

**EAST HAVEN TOWN COUNCIL
PUBLIC HEARING MINUTES
TUESDAY, DECEMBER 2, 2014**

In accordance with Chapter III, Section 6 of the East Haven Town Charter, the East Haven Town Council Hearing Committee held a public hearing meeting Tuesday, December 2, 2014, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT.

Chairman Richard Anania calls the meeting to order at 7:04PM.

Item #1

Roll Call for Hearing Committee -11 present –4 absent (Gravino, Badamo, Riolino and Mansi).

A quorum is present.

Item #2

To conduct Public Hearing #1 regarding "An Ordinance Amending Sections 11-46, 11-47, and 11-48 of the East Haven Code regarding Winter Limited Parking."

**An Ordinance Amending Sections 11-46, 11-47, and 11-48 of the East Haven Code
regarding Winter Limited Parking**

WHEREAS, Sections 11-46, 11-47, and 11-48 of the East Haven Code presently address the topic of parking regulations during snow events;

AND WHEREAS, the Town wishes to update and amend each of these regulations, respectively;

NOW THEREFORE, BE IT ORDAINED that Sections 11-46, 11-47, and 11-48, including their respective titles, are hereby repealed in their entirety and the following shall be deemed to replace the same:

Sec. 11-46. "Automatic Parking Ban at Start of all Snow Events, Parking in off-street facilities required when available.

At the start of a snow event, immediately when snow begins to fall, a parking ban shall automatically be in effect. All vehicles shall be required to be parked in off-street facilities (driveways, etc.) where such off-street facilities are available. Said parking ban shall remain in effect during the entirety of a snow event and until thirty-six (36) hours after the snow event has ended."

Sec. 11-47. "Restrictions where off-street facilities (driveways, etc.) are unavailable.

During a parking ban initiated pursuant to Sec. 11-46, if off-street facilities (driveways, etc.) are not available, vehicles shall be permitted to park only on the even numbered sides of the streets within the Town.

However on such streets where posted parking regulations either presently or in the future limit parking to only the odd numbered sides, vehicles shall be permitted to continue to be parked on the odd numbered side only."

Sec. 11-48. "Declaration of a Snow Emergency by the Mayor, Effect of Snow Emergency with respect to Declaration of State of Emergency by the Mayor

(a) Notwithstanding the provisions of Sections 11-46 and 11-47 herein, if the Mayor declares a "Snow Emergency," the Mayor or the Chief of Police, if they deem it necessary, shall be empowered to order the removal of all vehicles from any or all streets within the town to permit the efficient and effective removal of snow. If an owner fails to act upon or ignores a removal order, the Chief or his designee may order the car to be towed at the owner's expense.

(b) For the purposes of this section, a "Snow Emergency" shall be defined as an event or set of circumstances in which snow, related weather conditions, or complications resulting from the same require a heightened or specifically-tailored safety response.

(c) In addition, during a snow emergency, the Mayor may, by written order, extend the length of time during which the restrictions referred to in Sec. 11-46 and Sec. 11-47 shall remain in effect.

(d) In the event the Mayor declares a "State of Emergency," the Mayor shall exercise those powers, functions, and duties prescribed by state law, the Town charter, all applicable ordinances, resolutions, special acts, and the Town's Municipal Emergency Operations Plan in order to minimize the effects of said emergency.

(e) The authority granted in Sections 11-46, 11-47, and 11-48 herein shall never be construed to limit any power, function, or duty enjoyed by the Mayor pursuant to any state law, the Town charter, all applicable ordinances, resolutions, special acts, and the Town's Municipal Emergency Operations Plan."

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by: Danelle Feeley, Council Clerk

Date: _____

Approved by: Joseph Maturo, Jr., Mayor

Date: _____

Received by: Stacy Gravino, Town Clerk

Date: _____

- Town Attorney Joseph Zullo states that just for tonight they are going to have the testimony of the appropriate Town Officials take the place of a full reading of the Ordinances, as they are rather long.
- Chairman Anania asks if anyone has a problem with this, to which the Council says no.
- Frank Gentilesco Jr., Assistant Director of Administration & Management addresses the Council. He states that the Council has in their packets the existing Ordinance concerning winter limited parking as well as the one being proposed tonight. The current ordinance is convoluted at best. In essence it is triggered by the calendar; it says that beginning Nov 15 through April 15, the Limited Winter Parking Ordinance goes into effect. As an example, on a day like yesterday when it was 63 degrees, if a car was parked on the odd side of the street it was technically in violation of our current ordinance. This is really not a practical way to apply it. When we talk about winter limited parking, for the most part, we are talking about situations that occur when we have snow, there may be other instances on occasion. What they are trying to do is make it a lot simpler for the citizens. It is very difficult to relay our current ordinance which has a few aspects; it not only triggers from Nov-April, but then goes onto say if you have any kind of place to put your car, such as a driveway or garage, your car needs to be off the street during that period of time. In lieu of that, if you don't have off street facilities you have to park it on the even side of the street, unless it is posted in a different manner. It then says once the odd side of the street is plowed, you have to move the vehicle to the other side of the street within 6 hours. Quite honestly, 99% of the residents don't have any idea that the Ordinance reads this way and we don't plow snow that way. We don't plow by going down the street at one time then come back 10 hours later to do the other side; it is not practical and it is very difficult to enforce in its current manner. What they have tried to accomplish with the revisions is to make it simpler, easier to understand, have a more reasonable trigger mechanism and make it easier for the police to enforce it. It now says at the start of a snow event, immediately when snow begins to fall the parking ban shall automatically be in effect. In essence, they don't have to wait to hear word that the ban is in effect. During the time from Nov-April they can park on either side of the street, providing there is not a snow situation. Once the snow begins to fall, the ban goes into effect and at that point in time they are to get their cars off the road if at all possible. That would be the best thing for public services, a road that doesn't have cars. Our crews are very good at what they do, but this would enhance it. The ordinance will remain the same as it is now in saying that if you can't get the vehicle off the road, you will park on the even side of the street. However, that will be the end of it, there won't be any situation where they have to determine if the odd side has been done. Quite honestly, when we had a resident who was cognoscente of how the ordinance read, there would be streets with cars on both sides because one resident knows to move it and the other doesn't and it becomes an even worse situation. Again, what this ordinance will do is that it gets triggered by the snow and you then either get the car off the road or it has to be parked on the even side of the street. The ordinance also goes on to say that the parking

ban will remain in effect during the entire snow event and until 36 hours after the snow event has ended. This is plenty of time for our Public Services Department to come back and they may even be able to do the other side of the street once cars have moved if people leave for work or whatever else. This is a lot easier to convey to the residents, it is a lot easier for them to understand. It goes on to talk about snow emergencies that would be declared by the Mayor or the Chief of Police; these can either be extended- cars could be ordered off the streets in severe situations, no different than the blizzard situation last year. With the new ordinance it will be something we can convey through press releases and social media where the resident will understand it and hear it through repetition. It is a lot more practical and it mirrors the way we plow streets today and maybe not how they did years ago.

No public comment.

Council comment:

- Councilman Nicholas Palladino asks if this is okay with the decree, the towing part isn't against the decree we are working in?
- Mr. Gentileseco says no because we didn't change the section concerning fines and towing. We just changed the mechanism of how the parking ban works.
- Councilman Joseph Santino says he thinks this is great but like all other ordinances, unless they are enforced they don't work. There are ordinances now but if you go down some of the streets, cars are parked on both sides and the guys can't move. He suggests hooking this up to a reverse 9-1-1 to warn the people to move the cars to one side.
- Mr. Gentileseco says he agrees, and one of the things they tried to accomplish with the new ordinance is that it would be easier to convey so if they did send out a reverse 9-1-1 it would be pretty simple; that a parking ban is going to be in effect once the snow starts falling and at that point in time you have one of two choices, either get the car off the road or park it on the even side of the street. This other thing about waiting 6 hours and then moving it over is confusing and it isn't even followed. One of the goals of this ordinance is to make it a lot more enforceable by our Police Department.

Item #3

Adjournment of Public Hearing #1

Councilman Santino makes a motion.

Councilman Vincent Spaduzzi seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #4

To conduct Public Hearing #2 regarding "An Ordinance Amending Chapter 16 of the East Haven Code regarding Peddlars, Solicitors, and Itinerant Vendors."

Town Attorney Joseph Zullo addresses the Council. He says for those of you who have never looked at Chapter 16 of the book of ordinances, it is rather lengthy and outdated; it was written at a time when door to door sales existed. This is an update to the ordinance; it is a repeal and re-write of the entire ordinance. The bottom line is that it is intended to make itinerant vendors, peddlers and solicitors and people with carts selling goods around Town more accountable and for the Police Department to be able to keep better track of them. It sets up a clear licensing procedure whereby prospective vendors will apply through the Police Department with a newly adopted application. They will have to supply a host of information to allow our department to keep better track of everybody. They will be required to wear/display licenses at all times and they will only be allowed to vend in the locations at which the Police Department has approved for them to vend. Anytime a vendor says they are moving to a different location or start at a different place, they will have to re-notify the Department. They don't have to re-apply; it is more of a notification procedure. Most importantly, the ordinance regulates mobile vendors, essentially ice cream trucks or anybody who vends from a motor vehicle. It only allows them to vend from the side of the vehicle not facing the middle of the street, only allows them to vend on streets where the speed limit is under 25mph so no major thoroughways. It protects some of the major vending events such as the Fall Festival where they can't vend within 1200 ft. of the green, Farmer's Market and the Fireworks party where they can't vend in all points between Hobson and Jamaica court, so no vendor will get into the event without registering for it. Additionally, it gives the Chief of Police wide discretion as far as awarding vendor's licenses for certain areas. For example during the summer we often have vendors inquire about vending at the Green, it is okay for 1-3 but if you attract more vendors there may be safety, traffic and congestion problems. It gives the Chief discretion to award a few to a certain area and then say any more pose a hazard. This was not part of the current ordinance. There are penalties for failing to display/have a license. It also requires licenses for large events; if you are having an event with multiple vendors you would have a vendor who registers and then has to supply information for each sub-vendor so the Town will know each vendor associated with the event.

No public comment.

Council comment:

- Councilman Robert Sand says he is appreciative that the vendors would have to do that. He mentions the ice cream truck vendor who plays the same tune loudly and consistently every summer. Is there any way to control that?
- Attorney Zullo states that we do have a noise ordinance which might apply, but he thinks they may be striking a very sensitive balance between freedom of speech and proper regulation. He states that it is not a part of this ordinance but he would be happy to look into it and check with other Towns.

- Councilman Palladino asks if High School kids doing different things are exempt from this.
- Attorney Zullo says it doesn't affect tag sales, garage sales, lemonade stands etc. Those are specifically exempt out.
- Councilman Henry Butler III says that every once in a while we still get people who come in vans and drop solicitors off to sell things, this will affect them right?
- Attorney Zullo says that will not be allowed. They would have to at least apply for a permit.
- Councilman Santino says under the itinerant vendor, did anything change on this? It says that they have to keep moving, in the example of a hot dog cart it's very heavy and they can't keep moving.
- Attorney Zullo says it doesn't require continuous movement. If it did, that would fall under the vehicular part of the ordinance. The old itinerant vendor was like that, but it is not anymore in this ordinance.

Item #5

Adjournment of Public Hearing #2

Councilman Sand makes a motion.

Councilman Butler III seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #6

To conduct Public Hearing #3 regarding "An Ordinance Establishing Nonresident Owner-Landlord Registration Provisions."

An Ordinance Establishing Nonresident Owner-Landlord Registration Provisions

WHEREAS, the Town of East Haven has many residential properties which are owned by nonresident landlords;

AND WHEREAS, maintaining updated contact information for nonresident landlords, for the purposes of enforcing property maintenance standards or for emergency circumstances, is of vital public importance;

AND WHEREAS, state statute permits Towns to require nonresident landlords to register with municipalities and permits the assessment of fines for failure to do so;

NOW THEREFORE, BE IT ORDAINED that the following provisions are enacted and shall be codified as Chapter 10, Article 3, with the section numbers designated herein:

“Article 3: Nonresident Owner-Landlord Registration Provisions”

Sec. 10-36. Definitions

Sec. 10-37. Registration of Nonresident Owner-Landlords

Sec. 10-38. Service of Notices to Register

Sec. 10-39. Penalties for Offenses

Sec. 10-40. Appeals

Sec. 10-36. Definitions.

As used in this chapter, the following terms shall have the following meanings:

(a) *Address*: A location as described by the full street number, if any, the street name, apartment number, if any, and the city or town.

(b) *Agent in Charge*: One who manages real estate, including but not limited to, the collection of rents, keeping up with maintenance, and supervision of property. For the purposes of this Chapter, an agent in charge is considered to act on behalf of a nonresident owner-landlord who is not a natural person.

(c) *Contact Information*: The name, address(es), telephone number(s), and e-mail address(es) of the nonresident owner-landlord and the agent for property in charge of said property, if any.

(d) *Dwelling Unit*: Any house or building, or portion thereof, which is rented, leased, or hired out to be occupied, or is arranged or designated to be occupied, as the home or residence of one or more persons living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways and/or yards.

(e) *Owner-Landlord*: Owner of a dwelling unit which is rented or leased to an individual or business, who is called a tenant (or lessee or renter).

(f) *Nonresident Owner-Landlord*: An Owner-Landlord, as defined herein, who does not maintain his or principal residence within the geographic boundaries of the Town of East Haven for at least 8 months of the calendar year.

(g) *Tenant*: A person who occupies a dwelling unit through either a written or oral agreement, usually for a set price per month and for a fixed amount time.

Sec. 10-37. Registration of Nonresident Owner-Landlords

(a) Any nonresident Owner-Landlord of occupied or vacant residential real property shall maintain on file in the Department of Planning and Zoning the current contact

information of said nonresident owner-landlord of such property, if the owner is an individual, or the current contact information of the agent for property in the charge of the building if the nonresident owner-landlord is a corporation, partnership, trust, or other legally recognized entity owning residential real property in the state.

(b) If such contact information changes, notice of the new contact information shall be provided by such nonresidential owner-landlord or agent in charge for property of the building to the Planning and Zoning Office not more than thirty (30) days after the date that the contact information has changed.

(c) If a nonresident owner-landlord or agent for property in charge fails to file or maintain current contact information under this section, the address to which the Town mails property tax bills for a residential real property owned by a nonresident owner-landlord shall be deemed to be the address for the nonresident owner-landlord and/or agent in charge for property for enforcement purposes under the provisions of this Chapter.

(d) Any nonresident owner-landlord or agent for property in charge shall also give their contact information to any tenants. The purpose of this provision is to ensure that tenants have such information in case of an emergency during nonworking hours or if the database for contact information is not available.

(e) Each nonresident owner-landlord or agent in charge for property, with respect to each dwelling unit so owned, shall be required to annually file, update, or confirm their contact information, on a form to be provided by the Town, with the Planning and Zoning Office. Said filings shall be made no earlier than July 1st and no later than July 31st of each calendar year and shall be referred to as “annual filing(s).” For the purposes of this chapter, the period of July 1st to July 31st of each calendar year shall be referred to as the “annual filing period.”

(f) If a person or entity becomes a nonresident owner-landlord or agent in charge for property by virtue of entering into a new rental arrangement with a tenant between August 1st and June 30th of any calendar year, he or she shall, within thirty-one days, file the required contact information with the Planning and Zoning office. Said filing shall be referred to as an “initial filing.” Unless such initial filing occurs during the annual filing period, such filing shall not relieve a nonresident owner-landlord or agent in charge for property of the annual filing requirement as delineated in Section (e) herein, regardless of how close an initial filing may be in proximity to the annual filing period.

Sec. 10-38. Service of Notices to Register.

Service or mailing of correspondence relating to the maintenance of dwelling units or to compliance with state law or local codes concerning such dwelling units directed to a nonresident owner-landlord or agent in charge for property at the address on file, or deemed to be on file in accordance with this chapter, shall be sufficient proof of service of notice of such correspondence in any subsequent criminal or civil action against a nonresident owner-landlord or agent for property in charge. The provisions of this

section shall not be constructed to limit the validity of any other means of giving notice of such orders that may be used by the State of Town of East Haven.

Sec. 10-39. Penalties for Offenses.

In accordance with the provisions of C.G.S §47a -6b or any subsequent revision to the same, the penalty for failing to timely file the required contact information under this Chapter shall be \$50.00 for each dwelling unit owned by a nonresident owner-landlord and for each first offense. Thereafter, the penalty shall be \$100.00 for each subsequent month that said filing(s) is/are delinquent, each month constituting a subsequent offense. Said penalties shall be cumulative.

Sec. 10-40. Appeals.

(a) Any person who is assessed a penalty under this chapter may appeal the assessed penalty to the Superior Court in accordance with the provisions of C.G.S. Sec. 47a-6b.”

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by:	Danelle Feeley, Council Clerk	Date: _____
Approved by:	Joseph Maturo, Jr., Mayor	Date: _____
Received by:	Stacy Gravino, Town Clerk	Date: _____

- Frank Biancur, Planning/Zoning Officer addresses the Council. He states that this ordinance came from the administration to basically give us more teeth in code enforcement and on the safety side of things. It requires all non-resident owners and all landlords to register with the Town and also give their tenant's information as well. This is for when they go out on a complaint or an emergency to a non-owner occupied home they would be able to get ahold of people right away. He did research in West Haven, Waterbury, New Haven and a few other towns and it has worked well for them. We will not be charging anybody to register unless they fail to register. State statute 47-6A allows us to do this and it benefits planning/zoning, building, fire, police, health department, assessor's office and the Mayor's office. We would have contact information for all non-owner occupied whether they are single or multi-family.
- Councilman Butler III asks if that includes condos.
- Mr. Biancur says yes, any rental. They have about 3,700-4,500 rental units in Town, it could be single family, multi-family, apartments or condos. Anywhere that is a rental has to register. The list will be kept in his office and distributed to the other offices.

Public comment:

- Dominic Cretella, 10 Burgess St, East Haven, CT- says that it was stated there would be a fine if you didn't register. He asks how the Town is going to let the landlords know they have to register.
- Mr. Biancur says they will likely do 1-2 press releases to start.
- Mr. Cretella asks about people who live out of State.
- Mr. Biancur says they would get a letter. Wherever their taxes bill goes, the letter will go. They will have a set amount of time to register.

Council comment:

- Councilman Sand asks if the application will be required to be posted or a copy at the residence for a quick reference information sheet.
- Mr. Biancur says no, the application will come back to him. He says he doesn't know that we can force someone to post that inside their home. It's not a bad idea; a lot of people have emergency numbers on their refrigerator. He says the tenants will have the contact information as well. He cites the example of there being a fire on a Saturday night and he isn't in his office, the tenants would have that information and be able to notify the homeowner.
- Councilman Butler III says that they should have it anyway but sometimes people don't cooperate.
- Mr. Biancur says there have been times it takes days to hunt down a homeowner. This is another tool to help us. It is not a tax in any way shape or form, other Towns charge the people to register. We decided against that, we just want them to register so we can get ahold of them.
- Councilman Sand asks him to look into it being posted on the property so that if there was a legal need there is a quick reference. It could be an extension of his efforts rather than having to go online or making another call.
- Councilman Palladino asks if that information can also be kept at the dispatch center because Town Hall is open Monday-Friday 8:30-4:30. If you need it on a Saturday the center would have it available.
- Mr. Biancur says the list will be generated from planning and zoning but copies would go to the building department, east shore health, the mayor's office, assessor's office and the fire and police department.
- Councilman Ken McKay asks about if a landlord ignores the fine, can we put a lien on the house?
- Attorney Zullo says that is something we are doing a lot now, especially with blight and lawn mowing. Yes, fines are cumulative and the Town can collect on the fines by putting a lien on the property and foreclosing. He believes they have the same priority as tax liens so there is a significant risk of not registering.

- Mr. Biancur says we have been collecting on the liens for lawn cuts. We are not only putting the liens on but we are following up with letters. That would be the same case here; we would aggressively go after them. We need the information, it could save a life.
- Councilman Fred Parlato asks if this only pertains to owners who don't live in the buildings. How about the owners of facilities like the one on North High Street with special need people. One time the Fire Department responded to a call and the woman was blind and they didn't know. People that are disabled, handicap, or special needs should be keyed in on.
- Mr. Biancur says that a lot of facilities have an on-site manager who would be the contact person in those cases.

Item #7

Adjournment of Public Hearing #3

Councilman Santino makes a motion.

Councilman Spaduzzi seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #8

Hearing Committee report to the full Town Council and recommendation of action on Public Hearings #1, #2, and #3.

Councilman Santino makes a motion.

Councilman Sand seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Item #9

Adjournment of Hearing Committee.

Councilman Mckay makes a motion.

Councilman Santino seconds the motion.

Voice vote: all in favor-none oppose-none abstain. Motion carries.

Meeting is adjourned at 7:32PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council