



BOARD OF ALDERMEN
SHELTON, CONNECTICUT
Public Hearing on Ordinances
February 26, 2008

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Aldermanic President John Anglace opened the Public Hearing at 7 p.m. All those present pledged allegiance to the flag.

ROLL CALL

Aldermanic President John F. Anglace, Jr. – present
Alderman Lynne Farrell - present
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Kenneth Olin - absent
Alderman John P. Papa – absent
Alderman Jason Perillo – present
Alderman Anthony Simonetti - present

1. WATER MAIN ASSESSMENT – LANE STREET

Alderman Anglace explained, this is a public hearing on the water main assessments for Lane Street.

The City Engineer is not able to attend tonight as he went home sick today, but he has provided the Board with the information that was sent out to the nine addressees on Lane Street and the legal notice that was in the newspaper. The purpose of this public hearing tonight is that the Board of Aldermen has approved the money, the project has gone forward, the project is complete, and now prior to levying an assessment, a public hearing must be held to receive comment from the public regarding the amount of the assessments.

Alderman Anglace asked if any member of the public wished to speak.

Dan Shepard, 103 Lane Street

I live on Lane Street, up on the end there. I was very much surprised when I received a letter for the assessment. The main concern was between me and my neighbors, the Hainsworths next door. We were supposed to have been exempt. I do understand the rules of frontage and water main stuff. I made sure that this exemption would take place before this all went under, before the process really got undergong.

As you are all aware, to make it simple, Lane Street, we had a water problem up there. They did blasting and wells started to collapse. There were five of us that were involved, all the property was attached to each other, all on the same side of the street. We had no water. The town of Shelton and Jack Finn and the Mayor all pitched in and they hooked us up on a garden hose. We were on a garden hose for a long period of time, I don't know the exact amount of time. It was a long period of time. Five houses. No water. We had to have some kind of water. So time goes by and we decide, well, we're going to have to put the water main in on Lane Street. And there is a lot of back and forth, knowing some wanted it and some didn't. But we had no choice because we had no water. We had to move forward.

The City of Shelton sent out bids to do the water main. They got all their bids, they came in, it was agreed to go forward. They got the green light to start and for the first month, they went 100 feet. Solid rock. They made no progress at all. They were using a hen pecker to bang the rock, they weren't doing blasting, they were actually jack hammering it with a hydraulic hammer. The first month they went 100 feet making no progress. I get a phone call from the Mayor and he said, we have a problem. We're not making any progress, we want to re-blast to get the water main in. And I'm thinking, pros and cons again, because there was a lot of property damage prior to blasting. I don't want to get into that. I said to the Mayor, okay. He said he would call me back, and he did. He said, what should I do? The first thing I said was, abort. He said, I can't abort, because we have a contract out with the company. I said okay, proceed on, and we've got to do blasting, the minimum charge. He said yes. And we stated some conditions, that there would be seismologists, we'd monitor everything for more damage to our properties. Of course, some of that didn't happen. That's another project. They continued on and blasted down and got the water main in. Fine.

A little while goes by and they hired a contractor to hook up the five houses on to the water main. Very good. They did three of them with no problem. The water main was right there. They came to my property, and they said, you know something, we can't do it. I said, why not. They said, you're in solid

rock and 200 feet from the main. So what I did was, the same company that was hooking up the other houses, I hired them. It cost me \$200 bucks, they came on to my yard, and they dug little test spots. They went down an inch - 200 feet - and they said you know something, it's \$100 an hour to go 200 feet. I figured, well, if it took 40 hours to go 100 feet out in the street, here's \$40,000 I'm going to have to pay just to go from the street to my house. I said no. The Mayor got down wind of it. I got a letter in the mail. I came down, me and my neighbor, Mr. Edwards, I went in and I talked to the Mayor. He was very helpful. He was well aware. He said, you know something, I realize the Shepards and Hainsworths heard things about 1,800 feet back from the main pipe. It would cost her, because we're on the height of a rock. It would cost her over \$100,000 just to get her hooked up onto the water main. That's a lot of money to pay for a glass of water or take a shower.

So anyway, I'm in the Mayor's office and I had Mr. Edwards, he is 86 years old, and we sat down. The Mayor was very helpful. He said, I realize it's very expensive for both of you to get hooked up. I said yes. He got his book out and he started making phone calls to some different well contractors. He said, you're going to have to put in a well. I said, yes, I agree. It's infeasible to hook up, so put in the well. Very good. We went that route. About \$15,000 because it's all solid rock again. No problem on that. So while there, I said to him, I do understand the rules of the frontage, if it comes down the water main. But what happens in five years from now if they do more blasting and my brand new well fails again. According to the rules, once your well fails, you cannot have a new permit. You have to hook up to the water main. He said you're right. So between Valley Health, Mrs. Hainsworth and I got exempt. I made sure we got exempt from being hooked up on this water main because the cost was very astronomical.

We left the Mayor's office, time went by. Then I got the letter in the mail saying that there's - \$10,000 per family or so. If you figure the cost of over \$60,000 just to get the pipe hooked up from the street to house, then I have to pay to get it hooked up inside the house. It's not fair. I was looking for an exemption for Mrs. Hainsworth and me because it is infeasible to hook up on this pipe.

It's a shame the amount of damages that were caused on Lane Street from putting up these new houses at the end, which we had paid, and nobody wanted to listen, we had paid an engineer to come up and do a survey on this problem, and nobody listened. Everyone on Lane Street chipped in. We had a lawyer we took to the Aldermen's meeting, and not one person would listen. They were advised there was going to be trouble. The water main is a very small problem. The house damages were tremendous. Every

time it rains, I have a puddle going through my whole downstairs. Mrs. Hainsworth, across the street Mrs. Hurliman, she has to have the Fire Department come out and pump her out. And she says to me, Mr. Shepard, we never had this problem in all the 40 years she lived there. My neighbor across the street, the Kotenski's. Same thing with him. His cellar is flooded. The old man, Mr. Edwards. His cellar is completely flooded the other day. The cops were over his house. They went inside. Totally flooded.

Because what happened is, for example, when they did the blasting, think of a box of Corn Flakes. Shake the box and it's going to go down and down and down. And that's what they did. Every time they blasted, they shook the ground, and everything settled. They changed the topography of the water. The water now goes right through our back yards. We have plenty of water. As of today, right now, if you drive up Lane Street, you can see, they're going to have to do that main water pipe again, because you can see coming out of the road, the water is squirting out. A year ago, we noticed it. It was brought to the attention of the City Hall. We said, something is not right. There's water gushing up out of the middle of Lane Street again, out of the brand new pipe. What happened was, they did a little blasting down the end. The male female end of the pipe, pulled apart. Right in front of Mrs. Hainsworth's driveway, there's a gusher. It all washed out. They had to bring in another water company or someone to do the repair job. I stood there in the hole and I watched as they fixed it. They can't move that pipe. They put a collar around it. A bandage. They tightened it up and threw some dirt in the hole. That's good for a while. But in the future, there still is a problem. I feel, my own personal opinion, that when the builders put up, when they got their permits, they should have put up the bond and if there is any damage that was done, that bond should have covered it. I think that should at least cover the damages on Lane Street of the water main to make up for all the damage they've caused to all the other houses. We have, and the court case is coming up, we have our own little thing for property damage. It's going into the hundreds of thousands of dollars. It really is. We had professionals come out. They wrote up everything and we're still working on that.

I feel an exemption for Lane Street should be fair and that not one penny as far as I know has ever been paid out from the bond. If you drive up Lane Street, you just have to look around. You can see the damages. Not one penny has ever been paid out. This water fiasco should be exempt. The houses involved are all grouped together. It's really not fair that Mrs. Hainsworth, me, we're going to have to spend \$60,000 or \$70,000 just to take a bath. I was under the impression when I was in the Mayor's office that we have it cleared through Valley Health that we would be exempt for that. Thank you.

Debbie Hainsworth, 97 Lane Street

Like Mr. Shepard said, we were told we were going to be exempt. For me to get water it would cost \$180,000. They had to blast 1,800 feet. When they did the testing they could only get down two feet. The frost line is four and a half feet. That wasn't even laying the pipes, that was just to blast and dig all the way through. On top of the water pipe that goes down the street, there is an underground stream that starts at Mr. Shepard's house, goes from his mailbox all the way down the street. That's why the water pipe keeps collapsing in the street. Lane Street right now is falling apart again. The whole thing is ready to erode and go back into the fields and everything else, which is land the Conservation Board owns that land. There is a big swamp down at the end of it. We've got another river that's shooting up. I mean, this whole project has been such a disaster from day one, because the City Engineer nor anybody on these boards wanted to listen to anything. We are the people that have lived and driven the street for 20 years. I told the contractor how to redo the pipe because it was collapsing. I mean, it's ridiculous. The Mayor assured Mr. Shepard and myself that since we couldn't do anything, they didn't even know about Valley Health, I had to go find that out. We've got an exemption from Valley Health to get wells redone. Which we did. We were never even notified from the City. All they did was say, oh, we're going to turn the hose off, you'd better do what you've got to do. We had no help in any of this. And to pay \$10,000 for a hookup that should have been stopped at the end of the street because they knew they couldn't go any further? It was such a waste of money. I'm sorry. And we were told that it was going to go, if we ever sold our house, the new owners would have to deal with it. It's a disaster. I really wish people on these boards, on the Conservation, the Charter, the Blasting Committee, would go to these sites and look at these sites. Talk to the people that live around them. I mean, this all could have been stopped and it wasn't. There are two more pieces of property there. If they ever let blasting occur on that street again, we're going to have a disaster. Thank you.

Patricia Bruder, Clerk

I have a letter from Ronald East of 84 Lane Street.

Dear Sirs,

As property owners on Lane Street in Shelton who are being affected financially by a water line that we neither needed nor wanted, we are asking that we be considered exempt from financing the installation of said water line. The trials of living with well water can be very exasperating. We

went almost 10 years with a water recovery rate on our well of approximately 1.5 gallons per day. After drilling the well twice as deep and finally hydrofracting, we have all the well water we need. The cost of that work was \$10,000. We didn't ask the City or our neighbors to share in paying the bill. Two of our neighbors that didn't want to deal with the headaches and uncertainties of well water have benefited from the City water, and for that reason, we didn't object to them getting it. However, I think that the City was fraudulently coerced into installing the water line. If someone is without water and has no way of getting it, then and only then should the City have to help supply it. A quick check with the Naugatuck Valley Health Department has confirmed our opinion that no one was issued a permit for the drilling of a new well or for extensive work on a well on Lane Street. To us, this means that the people that had no water and couldn't get water and did not connect to the City water line, really did have water. Unfortunately, I cannot be at the public hearing since I will be in the Dominican Republic trying to help people that do not have any potable water or anything else, but truly appreciate any help they get.

Sincerely, Ronald D. East

Being no other speakers, Alderman Anglace closed the hearing at 7:20 p.m.

2. AMENDMENT TO ORDINANCE SECTION 2-134 CORPORATION
COUNSEL SALARY

Alderman Anglace stated, this has been published, and the amendment has to do with a change in the salary portion of Corporation Counsel's compensation.

Compensation for general matters Corporation Counsel, effective July 1, 2008, shall be \$41,485 paid in monthly increments during the fiscal year. The salary for the Assistant Corporation Counsel shall be \$29,015 also payable in monthly increments during the fiscal year.

The Corporation Counsel shall receive the sum of \$650 per month in lieu of secretarial assistance. The Assistant Corporation Counsel shall receive a payment of \$530 per month in lieu of secretarial assistance.

Those matters which are not included in the general compensation area and not referenced specifically [inaudible] the hourly rate shall be approved by the Board of Aldermen from time to time, and that is not going to change with the changes in this Ordinance if adopted.

Judson Crawford, 8 Jordan Avenue

[Alderman Perillo left the hearing at this point, 7:24 p.m.]

One thought. I noticed this has not been changed since 2005. But in the time that we are in right now, we are starting to adopt a new budget for the City of Shelton for 2008-09. I have a few questions for the Board of Aldermen. Number one. If you adopt this change, that means there's going to be a total increase to Corporation Counsel and Assistant Corporation Counsel, adding both together total amount would be an addition to the budget of \$6,265. My question to you is, if you adopt this, when would this go into effect?

Number two. Would it be in the best interest even though where you have lawyers, that is a very lucrative position, was that position ever thought of being sent out to be bid on when they were taking effect?

Alderman Anglace replied, the first one, the July 1, 2008. The second one is yes, it was thought about, and it was rejected. Current billing from attorneys is \$400 per hour, as you saw in the case, the litigation against the City of Ansonia recently, where the City appealed that billing and the Judge reduced it to \$350 per hour. Nice, nice, nice. This amounts to about \$3,500 per month. One case you'd pay that. Yes, it was thought about and rejected quickly, because we have a great deal.

Alderman Finn stated, it's well worth the increase.

Alderman Anglace stated, not only is it a good deal now, it was a good deal in the prior administration and all others. Counsels for the City have been willing to come to us and their services are greatly reduced. This is an article from the Ansonia case. It was in The Post. Jud, you are welcome to read this.

Mr. Crawford replied, yes, please. The thoughts that I'm trying to present here this evening is that we are starting to generate the new budget for 2008-09. Now I'm looking here and if you adopt this, it has to be added into Corporation Counsel.

Alderman Finn stated, no, it doesn't. Corporation Counsel Welch told the Board of Aldermen and Board of Apportionment and Taxation last night that the pay increase is already included in his budget proposal as submitted.

Alderman Anglace stated, if this is adopted, that is correct. Good observation.

ADJOURNMENT

At 7:30 p.m., Alderman Kudej MOVED to close the Public Hearing;
SECONDED by Alderman Finn. A voice vote was taken and the MOTION
PASSED 5-0.

Respectfully submitted,

Patricia M. Bruder
Clerk, Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____

BY: _____

Mark A. Lauretti
Mayor, City of Shelton