



**BOARD OF ALDERMEN
SPECIAL
STREET COMMITTEE MEETING
WEDNESDAY, MARCH 18, 2015
AT SHELTON CITY HALL, AUDITORIUM
54 HILL STREET, SHELTON, CT
AT 6:00 P.M.**

PLEDGE OF ALLEGIANCE/CALL TO ORDER

Chairman Alderman McPherson on Wednesday, March 18, 2015 called the Special Meeting of the Board of Aldermen Street Committee to order at 6:00 P.M. in the Auditorium, of Shelton City Hall and led the group in a pledge of allegiance to the flag.

Present

Alderman McPherson, Chairman

Alderman Kudej

Also Present

Atty. Tom Welch, Corporation Counsel

Fred Wills, Planning & Zoning Staff

AGENDA ITEMS:

1. MINUTES FOR APPROVAL

1.1 SPECIAL STREET COMMITTEE MEETING-JANUARY 6, 2015

Alderman Kudej MOVED to waive the reading and approve the Special Street Committee Meeting Minutes of January 6, 2015.

SECONDED by Chairman McPherson. A voice vote was taken and the motion PASSED unanimously 2-0.

2. NEW BUSINESS

2.1 PROPOSED SIGN ORDINANCE

DISCUSSION:

Chairman McPherson: We have Mr. Wills present for this meeting, from the Planning & Zoning Department, and we also have Attorney Tom Welch, Corporation Counsel.

Atty. Welch: Whereas, throughout the City 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.

I did this in two sections: first, the Signs on City Property, as we have previously discussed. Signs on City property are prohibited, just as signs on your property are prohibited without the person's permission. Signs on telephone poles pursuant to that statute, which I apologize I could not find the statute. I do not know if everybody saw the statute, but the statute is actually entitled, "Trees". It comes under "Posting or distributing advertisements, removing, and pruning, injuring or defacing certain trees or shrubs". So, that is why when you look up utility poles it does not show up because it is under a different statute.

Fred Wills: Is that the one that comes under the safety code NENC?

Atty. Welch: That is under Connecticut General Statutes 23-65. It very specifically provides that you cannot affix anything to a telegraph, telephone, electric light or power pole a playbill, picture, notice, advertisement or other similar things. So, signs on City property are strictly prohibited. I put a fine in for \$250.00 that the City shall have the right to immediately remove any sign that is placed, installed, constructed or stored on City of Shelton property. Then I also make reference to the signs on telephone poles. The reason that I did not put a fine is that the statute specifically provides for a \$50.00 fine for each offense. I know that some of the stuff that Fred has been working on, it was a series of many, many pages having to deal with if you did put signs on City property. Obviously no one can place a sign on City property without the City telling them okay. It is probably an administrative task at some point that if we wish to have signs on City property, the Board of Aldermen can appoint a designee to say yes or no, but the bottom line is that you cannot place signs on City property.

Chairman McPherson: Part of the problem too, is that we get a lot of non-profits that are doing it. Part of it is too is they got permission to put them on four areas.

Fred Wills: The DOT contrary to their own, eat it. They do not want any signs right off of exit 13. Yet, the State of Connecticut is selling signs to the businesses, such as Subway, putting up metal signs. In one way they say something but tend to the opposite.

Atty. Welch: The Board of Aldermen has never approved any area for signs, other than to provide or give the Huntington Green within the auspices of Parks & Recreation. I do not ever recall the Board of Aldermen saying that there can be signs in any place.

Aldermen McPherson: That is a problem over there now because by letting them do it over there, we are going against ourselves. I think it is becoming a real problem. Just the other day I went to talk to Rick about it, and another company is already starting to put up the signs. This sign had to do with leaky roofs, and the sign says to call this number. Rick Schultz called them and once they were called the signs have been removed. There was one on the corner of Shelton Avenue and Coram Road.

Fred Wills: They have signs on Progress Drive and Commerce Drive. We have been doing this for sixteen years, so the problem is not locally. The business community has been very cooperative; it took a while to educate them but the problem are the outside towns. Along the Post Road, you will see what the problem is; it is illegal. Yet the Mayor wants the enforcement. I am all for the enforcement, but the enforcement needs to be backed up with a fine. In here, you have \$250. As I wrote it, I thought it would be on a scale that would be \$50 to \$100 to \$150, and up to \$250.

Chairman McPherson: Right now this is a number. We are probably going to go back and forth with this number. We are going to have to change some things, and so on.

Fred Wills: I am only saying that because when they hear the fine is \$250, they are going to flip.

Alderman Kudej: I run the baseball programs in town, and for years I had printed off flyers and personally delivered them to the schools and dropped them off. A few years going back, I said I am not doing that anymore; I just cannot walk the distances so I appointed committees. The committees took a shortcut that out signs on telephone poles, and I blew my cork. I would agree to scale the amount of the fine.

Atty. Welch: Yes you can put \$50 for the first offense, \$100 for the second offense, \$250 for the third offense.

Alderman McPherson: Can we make it \$50 per sign?

Atty. Welch: Yes for each offense.

Alderman McPherson: I am certainly willing to do that. I am not sure we can do this for the fine, in the amount of \$250. We will have to reduce it a little bit. I would like to do it through the ordinance, and we had talked to the Chief of Police about giving the authority. When Voccola was the chief you used to have the authority, but he took it away. Through the ordinance, I think we need to give the Planning & Zoning Administrator and/or his designee shall be empowered to levy the fines, to pose the fines. Once this ordinance is adopted, then all you would have to do is have the Chief of Police come down and give you the ticket book course, or whatever it is you have to do.

Fred Wills: Based on an earlier conversation that I had with Rick regarding the Tracfone that you have, one of the problems that I have encountered is that I identify or see the sign, I extract the number and they do not respond because my number comes up as the City of Shelton. So there is no way of identifying the corporation. In the Blight Ordinance, we place a lien on the property. If we have an unknown corporation, how do we go about this? First we need to identify them, but how do we exact the fine and how do we collect it?

Alderman McPherson: I received the same phone call on my phone numerous times. I called the number back, and no one would answer. I did a reverse lookup, where I was able to find out the name of the company. When I was finally able to get a hold of them, and I told them if you keep calling this number I am going to go after you for harassment. It was one of those robos that wanted to sell me something. There are ways to find out the name through reverse lookup, and if you have to give it to the police, then give the information to the police. I think we have the means to do that.

Alderman Kudej: Many of these phone calls are coming from out of the country.

Chairman McPherson: Fred makes a very good point because these are out of town businesses that are coming here and dumping. One of the worst ones was a Fairfield

business to help you improve your SAT score; they came over to dump a hundred signs all over the City of Shelton.

Fred Wills: It was by actual count. We fine them \$250 to the Police Department. They were charged with littering, and then he had the audacity wanting his signs back.

Chairman McPherson: Fred called the guy and he promised to meet with Fred and myself. They blew us off, so I called him and told him if that is not good enough for Mr. Wills, or me you will hear from the Police Department. I gave it to the Police and the Police had contacted him. It was nice that the signs were gone after that. About 90% of this is out of city entities coming in. On a Sunday, Fred caught them climbing a telephone pole with a ladder. Tom, can we put a clause in by ordinance that the administrator and/ or his designee is empowered? Would you use the wording "is empowered"?

Atty. Welch: Shall have the right to issue citations to enforce.

Chairman McPherson: Then we will have to add another part to this; there will likely be a Part C.

Atty. Welch: I will add in \$50 for the first offense, \$100 for the second offense, \$250 for the third offense and each offense thereafter within a calendar year.

Chairman McPherson: When you say offense, does that mean the sign?

Atty. Welch: I can even say each sign.

Fred Wills: I would like to introduce the question in my mind, and this is based upon discussions with Rick Schultz: Tom, you have indicated that no signs be placed on City property within the permission of the City. So I know the Mayor has indicated he would like certain signs to be placed on City property. My point is that we want to have a provision, either in the ordinance, or in Planning & Zoning stating unequivocally that they have to come in to make a request, and advise the number of signs that will be placed. We would then set up a time frame when they would have to pick up the signs. The burden and the cost should not be on the City to retrieve the signs. The burden should be on the people who place them on City property.

Chairman McPherson: I think we are running into some of the problems with the non-profits. Is Centerstage a not for profit?

Atty. Welch: Not for profit. It does not matter though.

Chairman McPherson: I like what you said before without the permission from the City. The City in this case would mean the Board of Aldermen?

Atty. Welch: Yes.

Fred Wills: One thing that I noticed within other communities is what is called community boards that they place in strategic areas on City property. The value that I see in that they are restricted, as to the number of signs that can be placed on this community board. The Zoning Enforcement Officer is charged with the responsibility of removing the signs. It essentially eliminates the proliferation of 30 to 60 signs around town, because this is the only place that you could place them.

Atty. Welch: The Board of Aldermen can set up those designated areas, but that is where it would come in with the permission with the Board of Aldermen, without those designated areas.

Alderman Kudej: They will have to be dated and a time limit.

Atty. Welch: That is all administrative. You are prohibiting signs, so you make it very clear without the permission of the City and then you can set up an administrative process saying this is where we can place the signs.

Alderman Kudej: The signs can be placed Monday through Friday, and then need to be taken down.

Fred Wills: With the PTO, this would be a question of the education. I suggested that we put an article in Shelton Life after the dust settles, clearly stating that no signs shall be placed on City property without permission of the Aldermen.

Chairman McPherson: The reporters are always coming to the meetings, for the print and online publications. Enforcement needs to be present. On your opinion Tom, how many days is reasonable for them to take the signs down? My thought is that you place up and you have 48 hours after your event to take them down. When you mention community boards Fred, I think we need to be very careful. I don't think any business or moneymaking entity should be posting their signs on the community board. That should only be for not for profits, right?

Atty. Welch: City entities or city sponsored entities-

Fred Wills: The City controls the content.

Chairman McPherson: We have to make sure that it is clear; no for profit agencies. Do you believe that 48 hours is reasonable? Some say within 72 hours to remove the signs. I think if you give them 72 hours, they might say I could not make it there to remove the signs in time.

Atty. Welch: 48 hours is reasonable.

Fred Wills: The current Planning & Zoning allows for 30 days.

Chairman McPherson: That is for private property.

Fred Wills: It says the commission or the authorized agent may approve a sign permit, authorizing temporary signs announcing special events. Temporary signs shall be limited to a total of no more than 60 days in any calendar year, and no more than 30 consecutive days during one event.

Atty. Welch: So you can put a sign on your front yard.

Chairman McPherson: That would be something we would have to limit, but we would have the control to do that. We can say 5 days, then 48 hours to remove it. Then if you do not remove the signs within 48 hours, you will be issued a fine.

Alderman Kudej: Do we control time limits on private property or city property?

Atty. Welch: Planning & Zoning already controls private property.

Alderman Kudej: So if I want to put a sign on my front yard, do I have to get a permit?

Atty. Welch: You have a temporary sign regulation.

Chairman McPherson: With most of our ordinances, they need to be updated from time to time. We revised the snow ordinance and that has not been touched since 1978. It was so out of date so we wrote a new one, but then again parts of it did not fly because I put in if there is a snow emergency, if you have a driveway or access to off-street parking you must remove your vehicle from the street. That did not go over well because that would be legislating common sense. If that is how we have to keep the roads clear then that is how we have to do it. The key thing here is enforcement, and when we met with the Mayor he wanted to concentrate on enforcement. He told us to proceed with the ordinance so we go from there. We are going to put in where they have the authority to issue the fines. I think you can put in the dollar amount for the state statute. My hope is to get this to the Full Board meeting in April, and for Public Hearing at the end of April.

Atty. Welch: We will bring this item to your Regular Street Committee meeting.

Chairman McPherson: Yes we will have a Regular Street Committee meeting on April 7th, which we will forward this item to the Full Board. I think we are off to a very good start with this. It is simple to the point, and easy to understand. That will be very important when we get this to the Full Board.

Fred Wills: I am very appreciative of the efforts because I see what is going on when I am traveling. As far as I am concerned, signs are equivalent to blight because you can judge a community by its appearance.

Chairman McPherson: I think this is a good start, so we will have whatever changes for the next Street Committee meeting in time for us to vote on it to send to the Full Board, to eventually go out to Public Hearing. I am sure we will be making some

changes but if you bring that Community Board information, we may be able to incorporate that idea into the ordinance.

Alderman Kudej: You would have to pick a local corner, or someplace as determined by the Board of Aldermen. Then have someone in charge of maintaining it. You need to make sure it is in a place where it is not going to cause vandalism.

Chairman McPherson: Under this ordinance, it would have to be determined by the Board of Aldermen. If signs are placed in areas not determined by the Board of Aldermen, they will be fined.

4. REPORT OF THE CHAIRMAN

None presented.

5. STREET COMMITTEE MEMBERS

REPORTS OF:

D. STREET COMMITTEE MEMBERS

None presented.

ADJOURNMENT

Chairman Alderman Kudej made a motion to adjourn the Board of Aldermen Street Committee meeting. The motion was seconded by Chairman McPherson. A voice vote was taken; all were in favor motion passed unanimously.

Meeting adjourned at 6:32 p.m.

Respectfully Submitted,

Brittany Gannon
Brittany Gannon

