



BOARD OF ALDERMEN
S T R E E T C O M M I T T E E M E E T I N G
TUESDAY, JULY 2, 2013
AT SHELTON CITY HALL, ROOM 104
54 HILL STREET, SHELTON, CT
AT 6:00 P.M.

PLEDGE OF ALLEGIANCE/CALL TO ORDER

Chairman Alderman McPherson on Tuesday, July 2, 2013 called the Regular Meeting of the Board of Aldermen Street Committee to order at 6:00 P.M. in Room 104, of Shelton City Hall and led the group in a pledge of allegiance to the flag.

Present

Alderman McPherson, Chairman

Alderman Kudej

Alderman Farrell

Also Present

Paul DiMauro

Alderman Finn

➤ **Public Portion**

Chairmen McPherson announced that there was a public portion. Those who were present, stated your name and address for the record.

Alyse Brand & Jack Brand, 20 Woonsocket Avenue

The concern is the street in front of my house, and 13 months ago I called the Street Department and they said that they would send someone out; nothing happened. Then, I wrote to Alderman Kudej through the City Hall address and I did not receive a response. Two days ago, my neighbor

tapped on my door and said that he called Alderman Kudej to see if he could stop over and see the area in front of my house, driveway to driveway. He said he was also upset with that situation because it was breaking apart, and is cracking. It has been sealed like outside of City Hall, but it is breaking off outside of the seal; which happens to be where we back out of our driveway.

Alderman Kudej: I have been working with Mr. Tibbets on this issue for a number of years.

Alyse Brand: Didn't you see what the front of my house looks like?

Alderman Kudej: It has been deplorable for a number of years.

Jack Brand: We have only been there for eight years, and all they did during that time was filling in a tiny hole.

Alderman Kudej: We are in the midst of repairing streets, and they are going by a systematic way that they are formulating.

Jack Brand: Well I understand that, but please understand it from our position. I am sitting there for eight years, and there are three streets on one side of me that have been done, and they skipped right over us.

Alyse Brand: Cranston is beautiful; it is all paved over, smoother and done really nice. We are near Toas, and Cranston and Toas was also done as well.

Paul DiMauro: Allow me to provide some insight on that: For a road like Toas, we contracted out and had someone mill it and because of the traffic on that road, it was done first. We are attempting to get to as many side streets as we can. We just did Plaskon; we did Sunset to get it ready for chip sealing. We are doing Belmont in that area, and we did Coram all the way up from Route 110; we wanted to do those areas that had the most traffic in that area.

Alyse Brand: I do not want to back out of my driveway and sink.

Paul DiMauro: That is a different situation. I am not going to promise you if your road is going to be paved right now, but there is a danger in your area, so I will promise you that we will get that fixed.

Alyse Brand: Also, with the rain and how they did Toas, it comes down to Toas, turns the corner, and it comes down towards my house on 20 Woonsocket Avenue. I am at the next house from the corner of Woonsocket.

Paul DiMauro: I will come over and take a look at it.

Jack Brand: When they did Toas, they put two new houses on the corner. Now all of a sudden, we have a river where we are. That street has curbing on four sides from our house. Our side has never had a curb of any kind.

Paul DiMauro: If a curb is required to keep the water out, we will do that. If the house was built in the last few years, they should have built it high enough so you would not have that problem.

Alyse Brand: That house was on Toas and Westminster, and they changed the water run.

Paul DiMauro: Let me go ahead and analyze it because it is hard to look at it right now. We want to divert the water away from you, and as I said, if the homes were built in the last few years, they should have built it high enough.

Jack Brand: I am on the opposite side of the street, and we do not have a curb over there. My point is the undermining of the pipes under Woonsocket are going to be doing it again and again because we do not have any curbing, and the water is running under the street.

Paul DiMauro: Let me look at. I do not want it to erode any further than it already had. We will make sure to get you out of your driveway, for sure. I will look at the water situation, analyze and do what we need to do with it.

Chairman McPherson: When they extended Richard Boulevard and Grove Street, all of those huge trucks going up and down Plaskon have done quite a number on that road. They added 15 houses there, and it was a battle that Stan and I fought. I am the other alderman for the second ward; we fought that battle, but that has done a lot of damage to that road. Those huge trucks were carting everything up and down that road.

Alyse Brand: I would just like it known that when you do drive by; turn left onto Toas, then either make a left or right on Woonsocket and I am on the left. The water will come; you will when go straight in front of house and in my driveway. It will cut across the street on an angle, and that is where Tibbets is located.

Alderman Kudej: We have done a little bit of piece mail down there. That road was supposed to be addressed a while back, and unfortunately it is not on the priority list. It is going from all the way down; you have that police officer, which lives on the bottom of that hill and he has been bothering us with this issue. It has not been a road that has been ignored, but it has not been done properly yet.

Paul DiMauro: There are some roads that we did not get to yet, and we are trying our hardest. We have covered a lot of ground, and spent a lot of money.

Alderman McPherson: Paul has assured you that he is going to go and look at the property.

Paul DiMauro: I am not going to leave it as a dangerous situation; that is unacceptable.

Chairman McPherson: Mr. DiMauro will come out, and we will all be working with you.

At approximately 6:12 PM, Chairman McPherson closed the public portion.

1. MINUTES FOR APPROVAL

1.1 STREET COMMITTEE MEETING MINUTES- JUNE 4, 2013

Alderman Kudej moved to waive the reading of the Street Committee Meeting Minutes of June 4, 2013. Aldermen Farrell seconded the motion. All were in favor and motion carried 3-0.

2. NEW BUSINESS

2.1 TREE ISSUE- MR. GEORGE BENNETT

(AT THE END OF THE MINUTES, THERE WILL BE A COPY OF A LETTER, WRITTEN BY MR. BENNETT).

Chairman McPherson: State your name and address for the record. Please tell the committee the issue, since it has come before us. For the benefit of the committee, let us know the situation and then, we will have questions that will be asked of you. Mr. DiMauro will partake, and also Alderman Finn will join us, as well.

George Bennett: My name is George Bennett, I reside at 5 Elliott Drive in Shelton, and this is my wife, Debbie. This issue happened on January 25, 2013. It was an early morning, around 9:30 AM, when I went to take a shower; I got out of the shower and 15 minutes later I heard a couple of noises outside. I got dressed, and went outside and saw two D.P.W trucks out there: one fellow was out there putting the chainsaw in the vehicle and out they went. So, I went to go get finished getting dressed; it was a bitter cold morning at around 12 degrees that morning.

I was totally shocked what I just saw: they took a pole-mounted chainsaw and devastated the street side of my 14 Hemlock trees that run along the south border of my property. They left all of the debris in the road; I did not know who to call, or what to do. I called the Mayor's Office and I spoke to Cyndee, the Mayor's secretary, and she told me that the Mayor was out of town. She told me that she would email my concerns to Paul DiMauro's office. I did not hear anything back on that Friday or that following Monday; but on Tuesday, I received a call from Mr. George Stachowicz. I was totally confused on why these trees were an issue; they have been here for 30 years. We have been residents of Shelton since 1977 and we have lived at our current address: 5 Elliott Drive, since 1983. In 1983, I planted the 14 Hemlock trees along the Big Horn side of my property and held them all 10 feet from the curb, and all of my split rail fencing was all held back 10 feet from the curb, as well. So, I asked Mr. Stachowicz why his crew came to my property and destroy my trees, and he said that, "it was our slow time of the year and we did not have a lot for the crews to do, so I directed the crews to go ahead and clean up those routes". I then asked him, "Why didn't I receive any notification on how these trees were an issue, or to give me the opportunity to trim those trees myself"? A quote from him was: "We do not normally notify property owners

before we do any type of trimming”. That does not make me a happy camper, so I pursued a telephone call to the Mayor’s Office, and Cyndee said that she would pass my concerns on to the Mayor. I finally spoke to Mark Lauretti on January 31, 2013. His quote to me was: “The workers that came to your house did not have the necessary training to do that type of trimming. Going forward, we will rectify that with additional worker training”.

Again, I talked to Mark Lauretti on February 19, 2013. Still, there was nothing being done for this dilemma at my house. All the debris is in the road; it is blowing underneath the Hemlocks and blowing into my backyard. For three months, I had to keep cleaning my backyard filled with Hemlock prunings. On February 19th, the Mayor said to me: “What do you want from me? I have already told you they did a hack job on your trees”.

Again, for the record, for 30 years our trees were never a problem. We were never notified that they were any kind of problem in way, shape, form or manner. The City, as far as I am concerned, did not abide by Ordinance 808. Ordinance 808 says: “if there is any type of obstruction to vehicular traffic or line of sight issues or anything like this, then the property owners should be notified in writing”. A written notice would then be hand delivered by an indifferent person or sent by certified mail, return receipt requested”. We were not given any notification at all. This whole incident happened on January 25, 2013, and it lasted for around 15 minutes, because that was the time I was in the shower. Those trees took 30 years to grow. When I asked Mr. DiMauro why this issue was going on for five months, while he was at my home yesterday, along with Alderman Simonetti, he said that: “He wasn’t here”. I am a little confused about that because being Director of Public Works for the City of Shelton, where has he been for the last five months?

Paul DiMauro: I have been here, but I have not gone to your premises, because others were handling it and that was exactly what I have told you. I was not handling it because others were already involved, so I did not see a need to get involved when there were others who were already involved.

George Bennett: I was told by the Mayor’s Office on January 30, 2013, to expect a phone call from you, but I never received one.

Paul DiMauro: I had the office call you. I missed that in the email and there was no reason for me to call you because you were talking about litigation, and suing the City. You were not accepting any offers that were given to you, so therefore,

when someone is talking about litigation, I back off and I do not converse. It is a legal matter and I cannot get involved in a legal matter. I tried to work out things at your house yesterday in a civil manner. You told me that there was a liability issue with the City, with the branches sticking out. I said that we would cut them, then you did not want us to cut; then you agreed to allow us to cut them.

A crew was sent out there yesterday to cut them back. You did not want to show them where to cut, and how much to cut. I said to you that you brought this to our attention as a dangerous situation, a liability to the City. I have two choices: cut them back to where you think they are dangerous, or put up caution tape so the public doesn't walk into them. You certainly did not want the caution tape, and I understand that but I had to protect the City's interest so we had to do one or the other. I did not put the caution tape up. Justino went up there today, in which he is a very qualified individual. He took pictures of every branch that he cut; he only cut dead branches today, and cut them back so it would not harm someone, or poke someone in the eye. Which you are correct; it was a hack job; it was done wrong and I would have never trimmed a tree like that. I apologize for what the guys have done. Having said that, the trees are not dead, the trees should not die. They are Hemlocks that spread from 20 to 30 feet in diameter, so even if they are planted 10 feet from the property line, they are going to extend over the curb in time, we all know that even that your trees are very close together and are not allowed to grow their normal span.

Also, as I have pointed out, many of the branches there should still be trimmed, because they are sloping down. Having said, if we are going to go to litigation on this I cannot get involved with the discussion on it. I tried to be helpful, and offered to have a landscape architect to try to design a plan, to give your privacy back by doing some kind of planting on the outside.

Debbie Bennett: How are they going to grow if there is no sun?

Paul DiMauro: There is sun coming down that way.

Debbie Bennett: Why should I have to do more work? You have seen my property; it is immaculate. They cut back on the dead limbs that they cost. There were no dead limbs on those trees, until they went out and hacked away. Now, I have empty branches coming out, and those were the ones that they took out.

Paul DiMauro: You are absolutely correct. I will not defend on what they did, but all I said to you was currently we have a dangerous situation that you recognized,

George recognizes and I recognize, as dangerous. Somebody could walk, not paying attention at night and walk into one of those branches. We did not want that. That is a different problem. Of what can grow there, I am not an expert on what can grow and which species.

Debbie Bennett: What if something cannot grow?

Paul DiMauro: That is why I wanted to bring in a landscape architect that knows what can grow in New England, under certain conditions and under certain areas. There is always a plant that you can find that will serve that purpose. If it can grow there, then whoever plants the tree, will guarantee that they will grow, or they are not going to plant it.

Debbie Bennett: But they will guarantee a tree to grow for one year. If after one year that tree dies, then what are we supposed to do?

Paul DiMauro: That is a bridge that we will have to cross, if that time comes.

Debbie Bennett: However, it has taken you this long to cross this bridge, and nothing was done.

Paul DiMauro: I am part time; I do not get involved in every issue. The Mayor got me involved in this one and I do not mind helping. I tried to reach out to you yesterday to do whatever I could to help the situation.

Debbie Bennett: I feel like you are putting a band aid on the situation.

Paul DiMauro: I am not putting a band aid on the issue.

Debbie Bennett: The Mayor has admitted, you have admitted that the guys did a hack job; they ruined our trees but you are not willing to correct and rectify the problem. We have been taxpayers for 36 years; we pay our taxes on time, we keep our property immaculate and this is how we are treated?

Paul DiMauro: I drove a lot out there when I came to see you, and you have one of the nicest properties in the area. Your property is immaculate; I saw your husband's workshop and it is to die for.

Debbie Bennett: Does the town have insurance for when they screw something up?

Paul DiMauro: The City has insurance. The proper procedure is to file a claim in the Town Clerk's Office. It would then get forwarded to the insurance company, and they would hash out to see if we would have a responsibility. If you are going to have a claim, you should go through the insurance company and handle it that way. I am trying to come up with something to be helpful; I was not trying to hurt you because I would never do that.

Debbie Bennett: In all honesty, my husband and I do feel that no one has stepped up to the plate. No one seems to be rectifying this issue in the correct manner. We have done everything that we were asked to do: the Mayor asked us to write letters, so we wrote letters; we were making phone calls and we were doing everything that we were asked to do. We have been very patient; we have not been belligerent to anyone, and this is how we are treated? It is pretty sad.

Paul DiMauro: I am sorry, but the only thing that I kept hearing from everyone was: "He was happy with anything, except for the planting of the trees at the same size they are now".

George Bennett: That is an incorrect statement.

Paul DiMauro: That was what was told to me. You were very good with me, and I thought we were working well and try to work something out.

George Bennett: I would like to submit two letters for your committee.

Alderman Finn: Mr. Bennett, what would be the correct manner?

Debbie Bennett: To this situation, maybe there are other solutions to the problem. If the trees were taken down, we could plant something else. Personally, I feel like if you were to plant anything underneath a Hemlock, it is going to grow. My other concern is that if a landscaper comes out and said that we will guarantee it for a year. Some plants live and some plants don't. Personally, it will look like crap. I am not a landscaper, but I think that I am knowledgeable enough to know what would look good and what would not look good; what would grow properly and what would not grow properly.

Alderman Finn: I agree with you about something not growing underneath another tree. I planted some flowers underneath a tree of mine and all of the flowers died; they were perennials.

George Bennett: Let me go on the record to say if we wanted multiple types of trees along the roadside, which is what we would have planted 30 years ago. We wanted a line of Hemlock trees, that Paul mentioned, planted closer together to stunt their growth down a little bit and it would give us some privacy we were looking for in the backyard because when we moved in there, we had a 6 month old and a 2 year old.

Now, Mr. DiMauro has made the comment that the City is not willing to replace the trees because the work that they did, did not kill the trees. It did not kill the trees, but it sure butchered those trees and made them look like a mess. We spent a lot of time and a lot of money on those trees.

Paul DiMauro: Please do not misquote me. I cannot speak for the City; I do not have the authority to say what the City will not do. I can only present to the aldermen; I don't have the authority to spend \$10,000 and plant trees on your property. All I said was that I do not have the authority; I did not say what the City would not do.

Chairman McPherson: He was saying what he heard.

George Bennett: I do not like to deal with innuendos and second party conversations. I am here as an upright citizen, and I am trying to spell out of what we are deserving of. A comment was made yesterday by Paul, saying, "The City will not replace the trees, because they were not killed by the hack job that they did on the limbs". They did ruin the look of those trees, and opened up a wide view of my property. They look hideous; I have neighbor after neighbor stop me and ask me what happened to my beautiful trees. The morning the incident occurred, a neighbor went by and went to the gymnasium; and bumped into my daughter and asked her if she saw what happened to those trees. My daughter asked if there was something wrong, and the neighbor said to her the City of Shelton is out there hacking the hell of the Hemlock trees. This is what we have been listening to.

In regards to Paul stating that I was going to take this to litigation, you can ask Jack, Anthony Simonetti; you can ask the Mayor and George Stachowicz, who was standing in the street with the Mayor while I said: " I do not want to sue the

city that I live in". I said that I do not want you to force this into any type of litigation, by turning the cold shoulder and not doing anything about it. For once, the Mayor said: "Let's make an appointment and I could stop by your house and meet with you to discuss the issue". I never heard from him to come out, and all of a sudden I looked out of the window and I saw him and George Stachowicz outside in the street, unannounced. I went out there and started talking to the two gentlemen. The Mayor suggested planting some pine trees under the Hemlocks to fill in the holes, and I said that was unacceptable. Then, the second suggestion was to plant flowers. I said: "Mayor, look at my property, how it is maintained and look at the number of flower beds that I already have". I am not a spring chicken anymore and I do not need any more work than I have.

Again, my wife commented that planting pine trees under the Hemlocks were doing nothing but putting a bandaid on the situation. It is a cheap way for the City to get out from its responsibility, on what they have done out there. The beauty of our 14 Hemlocks, were our Hemlocks were all in line, with the species all along the side of our property. If we wanted different types, then we would have planted different types. Since January 25, 2013, we have done all of what has been asked of us. When the Mayor was standing in the street, he said: "Well, I am not authorized to spend that kind of money, so can you please write a letter to the Board of Aldermen, which I have submitted to you. I wrote the letter, mailed it to my alderman and asked him to bring it to the aldermanic meeting; he said that he would do that. He called me back, and talked to the President of the Board, John Anglace, and he said he was not going to address the issue because he said: "It was an administrative issue". Another words, I was told that the Mayor has to go in front of the Board, and request the funding necessary to replace those trees, before the board could get involved. That letter went down the wayside. I wrote a letter to Paul DiMauro; I copied City Counsel on it, I copied my counsel on it and my two aldermen. I also submitted a copy to you this evening for the record. In the letter, I pretty much spelled out our feelings on the loss of these trees. We feel that nobody in the City wants to be responsible, or professional about rectifying the situation. They all admitted that it was a hack job, but it all goes back to Ordinance 808. We feel that our rights were violated, per Ordinance 808, because we were not given formal notice of obstruction, line of site issue or anything that had to do with those trees that have been there for 30 years. We were not given any type of notification that they were coming out to do that, and to me, that was a direct violation of Ordinance 808.

Alderman Finn: There are areas in the first ward that are similar to Mr. Bennett's situation, like the corner of Longfellow Road and Dickinson. There are beautiful

Hemlocks where you are not able to see that person's yard. You go toward Vista Drive and see a bunch of Hemlocks. I have been passing by Mr. Bennet's house for over 28 years, either as an elected official or for the fire services and you could never see his yard. Now you can see one end of the yard to the other end.

Paul DiMauro: It was a travesty that was done, there is no question about that, however, both cases are given out when there is a line of sight problem when the City Engineer handles that. The City Engineer has been told to handle those types of situations; he does notify people for that situation. Let me say this, and I told Mr. Bennett the same thing, we were on Beardsley Road cutting brush. Do you think that we are going to notify all residents along Beardsley Road that we were going to be cutting down brush, trees and limbs? Would it have been feasible, and I am not excusing this one, but each person along Beardsley? Would you think that I would send someone down there when nothing has fallen? No, I would not. That day, that gentleman obviously did not understand what they were supposed to be doing. They looked at it like any other tree; that does not excuse it but in a subdivision area I would never go into anyone's property and cut the tree down. I can never excuse what was done. On the main roads, we go and we clean them for everyone's safety.

Alderman Finn: So you are aware that from East Village Road to Longfellow to Bright Oak, up on Village Drive, they asked that the trees would be cut back for the canopy.

Paul DiMauro: That would be for the Tree Warden. We do not have the equipment to do that.

Alderman Finn: It has not been addressed in years.

Paul DiMauro: You want the canopies open; you want the street open to get into the road, to heat the road during winter so you do not have snow, ice or any other problems. You have to get the sun on the roads and that is the reason why they cut those back. I will talk to Dean about it, but it really is a Tree Warden function. We have the mower that can only go up so far; we do cut a lot with that but that is one machine. Everything has its priority and we can only do so much.

Alderman Finn: It would be nice for the school buses driving on East Village Road.

Paul DiMauro: Jack, that is a whole other issue that needs to be addressed, and it should be addressed. It is an expenditure that we are not ready to take on right now. George is not the only one with Hemlocks, so we are going to have to address the trees in the ordinance and how it gets addressed in the future. We have it all over town where they are allowed to grow over the curb. I don't know if George's were; I don't see where they could have been out that far. Just by looking at them, they do not look like they were. I will show you on my iPad when I took pictures on other streets where they were growing 3 or 4 feet over the curb. I do not think the Bennett's property was out too far. Were the tops of the trees cut as well?

George Bennett: Every tree in that line was hit.

Paul DiMauro: Judging by the tree itself, by the shape and all, it is hard for me to believe that they were out too far.

George Bennett: Ms. Farrell, are you an attorney?

Alderman Farrell: Yes I am.

George Bennett: Are you familiar with Ordinance 808?

Alderman Farrell: No I am not.

Paul DiMauro: She does not get paid as an attorney to be here; she is an alderman.

George Bennett: I just want her thought, her legal opinion on this.

Chairman McPherson: She cannot do that.

Alderman Farrell: All these trees were on your property? They were not on the street?

George Bennett: No, they are on our property. You can take a look of the pictures of those trees on my phone.

Chairman McPherson: Jack, for years you have served on the Street Committee and years on the Board. I have to tell you that this is a first for my time on the Street Committee for an issue to come up like this. I have not seen this before,

and now I am wondering if this should have been a Tree Warden issue at the time this all had occurred?

Paul DiMauro: No.

Chairman McPherson: It was just my open thought, I am not saying that it is or isn't.

Paul DiMauro: It should have never been an issue in the first place.

George Bennett: As I have said, these trees have been there for 30 years; we have never received any complaints from the D.P.W., the Police Department, the Fire Department, neighbors, residents, etc. All of a sudden, that morning, George Stachowicz directed his crews to clean up their routes. The Mayor told me that the crew did not have the necessary training to do those kinds of trimmings.

Paul DiMauro: We all agree with you, George.

George Bennett: In effect, an untrained, unsupervised crew was sent out and allowed to butcher my trees. The town has admitted their responsibility, admitted that they did a hack job from the Mayor, on and down admitted it. All we are asking for are the replacement of the trees. They did not kill the trees, but they sure destroyed their shape, beauty and the cover that it provided for our back property.

Alderman Finn: On Webster and Longfellow, we had the same issue there. There were some plants that were overgrown, and you could not see going on to Webster Drive. I sent a letter to the Police Department because it was a line of sight issue. They went out to the home, spoke to the homeowners and the homeowners said no to trimming back of the bushes; it was their homeowners' rights. So, the Police Department just put up a stop sign. That does seem to correct the problem. I am not saying that it will correct the problem here.

Paul DiMauro: It is very unfortunate; I am embarrassed that they did it.

Debbie Bennett: If this happened on your property and you had the trees, and they came out to your property, how would you feel?

Paul DiMauro: I would try to adjust it and plant something that would look proper. The trees are big now; you certainly would not want to put back the same size trees.

George Bennett: I have asked for the removal of those trees, and replace them with 8 to 10 foot specimens; that is all I have asked for.

Chairman McPherson: George, how many trees are you asking for?

George Bennett: 14 trees.

Chairman McPherson: Do you currently have 14 trees now?

George Bennett: Yes I do.

Paul DiMauro: I think we got estimates on those- do what you want; I feel badly and I would love to make them whole one way or another if it was my responsibility. I do not know what the legal ramifications are, and I do not know if this should be handled as a claim or try to work out something as a solution.

Alderman Farrell: Has anyone spoken to the City attorney about this?

George Bennett: Yes, I spoke to Tom Welch about this.

I asked him about Ordinance 808 and asked him what my rights are under Ordinance 808. He would not comment on the fact that my rights were violated, but if the City D.P.W. did not follow the correct procedures, then according to that ordinance, they are wrong.

Chairman McPherson: That is basically the case.

George Bennett: I think it is about time now. Five months have been expired since the 25th of January: it was the five-month anniversary since the hack job. Five months have gone by, and it is time that the City takes the professional approach and secures and delivers the funding to get these trees replaced. Absolutely, beyond the shadow of a doubt that is what they need to do.

Alderman Farrell: Does our insurance cover it?

Paul DiMauro: That was my whole point; I am not against helping them. I want to help them, but I do not know the right approach to do it this way, and fund the money, or to put it through our insurance and say look, shame on us we made a mistake; we had an accident.

Alderman Farrell: That is what insurance is for.

Alderman Kudej: The thing that I am getting to here is that not all of the trees are going to be replaced. Aren't they going to replace the ones that are damaged?

George Bennett: They are all damaged.

Chairman McPherson: Paul makes a good point, and by looking at all of this, the committee and Counsel will have to meet on and work with administration because maybe an insurance claim maybe the way to go? I am not an expert on that, I do not know but I certainly think that it is something that we will have to meet and look at it. Paul has looked at it, and Counsel said they were wrong and the procedure was not correctly followed. I am not disagreeing with that. I have seen the pictures and I heard what Mr. DiMauro has added. Jack has also added some comments and he has been on the Street Committee before I was. This was a first that I have seen since I have been the Chairman.

Alderman Farrell: We have to talk about it more; we cannot just sweep it under the rug.

Chairman McPherson: We are not going to sweep this under the rug.

Alderman Finn: If we put this through the insurance company and they say that they don't cover this, what are we going to do?

Alderman Farrell: We will have to cross that bridge when we find out.

Chairman McPherson: We will cross that bridge when we get to it, and I hope it is not long.

Paul DiMauro: It should not be a long process. There is no reason why that you could not push for a decision. I think this is the prudent way to go; I really do not want them suffering another year of this. I do not know any other way to expedite it, but one way or another, something should be done. I am trying to think of ways to solve it quick.

Alderman Farrell: We should talk to our attorney to see if our insurance covers it, and then go from there.

Paul DiMauro: I do not think that he would handle that. I think that we could go directly to the insurance company, and take it that way.

George Bennett: I asked Tom to see if the City's insurance would cover it. He said that he was not sure, and to file a claim in the Town Clerk's Office. I have tried to not do any of that. I have tried to work with the City since day one. Paul said a short while ago that immediately upon finding out about those dangerous stakes in the road, he addressed the people on the road. I reported that in January, and Jack was at my house the day or a couple days after the incident occurred and he mentioned how dangerous the pointed stakes were, and that was a liability to the City.

If I personally ran my vehicle over town property and did \$10,000 worth of damage, would the City let off by only paying back \$3,000? They would want the reimbursement in full, and that is what we are looking for. We are looking to be whole again; nothing more and nothing less.

Paul DiMauro: I agree with you, and now my point is that I wish you filed a claim in the Town Clerk's Office five months ago because this would have been resolved already.

George Bennett: I am still in the process trying to secure bids for all these landscapers and arborists, because they are so busy at this time. I am sure the cost of these 14 Hemlocks will be very costly to the town. I am sorry for that, but the City should have realized that before they sent out an untrained, unsupervised crew in allowing them to violate Ordinance 808. The attitude of the City towards me trying to pursue a resolution for these actions has been very unprofessional. The fact that the Mayor sent Anthony Simonetti to my house on 6/4/13, to tell me that "he does not want to set a precedent", is completely pathetic on integrity, as far as I am concerned. Why doesn't the man want to step up to the plate and resolve this issue? Is he in fear of setting a precedent? What precedent would he be setting? Does this mean that this issue is all over town, and he doesn't want to fix all of them?

Chairman McPherson: I do not have an answer to that, but I will tell you that this is not going to be swept under the rug. We are going to do our best to work with a

solution, whether we will have to meet Paul again, administration, Counsel or the City's insurance agent. I don't know, but we are going to have to figure out a solution. If it is an insurance claim, we will have to deal with it. The City was wrong, and we agree with that; if the procedure was not followed. Let us work towards a solution.

Alderman Finn: So you are going to discuss this with Counsel too if this is covered by insurance, and so forth? Who is going to keep Mr. Bennett in the loop on what is going on?

Paul DiMauro: I will volunteer for it, but I would highly recommend in order to cover ourselves, and not to delay any further that we do put a claim in the Town Clerk's Office so we put this thing in motion. We are going to keep going around and around with this; I would like to get this motion started. I know Mr. Bennett does not want to take an action. You are not taking an action; if an accident happens, then you report it to the insurance company. You are not suing the City; you are taking the right step in which the City procedure is set up. I am advising you to put a claim in, along with the damages, to the City Town Clerk.

George Bennett: I will be happy to do that as I soon as I am done procuring the rest of the bids.

Paul DiMauro: No, you do not even need to do that. Put a claim in for the damages, at a price to be determined. To put a claim in, you do not need the numbers rights in front of you. We already have some numbers; Ernie has received some numbers, so we do have one set of numbers from a landscape guy. I don't remember, but I think it was \$8,000 to \$9,000- in that range. I do not know what size they were; but all I am advising to you is to put a claim first, and that will keep this in motion. We can stop it at any time- if a resolution is accomplished with the City, we can stop that process.

George Bennett: I was raised to be responsible for my actions, and to be equally responsible for the consequences of those actions. Why should the City be any different? They need to step up to the plate and do the right thing. Why should we have to settle for what the City is proposing? The City violated our rights under Ordinance 808, and ruined our trees. Please tell us why our desires should not be considered first? That is, the funding to replace the 14 trees.

Paul DiMauro: Just put the claim in to get it rolling. We can discuss this all; we all understand on what we have to do. That is, we are going to go to Corporation

Counsel, and we are also going to get the claim filed. We will then know from the insurance company if it is covered and at the same time, we can get the motion going.

George Bennett: What do I need in order to file the claim?

Paul DiMauro: Just go to the Town Clerk's Office, and fill out whatever they have there; they have a form to fill out. The form does not have to be lengthy, just provide a brief description in order to have it on the record.

Chairman McPherson: Include the pictures, and fill out whatever is needed.

George Bennett: I tried printing out those pictures out on my computer, but they all come out too dark.

Paul DiMauro: You do not need the pictures; Ernie has most of the pictures.

George Bennett: I will be here tomorrow.

Chairman McPherson: Let us get the ball moving, and work with the people that we need to work with, so this thing does not drag out. As I said to Mr. Bennett, I just got this handed to me last week on the Street Committee; I was not aware of any of this, nor were the other members of the committee.

George Bennett: That is why we were puzzled, because everything seemed like it was going around in a big circle. It keeps getting passed: first it went to the Mayor's Office, then the Board of Alderman President, Paul and now on the Street Committee. They would not raise the issue because John Anglace thought it was an administrative issue.

Alderman Finn: George wrote a letter to me, and I brought to John Anglace and asked him to bring it forth to the Board of Aldermen.

Paul DiMauro: It does not matter where it went, because we are at the point where we are trying to resolve this issue. Let us move forward and try to solve it. That is what the Bennett's want; they want to solve the issue. Let's not point fingers anymore; we know it was a screw-up.

George Bennett: I want to go on record to say that planting additional pine trees is unacceptable to us. It will put them closer to the road than our Hemlocks are

currently. They are going to be stunted in their growth, not developing properly and left open.

Paul DiMauro: We are going to look into that.

Alderman Kudej: The landscape architect would know more about that.

George Bennett: The only reason why I am bringing that up is because that was the Mayor's original suggestion. He sent Anthony Simonetti to my house after he had a meeting with him; it was Anthony's and Paul's suggestion, yesterday.

Paul DiMauro: I am sorry George, but mine is a little different. I was not planning to put them underneath, and you do not have to worry to plant anything right away because it is not causing any obstruction, so we have room to try to come up with something. That is my opinion; that is not based on what they were saying. I know enough when to stand back; I know what we have to do.

George Bennett: I just wanted to talk about this one picture for a second. That is the first tree in the line coming on Elliott Drive, going towards Beardsley, along Big Horn Road. Having said that was a twin trunk that was 40+ feet tall. Those trees have been through Hurricane Irene, the big Nor'easter that we had, Hurricane Sandy; nothing like that broke those trees. Right after on that date of February 6, 2013, we had a horrific windstorm that night. The winds came out of the southwest, with gusts up to 50-60 miles per hour. The next morning, I saw the 40-foot tree lay in my yard, and that is the end of that tree line. It looks so ugly; it looks so repulsive to us. I know that this incident bothers the City, which this incident had occurred and I feel badly that it has. I have tried to work with the City since January to rectify this situation. You have to realize how much it upsets my wife and me to drive by and look at it on a daily basis.

Alderman Kudej: We all understand that you put your heart and soul into these trees, and they have been taken away. Let's get the paperwork going because we could be here all night.

Paul DiMauro: We are not going to accomplish any more right now; start fresh in the morning and file the claim. I will help you with the form if you need me to.

George Bennett: Eventually what we are looking for is the funding, so I can hire licensed arborists and landscapers to come out and replace our trees.

Chairman McPherson: Let's start that process tomorrow, like Mr. DiMauro said, to file the claim. In the meantime, we will be working through Paul, working with Counsel and the administration. The Full Board of Aldermen will be involved in this because it will have to go to the Full Board. At least start that process very soon.

George Bennett: I promise you Eric, that I will be down here in the morning in the Town Clerk's Office and filling out the claim.

Alderman Farrell: I thank you for this because I would have never known this.

George Bennett: I am shocked because this has been an ongoing issue for 5 months. Ever since January 25, 2013, we have been devastated over there. We would always receive heartfelt comments and letters that we would receive from neighbors on how nice those trees looked. It used to look nice and pristine, and now I do not know what it looks like. When you look at my property, you see that we have always maintained it like a golf course; I spend a lot of money on my property and had a huge investment in those Hemlocks every year because we had to spray them. It would cost me \$100 in the fall and in the spring to keep those trees free of insects and healthy. What took us 30 years to grow out there was destroyed in 15 minutes on a cold morning, by untrained unsupervised people.

Chairman McPherson: Let us move forward and try to get this expedited as quickly as possible. This will then have to go to the Full Board.

OLD BUSINESS

3.1 SIGHT LINE ISSUES- ALDERMAN KUDEJ

Paul DiMauro: Why don't you make a list to us, so that you can get to me? You have to let me know where they are so I can let Engineering take care of them. Send me an email, so I can let the Engineer know about these.

Alderman Kudej: I will make out a list for you. I brought this up last meeting. He told me that the machines were down. From Coram Road to Laurel Heights Road, that needs to be done. That machine has to run down there because it is horrible.

Paul DiMauro: We have one unit; that is it.

Alderman Kudej: I know, I know. That was my big battle this past weekend. I will give you a list.

Paul DiMauro: Give me a list of that, and I also noticed that you added a couple of streets to it; they are being reviewed. Of course, on Brewster as you know, we are building the animal shelter. We are going to be digging the road; we certainly will not do anything there. We are taking the other streets into advisement and I am going to go and look at Woonsocket anyway, and we will do anything that we can. Everybody understands that we get calls from neighbors or residents if we did this street, or that street. Mr. Finn is out there in the newspapers saying that he was asking for these roads to be done. Let me tell you this, we are doing all that we can. There is one thing on our map that we did not set up priorities: we do not have ward lines on our maps. It doesn't come into play whether it is the first ward, second ward or third ward. We have probably spent more money in the first ward over the last few years, than any one, especially East Village Road being rebuilt. With having said that, we are trying to take care of those roads to try to protect our investment that we can save now, build, etc. We are doing the best we can; we are spending the rate of about \$2.5 million per year. Evidently, the residents of the City were happy with what we did last November, because they gave us another \$5 million. We did this without plan priorities, without plan politics, without taking direction, by doing what was best for all of the citizens, all of the travel of the City. Sometimes it turns out that a dead end gets done first; usually it is done later. Sometimes you do some work on it now; you do not have to spend twice as much doing it later. We are doing the best we can. When we are given a road, they are looked at and they are evaluated.

Alderman Kudej: If we can go back to Woonsocket, I have been involved in this thing around 5-10 years now. I had Mooney up there a number of times, and there were sinkholes that developed in the middle of the road; we had them filled in. Then, we were told that sooner or later we would get paved. Pete Zaksewicz has been on my case.

Paul DiMauro: We cannot separate priorities by who is yelling at us.

Alderman Kudej: I know Paul; this is not a new issue. I have gone there; I have spoken to the people.

Paul DiMauro: The point of it is, is if we where going to react and someone is yelling that this street needs to get done; that is not going to get it done.

ADJOURNMENT

Chairman Alderman McPherson made a motion to adjourn the Board of Aldermen Street Committee meeting. The motion was seconded by Alderman Farrell. A voice vote was taken; all were in favor motion passed 3-0.

Meeting adjourned at 7:05 p.m.

Respectfully Submitted;

Brittany Gannon
Brittany Gannon

Shelton Board Of Aldermen,

April 29, 2013

Let me introduce myself. My name is George Bennett. I reside at 5 Elliott dr in Shelton with my wife Debbie. Our home phone number is 203-929-7686. We have lived in Shelton since 1977, and at our current address since 1983.

I'm writing to you to ask for your help in resolving an issue that occurred on our property the morning of January 25, 2013.

On that morning a Shelton D.P.W. crew came to our home without notice at approximately 9:30 am. With a pole mounted chain saw they proceeded to butcher our thirty year old hemlock trees. On that bitterly cold morning they were here for about fifteen minutes. They left what appeared to be all the trimmings in the road. They also left our hemlocks with very dangerous and bare pointed limbs protruding from the tree trunks pointing toward the curb. What took thirty years to grow they ruined it in a matter of minutes. The privacy screen that the hemlocks provided for my back yard is now gone. As of the date of this letter no one has come here to clean up the debris or to remove the dangerous limbs.

After several conversations with the Mayor he has admitted the following. 1) The town of Shelton is responsible for the devastation of our hemlock trees 2) The D.P.W. crew that did the work did not have the proper training 3) The D.P.W. crew did a hack job on the hemlocks.

The Mayor is looking for a quick fix. He is reluctant to spend the necessary funds to replace the hemlocks. The town should have thought about that before sending an untrained, and un-supervised crew here on January 25, 2013.

Our hemlocks were a beautiful addition to our property, and to the neighborhood. Our hemlocks were never a problem for thirty years for anyone. How after all that time could they all of a sudden become one? As a result of what occurred on January 25 they are now a huge problem for myself, and my wife not to mention an ugly eye sore for the neighborhood. We take alot of pride in our property. We have had the hemlocks sprayed twice a year at a cost of \$200.00 annually to keep them healthy and insect free.

The only way to correct this grievous wrong is to remove and replace the hemlocks. The hemlocks are a conifer tree, and you cannot generate new growth. Once a conifer tree has been defoliated it stays that way forever.

There is no question about who is responsible. My wife and myself feel the town needs to step up at whatever cost it takes to correct this situation professionally.

I would like to be invited to the Aldermen's meeting when this issue will be on their agenda, and given the opportunity to speak. I have detailed notes, a time line of all calls made and received, and meetings at my home concerning this issue. There are too many notes to explain in this letter.

We look forward to any help you can provide to us, and look forward to hearing back from you soon.

Sincerely,

George and Debbie Bennett

A handwritten signature in cursive script that reads "George & Debbie Bennett". The signature is written in dark ink and is positioned below the typed name.

Paul DiMauro
Director City of Shelton
Highways and Bridges

6-25-2013

In light of the most recent revelations that have been brought to my attention concerning the destruction of our hemlock trees I'm sending this letter to you. Aldermen Simonetti's letter to you dated 6-11-13 explains very clearly that rectifying this situation is now your responsibility, a result of his meetings with the Mayor.

Our 14 hemlock trees were planted in 1983. For the last 30 years they were never a problem for anyone. They were simply a beautiful addition to our property, and our neighborhood.

Ordinance #808 adopted on 4-12-2007 guaranteed to us a formal written notice of an obstruction, and the right of having 30 days to correct the problem if one existed. Mr. DiMauro we were given no such notice. Our rights were clearly violated per Ordinance #808

On the morning of January 25, 2013 I called the Mayor's office to speak with him but he was out of town. I spoke with his secretary Cindy and strongly voiced our concern about how your crew came to our home and ruined our trees. Cindy said she would E-Mail our concerns to your office.

I received a phone call on Tuesday 1-29-13 from your supervisor Mr. Stachowicz. I explained to him that our 14 hemlocks have been ruined. Unfortunately his attitude was basically sorry for your luck. He said because the Department is slow at this time of the year he directs his crews to go out and "clean up their routes" he also said to me "normally we do not notify property owners before we do any type of trimming".

I spoke to Mayor Laretti on 1-31-13. We spoke about my concerns regarding how our trees were trimmed. I told the Mayor exactly how upset my wife and myself were over our trees being ruined. The Mayor told me "the workers who came to your house did not have the necessary training to do that type of trimming". He then went on to say that in the future he will address that issue with further worker training.

On 2-19-13 in another conversation with the Mayor he explained he had driven by my home to view the hemlocks, and that he also reviewed the pictures taken by your department. He then went on to say that he admits your workers did a "Hack Job" on our hemlocks.

Mr. DiMauro after these three phone conversations it is quite obvious to us that your untrained crew was sent out by your Supervisor Mr. Stachowicz who either was unaware of or chose to completely ignore Ordinance #808.

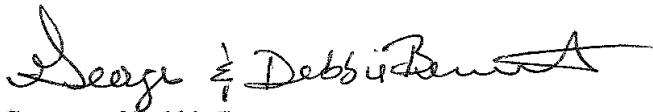
June 25, 2013 is FIVE MONTHS since this unfortunate incident occurred. It is completely incomprehensible to us how long we have had to wait without the City doing the right thing to bring a positive end to this situation. We have been extremely patient, and have tried to resolve this issue with the City. Our patience are now growing quite thin. We are shocked that we have not been contacted by you being that you are the Director of the City's Highways & Bridges Department.

Mayor Lauretti has admitted that the City is responsible for this issue. You Mr. DiMauro must now be equally responsible for the necessary funding for us to replace our 14 Hemlock Trees.

The unprofessional manner in which the City has handled this situation has destroyed our level of trust in our City Government.

This matter could be tried publicly through the Media, and the Press or it could become a Civil Litigation. The City's malfeasance has taken this issue to a whole new level. Mr. DiMauro how do you want this issue to be resolved?

Unfortunately this problem continues to go in circles as the buck is being passed. You Mr. DiMauro can change that. If we do not hear back from you with a satisfactory resolution by July 9, 2013 you will force us to take alternative actions.



George and Debbie Bennett
5 Elliott Dr.
Shelton, Ct. 06484
(203)- 929-7687

cc. Attorney Christopher G. Santarsiero
Attorney Tom Welch
Jack Finn
Anthony Simonetti