



BOARD OF ALDERMEN
Public Health & Safety
COMMITTEE MINUTES
Wednesday, April 4, 2007

Call to Order / Pledge of Allegiance

Alderman Papa called the Public Health & Safety Committee meeting to order at 7:00 p.m. All those present rose and pledged allegiance to the flag.

ROLL CALL

Alderman John Papa, Chairman – present
Alderman Jason Perillo – present
Alderman Jack Finn – Present

PUBLIC PORTION

Irving Stiener, 23 Partridge Lane

Recent events of this past week of public safety have brought me to this meeting and will continue to bring me to this meeting until better measures are in place to protect human life and property. Due to events this past year this administration has lost credibility in my eyes concerning public safety. When the cost of a project is more important to this administration and the developer than the safety and welfare of the public at large, you have stepped over the forbidden line. Whoops, or I forgot are words that must be immediately cut out of your vocabulary on this issue. Mediocracy whether intentional or accidental on your part is not allowed. Our city is running out of easily developed property that requires no blasting and the frequency of liability will increase with time. I am tired of people's lives being destroyed as was done on Lane street. Leaving the course of remediation and litigation to the financially strapped home owner. I am tired of having blasters not inform abutters no more than 30 feet from a blast site. I am tired of hearing that the Fire Marshal will only appear at the time of blasting if a complaint is filed. How does one file a complaint when most people don't even recognize blasting mats nor are they informed of impending blasting. I am tired from hearing of unfortunate homeowners, at least abutters, that they didn't know if close enough to a blast site, ask the blaster for pre and post blasting surveys and seismic equipment to provide data to help determine if it

was blasting that may have destroyed their well or foundation. I am tired of the fact that this committee on May 3, 2006 agreed with legal counsel to approve many of the above measures and have them added to the blasting application in the form of an addendum. Only to hear now that it was never done. I am tired of getting arrogant and flip responses from the fire marshal when he is asked where the approved instructions to the blasting permit are. Responses paraphrase like "I didn't receive the addendum, so I can't add it to the blasting permit" or "the blasting permit was approved yesterday and I can't tell you when he's going to blast." I'd like to preface this with the fact that I am a father and a grandfather with my daughter and my grandchildren 100 feet from the situation. None of these remarks are acceptable when it comes to human safety. Is there no follow up, is there no clear assignment of responsibility to ensure the completion of the project?

I'm tired of being stonewalled by the next higher authority which happens to be the administrative assistant with such answers as "I know nothing about the blasting permits." Such a remark is one of the greatest understatements of the time and show a high degree of modesty. I plan to enter this modesty into the Guinness book of world records. I am tired of finding out that the addendum to the blasting permit, a real document that was mentioned in the May 3rd meeting and was required to be kept with the minutes of the meeting was temporarily lost. This required me to make a written freedom of information to the assistant this last Monday in order for me to obtain the document. All of the above happened to me this week on Daybreak Lane. But I am never tired when it comes to ensuring that the public, my daughter and my grandchildren are properly protected. On Tuesday without any positive assurances to that affect I visited the police dept. and explained the situation. They asked if I had called Fire marshal Tortora, I responded that he had not been in the office since Thursday last, I was unable to contact him. Had I spoken to Sandy Nesteriak? Yes I had but she could not confirm the status of the blast. I then explained that without such assurances I would physically have to monitor the blast site during school bus hours, which I did. Although requested by officials I did not leave the street in front of the blast site until a police officer, which I had phoned for, arrived and asked me to move back to a safe distance. I now ask the Mayor, how has it finally come to this? I have now received a copy of the missing addendum and immediately saw that there appears to be no one charged with the responsibility of ensuring that the blasting does not occur during school bus hours. There is nothing mentioned in there about it. I know from experience that anything like that left up in the air will stay up in the air. In closing, I would like to state that politics has nothing to do with the situation. My complaint is the lack of performance and the insensitivity. I thank you for your time.

Chief Hurliman I appreciated your visit. Everybody was there and the actual blasting went off like you wouldn't believe. It was about ten minutes late but I

couldn't get any honest answers from the blaster when I asked do you know what the school bus schedule is. It makes me nervous as can be.

Alderman Papa allowed Ms. Flannery to speak into the public portion at the end of the meeting as she missed the beginning.

Joan Flannery, 8 Partridge Lane

I'm on the same street as Mr. Stiener only I'm closer to the blasting. They actually put the sign up against my mailbox to say blasting. It's really extreme blasting. It's shaking my whole house all day long. Last July the blasting at Split Rock collapsed my well and I already wrote a letter to P&Z and Chief Tortora and I still haven't heard back from them. It cost me over \$4000.00 to get my well fixed, so I know my well is in perfect condition. Now with all this blasting a few hundred feet from my house I don't want muddy water in my house again. I'm really really concerned. It's extreme blasting. It's not like the blasting that Wells Hollow has been doing. He's been doing little things. The one a Daybreak it's really shaking and rocking the whole house.

Alderman Finn asked; were you notified about the blasting?

Ms. Flannery replied; no, there was a sign up on my mailbox today.

Alderman Finn continued; and you have horses?

Ms. Flannery replied; they running wild and all over crazy. They are scared. I have the electric fence on as I always do but they are running up and down and they are really nervous.

Alderman Finn continued; from what I understand with the discussion that we had, we all agreed that the Fire Marshal dropped the ball and even though from now on he'll be following through..

Alderman Papa stated; you were here back in March when we had the addendum to the permit and now it should be followed. It wasn't being followed. It's been addressed.

Ms Flannery stated; my daughters are home all day and they called me to say that a sign has just been put up against the mailbox.

Alderman Papa continued; Like I told Mr. Stiener, it is being addressed. It has been addressed and it is changing.

Ms. Flannery asked; now how do I get my \$4000.00 back from last July for Split Rock?

Alderman Finn stated; we have nothing to do with that.

Alderman Papa explained; that would be a civil matter.

Ms. Flannery replied; so I gave my letter to P&Z at the time, I gave my letter to the Fire Marshal, now what do I do?

Alderman Papa replied; I don't know, but that would be a civil matter

Ms. Flannery replied; but Rick Shultz said he would look into it and I haven't heard anything.

Alderman Finn replied; if the administrator of P&Z has not gotten back to your original inquiry, I would go back to him and ask him to please address your concerns.

Ms. Flannery continued; so if this blasting at 15 Daybreak does something to my well they are going to pay me?

Alderman Papa replied; they have insurance.

Ms. Flannery replied; that's what Blakeman told me eye to eye that he would not damage my well and he did, at the hearing.

Alderman Papa stated; that is something that the city is not involved in. You would have to go after the blaster yourself.

Ms. Flannery replied; but I'm the little guy that has no money to hire lawyers. Isn't the city supposed to protect me?

Alderman Papa replied; the city doesn't get involved with that..the blaster is the one that takes out the permit...

Alderman Finn continued; the blasting is controlled by the State Fire Marshal and the State Fire Marshal guidelines are also under the control of the State Fire Marshal. From what I understand here, what occurred in the addendum to the policies that occurred here were passed by resolution on May 3, 2006, those are now in the hands of the Fire Marshal and to use his discretion if necessary to include any of those under consideration.

Alderman Papa replied; these are state statues that supercede...

Ms. Flannery replied; I understand. Thank you very much.

MINUTES FOR APPROVAL

1. Regular Meeting – February 6, 2007

Alderman Kudej moved to recommend to the Full Board to waive the reading and accept the minutes of the February 6, 2007 regular Street Committee Meeting; Seconded by Alderman Olin. A voice vote was taken and the motion passed 2-0.

2. New Business

2.1 Increase Lumens for Streetlight on Pole #1140

Alderman Finn moved to forward the request for increase of lumens for streetlight on pole #1140 (Cots & Bridgeport Ave.) to the Chief of Police for review and recommendation; seconded by Alderman Perillo. A voice vote was taken and the motion passed 3-0.

CLERK TO CALL UI TO IDENTIFY THE LUMENS CURRENTLY BEING USED.

3. OLD BUSINESS

3.1 Discussion – Off Street Parking of Commercial Vehicles

The Aldermen and Chief discussed the current recommendations made by Tom Dingle for changes to the ordinance.

Alderman Finn moved to forward to the Chief of Police for review and recommendation; seconded by Alderman Perillo. A voice vote was taken and the motion passed 3—0.

Chief Hurliman submitted the incident reports for January, February and March.

Adjournment

Alderman Finn moved to adjourn the meeting at 7:40 pm; seconded by Alderman Perillo. A voice vote was taken and the motion passed 3-0.

Respectively submitted,

Brigitte Plucienik

Brigitte Plucienik
Clerk, Board of Aldermen

Date Submitted: _____

Date Approved: _____ BY: _____

Mayor Mark A. Laretti
City of Shelton