

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday May 6, 2009 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
Jim Tate, Commissioner
Joe Welsh, Commissioner
Ed McCreery, Commissioner
Hank Lauriat, Commissioner

Also Present: Teresa Gallagher, Conservation Agent
Terry Gallagher, Trails Committee member
Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:10 p.m. All in attendance recited the Pledge of Allegiance.

Chairman Harbinson reported that the Commissioners met at 6:15 P.M. at 279 Soundview Ave. for a field walk.

The Commissioners enjoyed homemade pesto spread harvested from the garlic mustard from the Birchbank open space.

B. Approval of Minutes

Commissioner Lauriat MOVED to approve the minutes from the April 1, 2009 Regular meeting. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.

C. Public Portion

None

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. National Trails Day

National Trails Day is June 6 and we will be putting notices in the newspapers as well as flyers. We are going to have a guided hike on May 20 at Oak Valley as well as the bridge-to-bridge hike on June 6 to show off the new Phase I Rec Path. We will be having work parties between now and the 6th to make sure that it's in good shape.

Terry Gallagher, Trails Committee, reported that the CT Forest & Parks have issued their brochure for Trails Day and it's on their web site. The Shelton event is listed as the only one that is going to be handicapped accessible in

the state. We do have a bituminous curb on Meadow that should get cut out by Highways & Bridges for the handicap ramp. It's also one of the few bike-able events and it's listed as going through the Eklund Nature Garden. We also have the Paugusset trail and the Rec Path, which are unique in the state.

2. Planned Projects for 2009

a. Rec Path – Phase I

i. Fence Quote

We are trying to get quotes for the 100' fence that we need along the Rec Path.

ii. Tree removal

We will try to remove some trees that we all agree upon between now and the 6th and do some work along the Rec Path.

b. Rec Path – Phase 2

i. Relocate to avoid large trees, dip and sharp turn

We have come up with a plan for to avoid the obstacles. We will have a work party in the near future for this project.

c. Rec Path – Phase 3a & b

i. Status of the P.O. for Jim Swift to lay out the route and preparation of the wetlands application.

The Mayor said he will not sign it for this year's budget but we've already approved it on our end. He said he would sign it in July.

d. Rec Path – Phase 3c

I did get 3 quotes and I asked the Mayor to sign the purchase order. He suggested doing this through LOCIP. \$1600 is going to come from the LOCIP funds. The Board of Aldermen has to approve it and it is on next Thursday's agenda. This is for the work to be done on Lane Street to the boardwalk by Mucci Construction.

e. Connect Blue Dot Trail to Shelton Lakes

I spent an hour with the Mayor this morning looking at alternatives for the Blue Dot Trail.

f. Dog Park & Animal Shelter

It was suggested that the park and shelter should not be at the same locations. There are committees looking at both items and it would impact the Rec Path and open space.

The Commissioners spent time discussing the items in detail and expressed their feelings of the dog park.

g. Gate Repairs

Someone tried to knock over the gate at Abbey Wright. We have to go out with some rebar and cement to fix it.

h. Kiosks and Signs

We need a kayak sign for Silent Waters.

Commissioner McCreery asked if we have a uniform design for signage and Agent Gallagher said no, we need to have one.

Commissioner Lauriat suggested using the same person that designed the logo for the granite entry posts.

E. Well Spring Estates/Far Mill River Public Open Space (OS #85). Use of Far Mill Crossing access drive and parking for fishermen

John Coniglio, President of the Homeowners Association presented the following letter to be entered into the record:

May 6, 2009

To: Shelton Conservation Commission

Dear Commissioners:

On behalf of The Well Spring Estates Homeowners Association I am respectfully asking you to reconsider your directive to us to open the rear emergency vehicle access driveway to the public and to permit public parking.

We are very supportive of Shelton Open Space and do our part to preserve and protect the open space around our community by keeping it clear of debris.

Several times a year our residents clean up garbage along Old Stratford Road and in the open space near the Far Mill River. Unfortunately, careless drivers constantly deposit their garbage in these areas. We encourage anyone who wants to walk down by the river and enjoy the open space to do so.

However, we strongly disagree with allowing the public to park in the area by the rear emergency entrance (designated by P&Z as a 40' permanent emergency vehicle access easement) for the following reasons:

1. That area is designated as a permanent emergency vehicle access easement to protect our residents should a fire, gas leak or other serious problem require emergency vehicles to service us or for our residents to egress the area in an emergency, if Rushbrooke Lane or Old Stratford Road is blocked. In addition, utility trucks may need to travel in that area to service electrical cables and could be impeded by parked cars in the narrow roadway. There is a utility easement that follows the road to the utility poles in that area as well.

2. The area is secluded from the street by large pine trees and not suited for public parking because it can not be easily seen from the street. We are concerned that this could cause a security issue for our complex, especially for homeowners in the immediate area. We are also concerned that this could become a dumping area for debris. It is unbelievable how much garbage is dumped in the open space along Old Stratford Road each year, which our residents clean up.

3. The limited grass area that we maintain along the "emergency access driveway" can become very soft and spongy in wet weather and we think considerable damage could be done by vehicles parking or attempting to turn around there. This is a drainage area that contains a large silt-settling tank and attendant drainage pipes that could be damaged by cars and trucks parking in that area over time. This drainage area is part of our sub-division and is designed to protect the Far Mill River.

4. Ordinance #833-OPEN SPACE REGULATIONS- #2 clearly prohibits parking "except in those areas set aside and designated as temporary parking". Has this area been set aside and designated as temporary parking by the Board of Aldermen? We can find no such designation of open space parking in this area. In addition, we can find no reference to public open space parking in any of the documents that describe our planned development community or areas around our community as permitted by Shelton P&Z or Inland Wetlands. However, regulations clearly state that we have a permanent emergency vehicle access easement. We are confused as to how after four years of incorporation we are suddenly facing this action by the Conservation Commission.

It is our understanding that the City of Shelton owns land across from the entrance to Health Net. We respectfully ask you to consider this to be a better, safer place to have public access parking for this open space area. In conclusion, we encourage all residents to enjoy the open space, but allowing motor vehicles to park in or near our emergency vehicle access easement is a matter of the safety of our community. We can't find any P&Z ruling or Shelton ordinance that permits parking in this area. We do not believe that it will be possible to properly police our easement if this area is open to parking. In the event of an emergency you are risking the lives and property of our community if that easement is blocked.

Respectfully submitted,
John P. Coniglio
President

Vice-Chairman Dyer commented that when we negotiated the open space with the builder and his agent, Royal Wells and Jim Swift. We made agreements to make some certain changes from what was originally proposed so that we would have the ability to have cars come down and park

there. He wanted to have the retaining wall where it is now. The whole plan before anything was built was that we would obtain a gravel pathway down to the river, which he built, and have access to that area for parking, particularly oriented for fishing season. In the last couple of weeks after the opening fishing season we went down there and the cable was still across the driveway and people were parked out on Far Mill Crossing. The cable was removed and I talked to Royal Wells a few weeks ago and told him we have fishing season coming up, why is the cable still there? He said he is out of there and it is not his responsibility. He said he would talk to the homeowners association. It is open space. Everyone in Shelton has the same ability to go in and use that open space as anybody else. People who live near the open space have no more right to access that open space than anybody else in town; or to deny access to everybody else in town.

Chairman Harbinson stated that when a subdivision is done in Shelton, it has to follow subdivision regulations that are administered by the Planning & Zoning Department. The Conservation Commission is purely advisory and can give letters of recommendation to the P&Z Commission during their approval process. What Bill was describing is the thoughts and process that we were talking to the developer and the developer's architect and engineer in the process of that subdivision being approved. The final approval was up to the Planning & Zoning Dept. The intent of the open space, especially in the Far Mill River greenway, which is an identified greenway where we look to preserve open space as a corridor in town, was to give opportunity for passive recreation, particularly in that area would be the opportunity for fishing. Giving that there was a paved access area it also lent opportunity for some small parking area. That is kind of the background of where we've come to today. If someone from the group wants to speak, go ahead.

John Coniglio, President of the Homeowners Association, said first of all you all do a wonderful job, and we have no quarrel with anything that you are doing with respect to open space and volunteer time you folks put out. I was a volunteer for many years in Trumbull, so I understand the work that you do and how much time you spent. We've got no quarrel with anybody using the open space and the only concern we have is that the P&Z place states very clearly that there is a permanent emergency vehicle access easement that is most of that area down there. In addition to that there is an easement for utility vehicles to service the electrical cables at the end that gravel road. The area in question was pointed out from a drawing and discussed. He pointed out that they have been directed to maintain the easement by mowing the grass and take care of that road. We have a real concern once that's opened up that anybody can drive down there in the middle of the easement. God forbid we have a major emergency. We have gas lines running through there and if people have to get out of there. If we have cars or trucks blocking the entrance we have a real concern. We have no problem with people parking along the road.

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Chairman Harbinson commented that before our meeting we had gone to some field sites and we have not visited your site as a collective group but Teresa Gallagher, our Conservation Agent, had taken some photos and a video. We have seen some of the condition through that. You alluded to an area that has been mowed. Some of the photos seemed to indicate where the open space divides somewhat of a lawn area that there was an open space post with an open space sign on it that had been removed and it had been cut as a lawn area. (Agent Gallagher pointed out the area where the post was removed and the mowing occurred)

Commissioner McCreery said that it does say on the map that there is a permanent emergency access, so if we are going to have accommodation for fishermen to park you are going to have to create a marked 2-3 space gravel parking area.

Chairman Harbinson said that the reality of opening of fishing season could get pretty congested. The homeowners commented that it was busy during the opening season.

Mr. Coniglio said that they were under the impression that the cable was there to make sure cars didn't park down there because it is an emergency vehicle access. Our concern is if there are vehicles there and there is an emergency that it could hinder the emergency efforts.

Vice-Chairman Dyer discussed the area down from the split-rail fence towards the parking area used to be open. Now it's graded. (Pointed out) Commissioner Tate suggested creating a gravel access by the corncrib. It was noted that the topography doesn't work.

Vice-Chairman Dyer pointed out where a parking area could be created using the same entrance.

Chairman Harbinson recommended getting comments from emergency services about where they have their emergency access location and we can go out there as group and perhaps meet with the homeowners.

The Commissioners discussed some potential solutions.

Mr. Coniglio expressed some concerns of dumping in the area, and commented that they have gone out there and cleaned up along Old Stratford Rd.

The Commissioners discussed the fact that the mowed open space gives the impression that it is someone's yard. It needs to be clearly delineated.

Chairman Harbinson stated that they would do a site visit the day of the next month's meeting, which is the first Wednesday of the month.

Commissioner Lauriat said he recalled the development of the property across the street were to have an area where people could access it for fishing or picnics, but it is not City open space.

Commissioner McCreery mentioned the where the open space is mowed and his recollection that at a meeting about a year or so ago we met with you to discuss the maintenance of the open space. What was recommended was to brush hog or mow it once or twice a year, once in the spring and once in the

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fall, but not to mow it as a lawn. What people don't understand like your lawn it minimizes the biodiversity. It becomes one species of grass. The purpose of open space is partially for people to walk, but partially is to increase biodiversity. What we would prefer is to have your landscaper do it once a year or two to keep it as a meadow or field. The City open space is not meant to be someone's side, front or back yard.

Chairman Harbinson suggested having the post re-installed and have your landscaper instructed as what the intent of that open space is.

Commissioner Tate gave his opinion of the site plan and how the property is to be used. Because of that, there is a conflict, and we are running into it all the time. He explained some concerns of liability and ideas of recreational use. He also expressed his problem with someone vandalizing the open space by removing the open space post and sign. That is bad news because we spent a lot of time and money for the City putting up these markers, surveying, getting them installed and all the staff time making sure it stays in place. Someone just willy-nilly threw it away. It's not acceptable.

The Commissioners discussed the value of the open space and the poor site plan. It doesn't function as open space. Someone putting in an easement in and then allowing use, the whole thing is in conflict, also with the drainage easement. Someone missed the boat and we're stuck with it.

It was agreed that they really need to take a look at it so we can come up with a solution that would work for both sides.

One of the homeowners expressed concern of dumping in the area since they are rather secluded and asked who is responsible. The City is responsible for cleaning it up.

Another homeowner asked if there it a curfew for city open space and Chairman Harbinson said yes, there are open space rules, for sunrise to sunset. It is enforced by the police department. He also explained the land keeper program for homeowners who are near by a parcel can keep alert of any activity that may be happening on the property and can forward information to the proper authorities in City Hall to take action. We have many forested and meadow properties that are rather secluded, if people who hike them or live nearby can keep an eye out on those that is the most efficient way for the city to address monitoring it's open space properties. Agent Gallagher suggested calling her after they have called the police so she is aware.

There was discussion of whether the river is stocked and it was commented that it is. You could go to the DEP website to find out their stocking locations and the variety.

Chairman Harbinson thanked the homeowners for coming to the meeting.

Tape 1, Side B

F. Dog Park

Vice-Chairman Dyer reported that there is a committee looking into the dog park idea and they have flagged out an area at the white house, which is at the corner of Route 108 and Nells Rock Road.

The Commissioners discussed the idea of a dog park and that if there is one created it would be on city open space. They also gave their opinions of the idea of a park.

Chairman Harbinson commented that the Parks & Rec is basically undertaking the evaluation of this and have asked for the Conservation Commission's input. Vice-Chairman Dyer is our representative.

It was asked what properties they have looked at and Vice-Chairman Dyer said they have looked at an area next to the Riverview Park (sloped area), Abbey Wright (it would take a lot of clearing and it's swampy), etc.

The committee has made their recommendation to the Mayor and there will be requests for comments.

There is also a related issue of where to put the animal shelter.

Commissioner Welsh suggested having them consider other parcels that Parks & Rec currently maintain, and there might be an area on that parcel and people would go there and use it, and it would be an added feature.

The Commissioners discussed the proposed site and noted that it is a high profile site. The way it presents itself to community right now is pleasant; it adds to the landscape. There is concern about the amenities that would be proposed and how that presents itself to the community on a high profile intersection.

There might be some other areas that are more removed might be better.

Vice-Chairman Dyer said that it is centrally located and the Commissioners disagreed of that need.

There was discussion of the linkage of the dog park and the animal shelter.

G. Review of PZC or IWC Applications for Subdivisions and/or Developments

1. Old Applications/Monitor/Follow-up

- a. PZC #09-09 – 2-lot subdivision on Buddington Road abutting open space properties (OS# 27.10, 27.16 and 27.19)

No change in status

2. New Applications

None

H. 279 Soundview Avenue, OS#08.03. Request by BOA to review potential sale of existing house and garage and one acre of a 14-acre parcel currently classified as open space.

Agent Gallagher handed out a map of the area.

Chairman Harbinson commented that the Conservation Commission is asked to comment on this potential sale as required by ordinance.

The acreage that the city has acquired is lot #23, 13.91 acres. Agent Gallagher emailed a map that was prepared by the Assistant City Council, Ray Sous, regarding the outline of the parcel that the city is considering to sell. That outline is about a builder lot acre around the existing house with its outbuildings of a garage and shed. We walked the property before our meeting. I open it up for comments of our opinion on the conservation value of the property.

Commissioner Tate's comment is that it is a residential building lot. I don't see any conservation value.

Commissioner Lauriat's comment is that we would like to recommend some easements or restrictions to salvage the stone wall that defines the western boundary.

Chairman Harbinson's comment is that the map we were given is a rough outline. It certainly behooves us to say, shift the property line so that the stone wall is not entirely on your property or have the property line go down the middle of the stone wall where it's shared by both property owners. I'm confused as to why now the city is considering the property.

Commissioner Tate said that's not the issue. That's why I'm commenting that it's a residential building lot. There is no conservation value at this time.

Vice-Chairman Dyer commented that we could recommend keeping it, removing the buildings and returning it to open space.

Chairman Harbinson discussed the use of agriculture on the property and continuation of farming and the impact on it if it were to become a private residence.

The Commissioners discussed the option of supporting agricultural activities.

Commissioner McCreery commented that there seems to be three options: 1) Sell it for the best money you can get because it serves no open space purposes 2) Tear down the structures and incorporate it back into the open space 3) The City should create pocket farms and consider leasing/renting the entire area including part of the Wiacek farm.

The idea of #3 is that you would keep the building for the farming needs.

Commissioner Welsh commented that there is a big push that people that want to become farmers is a pipe dream because they can't even buy an acre of land. If this City over time developed something where it did become attractive and it make sense and it was something wanted to do where they could devise a way to lease out the whole property. I think we should sit on it for a little while. I don't

think we should sell it so we can buy other open space. Buying open space should be a goal going forward and it shouldn't be one thing that holds up that process.

Vice-Chairman Dyer commented that part of the concern is having an empty house with no one maintaining it or worrying about vandalism. The city doesn't want to be a landlord.

Commissioner McCreery said that he loves Joe's idea and we would be an innovative city in the state to actively lease out a parcel to a beginning farmer. Does this city have that kind of foresight and stamina to do something like that? No. The reality is what Jim is saying.

Commissioner Welsh suggested that we find out who has farmed that back lot in the past and find out if the land produces decent crops.

Chairman Harbinson said philosophically he has a problem with buying property in one year and 3 years later deciding we really don't want it and sell it.

Commissioner Tate pointed out that more and more you are going to find these properties have complexities to them.

Commissioner McCreery said he would make a motion with a preamble that says we are generally and adamantly opposed to the City's acquisition of open space and then turning around and selling it. Because if you do that, where does it stop? The better approach would be to tear down the houses and add to the open space. But, if the City insists on doing this we suggest the following conditions be attached to the proposed sale.

Commissioner Welsh said he has a tough time being in favor of it.

Commissioner McCreery MOVED to send a letter to the Board of Aldermen stating the Conservation Commission reviewed the proposal to carve off a piece of city owned open space and farm land located at 279 Soundview Ave., and to sell the property, as defined on a map given to the Commission from Atty. Ray Sous. Without any indication that the proceeds from the sale would be utilized to purchase new open space in town. Our Commission has been asked to comment on this proposal. The Commission would note that it is adamantly opposed to the City purchasing open space in town with hard-earned taxpayer dollars and local and state, turning around shortly thereafter and selling the property for development purposes. This should not be the program the City advocates in the protection of open space for residents for generations to come. The Commission feels that the better utilization of acquired open space would be to remove vacant structures and to incorporate the added acreage into the open space that exists. If the City is intent on going forward with the disposition of the parcel defined above the Commission would strongly encourage the City to impose the following conditions on any sale: 1) A historic preservation easement for the preservation of the stone wall that would comprise the western boundary of the proposed carved off lot, 2) A 30' conservation easement along the rear property line so that no structures are built within that distance of the open space, 3) That there be

agricultural easement, or right to farm easement, where a person buying the property can't complain of the agricultural uses of the remaining farmland, 4) A maintenance of the wide open access to the open space along Soundview Ave. on both the easterly and westerly sides of the carved off lot as shown on the proposed map as prepared by the Assistant City Engineer.
SECONDED by Commissioner Lauriat.

Chairman Harbinson asked to amend the motion regarding the 30' conservation easement on the rear of the property could be extended to the rear east and west property.

Commissioner McCreery and Lauriat agreed to amend the motion to extend the 30' conservation easement on the rear of the property to the rear east and west of the property.

Vice-Chairman Dyer asked for some clarification on the last part of the motion. Commissioner McCreery explained that this is just a proposed map; they could elongate it.

Chairman Harbinson commented that it's also so that any lot configuration or alteration of the proposal maintains street frontage in accessibility to the rear lot from the street frontage on Soundview Ave. as shown on the map, dated February 17, 2009 by the Assistant City Engineer.

Commissioner Welsh said he is still not in favor of it. What's the big rush? I think there would be value in reviewing it and holding on, seeing if we are going to continue to lease it out as farming. Could we say no right now, we need more details? We would like to see what's going to be carved out and what we are going to end up with? Our letter could have the best intent, and then it could get sold and the lines are not what we asked for. We need more details from the other end.

Chairman Harbinson talked about the process and that it has been delayed and he doesn't see any problem with delaying it for a while.

It was commented that if we didn't act on it now it might be deemed as no comment. There was lengthy discussion about that.

A voice vote was taken, Vice-Chairman Dyer, Commissioner McCreery & Lauriat vote yes, Chairman Harbinson, Commissioner Welsh and Tate voted no. MOTION FAILS.

Chairman Harbinson suggested writing a letter to the BOA stating that we have reviewed the proposal and after consideration our vote was split. We understand the issue is of extreme importance to the BOA for our review. We will be gathering further information regarding the character of the property and its history of usage and review it again at the next month's Conservation Commission meeting.

I. 58 Perry Hill Road. M#47. Request by BOA to review potential sale of existing house and 1.4 acres of land owned by the City adjacent to the old intermediate school.

The Commissioners discussed the area and there was comment that this parcel should be held potentially for a school need.

There was discussion that the Old Intermediate School committee making the recommendation to sell this property.

Commissioner Tate commented that it doesn't make site plan sense to sell the property. He said he doesn't see it as a conservation matter and makes more sense as a landscaped egress to the school.

Commissioner McCreery suggested knocking the house down and keeping the property.

Commissioner Tate said it's a historic house.

Commissioner McCreery agreed with Commissioner Tate to the fact that the building committee made this recommendation to sell the property and they don't really want to second-guess them.

Commissioner Welsh commented about a potential added buffer of the property to the school.

Tape 2, Side A

After considerable discussion the motion is as follows:

Commissioner Lauriat MOVED to recommend that the City not sell property at 58 Perry Hill Rd. The Commission feels the City would years from now regret selling off significant road frontage to one of the few schools in town that does not have enough road frontage as it is. The added value of the open spaces around will impact the students throughout their learning career. SECONDED by Commissioner McCreery. A voice vote was taken, all were in favor; MOTION PASSED.

J. Middle Avenue. Request by BOA to review potential sale of city-owned Middle Avenue right-of-way (paper street) that was previously abandoned by the City, located between #15 and #25 Birch Street.

The Commission discussed the location of the site and the consensus was they would be amenable to selling the property.

Commissioner McCreery MOVED to recommend that the City sell the Middle Avenue right-of-way. SECONDED by Vice-Chairman Dyer. A voice vote was taken, all were in favor; MOTION PASSED.

K. Access road at 405 Bridgeport Ave (Crabtree). Request by BOA to review potential sale of access road.

The Commission discussed the property and the consensus was that there is no conservation value to the road.

Vice-Chairman MOVED to recommend to the BOA to sell the access road at 405 Bridgeport Avenue. SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

L. 470 Howe Avenue. Request by BOA to review potential sale of city-owned building.

The Commission discussed the property, last used by the Valley Health Department. The consensus is that there is no conservation value to this property.

Vice-Chairman Dyer MOVED to recommend to the BOA that they sell 470 Howe Avenue. The Commission has no conservation issues with the site. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

M. Communications

- Working Lands Alliance – Thursday, June 4th, 5:30-8:30 PM event in Bethany.
- Expenditure reimbursements from Trails Committee members – approved and signed by Chairman Harbinson

Commissioner Lauriat MOVED to approve the reimbursement of the expenses from the Trails Committee members. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

- 8-24 referral for a lease agreement with John Paul Development on the Aspen Ridge area regarding a wall that they want to put along the Commerce Drive area.
- Courtesy copy to us regarding the license agreement that was executed regarding the same issue.
- Letter from Bob Kulacz regarding milling activities that are going to take place in town. Vice-Chairman will contact Bob saying that we would take any millings available.

N. Budget Report

The Commissioners reviewed the budget report. We are within our budget. Vice-Chairman Dyer asked for authorization to buy a 13-hp electric start, tow-behind mower for \$2619. This would be utilized on areas such as the Rec Path to mow areas that are adjacent to the tarmac or berms.

Commissioner Lauriat MOVED to authorize the Trails Committee to purchase a 13-hp electric start, tow-behind mower for \$2619. The funds will come from the Land Improvements line item. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.

O. Open Space Trust Account

We received an email from Agent Gallagher with the status of the Open Space Trust Account. The balance is \$185K.

Chairman Harbinson asked Agent Gallagher to update the spreadsheet. He mentioned that he notified the BOA that because we didn't have information available we would have to delay giving our annual report that is called for in the ordinance regarding the Open Space Trust Account status.

P. Eklund Native Species Garden – Status of preparations for spring planting using Iroquois grant and deer fencing

Agent Gallagher stated she needs to buy the plants this month. There was not any single nursery that could provide all of the plants. Twombly and Earth Tones are the two companies I will need to purchase the plants from.

Vice-Chairman Dyer MOVED to allow Agent Gallagher to be able to purchase up to the value of the Iroquois grant for various native species plants from Twombly and Earth Tones. SECONDED by Commissioner Welsh. All were in favor; MOTION CARRIES.

Q. Executive Session

Commissioner McCreery MOVED to go into Executive Session for the purposes of discussing land acquisition issues, inviting Marianne Chaya, our clerk to the session at 9:09 P.M. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION CARRIES.

Commissioner Lauriat MOVED to return to Regular Session at 9:32 P.M. out of Executive Session. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION CARRIES.

The Commissioners encouraged Vice-Chairman Dyer to follow through with the Mayor with the various items discussed in Executive Session and no actions were taken during the Executive Session.

R. Comments By Members

None

S. Adjournment

The next scheduled meeting is Wednesday, June 3, 2009.

Commissioner Lauriat MOVED to adjourn. SECONDED by Vice-Chairman Dyer. All were in favor; MEETING ADJOURNED at 9:33 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission