Call to Order

Mayor Lauretti called the special meeting of the Board of Aldermen to order, immediately following the Public Hearings of the Board of Aldermen.

Roll Call

Aldermanic President John F. Anglace, Jr. - present
Alderman John “Jack” Finn - present
Alderman Stanley Kudej - present
Alderman Joseph Lanzi - present
Alderman Lynne Farrell - absent
Alderman Nancy Minotti - present
Alderman Kenneth Olin - absent
Alderman John P. Papa – present

There was a quorum of 6 present, 2 absent.

Agenda Items

1. Drainage Issue

Mayor Lauretti explained, early in September we had a four-inch rain event that wreaked havoc in some locations around the City with respect to washouts and drainage and blockages and things of that nature. That situation occurred on Congress Avenue, which has been historic for about 30 years. There have been longstanding issues with the drainage pipe that begins somewhere around Highland Golf Course and makes its way to Congress to Wall to Oak Avenue and eventually out to Bearing Ground Brook. There was a significant washout on private property on one woman’s property on Congress Avenue. She has sent a letter of request that the City help out in this regard. The City has some responsibility here to help out. I’ve asked the City Engineer to give a detailed analysis of the entire drainage area that will highlight a lot of problems that have occurred in the past, and do a historical overview of this drainage pipe. I didn’t make copies for you tonight, but I have it with me. It’s pretty lengthy and I will distribute it to the Board to look at.
The reason I wanted to get this on the agenda and before you tonight is, if the City is going to step in and resolve this issue for this woman, then the window of opportunity is quickly at hand with winter rapidly approaching.

It’s going to require some legal assistance to go onto private property. The washout was pretty severe in my opinion. I’ve been up there with Bill Mooney and with Bob Kulacz to look at the situation. I wanted to get this before you for some discussion and some direction as to how you think I should proceed forward.

Alderman Anglace asked, are you going to need some easements?

Mayor Lauretti replied, I think that at a minimum, we’re going to need permission to go onto someone’s property and restore the washout. It involves a small retaining wall, it goes down in between two buildings. Alderman Lanzi has been over there to see it. You can appreciate the magnitude of this washout; I was quite surprised myself.

Alderman Lanzi stated, from what I understand, the pipe that was put in there is too small to handle all of that water.

Mayor Lauretti stated, I have a map of it here – it takes a number of different – some of you are familiar with the DeFelice situation – the problem really starts there. The City replaced that portion of the pipe back in 1995 and we put a 48-inch pipe there, which is pretty significant. But there are different sizes of that pipe as it continues to move toward Bearing Ground Brook that have outlived its useful life. Bob Kulacz, the City Engineer, he highlights the different variations and conditions of the pipe – it’s made of different materials, some of this was probably done 50 to 75 years ago.

In any event, we had a blockage, or the pipe just couldn’t handle all of the flow in that particular rain event, and the water came out of the catch basin, over the curb, over the sidewalk and in between the two houses, and did pretty significant washout.

It is my personal opinion that the City should step up to the plate and help out. We’re going to have to redo this whole drainage system at some point in time in the very near future. In fact, that is what the City Engineer is recommending as a cure. Obviously it’s something that we can’t do right now, but we can do it in the spring or the summer. I’m looking for a little direction.
Alderman Anglase stated, what you’re saying is that when you say the City should step up to the plate and help out, you mean help out with the washout on private property?

Mayor Lauretti replied, right.

Alderman Anglase continued, because essentially it was caused by the City’s drainage system?

Mayor Lauretti replied, the City’s drainage system, our pipe that couldn’t handle the water, if it was blocked for some reason or another – it’s a pipe that we’ve maintained for a number of years. I just think that it’s that significant.

Alderman Anglase stated, I’m thinking this way, that it would set a precedent by going in on private property and agreeing to do these things, but if you were to resolve it as a matter of a claim, then Counsel could stipulate the settlement and we don’t admit to liability in the case, but we would do something to resolve it.

Mayor Lauretti stated, I wouldn’t suggest that this is precedent setting. This is a City-owned and maintained drainage pipe, well documented, the City Engineer does a pretty good job of laying that out. If you allow it to go the legal process, we’ll be sitting here two years from now with a remedy in place, and I don’t think it’s fair to do that to the property owner. My opinion.

Alderman Anglase asked, does it qualify under LOCIP?

Mayor Lauretti stated, I think that if we do it, it’s not a real expensive proposition. I just need authority from the Board of Aldermen to enter into agreement to go onto the individual’s property and remedy the condition. It’s a restoration project, really.

Alderman Anglase asked, could you research it a little more and get the details and come back to us now that we’re aware of it? Conceptually, if we caused the problem, if the City caused the problem on private property, we have the responsibility to go in there and do something. We need to know what the facts are and what the costs are associated with correcting the problem that we caused. Conceptually, I think I would accept that – I don’t want to speak for everybody.

Mayor Lauretti stated, insurance doesn’t cover water damage. I did look into that already. Even your homeowner’s policy wouldn’t cover that. That is why I have it before you tonight.
Alderman Minotti asked, how much damage was there?

Mayor Lauretti replied, it was a washout. The retaining wall was pressure treated wood. Some of the pressure treated wood probably outlived its useful life and was going to go anyway, and needed replacing, but irrespective of that, some of it wasn’t and – Joe [Lanzi] saw it – I was really surprised to see the amount of material that was washed out from behind that wall.

Alderman Kudej stated, I think that if we were a contributing factor, then we should step up to the plate and correct it.

Alderman Papa stated, by the next Aldermanic meeting, maybe you can come back with a proposal to us – with some kind of a cost – and maybe we can vote on it in two weeks.

Mayor Lauretti stated, I will put together a package for the Board. I just wanted some direction before I did anything.

Alderman Lanzi stated, originally, that was a brook coming down from the hill. When DeFelice’s built their house there, somehow or other, either the City or they piped it in, and we’ve had a constant problem every time there’s a heavy rainstorm in that one area. The City, on a number of occasions, tried to resolve that. But when that water starts flowing down from the golf course and all the hills up there, you’re not going to stop that water.

Mayor Lauretti stated, the two subdivisions that went in over the last couple of years have augmented that problem. We’ve had washouts in the wintertime over at Highland Golf Course that end up on Perry Hill and over by the old Intermediate School that we didn’t have before. I know that Highland has done some work to try and rectify that, but I’m not sure that’s going to solve it. I brought it to the attention of Planning and Zoning, when they approve these things, I’m not casting blame, but you get these drainage engineers with the professional stamps on their proposals and sometimes they just don’t work. We’re finding that in a lot of other places around town.

Alderman Lanzi stated, that was an exceptional rainstorm.

2. City of Shelton v. Pasqualoni
At approximately 7:40 p.m., Alderman Anglace MOVED to enter executive session with Assistant Corporation Counsel Ramon Sous; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 6-0.

At approximately 8 p.m., Alderman Lanzi MOVED to return to regular session SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 6-0.

**City of Shelton v. Pasqualoni**

Alderman Papa MOVED to resolve the matter of City of Shelton v. Mark Pasqualoni et al currently pending in New Haven Superior Court, for $10,000 payment to the City, and to authorize Mayor Mark A. Lauretti to execute any and all documents to effectuate same; SECONDED by Alderman Lanzi. A voice vote was taken and the MOTION PASSED 6-0.

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**Adjournment**

Alderman Kudej MOVED to adjourn; SECONDED by Alderman Minotti. A voice vote was taken and the MOTION PASSED 6-0.

The meeting adjourned at approximately 8 pm.

Respectfully submitted,

Patricia M. Bruder
Clerk
Board of Aldermen

DATE APPROVED: ______________ 

BY: ________________________
Mark A. Lauretti
Mayor, City of Shelton