Call to Order/Pledge of Allegiance

Co-Chairman Tom Harbinson called the June meeting of the Conservation Commission to order at 6:58 p.m. in the Shelton City Hall, Room 303. The Pledge of Allegiance was recited.

Attending: Co-Chairman Tom Harbinson, Co-Chairperson Harriet Wilber, Commissioners Ed McCreery, Hank Lauriat, Bill Dyer, Jim Tate, Joe Welsh, Conservation Agent Jimmy Pjura.

Guests: Constance Schwarz, Milton Corbett, Ed Levy, Scott Wasuewski, Gary Duhaime

A photographer from Shelton Life took a photograph of members of the Commission to be put in its newsletter.
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2.0 Approval of Minutes of May 4, 2005
At 7:01 p.m. Comm. Dyer made a motion to approve the minutes of May 4, 2005. Comm. Jim Tate seconded the motion. All voted in favor; motion passed.

3.0 Public Portion
Ms. Constance Schwarz of 536 Huntington St. attended the meeting regarding the Avalon Bay I and Avalon Bay II projects. Chairman Harbinson said the Commission has not seen the application. Ms. Schwarz said that the conservation strip that was approved by the Shelton boards in 1997 is proposed to be moved in the Avalon II project. She stated it should stay where it is. Chairman Harbinson told her that the Commission wrote a letter in last month’s meeting in regard to that application, but not in respect to the specifics, but of the concept of having the new zone designation of family housing. In its letter, the Commission did not support the zone change.

Ms. Schwarz had a drawing of the property and explained the conservation easement’s present location and its proposed new location. The Commission discussed the protection of the brook, the easement, the development’s location of the buildings and driveways, etc.

4.0 Report of Jim Ryan – Enterprise and Commerce Park – Tribute Walk
Jim Ryan was unable to attend the meeting.

5.0 Subdivisions
- 2 Lot Subdivision, 655 River Road – Milton Corbett
Ed Levy, engineer of A&M Engineering, Stratford, CT attended the meeting with the Corbetts in regard to a parcel of 2-1/2 acres on the River Road. The Corbetts want to split it into 2 lots, one in front and a rear lot. Mr. Levy presented a drawing of the property. They are in a R1 zone. They have the area by zoning, but since they purchased the property, PZC instituted the steep slope provision which means a person cannot count the area over a 25% slope. Because of that, the Corbetts need a variance. The Corbetts met with Mr. Tony Panico and Mr. Rick Schultz who recommended the Corbetts attend a meeting of the Conservation Commission. They told the Corbetts if the Commission
endorses the situation, they may receive more “ammunition” with which to convince ZBA to grant a variance. The Corbetts had attended a ZBA meeting which did not approve the variance.

The Corbetts suggested another scenario for the property after attending the ZBA meeting. Mr. Levy presented a drawing of the property and pointed out the Corbett’s house on the property that is to be separated into two lots. They want to build another house on the front lot and sell their present house on the rear lot. They propose a 50 foot conservation easement across the front which will put the house back 80 to 90 feet. The proposal is to put a driveway off of the existing driveway which is shared by another homeowner on the street. In order to get a flat area, a section of the property will be blasted out.

There is a 25 foot easement on the south border of the property which is an underground utility easement.

This proposal is different than what was denied by ZBA which called for the property being cleared along the road in order to bring in the driveway.

The Commission discussed the variances and the slopes. The owners said the hardship is the topography of the land which the courts have decided topography can be legitimate.

The Commission stated because there are two and a half acres in a one acre zone doesn’t entitle someone to cut two one acre lots out of it if it doesn’t meet other regulations. Regulations are not made to be broken; they are made to be honored. The Commission said it is not within its jurisdiction to change the regulations or not give an advisory opinion to do so. If it did, it would decline this proposal because it does not believe the PZC regulations should be waived.

The Commission suggested that the Corbetts tell the PZC staff that the Conservation Commission did not take a position.
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- **CRD 5 Lot Subdivision, Robert’s Place - Wabuda Place**

  The PZC said the hearing for Robert’s Place was on April 25, 2005, and they received and recorded the Conservation Commission’s correspondence although nothing yet has appeared in its minutes and wasn’t on its agenda for May 26th and May 31st. The hearing is closed and PZC will get an extension in which to make its decision. Chairperson Wilber stated they will probably get their 5 lots and will give both fee-in-lieu-of and the CRD open space. The reason is because the new road from the Wabuda Farm subdivision is going through Robert’s Place. One of the concerns also of the Commission in Robert’s Place is that the conventional plan didn’t have an open space dedication.

  Scott Wasuewski, owner of the property, attended the meeting and participated in the beginning part of the discussion.

- **Avalon Bay’s Apartment Complex, Bridgeport Avenue and Huntington Street**

  PZC had their public hearing on May 10th and is held open until May 31st. According to Rick Schultz, PZC administrator, the hearing will be June 14th. In last month’s meeting, the Commission wrote a letter stating its dislike of Avalon Bay’s proposed zone change.

  Mr. Gary Duhaime of 331 Huntington St. attended the Commission’s meeting. The Commission looked at a drawing of the property.

  Ms. Schwarz said she knew where the easement would be and looking at the map of the property, she pointed out the easement along her backyard, and said they want to move the easement down to Huntington St. She said it will buffer the noise created, but will disturb the people living there. Mr. Duhaime said the drawing at this meeting doesn’t show that the parking lot will be in the new easement area.

  Chairperson Wilber asked if the Inland Wetlands Commission approved the change of the easement swap. Mr. Duhaime answered it was in the PZC discussions to swap one building’s location and move the easement
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from the backside to the front side because of R1 zoning. Chairman Harbinson said, it is a conservation easement, not a utility easement or a pedestrian easement, and a conservation easement cannot be paved.

Mr. Duhaime stated one present issue is an appeal now in place against the Wetlands Commission regarding the approval which is being brought by the residents of the Beaver Dam area. The reason the group extended the PZC hearing was to get technical information on the runoff from the stream that exists that feeds into Beaver Dam Lake. Residents near the stream continue to have flooding in one of the parking lots when excess water is run through the gateway owned by the Bridgeport Hydraulic Company. Mr. Duhaime stated this was not addressed in the Wetlands meeting, and asked the Commission if it participated in the discussion and any decisions pertaining to this issue. Chairman Harbinson answered the Inland Wetlands would be the one to address the issue because it would have more power since it is the regulatory agency over watercourses and wetlands areas. The Conservation Commission is only an advisory committee.

Mr. Duhaime asked if easements put in place to protect a watercourse ever go beyond the standard requirement. Chairman Harbinson answered yes, a conservation easement could be put in place on a watercourse beyond the wetlands buffer of the watercourse. In order to protect a natural resource such as Beaver Lake, someone can go to PZC to request this conservation easement. The choice would be to go to the Inland Wetlands Commission which would make a recommendation or a condition of approval. It would then be forwarded to PZC. Also, it would be advantageous to check with the DEP because it regulates minimal stream flow releases downstream of the reservoir and often issues advisory letters of water resources and quality to local agencies.

Chairperson Wilber suggested writing a letter to PZC to list the Commission’s concerns.

At 7:45 p.m. Comm. Bill Dyer made a motion to write a letter regarding concerns on the Avalon II project.
Comm. McCreery stated that it should go on record that the Commission opposes the application for a zone change by Avalon Bay in part because the proposed change of an R1 zone is designed to defeat the dedication of open space that would otherwise be required for R1 subdivisions and has the additional concerns of the following:

- There is no justification for a zone change, and it only exacerbates and complicates other issues on the property.

- To change the zone defeats the requirement of an open space dedication that would occur in an R1 zone.

- Maintenance of the R1 zone is important.

- No new zone should be created at this time.

- There should be an open space requirement for any high dense development.

- Any change in a conservation easement has to go to the Board of Aldermen for its approval.

- An 8-24 Referral to Planning and Zoning in this Commission and the Inland Wetlands, the land use boards.

- A conservation easement put to protect the watercourses as presently on the property.

- The existing conservation easement on the property should not be changed.

- From a conservation viewpoint, the character of the neighborhood will be greatly altered.

Comm. McCreery said a legitimate concern of the Commission is changing the zone defeats the requirement of open space have given the R1.

A person is defeating the regulations by the zone change or otherwise required the dedication of open space.
Comm. McCreery seconded the motion. All voted in favor; motion passed.

The Commission discussed the location of the existing easement with Mr. Duhaime and the site plan.

Comm. Tate’s objection to the site plan, as a conservation member, states there are two crossings of a substantial watercourse and that is predicated by the change of zone. If there was no change of zone, there would be no need to need to cross the two watercourses in both places. That is more support to the original zoning plan that was good intact and has no basis to be changed. Especially to facilitate density and development it is not necessary. That is the basis of the Conservation’s Commission position that if the R1 zone is protected and if the other zone on the property is used as of right. If one present zoning designation is used, the site plan would be the way we want to do it in order to make sure there is a commercial tax base to pay for services of the community, and people have the right to see the conservation aspects of the property protected.

Comm. Lauriat stated he would read the letter at the hearing on June 14th to be held at the old Intermediate School gym.

Mr. Duhaime left the meeting.

- Woods at Lake Road – Phase Two – Lake Road
The Aldermen have to accept the open space. The Commission recommends the Board of Aldermen accept the open space.

Chairman Harbinson stated he has seen two applications on the same parcel and wants to know which one is active right now. One was application No. 0513 which was accepted on February 8th and the Commission’s letter was read at the public hearing on March 14th. Then there is Application No. 0526 that was accepted on May 3rd on which the Commission did not write a letter. He said there is a problem with PZC communications. He is fine with the dedication of open space, but the problem is PZC gets mixed
applications, documents not stamped in, not properly shown with underlying conventionals on a CRD, etc. He wants to clarify that there are two applications going on at one time.

- **Any Pending**

Comm. Lauriat stated he went to a meeting of PZC last May and read the Commission’s letter into their records regarding the Commission’s comments on Toll Brothers’ Wabuda subdivision. He passed around pictures he took at that time. He talked about their requirement to make a gravel parking lot behind the stone wall and to make a trail in there which would be in the dedicated open space. In the letter the Commission asked that the New England stone wall be put back, that the parking lot not get paved, and that all the top soil not be skimmed off and sold. He recently went back to the property and took current pictures. The pictures showed the New England stone wall was not there, gravel was coming off the road, and showed a mound of dirt and trucks. He understands that this subdivision has not been finally approved yet. He wondered if PZC answered the Commission’s letter.

Chairman Harbinson answered he met with Rick Schultz, Jim Swift and the Toll Brothers representative in the beginning of May regarding details of their plan. He told them the Conservation Commission had recommended purchasing this property in whole.

Chairman Harbinson’s recommendations were:

- Minimize the entrance disturbance in its location with care to existing specimen trees including the root area.
- Coordinate any cutting in the East Village right away with the tree warden.
- Restore the natural stone walls at completion.
- Keep the temporary road to the lower topography in the perimeter of the open space field to the extent possible.
- Maintain a separate restoration bond for temporary use of the open space.
- Prohibit the use of invasive species in the landscaping.
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- Mark all open space with the Conservation Agent ahead of the site clearing.
- Delineate for the contractor all site disturbance areas for every building lot, not just those within the wetlands.
- Coordinate street trees with the tree warden with discouragement for the usual Bradford Pear in favor of specimens harmonious with those already in the site.
- If the Aldermen decide to retain this temporary entrance to the sales parking lot pad area for future open space access, that the balance of the temporary entrance is to be restored and stone walls that are taken down be used on the property, like for an entrance way but not be removed from the site or made into pillars.

Because it was for the technical staff to work out, Chairman Harbinson stated he didn’t know what they required. The PZC never answered the letter that was sent.

Comm. McCreery suggested sending a letter to PZC and the Mayor stating once again the Commission is facing a situation that City owned top soil is being removed from the open space, and we want to avoid a situation that happened on Pearmain Road where the City’s top soil disappeared. We would like the PZC is take immediate enforcement action. A copy of the picture will be enclosed in the letter.

Comm. Tate suggested alternatively that Conservation Agent Pjura go to the area and find where the stone wall is and take dated pictures of the top soil with the construction manager present and ask him, for the record, if the road on the property will remain gravel. Let Rick Schultz, PZC Administrator, know this is a great concern for the open space, and that the Commission will keep watch on the property. He suggested Agent Pjura tell the developer to put 4 by 4 posts up with the sign on the post every 50 feet to mark the open space.
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The list for Agent Pjura is:

- Go down the list with Rick Schultz and ask him if he has something he can take back to the Commission to document what was agreed to.
- Contact the Toll Brothers people.
- Discuss the placement of open space signs. Go to the sites with them to do it.
- Ask if the road will remain gravel.
- Go down the list to see what items they agree to.
- Contact Chairman Harbinson so he can go to the Mayor’s office telling him the Conservation Commission is concerned if he finds out that the Toll Brothers removed some of the top soil or the stones.
- Go take pictures of the present situation.

In other business, Attorney Tom Welch had attended the meeting, but he had another commitment and could not stay for the rest of the meeting.

6.0 Communications – Chairperson Wilber
Received within the month as follows:

- A letter from the DEP in regard to cutting of the trees on the River Road which was sent to John Cook, Wetlands Administrator.

Chairperson Wilber read the letter:
This letter is in response to your letter of March 11th regarding the cutting of the trees along the Housatonic River. The department shares your concern. An issuance of an encroachment permit by the DOT to work in the right-of-way of a State highway does not constitute the license necessary to conduct a regulated activity according to the Inland Wetlands and Watercourses Act sections of the Connecticut General Statutes. In this case, the regulated activity is or was performed by a private party rather than a State agency, so the Shelton Inland Wetlands Commission has jurisdiction over such work. The Department expects that the DOT will clearly indicate to private parties, that apply for right-of-way permits, that an inland wetland watercourse permit may depending on proximity to watercourse and wetlands resources, be required from the proposed activity for municipal wetlands agency. A copy of this letter will be sent
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to the DOT to serve as notice to the DOT of our expectations in such manners.

- A letter regarding AvalonBay from Shipman&Goodwin, Counselors-At-Law.
- Nature Conservancy Magazine.
- Connecticut Chapter of the Nature Conservancy Booklet on great places to save in Connecticut.
- Notice from the DEP in regard to discharges into the water of the Far Mill River from the Lord Corporation.
- Housatonic Valley Association list of summer events.
- Monetary support request from the Housatonic Valley Association in regard to the testing program of water quality of the Housatonic River and Upstream water.
- Issue of Working Lands Alliance.

7.0 Discussion of Proposed Conservation Easement Ordinance – Comm. McCreery

Comm. McCreery stated he looked at the Protection of Conservation Easement Ordinance Atty. Tom Welch prepared and it looks fine.

A few modifications were made:
In column (c) there should be a “comma” between cans, and waste.

In column (a) “should read removal or cutting of trees or other vegetation except invasive species on the State DEP list with the prior approval of the City of Shelton Conservation Commission.”

At 8:34 p.m. Chairman Harbinson entertained a motion to forward on to the Board of Aldermen to have a public hearing regarding our Protection of Conservation Easement Ordinance as modified. Comm. Tate made the motion. Seconded by Comm. McCreery. All voted in favor; motion passed.

8.0 Process and Procedures for Handling of PZC Applications – Chairman Harbinson

Chairman Harbinson stated that he needs to meet with Rick Schultz to arrange better communications between PZC and our Commission in regard to subdivision applications and fee-in-lieu-of payments. He will
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also talk to Sharon Scanlon about the recording of the fee-in-lieu-of payments that go into the Open Space Trust Account.

At 8:37 p.m. Chairperson Wilber moved to include the Trails Committee Report on tonight’s agenda. All in favor; motion passed.

9.0 Report of Conservation Agent – Conservation Agent Pjura Landkeepers
- Dr. Lori Monaco of Longmeadow Rd. requested permission to do a generic cleanup of Open Space No. 33. He visited the site which had grass and broken limbs dumped there. He spoke with John Cook, Inland Wetlands Administrator, regarding guidelines to incorporate into the permit.

Violations of Open Space
Mayflower Lane
- Agent Pjura and Dave Kosakowski from the Engineering Department went to 2 Mayflower Lane to take measurements because there is a pile of debris in the homeowner’s yard. The issue is if it is in her yard or in open space. He said he will take measurements on all homes on Mayflower Lane to mark the boundary of the open space.

Permain Lane
- The Purchasing Department issued a purchase order for 6 four foot white pines @ $60.75 each from Planter’s Choice of Newtown. Dean Cawthra will pick up the trees and plant them on Permain Road between the open space and David Naples’ yard. David Naples will reimburse the City for two of the trees.
- Agent Pjura informed Dean Cawthra about the possible dumping under the power lines on Soundview Ave. It was suggested that Agent Pjura make sure the open space is properly delineated at that site and to put it on his old subdivisions list to mark. It was suggested this is to be the first task on Agent Pjura’s priority list, and he should bring digital photos of all the sites he visits to each meeting.
- He hung the conservation easement signs on Nature’s Way.
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Hanging of Open Space Signs
Old Subdivisions and New Subdivisions
- He met with Rick Schultz regarding the open space signs and his goal is to do 2 old and 2 new subdivisions each week.
- He met with Royal Wells regarding Wellspring Estates. Mr. Wells will complete the signing there when the title is transferred to the association.
- He spoke with Tracey Lewis, who should complete marking Boehm Pond Woods and Deanwood Estates this week.
- He spoke with Royal Wells about the corn crib at Wellspring Estates. He offered to put a new roof on it. The Commission was pleased to have him do this.
- It was suggested to check with Royal Wells to make sure the tree restoration plan gets started.

Restoration of Open Space Land Adjacent to Pat May’s Property at Birchbank
- Agent Pjura contacted Pat May and told her he would let her know what the Commission decided as far as planting’s/rail fence/gravel/signage and costs. The Commission suggested he should see John Cook of Inland Wetland Commission to see what he would like in that space since it is a regulated area.

Environmental Car Study
- He will forward a report to the Mayor next week.

DEP Open Space Grant Application
- DEP Open Space Grant was completed last week and forwarded to the State. The Commission won’t have any news on this grant until the end of the summer.

America the Beautiful Grant
- The America the Beautiful Grant was completed last week and forwarded on. The Commission will have news on it by the end of June.

ATV Activity on Sylvan Drive
- He spoke with Mr. Lee Taylor regarding ATV abuse on the open space on the boundary of his property. The property is on the back of Sylvan Ave. and Constitution Boulevard. Agent Pjura contacted Mr. Chris Nowak of the Tennessee Gas because the children are getting access through that property. His office manager indicated they may be willing to assist by splitting the cost to install a gate at the site. Comm. McCreery suggested Agent Pjura tell the Mayor about his conversation with Tennessee Gas and clarify that it is not Iroquois Gas, as Comm. McCreery told the Mayor, when the Mayor met with
the Land Trust, who owns land along side the City open space. The Mayor will want to follow up on the situation and will want a gate installed by Constitution Boulevard. The Commission will be asked to put a gate on the Ivy Lane side. It was suggested Agent Pjura mark the property because it is both the City’s property and Land Trust’s property.

- Agent Pjura stated Greco said the gates for Lane Street are still being fabricated and hopefully they will be in next week.

- He spoke with a member of the Agriculture Plant Farm last month. The Agriculture Plant Farm will test Pine Lake, Silent Waters, Hope Lake, and Chordas Pond for any invasive plants or lily pads which are choking out the lakes. Chairman Harbinson, because it is its property, suggested Agent Pjura to notify the L’Hermitage Condominium Association in regard to Chordas Pond.

Requests:
In addition, Chairman Harbinson suggested to Agent Pjura last month that he E-Mail his report to members of the Commission so everyone can see it before the meeting.

Also, Agent Pjura was asked to put items on which he worked on a list and E-Mail it weekly in a Friday report to Chairman Harbinson. So, Chairman Harbinson will know on a timely basis than at the end of the month if there is an important need to react to something promptly.

9.1 The Trails Report - Comm. Dyer
- Comm. Dyer met with the Mayor last week who had the concrete pipes on the Abbey Wright property removed, and now the Trails Committee will create the parking lot using millings.
- He and Ross York are working on the removable bollards.
- The gate at the end has to be removed because it has to be unlocked every time someone wants to use it.
- A four mile hike will be held on The National Trails Day on Saturday, June 4th starting at Pine
Lake at 10:30 a.m. He would like the Conservation Commission to join the hike and support the effort.
- Part of the Recreation Trail will be done during the summer from Pine Lake to Meadow Street.
- He is looking for other Boy Scout projects. Comm. Tate stated he had some projects for the Scouts.
- The major development is to build the bridge over Silent Waters. He and the Trails Committee will pick the bridge, present it to the Conservation Commission, present it to the Mayor and get it priced out.

10.0 **PUAC (Plan Update Advisory Committee) - Comm. Jim Tate and Chairman Tom Harbinson**

Comm. Tate stated a booklet from Planemetrics was prepared for National Resource Inventory Protection. It gives a history of our open space, details the inventory, and makes recommendations. Some issues in the booklet are items we haven’t addressed in the City very well and things Planemetrics have found from other communities that we should be looking at more carefully in this community.

An interesting part was that only 138 acres of our farmland is what is called protected. They asked Former Chairman Terry Jones to look at that segment of the booklet and make comments. It lists the value and quality of open space. Also, issues are how would it be paid for and what is the magic percentage to search for.

The update committee meets on an interim basis and these items are discussed. The update committee is trying to preserve the industrial commercial tax base in the present land use zone to pay for schools and services the community provides which contribute to the quality of life.

Chairman Harbinson stated the amount of vacant land that is zoned residential versus the amount of vacant land that is zoned industrial and commercial is drastically imbalanced if it were all developed out as it is currently zoned.

The personal property component has dropped off because of depreciation regulations. The assessed value that is being taxed has dropped way down.
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Comm. Tate stated there will be a draft of the new Plan of Development for public commentary in early December.

Chairperson Wilber asked if the plan will be specific enough to recommend a PDD have an open space component. Comm. Tate commented, yes.

11.0 Open Space
Update of Open Space Plan – Chairman Harbinson
- There will be a meeting sometime next month if Dave Zamba has completed his review of the material Chairman Harbinson sent him.

Camping on Open Space Request – Chairperson Wilber
- A man from Ansonia wants to bring his family to camp on open space in tents. The ordinance states that the Conservation Commission can grant that request.

The Commission determined there can be a resident fee and a non-resident fee. It should be a daily permit and an overnight permit that can be reactivated every day. Conservation Agent Pjura can issue the permit and make sure the premises are left clean. The Commission will mark areas on the map that are suitable for camping.

12.0 Letter to Landowners – Comms. Welch, McCreery
There was nothing to report at this time.

13.0 Full Time Natural Resources Manager – Chairperson Wilber
Chairperson Wilber stated it was advertised in Sunday’s Bridgeport Post and the New Haven Register. She showed a copy of the ad. It was in only one day in each of the papers. Resumes and applications will be accepted through June 6th.

14.0 Quality of Life – Possible Executive Session – Co-chairmen Harriet Wilber and Tom Harbinson
At 9:22 p.m. Chairperson Wilber moved to go into Executive Session for the discussion of purchasing land purchases. Comm. Dyer seconded the motion. All voted in favor; motion passed. The machine was turned off.

At 9:45 p.m. Chairman Harbinson moved to come out of executive session; seconded by Comm. Dyer. All voted in favor; and the machine was turned on.
15.0 Comments by Members

The Commission discussed again the request to divide the property on the River Road into two lots. The Commission adopted the steep slope regulation to be able to prevent an issue for such as this one on River Road. The Commission is sympathetic that Mrs. Corbett lived on the property for a long time, but the Commission’s goals are to keep the density of the property as low as possible. The PZC’s regulations do not make it a viable lot. Chairperson Wilber said she will talk to the ZBA tomorrow to let them know our opinion on the property, and Chairman Harbinson will raise the Commission’s concern with PZC and with the ZBA tomorrow.

In other business, Chairperson Wilber went over the budget. Comm. Dyer gave her some invoices for $520. Comm. Tate will get 5 willow trees at a cost of $250 each. She will encumber $5,000 for an engineering plan of the Tribute Walk.

At 9:52 p.m. Chairperson Wilber would like to have the Commission authorize her, toward the end of June, after subtracting the encumbrance and the expenses, such as the $2,200 for an appraisal and other bills, to ask A&T to transfer the remainder of our account into the open space trust.

The request moved by Comm. Tate, seconded by Comm. Bill Dyer. All voted in favor; motion passed.

She said the amount would be about $19,000.

16.0 Adjournment

At 9:58 p.m. Comm. Ed McCreery made a motion to adjourn. Seconded by Comm. Jim Tate. All voted in favor; meeting adjourned.

Minutes prepared by _________________________
Anita Shortell, Secretary