



BOARD OF ALDERMEN
Public Health & Safety
COMMITTEE MINUTES
Wednesday, June 6, 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 – absent
Alderman Jack Finn – Present

Also Present: Chief Hurliman
Alderman John Anglace
Alderman Chris Panek
Alderman Randy York

PUBLIC PORTION

No one spoke at the public portion; closed at 7:02pm

Blasting Ordinance Presentation by Alderman Anglace:

Alderman Papa asked Alderman Anglace to make his presentation.

Alderman Anglace distributed copies of his presentation to the Alderman and the press.

I tried to put in writing so that the committee that we are hopefully going to appoint, the adhoc committee, will have the basis and the background to go forward in perhaps a unified fashion. To accomplish what needs to be accomplished to protect the property owners when blasting is to be permitted in Shelton. I just can't help to think when blasting takes place in Shelton that the City has to be sure that it is carried out in a manner that protects property owners interest.

While it is contrary to existing law for the city to resume responsibility for the blasting as this is a civil matter, it is possible for the city to set the conditions to be met before blasting can take place in our community. Consequently my review prompts me to share the following background and suggested changes to the city blasting permit policy.

I remember and have stated many times that the requirements that I asked of from the developer of Waterview Landings. Those requirements were accepted voluntarily and the project blasting was carried out with the knowledge of the neighbors and without one single unresolved blasting issue. Maybe it was luck, maybe it was because we worked together.

Let me list what was asked and done at that site. The developer was asked to offer a pre and post blast survey of all properties within one quarter of a mile of the blast site and to offer seismograph readings as well. The survey included a visual check of the property, including interior walls, foundations and other property owner concerns to be noted for the record. Once blasting was completed a post blasting survey was conducted at the request of the property owners. The property owners felt it was necessary for desired _____. The property owners were notified on whom to contact if fissures developed during the blasting.

The developer contacted each property owner in the neighborhood and compiled evidence of each owners desire to accept or reject this offer. While it was hard to measure the exact distant from the blast site the developer worked out what he considered to be an inclusive area that would meet the intended policy with the option to consider request for a survey beyond the targeted area.

There were no outstanding blasting issues following completion of the work and that was the goal. It is essential, given what is at stake for property owners, that we bring all interested parties to the table to engage in full discussion of this issue. There is much to review. However since this is the blasting season and projects are ready to go forward, there is no time to waste. The city needs to act fast to amend the City of Shelton blasting permit policy and the principles outlined above might be a good place to start evaluation of this pressing need.

We need to provide the opportunity for the property owner to have a record of conditions existing prior to any blasting taking place within a reasonable distant of the blast site so that their claims, if any, will have a basis for consideration. I'm told that the severity of the blast charge would influence the distant used for the survey offer. Also, you will note that I have suggested that the developer be responsible for submitting the information to the fire marshal before any permit is issued. Most of the developers are very responsible and willing to ensure completion of their project without adverse damage to existing property owners. However, if the city allows them to pass the buck to a subcontracted blaster, we

lose that personal attention that only the developer can bring to this phase of their job site build up. I should also note that not all developers are local people. Developers with no previous experience in Shelton are also known to build here and we do not always get the same level of cooperation as my example indicates.

Bottom line is that the city has a primary responsibility to protect existing property owners from possible blasting damage and that these procedures assist property owners with the equitable resolution of claims when and if blasting damage is suffered. To that end I am suggesting the formation of an ADHOC Blasting Committee composed of the Fire Marshall, elected officials of the city, property owners, developers or their designated representatives, blasters , and a civil engineer with a charge to discuss and formulate a blasting procedure that will meet the city objectives to protect our citizens interest. The city will provide the necessary clerical services for the committee. I might also add that the fire marshal will sit on that as well.

I had some after thoughts that I would like to share will you as well. The Board of Aldermen Public Health & Safety committee has already taken steps to address the blasting issue in Shelton. The minutes of their previous meetings will be copied and distributed. They are part of this package I just handed out. That is necessary as there will be a lot of new people that have not been party to earlier discussions appointed to the ADHOC Committee, and everybody should get on the same page.

We've learned that it is not possible for a municipality to regulate blasting through an ordinance. Since state statute gives that authority to the state fire marshal's office and the local fire marshal. We'll also note that these statutes have not been changed since 1972 despite many pleas for change including and up to 2006. A copy of Representative Belden's legislative inquiry on this question is also part of the package I passed out. All of this information should help all of the members get up to date and on the same page, so that discussion can be directed to a solution compatible with the state law and of assistance to the fire marshal in carrying out his duty to protect public interest.

The initiative I am suggesting goes beyond that which is currently in place. The ADHOC Committee needs to review the earlier efforts of the PHS Committee, the Fire Marshal and the State Fire Marshal from 1 year ago. We need to suggest a direction that adds specific procedures to the Shelton blasting policy. We need to be sure that our recommendations represent a common sense approach to protect property owners and to assure their assistance should the claims process be necessary to follow.

Consequently I am proposing we bring people together people involved in the blasting business in a number of ways. As well as people affected by the blasting

business. I am asking them to recommend a working blasting policy that provides and protects everyone's best interest. We've got to give the local fire marshal confidence that when he adopts our recommendations they can be enforced by his office with the full cooperation of the developer, builder, and or blaster. I would suggest that the Board of Aldermen appoint the ADHOC Blasting Committee at our June 12th meeting, and that an organizational meeting be scheduled for the following week. Meanwhile copies of many copies of the background information can be made and distributed.

Next in the package is a paper called the Blasting Permit Policy. It is composed of suggested ADHOC Committee appointments.

Fire Marshal

Board of Aldermen –3 (I am suggesting 2, and I am asking the minority members suggest the third)

Citizens – 2 (I am suggesting Colleen Mongilo, or her representative from Voices of Shelton, and Irving Steiner, or his representative from WeR1.

Developer – 2 (I am suggesting Gary DeFlippo and one other developer if we wish to put one on.)

Blaster – 1 (a Shelton resident Mel Harken)

Civil Engineer – 1 (I am suggesting Joseph Perreira who lives and has his business in Shelton)

The last page has a number of suggested discussion approaches on how we might go about doing this. This is just a suggestion until the committee is appointed and the committee gets together, they can use this as a guide and use it any way they want. The rest of the information in here that everybody has is all the information I have been able to compile on what happened a year ago, the minutes of the meeting, all very helpful information, editorial that was in the newspaper.

Alderman Finn stated; I don't think it's the blasting policy, we have one in effect, the problem is the Fire Marshal. The Fire Marshal has indicated that, I am quoting from the newspaper, "of the seventeen regulations adopted by the committee, 14 are state blasting requirements. The other three said regarding the 3 day notification, the amount of explosives used per day can not legally be regulated". Alderman York spoke with the state fire marshal commissioner today up in Hartford, who disagrees with our Fire Marshal. He says everything in our blasting policy that we currently have is enforceable and if the blasters don't want to adhere to it, then they shouldn't be issued a permit. He is going to send us documentation pertaining to that.

I asked to have this put on the agenda and was denied as a member of this committee. My concerns were that the current blasting policy that this committee

approved last May has been changed by the Fire Marshal without the Board of Aldermen's approval or knowledge and is attached to the blasting permit. He removed item 11 and item number 11 reads; no vehicle transporting any quantity of explosion shall be left unattended at any time, and when attended, the attendant must be a licensed blaster. We felt that was necessary to the policy. Just so everybody knows the Fire Marshal, State Fire Marshal and members of this committee were all part of the original committee that came up with this blasting policy. So how the Fire Marshal can say a year later that he didn't know about the policy, and a year later say that you can't enforce it, is beyond me since he was part of the process.

The other thing is, he removed item 17. Item 17 clearly points out no more than 1000 lbs of combined explosives of blasting permits shall be issued from this office without the Fire Marshals approval. He also changed the section of the policy that we approved indicating that the residents in the immediate area where the blasting would take place, he changed it to 100ft, then he changed the 100 ft to 20ft. That is the immediate area. 200 ft is a total of 4 telephone poles, that is 200 ft from a blasting site. The immediate area, a larger area protecting the blasting area. By reducing the notification it just means that the person didn't know how to do his job in the first place.

Alderman Anglace asked; what is your recommendation?

Alderman Finn continued; that the blasting policy we have in effect that was approved by the Board of Aldermen, is the one that we should be adhering to and the Fire Marshal should never have changed the policy without our knowledge or approval in the first place.

Alderman York commented; When I spoke to Detective Colon up at the state, and informed him to what was going on now, I just want to relay to you he was extremely surprised. As far as he was concerned he thought we did an excellent job initially, having the workshops that we did, having the meetings that we did, and coming up with the conditions that we were attaching to our blasting permit. He thought the thing was a done deal and he had no problem with it. We are talking about the person who is in charge at the state level of this issue and having no problem and really thinking that we did a good job initially.

He was very surprised to learn about the recent activities, because as he said he thought is was a done deal. He thought is was very necessary that we did what we did. Everything that we did in the conditions, because of the fact that we are now working with less desirable land in Shelton, land that is probably going to require more blasting because now we are left with a lot of rock ledge area. He said that now more than ever is the time to implement that and also that this legally enforceable issue that we seem to be having a problem with doesn't mean

anything, because we are setting conditions on our permits, the conditions that we outlined a year ago, we request those of the developer. We are not forcing the developer to have to adhere to this. The legal issue that we have that we are requiring the developers to do this, that is not the problem. We are requesting it, if they have a problem doing it, in the words of Inspector Detective Colon up at the state, if they don't want to do it, if they don't want to take these measures to protect our community, you find another blaster who is willing to do. In his own words, there are plenty of other blasters working in many other cities throughout the state that adhere to these exact conditions in other towns. The enforcement that we do have is that we deny them the permit until we find a blaster that is willing to adhere to those conditions. There is no problem with what we were doing and where all this came from we don't know. It was never brought before the Board of Aldermen, the resolution was made a year ago. As Alderman Finn said, the ball was put in the lap of the Fire Marshal to simply do the administrative work of typing up the addendum that was to be attached to the blasting permit and start implementing that as part of the regular blasting permit. That is what we discovered was never done.

Alderman Finn stated; even though I wasn't here the night it was passed because I was hospitalized, I am in agreement with what they passed. We did an excellent job including that meeting where they took the final action. The State Fire Marshal's office provided everybody with a copy of the policy and we still have it and this is what I am going by, the state fire marshal's policy.

Alderman Papa addressed the committee and attendees; just to bring you up to date, we worked on this for over a year and mostly of of you were at this meeting. We had the Fire Marshal, the State Fire Marshal, Corporation Counsel and everybody who was involved in the system to come up with those 17 addendums for the permit. We thought as a city everything was being done properly until we had a situation that was brought up to us by a citizen that there was blasting being done and the addendum was not attached to the permit. That is where all this came about. We did our work, we spent a lot of time like Alderman Finn and York stated. We spent a lot of time in getting this addendum attached to the permit and it wasn't carried out by the marshal. He is the person that dropped the ball.

Now we are here again and Alderman Anglace has had a lot of calls from neighbors in his ward and he wants to address this and you may want to get some input from some of the constituents out there, that there are other things that you could add to these 17 issues. Maybe they could tighten it up a little bit and make it a little more responsible to the blaster.

Alderman Anglace stated; I think what I am hearing is that you think what you have in place is good enough to protect the citizens of this community. I'm telling

you that these 15 point, 17 points, if we go over them point by point. What you heard and what appears in the minutes of the meeting from a year ago with the state Fire Marshal says nothing specific that is going to protect the people of our community. You have to go a lot farther. Listen to some of them:

- The blaster will attain a permit for each blasting job. *That's been in effect for years, how is that going to improve things?*
- The blasting permit shall be good for 30 days. *Do you want to give a permit out for 30 days?*
- The blaster must appear in person to obtain a permit. *So what, let him appear in person.*
- The blaster shall present proof of insurance. *They must have insurance or they aren't going to be in blasting.*
- The blaster shall have a State of Connecticut license, his vendor number, and a valid City of Shelton building permit before any blasting permit will be issued. *Ok, how is that protecting people?*
- The blaster shall have a State Fire Marshal vehicle inspection certificate for the truck. *Big deal, I don't know what that is.*
- A permit fee of \$20.00 is required per job. If paying by check make it payable to the City of Shelton. *No if ands, or buts we don't accept cash, you make the check payable to the City of Shelton.*
- The blaster must have the address of where the blasting operation is to take place. *How is he going to find the place if he doesn't have the address? This is really helping to protect people from the blasting that is taking place.*
- The blaster shall carry his medical card and all state required documents at all times. *Are we reading the same document?*

Alderman Finn replied; I am glad you are reading that one because that is the one that the Fire Marshal wrote, not the one we wrote.

Alderman Anglace replied; This is the permit that is issued. Where is the document you're talking about? It's not attached to the minutes, it's not part of the minutes?

Alderman Finn replied; this is the one that Corporation Counsel sent every member of this committee. This is the one that the PH&S Committee approved. What you just read is the one that the Fire Marshal prepared.

Alderman Papa commented; the bottom line is that the 17 items on here is what the PH&S Committee and Corporation Counsel approved and that is what is supposed to be attached to the permit.

Alderman Anglace continued; This continues basically the same information. How does this protect the homeowner, property owner?

Alderman Finn replied; things have been omitted from the policy that we wrote, deleted, changed.

Alderman Anglace asked; what took you a year to bring it up? You're bringing it up a year later.

Alderman Finn replied; It took him a year to realize he didn't have it attached to the permits and he said he didn't know anything about it and he was part of the process.

Alderman Papa stated that the bottom line was that we are here to work for the citizens of Shelton. We are here to correct something that might be wrong so lets not have any quarrels back and forth. We have the 17 ones that we voted on, what we all voted on. The Fire Marshal, State Fire Marshal, he approved this and the City Fire Marshal didn't adhere to this. So what Alderman Anglace wants to do it tighten it up a little more. Lets hear him talk, if he could make this a little bit better than it is, I'm going to listen. I don't have a problem with that.

Alderman Panek stated; If I could respond to one thing that Alderman Anglace said. It was a very involved process last year and I wrote the original ordinance for the blasting prior to all of our knowledge from the State Fire marshals office that we couldn't have a local ordinance specifically regarding blasting because the state statutes would over rule that. So we tried to take a lot of the items out of the ordinance that I wrote and put them into an addendum to put to the permit policy. We even found further, when the State Fire Marshal came down and we met at the Community Center that a lot of the items we had on there we couldn't have on there. They were already in the state statute and we couldn't put them in the ordinance.

I think an immediate response would be that the PHS Committee or the BOA send a memo to the Fire Marshal that we want the addendum immediately attached to the blasting permit application process. That should be done tomorrow.

Alderman Papa stated; Corporation Counsel sent this to the Fire Marshal. These 17.

Alderman Anglace stated; it won't be done tomorrow. What will happen is that tomorrow morning I will go into see him, and give him a copy of that and tell him this is what you are going to attach. Remember he is the final authority, we

aren't. I'm sure if there is a material difference in the 2 documents that I can convince him to put the one that is agreed to.

Alderman Panek agreed; beyond that I'm certainly not in disagreement that we should have a committee and further investigate. If we can make it stronger then we would all support making it stronger. I don't think there is going to be opposition to forming the committee.

Alderman Anglace stated; I'm not here to argue with you about the past. I'm here to put in place a committee representative of the issues that need to be addressed. For instance the blasting issues, we need to know more of the details about the blasting technically. We have a blaster to sit on here and we also have a civil engineer to sit on here.

Alderman Papa stated; we have citizens on there too.

Alderman Panek replied; the committee is probably going to take months and months to come up with something, but for now lets get the 17 items we approved on the permit. And go from there.

Alderman Finn recommended that the State Fire Marshals office receive a copy of anything that we are doing to make sure that it is correct.

Alderman Anglace asked Alderman Finn to send him an email making reference to that issue.

Alderman Finn read the address of the State Fire Marshal to Alderman Anglace.
State Fire Marshal
1111 Country Road PO Box 2794
Middletown, CT

Alderman Papa asked if anyone else had any questions?

Alderman Finn commented; just one more thing, since we are talking about blasting, last night the gentleman from the trailer park was here, and they pointed out the fact that next door is blasting on its own with the developer. They called the Fire Marshal pertaining to the blasting and it seems that the blasting mat is flying off of the property and into the trailer park and missing the trailers.

Many people spoke out from the audience but were inaudible.

Brian Belvin, 39 Hemlock Dr.

We have been in contact with the Fire Marshal about the blasting and I believe your ordinance of 100 ft, well they have been blasting 20 ft to the side of one mobile home. They have disregarded, I never got any notice and I am a taxpayer and a resident of Shelton, any notice that any blasting was going to occur. They say they notified all the property owner, well if they notified Jeff Dulin as a property owner they still did not notify me as a city resident. None of the residents in the park got notice that blasting was going to occur. We've had residents that have lost dishes and plates off their shelves because of blasting and we've had citizen of children that are within 100ft of that blasting sight that are out in the street playing and all of a sudden kaboom. We should be notified that they are going to blast at 2pm so that these people could bring their children inside, out of the street.

The Shelton Fire Marshal has told me he has no jurisdiction over the blasting committee and there is nothing he can do about. This man has been derelict in his duty, extremely. As a matter of fact we have been fighting the Fire Marshal for a hydrant to be down located, and he told me he can't make Jeff Dulin put one in. That part is not true. Every time we have talked to the Fire Marshal about blasting ewe've been told he has no control over what the blasters can do. That is not true. That man has all the say as to what the blasters can do. You are absolutely right, we have to follow the amendment and the state Connecticut fire Marshal regulations which are actually copies of the Federal Governement regulation. The town of Shelton can not weaken those regulations, but they can strengthen those regulation. They do not have to go 100%. Now consider that blasting is happening, and I'm telling you within 20 to 40 ft of residential homes, and it is continuously happening and we now have grinding equipment out there sending rocks and debris all over our roads. This is becoming a situation that is alsmot to the point of being incompetently handled by our town zoning officials as well as our Fire Marshal.

We have to do something about this before somebody gets hurt. When we are done with blasting I have photos of illegally built retaining walls by that company and illegally set up plans that I will be presenting to the board tonight. But right now you are dealing with blasting and when you are done I will address that again. My opinion is that either the fire marshal has to do his job or I suggest that we look for a replacement for the fire marshal.

Alderman Papa asked; when you contacted the fire marshal did he come down and check anything out?

Mr. Belvin continued; he came down.

Nancy Dizkal, 46 Hemlock Dr.

I have spoken to Mr. Tortora a couple of times and we have emailed each other. When I first addressed this issue with him about the problems we were having with blasting he sort of like pushed me aside like I was just a busy body. When I explained to him that I wasn't going away, that I wanted him to follow through on his duty, he basically told me that everything was being taken care of and I didn't need to worry about anything. I found that kind of ironic because I live in that community. The people come to me with their issues and concerns because I am their president. If there is a problem I usually follow through and I usually try to get it resolved. So he basically told me that he didn't want to deal with me no longer. He said that he would talk to individuals who had a concern, and to talk with them. People have elected me and I was persistent in telling him that I would give him a list of people if he wanted to follow through and call them with their concerns, that he can do. Well I was surprised that he did call a couple of people. But I was very upset with him because he had the audacity to ask these individuals if I had contacted them prior to our conversation to like sort of inform them that they might be getting a phone call from him, like I was prepping them. I found that pretty revolting, when my main concern is my community and the people that reside in there. For being a public servant I think he's doing us dishonest service period. After he called these individuals he had emailed me and reiterated with me that there was no need for him and I to discuss anything anymore. That if anyone had a complaint with him that they should call him personally. I emailed him back and kindly told him that he is a public servant and as long as he has that job, whether he wants to speak to me or not speak to me, he will speak to me and he will continue to speak with me. Ok. I have spoken to him a couple of times and I have addressed the issues there and I have also had like a little argument with one of the blasting gentlemen that was there. He assured me that he was taking high priority in making sure that there was no problems. Well we had a big piece of rubber flying out into the street. Thank god there was no children or elderly person walking around during the day or anybody, or a person driving in their vehicle. I can't imagine what a piece of flying rubber, what kind of injuries they could have done if it hit them in the right place. As it is it landed on Mr. Dulin's truck which is really quite ironic about all of this.

I've also asked him, there are supposed to be geisers, that are supposed to measure the blasting decibels. He promised me that he would go down the rest of the street because there were complaints about falling dishes, upturned pet dishes, people were having problems with their doors, closing not properly anymore which never had any problems like that. So he never had followed through with that because I checked up on him. He never went down there. He would just basically stay up with Mr. Belvin had said, how close they are blasting to the mobile homes up front there. So if Mr. Tortora is not going to do his job, he needs to step out of his job and let somebody who is going to follow and do their job. As long as I am President of that community, he is going to be dealing with me and the issues that we feel are very troubling. Ok?

Ingrid Waters, 261 Long Hill Cross Roads

I found it appalling what I just heard. But it is very fitting of the Fire Marshal because we had dealings with him like that. Since we are at the mercy of the Fire Marshal, Mr. John Anglace had recommended that the present regulations should be amended and I would recommend that the following be put in as an amendment because it is obvious that not only does the Fire Marshal does not protect people and property of Shelton, offers a free for all for blasters. So therefore I offer the following amendment should be included:

- The Developer will be responsible for a pre-blasting inspection of homes within a certain radius of the blasting site, i.e. wells, internal- external condition of dwellings, foundations, walls and ceilings. The findings of this inspection should be recorded on an Inspection Sheet for each Dwelling, with a copy to Property Owner.
- When blasting is completed, a final inspection shall be performed to ensure that wells and dwellings did not incur any damage. These findings should again be recorded on the original Inspection Sheet.

Only if the developers are held responsible it can be assured that blasting damage will be eliminated in Shelton. It is time to put an end to aggressive blasting activities that have been permitted to occur during the past year. I feel very strongly that something needs to be done as quickly as possible. As you just heard I think that these people are in imminent danger. When I drive by Bridgeport Ave during the day I find it appalling what goes on there. It is obvious even to the most uninformed that something is not handled there properly.

Alderman Papa asked Ms. Waters for a copy of her suggested amendments.

Irving Steiner, 23 Partridge Lane

A ADHOC Committee can not do any more than this committee can. The problem is comandending and acontrol of the situation and it does not exist. You Aldermen put together a document and it was unilaterally changed by the Fire Marshal. In other words he does not respect the authority of the legislative branch of our city government.

In my eyes he's lost all credibility to be in a position where he's supposed to protect my family, I don't buy that at all and I can not put up with that man staying there until I see command and control coming from the basic committee here that shows that this man can perform in this position and do what the

legislature wants him to do. That's not happening. What can an ADHOC that has less authority, they have the brains, they have the expertise, but you want to know something, you need follow up. You need to watch that office, you have to ensure first that you have the basics of command and control and then we should start expanding on the addendum. Right now I don't feel that we are ready for it. We have a problem, it has not been addressed, it's not been talked of except by the audience here and I think it has to be talked about.

What we have as an addendum is as John Anglace says, 10 or 12 items which are already there which we know that there has been no change on them. But, it puts them in front of the public eye so that the public can see a blasting permit, see the addendum, they know what they should expect from the Fire Marshal and if they don't get it they can complain. That is a step forward.

There are other things that have to be done. One of them that I feel is absolutely necessary is I found it very difficult to find out what the heck is going on when Daybreak was ready to blast and the neighbor 30 ft away knew nothing about it and my grandchildren and daughter are 30 ft away waiting for a bus and the Fire Marshal could not tell me when he's going to blast, how he's going to blast, not good enough.

I'm not going to be a grandfather that says " Oh My God look wha'ts happened". I'm going to see to it that it's never going to happen again. You want to know something, its never going to happen the first time. We have to be alert. We can not leave a person with such responsibility, who has such impunity for the law, couldn't care less about it, elects to do his own changes, doesn't even initial them, doesn't even send them back to the committee that (inaudible) in the first place. What you are saying Mr. Papa is that you are going to let an ADHOC Committee change and correct these command and control problem...no . The burden is right here. Here is where the buck stops on that command and control. Once you get that arm down then I say you can proceed forward and get a good ADHOC Committee to add to it.

Alderman Anglace asked if anyone else wished to speak.

Debra Hainesworoth, 87 Lane Street

I'd like to show you guys these pictures. It happened 2 years ago. This is due to blasting. We lived with water from a fire hydrant for a year and a half. My family, neighbors are living hell for the last 2 years , in court waiting to get our house set. We live in half a house because it is destroyed. My neighbor has lived there for 22 years, I've been in my house for 19 years. All of a sudden the last 2 years we can't use our family rooms or anything. It's not only the blasting it's the mold, it's the water damage, it's the creek in your family room. It destroys your whole

family life, holidays, birthdays, I can't do anything at my house. It's disgusting. You guys are sitting here about a committee, a committee with people on it, that is fine and dandy. Half of the people on that committee are getting sued. You can't go with just yes, You need responsible people. I think somebody from the state really should come in here and look at Tortora because he is a pompous ignorant person who told me , don't worry about this, we'll fix it latter on. Yeah well it's 2 years latter and he's still got his job running around and stuff is still happening. You guys aren't going to be happy until somebody gets killed. And somebody is going to get killed. He is very irresponsible. You want to see what it's like with blasting come live in my house because man it hasn't been fun. It really hasn't been fun.

Irving Steiner cont.

I have one thing to add. A step forward to help solve some of the problems here would be to put every blasting permit issued on the website and that would identify the location of the proposed blasting, period of time that he is allowed to blast, in other words the dates on the permit, and things of that order. This allows at least the people with computers to be alerted to exactly what's going on. It's impossible for , I've tried it, I have to come up here everyday to see if any permits issued. At least there are four issued a week and they should all be listed on the website at least for the time that they are affected.

Brian Belvin cont.

It sounds to me based on peoples complaints for 2 years and pictures and as well as investigating the blasting situation that a committee should get together and investigate whether Mr. Tortora is capable of doing his job. I have a funny feeling that a lot of people here agree with me that he is not and perhaps that we should start looking for a fire marshal that will be willing to abide by your rules and be helpful to the citizens of Shelton, rather than in my opinion turning a blank eye to us and to you. Literally kissing you guys off by making his own rules up. I feel that not only should we discuss these blasting problems but maybe whether our fire marshal is capable of handling his job properly. There are other issues besides blasting that we have involved the fire marshal on and we have been sidelined on.

An unknown person spoke form the audience.

Alderman Panek commented; I just want to say one more thing. I'm not on PH&S but I'll send the memo myself if Alderman Anglace wants to go and speak personally with the Fire Marshal but I think we need something in writing to the Fire Marshal from PH&S or I'll do it on my behalf.

Alderman Papa stated; I have spoken to the Mayor about Mr. Tortora and the Mayor has spoken to Mr. Tortora.

Alderman Anglace asked; should we vote tonight to fire Mr. Tortora or do you think we should hear his side? Does he have a side?

Alderman Panek replied; he attended all of our meetings last year. He was present when we passed the addendum last year. It's right in the minutes of the meeting. So was the State Fire Marshal.

Alderman Anglace commented; I think you have to confront him.

Alderman York commented; ...comments of the public and if they are bringing knowledge to you that you didn't know before then perhaps we should take Mr. Belvins suggestion and flip the purpose of the committee to an investigation of the fire marshal because I think we've been given more than enough evidence to justify why we should do that.

Alderman Panek stated; also we weren't privy to what your presentation was on

Tape 1 Side two

.. and since you were giving a presentation maybe you would have invited the fire marshal here. It's regarding the blasting ordinance.

Alderman Anglace responded; I made a presentation tonight to get you guys thinking. My point is, this ordinance, as it presently exists, this addendum, does not protect the homeowners and we better do something about it. Now the fire marshal was invited, he couldn't make it. He sent his apologies. So were members of the ADHOC Committee that we have in mind, they were invited. Those that could attend, attended. The rest didn't. It is not a meeting that they have to attend.

Alderman Finn stated; one gentleman showed up last night. Joe Periera Another thing that I have observed since I am here during the course of the day now. I have lunch outside when the weather is good and I came back into the auditorium and there was a guy standing there. This happened on two occasions. The Fire Marshal come in and go into his office. That fine I would be there standing and talking to somebody. Next thing you know somebody comes along to the fire marshal office and the door is locked and he's sitting at his desk. The guy is standing at the door trying to get in and he's sitting at his desk and the fire marshal doesn't get up. If he's going to go in there then he should keep the door unlocked.

Alderman Papa asked; was it lunch time?

Alderman Finn replied; no it wasn't his lunch time.

Alderman Papa continued; Alderman Anglace is going to going to stop in to see him tomorrow. He came here tonight to present the ADHOC Committee of other people that are not elected officials to be on the committee to come up with some other ideas. I don't think that would be a problem to get other input from somebody else other than just elected officials. We could talk about this all night, but I would be in favor of establishing an ADHOC Committee. Chris, how do you feel about this, is it going to hurt the process?

Alderman Panek replied; I don't have any problem with an ADHOC Committee but I think that we've as representatives of the city tonight we heard some very concerning things about what is occurring. If the public is in danger then somebody has to act. I think that we have seen a pattern of disregard for public safety from that office based on some of the things we heard tonight. People are calling, he's not responding, he's not out there checking on these things that are happening. If we can't tell him what to do, then tell me who in this city can tell him what to do.

Alderman Papa stated; remember the fire marshal is under state statute. But we can recommend these and this is what he is supposed to do.

Alderman Anglace commented; he agreed to do this. He is in the minutes. He agreed to what you agreed to. What you're telling me tonight is that this is changed. I'm saying why did we wait a year to bring up the change?

Alderman Papa replied; because it's the first time that we found out that he doing something that we didn't propose. If it wasn't for the constituent out there in the area of the blasting we still wouldn't know until that was brought up.

Alderman Finn commented; John, I'm glad you brought up the state statute says that the fire marshal reports directly to the State Fire Marshals office as well as the local authority which is the Shelton Fire Dept. The city charter also points out that the fire marshal reports to the fire dept. as well.

Alderman Anglace; there are a lot of things in there, even take any version you want to take just as an example.

You have to notify everybody within 200 ft. to me that is ridiculous. That doesn't even get off a one acre lot. That won't work.

Alderman Finn replied; that is why we had the immediate area. He changed it to 200 ft. Immediate area he would have to notify a lot more people in that area where the blast is occurring. He reduced it without authorization.

Alderman Anglace continued; when I talked to blasters and developers, they told me that the size and type of the blast determines the distance. Then I talked to the civil engineer and he said that has merit. Fine. We need to get in a room and talk this out to determine what the area is and even then if we were to agree to a quarter of a mile it would still be subject to the size of the blast. The last thing the city wants to do is take responsibility for the blast. We can't tell the blaster what to do or we buy the responsibility of his actions. That is another key point.

Alderman Panek stated; so when a piece of rubber is flying 20 ft into the street, what is a resident to do? The fire marshal should be out there right?

Alderman Anglace cont; the state rules on things like mats, rocks flying, they talk about things like that. If we have to bring the state fire marshal back down again, then we'll bring him down. We have to get in a room with people from various points of view who can add to the decision. When we adopt a recommendation it should be with the fire marshal signing off on it.

Now, the issue as Mr. Steiner points out is enforcement. If he isn't going to enforce it, things that are going into this recorded meeting tonight, comments from the public, are going to his direct report the Mayor, or the fire commissioners, or the Mayor? But never the less it has to get back to somebody. The Board of Aldermen isn't going to hire or fire him. We don't have that authority.

Alderman York commented; we already had the state fire marshals approval of our original resolutions. Why should the residents have to wait any longer to have the protections of what we already researched and got okayed by the state fire marshals office. Why should they have to wait any longer? What we should do tonight is exactly what Alderman Panek said. We are going to write up a to the fire marshals office tomorrow. Stating that the addendum gets attached to the blasting permit tomorrow and then from that point on if we want to research it further and invite the state fire marshal back down here again to listen to us and tell us once again that what we are doing is our right to do as a municipality and we should be doing it and go over item by item what is on the addendum. Once again tell us tell us that we have every right to request that of the blasters, go ahead and do it if you want to go through the whole process all over again, fine but tonight we should write the memo to the Fire Marshals office stating this will get attached to the blasting permit.

Alderman Pap asked; are you in favor of making a motion ?

Alderman Finn stated; there is no motion on our agenda.

Alderman Papa continued; do you want to make a recommendation that we elect an ADHOC Committee?

Alderman Finn replied; I am in favor of an ADHOC Committee but I would like to see the State Fire Marshals office included in the committee and the minute that it is approved it be adhered to. Right now we have something in fact that is not adhered to, been changed and been passed out without our approval.

Alderman Anglace replied; I'm not sure that the addendum that was prepared a year ago is much different or is going to give us much more protection but I agree that if it was different than the one that is currently being attached that somebody should go to him and see him and get it changed. I will try to do that tomorrow. Without any authority but on behalf of the committee and the thinking that has prevailed. We all want the same thing. We all want better protection.

Alderman Finn stated; I appreciate you going down, I appreciate the memo. Corporation Counsel should also send him a memo that he has to adhere to the addendum that was passed a year ago.

Alderman Anglace continued; if he disagrees with our suggestion then I will try to find out from him why and communicate to this person why we disagree. Then include the Mayor. We have to get to the bottom of this thing. I don't think we can fumble around it. We will do that step one. On Tuesday next week, I have it on the agenda to appoint the ADHOC Committee. Let them get working and see what they come up with.

Alderman York commented; I do not remember Detective Colon saying that our local fire marshal has the right to disagree with the legislative resolution of this . I don't know where that can from, I don't remember hearing that. I will check that out.

MINUTES FOR APPROVAL

1. Regular Meeting – April 4, 2007

Alderman Finn moved to recommend to the Full Board to waive the reading and accept the minutes of the April 4, 2007 regular PH&S Committee Meeting; Seconded by Alderman Papa. A voice vote was taken and the motion passed 2-0.

Alderman Finn asked to revise page 8 of the April 4th "slyvester to Ovesney"

2. New Business

2.1 Intersection of 110 and Maple Ave.

Alderman Finn moved to forward the request for left and right hand turn signals at the intersection of route 110 and Maple Ave. 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. OLD BUSINESS

3.1 On Street Parking of Commercial Vehicles in Residential Areas

Alderman Papa explained that there was a type error and this pertained to "On Street parking of trucks, trailers" in residential areas.

No Action taken

Alderman Papa asked the clerk to forward the recommendations of the Chief of Police and PHS Committee to Corporation Counsel for review and recommendation.

Attached: Recommendations of the Chief of Police.

Alderman Papa explained that this is being addressed because of people parking in the street and this was becoming a real safety issue. We received complaints and have problems up on Isinglass, Wigwam Lane and off of Mohegan Rd.

We thought that there should be some type of ordinance or regulation stating that no trucks or trailers should be parked in residential areas on the street.

Information was received from the Chief of Police today and there hasn't been a lot of time to review it. We won't take any vote this evening.

Alderman Finn expressed concern over a comment made by Alderman Perillo at the last meeting that families would not be grand fathered. I want to make sure that the companies that were there prior to zoning are grand fathered.

We'll get together at the next meeting to discuss it further and possibly vote on it.

Jim Gaklik, East Village Rd.

Just going back, basically this whole thing pertained to on street parking?

Alderman Papa replied; We have a safety issue so that is what we are addressing, trucks and trailers parked in the road, in coordination with the Chief of Police, and Planning & Zoning. We are trying to work with something that is flexible for everyone. We don't want to affect anybody who is making a living. If you have a truck , ford or chevy, we are not talking about that kind of truck. We are talking about a trailer truck, large vehicle.

Brian Belvin, Hemlock Drive.

Can I ask a question? So there are no ordinances because most towns do not allow commercial vehicles such as tracker trailers to be parked in residential areas, on or off the road.

Chief Hurliman responded; there is an ordinance right now but there are some issues with it that need to be tweaked. Again, the one that I proposed addresses parking on the street only NOT off the street. That is my only concern, on the street.

Mr. Belvin continued; my comment is that I would not like to see my next door neighbor park a forty foot semi in his driveway next to me. A lot of towns won't even allow you to keep a boat in the driveway, and some towns that trucks be hidden if it is on your property.

Alderman Papa reminded Mr. Belvin that they would only be looking at "on the Street" parking.

Mr. Belvin stated; right now all we're talking about is on the street. It still should be issued to whether parking a trackor trailer in a nice well developed area off the street is acceptable.

Alderman Papa stated; that is a Planning & Zoning issue. They adjust that. This is a Police ordinance. NOT if the truck is on their property.

Jean Ovesney, Dimon Rd

This question, when I was reading your minutes of the last meeting. One of the things that was mentioned was the fact that an ordinance does not allow for grand fathering. That was in your minutes. I read it.

** NOTE: Clerk to contact Corporation Counsel to verify grand fathered businesses

3.2 Increase Lumens for Streetlight on Pole #1140 – Cotts and Bridgeport Ave.

Alderman Finn moved to recommend to the full board per the recommendation of the Chief of Police to increase the lumens by 4umen lamp wattage at a total cost of 547.23 per year on pole # 1140 at the intersection of Cott St. & Bridgeport Ave.; seconded by Alderman Papa. A voice vote was taken and the motion passed 2-0.

3.3 Radio System for Fire Department

Alderman Papa asked Captain Tim Hongo, Chairman Officers Council to address the Committee. Complete discussion on tape.

Captain Tim Hongo and Bruce Kolowski represented the Fire Department.

The Fire Department is looking to upgrade their radio system. The Fire Department hired a consultant to come in and evaluate their radio system and make recommendations to improve conditions. They are currently using low band and would like to get a system that will benefit everybody, EMS, Police. It's been discussed for the last seven months and we're still sitting in committee on this radio system.

Alderman Papa asked; we are talking about a radio system that the fire department, EMS and the Police could all be on the same page and communicate with each other? I reviewed most of what you have given me. Are there federal grants available to help the cost of this.

Alderman Papa asked; what happens in other cities? Do they incorporation all the departments? Fire, EMS, Police? How do they do it?

Bruce replied that there are grants available. He continued with the fact that many of their (fire dept.) conditions are regulated by the NFDA. He stated that the consultant had provided a topography study. They had also asked for a propagation study of all the frequencies. The federal government allocates the frequencies. Each service has certain parameters, frequencies. It is all regulated

by federal regulations. You apply for a frequency and they distribute the frequencies.

They had discussion with the safety board and they came back with the following questions:

How much is this going cost?

Did you anything on EMS?

The study was done for the Fire Department but all the frequencies were included, propagation studies, buildings, areas, different heights and they offered to us the frequencies that would work the best, how many sites would be required. It would depend on what license we would get that would determine how many sites would be needed.

There is concern that now everybody is trying to do this and the frequencies are getting harder and harder to get. The wattage is more and more a problem, with trying to keep everything in town. Currently have low band but the problem is that it doesn't drop down. There are no peaks and valleys. We have tough areas in Shelton.

The last upgrades to the Fire Dept. band radios, was in 1988 when the Police Dept did a major change. There hasn't been much improvement since then. The city of Shelton has grown. We have houses where we used to fight brush fires. Shelton has 10, 5, and 17 story buildings. The infrastructure side has not been upgraded. It costs a lot of money.

The most important thing right now is applying for the licensing. Finding a frequency that can work for us and work with that on cost factor. The driving cost is going to be frequency and wattage. Every site that goes up is dollars.

Alderman Finn asked them to explain the difference between the proposed and the current system.

The Fire Dept. continued that the main problem today is that they lose track of fire fighters inside structures. We can't take to each other.

Alderman Papa asked if it is the same problem that occurred on 911?

The current problem is that the current portables can't transmit within the peaks and valleys of this town. It can't transmit through concrete. It stops the penetration. A repeater system needs to be used. Every truck has one. If another truck comes on site and turns theirs on it overrides the first and then we have other problems.

Discussion with everyone talking.

The major problem with the current system is that they are fading out low band. We can't get parts anymore.

Alderman Papa asked what they wanted the Aldermen to do?

We need to get a license and then we will know what the cost factor will be. You'll be able to determine the cost by the number of sites and portables required. The quickest way to accomplish this is to hire a frequency coordinating lawyer for \$20,000, this would possibly be about 6 months.

They are trying to look into the T-band, which is zoned. Looking into obtaining an application to that frequency band.

Alderman Papa asked if they had discussed this with the Mayor as this is an administrative function. This is a lot of money. This needs to be presented to the Mayor. Write up a proposal for the Mayor's office and discuss it with him.

There was discussion on the vendors currently used to keep the system working.

Alderman Papa stated that he would like to sit with someone from the Fire Commission to go over all of this and then to go see the Mayor.

From the Audience: Sam Stearn

Obviously the Captain came here because they are at an end where they can't move forward anymore. Talk to the Mayor, the fire department is your biggest bargain in town. I hope everyone realizes that.

Alderman Papa agreed.

Mr. Stearn continued; to have the inoperability, all the issues that were readied from 911 were there, Homeland Security, the whole gambit is there. To go ahead with that you need to have regular communications. They have done the studies and they are road blocked because of money. That is all it's about. Somebody doesn't want to spend the money. You have to do it sooner or later. It's not going to get any cheaper.

Alderman Papa reiterated what he had stated before. He would sit down with one of the commissioners to discuss this and go to the Mayor with him.

Alderman Finn stated that the city spends a fortune on open space. He can't see why we can't put a referendum question out to the public for a communications system for the fire department.

Alderman Papa asked if there were any other questions.

Mr. Belvin, Hemlock Dr.

I don't think that you can put a price tag on any volunteer fireman

Tape two side 1

Back then we didn't have radios. The fact is when you get into a burning house, we were told to follow our hoses back and when you get in there, you never experienced it. In about three seconds your face mask goes black. You can't see a thing. If radio is going to save a persons life 1million or 2 million even three million dollars, on a radio that is going to save a persons life. There is no price tag. It should be an automatic thing that even the voters should have no choice on. I am a voter. Once again you guys are the cheapest thing in town and we respect you for every ounce and dime that you perform for us. That is why we are fighting and fighting with the fire marshal to see that you guys get in better shape and the equipment that you deserve. There is so much technology in fire equipment today from 1988 to today that literary, you guys wouldn't understand it, it would blow your eyes out, but I do. I think we have to get a little bit more than go to the Mayor, I think that this is something that should be accelerated at a rapid pace.

Alderman Papa replied; we have to start someplace and the Mayor is the executive of the city and that is where we are going to go. We'll talk to him because we could talk all night about it. We have to get an idea of what it's going to cost.

Alderman Anglace brought up the following questions:

How are the problems that the fire department deals with if or any different than the problems of the police department or EMS?

The solution to the problem may be a joint solution and that he believes that is the solution being worked toward. He suggested that there could be more saving in correcting the problem for everybody at the same time.

We have used an excellent consultant in the past, Peter Oliver.

Alderman Papa closed by say how everyone appreciates all that the fire department does for the city.

No Action Taken

3.4 Huntington Street (in front of #502)

Alderman Papa stated that he spoke to the City Engineer and the Police Department. The city engineer informed Alderman Papa that the developer is going to do some work on the road as a condition of approval of planning and zoning. These conditions include milling and resurfacing 2 spot areas. The P&Z Board endorses this construction. He read items letter from the city engineer.

Alderman Finn expressed his displeasure on the fact that this is pending on Avalon Bay being approved. He is hoping that it will be defeated by P&Z and when it does he hopes the city will pick up the tab and do the work needed on this section of the road.

Alderman Papa stated that the biggest problem of Huntington Street is the people that use it. They drive too fast and they try to pass cars that they shouldn't that is why we have accidents. The last accident that happened there, the driver was under the influence.

Tony Perirra, Leavenworth Rd., President of the Rt 110 Safety Committee.

I just want to know that Huntington Street is highly traveled road and basically there are 3 main roads into town that are heavily traveled. Route 110 is more than Huntington St., secondly is Bridgeport Ave. it seems that the reason behind these problems is that motorists drive too fast. I'm tired of hearing the fact that it's the road. The road has been there for 100 years. It's the motorist, the people who move in here that are the ignorant people. I would like to know what the Chief is going to do as far as radar. Fine these people and use the money for the fire department.

Alderman Papa explained that every month the Chief submits a report this month with 300 fines.

Mr. Pierra replied; I don't see them there setting radar up and fining people. I've lived there for 48 years.

Alderman Papa explained that the police are out there enforcing the law. They can't be everywhere and stop every single person. We only have 51 officers. People are being stopped for speeding, seatbelts etc. The people are not driving properly.

Alderman Finn commented that this month alone there were 12 infractions on route 110.

Reports:

Report of the Chief of Police

Adjournment

Alderman Finn moved to adjourn the meeting at 9:00 pm; seconded by Alderman Papa. A voice vote was taken and the motion passed 2-0.

Respectively submitted,

Brigitte Plucienik

Brigitte Plucienik
Clerk, Board of Aldermen

Date Submitted: _____

Date Approved: _____ BY: _____

Mayor Mark A. Laretti
City of Shelton