

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday December 3, 2008 at 7:00 P.M.
 Minutes should be considered a draft version until approved by CC at their next meeting.

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Call to Order

Present: Tom Harbinson, Chairman
 Bill Dyer, Vice-Chairman
 Hank Lauriat, Commissioner
 Jim Tate, Commissioner
 Ed McCreery, Commissioner
 A.J. Grasso, Commissioner
 Joe Welsh, Commissioner

Also Present: Jim Ryan, President, SEDC
 Teresa Gallagher, Conservation Agent
 Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:08 p.m. All in attendance recited the Pledge of Allegiance.

Vice-Chairman Dyer MOVED to amend the agenda to add the presentation of the downtown revitalization by Jim Ryan, SEDC. SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

B. Approval of Minutes

Commissioner Lauriat MOVED to approve the minutes from the November 5, 2008 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

C. Public Portion

None

D. Approval of the 2009 Meeting Schedule

The meetings for the Trails Committee and Conservation Commission will be the first Wednesday of every month, held at 5:30 P.M. for the Trails Committee and 7:00 P.M. for the Conservation Commission in Room 303. The dates are as follows:

January 7, February 4, March 4, April 1, May 6, June 3, July 1, August 5, September 2, October 7, November 4, December 1, 2009.

Commissioner Lauriat MOVED to approve the 2009 meeting schedule for the Trails Committee and Conservation Commission. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.

E. SEDC Presentation of the Downtown Revitalization

Mr. Jim Ryan, SEDC, had a slide PowerPoint presentation that did not function so he said he would just discuss the topic points. There was development plan from Primrose that would serve as a visual aid of the areas of discussion. This discussion would be what SEDC does as it relates to conservation. All of the City's commitment to downtown evolved from the political and community support to make it a "smart" downtown with access to the waterfront with revitalized Brownfield's with brand new neighborhoods. We have made with a lot of support from the community including the Conservation Commission a lot of progress.

We have had a setback, which we think is temporary, where the referendum question that failed at the last election. We want to come back to this Commission after we have done some additional work putting together all of the reasons the City should consider this going forward.

Mr. Ryan pointed out the development plan submitted by Primrose Development and approved by the P&Z Commission is the private investment the City has looked forward to for many years.

The highlights of Mr. Ryan's presentation to the Conservation Commission are as follows: (The taped presentation, included in the minutes, is available at the City/Town Clerk's office)

Downtown Revitalization Phase 3

Process:

- State awards \$2,000,000.00
- Local match required
- New referendum requested

Program:

- Road widening
- Utility upgrades
- 2 railroad crossings
- Possible signalization
- Landscaping plan for sidewalks

Recent Progress:

- Two meetings w/State & Public Safety officials on proposed Wooster St. crossing
- Housatonic Railroad submits draft preliminary engineering agreement
- City of Shelton considering final design contract for engineering firm
- BOA authorized at 12/3/08 meeting a realignment survey for the rail line thru downtown. This allows the railroad to resolve some clearance issues along the track and final location of RR crossing and pedestrian railroad crossing.

Next Steps:

- Coordination with engineers related to final design
- Process railroad contract
- Railroad preliminary engineering work should be completed by the first quarter of 2009.

Riverwalk Extension Project:

- CT DOT has approved engineering scope of services for preliminary, semi and final design
- SEDC and Rotondo Engineering Inc. to separately produce proposed fee
- Negotiations for fee to begin in January
- Submission of contract for consideration to Board of Aldermen and CT DOT is expected during 2nd Quarter 2009

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- Subject to appropriation by City preliminary design is expected to commence by April and to conclude late Fall 2009
- In related work the Executive Committee has authorized an analysis of public improvement investments that have been suggested for the Phase 1 and Phase 2 areas

EPA Grant Progress – Rolfite (2007 Grant):

- Four tanks removed
- Asbestos fence removed and disposal completed
- Latex vault closure authorized and work in progress. This is expected to complete all budgeted items under this grant

EPA Grant Progress – Axton Cross & Samarius (2008 Grant):

- Community involvement plan implemented for program
- Citizen hearing set for July 23rd was conducted & duly advertised
- Engineering services for preliminary work at Samarius site authorized. Scope for Axton Cross site was approved in November

Axton Cross OBRD Grant Application:

- New grant application prepared for groundwater and soils remediation and submitted
- Design phase began in September (soils and groundwater testing) under US EPA TBA grant. Analysis of sampling underway
- TBA grant submitted for adjoining site for LEP activities has been awarded in the amount of \$100,000.00 worth of engineering services

Naugatuck Valley Corridor Comprehensive Economic Development Strategy (NVC CEDS):

- 18 City and Town District
- Four Quarterly meetings planned. Initial meeting of Strategy & Steering Committees held in September
- SEDC submits a pre-application for creation of a new 5-yr NVC CEDS plan
- City of Derby invited to submit a pre-application for \$1,000,000.00 grant for their highly rated Commerce Street extension project
- SEDC awarded \$15,000.00 Matthies Grant for administration of NVC CEDS
- Newtown receives \$200,000.00 US EPA Brownfields Grant

Shelton Life Excellence Continues

- Reports on progress and national recognition

Rotary and Bridge Study

The Balanced Plan for Shelton's Future:

- **Vision to see, Faith to believe, Courage to do**

At the end of Mr. Ryan's presentation he said he wanted to compliment Agent Teresa Gallagher, who has been an absolute "breath of fresh air" in terms of technology and information. To have that kind of expertise and the Chairman's

passion as a part of their team helps in a big way. The work that Agent Gallagher and the Commission have done on the locks is very important. It's unfortunate that the owner has taken the approach he has. Your work is in the public's interest.

He noted that in looking at some international sites he has found that they are reopening canals in England. They are an important part of open space and commerce.

Mr. Ryan and the Commissioners continued to discuss the area of the canal and the locks, and the rail line in respect to what he would like to see accomplished. Mr. Terry Gallagher, Trails Committee, talked about the upcoming hike on December 13 at 1PM at Pine Lake to celebrate the grand opening of the Shelton Lakes Recreation Path. Mr. Ryan said that he would place a notice about it in Shelton Life.

Chairman Harbinson pointed out that on December 19 it would be 10 years since we purchased all the Bridgeport Hydraulic property. We want to be able to do a little promotion about the Rec Path.

Mr. Ryan asked Mr. Gallagher to send him the invitation to the hike and we would see that it is sent to the Chamber of Commerce and all his directors.

Mr. Ryan also said that they could publicize the Open Space plan. He noted that the businesses do want to know what is going on in Shelton. When we talk about businesses moving in one of the attractions to Shelton is that we are buying farms, open space, farmland development. They love the look and texture of Shelton. You haven't let the Bridgeport Ave/Route 8 corridor development creep into the other important neighborhoods.

F. Shelton Canal

1. Closure of public recreation area

Agent Gallagher received a copy of an email from DEP asking FERC if they were going to have McCallum take the fence down. She is now on the automatic notification of correspondence from FERC.

Since our last meeting FERC revisited the question of whether to close the 1000' for the recreation plan and sent a very strongly worded reversal of their original position. It appears to be re-opened.

Agent Gallagher commented that she hasn't been there recently and doesn't know if the gates are open. She is also a little concerned that they might leave the fence there but the fence open or maybe take the fence and put it somewhere else and make the area less attractive (like along the canal).

Vice-Chairman Dyer said that they also built a piece of fence at the end of the canal where you used to be able to carry your canoe or kayak up the stairs to the railroad tracks and then down to the water. They have basically fenced off the access to the railroad tracks.

Agent Gallagher said she would check on it and let DEP and FERC know the status of the fence.

G. Open Space Plan of 2008

Chairman Harbinson reported that he and some of the other Commissioners attended the P&Z public hearing to receive the open space plan. There were some questions regarding the open space set aside dedication. As it was pointed out this is an advisory document and that would be something that would have to be further adopted in the P&Z subdivision regulations. They did leave the hearing open because none of the P&Z Commissioners had reviewed the plan. Agent Gallagher said she had given 12 copies to Rick Schultz but apparently he had given them to others and some of the Commissioners didn't have a copy. She is making 7 more copies for them.

There was discussion of the 15% open space dedication and Agent Gallagher noted that she received a written confirmation from Atty Ray Sous stating he did not feel the 15% open space dedication was an issue.

Tape 1, Side B

H. Trails Committee

Vice-Chairman Dyer reported on the following:
Shelton Lakes Recreation Path:

1. **Phase 1 (Pine Lake to Nells Rock Road): Surfacing completed in November. Grand opening/10-year Shelton Lakes Greenway celebration on December 13 at 1:00 pm at Pine Lake. Status of any remaining items, granite posts.**

Sound Engineering did a marvelous job and some extra things at no additional cost. The work by them is completed and they are ready to be paid.

As far as the Trails Committee is concerned the contract has been fulfilled. The Commissioners discussed the details of signing off the contract so that Sound Construction can get paid. Someone from the City needs to sign off on the contract, not someone from the Conservation Commission.

Trails Committee member Terry Gallagher noted that there is now cleanup work to do along the edges of the Rec path with trees and rocks, raking, placing wood chips and making it look like a finished path.

Vice-Chairman Dyer MOVED to recommend paying the bill to Sound Construction after the final conditions have been met and approvals signed off. Notice of our recommendation should be forwarded to the Board of Aldermen, Planning & Zoning and the Mayor's office. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

The trees were an issue because the contract work didn't allow for tree work unless the trees were in the way. There are too many trees along the side. We can remove some of them. Photos of the areas concerned were passed around.

Terry Gallagher prepared a list of trees (49) that need attention and are prioritized.

Not everyone agrees on all the trees.

There was discussion if the Commission wanted to first take the #1 priority trees, safety trees, out first, or do it in mass. They discussed the option of being able to get some of the trees removed immediately by the Tree Warden.

Terry Gallagher stated that the Trails Committee decided to recommend to the Conservation Commission take the list with Vice-Chairman Dyer's direction, recommend to Sandy Nesteriak the number of trees, rock ledges, utility pole guide cables that are safety issues that need to be addressed. Vice-Chairman Dyer could walk the areas of concern with Dean Cawthra (Tree Warden).

Commissioner Tate commented that he now only wants to address the one tree that is a safety issue and get it resolved. Then at a later point they could follow up with the rest of the list. Perhaps each Commissioner needs to go out with the list and give their input at the next meeting.

The Commissioners spent a great deal of time discussing the trees, etc., as an issue near the Rec Path.

Commissioner Tate volunteered to contact Bill Mooney (H&B) regarding a curb cut on Meadow Street.

Mr. Gallagher brought up an issue where people who come up Constitution Blvd. taking a right turn on a red light to Route 108 are coming through the crosswalk at the pedestrian signal by 2 ½'. We may have to add a curb to keep people from running into someone waiting at the crosswalk. We also have to coordinate that with the drainage and gutter at the intersection. We built the Rec Path where there was a ditch previously. Commissioner Tate said he would work on this need.

There was discussion of the Commissioners going out to view the trees of concern and they said they'd like them marked for easy viewing. Next meeting the Commissioners could take this up again.

2. Phase 2 (Nells Rock Road to Power lines/Huntington Woods). Possible surfacing by City crews with millings.

Phase 2 is not the next priority. We need to be fully linked up before getting on with this project.

We need to decide either A) does it go where we now have the path or B) do we make it a little more circuitous so it's not just a straight uphill line.

We want to get rid of the trees before we build the path.

Chairman Harbinson suggested coming from the Oak Valley Rd. direction, you should be able to go quite a length from that direction.

3. Phase 3 (Power lines/Huntington Woods to Lane Street). DEP grant application submitted 8/2008. Possible surfacing by City crews from Lane Street.

Mr. Gallagher commented that they talked about doing Phase 3 in from Lane Street instead of jumping in the middle.

Vice-Chairman Dyer said that if we were able to get Dean to do anything with equipment we thought going from Lane Street to the boardwalk would be a good start.

There was discussion of needing a topographic survey of the Rec Path and Commissioner Tate suggested getting one for the entire path.

Vice-Chairman Dyer said he talked with John Cook about getting an Inland Wetlands permit for the Huntington Woods section. He reminded me that most of the wetlands have been flagged as part of the subdivision. He should have the topo for that area.

Commissioner Tate MOVED to get quotes to the extent possible of the Rec Path loop from Huntington Center to white house on Nells Rock Rd (Phase 2 & 3). Quotes will also be necessary for wetland flagging for the purpose of a wetland permit for the completion of the path. SECONDED by Vice-Chairman Dyer.

Discussion:

The Commissioners discussed ballpark figures for this venture for budgeting purposes and the location of the survey areas.

A voice vote was taken; all were in favor, MOTION PASSED.

Vice-Chairman Dyer stated that he would be sending a letter to the BOE saying that we have done everything in accordance with the plan and have blocked off the sidewalk. We will be putting in removable ballads so you can get into the area for maintenance.

4. Granite posts installation

We got 3 quotes – the highest was \$350/each and the lowest was \$100/ea. The low bidder was the one recommended by Swensen Granite Works. I need to verify that he has insurance since it is a City requirement. The low bidder was PMCR LLC.

Vice-Chairman Dyer MOVED to proceed with the installation of the 8 granite posts. The bid will be awarded to PMCR LLC contingent upon verification of insurance and any other requirements the City may have. If the low bidder cannot meet the requirements it will be awarded to the second lowest bidder. The payment would come from the Land Improvements

budget item. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

5. Guided hikes

There is a hike scheduled for December 13 at 1 P.M. (Rain/snow date the following Sunday).

Notices will be sent into the Huntington Herald, Shelton Weekly and the CT Post. Terry Gallagher will make up a flyer and send to SEDC and will be put in places like the library.

6. Trails Maintenance

Riverview trail stairs replacement – we did the cleaning but we have to go back and replace some stairs. It will be a spring project.

I. Review of P&Z Applications for Subdivisions and/or Developments

1. OLD APPLICATIONS

None

2. NEW APPLICATIONS

None

J. Communications

- Walk CT/Path to Health and Happiness (CT Forest and Parks Association). There is a website to document where all the walking trails are in CT for people to get out and exercise. Agent Gallagher will complete the request for the Commission and handed a copy to Commissioner Welsh for the Land Trust.
- Inland Wetlands Commission reviewed the modification request for Aspen Ridge and it was denied without prejudice for the request to construct a retaining wall and fill within the regulated upland.
- Bob Kulacz, City Engineer, memo regarding sanitary sewer for Mill Street. His letter stated that his office has no jurisdiction since it does not involve the public right of way. Request has been forwarded to the Sewer Administrator.
- 235 Huntington Street homeowner that abuts City open space. Concerns about the Means Brook. This request is for a small footbridge. Agent Gallagher spoke with the homeowner and said that it would not be feasible due to the varying water heights.
- Communication from Assistant City Atty that the request for 15% set aside for open space on subdivision is perfectly legal request.

- Request from Mayor Lauretti that he wants us to take a look at a Junior girl scout troop. Agent Gallagher will assist.
- Community garden grant program – Agent Gallagher submitted a grant through Iroquois. We should hear the results this month.
- Encroachment on Pine Lake (Edward Street – handled by Agent Gallagher

Tape 2, Side A

- Copy of the communication regarding the By-Laws as discussed at the October Conservation meeting
- City Christmas Tree Lighting ceremony this Sunday, Dec. 7.
- CT Preservation newsletter
- Memo from Lou Marusic regarding the Conservation Commission budget. The Commissioners discussed various budget items and possible future requests. Commissioner Welsh asked and explained the need for money for the invasive species DEP grant he is applying for.
- HVA – request for \$100 contribution

Vice-Chairman Dyer MOVED to allocate \$100 to the HVA (Housatonic Valley Association). The funds are to come from Dues and Subscriptions. SECONDED by Commissioner Grasso. All were in favor, MOTION PASSED.

- CT Forest & Parks – request for membership fee

Commissioner Tate MOVED to allocate a \$90 to the CT Forest & Parks. The funds are to come from Dues and Subscriptions. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

K. Conservation Agent Report

Agent Teresa Gallagher reported the following:

1. Open Space Trust Account

No report from Finance. No additions since the last report. As of August it was \$188K.

2. Ecklund Native Species Garden

Grant application has been submitted and we should hear the status of the award by the end of December.

L. Quality of Life - Executive Session

None

M. Comments By Members

Commissioner Tate suggested sending a letter to Bill Mooney (H&B) regarding the nice work done on the drop curb on Constitution Blvd. where the Rec Path crosses. They did it promptly and in coordination with our contractor.

N. Adjournment

Next regularly scheduled meeting will be Wednesday, January 7, 2009.

Commissioner Lauriat MOVED to adjourn. SECONDED by Commissioner Tate. MEETING ADJOURNED at 9:08 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission