

**Balf Town Committee Meeting
Minutes
October 21, 2019**

1. **Call to Order:** Meeting was called to order by Councilor Gail Budrejko at 6:02 p.m.

2. **Roll Call:**

Committee Members Present:

Gail Budrejko – Town Council Representative
James Colby – Tilcon Connecticut Representative
Bernadette Conway- Neighborhood Representative
Chris Costello – Tilcon Connecticut Representative
Chris Miner – Town Council Representative
Mary Udice - Alternate, Neighborhood Representative
Jay Slater – Environmental Quality Commission Representative

Staff Present:

Barbara Gigliotti, Central Connecticut Health District
Meghan Manke, Fire Marshal's Office
Chris R. Schroeder, Fire Marshal

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Mary Udice
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3. **Approval of Minutes of regular meeting October 15, 2018** – Udice / Conway

4. **Correspondence** - none

5. **Public Participation**

- a. Michael Fox, 1901 Main Street: Noted that he is speaking on behalf of himself/his own beliefs, not serving in any other capacity. Read a letter he had written, detailing his communication with the Capalbo's regarding their concerns, as well as Chris Costello's (Tilcon) response to these concerns about during an August meeting of the TPZ. Mr. Fox went on to express his own concerns, and inquired as to whether or not DEEP has been on site or visited these businesses, or if they had only observed from the quarry itself. Mr. Fox's letter and aforementioned excerpt from TPZ minutes were presented for inclusion in the minutes, see attached.
- b. John Capalbo, 416 Hartford Avenue: Inquired about the 3-minute time limit for public participation. Presented photos of the roof of his building as well as a dust sample; cited both structural and dust concerns. Stated that his business gets interrupted and that dust presents a nuisance and is a health hazard; dust needs to be contained and controlled within property lines. Stated that he reached out to someone in DEEP regarding storage of sand; present solution they have in place is only temporary. Also stated that he had previously requested that the town attorney get involved, but never heard anything back. Expressed concern over not knowing about the TPZ agreement with Tilcon, never got notified of this meeting. Expressed concerns about the function of this Committee, stated it is worthless because nothing changes and we don't get anywhere on these issues, closed by saying regulations don't equate to no damage.
- c. Frank Capalbo, 416 Hartford Avenue: Stated that everyone on the Committee plays a role in this issue, but nobody does anything. Explained that Barbara from CCHD came out to their property; quoted a brochure from CCHD that read "health of people in member towns and work to improve public health...safe food, air, and water"; does not feel that this is being done in this case. Stated Fire Marshal had provided information about blasts and complaints when requested. Expressed concern about neighbors not being notified of these meetings, asked that it be posted in Town Crier, offered to pay out of his own pocket if needed. Read a letter he wrote to the Committee expressing concern over the purpose of committee; if they can't keep dust from stopping at property line, Council needs to rescind permit and issue cease and desist order. Requested courtesy of a response on this from town officials.

- d. Alex Kosovsky, 426 Hartford Avenue: Indicated he has been trying to prevent this issue from becoming a bigger issue or civil matter; echoed concerns from others that the Committee doesn't get anywhere on these issues. Stated that dust is a major issue for his business and on his property; stated that Tilcon's dust trucks often produce even more dust. Stated that truck noise is also a big problem; indicated he is unable to have conversations with customers because of the truck noise. Stated he has called the Town Manager, police, Fire Marshal, and that nobody has done anything about these concerns.

6. Unfinished Business

- a. Councilor Budrejko inquired as to whether or not the complaint sharing process we had discussed during the October 2018 meeting was effective; FMO keeps record of all complaints received, Tilcon and CCHD will forward any complaints to FMO so accurate records can be kept.
- b. Barbara Gigliotti (CCHD) inquired as to whether or not Tilcon has an updated dust plan; James Colby expressed that they had reviewed it and no changes were necessary; will provide copy to the Committee.

7. New Business

- a. Follow up - Public Participation:
 - i. Jay Slater – would like to see an action plan developed and put into place by this Committee and Tilcon to address these concerns; indicated that nothing seems to have been done since the last time he served on the committee (appx 6 years ago); even if they are operating within regulations, Committee can't keep going back and forth with no progress or change.
 - ii. James Colby – indicated that they are totally compliant with all regulations (DEEP, FMO, etc.), and that they have spent between \$300,000 and \$400,000 on equipment for dust control over the last 3 years. Also stated that they have shut plant operations down and sent employees home numerous times when the wind picks up.
 - iii. Councilor Budrejko – something needs to be done; she will look into ordinance violations again, but there aren't any that are being violated presently; makes this very difficult to enforce or change.
 - iv. Fire Marshal Schroeder – state that the State Police Fire & Explosion Investigation Unit (FEIU) had been called and are performing an ongoing investigation into blasting activity; stated that no violations or concerns were identified by them in the last year. Without a violation, there would be no justification for pulling their permit. Also expressed that blasting regulations are dictated by the State; he has no authority over these standards.
 - v. Barbara Gigliotti – asked for an update on testing the dust coming from the quarry.
 - vi. Councilor Budrejko – asked about noise monitoring; Barbara indicated that CCHD currently has Newington PD's decibel meter, however it is very old and has not been calibrated. Discussion about getting updated equipment and requesting use from PD; Schroeder clarified that the action on this needs to come from the Committee; Fire Marshal has no jurisdiction over dust or noise complaints.
 - vii. James Colby – stated that every complaint they have received has been immediately addressed. Also indicated that business this season has been slower than it has the last few years. Slater asked how many trucks go in/out per day; average of 150 loads done for both asphalt and stone on a busy day, normally have less traffic than that.
 - viii. Bernadette Conway – asked about the sprinkler system that had been discussed during previous meetings; Colby indicated this is one of the many things installed to mitigate the dust issue over the last few years. Echoed concerns about the process; committee sits here each year but are unable to resolve these issues.
 - ix. Jay Slater – asked how many years are left for blasting at this location; Colby indicated that at the rate they are currently operating, they could be there for another 30 years.
 - x. Councilor Budrejko – asked about whether or not there are similar issues at other plants; Colby stated that they receive similar complaints, but fewer because they are in less residential areas. Also asked CCHD how we can improve in regards to the dust concerns; Gigliotti explained the different kinds of dust they should be monitoring for; Costello responded that they already monitor for these. Conway asked if we should start doing additional testing; Gigliotti recommended testing air over an 8 hour period; this type of request would have to come from the Town Manager. Costello and Gigliotti will

