



Office of the Mayor

*Daniel A. Champagne*

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December 2016

John D. Ward

Town Administrator

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**MAYOR'S UPDATE**  
**CRUMBLING CONCRETE IN NORTH EASTERN CONNECTICUT**

I would like to take this opportunity to update you concerning the efforts undertaken on behalf of residents who may be facing a crumbling concrete issue.

Vernon residents are not alone in facing foundations that are failing. Thirty-seven municipalities have reported at least one structure with a crumbling foundation. I assure you that Vernon continues to work with its legislators and the Capital Region's Council of Government ("CRCOG") through its **Ad-hoc Working Committee** addressing crumbling concrete foundations.

Below is an update on recent activity taken at the Town, Regional (CRCOG), and State levels:

**TOWN**

- In September, the Vernon Town Council voted to make all projects involving the repair or replacement of defective concrete foundations including basement walls, footings, and floors **exempt** from town building permit fees.

In order to obtain this exemption, applicants need to submit evidence of the defective concrete foundation at the time of the permit application to the satisfaction of the Building Official.

In the case that an applicant be aggrieved by the decision of the Building Official to deny an exemption request, applicants have the right to an appeal as afforded by the Connecticut State Building Code.

**REGIONAL**

- CRCOG is submitting proposed legislation to the new General Assembly requesting:
  - The creation of a Remediation Fund.
  - The State establish:
    - A credit/deduction on State Income Tax for expenses related to correcting crumbling foundations.
    - A Guaranteed Loan Fund for concrete remediation.
  - Insurance companies be required to provide "*peril of collapse*" coverage due to the presence of pyrrhotite resulting in the impairment of the structural integrity of the building up to \$ 150,000.
  - An expanded statute of limitations for filing insurance claims.

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- CRCOG issued Requests for Qualifications (RFQ's) from qualified vendors who will be vetted to assist residents in three areas: Structural Engineering, Remediation Services, and Laboratory/Testing Services.

Six responses were received for Structural Engineering and three received for Remediation Services. Only one response was received for Laboratory and Testing services, so proposals will be re-requested this month. Once CRCOG reviews these proposals, Contractors who pass the review will be listed on CRCOG's website.

- The Ad-hoc Committee has discussed avenues of potential federal funding options that should be explored further. Potential sources include Community Development Block Grants (CBDG) funded through Housing and Urban Development (HUD). The next meeting of the Ad Hoc Working Committee is planned for early December 2016.
- The Ad-hoc Committee has been working with a group of State Legislators. At its December 1 meeting, CRCOG informed municipalities that it also has scheduled a meeting with the Lt. Governor on the topic. Minutes of this meeting can be found here: <http://crcog.org/wp-content/uploads/2016/11/Minutes-Ad-Hoc-CCF-2016-12-1.pdf>.
- A Sub-committee of CRCOG met with the Commissioner of Housing on November 21, to see if Federal Housing money can be used for testing. The Committee would also like to pursue specific proposals with the Department of Banking and the Department of Insurance. Current cost estimates for repair are approximately three to five thousand dollars per house.

## STATE

- On November 3, Attorney General Jepsen released his final report concerning possible Consumer Protection claims stemming from Crumbling Concrete matters. He concluded that:
  - There was no basis for consumer protection violations as there were no laws or regulations pertaining to pyrrhotite.
  - The report included an analytical report by the University of Connecticut. The conclusion was that the early deterioration was caused by oxidate of pyrrhotite containing aggregates and the associated secondary formation of expansive materials.
  - The report did not indicate at what concentration the pyrrhotite will become problematic. The presence of pyrrhotite alone does not necessarily lead to its oxidation.
- On November 8, in response to the Governor's letter, FEMA Administrator Craig Fugate denied Connecticut's request for federal assistance, indicating that the "*naturally occurring mineral pyrrhotite did not constitute a natural disaster, as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

I will continue to keep you informed of any updates as they become available. Should you have any questions, please feel free to call my office at (860) 870-3670.

Sincerely,



Mayor Daniel A. Champagne