

Full disclosure: Stratford's toxic legacy

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STRATFORD -- Three-year-old Melanie Russell's pink scalp shimmered in the September sun as she and her mother, Amy Russell, waited on their front lawn for the bus to bring Mel's big brother Evan home from school.

On that autumn afternoon 10 years ago, a local television news reporter approached the twosome outside their small, impeccably kept home on Willow Avenue and, positioning them in front of a camera, asked what it's like to live on a toxic dump site.

Were they scared? Would they move? How would they sell a property polluted with hazardous waste?

As the cameraman focused the frame on the pretty, bald-headed toddler, the news anchor asked Amy Russell a question she hadn't yet considered: "Do you think the toxic waste in the neighborhood could have caused your daughter's cancer?"

Within minutes of the Russells' appearance on the evening news, the family's home phone rang. On the line was Ron Jennings, a Superfund site project manager for the U.S. Environmental Protection Agency.

That night Jennings and a team of scientists dressed in protective eyewear and hooded white suits began testing the air in the Russells' home for toxins.

"The people from the EPA were walking around in our house in these white suits that made them look like E.T., and then there was this little girl with cancer whose immune system is compromised," said Amy Russell's husband, Ted, who was born in the red house next door and spent summers at his grandmother's home down the street.

"It was pretty bad. It was like, 'What are we living with?'"

The answer is like the story line of a bad science fiction movie.

Buried beneath more than 100 homes in a middle-class neighborhood wedged between the Housatonic River and a stretch of Interstate 95 is a 500-acre pool of severely polluted groundwater.

The water is not used for drinking, but it releases toxic gas that permeates the soil and disperses into the air. The gas can enter homes through plumbing gaps and cracks in the foundation. When trapped within four walls, the toxins become concentrated and potentially hazardous to breathe.

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Ted and Amy Russell moved to Willow Avenue to start a family in May 1995 -- almost six years before federal regulators discovered that toxic waste buried beneath the neighborhood was percolating out of the ground and trickling into residents' homes.

The EPA determined the source of the waste is Raymark Industries, a now-bankrupt automotive manufacturer that dumped asbestos, carcinogens and other hazardous chemicals on hundreds of properties in town during most of the 20th century.

Today, temporary safety measures are in place at all but 16 homes above the groundwater plume to prevent residents from breathing in contaminants. Yet nearly a dozen residents interviewed by the Connecticut Post who moved into homes here since the contamination was discovered, including families living in homes without devices to clear the indoor air of toxins, said they were not told their properties are part of a toxic dump site.

The state disclosure form doesn't require sellers to answer any questions specifically about hazardous waste. There are no readily available public documents that indicate which Stratford homes are part of the Superfund site.

In Stratford, the result of this lack of transparency is widespread buyers' remorse among homeowners who unknowingly settled in a neighborhood buried with poisonous chemicals. Residents here say they feel deceived.

"There are no controls to ensure people are informed," said Jim Murphy, a community involvement coordinator for the EPA. "We consider that to be a problem."

`NO ONE KNOWS'

Hazardous waste has become part of the physical and emotional landscape of this proud, industrial town that once thrived on the success of the very manufacturing plants that have since shuttered and left behind wastelands. The worst offender, Raymark, littered not just its own site, but hundreds of nearby businesses, parks and homes.

The federal Superfund program was created in 1980 on the heels of the Love Canal disaster in Niagara Falls, N.Y., to mobilize and fund cleanup efforts at abandoned hazardous waste dumps. But despite the urgency with which public health officials 16 years ago adopted these polluted properties into the program, the bulk of the waste remains unaddressed. Money designated for cleanup is running out.

Officials attribute the stalled cleanup project to the intricacies of the Superfund process. Critics blame incompetence. Meanwhile, hazardous chemicals continue to leach out of the ground, and a second generation of residents is learning to live with it.

"It's sort of like an Erin Brockovich situation," said Ted Russell, who is tall and personable with a silver beard. "Except no one knows about it."

In the Russell household in 2001, EPA indoor air quality tests detected 1,1-dichloroethene and trichloroethene, two synthetic toxic compounds. Trichloroethene, a chemical used in manufacturing as a metal degreaser, is a suspected carcinogen linked to leukemia. Melanie Russell developed leukemia at age 3.

The most potent air in the home was leaking into the basement through an imperceptible gap between a cutout in the wall and the water main pipe. Melanie Russell played beside this pipe for hours every day. Beside it was a mammoth wooden dollhouse, handcrafted by her father.

"Officially, I can't tell you to leave or stay," Ted and Amy Russell remember being told by a subcontractor testing the air in their home. "But would I live here? Absolutely not."

The EPA equipped the house with two machines that diffuse harmful chemicals seeping out of the earth's surface before they can infiltrate the home. These sub-slab ventilation systems, eventually installed free of charge in 107 homes above the contaminated groundwater, suck up chemical vapor beneath the home and spew it into the open air like a radon machine. When used properly, the systems -- white boxes the size of a mini-fridge affixed to long gutters -- are about 99 percent effective in eliminating hazardous gas from flowing into the home.

"Once they came in ... our air quality was better in that basement than it was in any other house on the street. We could breathe easy," Ted Russell said.

But the family had other troubles. Melanie Russell's sickness had strained the family's finances in more ways than one. Amy Russell said her daughter's illness sank her into a depression she self-medicated with shopping. Medical bills and spending sprees drained the family's bank account. They stopped paying the mortgage on their home. In 2003, they filed for bankruptcy.

Then came some good news. Two years after the EPA installed the ventilation systems Melanie Russell beat her cancer.

The family began to climb out of debt. By 2005, they had stabilized their finances and made plans to move to the North End of town. They no longer wanted to live in a home that might have sickened their youngest child.

"Moving out of that house was like moving on for us," said Amy Russell. "We weren't afraid of the house at that point, but we knew the only way we weren't going to have to worry anymore was to get out of the neighborhood."

Though the house was now safe, the Russell's anticipated a lengthy trial to find a buyer due to its status as a Superfund site and the history of toxic contamination on the property and in the surrounding neighborhood.

The couple said they had a detailed conversation with their real estate broker about the past and present hazards on the property, their daughter's cancer and their ideal buyer: someone who did not

have children and did not plan to have children, since youngsters are more likely than adults to fall ill from exposure to toxic substances, and someone who understood the importance of the ventilation systems.

"We knew exactly what type of buyer we needed to sell the house," said Amy Russell, who has sapphire eyes and yellow hair.

The housing market was hot and the house sold quickly -- for \$399,900 the day it went on the market.

The buyers' real estate broker said she knew the house was part of the Raymark cleanup project and would have passed that information on to her clients.

But the new homeowners say they did not know the house sits over a pool of toxic groundwater or that it is part of a Superfund site until long after they bought the property. If they had known, they said, they never would have moved in.

WHAT LIES BENEATH

Full disclosure: toxic sludge is buried in the yards of more than a dozen residential properties and hazardous gases have the potential to collect inside 122 homes built over a pool of contaminated groundwater, according to town property records and data provided by the EPA and the town Health Department. Most of these properties are affected by soil waste or rising chemical vapors. A handful are plagued by both.

All told, records show there are 129 homes in Stratford tainted by asbestos, lead, polychlorinated biphenyls and other toxins dumped over 70 years by automobile parts manufacturer Raymark Industries.

The unaddressed waste here is emblematic of a nationwide struggle facing communities formerly used as dumping ground for industrial poisons. Complex, multimillion-dollar cleanup campaigns are almost impossible to complete when federal funding starts to dry up. About 1,000 Superfund sites on the National Priorities List have been awaiting full remediation for 15 years or longer.

In Stratford, more than \$200 million has been pumped into cleanup efforts, but less than 10 percent of the total acreage polluted by Raymark has been remediated. Less than \$22 million in funding designated for cleanup remains. While there's a chance the project could win additional financial support, there's a greater likelihood that town residents will be living alongside untreated toxic waste for many years to come.

Raymark, formerly named Raybestos for the asbestos it used to insulate automotive brake pads, began dumping toxic waste on the grounds of its East Main Street factory and in Ferry Creek, which feeds into the Housatonic River, in 1919. Some of this toxic sludge sank into the water table; the rest was dredged and spread about town as fill soil the company offered residents free of charge. Citizens who

took the soil to elevate their low-lying properties were unaware it could sicken or kill them.

By 1989, several hundred properties in town, including parks, a schoolyard, restaurants and residences, had been littered with toxic dirt mixed with fragments of metal brake pads. And Raymark, once a significant source of local jobs and civic pride as the leading producer of friction brakes used on military tanks and bombers in World War I and World War II, had become the enemy.

Raymark filed for bankruptcy that year amid a flood of tens of thousands of lawsuits from ailing factory workers and families of workmen across the nation who used Raymark's products and died from asbestosis or lung cancer. Court documents show for nearly half a century Raymark withheld from its global workforce evidence that asbestos exposure causes disease and death. The company had quietly researched the health risks of its signature ingredient and kept the alarming findings under wraps. This evidence led Raymark to become the first corporate defendant in the history of asbestos litigation to be held liable for civil conspiracy.

The town also knew of potential health threats at dump sites in Stratford at least 14 years before federal officials issued the first public health advisory in New England here in 1993. Local officials had long looked away as the company disposed of asbestos sheets and defective brake pads at a boat club, schoolyard and municipal parks. But some town leaders advocated for public disclosure.

"We will have the problem of asbestos contamination with us forever," warned William L. McCann, the town's former conservation administrator, in a May 1981 memorandum to then-Town Manager Gloria T. Minie. "The task before us is fundamentally simple: try to keep the contaminated material in place, away from humans. Every effort must be made to do so."

Yet to this day, untreated toxic waste lingers in town and officials acknowledge additional undetected waste could exist on properties never tested.

In 1995, the EPA declared a sprawling section of Stratford a federal Superfund site, making it eligible for government-sponsored cleanup. To manage the cleanup, authorities identified and divided properties contaminated by Raymark into nine separate units. Just one unit, the former factory site, has been fully remediated.

In the near term, plans for the site's second permanent cap have won approval. The cap would encase a small percentage of the remaining toxic soil waste from a residential property and two commercial sites. Construction is slated to begin in about a year.

Meanwhile, the fundamental conflict between regulators and town residents over how to document the location of the remaining toxic waste without obliterating property sales remains unresolved.

"We call this 'weeping Willow'; it used to be 'Willow wonderland,'" said Cindi Svec, a Willow Avenue resident and insurance contractor who said she and her husband did not know asbestos, lead and PCBs were buried in their yard when they moved to the street nearly a decade ago.

Svec said she worries about her health, and about the water rats she says carry toxic chemicals into her yard on their tiny black feet from the contaminated creek bed behind her home.

"There's a lot of fear and people always talk about moving," she said. "So many people on this street have cancer or some other type of illness, and you don't know if everyone's getting sick from this or if it's just a coincidence."

While Stratford residents from 1958 to 1991 had the highest rates of bladder cancer, cancers in people under 25 and mesothelioma in the state, experts say it's nearly impossible to know if Raymark waste is the culprit.

The only finding that correlates high disease rates in town with Raymark contaminates is a 1998 study by the state Department of Public Health that shows an increased rate of bladder cancer among residents living on or near the Superfund site.

An elevated rate of cancer in children under 5 was also identified near some contaminated properties. But researchers deemed the data statistically insignificant because there wasn't enough of a population sample.

There have been no health studies focusing on the group of more than 300 people who lived above the toxic groundwater pool before the EPA installed sub-slab ventilation systems in most of the affected homes.

BUYER BEWARE

The great, gray Colonial at 348 Housatonic Ave. is the archetype of a real estate deal too good to be true.

The \$2 million mini-mansion, with five bedrooms, a library and a massage parlor, was built in 2006 on a riverbank overlooking the juncture of the Housatonic River and Long Island Sound. Three years later, the property went into foreclosure and, the home, complete with an au pair suite and an in-ground swimming pool, moved onto the market for \$889,900 -- less than half its appraised value.

"You would look at it and think, `I'm right on the Housatonic, I've got my own dock, it's a nice parcel, it's in foreclosure and I can pick it up for a million dollars. Sounds like a great catch,' " said Ron Curran, a project manager for the Connecticut Department of Energy and Environmental Protection, who visited the property several times during the home's construction. "But you don't think about the environmental issues on the property."

A woman bid on the property, Curran said, and then abruptly backed out. Here's why: While executing an extensive Internet search of the waterfront parcel, the prospective buyer, a former radio reporter from New York, learned it stands over a pool of groundwater poisoned by chemicals dumped into the watershed by Raymark.

While the air at 348 Housatonic Ave. was never tested, the EPA did test the air quality in 40 homes over the toxic groundwater in 2001. Officials found hazardous gases in nine of them. But, since the groundwater is fluid, a home that tests negative one year could potentially test positive the next. So regulators ceased the tests and approached homeowners throughout the neighborhood with a one-time offer to install systems that reroute the gas before it can infiltrate the home.

The house at 348 Housatonic Ave., however, does not have a sub-slab ventilation system to clear the indoor air of toxins. It was built after the government made the one-time offer, and the builder never installed one.

In May the EPA mailed a letter to the home's current owner, One West Bank, urging it to install a system. So far it hasn't done so.

But Raul Villacis, director of real estate owned property at Exit Advantage Real Estate, points out that the house has more than one radon machine. He said plans are in place to test the air quality in the home to see if the radon machines alone are sufficient in preventing contaminants rising out of the groundwater from seeping indoors.

Down the street, Martin Wittig, a 37-year-old animation artist, said he would unknowingly purchase a home above the contaminated groundwater a year later. It was a neighbor who told him a year after he moved in that it's part of a toxic cleanup site.

The sellers made no mention of contamination on the property when he bought it in May 2008, Wittig said. The disclosure form didn't mention it, either. Not even the home inspector he hired to examine the condition of the house clued him in to the chemical vapors streaming out of the ground throughout the neighborhood, he said. Wittig declined to provide any inspection records.

Looking back, Wittig said he feels duped.

"I walked through the whole house with the home inspector, and he said the machines on the side of the home were for radon. When we found out it's there because of groundwater contamination, we were completely surprised. I mean, we have a baby," said Wittig, who still lives in the home with his wife, a doctor, and their 1-year-old son.

"Then we started getting mail addressed to the previous owner from the EPA about water quality," he added. "That kind of scared us. If we had known, we probably wouldn't have bought the house."

Home inspectors aren't required to tell a client whether a house is part of a Superfund site and they're typically not obligated to perform indoor air quality or soil tests unless a client asks specifically for those tests, said Woody Dawson, vice president of the Connecticut Association of Home Inspectors.

"Home inspectors only give an on-site report; it's not their responsibility to do any research," said Dawson, a home builder-turned-home inspector with 30 years experience. "An environmental inspector will do research at the town hall and they'll look through books and examine if there are any

issues with groundwater or anything else. But most people don't get an environmental inspection because they're trying to keep their costs down."

"The bottom line is the buyer has to be their own advocate," Dawson added. "They have to do their own research, because they really can't depend on someone else doing it for them."

Connecticut is among a half-dozen states with a property condition disclosure form that doesn't specifically ask homeowners to divulge to buyers whether hazardous materials are present on a residential lot.

Beyond the 34-question disclosure form, which sellers do not have to fill out if they instead pay a \$300 credit to the buyer, a seller must answer truthfully, to the best of their knowledge, any additional questions a buyer might have about the property.

The problem is most home buyers don't know to ask about Raymark contamination. And the sellers aren't obligated to chime in.

"That's the whole reason there is a form: so people don't say 'We disclosed it;' 'No you didn't;' 'Yes we did' -- and back and forth," said Katherine Pancak, a professor of real estate law and finance at the University of Connecticut at Stamford. "The form provides a written record."

The form does state that real estate brokers are obligated to tell the buyer about anything present on the property that would reduce its value. But if the seller doesn't tell the broker about hazardous waste on the property, or if the seller doesn't know about it, chances are that the broker won't know about it either.

Even if the form were expanded to include a disclosure on hazardous materials, there are other gaps in the law. Does a seller have to disclose that a home was dumped with toxic sludge if it has since been cleaned up? Must a seller disclose that a home sits above contaminated groundwater and could potentially contain toxic vapors if the indoor air was never tested? Even the experts say it's unclear.

"The law is still pretty much 'buyer beware,'" said Edward S. Hill, an attorney based in Hartford who specializes in real estate matters. "The law is this: If a buyer asks the question, the seller has to answer the question. If you don't ask the question, they don't have to answer the question. So, if you don't ask, 'Is this property part of a Superfund site?' then the seller doesn't have to tell you."

NO ONE WILL HELP

Seeking quiet in the suburbs, Winnifred Patterson, 63, moved from the Bronx to a three-bedroom ranch on Willow Avenue in November 2008. About six months later, the retired certified nursing assistant learned from a neighbor that the \$214,000 home she bought in foreclosure is contaminated with toxic waste.

"I asked the bank and the bank told me they didn't know nothing about it," said Patterson, speaking

in a hushed Caribbean accent while baby-sitting her 2-year-old grandson in the backyard. "When I go to the town, the lady said, 'They didn't tell you?' She was shocked."

Patterson said she presented her predicament to an attorney who told her a lawsuit wasn't worth pursuing. The town would argue it's not liable for the contamination and the bank would argue it didn't know it was there, she was told.

The EPA excavated contaminated soil from 46 residential properties between 1993 and 1995, but left some waste in place at 14 parcels, including Patterson's. The reasons for leaving the waste varied. In some instances, it was too close to the foundation of the home or an underground utility. Some waste was left because it was buried beneath a beloved maple tree a homeowner did not want to chop down.

Homeowners like Patterson with residual soil waste are advised not to plant vegetable gardens in the ground. They cannot build swimming pools or porches without hiring a licensed environmental professional to supervise the digging at significant added cost.

Patterson also resides in one of 16 homes in the neighborhood that does not have a sub-slab ventilation system to rid the air of harmful vapors because a former homeowner refused to have it installed.

"It's not fair," said the native Jamaican. "It's not fair, but what am I supposed to do? No one will help."

The home's hidden hazards and a season of extraordinary snowfall swayed Patterson this spring to stake the flimsy legs of a "For Sale" sign in the front yard and forge plans to move south. About 15 percent of the properties in the neighborhood are currently on the market.

"The houses here don't seem to have trouble selling," said Peggy Wood, 56, a Stratford native who lives in a white Cape Cod-style home built over the toxic groundwater plume. "But I think it's because the people who move in don't know."

"You just don't know what's in the ground here," she added. "We think about it every day."

Hazard or hype?

Not everyone living on Stratford's Superfund site is reeling from Raymark's hidden remains.

Donald Budde, an avid fisherman, said he doesn't believe buried contaminants could surface to sully his health. The sprightly 92-year-old has lived above the toxic groundwater plume for the last quarter century and, he points out, is still healthy and physically fit.

More often than not, the retired engineer has kept his sub-slab ventilation system switched off.

"Sometimes I turn it on," he said with a sheepish smile. "I have to think about money."

EPA officials liken the cost of operating a ventilation system to keeping a light bulb incessantly burning. But any expense to eliminate a gas that can't be seen or smelled -- and might not be present in the home at all -- is enough to discourage a man living on a modest pension like Budde from keeping the system running nonstop.

Charles Tesla, a grocer who grows squash and tomatoes in his yard above the groundwater pool, likewise points to his good health when he says he grew up tossing asbestos-laden brake pads pulled from the ground like flying discs. Back then, finding brake parts in the dirt in some parts of town was sort of like finding a worm.

Tesla is half serious when he reasons it wouldn't be so bad to find asbestos-made car parts in his own yard: "The house around the corner, by the gas station, they dug it all up and filled it with about 6 feet of clean, beautiful loam. I wish I could find a brake pad in my yard."

"Nowadays, people make a big deal out of it," he added, pawing an oyster out of a bucket an arm's length from his seat in a plastic chair on his driveway, "and from what I was told, there's more asbestos on the side of the highway from brake dust than there is on these people's yards."

Frank Dunn said he was angry to learn two years after moving into his home, which is not equipped with a sub-slab ventilation system, that it sits over toxic groundwater. But the realization hasn't yet propelled him to spend \$10,000 to install a system on his own.

"It's not like we're all dying in the streets," said Dunn, who lives with his wife on the Housatonic riverbank. "Is it a health threat or a perceived health threat? I don't know."

AFTER CANCER, A NORMAL LIFE

At 13, Melanie Russell is spunky and sweet with the same wispy, golden locks as her mother. She sings in the school choir. She paints her fingernails electric blue. And she's as comfortable chatting with adults and strangers as she is dishing gossip with her girlfriends in the halls of school. Now a childhood cancer survivor, she is healthy again.

Her father believes the polluted air in his family's former home caused her cancer. Her mother isn't so sure. In fact, she said it really doesn't matter.

"When your child is sick, you don't really care how or why; you just want your kid to get better. That's your priority," said Amy Russell, who now heads the New Haven-based Tommy Fund for Childhood Cancer. "And no doctor can tell you how you got cancer. We'll never know. Honestly, I don't know. But she's fine and we're out of the house, and that's all that matters."

Still in the house are Gerald and Geraldine Langlois, the couple who bought the property on Halloween in 2005.

Gerald Langlois said he and his wife never would have purchased the home if they had known it's

part of a Superfund site or that neighboring yards a stone's throw from their own still contain toxic soil waste. For months he said he thought the home's two ventilation machines had been installed to rectify a radon problem.

The Russells said they are shocked the Langloises claim they were unaware of the property's past and present hazards at the time of the sale.

The two families, however, have only met in passing. The property sale six years ago was carried out largely by their brokers.

The Langlois' broker, Marilyn Fleureton, said she knew Geraldine Langlois as her friend and hairdresser before she became her real estate agent.

"If I knew something that would have shocked them, I would have told them," said Fleureton, who also worked with the couple when they bought their previous home in Stratford. "I don't remember hearing anything about the cleanup project. I didn't know enough about Stratford to know."

But after looking through her records of the sale, Fleureton said the Langloises must have known about the contamination: "They might not have known the term 'Superfund,' but they did know about it because we had a letter from the Russells stating this whole thing about the remediation," she said. "I have this in my records and anything I have I would have passed on or given to them."

The letter, which Fleureton provided to the Connecticut Post, explains that the function of the two sub-slab ventilation systems on the house is to prevent chemicals rising out of the groundwater from entering the home. It's addressed to the Russells and signed by two state officials.

But Gerald Langlois said he never received any documentation of the contamination or the cleanup. He declined a request from a reporter to view his closing documents.

Stacy Pfannkuch, a real estate agent with William Raveis who represented the Russells in the sale, said she told the buyers' broker that the home had been outfitted with ventilation systems as part of a Raymark cleanup project.

"I don't think we talked about the daughter, but I'm a real estate agent, not a doctor," she said. "I'm not going to say that the cancer this little girl contracted was because of this or that. I'm also not going to attempt to explain all the ins and outs of the Raymark cleanup. I'm not an environmental expert.

"Most of us," she added, referring to real estate professionals, "would probably say, 'This property is part of the Raymark cleanup,' and point them to Town Hall where they can read all about it."

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