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

♦ PUBLIC PORTION

Joseph Knapik, 23 Stonewall Lane, Shelton – He discusses fireworks on Chamberlain on several occasions and no one has ever been arrested. It has occurred at three different times this last August 22nd explosion 3:00 P.M. lasting 7-8 minutes, 2nd explosion – 7-8 minutes and 3rd explosion at 7:00 P.M. shock house and disturbed the neighborhood.

He went to police station about the August 22nd explosion and they said the police saw nothing. This is the second complaint about this house and why aren't the police questioning the people in this house. This is a quality of life issue. He is trying to get peace and order and quiet. The police don't want to disturb the people who have the explosion but they can disturb the neighborhood. The neighbors don't call in because the police can't do anything. We turn in a surplus each year why can't we hire another police officer to handle this situation.
Alderman Papa states the police will follow up. Mr. Knapik will not give the address of the Chamberlain house. The police had the address.

AGENDA ITEMS

♦ CORRESPONDENCE

There was no correspondence.

1. APPROVAL OF MINUTES
   1. REGULAR MEETING JUNE 2, 2010

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

2. NEW BUSINESS
   2.1 OPEN BURNING ORDINANCE

   Proposed ordinance follows:
AN ORDINANCE REGARDING OPEN BURNING

SECTION 1 – Purposes and definitions

(a) Purpose of Ordinance: It is the purpose of this article to prescribe regulations consistent with the 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.

(b) Definitions. The following definitions shall apply to all parts of this article:

i) Combustible material. Any substance which is inflammbale, 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.

SECTIONS 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 article. 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 article 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 material fact in such application.

(b) Issuance of permits. The fire marshal shall issue all permits required by this article 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.
SECTION 4 – PROHIBITED ACTS

a) Prohibited Acts: The following acts are prohibited:

   i) Kindling or allowing to be kindled an outdoor fire for the purpose of disposing of garbage; brush, branches or other vegetation.

   ii) Leaving unattended an outdoor fire;

   iii) The location or storage outside a building of any combustible material in such manner or condition as to pose a threat to life, health or property; and

   iv) Kindling an outdoor fire within the traveled portion of any highway or curb area.

   v) When outdoor fire/burning causes embers to become airborne, causing smoke conditions which pose a threat to life, health and safety as determined by the Fire Marshal affecting the neighbors/neighborhood thereby causing complaints.

   vi) Kindling, outdoor fire from the months of April to October.

SECTION 5 – Permit Required

a) Acts Requiring a Permit: The kindling or allowing to be kindled of an outdoor fire is permitted under this article provided that a written permit is first obtained from the fire marshal of the City of Shelton.

SECTION 6 - Penalties

a) Penalties: Any person or persons who violated any provision of this article as enacted, or who shall fail to comply with any notice or order of the fire marshal shall be subject to arrest and prosecution by the proper authorities and may be fined Two Hundred and Fifty Dollars ($250.00) for each violation. A violation of each provision of this article shall constitute a separate offense.

SECTION 7 - Interpretation; severability; etc.

(a) Grill or outdoor fireplace excluded. Nothing in this article shall be interpreted to prohibit the construction and use of any grill or outdoor fireplace.

(b) Conflict. In any case when a provision of this article is found to conflict with a provision of any zoning, building, fire, safety or other statute, regulation, code or ordinance of the state or city, the provision which established the higher standard shall prevail.

(c) Liability. This article shall not be construed to render the city or any of its officers liable for any damage to person or property by reason of the inspection or reinspection authorized herein or the failure to inspect or reinspect or by reason of the issuance of any permit as here provided.

(d) Severability. If any provision of this article or any section, sentence, clause, phrase or work or the application thereof in any circumstance is held invalid, the
(d) **Severability.** If any provision of this article or any section, sentence, clause, phrase or work or the application thereof in any circumstance is held invalid, the validity of the remainder of the article and the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

(e) **Inclusive terms.** Whenever used in this article the term "person" includes persons, firms, businesses and the term "fire marshal" includes the fire marshal and other duly authorized agents.
Atty. Welch made the changes requested by Aldermen McPherson.

In section 4 a) – i) he had no objection to adding brush, branches and other vegetation.

In v) took out affecting the neighbors/neighborhood thereby causing complaints.
In vi reference to the months of April to October – he did not find from an enabling situation if it wasn’t violating an ordinance than you couldn’t take those certain months.

He wouldn’t think that based upon the change that you are looking to make to sub paragraph five causing a threat to life health & safety if it is during a warmer month than the smoke is causing something of a threat to public health and safety – it would fall into it. As oppose to Winter. If there is a threat to life and safety the fire marshal can get involved. Someone has the right to have a fire. It is hard to determine. They can have a fire pit.

Alderman Finn got a complaint that the fire affects someone’s health who has asthma.

Atty. Welch states you can not prohibit an act but it might become a civil action. You have the ability to regulate not prohibit.

Alderman McPherson states a case in his neighborhood where there are flames and when the fire marshal comes it has calmed down. Especially during the dry spell, you are disturbing the neighborhood and he wants real enforcement.

Chief Jones states you have to go to an open burn permit. DEP regulates the burning there are indexes – Fire Danger, Air Quality, Fire Nuisance etc. The Fire Marshal is the regulator. Sometimes they are complaints from neighbor against neighbor. Fire Department is pulled in.

Alderman Finn asks Corporation Counsel to contact Fire Marshal about the regulations and included them in Ordinance.

Atty. Welch states that there are laws in place – open burn permit. The Fire Marshal makes determination if there is a threat to public health & safety.

There is discussion about seniors putting in complaints. Some neighbors don’t want to give their name.

Atty. Welch was asked to check with Fire Marshal about additional regulations. The Fire Marshal has to use his discretion on what he is to do.

**Alderman Finn moves to send this revised ordinance #817 regarding Open Burning to the Full Board for Public Hearing and asking Corporation Counsel to check with Fire Marshal about regulations.**

**Seconded by Alderman Papa. All in favor. Motion carried 2-0**
2.2 STREETLIGHT REQUEST ON GROVE STREET

Alderman Finn moved, per the recommendation of the Chief of Police, to deny the request for a streetlight on the pole in front of 23 Grove Street. Seconded by Alderman Papa. All in favor. Motion carried 2-0

3. OLD BUSINESS
3.1 REVIEW OF IDENTIFICATION OF LANDLORD ORDINANCE

Atty. Welch reviews with commission the changes made.

The following ordinance has the changes made by Corporation Counsel.
IDENTIFICATION OF A LANDLORD ORDINANCE

BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT:

(a) 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 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.

(b) The property owner or agent shall maintain the residential address on file whether the rental property is occupied or vacant.

(c) The property owner or agent shall inform the Tax Assessor appropriate municipal departments when his/her residential address changes not more than seven (7) twenty-one—days after the date that the address change occurred. The Tax Assessor shall notify the individuals designated in paragraph (a) above.

(d) If the non resident owner or agent fails to file an address and telephone number(s) including cell phones 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.

(e) 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. The City may place a lien on the land records for any property owner in violation of this Ordinance which lien shall state the effective date that the lien commenced, 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.
Atty. Welch explains in

(c) changed to 7 days
(d) include cell phone numbers
(g) The Fire Marshal (Only) shall issue citations

Discussion about lien on land records – effective date the lien commenced. This goes to the hearing officer.

Dwelling – includes family, multi-family apartment building, apartment, etc. All can be contested as per ordinance of citation.

Alderman McPherson questions a) every non resident property owner. Atty. Welch states that there is a new law that refers to bankers must notify municipality of contact person on foreclosures. It falls under anti-blight ordinance. In regards to every non resident property owner that does not live in the building (structure)

Alderman Papa asks to be more specific with this wording. Alderman McPherson states non resident owner or agent or every owner. Atty. Welch can define that. Alderman Papa agrees.
They all agree to take out notarized in paragraph (a).
Discussion continues about (a) on and after days. At the present time there is not an Assessor of the City of Shelton. Atty. Welch discusses a formula that has to be identified to let people know that they have to do this. This needs manpower. Alderman Papa states someone has to do it. Atty. Welch wants the board to know about the manpower to take this information in.

Alderman McPherson states there must be a matter of enforcement. He states come to his ward where the garbage is on the street in front of these buildings. It is not just confined to the 2nd Ward.

Alderman Papa questions what information the Assessors has now. Alderman Papa will talk to Deputy Assessor.

*Alderman Finn moves to table this ordinance. Seconded by Alderman Papa. Motion carried – 2-0.*

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

Alderman Finn moved, per the recommendation of the Chief of Police, to deny, at this time, the request for a streetlight on pole #142 at the intersection of Audubon and Coram Avenue. Further authorize the Highways and Bridges Department to install yellow warning signs at that intersection. Seconded by Alderman Papa. All in favor. Motion carried 2-0

Alderman McPherson questions other lights. Chief Hurliman states it will not be of any help. Warning signs were recommended.

3.3 TRINITY LUTHERAN CHURCH REQUEST REGARDING THE ONE WAY STREET
Alderman Finn moved, per the recommendation of the Chief of Police, to authorize the Highways and Bridges Department to install a new stop sign on Park Avenue at the junction of Myrtle. Seconded by Alderman Papa. All in favor. Motion carried 2-0.

Chief Hurliman states the Pastor agreed with changes and brush cut back already done.

3.4 STREETLIGHT REQUEST ON SOUND RIDGE ROAD

Alderman Finn moved, per the recommendation of the Chief of Police, to deny, at this time, the request for a streetlight on Soundridge Road. Seconded by Alderman Papa. All in favor. Motion carried 2-0.

Priority Two or Three Recommendation.

3.5 INTERSECTION OF ISINGLASS ROAD AND ROUTE 108

Alderman Papa placed this on the agenda. Chief Hurliman responded as follows:
MEMORANDUM

To: Alderman John Papa, Chairman
Public Health and Safety Committee

From: Chief Joel W. Hurliman

Date: August 25, 2010

Subject: Intersection of Route 108 Nichols Avenue at Isinglass Road

The Connecticut Department of Transportation did an evaluation of this intersection as requested. They conducted traffic counts, examined the sight lines and reviewed the accident history.

CONNDOT has determined that the accident history does not meet the warrant for signalization of this intersection. They have further found that the traffic counts do not meet the warrant for signalization either.

CONNDOT has agreed to make some sight line improvements and is considering improvements to the existing intersection warning signage that is currently present.

JWH/pmb

85 Wheeler Street, Shelton, Connecticut 06484
administration@sheltonpolice.net
Chief Hurliman states there will be site line improvement. Alderman Finn states the neighbors asked for Traffic Light.

Alderman Finn refers to Monroe Light at Fire house. Alderman Papa states when you come from St. Josephs there is a hump in the road and you can’t see cars coming. He would recommend that they take the hump out of the road.

A resident said there were 7 fatal accidents, it is not two – two fatalities in over 30 years. The first Chief Hurliman was the Officer on 30 years ago and the most recent the stop sign on Isinglass may have been one of the causes. Alderman Papa asks the Chief about talking to DOT about taking our hump in road.

Alderman Finn was glad the DOT replied so quickly. Last December he asked them to look into the accident on Rte.110 the 58 car pile up and we are still waiting for that answer. Chief Hurliman states they want our stimulus funds to repair the road. Alderman Finn wants something in writing. He didn’t get anything in writing this time. He Chief Hurliman wrote up the report we received tonight himself. Now we have Officer Smith’s accident. The Wills accident was caused by alcohol and speed, can’t answer on Smith’s as of yet.

3.6 ISLAND AT INTERSECTION OF BUDDINGTON ROAD AND HUNTINGTON STREET

They will talk to Mayor and Planning & Zoning to find out who is responsible. The Developer or the City for this island. Blakeman is developer who would put a “T” in there. Mr. Swift, Engineer, brought it back to Planning & Zoning who brought it back to Alderman Anglace. They are going to make a “t” out of it and the Mayor will get in touch with the City Engineer and Highway & Bridges about this area.

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

Report was submitted with agenda

B. POLICE SERVICES
Chief Hurliman answers the question about fines for parking in fire lanes. The State Statute is $92.00 for parking in fire lanes. That would be his recommendation for ordinance to stay with this rather than $250.00.

Alderman Finn states he went to Perry Hill School (5-6) for open house and noticed that Sims Way across the street is a cul-du-sac and if there was a fire on the street you couldn’t get an apparatus through because of the cars parked there from the over flow of the school. Could you please review and maybe have no parking on one side of the street. There is not enough room in the parking lot. Chief also stated maybe paper signs on special occasions. Chief Jones states during events see about fire lanes. Alderman Papa asks about false alarms. Big increase. It all depends on how it is categorized. There is malfunction, no active fire (cooking or shower or dust). They are not malicious. For example – Helen de Vaux.

Infraction reports were submitted with agenda. August report will be sent over to clerk for next meeting.

C. FIRE SERVICES

Chief Jones states the fire department with OEM Director has been ready for storm. A memo was sent that all equipment will be ready and running. Some repairs were done. Alderman Papa states he wants to commend them on the Gas Leak in White Hills. Also the response of the Police Department. Police sent people to Bridgeport when needed and there is a lot of public service being done that our town should be proud of. There have been commemoration of 911 also Alderman Papa states this is all volunteer.

Chief Jones submitted report that will be attached.

B. OFFICE OF EMERGENCY MANAGEMENT

No report submitted. Mr. Millo spoke to Alderman Papa. Emergency kept him from the meeting.

Alderman Finn states in March 2010 there was flooding at the Maples but not from the river – from a pond on the other side of the railroad tracks. OEM contacted State Officials to come down and review the area and how to eliminate the problem in the future. What is the follow up on this. The clerk will send a letter to OEM Millo and request the answers from DOT, Railroad
and State Officials. Alderman Finn was told to leave the premises at that time. He was told it was not his concern even though he was called by a resident to attend.

OEM is ready for the storm that is coming.

E. E. FIRE MARSHAL

Fire Marshal sent report that was attached to agenda

ADJOURNMENT

Alderman Finn moved to adjourn meeting at 8:20 P.M.
Seconded by Alderman Papa. All in favor. Motion carried 2-0.

Respectfully submitted,

Margaret Weber

Margaret Weber, Clerk
Public Health & Safety Com.