

**BOARD OF ALDERMEN**  
**STREET COMMITTEE MEETING MINUTES**  
**TUESDAY, FEBRUARY 2, 2010**  
**7:00 P.M. IN ROOM 104**  
**SHELTON CITY HALL, 54 HILL STREET, SHELTON, CT**

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◆ **CALL OF THE MEETING**

Alderman McPherson called the meeting to order at approximately 7:00 p.m. in Room 104 at Shelton City Hall. All in attendance recited the pledge of allegiance.

ROLL CALL           Alderman McPherson - present  
                          Alderman Stanley Kudej - present  
                          Alderman Lynn Farrell – present

Also in attendance:

Paul DiMauro, Director of Public Works  
Bill Mooney, Superintendent of Highways & Bridges  
Tom Taylor, Administrative Assistant

**PUBLIC PORTION**

Elaine Guedes, 28 Birch Street

Mrs. Guedes stated, I had sent a letter last year. I have two young children, one that is in high school and one that is in the elementary school and they have to walk down Birch Street to Forest to get to their bus stop and the road condition is horrible. They came along and put some pavement in and it just comes right up. The sand is going down onto the connector there of Forest and into the neighbor's property. Even with the snow covering it, it's horrible because they don't know where the potholes are. There's nowhere for them to walk, there's no sidewalk, it's all shrubbery and tree limbs and whatever. It's horrible.

Mr. DiMauro asked, not Birch Street but...I know Birch Street is a dead end.

Mrs. Guedes replied, correct, so when you walk down to get onto Forest, it's the end of Birch.

Alderman McPherson asked, it's on the Forest side of Birch, correct?

Mrs. Guedes replied, yes.

Alderman McPherson asked, in other words, the beginning?

Mrs. Guedes replied, correct, where it meets, mainly on Birch though.

Mr. DiMauro stated, the intersection of it. Okay. We will review it, that's for sure and we'll get back to you. As soon as the snow is off we'll take a look at it and get back to you. Please give the clerk your contact information. As soon as the snow is off, we'll take a look at it and get back to you. That's the only thing we can do right now.

Robert McGuire, 162 Birdseye Road

Mr. McGuire stated, I guess we are fifth on the agenda tonight. I got a letter, I have a couple copies I can give you guys. One from the Town Engineer saying that a guardrail is needed on the corner of the farm, going down the hill?

Alderman McPherson replied, yes, we have copies of it here.

Mr. McGuire stated, a couple weeks ago another two cars went through the fence. It's been ongoing for years and years and years. There used to be a stonewall. The stonewall is gone from cars knocking it over.

Mr. DiMauro stated, the city engineer does have a plan of it?

Alderman McPherson replied, yes, he did a letter of recommendation.

Mr. DiMauro stated, we will follow up on this. We'll look for the funding and we'll see what we can do.

Mr. McGuire stated, okay, because two cars just went through and it's so dangerous that road with the traffic. For us to even repair the fence, it's dangerous for us. The last time there was an accident there were two cop cars there and a cop almost got hit. So, we have to go and repair this fence as soon as there is frost on the ground and it's so dangerous we are going to need the police department or the highway department to put a truck or something in the road so we don't get killed.

Mr. DiMauro stated, I understand the situation. I'll get a copy of this and we'll get going as soon as possible.

Mr. McGuire stated, well, it's been five years since the letter and...

Mr. DiMauro replied, I will take a look at this. I'll see if we can get the monies for it and get it moving.

Alderman McPherson asked if anyone else wished to speak. Being no one, he closed the public portion at 7:08 p.m.

Alderman Kudej moved to add Roberts Street under Old Business as Item 3.4.

1. MINUTES FOR APPROVAL

Alderman Kudej moved to waive the reading of and approve the meeting minutes of the Regular Meeting Minutes of December 1, 2009; seconded by Alderman Farrell. A vote was taken and the motion passed 3-0.

Alderman McPherson added that he would like that the minutes say Street Committee Regular Meeting Minutes from now on.

2. NEW BUSINESS

2.1 SIDEWALK REIMBURSEMENT REQUEST – 310 HOWE AVENUE

Alderman Kudej moved to recommend to the Full Board, per the recommendation of the City Engineer, to approve the sidewalk reimbursement in the amount of \$3,087.75 to Robert Pagliaro of 392 River Road per Ordinance #465 with funding to come from Engineering Account #001-3600-713.80-43; seconded by Alderman Farrell. A vote was taken and the motion passed 3-0.

2.2 SIDEWALK REIMBURSEMENT REQUEST – 16-18 OAK AVENUE

Alderman Kudej moved to recommend to the Full Board, per the recommendation of the City Engineer, to approve the sidewalk reimbursement in the amount of \$2,154.00 to Robert Pagliaro of 392 River Road per Ordinance #465 with funding to come from Engineering Account #001-3600-713.80-43; seconded by Alderman Farrell. A vote was taken and the motion passed 3-0.

2.3 PROPOSED DISPOSITION OF WHITE STREET RIGHT OF WAY, 475-479 HOWE AVENUE

Alderman McPherson invited Attorney Dominick Thomas, of Derby, CT, and Mr. Kenneth Schaible of Schaible Realty, LLC to the table for discussion.

Attorney Thomas stated, you have the large map here, which I gave to Attorney Sous. What I have for the members is an 11 by 17 map of the area that we are talking about. I think it becomes a littler clearer, also thanks to Bing Maps, you can see the area behind the Howe Avenue buildings that we are referring to. This is a piece of property, when my client first expressed an interest in it as a result of developing 475-479 Howe Avenue. I spoke with Attorney Sous and we

commissioned a title search. This area goes back too far to determine ownership. It went back into the 1800s and there was really nothing, so, what we were focusing on frankly was reference to a train station, and that this was an access to a train station and we were going back and forth trying to locate where the train station was and I was at a Downtown Planning and Zoning Committee meeting and in the SEDC offices and I looked up on the wall and lo and behold there was an old photograph of the train station. Right along where the stair company is. So, we were able to identify and get some deeds. What you should remember, for those of you who remember the infamous or famous Recovery Room Café, that was on Bridge Street. That property, as you are looking at the map with White Street to the top, to the right of it, that property is owned by the City of Shelton. However, the survey revealed that the right of way, even though the road took a curve, this area was part of the right of way. As you go up towards Howe Avenue, up White Street, that is parking. Why? Because that's against the large retaining wall that you can see partially in the photograph. This area frankly has become a dumping ground. I want to make one thing clear. If you recommend that it be discontinued to the Board of Aldermen you are recommending nothing relating to the use of it, that is still within Planning and Zoning. That is my client's intention to go back to Planning and Zoning and when he develops the property there is a restaurant proposed for the lower level and this would be the outdoor patio. Now one of the requirements that we felt the city needed, of course, was to maintain a snow shelf, so our proposal only goes to the ballards and that is part of the 1,056 feet and probably part of his proposal or part of the recommendation of the Department of Highways and Bridges that a sidewalk is going to be required along it. Eventually, I would assume, the city is going to want a sidewalk up to Howe Avenue and all the way down because, right where the train station was is where Planning and Zoning has authorized or required a railroad crossing for the people who live in the condos and proposed apartments to be able to cross to downtown. So, that would be the perfect connecting point. What we are asking then over this area and it went to Planning and Zoning and the City Engineer has blessed it that this committee recommend to the Full Board that the city discontinue that 1,056 square foot portion.

Mr. DiMauro asked, it doesn't abut anyone other than the Schaible's and the City of Shelton, is that correct?

Attorney Thomas replied, that is correct.

Mr. DiMauro stated, there are no other property owners, so there is no one else who would have beneficial use of the property?

Attorney Thomas stated, to the north it's the City of Shelton right of way, to the west it's the City of Shelton right of way, to the east it's the City of Shelton in fee, because that's where the Recovery Room was, and to the south is Schaible Realty.

Street Committee Minutes - February 2, 2010

Mr. DiMauro asked, we'll be able to retain sufficient area for a sidewalk and require the owner to put in that sidewalk up along that area, is that right, is that part of the stipulation of any transfer, sidewalk into the specifications as outlined by the City of Shelton?

Attorney Thomas replied, yes. The discontinuance, and Attorney Sous and I talked about it, as opposed to the normal discontinuance situation, because the City of Shelton is an abutter, we have asked to clear title that the City of Shelton also issue a quit claim release deed, to quit claim whatever interest it might have. Technically, under common law, even though we have no idea who owns the underlying bed of this right of way, which probably dates back into the early 1800s, when it is discontinued, all the abutters share equally in it, well, one of the abutters is the City of Shelton, so, the City of Shelton (inaudible) give it away and then take it back.

Mr. DiMauro stated, I don't see a problem as long as we retain and they are going to put a sidewalk in and nobody else has a benefit to it and it now goes onto the tax rolls. As long as those covenants are on it and the City of Shelton gives final approval of how the sidewalk is going in and you specify the City of Shelton.

Attorney Thomas replied, yes. Not an issue right now though.

Alderman McPherson asked, are there any questions from the committee?

Alderman Kudej asked, this has already gone through Planning and Zoning and the 8-24?

Attorney Thomas, replied, it hasn't gone through for the 8-24. The Board of Aldermen will have to do that. What was requested is that it go to Planning and Zoning for their review, which it did at the January 27<sup>th</sup> meeting and they reported favorably. They understand that it will go back to them.

Alderman McPherson stated, so, next week this will go the full board and then the full board will go out for a formal 8-24.

Alderman Kudej moved to recommend to the full board a discontinuance and abandonment of a portion of the White Street Right of Way consisting of 1,056 square feet more or less as shown on a map entitled "Property Survey of Property Located at 475-479 Howe Avenue Shelton, CT" prepared for Schaible Realty LLC by Lewis Associates dated 6-30-04 and attached here to and a transfer of whatever interest the City of Shelton may have or may obtain as a result of the discontinuance and abandonment of said property to Schaible Realty LLC for no consideration by way of quit claim deed subject to the grantee providing the City of Shelton with an updated A-2 survey and mylar for recording and further subject to an 8-24 referral to Planning and Zoning Commission for

both the discontinuance, abandonment and transfer of said property. This motion is further subject to any requirements of the Department of Public Works and further authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same; seconded by Alderman Farrell. A vote was taken and the motion passed 3-0.

Mr. DiMauro stated, before Attorney Thomas leaves I want to interject something because he represents another client on Commerce Drive who just completed the removal of, I think, one of the ugliest entries into the City of Shelton, the jersey barriers on Commerce Drive and so removed and replaced them with a guard rail that passes all state requirements for safety and then beyond that built a beautiful set of walls, fencing, etc. to outline that area, so it gave us a nice entry into the city and great improvement at a tremendous amount of expense to him, albeit, yes, he is benefiting his development, but what a great improvement into that entry of the city.

#### 2.4 GUARD RAIL AT OLD BRIDGEPORT AVENUE AND TISI DRIVE

Alderman Kudej stated, we have pictures here. Bill, I brought this to your attention a couple weeks ago. Paul, are you familiar with this? It's right where Tisi Drive meets Old Bridgeport Avenue. The road that goes up to the American Legion. They have a little bridge that goes over there. The guard rail disappeared.

Mr. DiMauro asked, Bill, is it a narrow area, is there room there for barriers or would it need a guard rail?

Mr. Mooney replied, there is not enough room for barriers. No.

Mr. DiMauro stated, okay. Then why don't we do this then, we put this on a list to get a price on along with Birdseye Road and lets get both of them measured up. Let's first check to see if there is a state bid online that we can utilize to expedite matters, if not then we will put out a unit price bid, and see if we can get the funding for both of them at the same time. And also for the piece, that little bridge coming down off of 108 towards Roberts, the culvert, where that little stonewall was, where the fencing was.

Mr. Mooney replied, why don't we wait until we get to that on the agenda.

Mr. DiMauro replied, okay then, we'll handle that one separately. But those two there you know where I'm going with.

Alderman McPherson stated, while we are on the subject of guardrails, we discussed it at the December meeting, Blacks Hill Road, in the 30s, where the barriers are that block the road from going into the back of the former intermediate school. We talked about it last month, or I'm sorry December. On

both sides there is a huge drop into a creek and I think we really need to look into putting a guardrail there because people still go down that road.

Mr. DiMauro replied, first determination should be are you going to keep access going that way, are we Bill?

Alderman McPherson replied, I don't know if we are going to or not.

Mr. Mooney asked, you don't know if we are going to use that to go into the school?

Alderman McPherson replied, I wouldn't advise it, but...

Mr. Mooney stated, the other thing I said at the last meeting was that there has to be room there to turn our trucks around when we do the plowing.

Alderman Kudej stated, it's narrow, it's blocked off right now.

Alderman McPherson stated, we had a dead end sign put up but people still go down there and I'm afraid if someone turns around they are going to literally go right off the 20-foot drop into the creek. So I don't know if a guardrail, or maybe a barrier of some sort or if there's even room to put a barrier there.

Alderman Kudej stated, it'd be more beneficial to block it all off and leave it. I don't think we want to make it a thoroughfare.

Alderman McPherson stated, I wouldn't want to see it opened up.

Mr. DiMauro stated, that was always the theory before that we not have it as a thoroughfare, correct? Because you are asking for nothing but a problem, we have no security at the school. There's no good reason to have it as far as I can see.

#### 2.5 162 BIRDSEYE ROAD, REQUEST FOR METAL BEAM RAIL

Alderman McPherson stated, we did discuss briefly Birdseye Road, Bill is going to look into that.

Paul DiMauro stated, yes, Bill is going to put together numbers for me for both the Birdseye Road and the Tisi Drive issue.

#### 2.6 REQUEST TO PURCHASE A PORTION OF LAKEVIEW AVENUE ABUTTING 34 WEST STREET

Alderman McPherson invited the interested party to come to the table to discuss.

Street Committee Minutes - February 2, 2010

Mr. Preshant Damania stated, I reside at 34 West Street, this is my mother next to me also of 34 West Street. We live on 34 West Street and there is a strip of 20 feet that runs along my property which has become a dumping ground and people leave clippings there, and trees and pumpkins and beer bottles. We just bought the house a year and a half ago and spent a lot of time cleaning it up and it looks good now. We were interested in buying that property to keep people out of it. I think it's part of the road. I don't know if you have the map.

(Discussion regarding the map and location).

Mr. DiMauro stated, if I drove by there, would I think you owned this property?

Mr. Damania replied, yes.

Mr. DiMauro stated, if you owned it, wouldn't people still throw stuff on it?

Mr. Damania replied, well, maybe I could fence it in? I was thinking that, or maybe putting a garage there.

Mr. DiMauro stated, well, that's a different story.

Discussion on the alignment of the street ensued.

Alderman Kudej asked, so how much are you looking to buy?

Mr. Damania replied, as much as I can.

Mr. DiMauro asked, how much would you need to be able to put a garage there?

Mr. Damania replied, around 24-25 feet.

Mr. DiMauro stated, there certainly is room there that we would never have a need for, however, how much of it I couldn't sit here and determine that tonight. But there is certainly a portion of it that wouldn't be of any benefit to us nor would we ever need to have it. The road right now borders right up to the property across the street. You really couldn't create much. The most we would take is 10-15 feet if we wanted to get a shelf there to be able to shift the road a little if we needed to. It looks as if the road should be shifted a little to make it a better angle to go through but without us going up there to look at it I would hazard to give any type of opinion. What do you think Bill?

Mr. Mooney replied, an 18-foot roadway, that's minimal.

Mr. DiMauro stated, you have to have at least 24 feet going through there. Plus a shelf for snow. The real determining factor is the corners where you go through



between 23 and 18, whatever that number is there. That angle there is really what determines it, so if you were to shift it to follow some sort of a line coming out of there, get it away from the other property owner and get it in line with the street (inaudible)...I honestly think sir that you should come back to us with some sort of proposal that outlines that.

Mr. Mooney stated, your statement about cleaning it up. I can appreciate that, because it has been a problem but to add a garage there, you are crowding that street right there.

Mr. DiMauro replied, I don't think he'd be closer to the street than any other house in that area. If you look at the house at 68-70, the distance that it is to the street is about what you would hold to the other side. So, even if you did put a garage in, and you certainly wouldn't put a 3-bay in. It'd have to be something like a single.

Mr. Mooney stated, well you have to be careful because all of those are rezoned.

Mr. DiMauro stated, I know that. We're not here to say, even if the Street Committee recommended it and we all say alright let him have a little, clean it up and do what you want, two things we would fight vehemently would be anything that would block the line of sight going down that street and second of all, the garage, you'd have to go to a different board to get approval for that. So you understand all that and like I said, if you want to come back with something showing how you would see this all working.

Alderman Kudej stated, if you shift that road over to give a shelf to the other property owner and keep it at 18 feet minimum, you are probably only looking at getting about 10 feet.

Mr. DiMauro stated, right, that's probably about all you would get. That's about the sliver.

Mr. Damania replied, thank you, I appreciate it.

#### 2.7 WELLS AVENUE PHASE 4 – PAPER STREET CONSTRUCTION; REQUEST TO REDUCE PERFORMANCE SURETY

Alderman Kudej moved, per the recommendation of the City Engineer, to recommend to the Full Board that the \$20,000 performance surety on the Wells Avenue Phase 4 – Paper Street Construction project by MJS Builders be reduced to 20 percent or \$4,000; seconded by Alderman Farrell. A vote was taken and the motion passed 3-0.

## 2.8 BIRCH STREET REPAIRS

Alderman McPherson stated, we already talked about Birch Street repairs.

## 2.9 CENTER STREET - SIDEWALK REPAIR

Alderman McPherson stated, I put this on because, it's in front of the old Karen's Kitchen down there or whatever it once was. It was a city tree and it was cut down for whatever reason and it's just really buckled up the sidewalk. There's a real dip in it and the concern is someone falling down in it and getting hurt. At some point it should be repaired and rather sooner than later.

Mr. Mooney stated, the engineering department has a sidewalk account for stuff like this.

Mr. DiMauro stated, I think it needs to be referred to the city engineer for his review and recommendation. If it's the fault of the tree then he can contract it from his budget. He's got a regular standing unit pricing for sidewalks and all. Usually the property owner gets billed a third but it depends in this instance if it was the tree that caused it and we planted the tree, that's a whole different story. If a sidewalk needs repair because it's just deteriorated then that's a different situation. But we, as a city, basically planted those trees way back and if it's caused it to buckle, I mean to the letter of the law is one thing but ethically, I'd say we'd be responsible, wouldn't you Bill?

Mr. Mooney stated, we did a repair on it in early summer. That was just a patch job to get it safe.

Mr. DiMauro asked, was it caused by the tree though?

Mr. Mooney replied, probably.

Alderman McPherson suggested that this be sent to the City Engineer for review and repair.

## 2.10 12 WILLIAMS STREET

Alderman McPherson stated, Alderman Farrell, you have more information on this.

Alderman Farrell stated, this was on the agenda before and we approved it and I don't know what happened to it. Mrs. Monahan lives there and she called me and said that the truck came and she saw that they were going to do it and she was happy with that and she went into the kitchen and came back and saw that the work was being done across the street instead of at her house.

Mr. Mooney asked, what did you approve?

Alderman Farrell stated, we approved, to stop the water from going down her driveway, we would put in a basin.

Mr. Mooney replied, there was a berm put in front of the driveway. The driveway is a gravel driveway. It's not an asphalt driveway. We put a berm across it. That work was done.

Alderman Farrell replied, I don't know exactly what was done, but she said it wasn't done at all and they did the house across the street instead.

Mr. Mooney stated, I drove past it today and there is a berm across the driveway and the water doesn't go down into the driveway.

Paul DiMauro stated, she might be looking for something totally different. Please give me her number. I'd be happy to call her and go drive up there with Bill to see exactly what the problem is. Bill fixed what he thought was the problem.

Mr. Mooney stated, well, it's a gravel driveway.

Mr. DiMauro stated, you can't do a whole lot in that instance. Technically, if she has a gravel driveway, it's her responsibility to build it up in that area. If over the years it's eroded because she never bothered to pave it...she would never have been able to get a permit for her house today under current ordinances. She'd have to put in at least 10 feet of asphalt pitched back to the road, (inaudible). We are happy to pursue it and to find out what her complaint is.

## 2.11 KERON DRIVE

Alderman McPherson stated, we had some calls and complaints on this street.

Alderman Kudej stated, the complaint went to John Anglace. The road has heaved because of the frost, so now you have that up and down portion like most of the roads in town right now. There's really nothing you can do to it right now with the weather. That's the problem with Keron.

Mr. DiMauro stated, you can't do anything about it right now but a lot of those subdivision roads need a resealing of some sort to keep the water from penetrating through. We are working on a list to give to the mayor to do some of that sealing because you can't pave every road in town, nor is that going to necessarily solve the problems with cracks. So, we are trying to get something together of that nature.

### 3. OLD BUSINESS

#### 3.1 LANE STREET

Alderman McPherson stated that they had a letter here from the City Engineer regarding this. He lists on the back here the various issues and concerns and that it's really the responsibility of the property owner to maintain their portion of the creek. I don't believe, per the letter, there is much the city can do here.

Discussion ensued regarding the state of Means Brook.

#### 3.2 BLACK HILLS ROAD – UPDATE FROM HIGHWAYS AND BRIDGES

Alderman McPherson stated that this item was already discussed.

#### 3.3 MONTGOMERY STREET – UPDATE FROM HIGHWAYS AND BRIDGES

Alderman Kudej stated, I put this on the agenda a couple meetings back. Bill, did you look up there, where the mailbox was, there was a big hole across from 41? Looked like a wash out.

Paul DiMauro stated, we'll look at it again. I drove up there myself today and noticed the other side of the road. Lots of issues on that side. We'll take another look.

Bill Mooney stated, the side that Paul and I saw is caused by somebody parking there.

Alderman McPherson stated, we need to get that on the list for a lot of repairs.

Mr. DiMauro stated, yes, we are going to need to look at it from a general repair standpoint, cutting and patching.

#### 3.4 ROBERTS STREET

Alderman McPherson stated, we talked briefly about this in December but Roberts Street is really bad and we've received three letters from people today on Roberts Street, especially when you are taking a right off of Shelton Avenue and down where that culvert is, the railing is falling off the bridge. There seems to be water coming down from those houses, the newer houses, that's icing. I've had several calls on it and then we have three letters today.

Street Committee Minutes - February 2, 2010

Mr. DiMauro stated, we'll take a look at it and like I said, we are compiling a list of streets for the spring and Geissler Drive, by the way, which has been talked about before, is also on the list to be looked at for that neighborhood.

**ADJOURNMENT**

Alderman Kudej MOVED to adjourn the Street Committee Meeting, SECONDED by Alderman Farrell. All were in favor, MEETING ADJOURNED at 7:45 PM.

Respectfully submitted,

Theresa Adcox  
Clerk, Board of Aldermen