

# **Bond Case Briefs**

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## **IMMUNITY - CONNECTICUT**

### **Northrup v. Witkowski**

**Appellate Court of Connecticut - August 1, 2017 - A.3d - 175 Conn.App. 22320 - 17 WL 3225062**

Property owners brought action for negligence, common-law recklessness, and negligent infliction of emotional distress against town and town officials, alleging that officials failed to maintain and keep town's storm water drainage system in reasonably operative condition, and that such failure caused their residential property to be inundated with surface rainwater and/or "black water" on eight different occasions.

The Superior Court granted town's and officials' motion for summary judgment. Property owners appealed.

The Appellate Court held that:

- Town's code of ordinances did not impose ministerial duty on town or officials to keep drainage system in safe and operable condition, and thus town and officials were entitled to governmental immunity;
- Language from *Spitzer v. City of Waterbury*, 113 Conn. 84, 154 A. 157, that "work of constructing drains and sewers[,] [and] keeping them in repair, is ministerial," did not impose ministerial duty on town or officials, and thus town and officials were entitled to governmental immunity;
- Owners were not subjected to imminent harm by flooding, and thus identifiable person-imminent harm exception to statutory discretionary act immunity for municipal officials did not apply; and
- Officials' alleged failure was not type of wanton disregard that was hallmark of reckless behavior, and thus property owners' claims of recklessness could not be maintained as matter of law.