



BOARD OF ALDERMEN SHELTON, CONNECTICUT

**SPECIAL PUBLIC HEARING ON ORDINANCES
THURSDAY, MAY 28, 2015**

CALL TO ORDER

Mayor Mark A. Lauretti called the Special Public Hearing to order at 7:15 p.m. All present recited the Pledge of Allegiance.

ROLL CALL

Alderman John F. Anglace, Jr., President – present
 Alderman Lynne Farrell – not present
 Alderman John “Jack” Finn – present
 Alderman Stanley Kudej – present
 Alderman Noreen McGorty – not present
 Alderman John P. Papa – present
 Alderman Eric McPherson - present
 Alderman Anthony Simonetti – present

ALSO IN ATTENDANCE: Mayor Mark A. Lauretti, City of Shelton

AGENDA ITEMS:

1. PROPOSED WATER MAIN EXTENSION CEDARWOOD LANE (#8-#16)

Steve Glowa, 8 Cedarwood Lane

We really want the city water for the five residents. My next-door neighbors are 82-83 years old; they do not want the water and cannot afford to pay the assessment. I am here tonight to see if there is any way that the four of us can pay and have the fifth person pay if they connect within ten years? I would like to thank Bob Kulacz for all that he has done for us. That is all I have to say.

Mayor Lauretti: We are going to have to consult with Corporation Counsel with what options that are available to the City. I know that some programs that we have done over the years is putting liens on peoples' properties when the properties transfer,

and the City is made whole on the assessment so I do not know if we can do that in this case. It is a thought that quickly came to mind.

Steve Glowa: Is that something that you can look into?

Mayor Lauretti: Yes, we can look into that.

Steve Glowa: Thank you.

Mayor Lauretti closes the Public Hearing on Item 1.

Mayor Lauretti: The City Engineer is here, so the members of the Board of Aldermen have some questions they would like him to answer.

Alderman Papa: How many residents do want water?

Bob Kulacz: Four out of the five residents want water.

Alderman Anglace: Is that one resident contiguous on the ends?

Bob Kulacz: No he is straight in the middle.

Alderman Papa: Is he house #12?

Bob Kulacz: Yes it is house #12. What we can do in the interim if you would like, is to send out the normal letter to the five property owners and have them do a ballot. Also, we can add the additional question if the City can amend the ordinance and/or deferring that ordinance on that one property owner, and the other property owners can pick up the difference. We can do that as part of the ballot process while Corporation Counsel checks it.

Mayor Lauretti: What is the estimated total cost of the project in the individual assessments?

Bob Kulacz: The total project was estimated at \$61,150. The individual assessments after the rebate from the water company are \$11,583 per household. So you would have to take that \$61,150, divided by four, so that is roughly \$15,000 and change for the four property owners to share.

Mayor Lauretti: That would be for the total cost of project?

Bob Kulacz: Yes, correct.

Mayor Lauretti: It would be bore by four, not five.

Bob Kulacz: Right, so the increase in the assessment would increase from \$11,583 to approximately \$15,200 per household.

Alderman Anglace: Usually you take a poll of the four or five that are going to do it. You take the fifth, and lien that property and the other four pick up the total cost of the project, and if that property ever ties in they would have to pay back the other four property owners.

Bob Kulacz: We can set up something like that. I believe there is something in the ordinance when it was Bridgeport Hydraulic. They had a situation where they could rebate; when people would hook in they would get a rebate. That would be given back to the City, which would then be distributed to the property owners, so I am sure we can get a mechanism like that to take care of that.

Mayor Lauretti: That is subject for some discussions later on.

PROPOSED ORDINANCE- SIGNS ON CITY PROPERTY/POLES

WHEREAS, throughout the City of Shelton there has been a proliferation of signs placed on City property without the City's permission or consent;

WHEREAS, throughout the City of Shelton there has been a proliferation of signs placed on telegraph, telephone, electric light or power poles which is a violation of Connecticut General Statutes 23-65;

WHEREAS, the Board of Aldermen finds that the codification and prohibition of signs on City property without permission or on utility poles will benefit the health, safety and welfare of the residents of the City of Shelton.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF SHELTON:

A. Signs on City Property:

1. No person, firm, corporation or company shall place, install, construct or store on City property any sign without written permission of the City of Shelton.
2. The City shall have the right to immediately remove any sign that is placed, installed, constructed or stored on City of Shelton property.

B. Signs on Telephone Poles:

No person, firm, corporation or company shall affix to a telegraph, telephone, electric light or power pole a playbill, picture, notice, advertisement or other similar thing.

C. Penalty:

1. A violation of either Subsection A or B by an agent or employee of such person, firm, company or corporation shall be deemed to be the act of such person, firm, company or corporation, and such person or any member of such firm or any officer of such corporation or company, as the case may be, shall be subject to the penalty herein provided, unless such act is shown to have been done without his knowledge or consent.

2. A violation of this section shall be subject to a fine of \$50.00 for the first offense, \$100.00 for the second offense and \$250.00 for the third and each subsequent offense. Each sign shall be considered a separate offense.

3. A citation for a violation of this ordinance may be issued by the Shelton Police Department or the Planning and Zoning Administration, Zoning Enforcement Officer or Anti-Blight Officer.

Richard Schultz, Planning and Zoning Administrator: Good evening Mayor, President and members of the Board of Aldermen. At this time I would like to give a chronological history of sign enforcement program in the City of Shelton. In 2011, the Planning and Zoning Commission adopted new sign regulations for the City of Shelton. This was for all signage on private property only. The Commission at that time was very interested for the Board of Aldermen to formulate and adopt a sign ordinance, which would complement the zoning requirements by regulating signs on City property, including telephone poles. Since the adoption of these new requirements, the staff and Commission has worked very closely with the Board of Aldermen and Corporation Counsel, formulating a new sign ordinance to address the ever increasing placement of signs on City property. The Zoning Department was and is currently responsible for the enforcement of signage within the City of Shelton. It has been especially difficult to keep up with the enforcement of illegally placed signs on City property. It was and it is especially important now to have teeth in a new sign ordinance to get staff and the Police Department the ability to issue citations, where violators are cited when the responsible party does not comply. It is for these reasons that we ask the Board of Aldermen to adopt a proposal to protect the safety of all aesthetics, and property values in the City of Shelton. Thank you.

Fred Wills, Anti-Blight Officer/ Zoning Enforcement Officer: I have over the past 16 years, saw the increasing and unwarranted proliferation of signage that blights the landscape and translates to a negative impression of our city. Unauthorized and commercial signage placed on City property: utility poles, trees, etc remain long after the scheduled event. This is resulting in an unnecessary, increasing financial cost to the city for the investigation of the ownership, as to the ownership of the signs and subsequent removal. I have been asked on a few occasions to discuss the fine structure. The fine structure is realistic, and it is necessary. As proposed, it is

intended to dissuade future sign placement. The abandonment and the offset and enforcement costs are not a factor of illegal signage; it is a distraction.

Safety issues are always a rolling concern, as the city knows, as the traffic increases due to motorist distractions. According to the most recent poll, carried out by the Insurance Institute, 30% of drivers say that they have lost their concentration when they are behind the wheel, by looking at roadside sign or a billboard. 25% of drivers say they have been so distracted that they have swerved out of the lane. Here in Shelton, they abandon billboards. As an enlightened community, we should act to establish long overdue control methods to ensure an attractive, desirable, and welcoming city. I request that the ordinance be adopted; Shelton leads, not follows. Thank you.

Mayor Lauretti: Anyone else wishing to address the board?

Alderman Anglace: Before closing the Public Hearing Mr. Mayor, under Penalties Section C, Item 2: *"A violation of this section shall be subject to a fine of \$50.00 for the first offense, \$100.00 for the second offense and \$250.00 for the third and each subsequent offense. Each sign shall be considered a separate offense"*. This applies to signs on poles; those signs are covered under state statute so Counsel should check this because we may be in conflict with state statute.

Mayor Lauretti: We should also examine the cost of enforcement; to try to collect. What kind of effort does that actually require, and what does it cost you to enforce? I think you might be surprised to find out the answer to that.

Alderman Finn: Attorney Welch several years ago pointed out that we do not need the ordinance when it comes to city property. He said they are prohibited and can be removed from the property, without question. It was also pointed out to us that there is a state statute already in place for the telephone poles for UI and the other utilities. They are supposed to enforce state statute on their own property, so why are we enforcing state statute and going to be collecting a fine for something placed on a telephone pole or any utility pole, instead of the utility company?

Mayor Lauretti: Allow me to answer that because I did have this discussion with Corporation Counsel, and it was my understanding from him that the municipality has the authority for enforcement on the poles. I asked the same question. For me it makes no sense because we do not own the poles; how can we enforce it? Throughout the years we sent a truck around to pick up these signs that are in the city right-of-way. We do it almost every year. I know the state does that on state highways like 110 and 108. It is sometimes labor intensive to be able to keep up with this.

Alderman Finn: It was also pointed out to me about the real estate agents when they are selling a home. They place a sign for an open house on the corner, which is on a city right-of-way. Are they now being subject to a fine? Another asked me about tag sale signs, or signs for plays. Are they now going to be fined? How are we going to

make laws that are not going to be enforced? Jason basically asked me the same thing that I asked about the telephone poles. How can the city control what is being posted onto a pole, that is owned by UI, Frontier. They would have their own rules and ordinances; we already talked about this. Kathy pointed out signs on the Huntington Green for upcoming events. She lets out see them and she sees signs throughout the whole city for plays, concerts, car washes, bottle drives, fundraisers, missing pets and tag sales. Now all of those homeowners can be fined by posting them. This woman came up with a suggestion to have a designated sign area for the City of Shelton, so everyone can post their signs for tag sales, for sale signs in that one location. No said communications on the ordinance.

Alderman Anglace: The state statute on the poles specifically says that it gives the city the responsibility to enforce it. The UI reminds us of it every so often. We have the responsibility to enforce it.

Alderman Finn: This is going to affect the JC. They are having an event on the Huntington Green that is coming up, and they have their signs all over city property. Are they going to be fined for every sign?

Alderman Papa: On the Green Jack just to give you information, they get a request from Parks and Recreation. They keep it up for two weeks and after that we take it down.

Alderman Finn: We have to tell them that. The JCs have their signs all over Downtown and on the Green.

Alderman Papa: I was just talking about the Green.

Alderman Finn: I understand that, but people are concerned about how they are going to put up signs for tag sales. Are we supposed to find the friend's house and have them put up the sign on their yard, instead of them putting it on the city right-of-way? I am just reading off concerns that I have received; that's all.

Mayor Lauretti: As you can see it is a mixed bag, and it is not as cut and dry and as easy to enforce this type of situation.

Alderman Papa: I think it needs more discussion.

Mayor Lauretti: There are a lot of moving parts here.

Alderman McPherson: Alderman Finn, I remember a couple of years ago we had both worked on a similar ordinance that you had proposed. At that time, the ordinance was only addressing political signs on city property. I said we needed to look at all of the signs on city property. You did not have the concerns then about these issues. We had pushed forward with it, and the Street Committee unanimously approved it. With regard to the telephone poll, state statute says the municipalities have the right to enforce it.

Alderman Finn: Since you were co-sponsor of the ordinance, the Chairman of the Planning & Zoning, Mrs. Parkins, sat there and she didn't speak in the Public Hearing. After the Public Hearing, she sent a letter opposing it, and then the next thing you know it, it was dead. Somebody must have called the Civil Rights Union on me, saying that I was trying to take away everyone's rights with the signs. I remember all of that.

Alderman McPherson: The thing is people put the signs all over the place, they do not bother to pick them up; they leave them there and they become more litter. You go all over the place, and now they are climbing on ladders and put them up in the trees. They are climbing on telephone poles and putting them on there. They are coming from well outside of the city. We had a place from Fairfield that put over 100 signs all over the place; they do not pick them up. They are everywhere and it is to the point where it is out of control. It becomes litter and it is unsightly, and something needs to be done. You heard to the Zoning Administrator say tonight, on behalf of Planning & Zoning that this is needed, it is supported. It was actually encouraged for the aldermen to do something about it. Now we are doing something about it.

Alderman Finn: If you also recall that Mrs. Parkins from the Planning & Zoning Commission was going to address it and it was going to be a part of the zoning regulations, pertaining to signs and city property and you never did that.

Alderman McPherson: Their jurisdiction is private property, not city property. The aldermen have the jurisdiction over anything on city property.

Alderman Finn: As I have read to you in my opening statement, Corporation Counsel said that you do not need an ordinance for signs on city property. We would just remove them because they are not legal.

Alderman McPherson: It would be nice to have something in writing, wouldn't it?

Mayor Lauretti: Is there anyone else from the public wishing to address the board on this issue? We can continue the conversation after I close the Public Hearing because I want to put my two sense in there too, about trying to find someone without actually identifying that the person actually put the sign up. Just because someone's sign is in the city right-of-way or up illegally, you have to catch that person; you need to have evidence. This is not as easy as you think it is. It is like graffiti, writing Jack Finn on the wall. Then let's find Jack Finn because his name is on the wall, but Jack did not do it. You will need to have evidence that you have found the perpetrator.

Alderman McPherson: A lot of these places go out to hire people to do that. Mr. Wills on several occasions has caught people right in the act of doing it. They hire the people to go out and do it.

May 28, 2015

Board of Aldermen
Special Public Hearing on Ordinances

8

Mayor Lauretti closes the Public Hearing on Item 2.

ADJOURNMENT

There being no other speakers, Mayor Lauretti closed the public hearing around 7:40 p.m.

Alderman Anglace MOVED to adjourn the Special Public Hearing; SECONDED by Alderman Papa. A voice vote was taken and hearing was adjourned.

Respectfully submitted,

Brittany Gannon, Clerk

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton

Attached, are copies of emails that were received, via email, PRIOR TO THE PUBLIC HEARING, ON 4/23/13:

