

Seeing green: City awarded breach of contract damages

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By Andrew Cummins

The city of Torrington emerged victorious in a nearly two-year lawsuit against a construction company last week in district court.

Eighth Judicial District Court Judge Keith Kautz found Frank Strong Construction, Inc., in breach of contract and ordered the company to pay the city \$125,951.11 for the violation.

Kautz also filed an order Tuesday in district court dictating the defendant pay \$6,726 in attorney fees for City Attorney Jim Eddington's work on the case since he filed the complaint June 11, 2008.

"Basically it was a breach of contract claim and a negligence claim, and we've received judgement on the breach of contract," Eddington said in summarizing the lawsuit.

The city entered into a contract in late 2004 awarding Torrington-based Strong Construction the project to install four new wells and their corresponding parts as part of the city's phased water improvement project, Torrington Mayor Leroy Schafer said.

Workers installed the wells in the summer of 2005 but the city didn't operate the four units until March 2007 because of the phased nature of the overall project.

City engineering consultants Baker and Associates approved specifications for the well's pump motors early on, Schafer said, but the city ultimately learned a subcontractor modified the design without notifying Strong Construction, Baker and Associates or city officials.

The change resulted in one of the motors burning out in July 2007 and city officials later learned about the issue and subsequently replaced the motors one year after the breakdown.