



Board of Aldermen
Shelton, Connecticut
**Public Hearing – Lane Street Water Main Assessment
July 26, 2005**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Aldermanic Vice President John Papa opened the Public Hearing at 7 p.m. All those present rose and pledged allegiance to the flag.

ROLL CALL

Aldermanic President John F. Anglace, Jr. - absent
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - absent
Alderman Joseph Lanzi - absent
Alderman Lynne Farrell - present
Alderman Nancy Minotti - present
Alderman Kenneth Olin – present (7:10)
Alderman John P. Papa – present

Bob Kulacz – City Engineer

The purpose of the meeting tonight is to discuss the possible permanent main extension on Lane Street from house #94 to house #113 where the water main presently ends.

Since I did the mailing, I also sent this package to five other property owners - #74, 80, 77, 84 and the vacant lot at #71 – some people did express an interest in being part of the project.

How the project works, the Board of Aldermen has to fund the water main extension and then people pay it back to the City so there is no net cost to the City, in the form of an assessment, which is paid back over 10 years. Tonight's purpose is to answer all of your questions and if the Board of Aldermen gets a positive response from the majority of the homeowners, they will probably fund the project and then it will be constructed and you'll be assessed.

What happens is, we have to pay the water company up front for the installation of the water main, and then we go out to bid and have a contractor that puts in the water service connections. The project is basically tabulated on the cost estimate sheets – included in the package – to service the homes we would have to do a 450 foot water main extension; then there are the water service connection charges and so forth. Basically, the bottom line comes out to be that each homeowner will be assessed approximately \$9,186 and that would be paid over 10 years. In the package, we also have a typical payback schedule showing what the yearly payment would be. That is based on a five percent interest rate. The interest rate will be determined at the time that the City pays or posts the bonds to pay for this project and it can range anywhere from three to four percent – but it could be less – it is determined by the Finance Director based on the bonds that are sold for the project. This is a more conservative number, on the high side, so you can expect what your annual payment would be. Again, that's over a 10-year payback period.

The frequently asked questions sheet that you have in there actually has some changes. The water company is going through a change in their corporate structure. We will now have the opportunity, rather than pay the water company for the main extension, we can go out and solicit bids. We will do both if this project goes forward for the water main extension. These prices are based on the price from the Aquarion Water Company. If we get a lower bid price we'll go with the lower. If they give us a contract we'll hold off on signing it until we get the prices in. If there is a contractor that will do it for a lesser price we will go with them. We have that option – that is something new – and this will be the first project that we're going to be doing that procedure.

The timeframe, once the Aldermen approve the funding we could probably have the water main in within 45-60 calendar days to have the water service hooked up at the curblin. The homeowner will be responsible for bringing water service from curb box – that will be located at the edge of the road in the grass area so you won't have to dig up the street - and you can bring that to your house.

When you do connect to the water, you will get a rebate. The rebate actually comes back to the City in the form of \$838. That means that since you are a customer, you get a credit for hooking into the water, and that is reflected in your reduced assessment. If you delay in hooking up, say you decide to do it in the future, and we already have the assessments levied, you will get that credit and it will be put on your

account – the \$838. It is refunded to the City directly because we paid for the main extension. That is how the rebate works. Most people will probably hook up immediately to the water main, so by the time we get around to doing the assessments, it will probably be next June, you'll have that credit reflected in your assessment.

Those people that don't connect or don't want to be part of the project will still be assessed. That is the way the ordinance is written, and that's why the Board of Aldermen wants to hear an absolute or a clear majority of people that want to go ahead. If one person out of 10 is opposed, more than likely they'll go forward, as they have done in the past.

The purpose of this hearing tonight is to tell the Board of Aldermen of your need to extend the water. I would like to add that if any of those homeowners that are below #94 – numbers 84, 80, 74, 77, and the vacant lot at 71, if they are interested in getting on the bandwagon, I did a cost estimate to add those houses. It is roughly 540 feet of main, and the cost will be a little more per house based on the cost estimate. If we add those five, because of the length of the project and the long frontage, the price goes up about \$1,000 per house. That is a ballpark cost. If those homeowners are interested, now is the time to ask the Board, or present your case to the Board, to be included, so this can be done all in one project. Again, adding those additional houses does increase the price of the project by about \$1,000 per house.

With that, I will sit down and answer questions as they come up.

Alderman Papa stated, we would like you to stand up, give us your name and address, and tell us who is in favor, and who is opposed, so that the Aldermen have a good idea.

Annette Hurliman, 102 Lane Street

I am in favor of it.

Mary Link, 80 Lane Street

I do not want city water.

Dan Shepard, 103 Lane Street

I am in favor of the water main.

Joe Kotenski, 110 Lane Street

I'm against it.

Tom Walsh, 113 Lane Street

I'm against it. Why shouldn't the blaster be liable to re-drill these wells for these people that went dry? Why should the City take on this responsibility? There is where the fault lies. Why should the City?

Alderman Papa stated, right now we're holding the public hearing to see which people are interested and which people are not.

Dan Shepard, 103 Lane Street

First of all, I would like to thank the City of Shelton for the immediate response for getting us water when we didn't have any - back in June - they did it within 2-3 days - and it was beautiful. Especially the City Engineering Department - he did an excellent job.

I can say I've been on Lane Street for almost 25 years. I have had four children; my wife did four loads of clothes all the time. We had baths and showers; we even had a swimming pool out in the back. Our well was capable of supporting all of us. You probably ask, what did I do? Do I have a "super well"? No.

I wanted to know what my well could do. I needed to know what was under the ground. My father was a seismologist. That was our bread and butter all of our lives. I know about seismology. What I did was, to find out what was underground, this is going back 20 years. I took a tube - my well was 400 feet deep - I dropped a clear tube down to the bottom and I hooked it up to an aircraft altimeter and I put it in the kitchen. Now, as the water level would rise, and go up and down in this tube, it would create a vacuum in the altimeter. So when the water went down, the altimeter would crank up to 9,000 feet. When the well filled up, it would crank back down to 1,000 feet. So my wife, by looking at this altimeter, she'd say, "I can do four loads of clothes today, and kids, you can take four showers each if you want." So we regulated that for 20+ years. We never had a problem.

Then they started to shake the earth a little bit. Aspetuck did, in back of Mrs. Hurliman's house - directly across from us. I noticed over a period of time, my altimeter would not go up any more - the capacity was always coming down and down. When Aspetuck finished their heavy shaking of the earth, what happened was it stopped. Everything was

fine, and my well was holding at 7,000 feet – and we regulated from that. We knew there was something there.

A well will not change for 100 years. In other words, when you drill a well, what happens is – take a box of Corn Flakes. It's a full box when you get it, but if you shake it, it compresses down. It's the same thing with a well. When you shake the earth underneath, you're shaking the well, and what's happening is, it's getting more condensed and there are more veins blocked up, and less water goes into your well. So theoretically, you're going to get less capacity.

That is what was happening. For a period of several years, it was fine. We never had a problem, we noticed there was a 50 percent cut in capacity when Aspetuck went in.

Then, down in back of Kotenski's house, when they started blasting for Huntington Estates, our well went down again. Now, no more showers every day kids, washing machine had to go. We had enough to survive perfectly, but we had to go to the laundromat down in Shelton center to take care of our clothes. No problem on that.

Then, the new houses they built on Lane Street – they were doing heavy, heavy blasting. A blasting experience I have is, we always used a minimum charge as a cardinal rule. You never go beyond that – it's a rule of thumb. Next thing you know, down the tubes it goes, again. This time,

No, before the Huntington Estates came up, I got a letter in the mail. It was from an independent survey company or consulting company in Oxford, hired by the blaster, Deblasio or whatever his name was. They sent me this letter and said they want to send a guy out to take pictures of the house. I said yes, you may, come on out. He came out from Oxford with his camera. He went around my whole foundation and took pictures of everything. When he was all done, I called him over and said, can I show you something? I have a picture of a crack in my house. I want to show you this crack. Because when you start blasting, this crack is going to grow, and I want you to document it. He got his camera and he took a picture of it. I said now, I've got two nails. I'll show you the picture of this crack – you're going to be surprised when you see it. We nailed two nails on each side of the crack. I gave him a digital caliper and he measured the gap. He wrote it down and documented it.

Now they started to shake the earth again. The crack got bigger and bigger. It's now up to an inch from what we started. After the earth

shaking was done, time went by, and I called the blaster three times. I asked him to please come out and look at the crack. On the third time I got his wife and she said, well he will contact you. The next day I got a message on the answering machine that said he'll be out on Thursday. He never showed. The crack isn't going away. So he is still liable for that. Time went by and then, every first of the month I'd go out there and measure between the nails and watch it grow.

While they were blasting, it grew and grew. When they stopped, it was about a month afterward, the growth of the crack actually stopped for "x" number of months. It hadn't grown at all. So I physically know that this was the cause of the shaking of the earth. It ripped the shingles right in half on my house. I have a picture here to show you.

We had a wedding at the house. Then, this was back in June – no it was September – this past September. The well fags out. There is a brand new pump in there – about two years old. We pull it out. It cost \$1,000 again. This time it was clogged and everything. The earth was shaken and the debris went into the well. So I put a new motor in; a new pump. That was in September. We get through the winter. Come around June, the pump went out again. We got the winch out in the yard and I pulled out 400 feet of pipe. I had my neighbor help me get it out and put it back in. We pulled it out and the pump was totally clogged with debris. At the same time I had the well out, my neighbor behind me, Mrs. Hainsworth – they had no water at all. What a coincidence - both at the same time. I put a new pump in, more money again, and this time it lasted three weeks. Every time you put the pump in, you have to cut off more hose. So I asked my neighbor, and he would verify,

[Audience member interjected] I'll give you a little credence on this blaster – he never even notified me about anything.

Alderman Papa asked that one person speak at a time.

Mr. Shepard continued, we pulled the well up and I asked Joe here to come over and verify it. There was 200 feet of mud. The pipe should have been crystal clear; it's a well. It's not made to pump sediment. It was about 200 feet of mud. I had to cut more off the bottom so I could let the pump back down. We had some water; but enough to flush the toilets. Then the town helped us and did an excellent job. The neighbor behind us – they had total mud.

So I feel that over a period of years, we never had troubles. It was a coincidence that three families – all within 200 feet of this heavy blasting

– our wells fagged out. And I feel that on the courtesy, I think it should be not for the City of Shelton, I think it should be to the people who disturbed the earth. And you're going to say, "can you prove it?"

The proof I am offering is the big crack in my house, I will show you this picture here. I have the months and the dates that I measured. This is the crack in my house right now – the top where my garage is. You can put two fingers in here right now. That is how big the crack got.

Now, my house is on top of a rock. It's not going anywhere. It's solid. No matter where you go in the yard, you can't dig any more than three inches without hitting stone. They removed all that stone and rock for the Huntington Estates there – there was a lot of stone. The crack now, you can put two fingers in. This is what I'm trying to say – everything was fine. There were no problems on Lane Street.

They came up, we had trucks, we had all kinds of problems up there with the narrow street and we went through it all. Okay. But that doesn't affect our water or electricity. That is something we need. Every house must have water and electricity. They ruined our water. If you ruin my car you've got to fix my car, right? Why can't they fix our water?

That is what I'm asking – for you to get after them for a courtesy hookup to recover some of the financial things that we had to go through for the water. I'm not worried about the financial that much. We need the water. Water is very important. It's not that you have \$100 in your pocket – you'd rather have a glass of water – try to drink a \$100 bill. I feel and I know that some of the others feel that some of this should be referred back, and the people that caused this damage should be liable.

The proof I'm trying to show you is surface proof, underground proof with the altimeter, and then the coincidence that all of the wells within this area were affected.

Like I said in the beginning, my father and I worked for a seismologist. He owned a seismology company in Oklahoma. We did, by mistake, one day, we drilled a well, we put 30 lbs of dynamite and we blew it in the farmer's yard. We got our measurements, and a gusher of water came out. The farmer was so happy, right? He was tickled pink to have water from a natural spring – beautiful. We came back a month later and he wanted to shoot us. It ruined his barn and was going toward his house – this nice little lake in his yard.

I am for the hookup and the bottom line is, I feel that this should not have been done or reflected on the homeowners on Lane Street, because they put up these beautiful homes – say about \$800,000 each – they made their profit, they have their outdoor swimming pools, everyone is fine. But don't put the burden on the people on the street.

Alderman Papa stated, so you're saying, instead of the City putting a water line through, that we should go after the people who blasted.

Mr. Shepard replied, we definitely need the water; there is no doubt about it. Because sir, what also happened, there is a piece of property behind me – they call it Lot #4 on the map there – they still have future work to do on it. They have a lot more moving of the earth to do. If they want to drill me a new well, then fine – but clean the debris out of my well so I can have my – you know – I would be happy.

Overall, that is my opinion.

Alderman Papa thanked Mr. Shepard for his information.

Rick Goodman, 94 Lane Street

I am in favor of the water.

Also, maybe the City can subrogate against the contractor's insurance companies. It will be a long, drawn out process, but that might be a way to get the water in, and get some costs back over time.

Jan Wolfe, 77 Lane Street

I'm in favor of the water main. Right after Aspetuck went in, I had to have my well refracked, which I hadn't had a problem with – it's about 400 feet down. Then, about a week and a half after everyone else started having problems, my well went dry totally. I have a shallow backup well that I'm using right now, but I'm only using it for showering. I've been taking my clothes to the laundromat. I'm just afraid that I'm not going to have enough water. I am definitely in favor of it.

Doreen Lasella, Property Owner, 71 Lane Street

I am in favor of it.

Alderman Papa stated, Bob we sent letter to everybody on that street?

Mr. Kulacz replied, from 71 up to 113.

Mrs. Hurliman interjected, some of them are on vacation.

Alderman Finn asked, have you heard from 97 or 94?

Mr. Shepard stated, Hainsworth is not here. That's the lot behind mine.

Mr. Kulacz stated, what we will have to do is just get out ballots to everybody just so we can have a better idea of the yea's and nay's.

Mrs. Link asked, you said that even if we don't want to connect that we will be charged? How much will we be charged?

Mr. Kulacz replied, basically, what I have on the handout would be – the net assessment is approximately \$9,200. It would be an annual payment. The first year would be \$941; the second year would be \$1,300 [lots of talking – inaudible].

Mrs. Link asked, why should we have to pay that amount when we're not going to use the water?

Mr. Kulacz explained, the Ordinance is set up so that anybody who benefits, it's the same thing if we do a sewer project - if the sewer goes past your house you are assessed whether you are hooked up or not. That is the way the law is written in regard to the water main assessments and the sewer assessments.

Alderman Papa explained, your house will become more valuable if you have City water.

Mrs. Link stated, I do not like City water. I like my well water.

Mrs. Hurliman asked, now, suppose when the put the water main in, it's solid ledge. What does that do to the cost?

Mr. Kulacz replied, we add a certain dollar amount in for ledge. The dollar amount we have from the water company includes ledge – that is usually included in their price. What will happen if we go out to bid, we will have to compare the prices and see what the price is per cubic yard. It has to be measured when they take it out and it is paid for on the volume they remove.

I just want to go back if I could to the comment about why don't we go after the blaster. What has to be looked at is, we have a mechanism for the City to extend the water. It is imperative, the people that really want water – their wells have failed – and we can't redrill the wells. That temporary water system we have out there is only going to last until November. Once the freezing weather comes it's not going to service those people. At this point, we should look at getting the water main extension in, and then when it comes to having the assessments done over the next year, actually we wouldn't be back here until probably next April or May – by that time, I think this will become a civil matter between the homeowners and the well driller and their insurance company if the City decides to postpone the assessments while there is ongoing litigation.

I think right now the whole idea is that we want to get the water in permanently. Right now it's only a temporary service.

Alderman Papa stated, basically what you're saying is that the City is responsible if you people want to bring water in. If you have a problem with your well, that's a civil matter and you would have to take legal action against the blaster yourself – not the City. Is that right, Bob?

Mr. Kulacz replied, that's right. Because it's the blaster, or the blasting operations that rendered the wells inoperable.

Alderman Finn stated, Bob I'd like to say thank you to you and your department for bringing water to the homes and at the same time to the administration. I have to agree with the residents tonight. You sit down and think about this. When Lane Street was being extended, they raised concerns about the blasting. When the Huntington Woods was being proposed, concerns were raised about the blasting. It has become a reality now. The four homes affected with the loss of water within two days of each other is basically around one of the lots where the blasting occurred. We can't say it caused the loss of water but it just is a coincidence that the four homes surround that one lot.

Mr. Kulacz stated, also house number 77 – now we have five houses that are out of water.

Alderman Finn stated, they are all in the same general area of that one building lot where they blasted for the foundation.

I didn't like the fact that the residents have to foot the bill for the water. I believe that the City of Shelton should come in, we should pay for the extension of the water, all the way down to number 71 and 74.

The city should absorb the cost and fund it through the general fund surplus. The homeowners should be responsible for hooking up once the line is put in. The City should join the homeowners in a suit. There are records in the Fire Marshal's office of who was blasting and the size of the blasts. See if the developers want to be good neighbors and pay for the hookups.

Mr. Kulacz stated, at this point it is imperative for us to make sure the residents want the water. It will have to go in before the winter sets in.

TAPE ONE, SIDE TWO

...[Mr. Kulacz speaking] we would do the same thing with the sewer project. The people have failing septic systems, they need the sewer, they can't build a new system. People that have a good system, the sewer runs in front of their house – they're still assessed. They don't want to hook up, but they still benefit – when they sell the house the value of that facility is there for you. It may not be any consolation while you have to pay the assessment, but in the future, it does improve the value of your house. I get inquiries all the time, "is there water; are there plans to bring water" – people want public water when they're buying new houses.

Alderman Papa asked, you'll get the information back to the Aldermen then?

Mr. Kulacz stated, I'm just going to send out to the four people that didn't show tonight. As soon as I get those.

For the record, I have

113, 110, 80 are against
71, 77, 94, 102, 103 in favor

and four more to question.

Alderman Papa stated, we have our next meeting in August.

Mr. Kulacz stated, I will tell them that time is of the essence because again, once you authorize the money to go ahead, I have to go out to bid

and need a month for turnaround time, and by the time it's awarded it will be close to October or November, and we want to get this in before the cold weather comes in.

Alderman Anglace asked if any other member of the public wished to address the Board. Being none, he called for a motion to adjourn.

ADJOURNMENT

Alderman Olin MOVED to close the public hearing at approximately 7:45 p.m.; SECONDED by Alderman Farrell. 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. Laretti
Mayor, City of Shelton