City of Shelton, Conservation Commission
Minutes for the Regular Meeting on Wednesday October 6, 2010 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
         Ed McCreery, Commissioner
         Sheryl Dutkanicz, Commissioner
         Joe Welsh, Commissioner
         Jim Goodman, 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. All in attendance recited the Pledge of Allegiance.
B. Approval of Minutes
Commissioner Dutkanicz MOVED to approve the minutes from the September 01, 2010 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

C. Public Portion
None

D. Riverwalk – Guest, Jim Ryan, Shelton Economic Development Corporation

Jim Ryan thanked the Commission for their interest in the Riverwalk. You are either the first or the second to respond to any ideas that we put out for comments. The Citizens Advisory Board also has a great interest in this and comments as well.

Mr. Ryan said, for the benefit of the new Commissioners, your comments are so valuable. I don’t come to debate the comments or try to adjust those or persuade you that the preliminary design is the right one or the wrong one. I am here to remind you that there is an open process where we involve lots of stakeholders. We assemble our input and the community leadership makes the final business decision. There are a lot of factors that are involved in that including the look, the aesthetics, cost, etc. You took a good hard look at it and raised some material points in terms of theme and other issues that will be put on the table. We sent your comments right out to everyone.

This project is federally funded earmark that is driving the slowness of the timetable. 80% of the proceeds are from a federal earmark. The City has to match 20%. We have finished the preliminary design phase. It has gone to the state DOT to their consulting firm to collect all the state comments. Then our engineering firm will have to consider all those as they scope out the final assignment. We expect those comments within 30 days. The comments we have received so far are related to permitting. There is an extensive DEP process for permits involved. We will send everyone all the comments after we receive them. That is a time-driver. I also sent Tom a copy of the process we have to go through that takes us to construction in 2012. We expect to hit that. The only variable that is not in that timetable is when there is a significant property in terms of right-of-way that’s donated or taken; there is an extra review that may be required.

Mr. Ryan talked about the engineering firm (James Rotondo Engineering, Shelton) and their opinions at this point, plus work on talks about getting other stimulus money available for this project.

One of the opinions Conservation expressed is in the value of having a structure underneath the two bridges. It is not in the final design at this time. At some point in the future if you are still interested in that and if you are willing to lobby
local officials for it, that is something that can be reinserted with the design and engineering function timetable budget. The City’s response to us is that they were concerned about the long-term maintenance responsibilities that we associated with it and it is not included in the scope of services for this project.

The slide presentation shown is from the Board of Director’s meeting from July. This presentation is in terms of other pieces of what is going on in downtown. A summary of the topics are as follows:

Description of SEDC work assignments – an agent who has staff and experience and capacity to manage certain State and Federal programs.

Phase 3 – along Canal & Wooster Street. We are at 99% on the infrastructure improvements up to the Derby/Shelton bridge. We have a $2 million grant from the State of Connecticut, matched by the City of a $1 million. We have a $3 million program under contract. We are about 90% in final design. We expect to be out to bid towards the end of winter next year. The $3 million will not take care of this entire project. The project is being phased. It will allow us to start the utility work that is along Canal Street and a portion of Wooster Street. We have utility estimates coming in now.

Mr. Ryan talked about the Avalon property and what their construction plans might be. It will be coming to P&Z for a revision to their initial approval. He also mentioned that they are working with Corporation Counsel on the easements plus giving timetable information on other permitting activities. Final design will be done after approval from the Army Corps of Engineers.

Utility Phase – scheduled for early 2011.

Above Ground site improvements – final estimate due in December.

Railroad Piece – 3 Pieces for work that has to be done: crossing at Wooster Street, realignment of the line towards Howe Ave, and pedestrian crossing. It will take roughly $500K for the Wooster St crossing, $800-900K for the realignment and about $150K for the pedestrian crossing. The City has guaranteed the State Traffic Commission that the work at Wooster St will be performed. The City has committed to funding the other work. The funding sources could be the City, State or Federal. The railroad has indicated they are not paying for any of the other improvements.

Commissioner Welsh asked why the crossing at Wooster St remains closed. Mr. Ryan said that the closing was a requirement by the State Traffic Commission. In order for any development to continue and for developer to pull any permits that crossing was considered unsafe. There were hearings on it and we notified all businesses downtown and explained it. I wish I could tell you when it is going to be reopened. It has to be funded. As soon as it’s funded it will take 90-120 days to reopen. The opening is dependent on the whole project. Mr. Ryan talked about the same issues regarding the railroad bridge and the safety issues. The City has told us they are committed to doing this project at this point in time.
The three basic elements we see are the utilities, site improvements and the railroad.

Mr. Ryan showed some sketches of the Riverwalk. *Downtown Revitalization: Brownfields* – various properties were pointed out that will be available for private redevelopment. The properties that require cleanup were pointed out as well as mentioning the grants received for the cleanup. Soils cleanup and groundwater cleanup activity has been started in those areas. All cleanup work is regulated by the DEP and we hire very highly trained licensed environmental professionals to design the programs and get the DEP approvals and oversee the work associated with them to make sure all the records and public safety is done.

Mr. Ryan continued with pointing out the Rolfite site, which we think will be the last round of activities. Cleanup in the late winter/early spring on adjoining city land was pointed out for the Commissioners. The Samerius property has mostly soils related issues. The Chromium Process property as well as the Axton Cross properties was mentioned.

Slides were shown to indicate the progress made over the years – the progress is real.

Mr. Ryan showed a design concept of the Derby/Shelton bridge, showing the potential for a bicycle connection, doing a historic rehab. Rick Dunn (VCOG) is working on getting design money associated with that.

Mr. Ryan showed slides of the Farmers Market and Veteran Memorial and discussed the transformation. *Construction is slated to begin in 2012.*

*Downtown Revitalization Program – 2020.*

*Shelton Life – Going Green edition*

Tape 1, Side B

*Strategy (CEDS)* – 18-town coverage (Mayors, Chambers, 2 Council of Governments, 2 Development Corporations, Community organizations). We have highly trained economists and planners working with us.

The Big Picture – not just about straight economic development. Priorities: Quality of life, transportation, brownfields, philanthropy (developing resources for people).

*Must have approved strategy*

*Regional collaboration*

*Review*

*Goals*

*Resolutions*

Slides of various Shelton sites

Utilize Shelton Life as a vehicle for providing the information regarding the Riverwalk extension.
Mr. Ryan said he would have some new slides that he will forward to Agent Gallagher for distribution.

Mr. Ryan spent some time discussing some other downtown properties and the plans for each. Chairman Harbinson thanked Mr. Ryan for giving the Commission the update.

**E. Shelton Lakes Recreation Path – upgrade to handicapped accessible standards-status**

1. Section 3 upgrade via DEP grant (LT meadow to Wesley Drive). Status update of bidding process

Vice-Chairman Dyer reported that the bid was awarded to Prusinsky and Brad Wells. It was funded for the total amount of the bid and we will reimburse the City for the amount of the grant when received. This is for sections 3C, 2A, 3B and part of 3A. I have been talking to Brad Wells and he assures me they are ready to go. They can’t get their bond until they physically have the contract and they have been working the bonding company. I talked to Tom Welch and he has mailed the contract to them. We need the Mayor to sign the contract.

The Commissioners talked about the person who drove their car on the boardwalk and the damage done.

**F. Trails Committee Report**

1. Shelton Day – we had a great turnout. We got about 25 people to sign up for trail volunteers.

2. Granite pillars and removable bollards – we have 6 logo and 5 plain. We are still discussing where they will be located. Delivery of the bollards from Swenson was discussed plus the installation.

3. Removable bollards – we have done research into the various styles. We have 7 locations; only 2 are in the most need at this time. One is on Lane Street and the other is off Meadow Street by the police station. The Commissioners spent quite a bit of time talking about the design and function of the bollards. Commissioner Tate brought up the idea of a granite removable bollard. The wood ones are nice but they don’t last.

4. Red Barn – the painting is almost complete. The Commissioners commented that the volunteers did a great job.

5. DEP Grant – we are close to getting the award.

6. Guided Hike – Tahmore loop on Sunday, October 17 @2P.M. and Birchbank on November 28th

7. Boy Scout Project – Should be finished this weekend where they are building the bike path around the cliff on John Dominick Trail and other improvements.
G. Dog Park
Vice-Chairman Dyer reported that for the last 3 days Parks & Rec have been there working on tree stumps. They are frustrated at this point because they don’t know the exact route of the fence and don’t know exactly where to clear. I hear they awarded the bid for the fence but have since realized that some of the fence posts are where there is rock ledge. I heard they are going out for bid for the rock poles.
They are still planning for completion of the dog park by the end of the year.
There is a parking lot issue. The plan that the City created doesn’t even have the Rec Path on it. It’s going to come to a head pretty soon and I need this Commission ready to react to a meeting. We probably will need some additional representative from this Commission besides just me. Commissioner Tate volunteered.
Agent Gallagher told the Commissioners of the problems she sees at the Trumbull dog park and it’s a very similar design to ours.

Tape 2, Side A
There was more discussion about the parking lot and use of the millings that are stored there.
Chairman Harbinson pulled up the email where the parking lot design was first emailed to the Commissioners. Commissioner Tate asked to have it sent to everyone again.

H. Community Garden
Agent Gallagher reported that the garden is still going well. We are talking about having a couple of work parties for fall cleanup. We are going to start talking about the second garden.
Commissioner Tate asked about the water line at the current garden location.
Agent Gallagher said that she needs to speak to the Mayor.
The Commissioners talked about the water issues at the 279 Soundview property.
Chairman Harbinson asked if there is going to be a winter crop? Agent Gallagher said that people are allowed to plant year-round.
Commissioner McCreery asked if there have been any traffic problems from the gardeners and Agent Gallagher said that one of the neighbors told her that they can always tell when the gardeners come because they always drive really slow.

I. Open Space Trust Account: Status
The budgeted amount from the ordinance was deposited into the Open Space Trust account. The new balance is $264,000.
J. Budget Status
No report.

K. Open Space set-aside: Status of increase to 15% in subdivision regulations
No report.

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

1. Old Applications/Monitor/Follow-up
   i.  Cranberry Estates, Armstrong Road. Open space conveyance, walking trail location and tree replacement program. Agent Gallagher emailed the Commissioners with an update. It is not a new application. There are new owners and they did come in and talked to me yesterday. According to Rick Schultz they started planting trees per the planting plan. Previously on this parcel there had been some clear-cutting and it was controversial. The clear-cutting was in an area that was to be future open space dedication. A planting plan was created and the new owners have started on it. Chairman Harbinson asked if Agent Gallagher was to oversee the planting plan. She responded no, it was Inland Wetlands Commission who initiated it. The outstanding issue is the open space, whether it becomes City open space or goes to a homeowners association. The Board of Aldermen did not put this item on their agenda for acceptance. Chairman Harbinson stated that it really doesn’t have anything to do with us. We made our commentary a second time and the Board of Aldermen hasn’t put it on their agenda. Agent Gallagher said that the open space dedication is the only outstanding issue; there is nothing to review.

2. New Applications
None

M. Communications

- Commissioner Dutkanicz requested sending a thank you letter to Chuck Tortora for doing the power washing at the red barn.
- HVA request for membership donation
N. Quality of Life - Executive Session
Commissioner Welsh MOVED at 8:53 P.M. to go into Executive Session for purposes of discussing security issues on our trails. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

Vice-Chairman Dyer MOVED to return to regular session at 8:59 P.M. SECONDED by Commissioner Goodman. All were in favor; MOTION PASSED.

O. Comments By Members
Vice-Chairman Dyer commented about the woman who had run into a fence on her bike and had sued for $3M. [The case is Blonski v MDC where MariBeth Blonski was awarded 2.9million after suit against the Metropolitan District Commission which is considered a municipality and thus not immune from liability the way private property owners would be (or were assumed to be)]. We found out that the Land Trust is not vulnerable but the City is. I sent an email to Jason Perillo telling him that this is a major issue in Shelton due to all of our trails. Jason responded and said that if he gets re-elected it will become a high priority. We talked about this at the Trails Committee and suggested maybe we all write to our legislators. I suggested we wait until after the election and the Conservation Commission should write letters and suggest to other towns that they do the same.
Commissioner Welsh said that the Land Trust group would be working with Trout Unlimited (Nutmeg chapter – Fairfield) on a river cleanup on the Far Mill River under the Route 8 bridge on October 30th. We are looking for volunteers.

P. Adjournment
The next regular meeting is Wednesday, November 3, 2010.

Commissioner Goodman MOVED to adjourn. SECONDED by Vice-Chairman Dyer. All were in favor; MEETING ADJOURNED at 9:05 P.M.

Respectfully submitted,
Marianne Chaya
Clerk, Conservation Commission