

MINUTES
Board of Selectmen
Tuesday, March 1, 2016 – 7:00PM
Norma Drummer Room – Seymour Town Hall

Members Present: W. Kurt Miller, Nicole Klarides-Ditria (7:14PM), Al Bruno, Annmarie Drugonis, Karen Stanek, and Stephan Behuniak.

Members Absent: Len Greene.

Others Present: Town Counsel, Brian LeClerc; Paul Roy, Sean Walsh, Rory Burke, Lianna Staffieri, Michael Flynn, Rhonda Rossik, Richard Demko, Frederick, Joe Delnicky, and Catherine Rossik.

ITEM #1: Call meeting to order.

Meeting was called to order by First Selectman, W. Kurt Miller, at 7:01 PM.

ITEM #2: Pledge of Allegiance.

Everyone saluted the flag and recited the Pledge of Allegiance.

ITEM #3: Public Comment.

None.

ITEM #4: Approve minutes from February 16, 2016 regular meeting.

Motion to approve minutes from February 16, 2016 regular meeting.

Motion: Annmarie Drugonis

Second: Karen Stanek

Vote: 4-Yes 0-No

1-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Abstain

Stephan Behuniak – Yes

ITEM #5: Approve minutes from February 16, 2016 public hearings.

Motion to approve minutes from February 16, 2016 public hearings at 6:00 PM with regard to the ordinances.

Motion: Annmarie Drugonis

Second: Karen Stanek

Vote: 4-Yes 0-No

1-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Abstain

Stephan Behuniak – Yes

Motion to approve minutes from February 16, 2016 public hearings at 6:45 PM with regard to the 2016 Small Cities Grant.

Motion: Annmarie Drugonis

Second: Stephan Behuniak

Vote: 4-Yes 0-No

1-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Abstain

Stephan Behuniak – Yes

ITEM #6: Approve minutes from February 25, 2016 ordinance committee meeting.

Motion to approve minutes from February 25, 2016 ordinance committee meeting.

Motion: Karen Stanek

Second: Annmarie Drugonis

Vote: 5-Yes 0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

ITEM #7: First Selectman’s Report.

1. Began filming the 10 Year Strategic Plan Video series with Wildcat Productions last week. They are handling all of the scripts, production and editing for the series. While the kids are very knowledgeable, they did have the chance to learn from the folks at ComCast who assisted with the project. Seymour is very lucky to have such a great group of kids that is working very hard to help improve the overall communications effort for the town of Seymour.
2. Had a site walk and meeting today with Larry Janesky to review the two projects that he currently has going on in the Industrial Park. In total, he will be adding over 100,000 square feet with a projected cost of well over \$13,000,000. I expect Larry to take advantage of our tax incentive program and will be working with Fred Messore on that.
3. Attended CCM’s Day on the Hill this morning to further push our agenda with the state legislature.
4. After Seymour upgraded its tax abatement program last year to assist disabled vets, I reached out to our state delegation to see what if anything could be done to improve these benefits. Senator Kelly has proposed SB No. 202, An Act Concerning Veterans Property Tax to the Veterans Affairs Committee. Testimony was given last week and I am waiting for updates on how and if the bill will move forward.
5. I am putting the finishing touches on my budget for presentation to the Board of Finance on Thursday. While I won’t go into the specific tonight, I would like to go through a few of the highlights.....
 - a. As this was a revaluation year, the grand list dropped from 1,234,045,890 in FY 2016 to 1,195,957,150 in FY 2017 or 38,088,740
 - b. I will be recommending an overall increase for the full budget of 0.45% or \$252,504 as of today, but I am still awaiting a final number on health insurance which is trending better than anticipated.
 - c. We will be using less municipal tax dollars in FY 2017 then we did in FY 2016. In FY 2016 we used \$41,786,050 and in FY 2017 we will only use \$41,493,320 which is a savings of \$292,730
 - d. Do to the improvement and reaffirming of our bond rating, we had the chance to refund 3 bond issues, one from 2007 and two from 2010. This refunding will save us over \$600,000 in FY 2017 yet still allow us the flexibility we have been working toward with drops of \$754,843 in FY 2018 and \$1,192,786 in FY 2021
 - e. The budget includes increases to our proactive road account, the creation of a large scale building repair account and the creation of a debt stabilization fund.
 - f. Capital projects will again be fully funded
 - g. All new initiatives put into the budget over the last 3 years will continue
 - h. This budget does take into account the new state wide mill rate on cars of 32 mills

ITEM #8: Presentation form SolarCity.

Kurt stated there have been changes to the virtual net metering program with the State of Connecticut. SolarCity is working towards new alternatives in the coming months.

Motion to add to the agenda discussion and possible action regarding the fencing bid for Seymour High School softball field and lights project.

Motion: Annmarie Drugonis	Second: Al Bruno	
Vote: 5-Yes	0-No	0-Abstain
W. Kurt Miller – Yes	Annmarie Drugonis – Yes	Karen Stanek – Yes
Al Bruno – Yes	Stephan Behuniak – Yes	

Discussion and possible action regarding the fencing bid for Seymour High School softball field and lights project.

Stephan questioned why there was only one bid.

Kurt stated there was only group that responded. He said the number was below Jim Galligan’s projections.

Karen inquired how the project was advertised.

Kurt stated it was advertised the same way all the other bids are through the Waterbury Republican.

Annmarie stated this has happened before on other projects in town.

Karen thought this would have been attractive to other fencing companies.

Kurt read the following letter from James Galligan of Nafis & Young Engineers

Dear Mr. Miller:

Nafis and Young Engineers, Inc. opened the Bids for the above-referenced project on February 23, 2016.

There was one (1) bidder:

Walsh Fence, LLC. \$36,000.00

The Seymour Softball Committee voted to forward a recommendation of approval of the Bid by Walsh Fence, LLC. to the Board of Selectmen.

Please accept this letter as a request by the Committee to approve the Bid by Walsh Fence, LLC. in the amount of \$36,000.00 for the Fencing at the Softball Field at Seymour High School.

Motion to award the fence project softball field at Seymour High School to Walsh Fence, LLC in the amount not to exceed \$36,000.00

Motion: Al Bruno

Second: Annmarie Drugonis

Vote: 5-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Karen questioned if the project will be started in time for the season.

Kurt stated the field work will be done for season but not lighting.

ITEM #9: Discussion and take possible action regarding hiring Small Cities consultant.

Kurt read the following letter from Deirdre Caruso, Manager of Operations and Grants:

Board of Selectmen,

The Town of Seymour went out for RFP's for a 2016 Small Cities Grant Writing and Technical Assistance Consultant and received one RFP from Lisa Low & Associates. They have been our consultant for the past two Small Cities Projects and we recommend that you appoint them for a term to expire at the end of this project.

Thank you for your consideration.

Sincerely,

Deirdre Caruso, Manager of Operations & Grants

Motion that the Town of Seymour contract with Lisa Low & Associates for the 2016 Small Cities Grant Writing and Technical Assistance consultant.

Motion: Karen Stanek

Second: Annmarie Drugonis

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

ITEM #10: Discussion and take possible action regarding fair housing resolution.

Kurt read the following Fair Housing Resolution:

Whereas,

All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas,

Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, be given equal access to all housing-related opportunities, including rental and home ownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, The Town of Seymour is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOLVED,

That the Town of Seymour hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED,

That the chief executive officer of the Town of Seymour or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Seymour and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

Adopted by the TOWN OF SEYMOUR in the month of March, 2016.

Motion to accept the resolution as presented.

Motion: Nicole Klarides-Ditria

Second: Stephan Behuniak

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annamarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

ITEM #11: Discussion and take possible action regarding PILOT payment from Seymour Housing Authority.

Kurt read the following letter from Executive Director of the Seymour Housing Authority, David J. Keyser:

Honorable Kurt Miller,

I am requesting that the Town of Seymour consider reducing the Moderate Rental Payment in Lieu of taxes to zero % and forgiving this amount going forward. If this may not be considered, I would like to propose a four year phase in of the PILOT payment resulting in a payment of \$12,075 in 2017. This amount would build over the period of four years to an approximate payment of \$52,000.

Thank you for your consideration of this break on the PILOT taxes.

Sincerely, David J. Keyser, Executive Director

Kurt stated when the Town of Seymour received PILOT payment in lieu of taxes from the Housing Authority in Fiscal Year 2016 the amount was \$67,306.00 which is tied to the rental value of the properties at the Seymour Housing Authority. He stated the state has removed PILOT payments from budget and the town lost \$67,000 amount. This will make the responsibility of the payment up to Seymour Housing Authority. The way they will make that payment up is by increasing rent for the individuals that live there.

On the spreadsheet that was handed out, the \$12,075 would equate to an average monthly increase in rent to approximately \$11.00. Kurt stated the town has two options; absorb the \$67,000 or phase this in over a four year period.

Annmarie stated the four year phase would be the best and thinks it would have the least amount of impact.

Brian LeClerc questioned if the board wanted Town Counsel to draft some type of agreement.

Kurt stated they would need something legal.

Motion that the Town of Seymour consider a proposed four year phase under the PILOT payments with the Seymour Housing Authority resulting in a payment of \$12,075.00 in Fiscal Year 2017 and outline years to be determined in an agreement prepared by Town Counsel.

Motion: Karen Stanek

Second: Al Bruno

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

ITEM #12: Discussion and take possible action regarding potential reimbursement for Joe Stasik.

Kurt stated damage was done to Mr. Stasik's care due to a pot hole on Bungay Road. He stated the delay in time was because Mr. Stasik was in the hospital for a while.

Motion to pay the claim for Joe Stasik of 11 Summit Drive for damage done to his 1994 Lincoln Continental from striking a pot hole on Mountain Road in the amount of \$1,332.88

Motion: Stephan Behuniak

Second: Annmarie Drugonis

Stephan and Annmarie rescinded their votes.

New Motion:

Motion to pay the claim for Joe Stasik of 11 Summit Drive for damage done to his 1994 Lincoln Continental from striking a pot hole on Mountain Road in the amount of \$1,332.88 contingent upon a release of all claims against the town by Mr. Stasik.

Motion: Stephan Behuniak

Second: Annmarie Drugonis

Vote: 5-Yes

1-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – No

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

ITEM #13: Discussion and take possible action regarding State Library Grant.

Kurt read the following letter from Susan DeBarber, Town Clerk, regarding the State Library Grant.

Requesting the First Selectman and the Board of Selectmen to empower the Town Clerk to execute the application and contract with the State Library for a \$4,000.00 grant. The grant will be used to upgrade our land record software system. This will be used to bring our land records back from 1974.

This provides easy, accessible information for attorneys, title searchers and the public in our vault as well as online.

-Susan DeBarber, Town Clerk

Motion that the Board of Selectmen empower the Town Clerk to execute the application and contract with the State Library for a grant in the amount of \$4,000.00

Motion: Annmarie Drugonis

Second: Nicole Klarides-Ditria

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

Motion to take a five minute recess at 7:30 PM.

Motion: Annmarie Drugonis
Vote: 6-Yes 0-No

Second: Nicole Klarides-Ditria
0-Abstain

W. Kurt Miller – Yes
Al Bruno – Yes

Annmarie Drugonis – Yes
Stephan Behuniak – Yes

Karen Stanek – Yes
Nicole Klarides-Ditria – Yes

Motion to come back from recess at 7:36 PM.

Motion: Nicole Klarides-Ditria
Vote: 6-Yes 0-No

Second: Annmarie Drugonis
0-Abstain

W. Kurt Miller – Yes
Al Bruno – Yes

Annmarie Drugonis – Yes
Stephan Behuniak – Yes

Karen Stanek – Yes
Nicole Klarides-Ditria – Yes

ITEM #14: Discussion and take possible action regarding historic landmark preservation ordinance.

This was given to us by the Town Historian Marion O’Keefe and will be on the agenda for the next meeting on March 16th. This item is something to consider sending to the Ordinance Committee.

ITEM #15: Discussion and take possible action regarding potential ordinance changes

The Ordinance Committee has three recommendations:

a. Blight:

Kurt stated the only thing the Ordinance Committee is recommending changing is the definition of ordinary public view.

The old definition: “shall mean the view from public property or the public right of way from average grade surrounding the property.”

The new definition: “shall mean the view from average grade surrounding the subject property from public property, a public right-of-way or private property in reasonably close proximity to the subject property.”

Kurt stated this would protect residents with back lots but they wanted to stress that it has to remain in average grade. This will be forwarded to a Public Hearing in April.

Annmarie believes this is a good change. The only confusion is on item 4 regarding gutters because either houses do not have gutters or they have gutters but don’t have down spouts.

Motion to forward the Town of Seymour’s Anti Blight Ordinance to a public hearing to be held at a date to be determined in April with one change and that being a change of ‘ordinary public view’

Motion: Karen Stanek
Vote: 6-Yes 0-No

Second: Nicole Klarides-Ditria
0-Abstain

W. Kurt Miller – Yes
Al Bruno – Yes

Annmarie Drugonis – Yes
Stephan Behuniak – Yes

Karen Stanek – Yes
Nicole Klarides-Ditria – Yes

b. Noise:

Kurt – recommendation of ordinance committee to keep noise ordinance as is with no changes.

c. Adult Business:

Kurt stated the town has something geared towards massage parlors. The Ordinance Committee was in agreement to set some type of standard for the Town of Seymour. The Town of Milford’s Adult Oriented Business Ordinance is included in the packet. In conversations with Town Counsel, Richard Buturla, they thought it would make sense to use Milford’s ordinance as their guide and make appropriate changes.

Brian LeClerc stated this ordinance was supported by the court and was upheld by being a legal ordinance.

Kurt spoke with Mayor Blake and he is honored the Town of Seymour is looking to piggy back off this. The board will come back to the next meeting on March 16th and have a formal discussion.

ITEM #16: Discussion regarding potential regionalization of services with Ansonia.

Kurt stated the ambulance associations met last night to discuss the potential merging of the two companies. Some of the mechanics of that will be a little challenging. Seymour Ambulance Association is all volunteers and in Ansonia, it is a department of the city. The Town Engineer is still reviewing the animal shelter to see what can be done. Kurt stated discussions will be ongoing into the spring.

ITEM #17: Executive session.

None.

ITEM #18: Appointments.

None.

ITEM #19: Tax Refunds/Abatements.

Motion to accept the February 28, 2016 Tax Refunds/Abatements as presented.

Motion: Nicole Klarides-Ditria

Second: Annmarie Drugonis

Vote: 6-Yes

0-No

0-Abstain

W. Kurt Miller – Yes

Annmarie Drugonis – Yes

Karen Stanek – Yes

Al Bruno – Yes

Stephan Behuniak – Yes

Nicole Klarides-Ditria – Yes

ITEM #20: Transfers.

None.

ITEM #21: Correspondence.

- Check register.
- Letter from Valley Community Foundation.
- Email from Joseph Luciano with regard to Code Ordinance Part 2- Chapter 14.
- Letter from Governor Malloy congratulating the Town of Seymour on receiving the \$200,000 STEEP Grant.
- Letter from Kurt to Secretary Barns regarding reevaluations.
- Kurt will be meeting with Town Engineer, Brian Nesteriak and Chief Metzler regarding changing First Street to a one-way street to add 10 new spaces.

ITEM #22: Public Comment.

Michael Flynn, 85 Skokorat Street, questioned why the town has three engineers. He also inquired about the contingency plan at Seymour High School in case something happened.

Frederick Dulkenki, 46 Patton Avenue, stated he has an interior lot on the left hand side of him. He said he as well as a couple of his neighbors have a conflict of interest at times. He questioned how he can be protected. He stated he has been living on his property for 50 years. His neighbor complains about him living the way he lives. He doesn't think the interior recommendation is fair.

ITEM #23: Selectmen's Public Comments.

Stephan Behuniak stated he attended CCM's newly elected official's workshop and found it to be very informative. It was brought to his attention that there is a crime and lighting issue on Ansmour Road. He stated there have been burglaries and possible car theft on the street. He inquired about money being included in the budget for taking down trees in French Park.

Kurt stated there is a substantial amount of money for tree removal at French Park.

Stephan inquired about an update on better visible signs for downtown.

Kurt stated that the Economic Development Commission is working on it. He stated the expectation for completion is spring time. They have a location and the sign set.

Karen Stanek stated she has noticed a private contractor parked at Public Works for the past two or three weeks. Kurt stated Colleti Tree does a lot of work for the town and gives the town very fair price. He leaves that piece of equipment at public works. Also, the new bucket truck has arrived and should be in use by next week.

Karen inquired about the progress of opening Town Hall five days a week.

Kurt stated he will have something for next meeting. The Town Hall employees understand that Town Hall will be open on Fridays it is just a matter of the hours. He stated he doesn't think they will go with a rotating staff. He met with the Town Hall staff and they would want 5 days a week. He will essentially be recommending 8:00 AM to 4:30 PM Monday through Thursday and Fridays 8:00 AM to 12:00 PM or 9:00 AM to 1:00 PM.

Karen inquired about the progress on getting a crosswalk on Broad Street.

Kurt stated Chief Metzler has sent letters to DOT and they have not gotten back.

Al Bruno noticed there is curbing broken around town. He is positive Public Works has a plan to repair that.

Kurt talked to Tony DePrimo today and once the asphalt plants open up he will send a crew out.

Annmarie Drugonis congratulated the Seymour High School Cheerleaders and Dance Squad on their win this weekend. She inquired about the broken flag at French Park.

Kurt spoke with Mr. Jachimowski and he is looking into it. Mr. Jachimowski has the funding in place to make sure the flag will be purchased. Kurt expects it to be replaced by spring time.

Annmarie stated someone brought to her attention that the snowman signs around town do not look in good condition.

Kurt stated it took a while to get the bucket truck and Public Works had to hire an outside contractor. Once the new bucket truck is up and running it will be taken care of right away.

Kurt stated he is extremely comfortable with the protocols in place should anything happen in any of the schools in town. The town has two engineers one to handle town roads and drainage and the other to handle town buildings and any other special projects. He stated it was difficult for one engineer to keep up with all the work.

ITEM #24: Adjournment.

Motion to adjourn at 8:10 PM.

Motion: Annmarie Drugonis

Vote: 6-Yes 0-No

W. Kurt Miller – Yes

Al Bruno – Yes

Second: Karen Stanek

0-Abstain

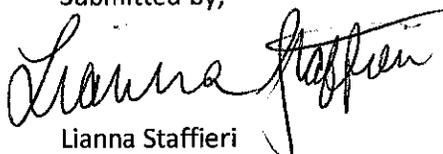
Annmarie Drugonis – Yes

Stephan Behuniak – Yes

Karen Stanek – Yes

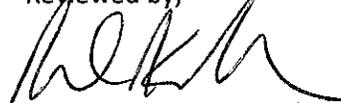
Nicole Klarides-Ditria – Yes

Submitted by,



Lianna Staffieri
Recording Secretary

Reviewed by,



W. Kurt Miller
First Selectman

Disability Rights Action Group of Connecticut

DRAGconnecticut@yahoo.com

33 DeForest Street A24, Seymour CT 06483-2894 203/463-8323

Thursday, February 18, 2016

To: • (by email) to the **Town of Seymour**—all departments responsible for public safety
• (~~separately by snailmail~~) to the **Board of Selectmen**

Subject: • Code of Ordinances Part II, Chapter 14, *Sec. 14-6. - Removal of ice, snow from sidewalks (new, effective August 2015)*
• Failure/refusal to enforce and fine (or use of discretion not to enforce and fine) emboldens flouters
• “30-minute” enforcement policy gratifies flouters, is unfair to law-abiding and discriminatory to PWDs

On behalf of all persons with disabilities living in or visiting downtown Seymour—and especially on behalf of the 12¹ embattled handicapped senior tenants of 16 Bank Street, I am urging that Sections 14-6 and 1-9 be strictly enforced—and that SPD’s “30-minute” enforcement policy without issuing fines cease immediately.

Years of inadequate to no monitoring^{2,3} as well as little to no enforcement have resulted in at least three serious problems:

1. The usual flouters have become more emboldened to defy or ignore obedience to this important town law
2. The town loses substantial revenue opportunities by not fining (Ordinance 1-9 clearly and specifically orders that “This Code shall⁴ be punishable by a fine of not more than \$100.00 . . .” for each day of violation.) The ordinance says *shall*; it gives no license or discretion not to fine. *Shall* means shall. It’s dereliction of duty to defy this ordinance.
3. Snow that is not removed by the ordinance becomes an ADA matter, i.e., a federal violation.⁵ (Unremoved snow⁶ is a mobility barrier: C.F.R. § 36.211(a))

Town lost \$3,000+ revenue—and spends unnecessarily

Simple math and reference to photo evidence⁷ of violations following January 25, 2016 will show 10 violations persisted downtown for three days after I duly reported them to SPD and town hall. For three days we PWDs were denied access and opportunity for groceries, pharmacy, banking—and Seymour lost

¹ The Columbus Street Twelve

² https://www.facebook.com/5FingersPianomanJoe/media_set?set=a.923796424331937.1073741882.100001047636306&type=3

³ <https://www.facebook.com/photo.php?fbid=723966710981577&set=a.723966700981578.1073741853.100001047636306&type=3&theater>

⁴ Underlining mine

⁵ <http://www.ada.gov/smtown.htm>

⁶ <http://www.ada.gov/pubs/decreep.txt>

⁷ <https://www.facebook.com/photo.php?fbid=1122365111141733&set=a.1122365091141735.1073741899.100001047636306&type=3&theater>

a revenue opportunity amounting to at least $\$100 \times 30 = \$3,000$. Even more revenue was lost by not issuing fines for violations occurring after January 25.

To make matters worse, the town *spends* money when DPW is dispatched to remove snow responsible persons should have removed. Obviously, Seymour is not only forfeiting income, it's spending money.

SPD's "30-minute" enforcement policy: unfair to law-abiding, gratifies flouters

I appeal to the Town of Seymour to cease exercising its "30-minute" enforcement policy without issuing fines. (I have learned there's a "30-minute" enforcement policy Seymour PD practices regarding these ordinances The PD liaison officer explained it to me in a recent recorded⁸ phone conference.)

Here's how I understand it works:

But first, please be advised that I have encountered "snow" mobility barriers when I travel by powerchair a mere 0.7 mile for groceries, meds, and/or whatever, not in a bone-chilling blizzard but on a **sunny mild day--days after** responsible persons should have complied with 14-6.

The "30-minute" enforcement policy: When Seymour PD responds to a citizen's report of a 14-6 violation, the officer, by invoking discretionary power (abuse?), can decline to write a ticket carrying a fine of \$100 a day for each day of violation. Instead he or she can look for the person responsible and order compliance within 30 minutes. while the complainant waits!

In practice this policy can have effects unfair if not abusive to handicapped persons of all ages who *depend for mobility* on wheelchairs, walkers, scooters, and the like. This is absurd at this time because P&Z has approved additional handicapped senior housing, which is now under construction.

Let's say I encounter my first mobility barrier (snow) at Haroula's⁹ and, as the first selectman and the liaison officer have advised, I cellphone SPD.¹⁰

Let's say an officer arrives in 15 minutes and then spends 10 minutes locating and actually contacting the responsible¹¹ person. Then let's say the person clears the sidewalk while I'm waiting in my wheelchair.

Probable elapsed time: $15+10+30=55$ minutes, or about an hour. Which of you expects me to repeat this absurd process at each of the other barriers along my route? The public needs to know, CHRO, the U.S. DoJ want to know.

Photo evidence in my albums of §14-6 violations (in years 2012, 2013, 2014, 2015, and 2016¹²) show the same "responsible" persons are notorious for flouting this ordinance.

Let's say my destination is Stop & Shop, a mere 1.4 mile roundtrip, well within my powerchair's range of 15 miles. Based on history, I can expect to encounter 7 additional snow mobility barriers along each of two possible routes to my chosen destination.

⁸ See SPD recordings, which likely matches mine. I reserve my right to post on YouTube if necessary.

⁹ <https://www.facebook.com/photo.php?fbid=1130879360290308&set=a.1122365091141735.1073741899.100001047636306&type=3&theater>

¹⁰ And that's another issue. Some PWDs have disabilities preventing cellphone operations. Not all PWDs have cellphones.

¹¹ §14-6: "owner or person in possession and control of land abutting a public sidewalk"

¹² So many years of violations—a disgrace to Seymour

My middle-school granddaughter calculated it would take me 8 hours just to get to Stop & Shop. Normally it's a 12-minute trip one-way.

Advisory:

- At every PD response to reports of 14-6 violations, fine the offender—and order compliance immediately. (Use of discretion not to fine only emboldens offenders; they've been getting away with it for years and undervalue or belittle obligation to obey the law.)
- Failure to enforce and fine is blatant disrespect to all citizens, including handicapped seniors.
- Inspect the intended route of the complainant and at each additional site of violation, fine the offender—and order immediate compliance.

Enforcement benefits everyone, increases Seymour's income

In other words, strict enforcement will not only be "educational" for everyone subject to this ordinance but will also produce clear access routes downtown.

We PWDs of all ages have mobility rights provided by ADA 1990; we expect compliance and enforcement, especially from those paid to serve and protect.

Nine Thousand Six Hundred Thirty-Eight Days!

Today marks the 9.638th day Seymour (and most of the other 168 municipalities) has yet to implement ADA's basic mandates. Had Seymour done that, little by little over 25 years, Seymour today would have been a LIVABLE COMMUNITY¹³ today—and ready for handicapped senior housing.

Joe

Joseph A. Luciano, 33 DeForest Street A24, Seymour CT 06483-2894
Home 203/463-8323

*Independent Advocate for Elderly, Persons with Disabilities, Universal Design,
& Livable Communities through Full ADA compliance & Enforcement*

FOUNDER: Disability Rights Action Group of Connecticut DRAGconnecticut@yahoo.com
<http://www.nhregister.com/opinion/20140928/editorial-still-a-tough-road-for-americans-with-disabilities>
<http://www.rep-am.com/news/local/931134.txt>

Bye!
Joe Luciano

¹³ <http://www.newstimes.com/default/article/Livable-communities-needed-as-population-ages-4279127.php>