

**BOARD OF ALDERMEN
PUBLIC SAFETY and WELFARE COMMITTEE
PUBLIC HEARING and MEETING
JUNE 7, 2010**

The Public Safety and Welfare Committee of the Board of Aldermen held a meeting on Monday, June 7, 2010. Chairman Bevan called the meeting to order at 6:48 p.m.

MEMBERS PRESENT

B. Bevan, Chairman
R. Vitali, Vice Chairwoman
J. Patterson
F. Goodrich (6:50 p.m.)
M. Hardiman (7:01 p.m.)

ALSO PRESENT

W. Smith, City Attorney

Chairman Bevan stated the meeting was being held at the request of Steven F. Rogers for a hearing contesting a notice of violation of §14-41 (a) of the Code of Ordinances of the City of Milford, issued by Emmeline Harrigan, Assistant City Planner, dated May 10, 2010, for an abandoned, inoperable or unregistered vehicle located at 60 Knobb Hill Road, Milford, CT.

Chairman Bevan opened the public hearing at 6:40 p.m. He deferred to Mr. Rogers for comment.

Mr. Rogers stated the vehicle in question was a test car in Consumer Reports way back when. He stated he object to the City Attorney's office representing the Board. He stated D. Woods was a complainant in this action and he felt it was a conflict of interest since her husband works in that office. He stated the City Attorney should recuse himself from this matter. Mr. Rogers stated he called the City Attorney's office today and was told there is no file. He stated he had hoped to look at that file this morning.

Chairman Bevan stated he asked the City Attorney to be at this meeting for any legal information that may be needed. He further stated the City Attorney does not represent the Board.

Attorney Smith noted for the record that Mr. Rogers is an attorney and is fully aware that he cannot just walk into an attorney's office to look at another attorney's file. He stated the City Attorney's office is not a repository for the City of Milford. Attorney Smith stated Mr. Rogers was told where he could find the information he was looking for. He also responded to the comment of someone having a spouse in the office and stated it would not require recusal of the entire office.

Chairman Bevan stated Mr. Smith is not a part of the hearing.

Mr. Rogers stated Mr. Smith is providing responses to legal questions the Board may have.

Chairman Bevan stated Mr. Smith was present tonight for any legal questions the Board may have or clarification.

Mr. Rogers stated he went to the Planning and Zoning Office and the clerk gave him the file and there were no complaints in the file. He stated the City of Milford has a policy of not looking for problems, but to respond to complaints. He stated in this case there apparently are no complaints. He also pointed out this matter came up and was withdrawn on March 24, 2010. Mr. Rogers stated according to Attorney Smith it was a procedural matter. Mr. Rogers stated he thought the matter was dead and then he was served again. He stated the complaint/order stated three things: 1) abandoned; 2) inoperable; and 3) unregistered. He went on to read the definitions. He stated this criterion is clearly not the case of this car. He distributed photographs of the vehicle in question to the Chairman. Mr. Rogers also pointed out the code requires the Zoning Enforcement Officer serve papers and handle this matter, however, the Assistant City Planner has been doing this. He stated currently there is no zoning enforcement officer in the City. Mr. Rogers stated he disagrees with the finding and that this order deprives the owner, which is a serious action. He stated the finish on the car is excellent, there is no rust, it has an engine and has four tires. Reading from the Code, Mr. Rogers read the purpose of the article. He stated the car does not satisfy the condition as read in accordance with the Ordinance. He also stated the order of the Assistant City Planner is not reasonable under the circumstances. Mr. Rogers stated the car is not a danger to the neighborhood. He stated it is unregistered, but that does not imply it has to be removed.

Chairman Bevan asked if anyone present wished to speak.

Speakers in Favor of Appeal: None.

Speakers in Opposition of Appeal:

E. Harrigan, Assistant City Planner – stated the department currently does not have a zoning enforcement officer and that she is the serving as the acting zoning enforcement officer. She stated the vehicle is a 4-door Black Crown Victoria. She went on to provide a background history of this matter dating back to the original complaint. She stated it is the violation of the municipal Ordinance that brings this matter before the Board this evening.

Ald. Vitali asked for an explanation as to a comment made by Mr. Rogers that the matter had been withdrawn.

Attorney Smith stated it was done at this request. He explained there may have been a procedural difficult so we requested it be withdrawn and another notice be issued.

Ald. Vitali stated for clarification that on March 24, 2010 Mr. Rogers was notified it would be withdrawn and it was reissued on May 10, 2010.

Ms. Harrigan added Mr. Rogers appealed it on May 20, 2010.

Mr. Rogers maintained it was not appropriate for the Assistant City Planner to represent this matter. He stated the neighbor down the street has five vehicles parked all over, including on the road. He stated just because a car is not registered is not enough cause to have it removed. He stated the purpose of the article is public safety and this vehicle is not a threat to public safety. Mr. Rogers also stated he feels it is the City Attorney's office who has ordered the Planning and Zoning office to go out to the property.

Ald. Vitali asked Mr. Rogers if he has received other complaints for this vehicle, specifically, the former zoning enforcement officer.

Mr. Rogers responded yes.

Ald. Vitali commented he felt Mr. Rogers was intertwining two issues. He stated it seems apparently clear there is an apparent lack of mobility and that the owner has no intent on using the car. Ald. Vitali asked Mr. Rogers if the car can be registered and what is intent is for the use of the car.

Mr. Rogers stated if he had a problem with his current vehicle he would use this car.

Ald. Vitali stated if the vehicle has gasoline, oil, etc in it then it has the potential for a hazard, i.e. a fire. He further stated when a vehicle is left for an indeterminate amount of time, it is the law.

Mr. Rogers stated he disagrees. He stated the mere lack of registration is not enough to deprive a person of its property.

Ald. Patterson stated the language says abandoned, inoperable or unregistered. He stated it does not have to have all three and that any one of those meets the definition of the Code.

Mr. Rogers stated he did not agree and read from the Code. He also pointed out the word abandoned is not defined in the Code.

Ald. Patterson stated it is defined in §14-40 Findings. He stated it clearly stated the City has a right to remove a vehicle in accordance with this Code.

Mr. Rogers reiterated he did not agree with the language.

Ald. Patterson pointed out this car has been unregistered for 7 years.

Mr. Rogers maintained the condition of the car is fine, the finish is fine, there is not rust and it has tires.

Ald. Patterson stated the Code allows this Committee to take cars away if they are in that kind of condition and also if they are unregistered.

Ald. Vitali asked Mr. Rogers if he would make this a moot point by simply registering the car within the next seven (7) days.

Mr. Rogers replied no.

Chairman Bevan stated until a few weeks ago all four tires were flat and also the grass around the vehicle was up to the windows and then only a few days ago it was cut. He stated the car's condition as of last Saturday was a car with four flat tires. He stated the reason for being here tonight was that the car was unregistered. He stated it was also his understanding that Mr. Rogers has stated he does not plan on registering the vehicle.

Mr. Rogers stated he washed the car over the weekend and yes, he did cut his lawn this past weekend, but it was never 6" or 7" tall. He stated with regard to the tires they were never touched.

Chairman Bevan declared the public portion of the meeting closed at 7:15 p.m.

Ald. Vitali and Ald. Patterson made and seconded a motion to uphold the decision of the Assistant City Planner, Emmeline Harrigan. Motion carried unanimously.

Mr. Rogers stated he would like to receive the names of the complainants.

Being no further business to discuss, Ald. Vitali and Ald. Patterson made and seconded a motion to adjourn. Motion carried unanimously. The Committee adjourned at 7:16p.m.

Respectfully submitted,

Kathleen K. Huber
Board Secretary