

SOUTHINGTON INLAND WETLANDS PUBLIC HEARING  
 Thursday, November 3, 2011  
 7:00 pm - Town Hall Council Chambers  
 75 Main Street, Southington, Connecticut

MINUTES

The Southington Inland Wetlands Agency held a regular meeting on Thursday, November 3, 2011. Acting Chair James Sullivan called the public hearing portion of the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Christopher Borowy, Ted Cabata, John DeMello & Dennis Palmieri.

Alternates:       Richard Post  
                           Greg Ali

Ex-officio members present were as follows, viz:

David Lavallee, Assistant Town Planner  
 Lou Martocchio, Assistant Town Attorney

Absent:       William Camp, Commissioner  
                   Theresa Albanese, Chair

The Chair seated Alternate Commissioner Post for Commissioner Camp for this evening's meeting. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

**JAMES SULLIVAN, Acting Chair, presiding:**

4.    Approval of Minutes

October Minutes - Mr. DeMello made a motion to approve the Minutes as presented. Mr. Palmieri seconded. Motion passed unanimously on a voice vote.

Site Walk Minutes - October 12, 2011 - Mr. Borowy made a motion to approve the Special Minutes from the site walk of October 12<sup>th</sup> as presented. Mr. Cabata seconded. Motion passed on a majority voice vote with Mr. Post and Mr. DeMello abstaining.

5.    Reports from Public, Press & Ex-Officio Members regarding items scheduled for action.

None this evening.

6. Inland Wetland/FF Filling Applications:

A. Information - FF #231, Application of David Prickett, PE on behalf of Tighe & Bond seeking to perform work within floodplain for upgrades to the Town Pump Station located at 1048 Queen Street.

Fred Mueller with Tighe & Bond, Middletown Office in place of David Prickett. Dan Rickakowski is our soil scientist who prepared the report and he is going to run through his report. (The report is on file in the Town Planner's Office.)

We are working with the town with an upgrade to the Queen Street pumping station on Queen Street near the intersection of River Road. He gave background information indicating the station has experienced several flood events.

This will result in an overall improvement to the floodplain and the floodway. And, hopefully alleviate problems within the pump station itself.

He discussed the existing conditions site plan.

The plan is to relocate the existing pump station slightly to the north and also provide some compensatory flood mitigation for the additional filling that's going to be required to install the pump station.

The proposed conditions site plan was explained indicating the location of the existing and the new pump station. We are also going to be providing some compensatory flood storage to make up for the additional filling that's going to be required. Over all, it is going to be a net cut. There will be more flood storage within that area. I think we're filling 35 cy and we're removing 58 cy so it will result in a net gain to the flood storage area within that location. We are proposing to do some rip rap stabilization right along the edge of the compensatory flood storage area. Also, we will be refurbishing the existing wet well. We'll raise that up above the flood plain elevation. We're going to demolish the old building and demo the dry well which is located in the building.

The new pump station operating floor will be raised above the 100 year flood elevation and that should alleviate damage to equipment and vital components when there is a flood in that area.

Within the compensatory flood storage area, once the material is removed, erosion control blankets will be placed and the area will be seeded with an erosion control mix. The mix is specified in the narrative of the text.

We have received preliminary comments and we are able to address those with no concerns.

Mr. Post asked several questions regarding flooding presently and the ramifications.

Mr. Palmieri made a motion to table which Mr. Borowy tabled. Motion passed unanimously on a voice vote.

Site walk set for Saturday, November 19<sup>th</sup>, 2011

7. Discussion/Action - Amendments to the Commission/Agency By-Laws

Mr. Lavallee reported he did ask for advice and counsel from the Town Attorney and he was advised not to address any of the member qualifications or educational criteria so we'll strike that from any of the proposals.

Discussion.

The amendments themselves, since it is not a regulation amendment, we are not doing a public hearing but we can have a vote of at least five of the members.

The Chair pointed out that during the current by laws, Article 10, there has to be an opportunity for members to write in their votes.

Discussion.

The Chair noted that everyone knew this was the meeting for the vote and everybody had an opportunity to vote in writing.

**Article 1:** Name should be changed to Conservation Commission and Inland Wetlands & Watercourses Agency of the Town of Southington, CT. This is code.

Everyone agreed to the change.

**Article 2:** The word "disillusion" should be changed the "dissolution" with the rest of the language staying the same.

Everyone agreed to the change.

**Article 3:** As to Paragraph #1, no changes proposed under advisement of the Town Attorney.

Majority agreed to withdraw the bylaw changes proposed to this paragraph with Mr. Post opposed.

As to Paragraph #2, no changes proposed. Majority agreed to withdraw the proposed changes.

**Article 4:** Paragraph A. Change the meeting day from the second Thursday of every month to the first Thursday of every month. And, notice of the meetings shall be given to the members by Commission/Town Staff.

Discussion.

It should read:

*Regular meetings will be held on the first Thursday of every month at 7:00 pm in the Council Chambers of the Town Hall. When the scheduled date of the regular meeting falls on a holiday, the meeting shall be rescheduled. Notice of regular meetings shall be given to the members by Commission/Town Staff at least five days prior to the meeting. In addition, notice of the meeting shall be forwarded to the Town Clerk at least 48 hours prior to the meeting.*

Everyone agreed to the change.

Paragraph B: Change Chairman to "Chairperson" in every instance. Just a clerical change.

It should read:

*Special meetings may be held by call of the Chairperson or by petition to the Chairperson ("the Chair"), Vice Chairperson, (Vice Chair") or Secretary by two or more members. Notice of Special Meetings shall be given by Commission/Town Staff to the members and the Town Clerk in accordance with Connecticut General Statutes regarding notice to such meeting and shall state the purpose, place and time of the meeting. At a Special Meeting only business listed on the Call of the Meeting shall be considered.*

Discussion.

Everyone agreed to the change.

Paragraph C and D have no changes proposed.

Paragraph E: Paragraph E to stay the same.

Everyone agreed to leave Paragraph E as written.

Paragraph F: No changes proposed.

Paragraph G: These are clerical changes. We added in "Recite the Pledge of Allegiance". And, we changed Treasurer's Report to read: Report of Expenditures.

Mr. Lavallee advised he usually combines #10,11 & 12 into one.  
Discussion.

Change the word "Chairman" to "Chair".

Everyone agreed to leave Paragraph G as presented in the proposed by law changes.

**Article 5.** Paragraph A: Change "Chairman" to "Chairperson" ("The Chair") "Vice Chairman" to "Vice Chairperson" and deleting "Treasurer".

Everyone agreed to make the proposed changes to Article 5 Paragraph A as presented.

Paragraph B. No changes proposed.

Paragraph C: Changing "Chairman" to "Chairperson" in every instance. And, "Spokesman" changed to "Spokesperson". His/her should be inserted.

It should read:

*Chairperson. The Chairperson ("the Chair") shall preside at all meetings except that in his/her absence, the Vice Chair shall preside. The Chair shall affix his/her signature to all official reports which been adopted by the Commission. The Chair shall be sole spokesperson for actions taken by the Commission. As a member of the Commission, the Chair, shall have the right to vote on all matters which may come before the Commission. The Chair shall be a member of all standing and special committees, Ex-Officio without vote, except in the case of tie votes or when required for a quorum.*

Everyone agreed to the changes as read above for Article 5, Paragraph C.

Paragraph D. Just again changing everything to "Chairperson".

Everyone agreed to the proposed by law change as written in the proposal.

Paragraph E. Again, Chairman was changed. A minor typo.

It should read:

*Secretary: The Secretary of the Conservation Commission and Inland Wetlands and Watercourses Agency shall be the keeper of all official records and research data and shall forward a copy of all minutes to members of this Commission and to the appropriate Town Officers and Officials, as required by the Town of Southington Statutes. The Secretary shall conduct correspondence as directed by*

*the Chair, compile and keep current a list of all official town agencies, the names of their Chair and members along with their meeting dates. It will further be the responsibility of the Secretary to compile and keep current a compendium of those town policies and statutes pertaining to the Conservation Commission. The Secretary of the Commission shall be the keeper of all receipts pertaining to Commission monies and expenditures and shall render a report at each monthly meeting and shall pay all bills approved by the Chair and two members, or in the absence of the Chair, three Officers of the Commission. Records shall be open to inspection at a reasonable time or place by or for members of the Commission, Town Agencies, Town Officials and members of the public.*

Everyone agreed to the changes in by law Article 5, Paragraph E as noted above.

Everyone agreed to delete the Treasurer position.

Paragraph F. Discussion of other boards that have term limits and whether state statutes require this.

Everyone agreed to table this one particular item until next month for Attorney Martocchio do research on the term limit restriction.

**Article 6.** Just clerical changes. Changing "Chairman" to "Chair".

Everyone agreed to the changes Article 6 as written in the proposal.

**Article 8.** No proposed changes.

**Article 9.** Just clerical changes. Discussion regarding the line as to written votes.

It should read:

*Providing that notice of the complete text of a proposed amendment shall have been mailed with a call of the meeting to all members of the Commission, these By-Laws may be amended by a like vote of five or more members of the Commission. A written vote will be accepted from any member through the Chair any time prior to the meeting designated for the purchase of voting.*

Everyone agreed to the changes proposed as written with the withdrawal of the last sentence.

**Article 10.** No changes proposed.

8. Communications

A. Reports from Public, Press and Ex-Officio Members regarding items other than those scheduled for action.

None this evening.

9. Conservation Issues/Unfinished Business/Miscellaneous

- Show Cause Hearing - Burritt Street Parcels across from Anne Road

Mr. Lavallee noted there was no update. I did copy you members with an article from an attorney that was in the KAKIWIC (sp) newsletter. It makes things even more unclear. It's about the exemptions for farm roads which will come into play for this site.

- 2012 Meeting Dates

The Chair asked for all of those in favor of the proposed meeting dates to say aye. Motion passed unanimously on a voice vote.

Mr. Palmieri addressed a previous site where the ruling was you could fill as long as it was from the site. You could move it around but you couldn't bring in fill.

Discussion.

Mr. Lavallee before, if you had a vehicle, you took the backhoe and took the material just within the width of the roadway and put it in the dump truck and was going to leave the site, it's not fill as it was replaced in-kind with road material. That would be fine. But now it's saying that maybe that's not the case and you can't do that.

Worst case is they would get a permit but previously you didn't have the need for the permit. But it still gets our review.

That really clouds the water for me. For 10 to 11 years I've seen the same thing on exemptions.

Discussion.

The Acting Chair took this opportunity to welcome Greg Ali to the Commission as a new alternate. A long time resident of Southington.

(Welcome)

#### Adjournment

Mr. Borowy made a motion to adjourn which was seconded by Mr. Palmieri. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:07 o'clock, p.m.)