will not entertain that. He will have to send his liaison officer with the documentation over to the Court to accept one. The power to issue City Ordinances is good. If it becomes Scofflaw the liaison officer will have to take it to Court.

Could Chief give citation – Yes replied Atty. Welch. Atty. Welch states the situation will work well here because you are issuing a citation, levying a fine. They have a right to appeal to the Hearing Officer and depending on what that hearing officer says will make the final decision and then we have a right to enforce it as a civil issue.

Mrs. DeFilippo states it is not the goal of the ordinance to make money but to remediate problems that are going on around town. The high grass is getting to be a big problem.

Atty. Welch states this public act becomes effect the 1st day of October and the entire thing deals with foreclosed properties. So that you have the right to lien the property. On October 1st they have to report to the town clerk a contact person, someone they can contact if there is an issue. They help enforce blighted properties.

Page 3 (6)

6) APPEALS BOARD SHALL MEAN THE BUILDING CODE OF APPEALS **AND/OR ZONING BOARD OF APPEALS** AS ESTABLISHED IN SECTION 8-186 OF THE CODE OF ORDINANCES OF THE CITY OF SHELTON.

Atty. Welch states to take out Zoning Board of Appeals. It is the newly formed Building Board of Appeals. Cross out 8-186 SS.

(1) IMMEDIATELY FOLLOWING ENACTMENT OF THIS SECTION, THE DIRECTOR SHALL REQUIRE MEMBERS OF THE BUILDING DEPARTMENT, POLICE DEPARTMENT, HOUSING DEPARTMENT, ZONING ENFORCEMENT OFFICERS, AND THE FIRE MARSHAL'S OFFICE TO REPORT ANY REAL PROPERTY THAT THEY ARE AWARE OF THAT APPEARS TO BE BLIGHTED TO THE OFFICE OF BUILDING INSPECTION/HOUSING CODE ENFORCEMENT OFFICER; THE CITY OFFICIALS SHALL SUBMIT THEIR REPORTS TO THE OFFICE OF BUILDING INSPECTION/HOUSING CODE ENFORCEMENT OFFICER WITHIN **TEN (10) DAYS** OF THE DIRECTOR'S REQUEST.

Alderman McPherson states it should be now 10 Days

(4) ALSO, WITHIN **THIRTY (30) DAYS** THE BUILDING OFFICIAL AND THE DIRECTOR SHALL PRESENT TO THE BOARD OF ALDERMEN'S PUBLIC HEALTH AND SAFETY COMMITTEE AT A MEETING AND AT SUCH OTHER TIMES AS THE DIRECTOR DEEMS APPROPRIATE, SAID LIST. THE BOARD OF ALDERMEN'S PUBLIC HEALTH AND SAFETY COMMITTEE AT THE MEETING SHALL RECOMMEND TO THE FULL BOARD OF ALDERMEN TO APPROVE, DISAPPROVE, OR MODIFY SAID LIST, BY MOVING SAID BLIGHTED PREMISES TO A SUSPEND LIST FOR GOOD CAUSE. IN THE EVENT THAT THE PUBLIC HEALTH AND SAFETY COMMITTEE DOES NOT ACT ON SAID LIST; SAID LIST SHALL GO TO THE FULL BOARD OF ALDERMAN TO PUT ON IT'S AGENDA FOR IT'S NEXT MEETING, AND IN THE EVENT THAT THE FULL BOARD OF ALDERMAN CHOOSES NOT TO APPROVE , DISAPPROVE, OR MODIFY SAID LIST FROM THE PUBLIC HEALTH AND SAFETY COMMITTEE WITHIN **THIRTY (30) DAYS** FROM THE DATE IT RECEIVED SAID LIST, THEN SAID LIST WILL BE DEEMED TO HAVE BEEN APPROVED.

Atty. Welch states – just so he is clear this is how it was passed. His research shows him something different. He does not see a necessity to have it go through the PH&S committee and then to the Board. The Anti-Blight Officer could just handle this. Right now the Community Development Office with the Building Office and Planning & Zoning Office comes up with a list, give it to PH&S committee and then goes to Board of Aldermen. Three step process. You could delete this provision and have the Anti-Blight Officer make a determination based on the facts.

Alderman Papa states instead of holding of this for another 2 or 3 weeks. It is the determination of the Community Development Officer. Remove section 4 will move process quicker. Also section 3 reworded.

(5) (d) page 5 – Hearing Officer replace with Building Board of Appeals.

- (1) Page 6 – change to Building Board of Appeals – on also 1a and 1b remove Building Official and Housing Official. Atty. Welch will renumber and reword various places that this listed.

Atty. Welch states the new law changes the fine back to \$100.00 from the previous \$250.00. It is on this new ordinance only. Also can not revoke CO. Intent is permit is not issued.

One page 8 (d) word changed from files to fined. Hearing procedures are added to ordinance. These procedures follow the statutes.

Atty. Welch states he will rewrite and have it to the clerk by Monday for the Aldermen to read it over for vote in September. They are not addressing the special assessment – it has to do with foreclosures. We can come back and amend the ordinance at another time.

Alderman Finn asks about grants for demolition of buildings that are in disrepair like in Derby. Mrs. DeFilippo asks what they are. Atty.

Welch states he thinks Derby used DEC grants. Atty. Welch will inquire in Derby about these grants.

Alderman McPherson thanks Mrs. DeFilippo, Mr. Dingle, Mr. Ballaro, Alderman Finn and Atty. Welch for their help in rewriting this ordinance to be more effective.

Mrs. DeFilippo gave the Board of list of Property Complaints & Blighted Properties. This list will be attached to the original minutes filed in the Town Clerk's Office.

Alderman Finn Moved to recommend the Anti-Blight Ordinance to the Full Board of Aldermen to go to Public Hearing. Seconded by Alderman McPherson. All in favor. Motion carried 3-0.

4. REPORTS OF THE EMERGENCY SERVICES A. EMERGENCY MEDICAL SERVICES

No one present

B. POLICE SERVICES

The Chief supplies a July Infraction Report to the Committee (This will be attached to original minutes)

The Alderman and the Chief discuss operating with no registration and there are no fines. These charges are going to Court and therefore have no fine filled in on report. These are misdemeanors going to Court.

Alderman Papa questions fines. Almost all fines go to State. A very small amount goes to the City. Alderman McPherson asks about increasing our fines. Chief says some tickets aren't city ordinances. There is a report for fines collected from city ordinances. He will send that report with fines of city ordinances next month.

All city departments send fines to state and the city employees do all the work. Alderman McPherson writes letters to State on driving while using a cell phone.

Chief indicates that Parking tickets are city ordinances. The City has the potential to get that money. The goal of the alarm ordinances is not the fines but to get them to fix the ordinances. Alderman McPherson questions the problem of blocking of intersections such as Soundview/Rte 108, Nichols/Church, Howe/Center, White/Howe, Center/Coram. It is called blocking the box. Can we call the State on this problem? Block the box out. Chief will bring up with the other Chiefs about this problem.

The Chief wants to report 4th of July problems with parking, arrests, all day long down by Indian Wells Park. They were spread pretty thin. The Chief states he didn't make any arrests for fireworks that night but we did make an arrest on those fireworks.

Alderman McPherson would like the clerk to send notice to Fire Services Departments, EMS, and Emergency Management offices to send a report for the Public Health & Safety Committee meeting. Send a written report or appear in person.

C. FIRE SERVICES

No one present to report.

➤ ADJOURNMENT

Alderman McPherson Moved to adjourn the meeting at 7:55 P.M. Seconded by Alderman Finn. All in favor. Motion carried 3-0.

Respectfully submitted,

Margaret Weber

Margaret Weber, Clerk

Public Health & Safety Committee