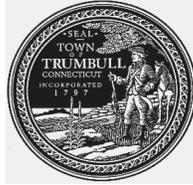


TOWN COUNCIL
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LEGISLATION & ADMINISTRATION COMMITTEE
Minutes
June 26, 2012

Chairwoman Suzanne Testani called the Legislation and Administration Committee to order at 7:04 p.m. All present joined in a moment of silence and the Pledge of Allegiance.

Present: Suzanne Testani, Chairman, Chadwick Ciocci, Vice Chairman, (arrived at 7:06 p.m.), Kristy Waizenegger, Martha Jankovic-Mark, Fred Palmieri, Jr. , Jeff Donofrio, Alternate (voting).

Absent: Jeff Jenkins and James Meisner, Alternate

Also Present: First Selectman Timothy Herbst, Mr. Daniel Nelson, Chief of Staff, Chief of Police Thomas Kiely, Town Attorney Dennis Kokenos and Donna Pellitiri of the Tax Collector's office.

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1. RESOLUTION TC24-48: Moved by Ms. Waizenegger, seconded by Mr. Palmieri.

BE IT RESOLVED AND ORDAINED, That a False Alarm Abatement Ordinance is hereby established;

WHEREAS, excessive false alarms throughout the Town create an unnecessary burden on the law enforcement resources of the Trumbull Police Department; and

WHEREAS, the Town proposes to reduce false alarms through the enactment of reasonable standards to ensure alarm users are held responsible for the use of their alarm systems;

NOW THEREFORE BE IT RESOLVED AND ORDAINED , That Chapter 14 Offenses and Miscellaneous Provisions, of the Trumbull Municipal Code is hereby amended to include Section 14-12 an ordinance establishing an abatement of false burglar alarms in the Town of Trumbull.

Chief Kiely explained that the final proposed ordinance does not include the \$10.00 registration fee as it had previously. The data would be updated on a yearly basis; this will keep the contact information current. The annual registration will ensure that the information is valid. The purpose of the ordinance is to bring the number of false alarms down from

2,600 to 1,200 to 1,500. Chief Kiely confirmed for Ms. Testani that the police department that false alarms cost the department approximately \$57,000 per year which is equivalent to one officer's annual salary. Chief Kiely confirmed for Mr. Palmieri that the department would not be enforcing the registration. Ms. Waizenegger spoke in favor of the removal of the registration fee and echoed Mr. Palmieri's point that the registration rule is not enforceable. It was clarified that when the ordinance language refers to the term *permit*, it is referring to the registration of the alarm. In response to the Chair, Chief Kiely confirmed the start up cost to implement the ordinance is estimated at \$19,400, although there are new employees that will be coming into the Records Division, the job description(s) have been rewritten to include these functions. At the start of the implementation it will have the most data that would need to be entered, but over time it will only be a matter of updating the information and would expect the workload to be manageable.

Ms. Mark asked if the municipal buildings could be removed from the ordinance. Chief Kiely indicated that the alarm system at the Town Hall is adequate but it does need to be replaced, it would be possible to amend the ordinance to reflect that Town buildings would not be included in the ordinance for a year. Ms. Mark spoke in favor of amending the ordinance. Ms. Mark indicated that the ordinance includes a remedy for the alarms that are not connected to a service; the ordinance does not allow an alarm to sound for more than ten (10) minutes. Ms. Mark suggested that if the residents were to take the Alarm User Class that they be allowed one alarm with no fine.

Ms. Waizenegger stated she would not support excluding Town buildings from the ordinance, Mr. Ciocci agreed with Ms. Waizenegger.

Chief Kiely explained that notification to the residents of the alarm ordinance will be posted on Channel 17, advertised in the Trumbull and local media and would also be included in the tax bills. They could also utilize the system the department has in place that could call every residence in Town.

First Selectman Herbst spoke in favor of Chief Kiely's suggestion of a year grace period for Town and BoE buildings. The Town Hall is broken into different zones, many are shared zones. The alarm system is complicated.

Ms. Mark suggested the following:

- Under Section 1. Definitions of the final ordinance the word *verify* needs to be defined in the same way it used in Section 4 (e) 1) with the only exception being for panic or robbery; this would clarify the language and keep the language parallel.
- Section 6. Violations: Ms. Mark noted that Monroe and Shelton have vastly different amounts, \$50 and \$35 seem to be starting numbers, and the Trumbull numbers are higher.

Chief Kiely stated that there are approximately 400 3-time offenders and 200 2-time offenders; there are some locations/residences that may go off multiple times per week.

In response to Mr. Palmieri, First Selectman Herbst confirmed that counsel has reviewed the ordinance and added that the Chief has consulted with the Chiefs of Police in Fairfield

County. Chief Kiely stated that this ordinance is a model set up by CPCA and IACP and is the industry standard.

First Selectman Herbst stated for the record that the importance of having an ordinance such as this in place is for the safety of the public. Every time there are a false alarm two officers, that would otherwise be patrolling neighborhoods, mall and streets, responding to actual calls as they relate to crime, are being taken off the street to respond to a false alarm. Every Monday morning the Town has a staff meeting, the Chief includes in his report every week how many alarm calls there were for the week, some weeks it is 42 calls other weeks the number is 53, of those 42 or 53 calls 42 and 53 are false alarms. Having this abatement in place will keep the officers from being in the habit of responding to false alarms keeping all safer. First Selectman Herbst asked that this information be taken into consideration during the legislative process and when any amendments are being considered.

Mr. Palmieri spoke to the need for an ordinance such as this.

The Chair opened the Public Hearing at 7:29 p.m.
There were four (4) people present to speak.
Public Hearing Comments are attached hereto.
The Chair closed the Public Hearing at 7:55 p.m.

Mr. Palmieri spoke to the comments made by Mr. D'Aquila during the public hearing with regard to the inclusion of fire districts in this ordinance, he pointed out that they have their own methods of enforcing and the police department is a separate municipal aide.

Ms. Mark stated that fire is different from burglary and would not want to discourage anyone from calling the fire department.

Ms. Mark spoke in favor of the registration fee to cover the start up cost of the ordinance (\$19,000).

Mr. Palmieri spoke against the registration fee that registration fee is synonymous with a tax and does see why people should pay for having an alarm at their house.

Moved by Mr. Ciocci, seconded by Mr. Palmieri to send Resolution TC24-48 to the Town Council without recommendation.

VOTE: Motion CARRIED unanimously.

2. RESOLUTION TC24-49: Moved by Mr. Donofrio, seconded by Mr. Ciocci.
BE IT RESOLVED, That the reappointment by the First Selectman of Richard Girouard of 18 Firehouse Road, as a member of the Inland Wetlands and Watercourses Commission, be and the same is hereby approved for a term extending to December 1, 2014.

Mr. Richard Girouard of 18 Firehouse Road was present and indicated his party affiliation as democrat. Mr. Girouard has been on the Inland Wetlands and Watercourses Commission for ten (10) years of that time he has also served as chairman, prior to this he had been on the Trumbull Day Commission. He is a business and restaurant consultant, is familiar with

Planning & Zoning and ZBA. He enjoys his work on the commission he tries to be fair, this is a way for him to serve.

VOTE: Motion CARRIED unanimously.

3. RESOLUTION TC24-52: Moved by Mr. Palmieri, seconded by Ms. Waizenegger.

BE IT RESOLVED, That the Town Council hereby authorizes the assignment of delinquent tax and sewer use liens to a third party for consideration, in accordance with the provisions of Sections 12-195h and 7-258 of the Connecticut General Statutes pursuant to the conditions stated in the Request for Proposals entitled, Purchase of Town of Trumbull Delinquent Municipal Tax and Sewer Use Liens RFP #5926;

BE IT FURTHER RESOLVED, That the First Selectman in consultation with the Town Attorney, Finance Director, and the Tax Collector shall review the proposals and award the bid in accordance with the conditions as stated in RFP #5926 and are authorized to execute documents to compete the assignment of said liens.

Atty. Kokenos explained that this began when an individual had contacted the Tax Collector's office inquiring on whether he could purchase the tax liens for 408 Shelton Road, it has been delinquent for some time and the Town had filed a foreclosure. During the foreclosure they had found out there could be some contamination issues on the property, they then held off on the foreclosure, at this time the aforementioned individual contacted the Tax Collector's office to see if they could purchase the tax liens. The Tax Collector's office and he did not feel comfortable making that decision and felt it should be put out to bid. The Town has the ability to do so; statutes allow it with legislative approval. There are 3-4 other delinquencies that could be included in the RFP. They do know that they will at least have one bidder. The bid would be for certain identified liens, it will be required that the person who purchases the lien also has the obligation to purchase the future liens as well, if the person does not do so the Town has priority. The downside is the Town is foregoing the 18% interest that you would have received on that lien. The Town has a very good collection rate, which is why the Town never had a bid before; this is one that they would like to look at because of the contamination issues. This is a \$60,000 lien at 408 Shelton Road, 800 Booth Hill Road is \$450,000 and is in litigation and are in the middle of foreclosure on that property, there is an easement on that property owned by a cell tower company. The cell tower company is fighting very hard not to lose their easement through the foreclosure. The cost for the bid would be included under the miscellaneous attorney retainer for the Town. The foreclosures are separate; by statute the delinquent party pays the Town, the Town pays the attorney fees and are reimbursed. Atty. Kokenos stated to Mr. Palmieri that they have the ability to do two (2) things when selling the tax liens; they can do an auction or sell the tax liens. The auction seems to work when it is a beautiful home, they can go and look at it and then bid, the equity is there. A sale of the tax lien is for a financial institution that wants to put their lien as a portfolio. This would be open to everyone as an RFP bid process with sealed bids.

Attorney Kokenos stated the RFP would include:

800 Booth Hill Road at \$400,000

408 Shelton Road at \$59,370 (to date)

29 Haverhill Road at \$142,000 - This property is not blighted, taxes have not paid since 1992; the home has been in foreclosure since 2002. Atty. Kokenos stated this is a troubled

tax lien and would not expect anyone to bid on this property. 29 Haverhill includes a second parcel that has a tax lien of \$95,000 and a sewer use bill of \$5,000. These tax liens are entirely exceptional, which is indicative of the fact there are only 4 properties included in the RFP.

First Selectman Herbst stated that if there are additional properties they would need legislative approval. The tax collection rate has increased to 99.4% from 98.5% in the last three (3) years, due to a process they implemented. The process has resulted in collecting \$1 million for the Town to date. Ms. Pelliteri explained that it is their office's goal to never have these reach the town attorney. Attorney Kokenos estimated the number of properties that made up the \$1 million collected as 30 properties.

Mr. Donofrio spoke in favor of the process.

VOTE: Motion CARRIED unanimously.

There being no further business to discuss the L&A Committee adjourned by unanimous consent at 8:15 p.m.

Respectfully submitted,

Margaret D. Mastroni
Town Council Clerk

PUBLIC HEARING COMMENTS
RESOLUTION TC24-48

The Chair opened the Public Hearing at 7:29 p.m.

1. Cindy Katske of 129 Meadowview Drive was present and indicated that she understands that there are properties in Town that generate an erroneous amount of false alarms she understands the need to reduce that number, but is interested in doing it in the least intrusive way to residents and would not want to discourage the residents to install or use the alarm systems. Ms. Katske stated the following discrepancies between the summary and the final proposed ordinance:
 - The summary reads that there is no registration fee, the final document does include the fee but now understands that has been changed.
 - The summary reads that the fee starts with the second false alarm; the final document says the fines start with the third.
 - Section 1 includes a definition for the Alarm User Awareness Class; there is nothing in the body of the ordinance with regard to the class. There is not a need to define class if it is not part of the ordinance. The summary includes the class but it is no longer used as alternative to the first levying of a fine and questioned whether anyone would take the class if it did not get them out of paying the first fine. Ms. Katske was not sure if it is worth spending money to create and run the classes if no one was interested in taking the class if it does not give them something tangible.
 - The terms *Local Year* and *Permit Year* are defined but are not used anywhere in the ordinance; they could be removed from the definitions.
 - The term *Runaway Alarm* is a defined term but is not used elsewhere in the ordinance. The definition includes language that, “The police department may at its discretion discontinue police responses to alarm systems to what appears to be a runaway alarm”, Ms Katske wanted to make sure that they are comfortable with that kind of policy statement in the ordinance.
 - Section 2 (a) speaks to renewals and questioned whether the annual renewals would be mail or in person? Chief Kiely stated that the renewals would be mailed
 - Section 2 (d) speaks to permit holders would receive an information form annually. Chief Kiely explained that this is the annual renewals that would be mailed. Ms. Katske stated that failure to comply would be a violation, although this is not included in the penalty section. The Penalty section states that the penalty would start with the third violation. Violations are not defined. Chief Kiely indicated that this would be clarified.
 - The cost analysis speaks to the amount of letters that would be mailed out and questioned whether the letters include a warning letter or if the ordinance provides for a warning letter after the first and second violation and questioned what the letters would be? Chief Kiely indicated that a warning letter is not provided. Ms. Katske would like to see a warning letter included.

- Section 5 governs prohibitive acts such as activating an alarm to summon the police when there is no break in...Ms. Katske asked if these refer to civil or criminal offenses questioned if penalties be provided in this ordinance?

Ms. Katske questioned whether home alarm systems are programmed to turn off after 10 minutes or not? Shelton's ordinance includes language in accordance with section 22-a-69-5.1 of the Administrative Regulations of the Department of Environmental Protection of the State of Connecticut that audible alarms must be equipped with a device that would not allow it to alarm for more than ten minutes, Chief Kiely clarified that this refers to exterior audible alarms, there are not many audible alarms utilized anymore.

Ms. Katske stated that fines proposed are in excess of Fairfield, Shelton, Monroe and Newtown, and indicated that it is important for the ordinance to have some teeth but spoke against having Trumbull's fines being higher than the neighboring towns.

2. Lisa Labella of 9 Sally Ann Drive was present and thanked the Police Commission and the Town Council for considering this ordinance. Ms. Labella is a former Police Commissioner. Ms. Labella spoke in favor of the fine schedule and actually believes that the fine should be charged after the second false alarm. It is dangerous when you send police officers out on the road. We do not want anything to go wrong because some one is not paying attention to their alarm. Ms. Labella has issues with the registration and the recurring registration. Chief Kiely had previously explained to her the need for the registration and to be able to contact people if an alarm goes off, therefore the issues she had had with privacy are outweighed by the police's need for the information. The requirement to reregister every year even if something has not changed is still an issue for her, that potentially puts a resident in the class of an offender when they have done nothing wrong and nothing has changed explaining that they can be fined because their alarm went off and was not registered. Ms. Labella spoke in favor of this change.
3. Mr. Richard Girouard of 18 Firehouse Road was present he has been a resident of Trumbull for thirteen years and spoke in favor of the alarm abatement ordinance. He takes care of twelve (12) properties in Westport, all are alarmed. Westport charges a \$10.00 fee, he disagrees with not doing the registration/update yearly, noting that people forget, neighbors move, contacts change. It is good to remind them. Most false alarms have to be monitored. As far as registration updates are concerned, Mr. Girouard agreed that this should be done, it is necessary. Westport allows for one false alarm before being fined, the fine is included in the notification letter of the false alarm.
4. Mr. Tony D'Aquila of 29 Valley View Road was present and spoke in favor of the ordinance and the initial \$10.00 fee. The police department will incur a cost for this he as a taxpayer does not want to have to pay for a population that has the privilege of having an alarm system. He does not agree with the fine schedule and spoke in favor of increasing the fine for 6 or more violations to \$500, since they are putting the safety of others at risk. If the fines are pocket change they will never stop. His major

concern is why the town has not allowed the fire districts to be included. Chief Kiely explained that they had approached the fire districts a few years ago, they did not want to be included; a Fire Chief had been approached by a former Town Council member and they did not want to be included, they are not being excluded they do want to be included.

Ms. Mark indicated that that this alarm is different from a fire alarm, fire alarms deserve their own ordinance. Mr. D'Aquila disagreed and noted that Fires Districts' percentage of false alarms are as high as the police's and they are also sending people out for no reason.

Chief Kiely explained for Ms. Vicki Tesoro that the goal is to reduce the false alarms by 50%.

The Chair closed the Public Hearing at 7:55 p.m.