

DRAFT

TOWN OF STONINGTON
BOARD OF FINANCE – BOARD OF SELECTMEN
Special Joint Meeting
Stonington Police Department Meeting Room
Wednesday, April 17, 2019
1:30 PM

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CYNTHIA LADWIG
TOWN CLERK

A special joint meeting of the Board of Finance and Board of Selectmen was held on this date at the Stonington Police Department Meeting Room. Members present were Chairwoman June Strunk, Secretary Glenn Frishman, Lynn Young, Blunt White, First Selectman Rob Simmons, Selectman John Prue and Selectwoman Jocelyn Kepple. Michael Fauerbach and Danielle Chesebrough joined the conversation via conference call.

Chairwoman Strunk and First Selectman Simmons called the meeting to order at 1:31 p.m.

As acknowledged by Selectman Simmons also in attendance:

- Jim Sullivan – Director of Finance
- Marsha Standish – Director of Assessment
- Town Attorney – Brian Estep
- Larry Stannard - Building Official
- Jason Vincent – Director of Planning
- Tom Curioso – Highway Department Supervisor
- Scot Deledda – Town Engineer
- Kevin Burns – Pawcatuck Fire Chief
- Chief Darren Stewart – Stonington Police Department
- Leanne Theodore – Human Services Director

Chairwoman Strunk began the meeting requesting comments from the public.

First to speak was Ashley Gillece, Moss Street, Pawcatuck, CT. Ms. Gillece brought up the following concerns:

- When the building's roof collapsed, did the Town look into stabilizing the building, instead of demolition?
- Could the Board address the sale pending on the property and could this demolition effect that sale?
- With regards to asbestos abatement, what precautions is the Town taking to address nearby residents?
- Will the Town be putting a bid out for the debris removal?
- How much money has the Town spent and does the Town expect to recuperate that money?
- How does the Town anticipate paying for the project?

Also addressing concern was resident Tracy Swain, Cortland Street, Pawcatuck, CT.

- Ms. Swain inquired how much money has the current property owner been fined to date under the blight ordinance?
- Inquired if the Town of Stonington have liens against the property?
- Thanked the Fire Chief and all the firemen who were at the scene doing what they could do to secure the area.

Chairwoman Strunk thanked the residents for their concern and comments. Chairwoman Strunk stated that she had asked for this special meeting due to the emergency aspect of the demolition and to discuss the situation in a public format.

Chairwoman Strunk confirmed there was approximately \$28,000 in unpaid blight fines attached to the building and asked First Selectman Simmons to bring the Board up to date on the situation.

First Selectman Simmons thanked the many individuals in attendance that have been instrumental in managing this issue from the first hour. Selectman Simmons offered an overview of what transpired during the building collapse and the process to get the building condemned and the permit from the State.

On Monday, April 15th around 7:15 a.m. Selectman Simmons received a phone call from Pawcatuck Fire Chief Kevin Burns, stating that the former commercial building on 75 Stillman Avenue had a portion of the north end roof down. Bricks, sheathing, shingles and other material had fallen adjacent to and in some areas into the Pawcatuck river.

Selectman Simmons mobilized town resources and Police Chief Darren Stewart placed police officers on site to secure the bridge and roads immediately adjacent to the building to ensure that members of the public were not placed at risk by falling debris from the building.

Stonington Building Official Larry Stannard made a judgment and filed an application to the State Department of Public Health for alternative work practices that allows an expedited process to move in and stabilize the site with demolition of the building.

Chief Burns from Pawcatuck Fire Department directed fire equipment on site to assist and the services of a demolition company were obtained. The demolition company contacted had just completed the demolition of the Cottrell building on Mechanic Street and by obtaining this company with their equipment only a few streets over saved a substantial amount of money. Selectman Simmons stated he felt this was an appropriate decision.

The Department of Public Health approved the Town's application for an alternative work practice (AWP) with a statement that all of the asbestos containing materials, and there was known to be asbestos in the building, as well as all non-discreet waste associated with the building, should be treated as ACM (asbestos containing materials) in accordance with this alternative work practice. As soon as the approval from the State was granted the work began. Selectman Simmons adds the approval from the State states that the approval was based on a determination by Building Official Larry Stannard that the building is partially collapsed and in a state of structural failure and not safe to occupy.

Selectman Simmons states that a licensed project manager has been onsite for the whole period of the demolition, and as of today another individual has been assigned as well. Selectman Simmons is not aware of any work that has been conducted on the site with regards to the demolition of the building that has not been under the supervision of a department licensed project manager.

Chief Kevin Burns, concurs with Selectman Simmons, adding that the environmental company ChemScope has been tasked to monitor the air quality and dust in addition to Ocean Trace Demolition, the contractor enlisted to take the building down. Chief Burns notes that Ocean Trace is monitored by another company as far as public health concerns and air quality and these layers of contractors are all qualified by the State of Connecticut.

Chief Burns acknowledged that the AWP (alternative work practice) requires a water supply to keep the dust down to a minimum and the fire department has been applying water whenever there is dust or at the request of any of the agencies on site. The fire department is not running the water full time as they want to limit the

amount of water that will run into the river and they want to be resourceful with the water being obtained from the hydrants which is potable drinking water.

Chief Burns also reported that they are currently working with Rhode Island officials which is an additional set of rules and regulations, to make sure that their requirements are satisfied with regards to monitoring their air and to date no violations have been noted.

First Selectman Simmons states that under the terms of the AWP, the Town is required to have a regulated work area established by the Department of Public Health by a licensed asbestos contractor, which has been done. The Town is required to have the regulated work under the supervision of a Department licensed project monitor physically on the site, which has been done. All equipment operators meet the minimum training requirements, and as a side note the Selectman stated that the equipment operator is actually one of the most skilled demolition people he has seen. Daily air samples are being collected and monitored. Demolition of the structure is proceeding at a pace that allows existing known or potentially asbestos containing materials to be identified and properly sorted within the regulated work area. Selectman Simmons notes that none of the material can be removed out of the regulated area without testing and approval. This allows a very small footprint to take down and sort the materials on site and then samples are being collected on site for testing.

Continuing defining the regulations, Selectman Simmons states that prior to any discrete materials or equipment crossing the boundary out of the regulated area, the monitor shall visually inspect known materials that have been taken out of the regulated area for them to be tested before removal. Yesterday, Selectman Simmons reports a meeting with CT DEEP on this issue. It was the DEEP's decision that the Town was meeting all the standards of the agreement and work could continue.

Moving on to the cost of the incident, Selectman Simmons agrees that the fundamental issue before the Town is a cost issue. The cost of the demolition is approximately \$125,000 and the reason the demolition is taking place is because of the emergency nature of the situation, namely the potential threat to the Pawcatuck River, which was just approved as a National Wild and Scenic River. The weather put some materials into the river and the nature of the tipping of the roof of the exterior walls made it critically important that immediate action be taken to get the crumbling structure down before additional material fell into the river.

The second expense will be for material removal, estimated to be approximately \$475,000. The contractor is prepared to remove the material to the Minerva Waste Site in Ohio, where they accept up to a certain level of hazardous material. Should those levels be exceeded, the waste will be subject to an action taken by the Environmental Protection Agency, and the material will have to be rerouted to another location elevating the cost of the disposal. Based on this information it will be critically important that the material is tested before it leaves the site to make sure it is within the limits that are set by the State and the Federal government. Material testing for the whole project is estimated to be \$10,000 or \$11,000.

Selectman Simmons' goal and objective for this process will be to move safely, expeditiously and responsibly, protecting public health and safety and to protect a wild and scenic river, all of which could be potentially adversely affected by a failure to act appropriately. Selectman Simmons thanked the Chair and the Board of Finance for calling a meeting to address some these issues.

Chairwoman Strunk did relay a point that Chief Burns had made during the special department head meeting the day prior and it was noting the risk that if more of the building had fallen into the river and created a damning situation that would imminently have caused flooding on the Westerly side of the river. If no immediate action had been taken, it could have snowballed into a very different situation.

Chairwoman Strunk stated that one of the things being considered today from the Board of finance side, is just the initial cost of the demolition, removal of the material and whether that cost that will exceed what the Board can approve without going to a town meeting.

In addition, Chairwoman Strunk notes there are still too many questions about would we use the same company, would we go out to bid, what is the hazardous nature of the material? Can it be trucked to the Minerva, Ohio facility? Will it need to be re-routed? For today, the Board will address the cost associated with the demolition, stabilization and containment of the area.

Ms. Young inquired what the Companies were testing the material for. Selectman Simmons answered that the main concern was PCB's and those concerns were addressed through conversations with the DEEP Staff and CT Emergency Response Team coordinator. It was noted by Chief Burns that in 1998 or 1999 during a collapse of another part of the building, the building was cleaned out and all electrical equipment was removed from the building and a substantial effort was made to clean up the property.

Scot Deledda commented that currently the Town is working with two different professionals to come up with the scope and the cost for the PCB testing. Mr. Deledda has a price from one contractor, and they are checking with another contractor who is a licensed environmental professional that the Town has been working with to navigate the process of material management.

Ms. Young asked if the Town doesn't own the building, can the Town do the demolition and search for recourse by the owner for the removal, Mr. Sullivan replied that the Town could try, but it appears that the owner has abandoned the property.

Mr. Fauerbach inquired what the situation was with the current legal owner and have any attempts been made to reach out in the owner in the last two days? Selectman Simmons states it is a legal issue and the Town Attorney is in attendance, and does note that numerous phone calls to the owner have gone unanswered.

Mr. Vincent was in contact with owner during the first day of the event. As of right now, the current owner's LLC is still in place, however, about a year ago the Town was informed they were going to dissolve formally, but that dissolution of the LLC hasn't happened. The Town was also informed by one party there was a potential purchase and sale agreement but there were no documents to support that claim. The potential purchase and sale agreement does not convey any ownership. Ownership is still under Pawcatuck Landing LLC. They are currently the owner of the property. Mr. Vincent reports speaking with the owner, and the owner is aware of the actions that were being taken by the Town and did not pushback on the proposed demolition of the structure. Mr. Vincent also states that a conversation with the interested party also resulted in no interest in funding the stabilization or demolition of the building.

Selectman Simmons stated that for several years he and Mr. Vincent have been concerned with the abandonment of the property and had asked Mr. Vincent to come up with a decision memorandum. In doing the research it was uncovered that the property had a history of tax delinquency and over 55 liens have been placed on the property for tax and sewer use monies owed. As Selectman Simmons notes, placing a lien does not solve a problem. It simply works as a financial incentive for the owner to take action. But if the individual does not wish to take action or doesn't have the resources to act then all the liens do is accumulate on the property.

The current tax collection lien on the property is \$8,502.49

The current blight fines on the property is \$29,700.00

Mr. Vincent urges caution in acquiring the title, as there is approximately \$1 million dollars of environmental contamination that's in the ground. One of the perceptions is that the owner and property could be fined, but the property has a negative million dollar value to begin with.

Selectman Simmons pointed out there is a whole series of legal issues that are currently under investigation and the situation that was placed upon the Town was not one where a normal, reasonable, layered process could come up with answers to every question. The situation the Town faced was an act of God that placed a portion of a building into the Pawcatuck River and the rest of the building at risk of collapse and the roads around it at risk. This called for immediate action which was granted by the State and that is where the Town is now. Going forward, Selectman Simmons questions, will the Town pay the contractor for the demolition? There are additional things we have to consider if there's going to be a pile of material. How will it be secured? Will it be covered? Will it need cameras on it? Police surveillance? Will it require a third-party security agency there? Selectman Simmons states he will not leave a toxic pile in Pawcatuck due to inaction by the property owner.

Mr. White inquired about discussion of project manager on site and if additional information was available. Selectman Simmons responded that at the conclusion of yesterday's DEEP meeting, the DEEP had brought in a consultant who is experienced in testing and removing of material. Mr. Deledda added that the demolition company does have to by law hire an environmental company that manages the process of the demolition.

Ms. Young inquires if the minimum cost is going to be \$611,000 if the project goes smoothly, has anyone figured out what the upper cost might be if there are PCBs detected. Chief Burns states that it will be dependent on the level of the PCB's detected in the material that will dictate what facility can receive it, which will impact the cost of trucking.

Mr. Frishman responds that the issue at hand is to verify the cost of taking down on the wall, and making sure the Town is in compliance with all State environmental laws, and then determine what is required to get the testing done. At that point a more definitive cost of the removal of the material can be presented.

Mr. Deledda asked to make one recommendation to Mr. Frishman's suggestion, that would be to approve ChemScope's proposal to monitoring the site.

Mr. Frishman made a motion to approve ChemScope to monitor the project site per their quote dated 4/16/19. Ms. Young seconded the motion. Motion carried.

Chairwoman Strunk asked if the Board wanted to do a not-to-exceed cost. Mr. Deledda stated that ChemScope's estimate was \$7,820.00 for project management and \$3,600 for sample collection. Chairwoman Strunk suggests a not-to-exceed of \$15,000. Asking if Ms. Chesebrough or Mr. Fauerbach have any concerns or questions on the motion and hearing none, the Board approves the motion to hire ChemScope at a not-to-exceed of \$15,000.

Mr. Frishman made a motion for a bid waiver for Ocean Trace, the demolition company, Ms. Young seconded. Motion carried.

Mr. Frishman made a motion for a special appropriation of \$125,000 for the demolition of Stillman mill which is still within limit of what the Board is allowed to do without having to go to town meeting in any current fiscal year. Ms. Young seconded. Motion carried.

Chairwoman Strunk asked for a quick clarification. Prior to this event, excluding staff time, Department of Planning Department time, Assessment Department time and other town employees assessing the economic viability of this site, the time that has been spent on this property, excluding normal work hours is zero.

Mr. Sullivan inquired who incurred the expense of putting the chain link fence around the property. Chief Burns stated that one of the owners had the fence installed when the power was turned off and the water main froze and broke. There was no one occupying the building at the time and by law they had to secure it so no one could enter the building, although it was determined there were vagrants living in the building.

Selectman Simmons informed the Board that looking at the record of the property, and it's sad in a way, that there was once a great vision for the property. However, since 2006 up to the present the efforts of the tax collector, the efforts of the Police Department to go over and respond to complaints about the building, people breaking into the building, spray painting the building, camping out in the building, the Fire Department required to periodically check on the status of the building; Selectman Simmons felt that the town has expended an awful lot of time and effort, to the point where the Town is owed a lot of money, and unfortunately this issue came to a head early Monday morning when the roof collapsed into the river.

Chief Burns said a lightning strike may be the cause, and the Chief is waiting for a report from the fire marshal's office as they have a way of showing lightning strikes.

Ms. Young asks if the building is taken by the Town, could it be a CIRMA issue? Selectman Simmons states they don't have an answer on that as of yet due to the certain aspects to the ownership.

Chairwoman Strunk said she would like to know from each of the Board members what they would need in order to make a decision before going forward.

Mr. White would like to research the CIRMA coverage and the building title. He would also like to have a L.E.P. on board.

Ms. Young would like to get a sense of what the ownership of the building is and once the PCB results are known, a high-end cost estimate of material removal. Depending on what that is, Ms. Young would like to know about the feasibility of not going to budget referendum and figuring out if more money could be available in this year's budget.

Chairwoman Strunk would like to know what the process is for the town taking ownership of the property; and if the Town were to do that, what the liabilities and costs would be. Chairwoman Strunk feels PCB testing report will provide further information, but these concerns need to be a part of the path going forward.

Mr. Frishman is interested in seeing what could be obtained through insurance (CIRMA), if anything, and also see if the Town can research the current owner and discover any recourse that could be applied to this process.

Selectman Simmons brought to attention that everyone involved rose to the occasion to come to meetings with no more than 15 minutes notice and do as much research as possible to get to the bottom of some of the difficult issues the Town is dealing with during this unfortunate incident. Selectman Simmons thanked Selectman John Prue for spending several hours on the site and for providing expert recommendations. Selectman Simmons is looking forward to what can become of the site that is reasonable, practical and good for the people in the town of Stonington and the neighbors in Westerly.

Chairwoman Strunk asked Ms. Chesebrough if she had anything specific, she would like to see with regards to information gathering. Ms. Chesebrough wondered if there was any potential assistance from Hartford for the environmental cleanup that may be available.

Mr. Frishman made a motion to adjourn, Ms. Young seconded. Motion carried.

Board of Finance meeting adjourned at 2:45 pm.

Selectman Prue added there was just one part that wasn't discussed, the decision that was required to get the contractor that was already in town, only a mile away, on site. There was a forecast for high wind and if the company had not been able to get on site Monday evening, more bricks would have been in the river. Selectman Prue feels he and Chief Burns could guarantee that it would have been a much worse situation.

Board of Selectman meeting adjourned at 2:48 p.m.

Respectfully Submitted,

Mr. Glenn Frishman
Secretary

/jas

Stacey Haskell
Recording Secretary