



**BOARD OF ALDERMEN
S T R E E T C O M M I T T E E M E E T I N G
TUESDAY, FEBRUARY 4, 2014
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 Tuesday, February 4, 2014 called the Regular 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

Alderman Farrell

Also Present

Alderman Anglace

Alderman Finn

Alderman Simonetti

Dave Goodson, UI Vegetation Manager

John Mitchell, UI Manager, System Maintenance

Lawrence Mai, UIL Senior Strategic Account Manager

Ken Bullard, UI Arborist

AGENDA ITEMS:**1. MINUTES FOR APPROVAL****1.1 STREET COMMITTEE MEETING MINUTES- DECEMBER 3, 2013**

Alderman Kudej MOVED to waive the reading of the Street Committee Meeting Minutes of December 3, 2013. Aldermen Farrell SECONDED the motion. All were in favor and motion carried 3-0.

2. NEW BUSINESS**2.1 UNITED ILLUMINATING ENHANCED 2014 TREE TRIMMING PRESENTATION**

John Mitchell: United Illuminating is implementing a new program: vegetation management. We are very knowledgeable about this program.

Dave Goodson: We are here as part of our outreach to our communities to open up a dialog to possibly get some feedback. There have been some changes to the UI vegetation program, as well as some changes to state statutes that regulate what we do and that also affects the Tree Warden. Why vegetation management? Well, clearly there are some things that pop into mind like first and foremost: safety for our workers and the public. We need both physical and visual access to our lines so trees do not obstruct them. Trees that are in contact with our facilities can cause equipment damage, and trees are the number one cause of outages to our customers. No time was this apparent more than the twin storms in August and October of 2011. Then we said that would not happen again, and then a year later in 2012 we had another major storm. Those storms had a major impact to our infrastructure, and the general cry from customers and the government saying we do need to do things differently going forward, so the next time we have a big storm, we all know it is going to be a matter of when, not if. Next time we have a big storm, we want the results to be different. We want to shorten the restoration time; there were major issues with blocked roads and wires down so the questions that came out and those of us who are in the

utility business spent most of 2012 answering questions by regulators, elected officials, a lot of consultants that were hired. What was asked was what needed to be changed?

The biggest thing that came out of that was needed to do more tree work, and that is what we are going to discuss with you this evening. The state put together a State Vegetation Task Force, and on that task force were representatives from the utilities, tree wardens, municipalities, Department of Transportation, environmental organizations and private citizens that were tree advocates. What came out of that were some recommendations about how the roadside management should be managed differently going forward. They made some specific recommendations about what the utilities should do. Then, in the summer of 2013, there was some legislation that came into play that affected what utilities do when it comes to tree work. First of all, they have established the Utility Protection Zone, which is an area 8 feet to either side of our conductors. Eight feet to either side of the conductors from the ground to the sky is what is defined as the Utility Protection Zone. It was set up that way so that we could perform vegetation management to protect our infrastructure. It talks about it in the law about what vegetation management is: cutting certain types of trees and retaining compatible species. There is also a section in there that has to do with how we provide notice to the public. That notice requires that before we do any work, we either have to send a letter through U.S. mail, or we have to meet face-to-face with property owners. Or, if no one were home then we would leave a door hanger. None of this work can be done without notice to the abutting property owner. None of the work we do can take place without that notice unless the tree is in direct contact, or shows signs of burning in the tree. Or, the tree warden authorizes removal of a hazardous tree. When we provide notice, there is a process that we have to follow where there is a timeframe or notice to the abutting property owner. The property owner has an option to object to our proposal, and then there is an appeals process.

They are called regulatory dockets where the Public Utility Regulatory Authority takes on the task of discussing the specific subject. There are two items that are important to us; one is called the Resiliency Docket- that was aimed at looking at what the utilities do to protect their infrastructure in the event of a storm. In that docket, UI made proposals that were accepted by PURA to shorten the trimming cycle to get more clearance around our facilities, to increase our annual spending and there is a lot in there that requires us to report on what we do, what much we got done, how much we have spent and of course, the impact on our performance. Then, there is the Tree Docket, in which PURA looked at the vegetation

management or tree trimming programs for the utilities. What came out of that were orders that are still in the drafting stages. The final decision has not yet been rendered on that. There was an order to shorten the cycle to improve the clearance around our conductors and comply with the regulations for proper pruning techniques. UI's plans that are coming out of those orders are to establish a Utility Protection Zone. That is our goal to remove all trees and limbs that are within the Utility Protection Zone. That means that anything in the protection zone, that is 8 feet out or on the side of our conductors from the sky, and to remove all overhanging limbs from our conductors. We will also be looking for trees that are in decline, or "hazard trees", that are outside of the Utility Protection Zone for removal. The way that the work will progress is that we will first send a notification letter out to our work planners. This will go out to all of our customers on the streets that UI plans to work on, in advance. Following those notification letters, we will have work planners go out and go door-to-door seeking consent from property owners and the abutters for the work that we proposed to do.

There are specific timelines for this; once we provide consent the individual has ten days to object. When they object, they have to send a letter to the utility and to the tree warden stating their objection. The tree warden then has ten days to make their decision. The objector, or the property owner, has the opportunity to ask for a consultation with the tree warden, which the tree warden has to provide. Once the tree warden makes a decision, if one of the parties does not like the decision whether it is the abutting property owner or the utility, they do have ten days to file an appeal with the Public Utility Regulatory Authority. Then PURA will have sixty days to render their decision. All of this information and statutes are laid out within Section 16-234 of the General Statutes. Our experience so far and the experience of other electrical utilities in the state are really successful, and we will be successful getting the consent to do this work. I would say that the way it is characterized in the paper was only a small fraction of what goes on. Success is better than 98% in terms of getting clearance in the UPZ (Utility Protection Zone).

Our contractor for this work will be Lewis Tree Service. They will send out work planners that will provide information to the abutting owners. I brought a copy of the letter that I said that was going to be mailed to everyone on the street. When the contractor goes out they will deliver a tri fold brochure that describes the program and what our objectives are; that will all be tucked inside a little door hanger with more information on it. There will also be a consent form that we ask them to sign and return to us. This form can also be used if they object; this is a form that would go to the tree warden. Once we have the consent, crews will show up to do the tree pruning and removal. All of the brush and small limbs will

be chipped, and any firewood pieces will be left out on site for anyone to take. If it does not disappear on its own, then our contractor will go back and retrieve it. It is our responsibility to clean it up. We will know when we are successful when we have effectively communicated with public officials, like yourselves and other customers that we have established the Utility Protection Zone and we are maintaining it going forward. When we have a storm, the storm damage is decreased and our restoration time and expenses will be less for this, than in the past for those major storms.

Ken has brought some maps with more details, specifically on where in town, what streets we will be working on and when we expect to start.

Ken Bouchard: We have started in Shelton, in White Hills for circuit based trimming. It is split apart into construction from the importance of construction. Anytime you see three wires on top of a pole that is referred as a "backbone", or "mainline". That is why on this map you do not see every street highlighted. Other times, courses of circuits may just be the side tabs, so this is a circuit that we have been working on. There is a big portion on Route 110, so there are a lot of state trees. We also deal with the Department of Transportation, through their district landscaper whether it may be your Tree Warden, Dean, or the DOT's district landscaper.

These streets are patrolled once the work planner inventoried the work and dices it up between public and private. They will patrol, either state or town trees, depending if it's the Tree Warden or the DOT district landscaper. They will tell us which trees that can be removed. So, they have done that and are continuing to do that on those streets. There is another circuit just south of this that we are going to start the planning portion of it, where there are no crews there. That runs from Walnut Tree Hill Road to Jones Tree Farm, all the way down to Mohegan Road; it goes out toward Booth Hill and Moose Hill Road. It is all main line primary from Ripton Road to the top of the Huntington Green; that is the portion of that circuit. So we are running this about 50-50 on average for each of the three towns that we are in. That means 50% public trees versus 50% private trees and a total inventory of what it takes to prune and remove in order to protect the Utility Protection Zone.

So in any event, that is how it is scheduled in the certain pockets of town; whether it may be the side tabs or on the main line primary, which is the way the schedule goes because it is circuit based. That is bank for your reliability dollar. This is an eight-year program, and what you are seeing on this map is a pilot portion of it.

We are in three towns and now we are about to enter into the fourth, which is the City of Bridgeport.

John Mitchell: So, in the first six months, UI is going to be in a pilot phase. This is new to UI, and we had a pruning specification up until this year so the enhanced tree trimming is new. We thought it was a good idea to spend the first six months in the pilot phase. We have selected the four towns: Shelton, Bridgeport, Orange and Hamden, that we are currently working doing tree trimmings, removals or planning. We have been attending meetings with Mayor Lauretti. With every town we are planning in, we have been getting a lot of questions and a lot of misunderstanding from news articles. What we are trying to do is to put together questions and answers to let people know what we are doing, to let them know of the communications that we are doing and what kinds of rights they have, regarding to the new law that was created.

Ken Bouchard: One of the big ones from the rumor mill was if I was a homeowner, and I said no to tree removal and it falls next week and breaks the pole, are you going to bill me? That is absolutely not true. It is the same in other towns where wires are not even involved and falls in the street. It would be like you charging everyone if a private tree fell in the road. A loader shows up and clears the road and does their job. Of course we do not want that to happen but the big part of the new law is that abutting property owners/customers have rights; that was in the old law but that was amended. There is a lot more information now that is provided for customers than there ever was before. Homeowners never received a notification letter before in the old law. They would receive a door-to-door knocking by work planners, and they would still receive that but now they are going to receive a heads up notification letter in two to three months in advance saying we might be in the area coming up soon, and the work planner will be there to discuss the work with you. It also highlights abutting property owners of their right and highlights information from the new law.

Lawrence Mai: Another thing that has changed in the law is that the State Statutes now require that Tree Wardens are certified either as an arborist or as a Tree Warden, by the Tree Wardens Association of Connecticut. I think one of the most misunderstood or mischaracterized things that are going on is under the impression that people think the utilities are a loan and nothing can be further from the truth. It is all about the abutting owners, and there is certainly tree warden input. When there is an objection, there is an opportunity for the tree warden, and hopefully working with public officials to look at the risk that the trees present in order to make an informed decision about whether the work should go forward,

because there are some parts of this electric system that have a higher risk than others. For those lines that would feed part of the town's critical infrastructure, water treatment, sewage treatment, police, fire, hospital, schools and places that you use for warming shelters or emergency preparedness, would be a higher risk and perhaps a lower tolerance for trees falling on them than a single resident street. Having said that, I know that some people would say I am just as important as the other parts of the critical infrastructure so we also have to be aware of that. It is a very collaborative process, and we find that it works best as it is when all of the people are involved in the process.

Alderman Finn: I am the alderman from the White Hills section, and I received a phone call pertaining to White Hills. Why did UI wait so long to try to clear out the vegetation? It should have been done constantly throughout the years so it would not be such a major issue now, because right now you are changing the landscape.

John Mitchell: Prior to 2013, prior to today, UI has always had a specification to perform trimming. What we created was a clearance around the wires. This was good for our reliability for many years. We are in the top quartile in the electric industry and our performance and reliability is good for normal weather. The reason that we are doing this because we heard from PURA (Public Utility Regulatory Authority), from the government, from the two storm panel, from the investigations that were done; that we cannot have this happen again when extreme weather occurs.

Alderman Finn: If it were not for that, you would not be doing it?

John Mitchell: We proposed new standards that we were going to move for enhanced tree trimming. It was approved by PURA to do that.

Alderman Finn: Will you go back to the Longfellow area to do the stump grinding? I know that there was a beautiful pine tree that was taken down. I assumed the homeowner must have approved that, but now you have all the stumps when you drive along the road where the trees used to be. On Beardsley Road yesterday when I was on a fire call, I noticed around 147 Beardsley Road, that there were some wood left in an embankment. Nothing was cut up for anyone to take. I assume from what you are telling me that Lewis Tree Service will be coming back to remove and take it away so it is not left there.

Ken Bouchard: I know about the big white pine that you are talking about. That was actually called a co-dominant stem, and the homeowner was very happy from what I have been told. The stump grinding does happen on a case-by-case basis. Some homeowners want to keep it, and other times we are not allowed to remove the stumps for erosion control. Of course, from what you are talking about, that was more of a landscape kind of a yard but that was different. From place to place, I would need to know the specifics of the wood, or find out from the work planner based on the location if they had a discussion with the abutter on whether they would want it there.

Alderman Finn: It was down into a gulley. It is on Jones' property, so I do not think he would mind. Down Birchbank Road you would have to leave the stumps there.

Do you have to go through the State of Connecticut for approval because it is on a state park?

Ken Bouchard: We have. The state district landscaper, also a Shelton resident, is very happy that we are going to clear pretty much the whole length of Indian Wells Road. There is not a shortage of trees; there are a lot of hazardous trees and dead hemlocks. It is an island except for the people that have boats. They have sustained fairly large outages, and when they do they are blocked. As a matter of fact, one of the first outages during Hurricane Sandy in White Hills was because of a tree that came down in Indian Wells.

Alderman Finn: They have a bunch of erosion problems along Birchbank Mountain Road. Is this going to make this worse for the erosion? Are we going to see more mudslides and roads being closed due to the removal of vegetation?

Ken Bouchard: There are already a lot of stumps there from trees that have come down from the storm. This is typically given to me from someone on the task force from DOT; they do a lot of cutting along Route 91. I ask them, and typically in an area where it grows so quickly, there is so much ground to cover so it prevents erosion. There have been no erosion problems whatsoever. With Indian Wells Road, there has been a history over there with mudslides. There are a lot of trees there and we are not going to cut every tree from Indian Wells to Route 110. This is just the protection zone around the wires.

Alderman Finn: You need permission from the homeowners, and I understand that 90% of the homeowners agree to the removal of the vegetation on their property. What about the other 10%?

Dave Goodson: Whenever we get an objection our first recourse is to appeal that to the tree warden. Then, if the tree warden agrees with the property owner, we will decide within UI whether we will appeal it to PURA. Hopefully as I have described in the process, once we get that objection we will look at the condition of the tree, the customers that are served and at the critical infrastructure in order to make an informed decision.

Alderman Finn: If I recall, there were only three trees that the tree warden objected from removing?

Ken Bouchard: The big oaks; they are still standing.

Alderman Finn: Do you still have any intention of taking them down?

Ken Bouchard: I cannot with out the tree warden posting them and going through an untouched law that we have not even gone into. The tree warden needs to post the tree and to decide if that tree is going to be removed or not.

Alderman Finn: The large oak tree that you are referring to on Longfellow was in East Village. I almost ran into that tree that night when I was responding to a fire alarm. The wires were down all over the place. If it were not for that, you would have an awful time taking it down because it was designated as a historical tree.

Alderman Simonetti enters.

Alderman Simonetti: What is the tree-trimming criterion? Is it around the wire? Away from the wire? Six feet up, two feet away? Also with the permission of the homeowner, how far does it go? If you take the tree down, do you ask permission? Or, if you trim it do you have to ask permission?

Ken Bouchard: We are getting consent both from the tree warden, as well as every abutting property owner. The main concern, which is outlined in a newer state law, is called the Utility Protection Zone. Any wire that runs pole to pole and eight feet to the side, or laterally and ground to sky defines an area of a right a way. Within that area, there could be private or public land, but is an area of concern for utilities. Within that area can be both public and private trees so that is

the main focus. Outside of that, on the same side of the road and occasionally on the opposite side of the road, because we have 15-foot roads, we would look for hazard trees. The higher probability of a hazard tree will lean towards the wires that have a huge cavity, and the homeowner wants it to be removed.

Alderman Simonetti: Is there a cost to the homeowner?

Ken Bullard: No.

Alderman Simonetti: Do you take the tree? Do you leave the wood out for people to take?

John Mitchell: If they want the wood, we will leave it and cut it up in fire links. We will also leave it on the road for a couple of days to see if someone else wants it. If not, we are responsible for coming back and picking it up.

Lawrence Mai: Some property owners have to put signs up so others do not take it.

Ken Bouchard: People will walk in a work zone, and the crew tells them to come later or not at all because it is a hazard; just the general public walking close to a chipper is very dangerous.

Alderman Simonetti: This map that I am looking at, is this area you will be working in?

Ken Bouchard: Yes, and through other parts in town. Coming down from Walnut Tree Hill towards Mohegan, down Ripton. Work planners, which happen way before a crew arrives on site. They work with the tree warden and abutting property owners to inventory the work for pruning, removals, public or private.

Alderman Simonetti: So, a month or so after you do the survey, you will basically do the tree removal. People call and they say they were here last week, why did not they do it? Just so I know how to answer them.

Ken Bouchard: The brochure, consent form, the information on the door hanger, as well as the notification letter maps out the process for the homeowner. These are an attempt to minimize the calls, but I do know that they do call.

Alderman Simonetti: Are you doing this everywhere? Just in Shelton?

Ken Bouchard: Roughly out of our 2,800 to 3,000 miles of overhead wire, over seventeen towns, we are currently in a pilot doing around forty miles- a very small piece for the first six months. We would go beyond the 40 miles in Shelton; this program runs over eight years. It is done on a circuit-by-circuit basis. Sometimes the mainline and the backbone portion circuit, and sometimes the side tabs are scheduled separately.

Alderman Simonetti: Are you starting this month? Next month?

Ken Bouchard: We are doing work now in White Hills. That came after the meeting with the Mayor.

Alderman Simonetti: I knew that they were taking some trees down already.

John Mitchell: We are also working in three other towns: Hamden, Orange and Bridgeport. That is part of our pilot and we spread it out through our territory, so we had coverage throughout the whole territory. In June, we will eventually be getting more crews.

Alderman Simonetti: I have always lost my power in White Hills. I am by Shelton High School and we get knocked out. Someone did a good job fixing that box and I appreciate it.

Alderman Finn: How do you determine which streets to address for the removal of vegetation?

John Mitchell: UI originally had a four and an eight program. We trim the three phase mainline primary on a four-year cycle, and the single side tabs on an eight-year cycle. We took that original cycle, and we looked at the reliability of all of our circuits to determine the worst performing circuits. We developed a reliability circuit-training schedule. We also looked at the state and town priorities that we had; the critical facilities listed in there by priority. This circuit fell to one of the top priorities; it was a poor performing circuit. The sections on this are all mainline primary, so it is all three phase primary.

Alderman Kudej: When can we expect this to happen to the southern part of town?

John Mitchell: We have a schedule; I do not have it to tell you a time but it will be within the next four years.

Alderman Kudej: It seems like every month someone calls me up to contact the tree warden, and then I have to contact UI. We have been getting them done; but it would be nice to get the whole lower part of town done.

Alderman Finn: How would you address Downtown Shelton? Cliff Street, Wooster Street? Once you are taking the trees down, you are changing the landscape.

Chairman McPherson: We just did Howe and Center back in the fall. The UI came and trimmed parts of the trees where the wires were. Then, we had another service come to do the rest of it.

Ken Bouchard: Dean will review every one; I can tell you that some of them he will be very happy that we are reviewing. I do not know every tree that we are removing specifically, but there are certain ones that will be discovered as hazardous trees, or in decline. For others he may say no; that is his choice. He has the authority to post the tree for removal or not.

Alderman Finn: Would UI be required for replacing those trees that will be removed in the Downtown area, that will not grow higher into the wires?

John Mitchell: UI does have a budget for planning for what is considering the right tree, right place. I do not know if we have discussed that as part of our program. We will not be removing trees that would not grow high that would affect our wires; those trees will remain. We will do replanting in coordination with the tree warden, in which he will identify which tree he wants replanted. We will work with him on a case-by-case basis on that.

Lawrence Mai: Because this is a pilot program, this is new to us and we are working through it. Two of the things that keep hearing are stump grinding and replanting. We have to analyze that so we know how to fully address those issues as we go forward in this program.

Alderman Anglace: You have talked about the mainline as a priority. I can appreciate that because it serves the most people. I am going to share an experience that I had with UI:

Across the street, they did not cut the trees but the lines run from across the street to my house on this side. The storm came and the tree fell on the UI line and it was a considerable period before it was fixed. Do not overlook because the wire across the street is not the main line. In your pilot program, you cannot only look on one side of the street. That is my point.

Do you have to have cops when you do your work?

John Mitchell: The town requires it; yes we do have them.

Alderman Anglace: I want you to instruct your people to stop talking with the cops. The cops are then looking at your people and talking to them, instead of directing traffic.

John Mitchell: We hire and we do pay for police protection, and we expect them to do their job. We have asked them to get out of their cars to direct traffic.

Lawrence Mai: Last year we did have a couple of meetings with all of our towns with the Chiefs of Police and Assistant Chiefs of Police, regarding police protection and patrol at the job sites, and reviewing what they need to do. Sitting in the car, texting or making personal phone calls is not what we are paying them to do. We do have great cooperation with the towns, especially Shelton.

Alderman Simonetti: When you take the trees down, how far do you go? Do you grind the stump, or cut it six inches from the ground?

Dave Goodson: As close to ground as practical.

Ken Bouchard: As said, stump grinding is done on a case-by-case basis.

Dave Goodson: All of this information will be populated on our website very shortly.

John Anglace: They talk about the energy law in generality and then hand it over to the lawyers.

Lawrence Mai: The Tree Wardens Association of Connecticut had one of their members write a non-lawyer common guide to the law; it is very good.

Alderman Anglace: This is a good program; this is a good idea. It has to part of your ongoing plan, and it is going to serve people very well. We find it very difficult when we are in the dark and we cannot cook. We value things like that. This is another step in the direction of that service coming to us 24/7.

Ken Bouchard: On the state law, the large paragraph that is in brackets; that is the old law. The underlined portion is the new law. This helps to give you a comparison of the old versus new.

There are two laws that guide us to a lot of customer interface, notification and tree posting for public trees. Later in the law, if there is a sign for burning or direct contact, then notifications or postings are not required anymore; that part goes away.

2.2 REPAIR OF PARKING LOT AT LAFAYETTE SCHOOL

Discussion:

Chairman McPherson: I just want Jack to enlighten us because this came, regarding the ADA.

Alderman Finn: On Election Day, the ADA made a surprise visit to our Election Day registration room in the Lafayette Complex. They noted some things that the City has to address with signage in the building, the doors not being proper, etc. They pointed out the condition of the parking lot, and also the ramp that leads out into the building; it would have to get repaired.

They have also recommended that the handicapped parking and the police department have addressed that. There are two new spots on the side of the building. They have the company ready to do the line painting, to make it legal for the handicapped parking spaces. They do not want to do that until the parking lot gets paved. So, that is where the request came from. I think you all have received a letter in you packet from them so we can be in compliance with them. So next time when they visit us on Election Day, everything will be taken care of.

Alderman Kudej: Are there any costs related to this?

Alderman Finn: I went down to Highways and Bridges Department and saw Ernie; he did not give me a cost. The only thing he did was take down the information and held it to the side.

Alderman Kudej: Is this going to come out of the Highways & Bridges budget?

Alderman Finn: I would say that it would come out of the Highways & Bridges budget, just like when they repaved part of this parking lot.

Chairman McPherson: The other issue with the handicapped parking spots is because of the new regulations. The spots do have to become wider. I think it is 92 inches on each side. I think that is the standard design for all handicapped parking spots now. The police department has someone to do the line painting; I don't think they do it in-house anymore.

Alderman Finn: That is correct. They will be addressing the Lafayette Complex the same time they will be painting at City Hall. Not only will it benefit those coming into our office, but anyone who is using the facility for Center Stage, as well. We have tried to get the handicapped parking in the loop but the Fire Marshal indicated that it was a fire lane. It is not properly posted, and cars are parked there all the time.

Chairman McPherson: It is far away from the building to be handicapped spots; it is just how the layout is. We will keep following up with that to make sure it is done.

Alderman Finn: The police department is ready to go on this. The only thing to do is to have it paved and the signs to come. Then they will paint the lines the parking lot. I am not looking to have that whole thing paved; just that section coming over to the ramp.

They have a concrete ramp that one end that we tried to repair is falling apart. Two years ago, the Mayor indicated to us that he would pave that with asphalt and we are still waiting for that to happen.

Chairman McPherson: We will keep up on it.

Alderman Finn: The rest that was on there is being addressed by the Maintenance Department, except for the elevator. If someone is coming in, the elevator will stop. There is an open and a close button on the inside as well, so

Chris is confident that the elevator is in compliance even though it needed to be addressed.

2.3 PROPOSED AMENDMENTS TO CODE OF ORDINANCES- GARBAGE, TRASH AND REFUGE, CHAPTER 6 –SEC. 6-5, 6-10, 6-12 6-67

Discussion:

Chairman McPherson: We had Ernie Hutchinson here but I do not know what happened to him. We have had discussions with Ernie Hutchinson and Paul DiMauro on the ordinance. The reason I have put it back on the agenda is because we need to make it more enforceable. We also need to make sure there is a mechanism that when a violator is fined, we collect the fines. I have put that in the ordinance.

For right now at this point, it is only up for discussion. I will have it on next month's agenda to vote on the changes that I have put in. If you go to page 13, Section 6-10, Article B- Failure to Pay: I have added in 1.5 percent per month and no less than 18 percent in a year to be assessed, if the person is not paying.

In the same Section 6-10- Article J: I have to take that out; that addresses a part of the contract and you cannot address parts of the contract into an ordinance. There may be a sentence that may be salvaged in there that does not relate to the said contract, but the top part can be crossed out.

Now, if you go to page 15, Section 6-12. This has to do with scavenging. Counsel and I have spoken about this.

In Section 6-12 and Section B of 6-10- those parts are acceptable and he does not have an issue with them.

Then, if you go to Section 6-67: Penalties. I also put in page 21 and the top of page 22. These are the teeth of the ordinance. A fine that is not paid shall result in the City taking any of the steps to collect fines and legal costs incurred by the City. On page 22, it continues to say the attachments include taking the violators to court, a collection agency, wage attachments and/or placing a lien on the property. I think without this in there, the ordinance is toothless.

Alderman Kudej: We had that meeting a couple of weeks ago, and I still think that it would be a good idea to send out notices to all of the multi family landlords to have a meeting and to let them know upfront of what our intent is. Right now, I do not fully think that they understand our actions. If we can have them come to the meeting and to say to take care of their property and their tenants.

Chairman McPherson: This is the list of violators; these are properties, landlords, absentee landlords, property owners and whether it is a single, multi family unit, etc.

Alderman Farrell: Does it show how they violated the ordinance?

Chairman McPherson: It just shows what they are in violation for. When I first asked for the list back in December, I saw that the list was out of date. I knew it was because out of these, 90% of this list belongs in the second ward: Downtown Shelton. Whether it is lower parts of Kneen Street, Howe Avenue, Coram Road, Center, and Perry Avenue; most of these are in the Downtown. My frustration did become the best of me when I see the garbage piled out on the sidewalk, in front of the repeat offender. I take a picture of it, the address, I take a picture where it shows the address and then I send it to Mr. DiMauro. These people are supposed to be sent a letter and after so many letters you get fined. It has been the bone of my contention because I have a property owner, by my count, has been the fifth time in violation and now I get a letter tonight that a letter was sent to this property owner, in regards to the third violation. The way that this should work is that the first one is a courtesy letter; that is your warning. After that, you should be getting fined. It should not be taking three, four or five letters to tell you that you are in violation. This to me is unacceptable, and I am not going to sit here and see this.

Alderman Farrell: Why so many letters?

Chairman McPherson: I do not think we should be sending a letter saying it is your third violation, and after the next one you are going to get fined. You get a written warning on the first violation; your first violation is your courtesy letter. Your second violation is when you should have been fined \$50. This party here was in violation five times and not a single fine has been issued.

Alderman Kudej: We have not gone out to tell these people what our intent is. We have passed ordinances and these landowners have not been here.

Chairman McPherson: When this was being proposed, when it was being written, I walked Howe Avenue, Center Street, Coram Road and Perry Avenue. I took all of the addresses that had problem areas. Then, I went to the Assessor's Office to pull out the Assessor cards, and they gave me the printouts. I gave Paul DiMauro a thick stack in an envelope for him to contact these people.

Alderman Kudej: I know you did, Eric. Some of these people and most of them do not have legitimate excuses. Maybe there is something that we can do to help them to keep their properties in better shape. If they do not comply after sitting and meeting with them, then there is no reason to get angry; pay up.

Chairman McPherson: I agree. I agree and this is why I did what I did.

Alderman Kudej: I would like to get these people down here and say this is the ordinance; this is what you have to do. If you can't do it, tell us why you cannot do it and maybe there is a way that we can help them.

Alderman Farrell: What are some of the things they do?

Chairman McPherson: We are seeing now that the bins are being overfilled where they cannot close the lid. With the excess, they pile the bags on the ground. In some cases a tenant moves out and the furniture is piled out on the sidewalk. The President of the Board of Aldermen saw that not too long ago.

The tenant moves out and dumps everything on the sidewalk. The last time it was sitting there for two months. The other problem is that they are violating the housing code. When a tenant moves out the landlord is supposed to get the apartment re-inspected and get a new certificate of occupancy before the new tenant moves in. What happens is that they dump everything on the sidewalk and it sits there; that is a prime example of that. Five violations and not one have been issued! There were several of these and that is how I knew the list was out of date. So, when I met with Mr. Hutchinson on this in December, we had discussed this and then he informed me that the Director of Public Works assigned that task to Trashmaster. When this happens, they are supposed to do this and document everything; it has not been done. That is why we had a list that was not accurate. When I travel through these areas, I document it. That is why I knew this person had more than one violation, and the list goes on. Ninety percent of these are in the Downtown area. I am in favor, and I intend on working with the Director of Public Works to contact every one of these residents, and to ask them to attend a

meeting. We will have a meeting in the evening and we will sit down and lay the law down to them.

Alderman Kudej: We should send the notice through registered mail. They will sign for it so we will know that they have received it.

Chairman McPherson: A lot of the times too, that when people see a registered letter they will not sign for it; that counts as notification.

Alderman Kudej: Well we have to do something because we are going to be beating this thing for the next ten years.

Chairman McPherson: The other issue is that you have other issues in the Downtown area that are a problem. There is no off street parking in some of these areas, and when the cars are there the truck cannot get through; which is why I said in the beginning that we should have two people doing the Downtown route. Someone should be in the car and someone should bring it to the curb. I wanted to see this in there and this is why we still have a problem.

Alderman Kudej: You also have buildings that do not have property outside itself. You have five apartments and you give them ten receptacles. Where do they put them? They are cluttering the sidewalk.

Chairman McPherson: Another problem you would have with this is the multi family apartments. I am sorry, but I do not think that anyone above a four family should be provided with. They should be providing a trash dumpster and/ or recycle. I think three should have been the limit.

Alderman Farrell: How many do they give them?

Chairman McPherson: You have six families and above that we are providing. That should have never been. We should have never provided for this and I cautioned this when this ordinance was being written.

Alderman Kudej: We pass things and put them in motion. If they do not work out then we have to find a way to make this right and to make it work. I think we have to start with the property owners ourselves. If the guy lives in Florida, tell him to come up here and face the music.

Chairman McPherson: We had a landlord who lived in Florida.

Alderman Kudej: There are a number of landlords who do not live in town.

Chairman McPherson: We had a three-year battle with one of the worst landlords. It was a very hard battle with the guy. He was a classic Section 8 landlord, and it is what it is. I am not going to be politically correct because I am sick and tired of it. It is not just to get the property owners out here, to meet with them and tell them what the ordinance is. You have to enforce the ordinance, and it is inexcusable with people that have multiple violations and not a single fine has been issued. Not one has been issued in the entire existence of this ordinance. This has been the bone of my contention since day 1 with this. This is going to stop and I am going to do all that I can to make it stop. This ordinance is going to be back next month, and I expect this committee to vote on the changes to get it to the Full Board. It will have to go back to Public Hearing again, and then it will come back for the April Full Board meeting to get voted on. An ordinance works when you enforce it.

Alderman Farrell: Who is supposed to be doing this?

Chairman McPherson: He had Ernie doing this, and since this was taken away from him, it went to Trashmaster to do this and they have not been doing it at all.

2.4 509-513 HOWE AVENUE, SIDEWALK REIMBURSEMENT REQUEST

Alderman Kudej MOVED to recommend to the Full Board, per the recommendation of the City Engineer, to approve the sidewalk reimbursement of \$9,438.00 to Calandro & Guarrera, LLC, Suite 202A, 500 Howe Avenue, Shelton, CT 06484 per Ordinance No. 465 with funding to come from Sidewalk Reimbursement Account #001-3600-713.80-43. SECONDED by Alderman Farrell. A voice vote was made and the motion PASSED 3-0.

3. OLD BUSINESS

3.1 NO ITEMS

ADJOURNMENT

Chairman Alderman McPherson made a motion to adjourn the Board of Aldermen Street Committee meeting. The motion was seconded by Alderman Farrell. A voice vote was taken; all were in favor motion passed 3-0.

Meeting adjourned at 7:23 p.m.

Respectfully Submitted;

Brittany Gannon
Brittany Gannon

