

BLASTING POLICY AD HOC COMMITTEE - REGULAR MEETING - JULY 18, 2007

The Blasting Policy Ad Hoc Committee Meeting was called to order by temporary Chairman Alderman John Anglace at 7:30 p.m. on Wednesday, July 18, 2007 in the Auditorium of Shelton City Hall, 54 Hill Street, Shelton, CT 06484.

The following members were in attendance to constitute a *quorum*:

Alderman Jason Perillo  
Alderman John Anglace  
Alderman Christopher Panek  
Irving Steiner  
Patricia Kodz  
Kenneth Schiable, Jr.  
Mel Hartman  
Joseph Pereira  
Ken Nappi  
Richard Jager  
James Tortora

Absent were: Gary DeFilippo  
Mark Mongillo

The Pledge of Allegiance was recited.

Alderman Anglace said he was the temporary Chairman and asked if all the members got sworn in. Mr. Steiner and Mr. Jager said they did not. Alderman Anglace said to get sworn in as soon as they can.

Alderman Anglace read his introductory remarks to the Committee:

Alderman Anglace introduced the committee members to each other.

Organizational Issues

Mr. Steiner asked if Robert Rules were in effect?

Alderman Anglace said it is item #4 on the agenda.

**Motion:** A motion was made by Mr. Irving Steiner to *move* item #4 *Adoption of Rules of Order* to the first item on the agenda. The motion was seconded by Alderman Panek. All were in favor. Motion carried unanimously.

4. ADOPTION OF RULES OF ORDER

**Motion:** A motion was made by Alderman Perillo to adopt Robert Rules of Order as the rules to follow. The motion was seconded by Mr. Steiner. All were in favor. Motion carried unanimously.

1. ELECT A CHAIRMAN

Motion: A motion was made by Ken Nappi to nominate Jason Perillo as Chairman. The motion was seconded by Mr. Schiabile.

Motion: Mr. Steiner made a motion to nominate Chris Panek as Chairman. The motion was seconded by Ms. Kodz.

Mr. Steiner said he objects to a roll call vote and feels it should be a coin toss.

Alderman Anglace said, "Coin toss? Roberts Rules does not provide for a coin toss".

Mr. Steiner said he knows Roberts Rules does not provide for that but he feels that it is almost necessary in this situation.

Mr. Nappi said we adopted Roberts Rules and we would have to suspend that in order to go to a coin toss.

Mr. Steiner said he then removes the objection.

A voice vote was taken:

Mr. Perillo voted for himself  
Mr. Schiabile voted for Jason Perillo  
Ken Nappi voted for Jason Perillo  
Irving Steiner voted for Chris Panek  
Mel Hartman voted for Jason Perillo  
Richard Jager voted for Jason Perillo  
Joe Pereira voted for Jason Perillo  
Pat Kodz voted for Chris Panek  
Chris Panek voted for himself  
John Anglace voted for Jason Perillo

Alderman Anglace said Mr. Tortora does not have a vote as he is an ex-officio.

Mr. Perillo said that is not necessarily so.

**Motion carried 7-3 to elect Jason Perillo as Chairman.**

Chairman Jason Perillo presided over the meeting. The Fire Marshal is ex-officio but that does not make him a non-voting ex officio. It probably won't matter as most of what we do will be consensus.

Alderman Anglace said in order to be consistent within the City, an ex-officio would not have a vote.

## 2. ELECT VICE CHAIRMAN

**Motion:** A motion was made by John Anglace to nominate Ken Nappi as Vice Chairman. The motion was seconded by Joseph Pereira.

**Motion:** A motion was made by Mr. Steiner to nominate Chris Panek as Vice Chairman. The motion was seconded by Richard Jager.

Chairman Perillo asked three times if there were any other nominations. There being none, Chairman Perillo said we would do a roll call vote.

Mr. Schiabile voted for Chris Panek.

Mr. Nappi asked that the committee withdraw his name and let Mr. Panek be Vice Chairman.

Mr. Steiner made a motion to make it unanimous. Ms. Kodz seconded the motion.

### **Chris Panek is Vice Chairman.**

## 3. APPOINT A CLERK

Alderman Anglace said we are advertising for a clerk and it pays \$18.00 per hour. If anyone knows of anyone let him know. The minutes need to be filed with the City Town Clerk in a timely manner and filed with the web master on the website.

**Motion:** A motion was made by Ken Nappi to appoint Linda Hooper as Temporary Clerk. The motion was seconded by Irving Steiner. Linda Hooper will be temporary clerk. All were in favor. Motion carried unanimously.

## 5. ADOPTION OF MEETING DATES AND TENTATIVE TIME TABLE FOR COMPLETION.

Chairman Perillo said he feels it makes sense to move quickly and meet on a regular basis and not string this out. Lets try to make some recommendations quickly.

Number seven on the item has four discussion items and I think we need one meeting date for each item at bare minimum. So, lets schedule the next four meetings.

Mr. Steiner feels that we are pre-mature as some of these can be very detailed and take more than one meeting.

Chairman Perillo said he knows that, but lets schedule four meetings so people can plan accordingly.

There was discussion of meeting evenings.

Mr. Steiner asked about Monday or Friday nights as a possibility.

It was decided that Wednesday evenings were the best for everyone and the auditorium was available on Wednesdays.

Alderman Anglace asked if we should meet every week or every other week?

Alderman Panek said it depends on how long you think this will take? 60 days or four months?

Chairman Perillo said all the more reason to meet every week and wrap it up.

It was decided that Wednesday evenings at 7:30 p. m. in the auditorium would work for most.

Joe Pereira said Wednesdays were difficult for him but he would make every effort to make the meetings.

Alderman Panek said if there is anything on the agenda that pertains to Joe Pereira's expertise, we can put it on the agenda the night we know he can be here.

Chairman Perillo said we can always cancel a meeting or do a special. I want to hear from the State Fire Marshal and I am not sure he can be here next week.

It was decided to meet July 25th, August 1, August 8, and August 15th as a start.

**Motion:** A motion was made by Ken Nappi to meeting Wednesdays at 7:30 p.m. in the Auditorium for July 25, August 1, August 8 and August 15 and then set other dates as needed. The motion was seconded by Irv Steiner. All were in favor. Motion carried unanimously.

Mr. Steiner said regarding the State Fire Marshal. There are two scenarios we could take. One being to put something together in terms of police and then have a later visit by the fire marshal. I don't think we will have anything ready for next week. Or he can come first and we will "pop corn" with him.

Chairman Perillo said his thought was we would want to get information from him first before we start making recommendations.

Alderman Anglace said the book Mr. Steiner has - not all the members have it.

Mr. Steiner said he is not sure how he came across the book - the clerk will try to get copies of the book for everyone - it came from the State Fire Marshal's office.

Mr. Nappi said he has a caution on that - this may be an old book - there may be new regulations - we should get the new regulations.

Mr. Tortora, the Fire Marshal and the Clerk will follow up to get the current regulations.

## 6. ADOPT GOALS AND OBJECTIVES

- A. TO PROTECT SHELTON PROPERTY OWNERS
- B. TO PROVIDE INFORMATION/DATA TO ASSIST WITH THE COMPLAINT PROCEDURE
- C. TO DEVELOP A STATEMENT IN SUPPORT OF RECOMMENDED BLASTING REGULATIONS AND/OR LEGISLATION

**Motion:** A motion was made by Mr. Pereira and seconded by Alderman Anglace to adopt the Goals and Objectives as outlined above "in principle". Motion carried unanimously.

Mr. Nappi asked who recommends item C above?

Chairman Perillo said whomever we decide.

Alderman Anglace said it is the intent of 6C that if changes to the State Regulations are in order we should agree and recommend them to the State Fire Marshal for his consideration. We cannot adopt regulations.

Chairman Perillo said they will be our recommendations.

Alderman Anglace said our primary goal is to protect Shelton property owner's interest either prior to blasting, when blasting takes place, documentation before a claim.

Mr. Mel Hartman who owns Hard Rock Blasting said by law we have to keep records for every blast we make. The blaster has his own personal log - time of blast, etc. We have a balance of the books. Record keeping is essential and is there.

Alderman Anglace said we are looking at it on how can we improve the record keeping for the property owner. For example, document foundation cracks. Where the foundation stood before the blast and where it stands after the blast.

Mr. Hartman said he agrees. I work in towns all over the state and some towns require pre blast inspections and some do not. Most blasting companies do pre-blasting inspections on their own; some towns limit distances. Blasting 1,000 feet from a home - that home will feel it. An engineering firm with seismic readings would be good. Detonation of explosion all blastings are not the same. It is important to have someone who monitors blasting inspections to be at a meeting. Home conditions during different times of the year change as well. Pre blast pictures and inspections and post blast inspections are good.

Alderman Anglace said we want to offer a pre and post blast inspection to the homeowner.

Mr. Tortora said we are getting a little ahead of ourselves.

Tape 1 Side B 8:19 p.m.

Mr. Steiner said he would like a *Communication* item on the agenda. This can be the fire marshal, communication to the public, time delays. It is of no expense to the developer, blaster or the homeowner.

Mr. Nappi said let's finish #6 so we can get through the goals and objectives and we can discuss number 8 - member discussion issues.

Mr. Nappi said from a public safety aspect, we are not just protecting the property owner, but anyone who lives or works near by.

Mr. Hartman said a blasting company does not only want to protect the homeowner, but himself, the insurance company, which is his partner in business.

Alderman Anglace said when I put this together, it was not meant to be all inclusive but it is a starting point.

## 7. ADOPT A SUGGESTED DISCUSSION APPROACH

- A. OVERVIEW OF CURRENT BLASTING STATUTES AND REGULATIONS
- B. UNDERSTANDING BLASTING PROCEDURES AND TECHNIQUES
- C. UNDERSTANDING POTENTIAL PROBLEMS AND REMEDIES
- D. WORKSHOP ON RECOMMENDATIONS

Alderman Anglace said he gave out the most current information he had. We should all agree that if there is anything else to cover, we adopt them and put them in at any time.

Mr. Nappi said some items will be expanded and we may want to hear from the insurance companies as well.

**Motion:** A motion was made by Alderman Anglace and seconded by Mr. Steiner to adopt the Suggested Discussion Approach items as outlined above "in principle". All were in favor. Motion carried unanimously.

Chairman Perillo said he would discuss when to invite people.

Mr. Steiner asked if an outside legal point of view should be brought in - say the Avalon Orange situation where there was a law firm involved and they could shed expert witness information - there is no conflict of interest.

Chairman Perillo said a legal opinion is essential but we have no budget to pay for a paid consultants we only have a budget to pay a clerk only.

Chairman Perillo said for everyone to let him know who they may want to recommend bringing in.

## 8. MEMBER DISCUSSION ISSUES

Chairman Perillo said some of the consulting firms who do monitoring and surveys would be good to invite.

Mr. Tortora said he has spoken to a few people already.

Mr. Nappi asked about insurance reps - who is our insurance rep?

Alderman Anglace said the Broker of Record is the Miller Agency.

Mr. Nappi said the insurance company may have suggestions on keeping claims to a minimum.

Mr. Tortora said we need someone local. He indicated he has contacted the State Fire Marshals office.

Chairman Perillo asked the Fire Marshal to invite the State Fire Marshal to attend the July 25th meeting.

Mr. Tortora said State Trooper Cologne writes the regulations.

Mr. Steiner said he would look into who handled the Avalon issue of blasting legally.

Mr. Nappi asked who did they represent?

Mr. Steiner said he will find out as he is not sure.

Mr. Jager asked why not require a pre blast survey? I was surprised when I went through the Public Health and Safety documents of May 03, 2006 that said you cannot require pre blasting surveys pg 7-24 this was according to the State Fire Marshal's office.

Chairman Perillo said when we make recommendations; they have to be workable and forcible.

The Clerk will be sure everyone has these Minutes - Alderman Anglace said he sent them in the package.

Mr. Steiner said he has not found where State Statutes on explosives where it prevents protection of public property and lives - there is nothing in writing. It means municipalities are not allowed to create a requirement.

Mr. Nappi said that is not what he has read. We need clarification.

Mr. Nappi wants more information. We need Attorney Welch and the Fire Marshal - he wants the State Statute that governs blasting and how many permits are given in a month in Shelton and how many complaints have there been and what were the resolutions? I would like a report over a two-year period.

Mr. Tortora said there were 23 permits issued since January and there were 38 last year. He will separate the claims from the concerns and give a report to the group.

Mr. Nappi said he would like a formal report on the blasting statistics in our town.

Mr. Hartman said there is a difference between blasting complaints vs. a problem. Communication to the public is important

Alderman Panek said the statistics Mr. Nappi brought up are important. Changing the state statutes can be difficult. Review and understanding some of the recent complaints are of interest to us - what are the public's concerns and how can we get to an end result should be discussed early in the process.

Chairman Perillo said lets stick with statistics.

The Clerk will distribute the Blasting Permit Policy to the Committee.

Chairman Perillo asked the Fire Marshal to invite the State Fire Marshal and Atty. Welch to the next meeting.

Mr. Nappi asked what do we want Attorney Welch to cover for next week? What we can and cannot do any blasting suits if any that Shelton is involved with?

Mr. Steiner asked if there is such a thing as blasting attorneys who specialize in blasting?

Mr. Tortora said I don't know of any. Maybe the State Fire Marshal's legal department.

Mr. Jager said he wants to see what other towns have done. Do any towns require pre-blasting surveys?

Mr. Steiner says he has something from Greenwich on that.

Mr. Hartman said he can give us names of towns and distances.

Ms. Kodz gave the clerk Greenwich's blasting policy and the clerk is to copy and distribute to all before the next meeting.

Mr. Hartman said we have to have an open mind and we want to protect the public. A lot of people do not like what I do for a living - it is a tough business.

Alderman Panek wants a copy of the blasting permit and the clerk will distribute to all for the next meeting.

Mr. Nappi said that utility companies blast as well.

Mr. Hartman said homeowners do as well for sewer lines, swimming pools, etc.

Mr. Steiner said all blasting is known with the Fire Marshal not planning and zoning as they need a permit from the Fire Marshal.

Mr. Nappi suggested that Planning and Zoning administrator Rick Schultz should come.

Chairman Perillo said we will invite Mr. Schultz for next week.

Mr. Steiner said Wal-Mart was a blasting issue and perhaps Mr. Schultz can discuss that.

Mr. Nappi said there is a focus on removal of fill and blasting is used to remove materials and Planning and Zoning regs may be able to be used to be adopted. The Clerk will invite Mr. Schultz.

Mr. Nappi asked Mr. Hartman if the regulations for insurance for the blaster if the policy includes damages or claims?

Mr. Hartman said there is inter and intra state on amounts.

Mr. Nappi asked is the limit mandated by Statute?

Mr. Tortora said "No".

Mr. Nappi said that perhaps the committee should look at the limits.

Mr. Hartman said the homeowner projects vs. Wal-Mart is different.

Mr. Schiabe said Split Rock required regulations.

Mr. Schultz from Planning and Zoning could discuss this as well.

Alderman Anglace said lets not lose site of the public safety issue.

Tape 2 Side A 9:04 p.m.

We should examine that.

Mr. Hartman commented on the newspaper article where he was the blaster and the newspaper said the kids were a concern.

Mr. Hartman said he was very upset as it was a total lie. Children, pets, livestock are number one with us - in this case we were not blasting but drilling holes. That type of article gives us blasters a black eye. I wish the newspaper would have reported the facts.

Alderman Anglace said if people "think" it is not safe...we want them to be aware.

Mr. Hartman said public safety and transportation are important. People also like to watch a blast. There are a lot of aspects. We do protect kids and animals.

Mr. Steiner said there was a lack of communication and that is what it was and I only saw blasting mats and alerted the lady to the work being done and she knew nothing. Had there been better communication, there would not have been an issue.

Mr. Nappi said these are professional licensed blasters and they have expertise to hold a blasters license. It is their livelihood.

Mr. Nappi said he wants to see a Public Portion and Communications on all agendas.

Chairman Perillo said our goal is to keep people safe. We cannot propose unenforceable regulations and have to operate in reality. We don't want to tell the blaster how to blast.

ADJOURNMENT

***Motion:*** A motion was made by Alderman Anglace and seconded by Mr. Jager to adjourn. All were in favor. Motion carried unanimously.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Linda M. Hooper  
Clerk

2 tapes on file with the City/Town Clerk

