



**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, MARCH 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, March 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-excused

Also Present

Mayor Mark A. Lauretti, City of Shelton
Robert Kulacz, City Engineer
Paul DiMauro, Director of Public Works (via tele-conference)
Ernie Hutchinson, Highways & Bridges
Alderman Anglace

AGENDA ITEMS:**1. MINUTES FOR APPROVAL****1.1 STREET COMMITTEE MEETING MINUTES- FEBRUARY 4, 2014**

Alderman Kudej MOVED to waive the reading of and approve the Street Committee Meeting Minutes of February 4, 2014. Aldermen McPherson SECONDED the motion. All were in favor and motion carried 2-0.

2. NEW BUSINESS**2.1 PROPOSED AMENDMENTS TO CODE OF ORDINANCES- GARBAGE, TRASH AND REFUSE, CHAPTER 6- SEC. 6-5, 6-10, 6-12, 6-67****DISCUSSION:**

Chairman McPherson: Paul, I put this on the agenda because there were some areas that conflicted in the ordinance. So what we did was make the changes that would bring it to agreement with the other parts of the ordinance. We will go through each part, starting with the change on page 9, **Section 6-5: Storing**.

Paul, on **Section 6.5: Storing**, you put in the ordinance, "*no containers shall be stored on sidewalks*". The real changes that come in are under **Section 6-10: Refuse collector's responsibilities and obligations**. Under Section B: *Failure to pay*. Ray Sous and I have talked about it and he does not have a problem with the bills that are not paid. The change looks like what the Tax Collector does: it is about "*1.5 percent per month and no less than 18 percent in a year*".

Paul DiMauro: Yes, you have discussed that with me and I am okay with that.

Mayor Mark Lauretti: Is the Failure to pay section for fines?

Chairman McPherson: Yes it is.

Mayor Mark Lauretti: Let us go back to **Section 6.5: Storing**. People will often put their containers out on the sidewalk for collection. Is that considering storing?

Paul DiMauro: It is a violation under the ordinance. It is always the landlord who is responsible, and if we have a number of warnings, then a fine kicks in. I would leave it up to going into small claims court to collect the fine, if we do not hear from them. We can also add the interest portion, which is fine.

Mayor Mark Lauretti: If someone puts his or her garbage out for collection the night before on the sidewalk, is that considered storing?

Paul DiMauro: They are allowed to put their garbage out the evening before and take it out after so many hours from sunset or until the next day, which ever is later. They can put it out there, as long it is in a legal container. If they put it out loose or in a plastic bag, they are in violation because it is during late hours.

Chairman McPherson: I think too, there are areas where some people do not even bring the containers in; you have alluded to that.

Paul DiMauro: There is also the fact that they cannot leave the containers out there beyond a certain period.

Mayor Mark Lauretti: So that is the landlord's responsibility if there is a landlord on the premise?

Paul DiMauro: Absolutely, it is always the landlord's responsibility to have the tenants comply with the ordinance. We always go after the landlord, not the tenant because it would be almost impossible to do that.

Mayor Mark Lauretti: Will we send notification to all rental property owners in town, so they know their responsibilities?

Paul DiMauro: Yes, and normally what we do to keep track is to try to get a hold of them verbally, give them a courtesy warning first. Then we follow with the official notice and first violation; the second violation kicks off with the fine; that is all spelled out in the ordinance. We usually do get quick compliance once we get a hold of the landlord. It is the landlord that we talk to mostly.

Alderman Anglace: In **Section 6-5**, Part A currently reads as: "*During intervals between collection days, or collection by private licensed hauler or the City, refuse garbage, waste, recyclables and rubbish shall be kept and stored in a sanitary manner*". What has been added is, "*such containers shall not be stored on the sidewalks*". Issue being that people do not bring them in; leave them out there all week. We have to put a stop to that. They have to figure a way to store the containers.

Paul DiMauro: It is a matter of having enforcement and people out there enforcing the ordinance. It also goes to storing it within their property, and we have to give them five days notice to remove them elsewhere. On the sidewalks they are saying no, so then you would immediately be in violation. In your yard, we have to give them five days notice. In the original ordinance, it used to be ten days notice.

Alderman Anglace: **Section 6-10**, Part J is where the next change was added.

Chairman McPherson: Paul, under **Section 6-10** I added Article J. After talking with Counsel, I have deleted the sentence: "*As a part of the contract and responsibilities the refuse collectors contract responsibilities and obligations*".

Paul DiMauro: We cannot add that because we already have a contract that contains this language already. We cannot pass an ordinance that overrides the contract. It does not belong in the ordinance; it belongs in the contract.

Chairman McPherson: We have crossed out that portion that was mentioned.

Paul DiMauro: I have spoken to Counsel about that.

Chairman McPherson: Paul, just so you are clear about the portion that I have crossed out: “*as a part of the contract and responsibilities the refuse collectors contract responsibilities and obligations*”. We took that first sentence out of the ordinance, but we want to go over the rest of the wording: “*The collector shall recognize and include that parts of Shelton especially the downtown area are densely populated and have no off street parking, narrow streets, and other obstacles, the collector recognizes manual effort or at least 2 (two) workers shall be required in these areas. As stated in Section 8 of the collector’s contract with the City. Failure to comply shall result in a \$500.00 (five hundred) dollar fine*”.

Paul DiMauro: That is already part of their contract in my specifications that I have already written for the contract, which have become part of that contract. Those are specifically in there, and I would not do that because some day down the road we may change how we deal with this.

Chairman McPherson: So would you like us to remove all of Paragraph J?

Paul DiMauro: Yes, absolutely.

Chairman McPherson: We are moving onto **Section 6-12: Scavenging prohibited**. I had changed that because you had it up to \$250, but there are parts in the ordinance that say: “*up to \$500*”. We just made that equal with the rest of the fines in the ordinance.

Then we will move on and to go to **Section 6-62: Administrator of city recycling program**. I just added, “*city trash collection and*” since you oversee both of them. That is just some housekeeping.

Paul DiMauro: That is fine.

Chairman McPherson: Now moving along to page 21, **Section 6-67: Penalties**. Again, I wanted to make everything match as such in the ordinance. It says, “*A fine shall be no more than \$250*” but we have fines in here that go up to \$500, so we just made that, “*no more than \$500*”.

Paul DiMauro: Remember there are two sets of fines: residential properties containing one to three dwelling units and residential properties containing four or more dwelling units.

Chairman McPherson: That brings us into the next section: Paragraph D. We just wanted to leave the last four violations; you had it in two paragraphs, one that addresses one to three dwelling units. We feel that we should just eliminate the paragraph that says, “*a fine of \$50.00*”

for second violation within a one year period; a fine of \$100.00 for the third violation within a one year period; a fine of \$200.00 for the fourth and subsequent violations within a one year period'.

Instead, let's go with the final paragraph, *"a fine of \$150.00 for the first violation within a one year period; a fine of \$250 for the second violation within a one year period; a fine of \$500 for the fourth and subsequent violations within a one year period"*.

Paul DiMauro: I have separated it to what we have felt was owner occupied homes and two-family, etc. I do not have a problem if you want to put it in.

Chairman McPherson: That is why I think we should make it all the same to make it easier.

Then on the bottom of page 21, the same section has to do with fines and penalties that are due and payable within ten days of receipt. Again, I added the clause that reads: *"fines not paid shall result in the City taking any of the following steps to collect fines and legal costs incurred by the City"*. It gives the option of taking them to court, etc.

Paul DiMauro: As long as we can go after them in small claims court, that is fine.

Chairman McPherson: The question is what if you get someone that says that they are not going to pay the fine?

Paul DiMauro: First you would go to small claims court, but if it goes on and on, we would have to take further action.

Chairman McPherson: So that is all that I have for changes. We can have Ray take a quick look at it, and send it on to the Full Board to send to Public Hearing.

Paul DiMauro: I think Ray has gone through it. I think it is fine the way it is. If you email it to me, I will take a double look at it. I think it is fine just the way it is right now.

Chairman McPherson: Just another thing while we are on the trash ordinance: the list of the violations. Who is going to do the notifications? Is it going to be Trashmaster?

Paul DiMauro: Trashmaster is supposed to report to us when they see a violation.

Chairman McPherson: Have you that discussed with them lately?

Paul DiMauro: Yes I have.

Chairman McPherson: The last list that I have is from December; I saw that the list was not up to date because there were newer violations that we have spoken about.

Paul DiMauro: We can talk about them; it was an administrative issue but we can talk about them separately about what we are doing to move them along. You can call Ernie or me, or the Highway Department and we will get a letter generated to those people. I do not want to send something after the fact and it has not been reported within thirty days.

We just cleaned a couple up this week. We could not ascertain who it was, but we did charge the landlord and he did clean up his mess.

Chairman McPherson: Just to be clear again, I have one of the violation letters that we sent out. The written warnings are for the first violation, and then they get the second violation within the year.

Paul DiMauro: What we do normally, especially when the program is first starting, is first send them a courtesy notice to alert them. If they continue, then we would give them the official written notice then we would go to the official first violation.

Chairman McPherson: I am of the belief that everybody should be aware of this now and we are beyond courtesies.

Paul DiMauro: We will take the appropriate action going forward.

Chairman McPherson: When Trashmaster observes someone in violation, will they report to you and Ernie?

Paul DiMauro: They are supposed to report to our office of any violation that they see. They are not supposed to pick up a container that is overfilled because it spills all over the place, and people get irritated about that. They are supposed to report any violations that they may see, and they have been. There was an incidence where the people did not put out the right type of container. The violation was called in, and immediately we had pictures taken of it.

Alderman Anglace: So you do not have to take any action. Now the revised, proposed ordinance gets referred to Board of Aldermen for Public Hearing.

Mayor Mark Lauretti: For the record, I want it understood that this is not an end all, cure all for all of these issues. Just because it gets reduced to an ordinance, there is nothing perfect about this. Enforcement is always the key to every law, regulation, and statute. Sometimes the facts surrounding an enforcement issue become gray; you never know when you are going to see something new.

This statement also pertains to snow plowing. I know that it is on the list and it is a sore subject with me. I have had many discussions with our residents in this community about snow plowing, and there is nothing perfect about it. The expectation that people have is somewhere else other than where reality is. The same will apply to some of these garbage collection situations.

Alderman Kudej: The homes and buildings that are multi-family units are 4 or 5 families living in that area and each family has two containers. Some places do not even have room to roll them on the sidewalk.

Paul DiMauro: That should not be the case. What did they do before?

Alderman Kudej: In some places that I have observed, there are containers that are out all week long. They have no place to put them, and we have talked about trying to place dumpsters in these units so every one can dump everything into one container.

Mayor Mark Lauretti: How do you solve something like that?

Alderman Kudej: I am not sure.

Mayor Mark Lauretti: That is my point; this stuff happens all of the time.

Chairman McPherson: Paul, I am of the belief that you have these multi-families as much as six or seven families living in one building should really have their own dumpsters.

Paul DiMauro: You can do that. In most communities, it is four families that the City will pick up under its own residential collection. Anything more than that will then be considered as a commercial area and should be considered to have dumpsters, or their own collection. We have traditionally picked up the downtown area so there is a double collection; we had that grandfathered under the downtown. Quite honestly, they are not giving the stats; I have never realized that some of these units are 7, 8 and 9 units, as considered as one unit in one building. Nobody has ever given that information to us, and there are some that are illegal. You have a six or seven family unit on Howe Avenue listed as a four or a five family house.

That is something that we should discuss to limit some of these. It will not cost us a fortune if we do it that way, as long as they are doing it in an orderly way to handle it. If they cannot handle it correctly, then we should stop collecting those units. I think the idea is if they get to a number of violations, we shall stop collecting those units and report them to get their own collection.

Mayor Mark Lauretti: Even in some of these locations, you are not able to get a dumpster to fit.

Chairman McPherson: We are going to have to visit this topic down the road.

Mayor Mark Lauretti: I want the point understood that there are many varying conditions that this does not practically accommodate. People need to be aware of that; there is nothing perfect about any of this.

Alderman Kudej: You definitely take the good with the bad. I think about the big containers and next thing you know people are throwing furniture in there.

Mayor Mark Lauretti: Just take a look at Waverly Street. I had the Parks and Recreation Department clean that street up a month and a half ago, and there is a TV that is sitting there with two couches.

Paul DiMauro: We need to know that so we can enforce it.

Mayor Mark Lauretti: It has been there for a month and a half; I guess I am the only one who sees that.

Move to forward to the Full Board the amendments to Code of Ordinances- Garbage, Trash and Refuse, Chapter 6- Sec. 6-5, 6-10, 6-12 and 6-67 to go to Public Hearing.

2.2 BROCC TERRACE ISSUES

Alderman Anglace: Mr. Chairman, I would like to introduce to the Board, Mr. David Wangaard, 54 Brocc Terrace and Mr. Darik Pearson, 56 Brocc Terrace. Both gentlemen have come out tonight, in regards to the Brocc Terrace issue that is on the agenda.

Chairman McPherson: We are going to start with this item by having our City Engineer give a status of where we are on this issue.

Robert Kulacz: From the past couple of weeks, I went to get all of the facts about Brocc Terrace and how we can locate those three homes: 54, 56 and 61 Brocc Terrace that are on the dead end. If we go back the Highway Department in 2011, put in directional signage to help emergency services locate that stub of Brocc Terrace that is accessed from Keron Drive. At the intersection when you come in from Long Hill Avenue, there is a sign for Keron Drive that point to the right for those three houses. As well as when you go down Keron Drive, the actual street sign shows those houses located there. For emergency services, I contacted both AT&T and Comcast over the past two weeks. None of the three houses have AT&T landline service; 54 and 61 Brocc Terrace has Comcast.

We have added a location field, so when you call 911 from either of those two homes, a location field shows up to the dispatcher that says access via Keron Drive, so the dispatcher will know that the emergency vehicles should go in that direction. We have done that for a few locations where people do not realize if there is a split street, for example Route 8 where Maltby Street is split, as well as Division Avenue is split in two directions. We have supplemental fields for those addresses. Number 56 does not either have Comcast or AT&T so I do not know what their phone service is. If I can find out what their landline service is, that would be great.

Darik Pearson: There is no landline.

Robert Kulacz: Then we cannot help you out in that situation. You would have to tell the dispatcher about where you are located.

We have also looked at online mapping resources: Bing Maps, Google Maps and Yahoo Maps that show all three houses correctly if you punch in your address, they correctly appear on the map. Mapquest shows some errors there. I did report them on their website several weeks ago. I have not received a response from them; they should be able to update that online in a reasonable amount of time.

Darik Pearson: Just to interject, I went online to Mapquest to update it one year ago and have never received a response from them.

Robert Kulacz: I guess the biggest issue is GPS mapping. There are only two systems for GPS mapping: Navteq/Nokia. That is basically Magellan and Garmin. 61 Broc Terrace was shown correctly on their GPS systems. 54 and 56 Broc Terrace was incorrectly labeled. We did report those changes to Navteq/Nokia on February 26, 2014; they should be able to take care of that. The problem is when you report a GPS change, is they can change their maps but any GPS system in stock has not been updated is going to be outdated. It will not be up to date unless someone goes online and updates their GPS; they will not have the correction. TomTom, which purchased TeleAtlas, the street is not showing and their website is non-responsive. I have not been able to get through to them. So that is basically a summary of how to locate your home and all of the technology that we use.

It was also brought to my attention that you may want to consider changing the street name. Even if you change it to Broc Terrace Extension, talk with the Postal Service because you are going to have to change addresses with everyone regardless changing it to Broc Terrace Extension, or with another name, they cannot deliver mail to a Broc Terrace Extension address if you keep your mailing addresses as Broc Terrace. It just does not work with their computer system. You would have to change your address with the utility companies. You do not have to change deeds because deeds refer to a map number, lot number and a legal description.

Darik Pearson: When I moved in, I moved into Broc Terrace Extension because that was the sign that was on the road, which was listed under the real estate agency and it is also on my mortgage document. You have told me that Broc Terrace Extension never existed.

Robert Kulacz: We went back and there was no Broc Terrace Extension. Sometimes mistakes were made when the street signs went up and so forth.

Dark Pearson: When you (other Broc Terrace resident) moved in, was there even a street sign up?

David Wangaard: No, there was not a sign. That even appeared just out of our request to have a street sign. When it popped out, it was Broc Terrace Extension.

Robert Kulacz: The other comment that came up when I spoke to the Post Office was if the City changes it to Broc Terrace Extension and you do not change it with the Postal Service, they really do not care; they will get the mail to you. However, changing the name at this point is going to really gum up the works with all of the other mapping companies. We have been slowly trying to get them to correct everything so they show Broc Terrace, to get the houses correctly shown.

Darik Pearson: I understand that, and with the statement that you have made before, anyone that has an older system is not going to have that update anyway. So, what is the difference at this point? He is fine going with the extension, but it seems like if this road does not get its own identity, the confusion will never end. Literally, if you look at how the road is and if you picture yourself living at this address, with every person that you talk to you have to tell them, "by the way when you turn on Broc Terrace, turn off of Broc Terrace to Keron and then onto Broc Terrace. We can live it, but should we have to live with it?"

Mayor Mark Lauretti: What is the answer here? Should we change the name? Let's change the name.

This is not the first time that we have encountered this. In my view, the only way to solve this is to change the name. If you do not change the name, you can call it extension; you can alert the dispatch system to the situation. However, ten years from now when all of the players operating the dispatch system now, who change are not going to understand this. People are going to tell you that they are going to understand it, but the only way to solve this once and for all is to change the name. For the life of me, I do not even know why they did this back in the 60s.

David Wangaard: On some City maps they do show Broc Terrace and Broc Terrace Extension connected.

Paul DiMauro: I know it can be a pain for the residents, but it is like moving, you change everything one time and it is done.

David Wangaard: First, thank you for taking all of this time on this kind of issue; I appreciate your service. However, to Darik's point it would not be any change for me because I was Broc Terrace Extension for 17 years. I have a lot of documents that say Broc Terrace Extension that are coming to me as Broc Terrace Extension. When changing it to Broc Terrace, anything that has happened since then has just been named Broc Terrace. For me, going back to Broc Terrace Extension would not fundamentally change a lot. Is it the City's responsibility? Who takes the responsibility that all of these electronic functions are accurate? It sounds like to me that you have the 911 stuff in order, but that is that through the landline only? Darik has had calls that mentioned that the street signs were changed. The street signs are still not accurate because they point to 54-61; 57 is still on Broc Terrace. Police have responded calls to 57 and they are looking for 57 on our street.

Mayor Mark Lauretti: That is my point. The only way to solve this once and for all is to change the name.

David Wangaard: Darik and I have talked about changing it. All of these steps would need to be repeated.

Mayor Mark Lauretti: You can go to Broc Terrace Extension and in the heat of the moment when the tone comes in for a response, whether it is a medical condition, fire, people are racing off. Broc Terrace is well documented in their mind, not Broc Terrace Extension. Again, when you get a new person into the equation and they do not understand that Broc Terrace Extension is off of Keron Drive, common sense would have it as off of Broc Terrace.

Darik Pearson: I think adding the suffix is to compromise. It is going to be a pain one way or another. The easier pain would be putting the extension on it.

David Wangaard: Are you suggesting the name change should not be Broc Terrace Extension?

Robert Kulacz: If you go through all of the work to have a different name-

Paul DiMauro: Treat it as a new street. Let the residents pick out a new name.

Darik Pearson: The debate is whether to choose a new name change or the suffix?

Mayor Mark Lauretti: The debate is that the name is misleading and confusing, having potential liability for the City and problematic for the people who live there. They would not be able to get the emergency services that they would need because of the confusion of the name. So think about it, you do not need to make a decision tonight.

Chairman McPherson: Like the Mayor has said, you do not have to decide this tonight. We can revisit it next month or even before that.

Alderman Anglace: In my mind, the priorities are emergency services; if you call we have to respond. At this point, the City Engineer should talk to our emergency responders to make sure that they understand the three addresses that are listed here and the names that go with it. The additional names can be taken from the voter registration list; this is who they are and where they are. They should do whatever they can so there are no mistakes in the interim while pondering this. It is an inconvenience for the mail and the deliveries, as well. The lowest priority would be personal people that want to try to find their friends. We have to resolve this and I think the City Engineer is trying to get to all of the people who have a different service and a different way of doing things. I think we need to work on the top priority, which is emergency service.

Robert Kulacz: Just to give you a synopsis, the name change would require action by the Board of Aldermen, a Public Hearing and a vote. When that happens, the Postal Service needs about two weeks to implement it. You would still get your mail in the interim, but you would need to send in your change of address. Our office would take care of Comcast, AT&T, and 911 to change the addresses. You would be responsible for everything else: the utility bills and everything else that goes with it. We would take care of all the online mapping resources, and the GPS systems. However, the GPS will take several years before that is realized. With the online mapping such as Google and Yahoo, we can make the changes so you will be able to see it online. Also, the name change will also have to be approved by emergency services so we do not have a conflict with the names.

Darik Pearson: I understand that a complete name change is the permanent fix to the problem, I agree with the Mayor on that. I feel that the suffix would be a compromise. Is that even on the table? What are we deciding?

Robert Kulacz: I think emergency services would have something to say about it. The police or fire may say no because they would not want the confusion. You would probably want to think of changing it to a completely different name. If it were to come off of the actual Broc Terrace, that might be a go. We have a Kneen Street, and we also have a Kneen Street Extension. The extension is off of Kneen Street, so you cannot miss it.

Darik Pearson: Now that we are at this juncture, we do need to fix it.

Mayor Mark Lauretti: Yes, I think so too. I think we do have a liability. We are acknowledging that there is a potential problem here and we have had problems like this in the past. The only way to solve this is a complete name change, and that is what we did. With the effort of being consistent with the City's interest, that is what you do. That may be a little unsettling to you and a bit of angst because you have to jump through a couple of extra hoops.

David Wangaard: What I am hearing is that we should at least wait to hear from you about options. We know we are looking at a name change, but are you going to run one of the name changes through emergency services?

Robert Kulacz: I can, but I would really try to come up with a name change. I will run that by the Police Chief and the Fire Chief to see what their responses will be.

David Wangaard: We will wait for you until you hear on that, and then we will take the next step. Thank you.

2.3 AMENDMENTS TO CHAPTER 14 OF THE CODE OF ORDINANCES- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES (SEC. 14-9; 14-15; 14-51; 14-64; 14-65)

DISCUSSION:

Chairman McPherson: Paul, this item is regarding the sidewalk ordinance.

Paul DiMauro: I feel that this gives the City adequate protection. I understand where Bob is coming from on his comments, but I do not see enough to change what is there. I do not see where we should be putting a developer or a contractor through double jeopardy. I think it is too much to ask and it adds on a cost for all of us, whether it is the utility company or anyone else. I just do not see any necessity to go beyond, so I do not have a problem with saying this is the way to go. I am clear on all of the issues.

The Board of Aldermen Street Committee instructed me to try to diminish asphalt sidewalk. I tried to do that by minimizing the amount of contribution that we would give. I did put in 20%, I believe. I think we wanted to head towards better and to improve and beautify our City sidewalks. We are looking for a better aesthetic, so that is why I presented it the way I did. I do not have a problem with the way that I have presented it.

Robert Kulacz: There are many areas in town that do not have concrete sidewalks; they are asphalt sidewalks.

Paul DiMauro: We understand where they are, is where they are and we are not going to change them in subdivisions. In fact, quite honestly I would rip that out and use that for sidewalks; I think the people would be happier. We would have new grass back on.

The theory of those sidewalks was back then to leave the kids out so they would not have to take the bus to schools; that never worked. We ended up inheriting the Long Hill sidewalk,

Ripton Road sidewalk, and Mohegan sidewalk. You cannot expect the residents there to take care of it. It was done to basically have the kids walking to school. Instead, they opted to take the bus. We continue to do those sidewalks ourselves and the City spends their own money to put those back as asphalt. We are talking about the majority of the sidewalks in the downtown area. Personally myself, I would not want to see an asphalt sidewalk next door to me. I would like to see concrete as neat and consistent, all of the way through. Every other town does. It is not good to have these asphalt sidewalks and let people overlay a surface over it with something cheap. We do it in elongated areas, such as Long Hill, which has really become a walking path. So has Mohegan, so has Ripton Road for residents, and that is fine. We should maintain it the way it is. There will be different changes, and different developers may want to develop. They should have several different options, as long as it looks aesthetically pleasing.

Robert Kulacz: I understand that is the way it is read, you are taking the option out of our hands to overlay. Say that we had to repair Huntington Street sidewalk or Ripton Road, you are removing-

Paul DiMauro: No I am not. The City controls that; the City can do what it wants. The City pays for those; the City is not assessing the property owners. We have never assessed any property owner on Long Hill Avenue, Ripton Road or Mohegan to pay a portion of those sidewalks. It is our responsibility and we will do it. Next year, if we decide to do them all concrete, we will. In the interim if we want them as asphalt, we will do them as asphalt.

Robert Kulacz: Paul, let's get off Ripton Road. There are sidewalks in other locations that people want to repair, and their repair method will be an overlay.

Paul DiMauro: The Board of Aldermen has said that they do not want overlay on top of concrete.

Robert Kulacz: I am talking about an existing asphalt sidewalk.

Paul DiMauro: We have reduced the amount that we will contribute, but we try to discourage that continued movement. We said that we wanted to reduce it to 20% or something similar to that. We will reduce the amount we contribute because we are trying to discourage and encourage them to do concrete.

Robert Kulacz: We are talking, say for a street like Longfellow Road. Some people want to remove the sidewalks so we give them permission but other sidewalks are still in service; people maintained them and want to overlay them. They are still existing asphalt sidewalks. I want to keep that action to allow asphalt sidewalks to be overlaid.

Paul DiMauro: If it was asphalt from day one in a subdivision, for whatever reason Planning & Zoning at that time, the sidewalks were out there for the kids to walk to school, which they do not do anymore. I do not have a problem with them replacing those particular sidewalks that are asphalt and are installed with a subdivision as asphalt, as required by Planning & Zoning. I have not seen a lot of them done. I have not seen a lot of contribution going back to them for that. If that is the case, I do not mind modifying the ordinance to allow that to happen. I do not want the downtown area, where there is an overlay of concrete. If they have a concrete sidewalk overlaid

with asphalt, they got a cheap way out. It fails that way and there is always a problem. We do not want them downtown. If they are in subdivisions, I have no problem and I will rewrite that section.

Robert Kulacz: We need the clarification so that we are dealing with the subdivision. It is understood that in the downtown area, that we do not allow anyone to do that. However, eliminating the overlay out of the ordinance takes that option out.

Paul DiMauro: I do not want that. I do not think that I want an overlay. I think you have to evaluate, as you already know. There is a reason why there is bad subsoil there. We have to look at each subdivision and wonder if the residents still need a sidewalk. If they want sidewalks there, I do not care, but in downtown we need to have them look right.

Mayor Mark Lauretti: We will make those changes and fall into them.

Robert Kulacz: The issue with the City not having an excavation permit on a state highway can be a problem, especially downtown.

For example, if someone needs to replace a water service that goes under the sidewalk, we do not have bonded insurance on record and we do not have a record of it. The State DOT does not care what happens beyond the curb line. They disrupt the sidewalk or an area in the right of way; we have no problem with it. I do not understand what the problem has been.

Paul DiMauro: I do not have a problem. If someone is excavating and not regulating, we would require them to have a permit. It is not going to pertain to roads outside of the state highway; it calls for Call Before you dig. We have plenty of notification before they begin to dig on a state highway. If someone is putting in cropping across our sidewalk, the state does not want the responsibility for that so they will need to get a permit to cross our sidewalk. I will modify that section that if they are digging with the water or sewer, you do not need a permit from us because you are digging out those areas that we are responsible for.

Chairman McPherson: Can you make those modifications to us, so we can move this on?

Paul DiMauro: Yes I will get them to you.

Mayor Mark Lauretti: There will be two modifications that we are doing.

Robert Kulacz: How about having a no charge permit to be obtained before they start the work? I agree with not having to get the City permit first, but we should have something on record? How are supposed to know? Call DOT?

Paul DiMauro: Do you get a call from Call Before you dig before excavation of the road?

Robert Kulacz: We get numerous calls from that, but we do not keep them unless there is a permit issued.

Paul DiMauro: Keep those applications that someone is digging on a highway, and keep that Call Before you dig record as your reference to prove that someone was digging. That will give you adequate notice if someone was digging out there. Why would you want someone to go to the state to get a permit, and go through the city to get a permit? Let's make it right and say that the Call Before you dig, and put it on your street list to show that someone is digging.

Alderman Anglace: What about the 60%

Chairman McPherson: We have talked about that we are in favor of that 60%; this mainly applies to the downtown area.

Alderman Anglace: So where do we stand on the permit? Bob did not have any of your comments prior to a couple of minutes before we were talking to you on the phone. I just gave it to him to look at.

2.4 MALTBY STREET DRAINAGE ISSUES

Chairman McPherson: There is a certain issue over by the Hewitt Hospital, pertaining to their driveway. We have repaved the road over there, and ever since we repaved the road those driveways flood.

Paul DiMauro: On the Hewitt side, I know there is an issue with the puddle.

Bob, please take some pictures over in that area, and let me know what the grades are.

Chairman McPherson: I think it is just as simply build up those two areas and I think that will take care of the problem.

Mayor Mark Lauretti: We are not touching that road; we are done with that road.

Chairman McPherson: Perhaps throwing some millings in it to build the area up.

Paul DiMauro: Have Bob go out there to take some shots, let us know what the grades are in that area and the grade of the basement top, so we can either drop the basement top or we can adjust it in another way.

Mayor Mark Lauretti: If that were true, you would still see traces of ice out there.

Robert Kulacz: We will wait until the snow goes to see how it flows.

Mayor Mark Lauretti: I have been out, driving by there ten times a day. They called me to get it paved; we got it paved. They called back to say that it was ponding, I went out there when it rained and it is not ponding. The water does flow. It does not flow like a river but it flows. We are not doing another thing to this, so let's keep moving.

2.5 SNOW REMOVAL COMPLAINT

Chairman McPherson: Paul, we have talked about this before, regarding the snow removal. I think the big problem with this is that you have the trucks that are plowing up the middle of the road on a lot of these roads, especially in some of these congested areas that we gotten complaints.

Mayor Mark Lauretti: What makes you think they are right about what they are saying?

Chairman McPherson: I am not saying that they are.

Mayor Mark Lauretti: People say things just because they do not like you for something else.

Chairman McPherson: I am not saying that they are. In this issue, Paul, what I am seeing is that they are plowing up the middle of the road, and they are leaving ten feet from each of the sides of the road. We have received a lot of calls on that because that was making the roads narrower. What we have talked about a couple of weeks ago was that they should be plowing a little bit closer to the side of the road.

Paul DiMauro: They do that when conditions allow; they push right through. In the downtown area, there are cars that are parked legally and illegally on the side of the road. We have to know when to alternate how to move the cars during a snowstorm.

Chairman McPherson: We are not doing any of that, Paul.

Paul DiMauro: If we enforce the ordinance the way that it is written, we could do a better job that way.

Chairman McPherson: The key is enforcement. The ordinance works when it is enforced. Only the other day we did receive a call from Code Red about the alternate side of the street parking. That was the other day due the potential snowstorm. There was no other time that we have notified people, that we have enacted the ordinance because a classic example with all of these congested areas around City Hall. You have Prospect Street, which is a prime example. Everyone has a driveway; we do not make the people move so we can plow the street. Cliff Street, Hull Street is another example of this type of situation.

Paul DiMauro: I cannot enforce an ordinance that is not under our authority.

It is under the Police Department, not you.

Chairman McPherson: Well someone has the authority to enact the ordinance; somebody or their designee to activate the ordinance. Get the people to move their cars during the snow emergency to plow the road. This applies to the congested areas, around City Hall and the downtown area. This does not affect Huntington and White Hills.

Paul DiMauro: I, as the Public Works Director, do not have the right to enforce that particular ordinance, I do not believe.

Mayor Mark Lauretti: I will give you a little lax in that part of the ordinance. I do not think that this is the cure all, because it is not.

Chairman McPherson: If we know that we are going to get that storm of 6 inches or better, that gives us a pretty good window.

Mayor Mark Lauretti: I have read the letter from Lore Lichtenberg; she has a valid point so we will start doing that.

2.6 STATE PROJECT NO. 170-3254- UPGRADE & REPLACE STATE-OWNED POST MOUNTED SIGNS WITH FLASHERS ON STATE ROUTES

Alderman Kudej: Bob, do you have anything to do with this?

Robert Kulacz: No that would go to Public Health & Safety. Actually the Mayor can just sign off on it to and agree with the upgrades that the state is doing.

Paul DiMauro: This is not for the Highway Department or Public Works Department to do. We do not get involved with traffic. We cannot put a stop sign anywhere, unless the Police Department directs us to do so.

Robert Kulacz: What they wanted to know was whether they wanted a public meeting or hearing if they wanted to change those signs. The Mayor would probably say absolutely not.

They just want concurrence that we do not want a public hearing.

Chairman McPherson: I can only think of two places where those signs are: Shelton Avenue and River Road.

Robert Kulacz: Also Sunnyside School and by Aspetuck.

Chairman McPherson: Owned by the Intermediate.

Paul DiMauro: Did we lose the one by Lafayette School?

Alderman Kudej: Yes they took that one down.

Chairman McPherson: There are only two that I know of.

2.7 HUNTINGTON FIRE DEPARTMENT COMPANY DRIVEWAY

Chairman McPherson: I think there is an issue there.

Robert Kulacz: Is that Lane Street Extension?

Chairman McPherson: Yes it is. It is at the intersection of Huntington, Lane and in the cut through of Church Street.

Robert Kulacz: We can re-grade that with asphalt. I see where there is an issue. It might need some milling, but it can certainly be done.

Chairman McPherson: I had asked for pictures too. This has to get done sooner rather than later because of the new truck that is coming in.

Paul DiMauro: Bob, just draft up something to prompt the Highway Department.

Robert Kulacz: Yes I will do that for you.

Chairman McPherson: I have nothing else for this item, but going back to the snow removal item, I disagree with Mark because I have seen Maltby. Before we paved the road, we did not have flooding at the base at each of the driveways.

Robert Kulacz: We will see what happens because it has been a wicked winter. Sometimes we get cross-teeed; if the road has risen it creates a little bump. Let's watch it during rainfall and you will probably see that it is not going to happen.

Alderman Kudej: There were a number of streets that we have done in the last year of two, and I have noticed recently that we are getting heaves like they never have before. We will see when the snow is gone and whether it drops down or not.

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 Kudej. A voice vote was taken; all were in favor motion passed 2-0.

Meeting adjourned at 7:20 p.m.

Respectfully Submitted;

Brittany Gannon

Brittany Gannon, Clerk
Board of Alderman Street Committee

