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Call to Order
Present: Tom Harbinson, Chairman (arrived at 7:30 P.M.)
Bill Dyer, Vice-Chairman
Jim Tate, Commissioner
Ed McCreery, Commissioner
Jim Goodman, Commissioner
Joe Welsh, Commissioner
Sheryl Dutkanicz, Commissioner

Also
Present: Teresa Gallagher, Conservation Agent
Marianne Chaya, Clerk
A. Call to Order/Pledge of Allegiance
Vice-Chairman Dyer called the meeting of the Conservation Commission to order at 7:10 p.m. Chairman Harbinson is at the Board of A&T meeting presenting the Conservation Commission’s budget request. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes
Commissioner Dutkanicz MOVED to approve the minutes from the January 05, 2011 Regular meeting. SECONDED by Commissioner Goodman. All were in favor, MOTION PASSED.

C. Public Portion (items not on agenda)
Disc Golf Presentation:
Adam Goodman – Environmental Consultant, Professional Disc Golf player, Disc Golf course designer
Mr. Goodman stated that by a professional disc golf player it means he competes in tournaments. He installed a disc golf course at Waveney Park in New Canaan. He also installed the disc golf course, along with John DeRosa at Veteran’s Memorial Park in Bridgeport.
John DeRosa – Founder, Camelot Development (real estate development)
Mr. DeRosa grew up in Shelton and now lives in Bridgeport. His first project was the Bridgeport disc golf course.
Mr. DeRosa and Mr. Goodman talked about the project details of the Bridgeport course. They were able to raise money for the course, mostly from local businesses.
An outline of the presentation was given to each Commissioner.
Mr. Goodman and DeRosa’s written presentation highlighted the following:
- What is Disc Golf
- Benefits to Shelton
- Listing of Connecticut Disc Golf Courses
- The Disc Golf Course
- Tee Signs
- Tee Pad
- Fairway
- Pole Hole Basket
- Discs
- Discussion of Course Locations – What to think about
- Costs
- Next Steps

The idea is to be able to utilize an open space parcel. A 9-hole course is 15 acres and the 18-hole course is 30 acres. What needs to be done is to ask the
Commission for their input on where this might be best suited. Having a treed location is ideal to give challenging opportunities.
Adam said that when he plays he carries 15 frisbees (discs). There are putters, mid-range and drivers.
Commissioner Tate suggested Adam and John go out with one or more Commission members and determine which open space parcel would be best for a course, come back with a schematic layout. I will suggest trying to do it the best way that you can. Make it right, so that people will want to come and use it. We want it top shelf.
They discussed parking. It is suggested about 20 spaces.
The length of each hole could be anywhere between 250-1000’.
The discs are smaller than the standard Frisbee.
Commissioner Welsh asked if there could be a portable course, to bring to an event. Mr. Goodman said yes, as a matter of fact they are having a tournament in Westport on 3/20/11, where they will bring their temporary baskets.
Commissioner Tate recommended that John and Adam go and talk with the Parks & Rec Commission. Vice-Chairman Dyer said they would go scout out locations first.

D. Review of PZC or IWC Applications for Subdivisions and/or Developments (taken out of order)

1. Old Applications/Monitor/Follow-up
   None

2. New Applications (Applications received between agenda creation and our Regular Meeting may be amended to this Agenda at start of regular meetings by a vote from the Commission.)
   a. Silver Oak Estates PZC#11-02, 816 Long Hill Ave, 4-lot subdivision, proposed fee in lieu of open space

Steve Bellis, representing the applicant.
Mr. Bellis talked about the proposed plan noting that there is a house on the parcel that will stay. There is a barn that has been removed. There will be 3 additional building lots. The proposal is for a fee in lieu. He said I didn’t see that this met any of the criteria in our subdivision regulations for having open space. It is surrounded by other properties and there is a steep incline in the back. We had a soil scientist determine whether there are wetlands on the property and there is none. She found debris on the property.
Chairman Harbinson stated that this parcel does not connect with any other open space. The ridge drops back down sharply towards Route 110 (River Rd).
Mr. Bellis said that there would be sewer and city water for the parcels.
The Commissioners and Mr. Bellis discussed the specifics of the area.

**Vice-Chairman Dyer MOVED to approve the Silver Oak Estates, P&Z application #11-02, with acceptance of the fee in lieu of open space as the appropriate application of open space components related to the subdivision. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.**

Commissioner Goodman asked who gets the fee in lieu of open space money? Chairman Harbinson explained that the fee goes to the open space trust account. Once the application gets approved by Planning & Zoning, Rick Schultz notifies us of the amount. When the funds come in it gets deposited into our Open Space Trust Account, which along with the annual budgeted amount accumulates with interest to be used for open space purchases. Right now our balance is approximately $264,000.

**E. Shelton Lakes Recreation Path, upgrade to handicapped-accessible standards. Status.**

1. Section 2 (Shelton Ave/Nells Rock Rd intersection to Oak Valley). Status update.

Vice-Chairman Dyer said that up until the Dec. 26th storm they were progressing very well. They have been shut down ever since. Everyone I have heard from was very pleased for the work that has been done. They started at the dog park up to Oak Valley Rd. We didn’t want them to finish this until after the frost was out of the ground. They agreed to go onto another section but were unable to do so due to the weather. I thought it was fair to allow them to invoice us for 50% of the value of that effort. They did the work in November and December. I asked them to provide us with an invoice. That section was valued at $82,110. I thought it was fair for them to invoice us for half of that. The invoice is for $41,055.

Chairman Harbinson said so that from the Trails Committee’s perspective you are happy with the percentage of completion as applicable to the invoice.

**Vice-Chairman Dyer MOVED to approve the invoice presented from Pruzinsky and Sons in the amount of $41,055. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.**
Chairman Harbinson commented that the DEP has finally awarded the grant money ($73,000) and has been received by the City.

F. Trails Committee Report – Bill Dyer
Tape 1, Side B
(See Trails Committee minutes for more detail)
National Trails Day- The first Saturday in June. Various events will be scheduled.
Granite pillars and removable bollards – the item is on hold until better weather.
Fence quotes – we requested quotes for a 3-rail split rail, post and rail fence to be installed with locust posts and pressure treated rails. We received 3 quotes back. One from P&Z Fence in Stratford, Orange Fence & Fairview Tree Farms LLC. The request was for a maximum of 330’ of locust posts and 3 pressure treated rails to be installed in 6 locations in no more than 3 designated dates. We asked the pricing to be in a per foot basis. The low bidder was Orange Fence.
Vice-Chairman Dyer MOVED to accept the bid from Orange Fence as the low bidder for 3-rail split rail fencing to be installed in 6 locations in no more than 3 designated dates. SECONDED by Chairman Harbinson. All were in favor; MOTION PASSED.

G. Proposed State Recreational Liability Bills
Chairman Harbinson stated that there are a number of things that have come out in this legislative session that are of interest. Agent Gallagher said that there are about 10 different bills and there was a public hearing today. There have been about 3 public hearings already for different versions of the bill. There has been an enormous amount of comments, most in favor of it with the exception of the CT Trial Lawyers Association. So far the committees that have voted have unanimously voted for these bills.

Chairman Harbinson said this requires some discussion with P&Z and the Mayor regarding creating that corner to be more habitable to what’s occurring there. Right now there is a lot of use and it will increase.
Commissioner Welsh said he’s gotten comments from people asking what’s going on with that house; it should really be knocked down and make more parking.

The Commissioners talked about the structural issues with the house and that it has been pointed out to Tom Taylor. Since there are so many more people around it, it should be addressed. Vice-Chairman Dyer said that the other day the fire dept. was there doing drills with the house filled with smoke.

I. Community Garden

Agent Gallagher said that she has a quote from Dean Cawthra for the parts to put in a water line for the Longview gardens in the amount of $1709.66.

Commissioner Tate asked if there were other quotes.

Chairman Harbinson pointed out that the community garden was an ad-hoc activity from the Mayor’s office and a lot of things were facilitated in different ways. One of the things we know we need up there is water and there is a water line that comes in to the end of the cul-de-sac and we had asked Dean to get us some prices to tap into that line. It is assumed that Parks & Rec will do the installation.

Chairman Harbinson MOVED to approve the acquisition of the parts needed from Construction Materials & Water Services LLC & Con Professional Water Services LLC in the amount of $1709.66, at the direction of the Mayor. The funds should come from Land Improvements (60-01). SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

Chairman Harbinson said that one of the things that he brought up at the budget hearing was that currently the fees that come in for the community garden go into the general fund, and we’d like to have a line item to delineate the community garden fees so that we can see income against some of the expenses that are currently coming out of our budget.

The Commissioners talked about some of these committees such as community garden and litter because they utilize our staff person – Teresa.

J. Open Space set-aside: Status of increase to 15% in subdivision regulations

Mr. Steve Bellis said he wanted to offer his opinion on this issue. He said he feels bad for some of the larger property owners that still have land available that they have to give a greater percentage. The second thing is the state statute says 10% fee in lieu of, and a good argument could be made that a town could require 15% (some towns have passed the 15%), they haven’t tested it in court yet whether that violates the 10% fee in lieu of statute. That is an issue that someone could raise, and I think it’s a valid one. I understand where you are coming from in trying to preserve as much open space as you can.

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Chairman Harbinson pointed out that this issue was on our Plan of Conservation and Development as a task. When we prepared our Open Space plan we referred to the Plan of Conservation & Development and noted that as a priority. We haven’t met with P&Z since then. We are trying to follow up on it. We are trying to start the dialog with P&Z to say there’s a couple of tasks and items to follow through on. We are part of that.

Mr. Bellis said maybe 50 years ago I probably wouldn’t have been against it because most of the development in Shelton has already taken place. I think this is a little late in the game, in my opinion.

Chairman Harbinson thanked him for his input.

We will try and set up a meeting soon with the P&Z Commission.

K. Tree Replacement/maintenance account proposal - Jim Tate

Commissioner Tate said that the City is holding an account with funds that was part of a grant with the understanding that it would be spent on a project that won’t be built for several years. Given that, it was ok’d that this money be put into some sort of escrow account to be drawn off for City streetscape – replacement tree improvements. This money has to be spent at some point in time for on this value. There has to be a mechanism to do it. I’ve tried to use this system for two projects. Both times it hasn’t been approved. The reason for that is they didn’t want to use a contractor doing the work & having the labor and material cost connected with using that thing that was a commitment of having a labor portion and not just the material portion used for the tree planting. The idea is that the tree would be planted by the City. Purchase the tree out of those funds and the City would plant it. I am getting close to working it out where we’ll have some process by which we can get plantings put in for places like improvements around the Rec Path or a wetland restoration. Then we can come here and draw off this amount and either contract it or we can have the City do it.

Chairman Harbinson asked if there is a timeline on this grant money?

Commissioner Tate said no, there is no timeline but it may disappear if not used.

Commissioner McCreery mentioned that there are a lot of mature trees in the Huntington Center that will start dying off. We should start consider replenishing them now before they die. A few years ago the Land Trust had offered to donate new trees but it was turned down.

Agent Gallagher said that she has heard about the Emerald Ash bores are moving towards the CT border. Once that happens all the ash trees will die off. Commissioner Dutkanicz mentioned that what happens when they think the bugs are coming and they (conservationists) will destroy a line of trees to prevent it moving.
L. Open Space Trust Account
The balance in the account is $264,000 plus $10,000 coming from the Coram Rd. subdivision.

M. Budget Status
Chairman Harbinson reported that he attended the Board of A&T meeting tonight. The Mayor’s recommendation was everything that we had requested. It’s only $36 more than it was 5 years ago. This year’s was more than last year, but that was because it was less than previous years. The budget request was for $47,512. Last year’s budget was $39,852. The Board of A&T is happy and thankful for all the volunteer efforts and hours.

N. Communications
- Agent Gallagher put together an article for Shelton Life regarding the Rec Path
- Terry Jones has been appointed to the State Board of Education
- An 8-24 referral from the Mayor for the community garden @ 279 Soundview Ave.

O. Quality of Life – Executive Session (land acquisition and security issues)
Vice-Chairman Dyer MOVED at 8:35 P.M. to go into Executive Session for the purposes of discussing land acquisitions and security issues. SECONDED by Commissioner McCreery. All were in favor; MOTION PASSED.

At 9:16 P.M. Vice-Chairman Dyer MOVED to return to regular session. SECONDED by Commissioner Welsh. All were in favor; MOTION PASSED.

Vice-Chairman Dyer MOVED to authorize the appraisal for two contiguous properties discussed in Executive Session. SECONDED by Commissioner Dutkanicz. All were in favor; MOTION PASSED.

P. Comments by members
Vice-Chairman Dyer mentioned that there are opportunities for grants that we couldn’t apply for because we are a government organization. We thought maybe we could create an organization, such as Friends of the Shelton Trails, which would allow us to apply for a grant that could provide relatively small amounts of money for trail improvements. Commissioner Tate asked, so like a 501C, non-profit organization where you accept contributions, have your own checking account, etc.? Bill said yes, but
not him personally. Commissioner Tate said it is an obligation. Vice-Chairman Dyer asked, is this something that would make sense? Commissioner Tate talked about the details of creating that type of organization and what would go into it. Maybe you could work with an existing non-profit group where you could have contributions made to them and get what you want out of them. Vice-Chairman Dyer asked if the Land Trust could be that type of group, and Commissioner Tate thought they might be the group to approach.

Q. Adjournment

At 9:22 Commissioner Dutkanicz MOVED to adjourn. SECONDED by Chairman Harbinson. All were in favor; MEETING ADJOURNED.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission