



# Board of Aldermen Shelton, Connecticut

***PUBLIC HEALTH & SAFETY COMMITTEE – MAY 3, 2006***

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## **Call to Order / Pledge of Allegiance**

Alderman John Papa, Chairman, called the meeting to order at 7 p.m. All those present rose and pledged allegiance to the flag.

## **Roll Call - Public Health and Safety Committee**

Alderman John Papa, Chairman, present  
Alderman John Finn – excused / medical  
Alderman Joseph Lanzi - present

## **Public Session**

Alderman Papa asked if any member of the public wished to address the Public Health and Safety Committee. Being none, he declared the Public Session closed.

## **Add-Ons**

Alderman Lanzi MOVED to add item 2.3 Streetlight Request to the agenda; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

## **Correspondence**

The Clerk read the following memo aloud:

*To Alderman John Papa, Chairman, Public Health and Safety Committee, from Chief Joel W. Hurliman, date April 25, 2006, subject, Guide Rail Request, Coram Avenue.*

*Mr. Iannotti of 411 Coram Avenue has requested the installation of a guide rail in front of his home, located directly across the street from St. Joseph Church. This request detail five alleged accidents involving his house, shrubs and*

*property. While this claim is not supported by the accident data, his request has been forwarded to the State Department of Transportation for a review. This portion of Coram Avenue is State Route 108 and is under the DOT's control.*

### **Chief of Police Report**

Chief Hurliman stated, this has to do with correspondence – regarding the Mohegan School Flashing Lights. Traffic personnel looked at the area and reviewed the accident and speeding data as well as the road condition. Based on conditions right now, I don't recommend the installation of the flashing/warning lights at this time.

Alderman Papa stated, as you know, we had a request from a person on the Safety Committee of the Mohegan School PTA. They brought it to our attention and that is why we sent that letter to you. They wanted to have flashing lights there to slow down the traffic. You can still monitor that?

Chief Hurliman stated, We had radar up there and did not issue a lot of summons. The conditions there are vastly different from the places that we have installed the flashing lights. The speed and volume on Mohegan Road and the condition of the road is vastly different than either Route 108 near Shelton Intermediate School or Route 110 near Sunnyside School.

Alderman Papa asked if there is an officer at Mohegan School when the buses arrive and depart.

Chief Hurliman explained that there is an Officer there to cross the walkers, both before school and after.

Alderman Lanzi stated, coming from the Monroe side, when you get the top of the hill and you're approaching that area.

Chief Hurliman stated, we do have oversized school zone signs installed there.

Alderman Papa stated, this is the reason they brought it up. As you know, you can't see because of that hump. People who travel that day in and day out should know that there is a school there.

Chief Hurliman stated, there is an oversized sign there – not one of the normal sized signs.

Alderman Papa stated, we can still monitor this. When the UI came back and Monaco Electric came back, you're talking about \$14,000 and that doesn't include the cost of the signs.

Alderman Papa thanked Chief Hurliman.

Chief Hurliman stated, the other thing I wanted to mention – we're getting re-requests to look at things that are coming through traffic that, some of it has been looked at as soon as six or eight months ago and a decision has been made by the Police Department to do or not do something. Things that have happened even four or five years ago. If it's something that's pretty old, we'll certainly take another look at it, but if it's six or eight months old, and they says, well take another look at this intersection.

Alderman Papa stated, when the clerk gets this request, she could possibly have a list of requests that have happened prior so we don't duplicate, if there's been an action already taken, that you denied a 'stop' sign or a streetlight we won't go over it again within a year or two.

Chief Hurliman explained, not only was I in on the decision making process on some of these, but the same traffic personnel that went out and did all the legwork before they took myself or my predecessor out for a tour - these are the same people taking a look at it. The Manual on Uniform Traffic Control Devices for signs and markings hasn't changed in that amount of time.

Alderman Papa stated, you know, if we get a request, and it's redundant, just send it back.

Chief Hurliman stated, if it's fairly old, conditions could certainly change, but something fairly recent -

1. Approval of Minutes

Alderman Lanzi MOVED to recommend to the full Board to waive the reading and approve the minutes of the Public Health and Safety meeting of March 1, 2006; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

NEW BUSINESS2.1. Meadow Street & Woodsend Avenue – Signage Request

Alderman Lanzi MOVED to forward to the Chief of Police and the City Engineer for review and recommendation of a stop sign and/or a guide rail at the intersection of Meadow Street and Woodsend Avenue; SECONDED by Alderman Papa.

Joseph Fitzgerald, Two Woodsend Avenue

With respect to what the Chief just mentioned, this is actually a re-request of something, but it is somewhat different due to my request for the guide rail. It also is not a recent request, it is three years old. The reason for the re-request is because conditions seem to have gotten worse.

The road is still the same, but there has been an increase in accidents and near-misses. The most recent incident was the most serious, with a car coming to rest on my front lawn about 15 feet from my front door. My children play there, there is a bus stop there as well with 15 to 20 children at any given time.

I live on the corner of Woodsend and Meadow. It is an S-turn that is banked incorrectly. Cars coming down are forever fighting to stay on the road, and cars coming up are forever drifting toward them. Consequently, cars tend to 'cheat' and get on the yellow line to make the curve, and cars coming up are drifting toward them – they meet and kind of surprise each other. One tends to veer to the right, and the person veering to the right often loses control and the result is that they come careening toward my house.

[Mr. Fitzgerald showed photographs to the Committee, and map with his proposed 'stop' sign locations.]

Alderman Papa suggested putting large rocks at the corner of the property instead of a guide rail.

Mr. Fitzgerald stated, it has been suggested that we use large rocks there, however the City was non-committal on the liability of who would be responsible if someone went off the road and if I had large rocks placed on my property and someone was to be injured severely from coming to a sudden stop, who would be responsible if I had placed rocks on, technically City property. If guide rails were installed, it would be the City doing it versus me doing it.

Mrs. Fitzgerald added, it would deflect a car rather than a sudden stop hitting a boulder.

Mr. Fitzgerald continued, a guide rail will look horrible in front of my house. But to me, the problem is the road that is in an unsafe condition. The officer did a traffic study – he said 'sorry, I don't see it happening' – it was about a 10 second meeting. He said the speeding is 'acceptable' or 'in the range of acceptable.' I think the point he's missing is it might be acceptable to go 38 in a 25, but when you're on a road like this going 38 is a severe condition. That is the point I was trying to make.

Alderman Papa stated, they have those telephone posts too, that would look a lot better than the cold, metal guide rail.

Mr. Fitzgerald stated, you go down to the Police Station and they say, 'well there have only been five or six accidents there, it doesn't stick out as unusually unsafe.' But having lived there, it's the constant cars repeatedly hitting that curb and go down the road and nobody reports it, cars skid into my driveway and back up, they catch their wits and move on. But the last winter was particularly bad.

I spoke to Tom Dingle in the Zoning Office about putting the boulders in, and when I asked who would be responsible if someone was injured, he kind of put his hands up and did not say what would happen.

Alderman Papa asked Corporation Counsel Welch if he could get some information about guide rails or large rocks installed at the curb line, who would be liable if there were an accident.

Corporation Counsel Welch stated, that, actually, would go to the City Engineer. And it would not increase your liability – outside the right of way – you don't have the right to place anything on the City property.

Mr. Fitzgerald stated, my understanding is that I don't own the sidewalk or this area. To put a rock where the danger zone is, I would be encroaching on City property, technically. If someone was injured upon hitting that portion, I would be liable.

Alderman Papa stated, we will send some of this information, and you can even check with Bob Kulacz yourself, the City Engineer, to see what he would recommend in this situation.

Alderman Anglace stated, you have a two part question. One is the 'stop' signs – that is normally looked at the Chief of Police. The other is a guide rail, which is an engineering issue. Tonight, this committee should forward for recommendation to the Chief of Police and ask him to consult with the City Engineer, and when they go out to look at the area, let Mr. Fitzgerald know that they're coming so he can be there to speak with them, and provide the Chief of Police with the minutes of this meeting. The Chief of Police may not be the one that physically goes out to look at it.

Mr. Fitzgerald stated, the last time they sent out a traffic officer who was like a sergeant, and he arrived unannounced and kind of caught me off guard, and it was a very one-sided conversation. That is, essentially, the accidents are increasing, not to mention the other people across the street whose driveways come out on that curve and it's all they can do to get onto the road.

Alderman Papa stated, we're going to send this to the Chief of Police and the City Engineer and they will contact you, Mr. Fitzgerald, when they are going to be out there to discuss this.

A voice vote was taken and the MOTION PASSED 2-0.

### 2.2. Streetlight Request – Pole 7986

Alderman Lanzi MOVED to forward to the Chief of Police for review and recommendation the request for the installation of a streetlight on Pole #7986 located on Princess Wenonah Drive; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

### 2.3. Streetlight Request – Valley Road

Alderman Lanzi MOVED to forward the request for a streetlight on Pole #7749 at the end of Valley Road to the Chief of Police for review and recommendation; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

### 3.1 Blasting Ordinance

State Fire Marshal Colon has been invited to come to the Committee meeting to discuss any changes that are being recommended as changes to the Blasting Ordinance.

Detective Jose R. Colon, Connecticut State Police,  
State Fire Marshal's Office

Fire Marshal Jim Tortora, City of Shelton

Corporation Counsel Tom Welch

Detective Colon stated, the last time I was at a meeting, there was a question as to what can the City do in excess of the State regulations. Basically, as I stated before, the State Fire Marshal under the current statute has exclusive jurisdiction, meaning that's where it stops. You cannot add anything that is not required under those regulations.

We're working with regulations that are from 1972. Since then, of course, I've put quite a few regulations together and they're sitting on my desk in the office. A lot of the items that have been passed not only by Shelton but by other cities, like pre-blast surveys, well testing. Those are items that are already in the new proposed regulations. I put them together well over 15 years ago.

The last time I did them, I submitted them in 1999, they're still dormant in my office. Hopefully this type of gathering here, not just in Shelton but other cities, maybe will encourage either my boss or somebody in my office to get this thing off of the back burner and put them in place where they should be.

Alderman Papa asked, are they drastic recommendations?

Detective Colon replied, it's going to be a big change from the present ones. Our Connecticut regulations are from 1972. You could talk to the industry throughout the country and they're probably one of the best ones in the country right now. The Massachusetts State regulations – they were adopted from our draft regulations. They took our draft, looked at it, added a couple of things, and adopted them. The biggest area that we're changing is, for instance, to provide a little more control by local authorities – by the local fire marshal – to require that certain things like zoning laws blend into the blasting regulations, which they're not at this point. To allow DEP regulations to come into play for well testing, for instance. Again, that's all there now – it just needs to be acted upon.

Alderman Lanzi asked, what would get the State to accept your recommendations?

Detective Colon replied, I don't know. I have tried. I work for the Deputy State Fire Marshal.

Alderman Lanzi asked, do you think a letter from this committee recommending something like that to be looked at would help?

Detective Colon stated, it would help – definitely. I know there are several members of the legislature that are interested in them. Unfortunately I have not heard from them or have had any contact whatsoever, other than a phone call here and there that they're interested.

Alderman Papa stated, so the only ones that can really move this along are our legislators, and right now they haven't taken much interest.

Detective Colon replied, you're right.



Alderman Anglace stated, thank you very much, it's very nice to have you here. Back on March 1<sup>st</sup>, this Public Health and Safety Committee held a very in-depth discussion of this subject of blasting with Corporation Counsel Welch. I'm sure you don't have a copy of those minutes, and I'd like to give you a copy. Otherwise you might be at a disadvantage and there might be some ways similar to what you proposed, there might be some ways that we can make a few notes as we go along tonight and perhaps support some of those initiatives that you started. I'm sure that based on what was discussed previously, just by reading the minutes, you get a good comprehensive picture of the issues discussed and where they went and what counsel has advised that legally can and cannot be done.

Corporation Counsel Welch stated, Trooper Colon came to a meeting that I attended last week and added certain comments that followed up our prior meeting. There weren't minutes taken at the meeting, but I did have a chance, so that our record is clear here, at that meeting you had indicated that State Statutes or regulations, we can't add, delete or amend it.

Detective Colon stated, right. The way the Statute is written right now, that is the case.

Corporation Counsel Welch continued, I had previously indicated that your office has exclusive jurisdiction over it so that regulations or an Ordinance by the City – the City is not empowered to do that. Last week you had indicated the City doesn't have the right to adopt an ordinance with regard to blasting.

Detective Colon stated, right, that will regulate blasting. This is something that has been tried by other cities, something that has been ruled by the Attorney General on at least three occasions. He has ruled that only the State Fire Marshal has the authority to draft those regulations.

Corporation Counsel Welch stated, you did indicate that the Town of Greenwich has a very strong permit policy. I had the opportunity to get that and I've give a copy to the Fire Marshal and members of the Board, which could be an addendum to the permit.

This is taken directly from the Town of Greenwich, which at the last meeting you had indicated is probably the strictest in the state. You had some comments on that. Just looking at that, is this something that we can add to the blasting permit?

Detective Colon replied, most of what it states that appears here are already in the regulations – the only item that you cannot ask for is #14 – you cannot require a pre-blast survey.

Alderman Papa asked, this would be what Planning and Zoning would give in a permit, or the Fire Marshal?

Corporation Counsel Welch stated, this would be something that it is under the Fire Marshal's discretion to add to the application itself. That is what the Town of Greenwich does. You can ask that the Fire Marshal consider it.

Alderman Anglace asked, can we request one voluntarily? Because most blasters are willing – the ones I've asked they've provided.

Detective Colon stated, the majority of them would not complain – the majority would agree with the fact that yes, I will give you a pre-blast survey. If you find one that says no, you cannot deny a permit based on that. You can request them. If they say "I don't want to do it," basically you cannot deny the permit based on that.

Alderman Papa stated, and this would be in the jurisdiction of the Fire Marshal – when he gets a permit, they have to go through this. This is the same as the State? There's nothing different on here except #14?

Detective Colon replied, different wording, but basically the same thing. Parts of it are from the Statute, parts of it are from the regulations.

Corporation Counsel Welch stated, it does provide an opportunity that the Fire Marshal can have, at our last meeting there was an issue about when it happens, when it takes place, and this would provide an avenue so that the Fire Marshal says that you're going to call on the day of a blast.

Detective Colon replied, absolutely. What hours you wanted to blast – do you want 9 to 3 – whatever hours you wanted to blast you could put that in a permit like this. Because you're not regulating the blasting, you're regulating the hours of the blasting. That has been done throughout the State. Oftentimes there are some towns that only allow blasting in the morning or sometimes in the afternoon, especially during the school days.

Alderman Lanzi asked, does this have the size of the charge that the blaster should use?

Detective Colon replied no, in here this is one of those things that Greenwich has had for many, many years. #17 indicates that not more than 1,000 lbs. of combined explosives should be brought into town. Well oftentimes a blast takes a lot more than 1,000 lbs., which makes no sense, because only the blaster can determine the amount of explosives. The last thing that you, or the Fire Marshal, or myself, wants to tell a blaster is, "you will use so much explosives" – now you're taking the entire liability for whatever happens. If the blast goes bad, then you own it because he's just following your direction. Oftentimes, less explosives doesn't mean – it's not a good thing – not all the time. You're going to create more damage if you don't enough explosives to break that rock. The power of that explosive is going to turn into the vibrations and end up causing more damage. It just goes out as vibrations. Unless you're a blaster or an engineer and you're willing to take that risk or liability. The blaster is the man that knows what kind of rock he's got, he's the man that knows the type of explosive that he's got. This is what he does for a living. You don't want to start telling him that kind of – or directing him in that way.

Alderman Papa asked, can we do anything with Planning and Zoning to have them make any regulations?

Detective Colon replied, Planning and Zoning, I mentioned it last week. One of the things that you can do is ask the individuals how much, you know, oftentimes they say, well how much explosives are you going to need, how much rock are you going to blast? They should be able to tell you, and I think I read it here somewhere that they should be able to tell you how much product I'm planning to pull out of this particular lot.

This is something that the blaster should know; the contractor should know; the developer should know. Otherwise, how do you pay this guy if you don't even know what he's doing.

Alderman Papa asked, he wouldn't have to tell Planning and Zoning would he? How would that affect Planning and Zoning?

Corporation Counsel Welch stated, last week at that meeting, the State Fire Marshal's Office indicated the Town of Monroe had, well, first indicated that, the State Fire Marshal's Office indicated last week that once you say the word "blasting," jurisdiction automatically goes to the Fire Marshal's office. But prior to the word "blasting," Planning and Zoning has the ability to try and regulate basically, geological studies, surveys, removal of earth materials, and indicated the Town of Monroe had a very strong policy or zoning regulation as to earth removal. I met with the Zoning Enforcement Officer up in Monroe, had a conversation with them, and what theirs is, if you look at the zoning regulations, it has to do with excavation, talking about what materials you have to have removed and what procedures you have to go through. So I reviewed those. I took a look at the Shelton Zoning Regulations and we have probably just as powerful a regulation as to earth removal. If you look at it, earth removal in the City of Shelton, you have to go through quite an extensive process. We had a brief conversation before in terms that the Planning and Zoning might be able to, putting more blasting language in here, strengthen it so that,

Detective Colon interjected, on the first you talk about the blasting, you mention the blasting early on in the regulations. Then on #32.37 it gives you an estimate of the number of cubic yards or material that you're going to be excavating. AT that point, they should be able to tell you how much they're planning to move out of there and in turn the local Fire Marshal would know how much blasting is going to be generated.

Alderman Papa stated, so by how much they tell you they're going to remove, you would know how much blasting material they need to remove all this product?

Detective Colon explained, the blaster at that point should be able to come and say, give you a blast plan and say, this is how I'm going to do it, this is how much I'm going to remove.

A pre-blast survey is going to each individual house and inspecting the house. Inspecting the individual condition of every house.

Corporation Counsel Welch asked, Planning and Zoning can't do that?

Detective Colon replied, no.

Alderman Papa stated, you said, in #14 on this here, you said that we can't enforce pre-blast surveys – we cannot.

Detective Colon stated, it's a totally different thing. You can ask for a blasting plan that will tell you ahead of time – 'I'm going to take out 100,000 cubic yards.' Well you know you've got a long-time project.

Alderman Papa stated, so that identifies the amount of material.

Detective Colon stated, by that point the local Fire Marshal can tell how much explosives they're going to be using.

Alderman Papa stated, so the Planning and Zoning Commission could ask this of the blaster, and then he would pass it onto the Fire Marshal.

Detective Colon stated, I don't see any reason why that couldn't be included here, because you're already including the blasting when you're removing rock. On the general – you don't – no excavation, removal of topsoil, clay, by blasting or the use of power. You already mention blasting in here. So basically at that point they should be able to tell you and then on the one that we just talked about he has to give you the amount that's going to be removed out of there. The blaster should be able to tell you, look, to remove that amount of rock, this is what it's going to take, and give you a blasting plan, how he's going to do it.

Alderman Papa stated, so there's nothing for this committee or the Board of Aldermen to pass any ordinance. We should address this to Planning and Zoning, which would then address it to the Fire Marshal. So there is nothing that we could do here with a City Ordinance to make it any better than is going to be proposed right now.

Detective Colon replied, right.

Alderman Anglace stated, it seems to me, our objective, locally is to protect the homeowners within a reasonable distance when blasting is about to take place. As I read all the minutes and all the discussions taking place, I get the impression that we can't do what we'd like to do. What we'd like to do is really regulate it. But we can't do that. So, what we've got to do is to look for other ways, without formally saying so, to take these actions that we want to take.

What are the actions we want to take? First, I think, we'd like to have a pre-blast survey. There are ways that it's going to come up that you just described, the Planning and Zoning will pick up on the size of this thing, and they can tell the Fire Marshal, and he can voluntarily ask for a pre-blast survey. How close should this be, how far out should it be? My thinking ran this way - when we had a pre-blast survey in my ward and I asked for it and the blaster was willing to do it and they did it within ¼ mile of the blast site. They went around and they asked people if they wanted them to do a pre-blast survey - all voluntary, all cooperation. I think if we can get some of these things, whether or not a seismograph reading, we should have them, and that again would be voluntary - we can't regulate it. There is nothing that says we can't ask for it on a voluntary basis. So if we can pick up a number of ways of determining when they come in that it does, about the earth removal that they're about to undertake, requires some questions or at least discussion to find out if they can do it voluntarily, we may find that people will accept that. I think to some degree they have a concern also, because if people take civil actions they end up in court and it's got to cost them money to do that. So I'm sure they want to cut their losses.

Detective Colon stated, as far as the pre-blast surveys, I know you mentioned ¼ mile - that's a long distance away. ¼ mile in a town in the northwest corner may not involve too many homes.

Alderman Anglace stated, that is 1,320 feet. If you say 1/8 mile, that's 660 feet. It's within sight. That's something that has to be determined - I'm not placing the specific distance, I'm saying that would be determined by the Fire Marshal, by what's going on.

At least, the thought is, give these people within that area some notice that this is about to happen so if they want to take some actions on their own, they can set it up and do it. I mean, if you were going to blast near me, I'm going to do all I can to protect because if I'm going to come after you for damage, and I know that I've got to do it, first I'm going to call my attorney and I'm going to say to him, what can I and can't I do, and the second thing I'm going to do is take all the precautions to read what the seismograph readings and take pictures of my foundation and do all these things. I have to have notice, because I might not pick this up in the newspaper, so if somebody gives me notice that'd be great. Those are things that we don't have to regulate. We can pick them up in other ways and provide that service. We're trying truly to help people protect their interests – we're going to have to find other ways to do it.

Alderman Panek stated, I think that based on our meeting with Detective Colon and his associate last week and Corporation Counsel Welch we found, or what I took out of that meeting is, due to the exclusive jurisdiction we can enact an ordinance, getting the State to change the regulations, it could take a year or two years, even changing our zoning regulations can take time. But instituting something like Corporation Counsel Welch handed out with this permit policy so that the Fire Marshal can take some control back on behalf of the City just by strengthening this up and as Detective Colon said last week, as long as there is nothing that infringes on State regulations – I think some of these things, like item 12 that the blaster has to report when he's blasting, I don't believe that occurs now. Once the blaster takes out a 30 day permit he can blast on whatever days he wants. That's one of the concerns I heard from the residents. Usually we don't find out about a complaint until somebody calls the Police Department and says "my house is shaking, what's going on," or something like that. This would allow the Fire Marshal to have a little more control knowing when the blasting will occur. As we discussed at the last meeting and with the Mayor, and the Fire Marshal did as well, he doesn't have enough staff to be out at every single blasting site, but if he knows when the blasting is going on, if someone is blasting he could go out there and inspect. Also, notifying the residents in the immediate area, Item #14 I think is great too.

If there's a distance within 250 feet we're going to send a letter or we're going to tell the blaster to let these residents know, blasting tomorrow between 9 and noon – at least the residents are aware of what's going on and that would help as well. The seismographs, I'm not sure, I don't know if the Fire Marshal wants that responsibility – should he be determining seismographs or not? I think this permit policy, I'm glad Corporation Counsel Welch worked this up because I think that's what came out of last week's meeting because, this will always be a starting point to get something going, to take a little control back and then from there if we want to do something on the Zoning end we can start working on that but that might take months and months and months.

Alderman Papa stated, but Trooper Colon did mention that if we get specific with the blaster, we're going to suffer the liability consequences if you tell him exactly how much

TAPE ONE, SIDE TWO

[Alderman Papa speaking]...he notify anybody, the Fire Marshal, when he's going to blast.

Fire Marshal Tortora stated, no. He can call there all day, we might not be in the office. Then what do you do?

Alderman Papa asked, do they call the neighbors in the vicinity?

Fire Marshal Tortora stated, I don't know.

Alderman Papa asked, could Planning and Zoning require that? To notify the people in the neighborhood that there is going to be blasting?

Corporation Counsel Welch stated it would go to the Fire Marshal's office as part of that permit policy that you have in front of you.

Alderman Papa stated, then Planning and Zoning wouldn't be a factor with that.



Corporation Counsel Welch stated no, but part of the excavation – because anyone who is on the border does receive notice, and that could be enhanced in here that anybody within 'x' number of feet be provided notice of the public hearing with regard to a special exception permit.

Alderman Papa asked, when the Fire Marshal gives them a permit to blast, do we notify the people in the neighborhood in the vicinity that they are going to blast?

Corporation Counsel Welch replied, that's the proposed policy. The Fire Marshal can implement that.

[inaudible question from the audience]

Detective Colon stated, under 14, you could notify the area but you cannot ask for that pre-blast survey, which is the second part of that section. The rest of it looks pretty good. The #17 – that's placing a limit on the amount of explosives – one blast could be a lot more than 1,000 lbs.

Corporation Counsel Welch stated, it might be for our Fire Marshal and the State Fire Marshal sitting down and coming up with, obviously it's their discretion, their concerns about some of this stuff, make it stronger, this is just what I gathered from last week's meeting and from the Town of Greenwich.

Alderman Panek stated, I think this is definitely a great starting point. If you go on the Greenwich website you'll see that they're a lot stricter as Trooper Colon told us last week. I went on there and checked them out. He also offered that if we do, whether it's tonight or next month's meeting, if we fine-tune this he would give it a review.

Alderman Papa stated, the City Fire Marshal should look at it. Obviously we're not going to do anything right now, we should look at it and see what we should do, we can get back to Trooper Colon and see if what we're doing is in the right direction.

Alderman Panek asked, how would a policy like this be instituted? Would the Fire Marshal have to make this part of his?

Corporation Counsel Welch stated, it would be all administrative, it wouldn't come before your board.

Detective Colon stated, as far as this section on the permit – this is what the permit looks like – on the bottom it says “limited to the following conditions, if so, state” Well obviously you can't put them in there, you could just put in there “see addendum” and attach this to the permit, and thus it becomes part of the permit. And any violation of that again is a violation of the permit.

Alderman Anglace stated, and if he violates the permit, what can you do?

Detective Colon replied, revoke. You have a lot more control as soon as you put it in writing. But if you tell a local guy, “hey, you've got to do this, this, this,” - words go by very quickly. As far as seismograph requirement – under the present regulations you could require them in every one of those shocks. It is something that should be placed in all of them. Seismograph all the shocks. The way the regulation is written that any time that there is a possibility of either damage or a serious complaint, the blaster shall provide seismic equipment. Well, when you're doing blasting, there's always a chance you're going to do damage. There's always a chance that you're going to have a complaint. So as a rule, require seismographs. At least you now know whether this guy is in compliance with state regulations.

Alderman Panek asked, can you put a distance on the seismograph? If someone is blasting, and they're five miles from something, we might not want to make them do a seismograph, but if they're 200 feet from a house, the Fire Marshal wants a seismograph.

Detective Colon stated, normally they place it between the blast and the nearest house. Obviously, you're going to put a seismograph near the blast. That way the blaster can tell you, my readings at this point were 'x' number of inches per second. As the distance increases, the vibration level decreases. It's not only to protect themselves, but to protect the public out there.

Alderman Anglace stated, just with respect to #14 which says, neighbors in the immediate area shall be notified of blasting operations – should there be evidence submitted at the time they apply for the

permit that this notice has been or will be given? In other words, some regulations require that you notify all the neighbors and do you send the notices with the return receipt or at least if you sent them.

Alderman Panek stated, the problem is, there might be a time restriction problem – for a blaster.

Fire Marshal Tortora stated, plus in an emergency, you've got the City doing jobs also, they've got to come and waive the permit to do a sewer line because of a boulder they hit –

Alderman Papa stated, that would be under exceptions.

Alderman Anglace stated, what I'm reading into this is that it's like anything else. This is a serious and dangerous business. You guys know that; I don't. I can only tell you what, as a lay person, what I see and hear. This gets down to the point where, many of these blasters take what they do for granted and they just want to waltz in and start blasting. They know all the regulations; we don't. The average person doesn't. We need a level playing field. The average person needs a chance to get on board to be made aware of – you know, thank God today with that computer stuff, the Internet, you can go on and get a lot of information fast, so people can build their awareness and become knowledgeable on what to do. All we want to do is provide people with the opportunity to be able to do that, because when they come in and blast, come in one day and start blasting the next day, the people in the neighborhood have no idea until they hear, 'what the heck was that noise?'

Alderman Papa stated, yeah, but we could put a restriction in. If somebody comes in and they're going to blast and they're going to build homes or build condos or whatever, we could have something in our permit process that if you're going to blast, you have to have a certain amount of notice. So you notify the neighbors. Is that a problem? So they're going to blast on Lane Street. They should be notified a week in advance that they've proposed blasting, or whatever, and notify the people so they're aware of it, and that would be Planning and Zoning's.

Detective Colon stated, Planning and Zoning could do that under that regulation – notification.

Bob Rotolo, resident, Lane Street

Not only are you blasting for foundations for homes, you are blasting for water lines, sewer lines. Sometimes those things are going along and you try to do it with a machine and you're digging and you hit rock. Blaster comes down, gets a permit, starts blasting. You get the same type of equipment blasting as you do on a foundation. So the same repercussions can happen to a home on a small project like that if the wrong charge is used. So the scenario with the one day blasting can happen more often than the scenario of a large development. You have to take that into consideration when you think about these plans. To put somebody off a week and do the whole process and allow the neighborhood to say that, we have to notify because we have to blast for this water line, that's an unrealistic.

Alderman Papa stated [with Mr. Rotolo trying to speak over him], we're trying to accommodate everybody. People are saying they're not notified. That would be an emergency. What is the answer? You do or you don't.

Mr. Rotolo stated, that's what I'm saying.

Alderman Papa stated, so if it's going to be in a certain area, and you know, say, off of where they're building across from Curtiss Ryan they're building that project over there – now they know they're going to be blasting over there for a while so they're going to notify the people before they blast – hey guys, guess what? This neighborhood is going to be blasting for the next couple of weeks.

Corporation Counsel Welch stated, I believe in the entire policy because it is an administrative policy through the Fire Marshal's office. It's all at the Fire Marshal's and written in such a way that it's at the Fire Marshal's discretion. We talk about "we" as "the City" but when you talk about "we" it's certainly not the Board of Aldermen.

Alderman Papa stated, I don't mean the Board of Aldermen, I'm talking about the Fire Marshal.

Corporation Counsel Welch stated, you have to take into consideration those comments about, I'm putting in my pool. Is it a small charge of one rock? Now you're going to say, I've got a week. I think, because it's under the jurisdiction of those professionals in the Fire Marshal's office, I would indicate just in looking at the zoning regulations is that currently whenever you need an excavation permit, you need a public hearing. So they do have a notice provision in Planning and Zoning now on getting an excavation permit or temporary special exception permit for excavating. They might be able to also address their more notice requirements in the zoning process.

Alderman Papa stated, for our next meeting, we're going to have to go over this, the Fire Marshal is going to have to look at it, we hope Trooper Colon could help us in that process. Also, we should get Planning and Zoning involved in this and make them aware of what we've just addressed today – some of those comments that you've made – we can send the minutes to the chairman of Planning and Zoning and maybe we could invite them to come in on the process.

Alderman Anglace stated, I think we're at the juncture of where we've got to say, where to we go from here? This is an excellent starting point. We can get something in the works quickly without much fanfare. The Fire Marshal has the authority to adopt this.

Corporation Counsel Welch stated, he can do whatever he needs

Alderman Papa interjected, whatever he wants. But he said he wants to look over that before he

Alderman Anglace interjected, look over it. I mean, if you have the power to put it in as an addendum to the permit, proceed. And now, we'll send the minutes to Planning and Zoning with the information supplemented to zoning regarding excavation.

Debra Hainsworth, 97 Lane Street

Ms. Hainsworth stated, this all starts at Planning and Zoning. It ends up at the Fire Marshal's Office. Okay? We've got to start at Planning and Zoning. They have to be more stringent and more serious about the properties they're just letting people build on.

They know right from the beginning, when somebody buys a piece of property, they go in and start developing it. They know in the beginning if there's ledge or not. That's where it's got to start from. Then they can go back to the Fire Marshal's office to make sure that the procedure is followed. But it starts in Planning and Zoning

Alderman Papa stated, that's what we're going to do - get the Fire Marshal and Planning and Zoning involved. Maybe we can get together and have a meeting just to go over it a little bit and see what we can do.

Alderman Panek stated, I think we can follow up on all three avenues, and certainly like John said, administratively the Fire Marshal can look this over and institute this fairly quickly. We can ask Planning and Zoning to start looking, and also if the Board of Aldermen wishes, we can ask our state representatives to take it up to Hartford.

Alderman Papa stated, if you remember, last month I suggested sending a letter to our legislators stating our concerns of some of the problems we're having with the blasting. If you remember, maybe we could still institute that, it would help Trooper Colon, if he more responses from different towns and cities that are concerned about the policies that there should be changes made, maybe they might listen. They're supposed to represent us, so why don't they listen to us?

Detective Colon stated, in the past, I've been at the Fire Marshal's 23 years and during that time I've testified several times in front of the Legislature about similar things. My statements at that time have been, 'we're in the process of writing new regulations.' Well, they still haven't. The new regulations on the pre-blast survey would require minimum, mandatory, and then it gives an option there for the Fire Marshal, the local authority, to increase it in the event that you have a historical building or some building that you feel needs to be pre-inspected.

Alderman Papa asked, and this is what you're proposing?

Detective Colon replied, right.

Alderman Anglace stated, I don't think it's appropriate for us to send a letter to the legislature saying that we support your regulations, when we haven't even read or received proposed, it's pretty hard to do. We've talked to you and we've gotten, but if you share them with Counsel, perhaps he could,

Detective Colon stated, absolutely. I'm not suggesting a letter writing campaign, but just the fact that when my boss here says, 'gee, you know the towns are really in need of this regulation.' He hears it from me. That's about it. He hears it from some of the Fire Marshals but if he hears it from the town zoning, or the Board of Aldermen saying,

Alderman Anglace interjected, well you know we'll adopt, you know, a resolution of the Board of Aldermen,

Corporation Counsel Welch stated, this is certainly not, Alderman Lanzi, I wrote him a memo back about exclusive jurisdiction. I looked at the date, October 13, 1999, so it's a problem that continues to persist. So until those state regulations are changed,

Alderman Papa interjected, nothing's going to change. But at least we can tighten up our Planning and Zoning and tighten up the Fire Marshal's permit process.

Detective Colon stated, now as far as somebody coming in and saying 'I need a permit today for blasting,' well there's another avenue where you can say, 'hey, time out, you need 48 hours because you have to get a Call Before You Dig number.' They require, under their Statute, 48 hour notice prior to issuance of any permit, any number.

Alderman Papa asked, now what happens if there's an emergency, like the gentleman just mentioned. A sewer line breaks and they have to blast. Is there an exception for that?

Detective Colon stated, now you've got an emergency. Now Call Before You Dig is going to take that into account and they're going to come out a lot sooner. They're not going to stop a project like that.

Alderman Papa stated, well, I think we're in the right direction. I think with the help of Corporation Counsel Welch and Trooper Colon, we really appreciate your time and effort, and Fire Marshal Tortora. We'll work together and try to tighten up the permit process. I think it's the right way to go. Tom, we appreciate all your help.

3.2. Flashing Lights – Mohegan School

No action.

3.3. Streetlight Request – Oak Avenue Pole 235

Alderman Lanzi MOVED, per the recommendation of the Chief of Police, to deny the request for the installation of a streetlight at Oak Avenue Pole #235; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

3.4. Streetlight Request – Parrott Drive

Alderman Lanzi MOVED per the recommendation of the Chief of Police to deny the installation of streetlights on Parrot Drive as requested by the UI Company; and further,

It is recommended by the Chief of Police that, since this area is mainly industrial, the UI Light the Night Program, with lights paid for by the UI Company be utilized if desired; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

3.5. Streetlight Request – Pole 2641 – Weybossett Street

Alderman Lanzi MOVED per the recommendation of the Chief of Police to deny the installation of at streetlight, at this time, on Weybossett Street Pole # 2641; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.



### 3.6. Stop Sign Request – Maple Avenue and Soundview Avenue

Alderman Lanzi MOVED per the recommendation of the Chief of Police to deny the request for 'stop' signs at the intersection of Maple Avenue and Soundview Avenue; SECONDED by Alderman Papa.

Alderman Papa stated, there is a letter from the Chief. He contacted the City Yard to arrange for the trimming of the brush to improve the sightlines. He also recommends that the whole intersection be reviewed by the City Engineer.

A voice vote was taken and the MOTION PASSED 2-0.

### 3.7. Streetlight Request – 32 Ridge Lane

Alderman Lanzi MOVED, per the recommendation of the Chief of Police to deny the request for a streetlight in the vicinity of 32 Ridge Lane; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

### 3.8. Request for Signalization – Bridgeport Avenue at Perry Hill Road and Oak Avenue

Alderman Lanzi MOVED per the recommendation of the State of Connecticut and the Chief of Police to deny the request for a traffic light at the intersection of Bridgeport Avenue at Perry Hill Avenue and Oak Avenue; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

### 3.9 Traffic Signalization – 360 Bridgeport Avenue at Kings Point Center

Alderman Lanzi MOVED per the recommendation of the Chief of Police and the State of Connecticut Department of Transportation to deny the request for a traffic light at 360 Bridgeport Avenue at Kings Point Center; SECONDED by Alderman Papa.

Alderman Papa stated, this is right across from Curtiss-Ryan - the new project there. I'd like to find out from the Chief of Police if there are two separate entrances and exits on that project.

A voice vote was taken and the MOTION PASSED 2-0.

3.10. Stop Sign Request – East Village Road and Longfellow Road

Alderman Lanzi MOVED per the recommendation of the Chief of Police to deny the request for a three-way 'stop' at the intersection of East Village Road and Longfellow Road; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

4. Report of Emergency Services

A. Emergency Medical Services

No report.

B. Fire Services

No report.

Adjournment

At approximately 8:10 p.m., Alderman Lanzi MOVED to adjourn; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 2-0.

Respectfully submitted,

Patricia M. Bruder  
Clerk, Board of Aldermen