

**EAST HAVEN TOWN COUNCIL  
SPECIAL MEETING MINUTES  
WEDNESDAY, OCTOBER 30, 2013**

The East Haven Town Council held a special meeting Wednesday, October 30, 2013, at 7:00PM at the East Haven Senior Center, 91 Taylor Avenue, East Haven, CT 06512.

Chairman Richard Anania calls the meeting to order at 7:06PM.

**Item #1**

Roll Call- 12 present – 3 absent (Depalma, Richardson and Carbo).  
A quorum is present.

**Item #2**

Approval of minutes from October 10, 2013 Special Meeting.

Councilman Joseph Santino makes a motion.

Councilman Joseph Badamo seconds the motion.

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

**Item #3**

To consider and act upon an Ordinance Regulating the Operation or Use of Dirt Bikes, All-Terrain Vehicles, Snowmobiles, or Motor-driven cycles.

Councilman Robert Parente makes a motion.

Councilman Anthony Purificato seconds the motion.

No public comment:

Council comment:

- Town Attorney Joseph Zullo explains that we are one of the first municipalities in the State to take advantage of the new fine the State is allowing us to enact. He states that there is already an ordinance/statute on the books that allows municipalities to regulate their roads; that's why we have so many traffic ordinances as it is. There is also a penalty provision as it pertains to ATVs and dirt bikes, however recently there was a public act that expanded the penalties to allow municipalities to impose a fine from \$1,000-\$2,000. He states that we are one of the first ones to try this. He expects we may be back once or twice to amend it, but it is definitely a very viable start. Chief Larrabee can answer any

questions as it relates to enforcement but as far as whether it is a solid ordinance, yes. It is going to allow us to accomplish what we want; we will be able to ticket, fine and seize/hold these vehicles.

- Councilman Parlato asks if the Town will keep the line share of the fine, or do we just get a percentage of it.
- Attorney Zullo explains that this works like any other vehicle fine- the fine is a State statute which gives the municipality the right to create this ordinance. When the officer writes the ticket it would be a state citation, you would go to superior court and it would be prosecuted there.
- Councilman Parlato asks if we would receive any funds for administrative work.
- Attorney Zullo says no, there is nothing in excess of what we would normally get from a State statute fine. We get a very small percentage of it now.
- Councilman Joseph Badamo asks if this works like a motor vehicle charge.
- Attorney Zullo says it works exactly like a motor vehicle charge, it would be cited on the ticket as CT General Statute Section 14-388. He states that this ordinance is a combination of the language of New Haven's ordinance and language provided by the State of Connecticut, particularly their definitions which he found to be very good as far as defining a dirt bike, ATV, etc., they are statutory so they are very clear. One difference is that New Haven has a Community Court which we do not. For some cases in New Haven rather than going to Superior Court they go to a Community Court. We are a much smaller community so all of our cases would go to Superior Court.
- Councilman Anthony Mansi asks about the section that discusses the Police actually taking the vehicle.
- Attorney Zullo explains that under this ordinance, the Police have the right to seize a vehicle which is found to be in violation of these ordinances. The disposition as far as what happens to the vehicle afterwards is left up to the Courts. Once the matter is disposed of, it would be returned back to the owner upon proof that they actually own the vehicle.
- Councilman Badamo asks if you need a license to operate these vehicles over a certain rpm and what happens if you are underage and don't have a license.
- Attorney Zullo says that there is a certain threshold for a motorized device and once you get over that threshold you must have a license to operate it. That would not prevent the imposition of other fines for the person who is driving reckless or without a license; these fines would go on top of operating the vehicle on the road.
- Councilman Badamo asks what happens when it is a juvenile; they can't be charged for it.
- Attorney Zullo states that if the person is a juvenile, it would be adjudicated in the juvenile court system. He notes that this does have time provisions; there are people who own family compounds or land in town where they would be entitled to operate these vehicles on their private property. This sets time limits for when

they can do that which mirrors our noise ordinance, they are very similar. So people won't be doing it early in the morning or after a certain hour at night. Also, it prohibits people from doing it on private property that they do not own. It requires them to make restitution for any damage they cause on that property.

- Police Chief Brent Larrabee explains that the number they may want to know is 49cc or less. Anything above that, you have to have a license and it has to be registered. An ATV cannot be ridden on the streets period. Social media has something to do why this is a growing problem. He adds that many of the people who are doing this are not kids, they are adults. It is very a difficult task; this ordinance will give the Police Department another tool. When they begin seizing vehicles, hopefully it will stop it. In the spring when this all began, the PD was taking pictures of people and were able to prosecute them before New Haven even did it. We took pictures and videotaped it. The riders caught onto that quickly and started wearing masks, bandanas, etc. and they taunt the Police. He says they could pursue them, but he does not want them to pursue them because of the enormous liability it puts on the town. If someone gets hurt or killed it far outweighs the public nuisance caused by them riding around. This ordinance will hopefully give us more backup in enforcement. We have to make a step up and as Attorney Zullo said we are the first ones to do it in this county and it is an extraordinary step. The ordinance define what pocket bikes are, mini bikes are, etc. because prior to this every day an officer has to try to determine what it is. Given this, we will do the best we can with it, he feels it is the right step and hopefully the Council will adopt it.
- Councilman Parlato asks about when the owner of the motor vehicle allows someone else to ride on it or use it. When they are purchased, is there a way of tracking who paid for it. If it's a juvenile are they about to buy them? He wonders if it is more effective to go after the parent/guardian that allows these kids to use a vehicle like this in a reckless manner. This may be more effective than trying to chase them.
- Chief Larrabee says we do not want to chase them. He doesn't know the mechanism through the DMV as far as the purchasing of them. The way to solve this is by community members saying who is driving the vehicles if they know. We have a portion of the riders coming from other communities, but the majority of them are from our community. We need community policing where someone knows whose kid it is, and they try to talk about it and solve it. This has been tried and we get resistance from some parents and acceptance from others. This is a very big issue; we do not have a blind eye to it.
- Attorney Zullo explains that when enforcement of this is undertaken and the Police ticket someone, they seize the vehicle. The vehicle is only returned by the disposition of the Court and proof of ownership. Upon proof of ownership which is by a bill of sale, we will know who owns it.

- Councilman Parlato says we should try to stop it before it starts. Maybe we can send some kind of a notice to make them aware of the ordinance we have in town and the liability they are putting on themselves. We can notify the parents about the fines.
- Attorney Zullo says we may be able to put an open letter to the community on the Town website and send it to dealers around Town. Though he highly doubts that the people who sell these are going to let people know that there is a reason not to buy them. But it may be another step to take.
- Councilman Mansi says the dealers will tell you that if you are going to put these on the road and don't have a license, you will be in violation, so they won't sell it to you. He adds that over 49cc, the vehicle needs to be registered. But you need a license even if it is under 49cc. There are kids riding around who look like they are in about 7<sup>th</sup> grade, they clearly don't have a license. He adds that there are people out there on these who do not know the rules of the road. Someone is going to get killed, people already have been.
- Attorney Zullo says this doesn't just prohibit driving unregistered dirt bikes/ATVs. For example, just because they are registered with the State does not mean it can be driven on the public road. This ordinance prohibits both registered and unregistered vehicles. It very narrowly carves out what is acceptable on our public roads and sidewalks. It carves out motorcycles, motor vehicles, assisting devices. It adds another layer of protection because the excuse that it is registered isn't enough, it is still prohibited on our streets and sidewalks. This is a very good first step. This is going to be a good deterrent once the fines start going out for \$1,000-\$2,000, the vehicles are tied up and there is a lengthy court process.
- Councilman Santino says the fines are great but his main concern is how we are going to stop these vehicles. If we can't chase them, how are we going to get them to pull over so all of this stuff can be issued? Every night these guys are up and down Coe Avenue. We need more police presence or something; these guys are taking over the road. Why can't the police cars be parked in front rather than in back?
- Chief Larrabee explains that this is not a local issue, it is happening everywhere. Our issue is to find out where they are coming from. This ordinance will help us follow them to where they travel and hopefully we can then seize their vehicles. He says this will likely not happen tomorrow and he can't assign 2 or 3 officers to just do this. To do this would be impossible. Through legislation and community involvement, we need to find out who they are and try to talk with them and their parents prospectively. But some of these guys are emancipated human beings, some are adults. This is a step; this is not going to solve the whole problem. There is one guy who spends a great deal of time doing this, and has been marginally successful in capturing a couple of people. We have seized, there is a bike there now.

- Councilman Santino says wouldn't visibility help. Get the cars out there and let them see the police cars.
- Chief Larrabee says they don't go the other way when they see a police car. Every town around us also has a no chase policy. If we were to have a chase policy, we would have to talk about liability. If we got involved in a chase with a 16 year old kid on a motorbike that gets killed, we just don't want that to happen. We've also done some decoy stuff that worked out very well until they figure out who the decoy is and it no longer works. We continue to work on this every day, every day we talk about it. This is the number one crime problem, which in comparison is actually a healthy crime problem. It is a nuisance problem that we will continue to work on every day.
- Councilman Santino adds that there are even kids on bicycles that follow behind them now. They are out in front of Dunkin Donuts every night.
- Councilman Badamo says it is almost an impossibility to catch them, but can't we get close enough to get a plate number.
- Chief Larrabee say there are no plates, the vehicles are not registered. They have figured it out because we used to take pictures of them. So they either wear a full helmet or bandanas so we can't identify them by their face. Prior to New Haven, East Haven was doing this first. We were the first ones to take pictures of these people and prosecute them. But they caught on pretty quickly.
- Councilman Mansi asks if we have or could possibly get some kind of a hotline. If the community is going to get involved. We all live next to someone, and these people have to live somewhere. So if we are going to have community involvement where we try to work this out in a peaceful manner, we can notify the PD and have them wait for them to return back to where we think they live after they are done. Eventually they are going to have to go home.
- Chief Larrabee says there have been people who have given names of people who are doing this. Officers have gone out and talked to parents and there has been limited success. The mindset is, they give their child this vehicle and someone from the authority comes in telling them they can't ride it so there is a whole disconnect. Adults who are 30 or 40 riding these don't care what is said to them by the Police. With this ordinance, once we start seizing them, it will spread word through the close knit community of riders. Some of them do not live here; they come from New Haven, Branford, etc. This problem will only be solved by the community working with the Police Department in trying to find out who they are; many of them are your neighbors. He says we don't care where they go we just want them to stay out of our community. The other night we got about 30-40 calls in a 20 minute period about them riding at Stop & Shop causing a disaster. Once the cops were taken out of there, it settled down and they stopped.
- Councilman Robert Sand says that up in the North end for the past 15 years, he worked with the land trust and was able to get them to stay off of the property.

Then the next generation came in and parents were dropping them off and doing the same thing. He says they worked on identifying them and they went to their houses. He explains that he went to a neighbor's house tonight to explain this policy being considered. He has seen this neighbor's 14 year old son and his three friends riding down the street numerous times, so he explained with this new policy being considered they will find themselves sitting in front of a judge at some point or worse than that, it could be the death of his son because of the way he rides. In the North end, they continue to talk to neighbors; some are belligerent but we talk in terms of liability and it really falls on them. We have instances where they disregard it, some over time have grown to be adults and slowly it fades out; but there is always a next generation. He asks what the method is for the community to bring to the Police any video they may obtain of this happening.

- Chief Larrabee explains that is not direct evidence but it is information that would help us move forward to identify people. If every district had a community meeting and spoke about this it would be an enormous help. Any evidence captured electronically, not collected by the Police, is not considered usable in Court. It is usable as a basis to move forward to enforce the state statutes; it is all evidence we need to have. He's just asking if you know who is riding around, it's important to give the Police that information so hopefully it can lead to them no longer riding around our Town and disrupting people.
- Councilman Santino says those things are good for kids. We are dealing with a lot of adults on these dirt bikes and quads.
- Chief Larrabee says it is a public policy that should be thought about; maybe they can come up with a policy that says we want the Police to chase them. It can be debated in public safety committees. As the Chief, he may come before the Council and say he does not agree with it, but they can work on getting community agreement and a public policy asking for vigorous enforcement and chasing. We can work on this collectively understanding the liability.
- Councilman Santino asks what means he would need to enforce this.
- Chief Larrabee says if this board came before him with a public policy statement saying they need to be more vigorous and chase them, it puts us on a better platform, and it doesn't leave it up to the individual officer.
- Councilman Parlato states that the D.A.R.E program is pretty effective; in the higher grades is it possible to integrate an informational doctrine that this ordinance is going to be in effect. It won't reach adults but just to start them off and explain it.
- Chief Larrabee says the program doesn't go much beyond middle school and most of these kids are high school and or older.

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

Councilman Parlato says to the Chairman and members of the Council that he will be completing his 9<sup>th</sup> consecutive term and he wants to thank all the members for working so well together in a bi-partisan manner. It has been a pleasure being on this Council for the past two years.

**Item #4**

Adjournment of Special Meeting.

Councilman Parente makes a motion.

Councilman Santino seconds the motion.

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

Meeting is adjourned at 7:45PM.

Respectfully Submitted,

Danelle Feeley, Clerk, East Haven Legislative Town Council