

MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 16, 2014, AT 7:30 P.M. IN ROOM 207,
TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sylvia Nichols, Chairperson; Liz Linehan, James Sima; and Council Chairman Timothy Slocum.

Staff: Louis Zullo, Personnel Director; George Noewatne, PW Director; Michelle Piccerillo, Human Services Director; Deputy Chief Robert Vignola, CPD.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. DISCUSSION AND POSSIBLE ACTION: JUVENILE REVIEW BOARD

Ms. Piccerillo reviewed her memo of August 4, 2014 regarding formation of a Juvenile Review Board (JRB) in Cheshire. The formation of the JRB is a joint work of the Youth Services Committee and the Police Department, and will provide juveniles committing a delinquent, non-felonious act/offense an alternative to the justice system. The JRB membership would be Cheshire residents/volunteers, and alternate members.

Ms. Piccerillo has a report and survey about the JRB which she will forward to the Town Council members.

According to Ms. Piccerillo the goal is to have the JRB active the Fall of 2014. She explained the Town Attorney recommended the issue come before the Council before implementation of the program. A few years ago there was mention of a JRB but due to a low case load at the time, it never went forward. In Connecticut a juvenile is now someone under the age of 18 (up from age 16), and Cheshire is seeing an increase in juveniles getting into trouble, resulting in an increase in the case load. The JRB would provide consequences from which kids can learn. JRB would provide some mental health support and provide resources to kids.

Staff to the JRB would be Ms. Piccerillo and a CPD Officer; by-laws have been developed and reviewed by the Town Attorney and Chief State Attorney's office; and they will be submitted to the Council.

Regarding JRB membership, Ms. Piccerillo stated they would be knowledgeable about young people, have experience in the legal system, mental health system, juvenile court, and 5 community people have been identified to serve on the JRB. They were chosen by Ms. Piccerillo, Chief Dryfe and Deputy Chief Vignola.

The JRB or the justice system can be chosen by a family of a juvenile offender. If JRB is chosen, the family must agree to the appropriate consequences and provide support to insure the juvenile fulfills the consequences cited by the JRB.

Ms. Nichols stated her support of the JRB, and commented on it being a logical way to solve problems with a practical approach rather than the court system. She considers the JRB to be an excellent idea, but has concerns about costs to the Town and liability for those serving on this Board.

The committee was informed by Ms. Piccerillo that the Board members are covered under the Town's liability program. The JRB is staffed by a police officer and Ms. Piccerillo, with case management through the Human Services Department intern staff without any cost to the Town. There are many resources available to the JRB including mental health and community service as a consequence for an offense.

With regard to the case load, Chief Vignola explained it would be 6 to 10 cases per month, could be more, depending on the scenario and activities involved. If a kid does not meet the JRB consequence requirements, their case is referred to the juvenile court system. No felonies/violent crimes/domestic violence cases will be involved with JRB.

Ms. Linehan expressed concern of a heavy case load with JRB for the Human Service staff. She commented on many kids getting into trouble, getting into the court system, and going down the wrong path. She agreed the JRB is a good idea as an alternative to the court system, and supports the formation of the Board.

The committee was told by Ms. Piccerillo that the JRB has a powerful and positive impact on the young community, and case loads will not increase, but will be reduced.

Ms. Nichols suggested a review of the JRB and its work after a period of time, with a report to the Council on an annual basis.

Ms. Linehan suggested the information be part of the Chief's report to the Council.

A series of incidents were cited by Mr. Sima, i.e. alcohol violation and kid coming to Social Services, or traffic infraction or serious assault.

Chief Vignola advised the alcohol incident is a violation of the law with a determination in court on what the level would be. Serious assault would be a 10 year sentence for an adult and unknown sentence for a minor; 17 year old with a traffic infraction, providing alcohol, would go to court, and could have a JRB referral. Juvenile matters are kept confidential. Drinking off school property could come before JRB.

Mr. Sima sees additional staff hours and work, with the department needing more staff with a new program. He questioned the mechanics in place now for handling the JRB program, types of community service involved, and benefit to Cheshire. Mr. Sima

believes there should be something at the State level to relieve the financial burden on the municipalities with the transfer of the work load.

This is where the “intern program” comes in, and Ms. Piccerillo explained how the 4 interns would handle the workload, along with the ability to get additional interns, at no cost to the Town, for the JRB program. Case management would be assigned to an intern and followed through to completion. She also said if the JRB is maxed out with a big case load, the juvenile matters can go to court.

In that regard, Mr. Sima asked what happens when the department is over loaded, continues to deal with these kids on a monthly basis, and how it prioritizes the importance of cases before JRB. His major concern is the case load and costs to the Town.

Ms. Piccerillo explained that JRB cases are resolved in a month. Cases would be prioritized according to the situation and its response. Six to 10 cases are expected per month; some cases can be dealt with as a group of kids; and cases will be decided as JRB issues or court issues. The typical time cycle for a case is 30 days.

Chief Vignola stated the CPD has a Youth Officer, School Resource Officer, 4 Detectives with flexible hours to assist with the JRB cases. Consequences will, probably, be community service hours, managed by the Police Department, with the file closed with JRB upon completion of the punishment.

The JRB meets once a month; has 5 volunteer members and 3 alternate members; kids must comply with the demands of the JRB; kids must have family support; and consequences are signed off by the offender and responsible family members.

It was stated by Ms. Linehan that responsibility falls on the offender; family must support administration of the consequences; and the benefit to the Town is to rally around its youth and their better decision making.

The committee discussed the juvenile court system, moving cases to the local level, the overload of cases in the State courts, JRB taking on minor offenses so youths do not go to court, availability of community services, and funding of the program.

Ms. Piccerillo advised there is some DCF funding being looked at for JRB programs. She said there are many community service opportunities through the Human Services Department, with the juvenile taking one on, verifying completion with a written document. The department interns also follow up on the completion of the community service for the JRB.

Regarding more serious or aggressive offenses, Chief Vignola reported these would have concerns, and any single questionable offense would be referred to the prosecutor in juvenile court.

Mr. Sima commented on the Human Services Department needing additional staff with 10 JRB cases a month, and this issue being heard during the budget cycle.

The committee was told by Ms. Piccerillo that other communities form a JRB without going before the legislative body for approval. The Town Attorney thought the Council should be aware of the plan for a JRB. This is not creating an ordinance. The JRB would be run by a volunteer committee with staff support, and cases handled by unpaid interns doing the bulk of the work. Ms. Piccerillo has informed Council during the budget cycle on the budget savings of the department with the use of interns.

Ms. Nichols commented on the concerns and human aspect of this matter, along with the need for annual review of the JRB. If more staff was required then the program cannot be continued. The JRB is a practical approach to problems, saves the court system money, and there is a need to support our youth as well as senior citizens.

By having the JRB, Mr. Sima noted that Council approval is not required in other communities. He is hearing that the State is doing a poor job of handling its youth, things are out of control, and the load is being pushed back to the towns. Mr. Sima believes the State should support the JRB program, and he wants money from the State for this program. There is an impact on the Police and Social Services Departments without any funding, pushing the burden onto the taxpayers.

Regarding funding, Chief Vignola explained the "forfeiture program" through the CPD, and using some of this money for the JRB, if needed. He said the DARE program is funded through the forfeiture program; the criteria is specific; and includes enforcement and alcohol education programs. Chief Vignola commented on the importance of the JRB to the community; it is within budget; police officers have flexible hours; there are interns to manage the case load; there is police enforcement in partnership with the community; and the JRB is a huge step forward for the community.

Council Chairman Slocum commented on the courts being over-burdened, whether we want justice served this way, and fixing things sooner with juveniles have consequences with merit.

According to Chief Vignola the court system is in flex right now; it is not paying attention to many kids; and with the JRB the community is serving discipline to the kids who have not been "charged" but referred to JRB.

The JRB will hold meetings once a month, in the evening. All members are Cheshire residents; one person works for the Town and the others do not; and Ms. Piccerillo and Chief Vignola serve as staff to the JRB. Ms. Piccerillo will research whether there is State funding for the program; compile staff costs should they be necessary; and will forward the information to Mr. Zullo.

Mr. Sima stated this matter should come before the Council; there should be a motion in place for the next Council meeting; and the committee can meet to review the matter before the next Council meeting.

MOTION by Mr. Sima; seconded by Ms. Linehan

MOVED that the Ordinance Review Committee approves formation of a Juvenile Review Board in Cheshire, and the matter will be on the agenda of the next Town Council meeting.

VOTE The motion passed unanimously by those present.

4. DISCUSSION AND POSSIBLE ACTION: STREET EXCAVATION PERMIT PROCESS

PW Director Noewatne stated that the recommendation from the PW Department is to change the permit fee to \$50 (up from \$45). This issue had past discussions with the former Town Attorney, and it was felt that a fee per application would be the best way to go. There can be charges for larger excavations. Mr. Noewatne commented on large trench projects taking up \$200 of staff time, the need to increase the permit fee to \$50, and ordinance revision to allow the PW Director to set bond and minimum insurance requirement amounts.

Mr. Sima commented on the WPCA charges to hook up to the sewer line in the road and a fee for cutting into the sewer line. He believes permit fees are low, and he wants to insure all bases are covered by the fee, i.e. staff time, vehicle costs. With posted bond of \$3,000, the money is returned when the job is done. There should be options in place; staff hours must be calculated; and if something goes wrong the cost is more than \$50 to the Town.

The committee was informed by Mr. Noewatne that the only other charge with the sewer is the assessment for water coming into the house. He advised that a bond must be held for 2 years. He noted the fee applies only to the application procedure. Staff reviews the application; gets back to the contractor on the cost of the permit; and the process takes a minimum of 48 hours. For fees a tier system could be used based on the number of tiers.

Mr. Sima's suggestion is a \$75 fee and sliding rate for large excavation.

The committee agreed to the revised fee of \$75 and posting of a bond for the work.

MOTION by Mr. Sima; seconded by Mr. Linehan.

MOVED that the Ordinance Review Committee approve a fee of \$75.00 for the permit application; and a fee based on the square foot size of the excavation; and a performance or cash bond posted.

VOTE The motion passed unanimously by those present.

5. DISCUSSION AND ACTION: SIDEWLAK APRON MAINTENANCE

PW Director Noewatne reviewed the sidewalk ordinance, the issue of aprons and sidewalks crossing driveways, noting the Town owns and maintains the sidewalks. He explained that aprons that enter the roadway must be maintained by the resident. PW receives many calls when driveways are paved with the resident want the Town to replace a section of sidewalk that crosses their driveway. Planned subdivisions have sidewalks going across the driveway. The calls to PW are sometimes issues with sidewalks impounding water, and sidewalks damaged by a property owner can be a contentious issue.

The proposed ordinance change would make everything from the sidewalk to the curb the responsibility of the homeowner. Mr. Noewatne stated this is the cleanest way to proceed with sidewalk replacement, and when doing a driveway a homeowner should get a street excavation permit.

Mr. Sima stated his biggest concern – the Town is the expert in sidewalk construction, not the homeowner who could do a bad job with a sidewalk replacement. If a bad job is done...the sidewalk heaves...he questioned the need for an inspection process.

Mr. Sima wants this proposed ordinance change to have more time for review due to the impact on the homeowner with sidewalks.

According to Mr. Noewatne, PW would inspect the sidewalks as part of the permit process. This matter came before PW because it has been obvious for many years and needs to be addressed.

Mr. Slocum sees an enormous problem asking homeowners to fix sidewalks.

The committee discussed the Town having a certain amount of time to respond for sidewalk requirements – replacement according to a work schedule. There should be information on the exact number of sidewalks to be replaced, and the ordinance will require revised wording in the “repairs” section.

Before paving roads in the spring time, Mr. Noewatne suggested informing residents of the road work to be done, and if a homeowner is working on a driveway paving, they wait until the road is paved. Mr. Noewatne stated that curbing is a repair, and over the winter the staff will be revisiting regulations, including those on curbing.

The committee’s decision was to return this matter to PW Department to be further reviewed, with the committee re-visiting the matter at another time.

6. ADJOURNMENT

MOTION by Mr. Sima; seconded by Ms. Linehan

MOVED to adjourn the meeting at 8:52 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk