

**MINUTES OF WEST HARTFORD PUBLIC HEARING
ORDINANCE AMENDING PARKING FINES FOR OVERSIZED VEHICLES
DECEMBER 8, 2009 7:15 P.M.
LEGISLATIVE CHAMBER**

President Scott Slifka called the Public Hearing to order at 7:15 p.m.

President Slifka: Start with a roll call please, Ms. Labrot.

Present were Councilors Steven Adler, Tim Brennan, Shari Cantor, Judy Casperson, Leon Davidoff, Rob Durbin, Denise Hall, Scott Slifka and Joe Verrengia.

President Slifka: Thank you, Ms. Labrot. The subject matter is an ordinance amending parking fines for oversized vehicles. It came from the administration. Mr. Van Winkle, could you care to summarize?

Mr. Van Winkle: Yes. Mr. Mayor, I'd like to ask our Police Chief, who is in the audience, to come up and describe this ordinance for us.

President Slifka: Welcome Chief Strillacci

Chief Strillacci: Good evening. Jim Strillacci, Police Chief. I'm here to talk about the ordinance before you. This arose largely due to our experience with Blue Back. The provisions are applicable anywhere in town but it was particularly obvious in Blue Back which was built to a pedestrian-friendly scale with roads that were not inordinately wide. We found that when we had tractor trailer trucks coming in to make deliveries in the wrong places that it was far more hazardous than you would have with a normal vehicle double parked or parked in a no parking zone. It's very difficult to get around or see around the vehicles. When you think about it, the fines on our books are the same for a mini coupe or a VW bug as for a semi trailer. The difference between those vehicles is on the one had you've got a small vehicle that you can kind of see through the windows and see around pretty easily and if you had to get around it could you can do it expeditiously. It's fairly short compared to a tractor trailer which is large and opaque. It's like having a house parked in front of you. If you have a double parked tractor trailer on a narrow street you've got to peek around. You take your life in your hands to get around it and you've got to traverse the entire length of the 53 foot box trailer plus the length of the tractor to get around it and get back in your own lane so it occurred to us that this is a far more hazardous violation than a normal passenger car violating the law. We also found that our efforts to try to curb this were somewhat frustrated because the delivery drivers were treating this as a cost of doing business. The fines were so lax that they could absorb that and it was worth their while to pay a fine and still go on their route and make the deliveries expeditiously by parking illegally. We asked for Counsel's assistance in coming up with a way to make the punishment suit the crime and this was advised - to have a separate offense essentially for each car length, each 20 foot segment. Our

standard parking space here is about 22 feet to allow a little leeway and we think this is a fair way to go about it.

President Slifka: Thank you, Chief. Is there anything from the Council for the Chief?
Mr. Adler?

Councilor Adler: Through you, Mr. Mayor. Chief Strillacci, first of all thanks for that overview. What are we going to do from a communication awareness perspective to let the owners of vehicles know about this or is it just kind of like when they get the ticket they'll know about it.

Chief Strillacci: Well, we like to encourage compliance. It's voluntary and we kind of bend over backwards. We have our foot officers in the center going around and talking not only to the drivers themselves but to the store owners or business owners doing their delivering to get the message out and some of them have been trying to work with us. They're trying to get their vehicles back in the loading docks where they belong or to come up with alternate places for them but some are not going to take a word to the wise so it's going to take a little more than that and perhaps the heftier fine will make a difference.

President Slifka: I thank you, Mr. Adler. Mr. Brennan?

Vice President Brennan: Thanks Chief. Can you give us some examples of places where you found this to occur that's prompted this proposal for an ordinance?

Chief Strillacci: Well, if you were to take a right turn out the front door here and walk down the hill in the morning you would see vehicles parked across sidewalks. You'd see vehicles parked double next to parked cars in the proper parking lane. You'd see vehicles around the corner on Raymond Road up close to the corner where it's not really marked as a loading zone and they protrude out into the travel portion. If you're trying to make a turn off of Memorial onto Raymond you've got to creep forward, look around that nice signage that they put up there and if you see a large truck parked there again you're going to creep out a little bit more and hope that somebody coming by doesn't hit you before you can make the turn. We have found it difficult getting out of the driveway of the Police Department lot which... Councilman Verrengia I think can probably back me up on this. We've got two driveways. One of them has got a gate because it's common to the Town Hall parking and we charge people so it's a little slower to get out that way. If officers want to get out quickly to get to an emergency they're going to use the north driveway. Unfortunately it's cheek by jowl with one of the Blue Back buildings and there's an overhead door immediately north of our driveway. Trucks will back up into there to access a loading dock and they'll park out across the sidewalk and sometimes out into the street so we've got this large, opaque object that we have to pull around before we can get our cruisers out onto the streets so we're painfully aware of this right in our own backyard. I'm sure it's going on elsewhere.

President Slifka: Thank you, Mr. Brennan. Anyone else? Mr. Davidoff?

Councilor Davidoff: Through you, Mr. Mayor, to possibly Corporation Counsel. I thought during the Blue Back approval that the delivery trucks were to come at a certain hour and because of the narrowness of the roadway they were to be encouraged... And I think there was testimony from the applicant that that was to be the case and I was assured as a member of the TPZ that this wouldn't be a problem. We would have the store owner or merchant inform his person that the deliveries need to be made during X hours and I don't know. Are we taking those steps to do that?

Mr. Van Winkle: I think I can answer that through you, Mr. Mayor. Actually the developer is asking us to do this. We are ticketing and it is being taken as the cost of doing business so by increasing this cost we are hopeful that that truck will realize that this is too expensive a ticket. The developer is asking these trucks not to do this but they are ignoring him and they have a limited amount of ability to deal with that so they are asking us to increase this fine so we can get these trucks off the street and into the loading docks. They're looking to do this. They realize that that's important to their development as well so there's cooperation between them and yes, in that zoning approval we made available loading docks for these trucks. In many cases it's just easier to double park and walk right in the front door than to go around the corner and park and then bring it around so we need to give them a financial incentive to do that. That's what this ordinance was intended to do.

Councilor Davidoff: Thank you. I understand that. Now, as a followup if this is not effective in the means of enforcing after the people get the ticket would we then go back to the developer of Blue Back and say well, we need to find some other remedy to this problem because this isn't working. So this is Step 1. Would there be possibly a Step 2?

Mr. Van Winkle: Well, I think the Chief would agree with me. It's a safety issue that we need to deal with. We don't want this to continue so there will be a Step 2 if this doesn't work. You know? Our expectation here is that this ticket now is going to be large enough that they will stop doing it. We can go to the developer and tell him that, you know, this is a violation of our zoning agreement but his...and we could fine the developer. His problem is that he's having trouble controlling all these delivery trucks that come to individual independent businesses so if there is a continued problem we're going to have to come back with a Step 2 because it is a safety issue in Blue Back Square.

Councilor Davidoff: Thank you.

President Slifka: Mr. Davidoff. Anyone else? Mr. Durbin?

Councilor Durbin: How much is the fine going to be?

Chief Strillacci: It depends on the underlying violation.

President Slifka: Chief, can I have you turn your mike back on?

Chief Strillacci: It depends on the underlying violation. If you look at the proposed ordinance it lists all the specific penalties and the change will essentially make each 20 feet of the offending vehicle a separate violation so you'd have a multiplier attached - the underlying fine and fee times two or three or four depending on the length of the vehicle.

Councilor Durbin: Yeah. I don't have any problem with that.

President Slifka: Thank you, Mr. Durbin. Anyone else? Okay if there's nothing else for... Oh, sorry the public comments... Mr. Alair?

Mr. Alair: If I may, as the person who put this ordinance together not 15 minutes ago, I was looking at it and something popped into my head that I hadn't noticed before. By using the term "separate violation" if you look at a number of our ordinances we have violations for parking within 15 feet or 25 feet of a corner or a crosswalk or that sort of thing. I can see some clever person arguing that their first 20 feet was within that distance but not the second and for the benefit of our poor motor vehicle ordinance violation hearing officer who gets those arguments I would offer a slight language change to avoid that problem and that would be in the underlying language instead of saying "constitute a separate violation" it would say "constitute an additional violation" and "shall be subject to cumulative fines and administrative fees." Other than that the purpose would be the same. It would have the multiplier effect. The fines range from \$14 to \$89 depending on the violation so you would multiply those by each 20 foot segment and there wouldn't be any argument that only one segment of the vehicle was in violation.

President Slifka: Thank you, Mr. Alair. We're going to ask Corporation Counsel to remind us of the need for an amendment. Okay. Anyone else? Mr. Alair, while you were... Well, you sat down. I was going to say while you're up could you just check the sign-up sheet for us?

Mr. Alair: It's blank.

President Slifka: It's blank? Okay. Is there anyone who'd like to speak to the subject matter of this Public Hearing? Okay, seeing none if there's nothing from the Council we will close the Public Hearing.

Meeting adjourned at 7:30 P.M.



Essie S. Labrot
Town Clerk/Council Clerk

/sab

APPROVED AT JANUARY 12, 2010 TOWN COUNCIL MEETING.