



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
PUBLIC HEARING ON ORDINANCES
TUESDAY, JANUARY 24, 2012

Call to Order / Pledge of Allegiance

Aldermanic President John Anglace called the public hearing of the Board of Aldermen to order at 7 p.m. All those present stood and pledged allegiance to the flag.

Roll Call

Alderman John F. Anglace, Jr., President – present
Alderman Lynne Farrell - excused
Alderman John “Jack” Finn – present
Alderman Stanley Kudej – present
Alderman Noreen McGorty – absent
Alderman John P. Papa – present
Alderman Eric McPherson - present
Alderman Anthony Simonetti – absent

Shelton Police
Department:

Lieutenant David Moore, Shelton Police Department
Officer Mark Siglinger, Traffic Division

Agenda Items

Alderman Anglace stated, this was before the Board, before we had a public hearing on it. It is an existing ordinance that we wanted to modify. What we passed was vetoed by the Mayor. Essentially, he felt the fines were too high and felt there was some redundancy. The Street Committee looked at it and decided not to override the veto of the Mayor. It was reviewed again by the Committee and what is before us is the product of their changes. Chief Hurliman was at the Street Committee meeting.

We'll summarize the changes. They are in red. We went from odd numbered and even numbered days, to odd numbered and even numbered months. If a situation occurs that requires winter regulations to go into effect, the side of the street to be parked on during the month of January for instance would be the odd numbered side of the street throughout the entire month of January. During February it will be the even numbered side of the street. That was one change the Street Committee made.

They took out paragraph B-1, they deleted the entire provision, which was a redundancy. In Section D they modified it so it just reads that any vehicles towed shall be stored at the Police-authorized towing company address. Fees for towing are regulated by the State of Connecticut. The City of Shelton has towing regulations, and has people on the towing list. They are required to have secure parking areas for the cars and they take

responsibility for the vehicle once the Police authorize them to come and move it off the street. Then the owner of the vehicle retrieves the vehicle by going through the tow company and pays the necessary fees. I imagine if there's a fine the Police tag the vehicle.

Section E was eliminated and Section F was eliminated.

If you look on the second page of this ordinance, see the word near the top, "additionally posting said declaration notice in newspapers of general circulation and on the City's official web page, each announcement shall describe the action taken by the Mayor including the time it became or will become effective. Said notice may be issued by use of media, by the posting of signs or by any other appropriate means. The Mayor or the Mayor's designee shall further announce when said snow emergency will cease."

Paragraph G, "When such snow emergency is in effect there shall be no parking in sections of the City where access to off-street parking is available, including driveways and parking lots unless otherwise exempted by the Police Department." That didn't make sense to me at all.

Alderman McPherson explained, that is in the existing regulations; that's not a change.

Alderman Anglace stated, I know, but even though it's not a change, it still doesn't make sense. **"When such snow emergency is in effect, there shall be no..." and I think what should be added there is, "no on-street parking in sections of the City where access to off-street parking is available, including driveways and parking lots, unless otherwise exempted by the Police Department."** I think that's what was meant and if it wasn't recommended by the Street Committee, with all respect I think that should be added to clarify it.

Paragraph H, "Any person violating the provisions of this ordinance shall be fined \$25 for the first violation; \$50 for repeat violations." That replaces the flat out first time \$50 fine. The thinking there was that a person who violates this ordinance is going to have considerable expense on their hands with the towing charges, and if they don't pick it up right away, with storage charges.

Alderman Papa asked, what are the towing and storage charges? Does anybody have any idea?

Alderman Anglace stated, towing charges are set by the State and by the towing companies. Do any of you gentlemen from the Police Department have the answer to that?

Lieutenant David Moore explained, the towing charges are \$88; it's a flat rate. The first two miles of transport are free and then any additional miles are charges at \$4.75 per mile. There are additional caveats that are a little hard to explain, but if they have to bring a second truck to the scene; if they have additional men on scene, if they have to use truck blocks, etc. they are all designated "additional fees associated with those

additional operations. The storage charges are a little bit different to describe because it depends on the length of the vehicle, whether they're stored inside, outside or in a fenced secured area. Generally speaking the storage rates are charged a particular rate for the first five days and then usually an escalated rate for any day(s) thereafter. Those rates are going to fall somewhere between \$22 and \$44 a day.

Alderman Papa asked, what happens if the people never pick up their vehicle?

Lieutenant Moore replied, eventually, in that case it's most likely that the storage charges at some point exceed the value of the vehicle

Alderman Anglace stated, it's all provided for in the State law that the towing operators have to adhere to. Their license depends on it. At this point the information phase, we've covered everything. We will open it up to the public.

Alderman Anglace asked if any member of the public wished to be heard. No members of the public were present.

Alderman Anglace asked, on behalf of the Street Committee, to the members of the Police Department, in your view, is this ordinance as modified enforceable?

Lieutenant Moore stated, this is really the first I've seen of it in terms of the changes, but it appeared on it's face to be enforceable and certainly simplified by so many of the conditions removed. **The only thing that we had talked about was on the very last paragraph, it says "Any person violating the provisions of this ordinance shall be fined..." and the "shall" maybe could be changed to "may."** There may be circumstances why somebody hasn't been able to move their car - they are in the hospital or whatever the case may be. We still have to remove the car to facilitate towing but piling on with a \$25 or \$50 fine might not be appropriate.

Alderman Papa stated, so you're saying if there's a valid reason why he couldn't move his vehicle, you might skip the fine on that particular vehicle.

Lieutenant Moore stated, I think anybody who is reasonable in our position, if they're aware of a valid reason, probably wouldn't enforce the statute. But it does say "shall" and maybe to clarify, it's minor, but to clarify it, change that to "may be fined \$25..." The word "shall" means shall. It means you're going to get fined.

Alderman Anglace stated, the understanding I have, this ordinance goes back many, many years and the reason they put it in was because if people didn't move their car, and offered the City a vehicle to remove it, gave them the authority to remove it so the street could be cleared of the snow. You're not saying that you wouldn't have the car removed, you're just saying you don't want to add on the fine if there's some reasonable reason or circumstance.

Officer Siglinger stated, let us be the judge of that to see what the circumstances are – if the man is in the hospital, if there's a valid excuse that he couldn't get his car moved. Well, we'll tow it instead of socking another fine onto the poor guy.

Lieutenant Moore stated, just allow us that discretion. If the vehicle needs to be moved, it needs to be moved in order to facilitate the clearing of the roadway, but there are extenuating circumstances at times that... everything is not black and white. Sometimes it's gray and I don't know if our obligation is to kind of pile on to people in certain cases where maybe that's not warranted.

Officer Siglinger stated, you're asking people to try to park on some of these streets that are solid cars on both sides. Now you're asking them to park just on one side. Some of these single-family homes are now two and three family homes with two, three, six cars in the building. What are they going to do with them? You have to give them a little judgment, a little leeway.

Alderman Anglace stated, I can understand the extenuating circumstances. I mean, if somebody is sick in bed or in the hospital.

Lieutenant Moore stated, I give that example because that has happened and it's been legitimate.

Alderman Anglace stated, I think that's pretty reasonable.

Alderman Anglace asked if any member of the public wished to be heard. Being none, Alderman Papa MOVED to close the public hearing on item #1; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 5-0.

1. Amendment to Chapter 16, Section 16-34 Winter Parking Restrictions

Amendment to Section 16-34
Winter Parking Restrictions

A) No person shall park or cause to be parked any motor vehicle on the streets of the city between the hours of 12:01 a.m. and 6:00 a.m. during the months of January, February, March and December, except as follows:

- 1) On odd numbered months, parking shall be permitted during the aforementioned hours, only on the odd numbered side of any street.
- 2) On even numbered months, parking shall be permitted during the aforementioned hours only on the even numbered side of

any street, provided any previously established parking regulation shall remain in effect and shall be superior to the provisions of this section.

- B) No parking shall be permitted on any street during any snowstorm where the parking interferes with snow removal or cleaning operations.
- C) This section is supplemental to any previously enacted ordinance concerning the parking of motor vehicles.
- D) Any vehicles towed shall be stored at the police authorized towing company address. The fees for towing are regulated by the State of Connecticut.
- E) A snow/ winter storm emergency may be declared by the mayor of the city or the mayor's designee. The Mayor shall cause each declaration made pursuant to this chapter to be publicly announced by means of broadcast, telecasts from stations with normal operating range covering the city. Additionally, posting said declaration notice in newspapers of general circulation, and on the city's official web page. Each announcement shall describe the action taken by the mayor including the time it became or will become effective. Said notice may be issued by use of media, by the posting of signs or by any other appropriate means. The mayor or the Mayor's designee shall further announce when said snow emergency will cease.
- F) When such snow emergency is in effect, there shall be no parking in sections of the city where access to off-street parking is available including driveways and parking lots, unless otherwise exempted by the police department.
- G) When such snow emergency is in effect, there shall be no **on-street** parking in sections of the City where access to off-street parking is available including driveways and parking lots, unless otherwise exempted by the Police Department.
- H) Any person violating the provisions of this ordinance **may** be fined \$25 for the first violation and \$50 for repeat violations.

2. Proposed Ordinance Prohibiting the Blocking of an Intersection

Alderman Anglace stated, as we look at this, go down to the section that reads “now therefore be it ordained.” Number one, what is “blocking the box”? How do you define that? Blocking of an intersection I think I understand but when you say “blocking the box”... Before I left Counsel today he said, bring this up and ask for a definition.

Lieutenant Moore stated, we have some maps here we can show you, and if you want I will describe it to you. The natural curb lines of the roadway, not including the radiuses that make the entryway to side roads, the natural curb lines extended through the intersection creates the box. Officer Siglinger will show you that there are some guidelines about establishing the actual line designations. That box that’s created, you need to step in four feet all the way around and create your designated lines as the State has provided.

Alderman Papa asked, these are all painted on the streets?

Lieutenant Moore stated, they would be painted on the street, yes. Officer Siglinger and Sergeant Zaksewicz mapped each intersection accordingly. That mapping will eventually be sent to the State for approval.

Officer Siglinger approached the Aldermen with maps, explaining them and answering their questions.

Lieutenant Moore stated, Milford has been very active with this concept.

Alderman McPherson stated, I have taken information from the Milford ordinance. Their ordinance names the actual streets.

Alderman Anglace stated, this is limited only to four intersections.

Alderman McPherson stated, others could be added, and when we get into it we can talk about whether we should name them or not. For a long time I’ve looked at this and in the downtown it’s a huge problem. You have people that are in the intersection, they’re under the light, the light turns green and the cars on the other side of the light can’t get through. I’ve seen traffic backed up to Riverview Park. I’ve seen it backed up Coram Avenue past Echo Hose. Coming down on White Street to go onto Howe you have people – why the no turn on red was taken down I don't know – that is a big problem too.

[Discussion amongst one another]

Alderman Papa asked, the fine is \$99?

Lieutenant Moore stated, that’s what is defined in the ordinance.

Alderman McPherson stated I put \$99 in; I'm not sure of what the fine was. I thought it was \$99 under the State Statute, but I'm not sure.

Lieutenant Moore stated, I believe that can be established by the jurisdiction; I don't know if that's mandated by the State.

Alderman Anglace stated, sometimes you get into the situation, and once you get into that box, you think you can get through, and once you get in there and you find you can't get through, you can't do anything about it. You can't back up.

Lieutenant Moore stated, we talked about that on the ride down here. I've seen it happen numerous times. Because you have cars parallel parked there, somebody scoots out and all of a sudden a line of three cars comes along. The lead car now wants to parallel park in there and they leave the other three or four cars behind them in the lurch, stuck in the intersection. I believe Milford enforces by posting officers on foot and hopefully in that environment you have a little broader view of things. You can, again, a little bit of discretion would be helpful. If somebody just gets left out there to dry, hopefully we'll use some discretion on that.

Alderman Anglace stated, we want to pass legislation that will help you to move traffic. We don't want to pass legislation that you can't enforce, that's just going to create more problems than it's going to help.

Lieutenant Moore stated, you raise a good point there because the enforcement, at least in my mind's eye, seems a little bit difficult. If you're down there in a patrol car and you've got traffic everywhere, what do you do with your patrol car and then you activate your lights and siren to enforce, what do you do with that person? They can't go anywhere; they're stuck. Now all of a sudden your vehicle and the vehicle you're pulling over are exacerbating the traffic issues down there. Is there a potential for that? Maybe. Maybe a reach out to Milford might give us some insight as to how to handle that.

Alderman Anglace stated, will you guys talk to the Chief and then talk to Alderman McPherson? Think about this and think, is this something you want us to pass? Does it have value to you? If it does, just, you know, we value your opinion.

The Aldermen discussed various times they've seen cars "blocking the box" on Howe Avenue and White Street, and at Coram Avenue and Center Street.

Alderman Anglace stated, this should be thought out carefully because if you can't enforce it, why have it. Are we doing more damage than...

Alderman McPherson stated, I met with Sergeant Zaksewicz on this not long ago and he showed me the mapping. This drives off of the State Statute, but the State Legislature has passed their Public Act that gives the cities and towns the authority to write such an ordinance. I don't think it can hurt anything.

Alderman Anglace stated, the State has given us the authority to pass a lot of ordinances that we haven't passed, because we don't agree that they make sense. That's the same thing we ought to do here, I think we ought to be careful.

Alderman Finn stated, you might have to be careful if when you look at Center and Howe Avenue, if you wanted an emergency vehicle to go through there, and if the cars are coming out of Center Street like they do, especially during the nighttime, during the rush hour, it would be almost impossible for the emergency vehicle to get through that intersection.

Alderman Anglace stated, the traffic flow issue may be one that is not contingent upon whether we line this box up with all of this stuff, it may be more contingent upon how the lights are timed. That is a State issue and we don't have control over that.

Officer Siglinger stated, the lights are timed, but when someone hits the walk cycle, it throws everything off. It's a lot of cars in a small area.

Lieutenant Moore stated, particularly in the summertime – the crosswalk signs are really complicating for traffic down there because somebody pushes a button. When everything shuts down it's a 45 second deal before traffic is rolling again. That is significant when you're filing cars in, in all directions.

Alderman Papa stated, and you have to stop if they're in the crosswalk.

Officer Siglinger added, and now we don't have a detour on Canal up Wooster Street because it's blocked. That's another problem.

Alderman McPherson stated, even with that, nobody should be underneath the light. Nobody should be in that intersection.

Alderman Papa stated, if there's a situation when you get stuck under the light...

Alderman McPherson interjected, you shouldn't be stuck under the light; that's what I'm trying to say. Those stop bars – the solid white line – you're not supposed to pass that. I'm not talking about special circumstances, I'm talking about the every day occurrence when there's nothing – no incident – no back up on Route 8 – I'm talking about lack of incidents. That's what I'm talking about.

I can relate to the instance when you have one car that's in the intersection and stuck there, and the light changes, and the guy pulls up on the right side because he doesn't want to wait in the back. Now, that's the guy that you nail.

Alderman McPherson stated, I see this every day. I'm not saying this is the cure-all for everything, but I'm saying it's a start to help address a problem that we have down there.

Alderman Anglace stated, if we were to pass this thing and the Police Department as I recall does the lining of the streets...

Officer Siglinger stated, we are all done painting lines; a contractor does it. Everything goes out to bid.

Alderman Papa stated, we need to check the fine to see if \$99 is excessive.

Alderman Anglace added, the other thing is, who would get the money if somebody gets fined – does the State get it or do we get it?

Lieutenant Moore stated, I believe it's divided up in some portion, but I don't know what it is.

Alderman McPherson stated, if what I read is correct, I think it was about \$99, I think if we kept it at that level then we get the money.

Alderman Papa stated, this is something that the Police Department can check.

Alderman Finn asked, could this be a local infraction as far as the fine?

Lieutenant Moore stated, If you're asking if we can put this on our regular Ordinance Violation ticket, we could, but the problem with that ordinance violation ticket is that it really doesn't have any teeth in terms of enforcement. If you want a local ordinance enforced, you put it on a State form because if somebody fails to plead or pay they're subject to a failure to plea or pay warrant for their arrest. If somebody decides that they're just not going to pay an ordinance, we really don't have any enforcement process for that.

Alderman Papa stated, during our Public Health and Safety Committee meeting, we have a list of all the infractions or citations that the Police Department passes out. There are loads of them. Most of that money goes to the State; I think we get a small percentage.

Alderman Anglace stated, if it's a local ordinance violation, the money comes to us. But sometimes you have difficulty collecting. If it goes on a State citation, which it could in this case because it's enabling State legislation, we've got better enforcement to make them pay, but we'll get nothing. We'll have to pay for the markings.

Alderman Kudej stated, the enforcement of this thing is going to be a nightmare.

Alderman Anglace stated, I just hate like heck to pass something where our own people will be chastised later by the public, "why didn't you enforce it?". You can't enforce it. It can't be done. Like he said, somebody's down there in a patrol car – what do you do?

Alderman Kudej stated, maybe simply painting the lines there will curb some of that, but enforcing it is going to be another...

Alderman McPherson stated, it's worth getting the intersections marked and signed and it could very well deter some of this.

Alderman Papa stated, and Officers, you know, the way to really correct this is to have foot patrol at those corners because you're not going to be able to be in the car and try to park the car... There is no way you can handle it.

Alderman Anglace stated, if you want to pull somebody over to give them the citation, you're blocking traffic more.

Lieutenant Moore stated, I'm kind of winging it because I haven't been part of this whole planning process, I agree that painting the lines and creating this box, even if it creates a 40 or 50 percent success rate – people obey it because of some intrinsic need to do so – that's a good thing. I don't think we have to be there every single day trying to enforce this. Once every two weeks, once every week, two or three officers are assigned that detail and there's an enforcement period for even an hour... It has to be visible though, within these areas. You want everybody else to see that there's some enforcement there.

Alderman Anglace asked, can we enforce it with a camera and send them a fine?

Lieutenant Moore stated, if it was in New York, yes.

Alderman McPherson stated, if you were blocking the intersection in New York City you'd get a \$500 ticket.

Alderman Anglace asked, is there anything further to be said?

Alderman Kudej stated, paint the lines. I think it will deter a lot of people. Enforcement is going to be a nightmare.

Alderman McPherson stated, like the Officer said, you enforce it each week or every other week, the message gets out. You put it on the City's website and get some media attention on it. Educate the people. I think we can get some good mileage out of this. I would ask my colleagues to give this thing a chance and I think we can get some good out of it

Alderman Anglace asked if any other person wished to speak. Being none, Alderman Papa MOVED to close the hearing on Item #2; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 5-0.

Ordinance on Prohibiting the Blocking of an Intersection

Whereas, Public Act No. 09-171 was passed by the Connecticut General Assembly and became effective on October 1, 2009, provides that municipalities may, by ordinance, designate street intersections where blocking the intersection, or "box" shall be prohibited;

Whereas, it has been determined that it is in the best interests of the City to pass said ordinance;

Now therefore, be it ordained by the Board of Aldermen of the City of Shelton that:

1. Prohibition on "Blocking the Box" as defined in Section 14-1 of the State of Connecticut General Statutes is adopted:
 - A. No operator of a motor vehicle, other than a tractor-trailer unit, as defined in section 14-1 of the Connecticut General statutes, shall proceed into an intersection that has been designated in Section B, except when making a turn, unless there is sufficient space on the opposite side of the intersection to accommodate such motor vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding the indication of a traffic control signal that would permit such operator to proceed into the intersection.
 - B. The provisions of Section A shall apply to the following intersections within the City of Shelton:
 1. **Howe Avenue and White Street**
 2. **Howe Avenue and Bridge Street**
 3. **Howe Avenue and Center Street**
 4. **Center Street and Coram Avenue**
 - C. The City of Shelton shall post signs at each designated intersection indicating that blocking the intersection is prohibited and violators are subject to a \$99.00 fine.
 - D. The City of Shelton shall mark, in white paint, the boundary of each designated intersection with a line not less than one foot in width and the area within such boundary line with parallel diagonal lines not less than one foot in width.
 - E. Any person in violation of the provisions of said ordinance shall have committed an infraction.

This ordinance shall take effect upon adoption.

ADJOURNMENT

Alderman McPherson MOVED to adjourn; SECONDED by Alderman Finn. A voice vote was taken and the MOTION PASSED 5-0.

The meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk
Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton