



BOARD OF ALDERMEN  
SHELTON, CONNECTICUT  
Public Hearing on Ordinances  
July 27, 2010

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Aldermanic President John Anglace opened the Public Hearing at approximately 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 Eric McPherson - present  
Alderman Noreen McGorty - excused  
Alderman John P. Papa - excused  
Alderman Anthony Simonetti - absent

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**Legal Notice**  
**City of Shelton**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ALDERMEN WILL CONDUCT A PUBLIC HEARING ON THE FOLLOWING:

- PROPOSED STORMWATER MANAGEMENT/OPERATION AND MAINTENANCE ORDINANCE
- PROPOSED ILLEGAL DISCHARGES AND ILLICIT CONNECTIONS TO THE PUBLIC STORM DRAINAGE SYSTEM

SAID PUBLIC HEARINGS SHALL BE CONDUCTED ON TUESDAY, JULY 27, 2010 AT 7 P.M. IN THE AUDITORIUM AT SHELTON CITY HALL, 54 HILL STREET, SHELTON.

ALL PERSONS WHO HAVE AN INTEREST THEREIN MAY APPEAR AND BE HEARD IN RELATION HERETO.

Alderman Anglace stated, we have two ordinances to be heard and before we take any comment on the ordinances, the City Engineer is here and he is going to give a brief overview on both of them. I'd like to state for the record that Noreen McGorty and John Papa are on vacation.

Mr. Kulacz stated, good evening my name is Bob Kulacz. I am the city engineer. If anyone needs extra copies of the proposed ordinances I have them here on the chair. Feel free to take a copy. Since 2004 the city has operated our public storm sewer system under a permit issued by the Connecticut Department of Environmental Protection. Our stormwater system is known as an MS4 (Municipal Separate Storm Sewer System) and as part of that this is a unfunded mandate from the EPA that, just like we operate our WPCA plant and the sanitary sewer collection system, likewise now we have to have a permit to operate our stormwater collection system and we are going to have to implement certain regulations to meet the criteria of the permit.

The first ordinance is Stormwater Management Operation and Maintenance. Part of our permit requires that the municipality implement an ordinance or other regulatory

mechanism to address the following post construction stormwater management issues. In other words, after a project is built, whether it's a shopping center, corporate park, there's maintenance issues that need to be taken care of. And to just paraphrase quickly, we are supposed to enforce a program to ensure that controls are implemented to require appropriate infiltration practices, reduction of impervious surface areas, that means paved areas, and measures or structures to reduce sediment discharge and other innovated measures that will prevent or minimize degradation of the water quality. The second part is to ensure adequate long-term operation and maintenance of all stormwater management/control measures such as detention ponds, catch basin sumps located on private properties whether residential, commercial, industrial and corporate developments. This ordinance is based on the model ordinance that the Connecticut DEP has recommended. It's the minimum of standards that we are required to adopt and basically it's set up in the ordinance that's in your packet. This ordinance was reviewed by Corporation Counsel and since I developed the ordinance in April I have two modifications to it basically to require that the developers have an asphalt drawing created after they build a development so that we know where all the underground facilities are since they are private and the second being an annual operation and maintenance certification that they do the actual maintenance. We have some sophisticated stormwater management controls in the city now such as oil separators in some of the parking lots, catch basins that we normally have in the street, they have to be maintained, they have to be vacuumed out once a year at least or as sediment builds up. Detention ponds have to be maintained. Actually this ordinance is a good idea because, maybe some of you aren't aware but, the Shelton Square Shopping Center has a detention pond between the old Bradley's store and the Immediate Health Care facility. Due to poor maintenance, that pond would sometimes remain full which it wasn't designed to do. We had a constant fight with the property owner or property manager to keep this facility open and operating properly. Now that we have this ordinance on the books or prepare it to be on the books we'll have some teeth to be able to enforce the maintenance and operation of some of these stormwater control systems. Basically that's a summation. It's basically set up with definitions and procedures. I think the only thing Corporation Counsel had recommended is that we have the public hearing tonight. See what kind of input we get to it and then he has a couple modifications on who was going to do the enforcement and how it's going to be worded and so forth. That would be done after the conclusion of tonight's public hearing and taking into account any of the comments that are made. Basically it's a summary of why and what the purpose of the ordinance is. Again, we are required to develop some sort of mechanism and most municipalities are developing and using the model ordinance developed by the Connecticut DEP.

Alderman Anglace stated, for clarification purposes I'd like to read the memo from Corporation Counsel dated July 14, 2010. I'd like to read the first two paragraphs so that everybody understands what we are going to do. He says, "We have been requested to review the above two proposed ordinances which have been developed by the City Engineer which are based upon model Ordinances generated by the State. Our comments are in some areas general in nature and in other areas specific in nature. We would recommend that following the public hearing, once the Board of Aldermen has an opportunity to digest and analyze the comments, if any, from the public hearing that the ordinance again be reviewed in its totality with any proposed amendments and recommendations of the Board of Aldermen. We would also attempt to respond to any questions which arise as a result of the public hearing."

Alderman Anglace continued, I just want to say, when questioned, he didn't seem to think that this had to go back again to public hearing. With that background, we open the hearing to public comment if anyone would like to comment on either of the ordinances. First ordinance is the Proposed Stormwater Management Operation/Maintenance Ordinance and the second one is the Proposed Illegal Discharges and Illicit Connections to the Public Storm Drainage System. Just tell us which one you are commenting on.

Being no one from the public wishing to comment, Alderman Anglace asked the aldermen if they wished to comment.

Alderman Finn asked, Mr. Kulacz, the two amendments you made reference to would you say they would be added to Section 7 and Section 8 of the first proposed ordinance?

Mr. Kulacz responded, they are proposed for the first ordinance, the Stormwater Management Ordinance. Again, those are for adding an as-built drawing requirement for the stormwater system that's built on a private site and the second one would be the annual operation maintenance certification from the property owner or property manager that they have followed the terms of their stormwater requirement and performed the necessary maintenance based on their maintenance program that they are supposed to have because each development comes in there is a certain threshold, they have to have a stormwater maintenance plan and this would be for them to certify that they have maintained their facilities in accordance with their plan that was approved by the city during the P&Z process.

Alderman Finn asked, now that plan would fall under Section 8 then, Systems Operation and Maintenance? It would be an amendment to that?

Mr. Kulacz responded, yes, it should be Section 8, yes.

Alderman Finn asked, you made mention of the fact that Counsel, after the public hearing, is going to have some amendments, changes to this ordinance and Alderman Anglace stated that this would not come back to Public Hearing. Since it's not coming back to public hearing why were those amendments not brought forth to us here and the public?

Mr. Kulacz responded, the specific changes he's making is not on the rules itself but how he wants to word who is going to be responsible whether it's going to be like the excavation ordinance, the public works director or his assigned designee. That type of wording. Also, if there is going to be an appeal of an order to remove an illicit discharge, if someone appeals it, what the appeal process is going to be and it's probably going to be a combination of city employees and/or aldermen and/or wetland or P&Z commissioners. He is just going to work that out. Basically it's just to specify who is going to be that appeal board, the makeup of it and the day to day operation is going to take place, whether it's going to be a combination of the engineering department and/or the sewer administrator. We are just looking at logistics on who is going to do that type of work. Right now the ordinance says the Department of Public Works and he is looking at clarifying for the record who will actually have that responsibility.

Alderman Finn asked, so basically he can come back and say it's the Superintendent of Highways and Bridges and his designee and the designee could either be yourself or Tom Syms.

Mr. Kulacz responded, right. It will be coming out of the third floor, either the sewer administrator's office or the engineering office.

Alderman Simonetti asked, will any of these ordinances are they going to impact any buildings or properties that are already in place? For instance, we are finishing up the Perry Hill School. Will this affect those projects?

Mr. Kulacz responded, no, there are no grandfather clauses. The only time we are going to require someone to start something new, and it would only be for an operation and maintenance program. For example, if we had a continued problem with the Shelton Square Shopping Center, in that case, we wouldn't make them redo anything but we would have them prepare an operation maintenance plan so that they would maintain things on a regular basis. The only time it is going to kick in is if, say for example, a project was going to be increased in size, say they were going to increase the parking by an acre or more. They would have to use the best

management practices and maybe add now the oil separators where they didn't have them before.

Alderman Finn stated, so in other words you are saying, and I'm going to use this as an example because you already completed this one, Whipporwill on Soundview Avenue, retention pond there. If that wasn't corrected by us and there are problems with it, would this ordinance be able to address that?

Mr. Kulacz responded, that would be a different situation. That's a facility that's going to be owned and operated by the city. It would be something on a private, whether it be Aspetuck Village or Sunwood Condominiums that have private detention ponds. That would come into play there while Whipporwhil wouldn't because it's a subdivision that was bonded by the city and that was because of legal issues.

Alderman Anglace asked if any other member of the public wished to speak. Being none, at 7:15 p.m., Alderman Kudej moved to close the Public Hearing; **SECONDED** by Alderman Simonetti. A voice vote was taken and the **MOTION PASSED 6-0.**

Respectfully submitted,

Theresa Adcox  
Clerk, Board of Aldermen

DATE APPROVED: \_\_\_\_\_

BY: \_\_\_\_\_

Mark A. Laretti  
Mayor, City of Shelton