



**BOARD OF ALDERMEN
SHELTON, CONNECTICUT**

Public Hearing - January 27, 2009

Water Main Assessments - Suburban Drive, Broc Terrace, Sanford Drive

CALL TO ORDER/PLEDGE OF ALLEGIANCE

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

ROLL CALL

Aldermanic President John F. Anglace, Jr. – present
Alderman Lynne Farrell - present
Alderman John "Jack" Finn - present
Alderman Stanley Kudej - present
Alderman Kenneth Olin – excused
Alderman John P. Papa – present
Alderman Jason Perillo – present
Alderman Anthony Simonetti - present

The Clerk read aloud the legal notice as follows:

Legal Notice, City of Shelton

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

- WATER MAIN ASSESSMENT – SUBURBAN DRIVE
- WATER MAIN ASSESSMENT – BROCC TERRACE
- WATER MAIN ASSESSMENT – SANFORD DRIVE

SAID PUBLIC HEARING SHALL BE CONDUCTED ON TUESDAY, JANUARY 27, 2009 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.

JANUARY 12, 2009

PUBLIC HEARING ON WATER MAIN ASSESSMENTS
SUBURBAN DRIVE, BROOK TERRACE, SANFORD DRIVE

Alderman Anglace noted that the legal notice appeared in the January 14, 2009 edition of The Connecticut Post.

1. Water Main Assessment – Suburban Drive

Alderman Anglace stated, City Engineer Bob Kulacz is here to summarize the process and procedures, the summary of what the assessments are, total cost of the project, and just a general overview.

Bob Kulacz, City Engineer

Good evening. We summarized for all three projects – we summarized all of the construction costs and came up with the recommended assessments based on an equal share of all the property owners benefiting from the main extension. Basically we're recommending that the assessments be paid over a 10-year period and the Finance Director has recommended an interest rate of 3.50 percent for the assessments, which is based on the most recent bond issue that the City was able to obtain.

Packages were mailed out to all the residents on December 29, 2008 summarizing costs, given a neighborhood map showing the main extension, a list of all of the property owners being assessed as well as a project cost summary, and the payment schedule on the assessments. This is about the same for all three projects, and I'll just stand by here for any questions by any of the residents.

Alderman Anglace asked if any members of the public wished to address the Board on the water main assessment for Suburban Drive.

Alderman Simonetti asked, what about Walnut Tree Hill Road which is also on this assessment?

Alderman Anglace stated, this is called the Suburban Drive Project. It may include other streets, two properties on Walnut Tree Hill Road. Anybody who is on this list is welcome to speak.

Al Rosenthal, 383 Walnut Tree Hill Road

From what I can see on the map that they sent, we are probably the last house on the assessment. My only question is, the dates that this was started and approved. We just moved into the house recently and at the time we bought it, I didn't know there was an assessment coming for

\$10,000. I'm just trying to get the dates down, when everything was approved and so on. Is that in that assessment?

Alderman Anglace stated, the City Engineer can furnish you with all of the documents – dates, minutes, the whole thing, approvals of the project. Is that what you'd like?

Mr. Rosenthal replied, yes. Just because I had no clue until I got the letter on December 29th.

Alderman Anglace asked, you say you just bought the house?

Mr. Rosenthal replied, well, we bought it a year ago December.

Alderman Anglace asked, were you aware that a water main assessment was going to come?

Mr. Rosenthal replied, no, I wasn't that's what I'm telling you.

Alderman Anglace asked, did you have an attorney close for you?

Mr. Rosenthal replied, yes, I did.

Alderman Anglace asked, did he do a title search?

Mr. Rosenthal replied, yes, they did. That's why I'm just trying to get the dates.

Alderman Anglace stated, you've got to go back to him and ask him what he did, and tell him what he didn't do, because that is what you pay him for.

Mr. Rosenthal stated, I was just interested in the dates.

Alderman Anglace stated, well, the City Engineer will give you everything you need. If he doesn't have it here with him tonight, he'll mail it to you.

Mr. Rosenthal stated, thank you.

Alderman Anglace continued, you'll get a complete package so that you're aware of what happened, when it started, the petition that was circulated, the approvals – there's an approval process – he'll give you a

copy of the ordinance as well so that you can follow the whole process through.

Mr. Rosenthal stated, thank you.

Mr. Kulacz stated, I don't have the complete file with me, but our initial cost estimate was dated September 21, 2005. I would assume that the public hearings were held some time in October and probably the funding was done sometime between December 2005 and early Spring of 2006. That was constructed in the Summer of 2006. I will get those exact details and mail them to Mr. Rosenthal.

Alderman Anglace asked, can you also explain why one assessment is \$9,863.71 and the rest are \$10,724.75. Why is that one different?

Mr. Rosenthal stated, he has explained that to me already, thank you.

Mr. Kulacz stated, what happened in this case, when we started the construction we sent out a questionnaire to all of the homeowners, where they'd like their water service connection. We did not get a response from #383. When we finally did get hold of the resident, they did not want the water service – it was a senior citizen – and we did go with their request, since the water main at that location was off the road. Our ordinance requires that everything is done so that we don't disrupt the road, when we do the curb-to-curb overlay. Since the water main was in the grass in front of their house, they could tie in at any time without disrupting the road, so we did not install a water service. That is the reason for the lesser charge.

At 7:10 p.m., Alderman Anglace asked if any other persons wished to speak. Being none, Alderman Finn MOVED to close the hearing on Suburban Drive; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

[As the next hearing commenced, more residents from Suburban Drive came into the meeting wishing to speak.]

At 7:16 p.m. the hearing on Suburban Drive was reopened in order to hear the residents that had just arrived.

***Peg Beatty, Orange CT, representing
Franklin and Bud Beatty, Walnut Tree Hill Road***

We came up with a few questions when we were reviewing the paperwork. Could you give us a little bit more information as to a couple things. One is, obviously they're being assessed for this water main, and obviously they're senior citizens on fixed income. I was hoping to get a little more information as it relates to when this decision was made to put this in, has there been any discussion about, you know, how this was going to be paid for, if there are other alternatives as far as, instead of a 10-year period a 20-year period? Can you give me some more feedback as you how you determined how the assessment was going to be? Did you consider people on fixed incomes, or people who didn't really want it and didn't hook in?

Alderman Anglace stated, we'll speak in general to this, okay? We'll give you an idea of the process and procedure. There is an ordinance in place that if people wish to petition the Board to bring a water main into their area, they do so through the City Engineer, who takes a vote among the people to see. He comes up with preliminary cost. Then they have a public hearing on that. He'll send out ballots and they'll take a vote. If the majority is in favor of it and it's a clear majority, the Board of Aldermen approves and the project goes forward. When the project is finished, all costs associated with that project are shared among those that benefit from the project. The City Engineer puts all this together, and that's what's contained in all the numbers and the figures and everything else that's here. So, we're at the point now that the project has been completed, the water main has been brought in, and trunk lines have been put out. The job is complete. The total cost of the job is then divided among the number of property owners, which was determined before, and that's what each person is assessed. The assessments are then paid over 10 years. They can be paid in one lump sum if you'd like to avoid all of the interest, but most people pay them over 10 years.

Ms. Beatty asked, is there a reason why it's 10 years and not 20?

Alderman Anglace replied, I'm trying to think as to why 10 years, and I think the reason is that we pay for most of these through Board of Aldermen bonding, which requires the City to pay it back over five years. We give you 10 years to pay it back, at the last known interest rate that we, the City, incurred prior to the assessment going through for the water main. So, you're getting them at 3.5 percent interest, which is a

good interest rate. In 20 years we found that most people would rather do it in 10 because historically, the City has done this going back the last 40-50 years, over 10 years. When you get into 20 years it's a lot more interest tacked on. Lower payments, but a lot more interest. So it's a happy medium. The City has to pay it back over five years.

Ms. Beatty stated, thank you for the clarification, that's helpful. There is one last question, this looks like it was a situation where the Suburban Drive people had issues with their water or whatever. Way back when, when this development was put in, was not the town involved or Inland-Wetlands? I know in my town, the town, our Inland-Wetlands and Planning and Zoning are rightly involved when a development goes in, and there's issues as this. The town doesn't allow the builder to do something quite this radical so that you have the issues with the homeowners. I know it was several years back, but can you provide some input as to when this was originally put in, was there Inland-Wetlands and Planning and Zoning? Were things put in place to prevent the situation that is here and now? Is this not a town or City problem that now everybody is being responsible to pay for?

Alderman Anglace stated, If I understand you correctly, I think the point you're trying to make is that, does the City pick up a share of the costs because the pipe runs by inland wetlands. Is that the question?

Ms. Beatty stated, I think the main question is, you know, when this development was originally put in place, were there Inland-Wetlands and Planning and Zoning to take a look at the rules and the regulations to prevent this from ever happening, so that it's not a burden to all of the taxpayer. It would seem to me that it would be something is put on the town committees to take a look at, allowing builders to come in and build on wetlands, and now you've got an issue where all the taxpayers have to pay. I guess I'm just stepping back and questioning if this were the situation, how come the town isn't paying a portion of this?

Alderman Perillo asked, Bob, is this a wetlands issue? What was the impetus for the neighborhood wanting the water main? Was there a problem with wells?

Mr. Kulacz replied, I don't recall, but there was a petition to bring public water to Suburban Drive. Suburban Drive was built probably in the early to mid-60s. I don't have the exact date. There were no Inland-Wetlands at that time. The City has done work in that neighborhood, about four years ago we did culvert replacements and upgrades on Suburban, Applewood and Poplar Drive because of drainage issues. That area was

all designated wetlands years ago, but that was before wetlands became a regulated area.

Alderman Perillo stated, but Bob, the wetlands aren't material to the addition of the water main.

Mr. Kulacz stated, it was for drainage and flooding issues that we addressed, as I said four years ago, when we completed the project for the water supply.

Alderman Perillo stated, it was very simply a decision by the neighbors, somebody got a petition signed from within the neighborhood, I don't know who, which is the process. Then the City Engineer's office takes over polling the neighborhood, those who would be affected in terms of cost, by the water main, and if a majority wants it – is it a simple majority Bob?

Mr. Kulacz explained, well, the Board of Aldermen normally wants, before they vote on it, a clear majority.

Alderman Perillo asked, what were the final numbers on this? Do you recall?

Mr. Kulacz stated, I'd have to go back. It was at least 65 percent in favor of the project. Also, going back to the issue of public water, when a development comes in or a proposed subdivision, they're only required to bring public water to service the new lots if it's within a reasonable distance. If it's half a mile away, they're not required to bring in public water. I think the Valley Health regulations are 200 feet, if within 200 feet you have to extend it. We've gone beyond that even further away, but I can't tell you what the circumstances were back when Suburban Drive was created.

Alderman Anglace stated, the process has its checks and balances. The Board of Aldermen does not initiate. The City generally does not initiate this process. This process is initiated by the people themselves.

Ms. Beatty interjected, because of a water problem.

Alderman Anglace stated, right. They get up a petition and they approach us. The City Engineer takes it and the City Engineer looks at what the right mix of houses would be for that project. Then we want to know how many are in favor and how many are not. He gets us an estimate of the price, what he thinks it would cost just based in

estimates, and then the people vote on it, and then it comes back to the Board of Aldermen and we approve the project to proceed. Then, when the project is completed, the total cost of the project divided by the number of houses that benefit is the assessment, and that's where we are today. We're here, we have a public hearing so that if anybody thinks that we put something in there that doesn't belong – too many costs or something like that, we want to hear about it before we approve it. That's what we will do in a few minutes if we don't hear anything that causes us not to, we'll proceed to approve the assessments.

Ms. Beatty stated, okay, that clarifies. It's just that I would hope that maybe somewhere in your policies for the future you ought to be looking at an Inland-Wetlands Plan and requiring the developers to take the cost of this rather than homeowners, especially those that are on fixed incomes. It's beyond me that you would even fathom doing this, but it's been done. I would think that when you have future developments going in you ought to be having the developers pay for this. Why would you request all the homeowners to have a humongous bill to have city water is beyond me. What's done is done and they have to move forward with it the way it is. I would hope that you would have some consideration for the people that are senior citizens that just can't, you know, the majority of the people on Suburban Drive are probably all working people and this is a drop in the hat to them and that's fine. But I think if you looked at the senior citizen population it's not an easy thing to have to turn around and have to pay out these assessments, foolishly I think. But anyway, thank you for your time and I thank you for the explanation, and certainly hope that you re-look at this in the future. I see several are on your agenda, and you must have several that you're doing this for. Let's hope that for the future, maybe these are all grandfathered in that it's the way it is and that's life. But maybe for the future, could there be a possibility to be looking at this. I don't know. It's just a suggestion but I know my town, we have a lot of wells and we don't allow this sort of thing to go on. I mean it's tightly regulated and tightly structured. I just wanted to come forward with that. Thank you.

At approximately 7:30 p.m., Alderman Anglace asked if any other member of the public wished to speak. Being none, he called for a motion to conclude the hearing on Suburban Drive Water Main Assessments.

Alderman Simonetti MOVED to close the public hearing and accept the water main assessments for Suburban Drive as presented by the City Engineer; SECONDED by Alderman Finn, A voice vote was taken and the MOTION PASSED 7-0.

2. Water Main Assessment – Brocc Terrace

Alderman Anglace asked if any member of the public wished to address the Board concerning the Brocc Terrace water main assessments.

Ron Matusovich, 24 Brocc Terrace

I received a packet, I guess as everybody else did, and my only concern is that, in this amortization schedule, there is one payment for \$890.20 and then the other amortization schedule is \$871.68. I'm confused – what do I pay?

Mr. Kulacz explained, the payment schedules were put together by the Tax Collector. The first payment, year number one, that would be due May 1, 2009, you would just pay the principal in the first column which is 1/10 of the assessment. That total is shown in the total column. The following year, it's the same principal plus the interest. The yearly payments are listed in the total column. The second year is your largest payment, and then they decrease until the final year – year number 10. That's normally how the assessments are set up. There is no interest the first year, and the interest kicks in in years two through 10. There is a \$24 charge in year 10 for the release of the lien. But if you look at the payment schedule...

Mr. Matusovich interjected, but Bob, which one do I pay? There are two schedules here.

Mr. Kulacz stated, I'm sorry, it's the top one. It's this one here. This other one is for another project. We inadvertently had it on two sheets. You'll be using the top page here. These will be your annual payments. These. The \$890. The confusion is we had two projects on the same payment schedule, which led to some confusion. One is for an \$8,900 assessment, and the other is for an \$8,700 assessment, so they're a little different. The Brocc Terrace one is for \$8,900.

Alderman Anglace asked if any other member of the public wished to speak. Being none, he called for a motion to conclude the hearing on Brocc Terrace Water Main Assessments.

At 7:15 p.m., Alderman Finn MOVED to close the public hearing on the Brocc Terrace Water Main Assessments; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 7-0.

Alderman Simonetti MOVED to adopt the assessments for the Broc Terrace Water Main as presented by the City Engineer; SECONDED by Alderman Papa. A voice vote was taken and the MOTION PASSED 7-0.

[At this point, the public hearing on Suburban Drive was reopened.]

3. Water Main Assessment – Sanford Drive

Alderman Anglace asked three times if any member of the public wished to speak. Being none, he called for a motion to conclude the hearing on Sanford Drive Water Main Assessments.

Alderman Perillo MOVED to close the public hearing and adopt the assessments for the Sanford Drive Water Main as presented by the City Engineer; SECONDED by Alderman Kudej. A voice vote was taken and the MOTION PASSED 7-0.

Alderman Anglace stated, to tell you the truth, \$8,716 is a pretty darned good rate and I don't think I'd bother coming either.

The Public Hearings concluded at approximately 7:35 p.m., to be immediately followed by a Public Hearing on Ordinances.

Respectfully submitted,

Patricia M. Bruder
Clerk, Board of Aldermen

Date Submitted: _____

DATE APPROVED: _____ BY: _____

Mark A. Lauretti
Mayor, City of Shelton