Conservation Commission Meeting Minutes
November 3, 2004   7:00 p.m.

(These minutes will be formally presented to the Commission on December 1, 2004 for their approval)

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1.0 Call to Order/Pledge of Allegiance
Acting chairman Tom Harbinson called the November meeting of the Conservation Commission to order at 7:08 p.m. in the Shelton City Hall, Room 303. The Pledge of Allegiance was recited.


Guest: Steve Bellis

2.0 Approval of Minutes of October 6, 2004
At 7:09 p.m. Hank Lauriat made a motion to approve the minutes of October 6, 2004. Jim Tate seconded the motion. All in favor; motion passed.

3.0 Public Portion
Bill Dyer commented on the removal of trees at Wells Springs that he wondered if they were part of the open space. Where he used to live, the City had a
policy if a tree was cut down of a certain size, it had to be replaced with another tree. He said the trees at Wells Springs were clear cut. He wanted to know when these plans are approved, can there be an issue taken to prevent every tree taken, can there be any requirement that the Commission or PZC can put on them. The Commission answered that it has never made or asked for that requirement, and there is nothing that the Commission can do on the development portion, but the trees that have been set aside to be saved should be marked before the clear cutting because the characteristics of the open space they were trying to save may include this vegetation. Bill said at the corner of the bridge crossing, where there is cutting, is marked open space.

The Commission looked at and discussed the approved map of the Well Spring Estates Subdivision, Old Stratford Road, Shelton, CT. James Smith, engineer; Applicant, Welkin Inc., 34 Blueberry Lane, Shelton, CT.

The Commission pointed out the conservation easement for a sanitary sewer easement. Jim T. said if it’s a sanitary sewer easement, the trees would be removed anyway. Tom H. said they were in their rights to clear that, but the concern is for another area of open space that should remain in its natural state. Tom H. stated in a superficial surface it seems that the activity on the site somewhat matches what the map shows. Jim T. said when we get these plans the Commission should look at the areas that are wooded, and if there are easements that need to be placed, where cutting will occur, like sewer easements, they could be replaced later with a buffer of trees and walls.

Tom H. replied there is no action needed on the Wells Spring Estates subdivision, but suggested that Jimmy P., conservation agent, go to that property to see if it’s properly marked.

4.0 Report of Jim Ryan – Enterprise and Commerce Park
Jim was unable to attend the meeting.
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5.0 Subdivisions
Tall Farm, Affordable Housing, Public Hearing on December 14, 2004.

The Commission decided it should hear from the Mayor about what his position is on the subject because it is one of the properties that the Mayor has been authorized to be acquired for the City to remain as open space.

At 7:21 p.m. Ed McCreery made a motion to state, for the purpose of protecting the record, if the town denies the formal housing plan because the property has long been part of the town’s open space plan, to make for the PZC record, for that purpose, there ought to be a letter from our Commission commenting that for the record, we want to reflect that the Tall Farm has long been part of the Open Space Plan.

The town has been actively negotiating with the owners for some time for this specific parcel, that is part of the greenway concept of the City Open Space Plan. It should be said in a letter, to the PZC, that if it was turned down on that basis, and if it goes to court, the court will see in the letter that it was part of the Open Space Plan long before it was ever a proposal.

The Commission recommended a letter be written. Ed. M. stated the letter would be to the PZC regarding the Tall Farm proposal:
The Conservation Commission would like to note to your Commission that the Tall Farm parcel has long been part of the Open Space Plan of the City of Shelton and that, on the urging of our Commission, the City has been in negotiations for some time for the purchase of that parcel consistent with the Open Space Plan of 1993 and dense development of the site would not be consistent with the goals of the town and the City should acquire that parcel as open space as stated in the Quality of Life Plan of the Conservation Commission. It was further approved by the Planning Commission as a favorable open space acquisition in an 8-24 Referral.

Hank Lauriat seconded the motion; All in favor. motion passed.
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The Woods at Lake Road, Lake Road/Shelton
Avenue/Nells Rock Road, 16 Lots
Ed McCreery recused himself because he is on the board at Hewitt.

It was formally a PDD by Ken Schaible of Key Development. It is Hewitt property. Tom stated it was turned down as a PDD, and now they are reapplying as a 16 lot subdivision.

The Commission looked at maps of The Woods at Lake Road, dated February 23 and last updated October 4, 2004; 16 lots off of Lake Road near Nells Rock Road and Route 108. Hewitt wants to sell this piece of property to a developer. At one time Hewitt had planned to do an Alzheimer care facility on the property which was not carried through. Total acreage of the parcel is 22.85. The area of open space is 12.12 acres which is along Route 108 between Lake Road and Nells Rock Road and a conveyance at the intersection of Nells Rock Road and Route 108 which is for the continuation of Constitution Boulevard. There is a conservation easement 15 feet wide, privately maintained, on the southeast buffer against the Bures property. The open space configuration is similar to the PDD application.

The Commission stated it had no problem with the open space component of the subdivision. It gives a significant amount of open space, protects the wetlands, protects the buffer between Route 108, and the subdivision allows access to the people on Lake Road through some of the open space to the rest of the corridor.

The Commission recommended monitoring the property as it is developed.

Any Pending
Harriet commented that when the developers go to the Inland Wetlands Commission or PZC, and the Conservation Commission has commented on a subdivision, the developers will portray the Commission’s comments as an acceptance of their whole plan, not just the open space. Harriet said that the Commission has to be very careful if there is
something the Commission doesn’t approve of, perhaps the density, but has approved the open space. She said the Commission should comment on the subject very clearly.

In another matter, the Commission discussed the Wabuda property regarding the open space on the property. The developer is planning to use the small piece of connection to the dedicated open space as a temporary road into the subdivision for a trailer to receive potential buyers.

The Commission suggested to ask for a detail plan including the width of this road, how will the open space will be protected, the limits of site disturbance, the limit of the wall opening, and how it will be revegetated and restored back to its original condition. It was an error in the PZC’s duly process if they don’t require the detail process to be submitted prior to site disturbance.

Ed McCreery suggested that the Commission put in a letter that we are not happy with the outcome if the open space is allowed to be used as a construction access.

At 7:39 p.m. Ed McCreery made a motion to prepare a letter to PZC with a copy to Mr. Schultz and the Mayor’s office that says having been following the Wabuda subdivision application process, we note that the Commission has altered the open space plan as recommended by our Commission, and is now providing for a different location of the open space, to be worked out by the staff, that includes a provisional sales trailer for the developer on the proposed open space.

We think it is imperative that the PZC Commission and the staff take certain steps to assure the protection of this future open space, which isn’t planned to be conveyed to the City until after the sales functions are completed. The use of the trailer differs from the normal process we have heretofore allowed. With that in mind, we recommend that the following steps be taken to assure preservation of the City open space when it is conveyed to the town.
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1. Require the restoration of the stone wall along East Village Road bordering that property as it is now.
2. Take preconstruction photos so that the resurfacing of the property can be returned to the state of its original condition.
3. Have Toll Brothers submit a detailed plan with the items on it describing the construction activities and what their plan for restoration will be and an estimated timeframe of those activities.
4. Include an appropriate amount in the bond to assure the land is turned over in its restored state.
5. Ensure that only customer vehicles use that property as stated by the Toll Brothers. The road access be not be used for construction vehicles for the rest of the subdivision which will unduly disturb the area.

Hank Lauriat seconded the motion; All in favor. motion passed.

At 7:46 p.m. Tom H. made an amendment to the letter as a paragraph to add to the letter, referencing a request made during the review of the site plans at a meeting with PZC staff, to put a private conservation easement on the pentway that borders several lots on the perimeter of the property. The conservation easement’s purpose is to protect the historical characteristics of the pentway now located on the property.

Hank L. made an amendment to Tom H.’s motion, “Further as a reminder, staff was requested to consider a narrow strip of open space from the corner of Maple and East Village Road, south and east, connecting to the Land Trust property at the extreme southern border of the Wabuda property. This would provide a link to this open space from the road.”

Tom H. accepts that as an amendment to his motion.

Everyone agreed to Tom’s amendment; All in favor, motion passed. Everyone agreed to the whole letter; All in favor, motion passed.
At 7:51 p.m. Harriet W. moved to add to the agenda the sale of Lot 18, Map 21C, located on Orowoc Trail and also revisit land at the corner of Frank and Wigwam Drive which was acted on in September.

Ed McCreery seconded to amending the agenda; All in favor, motion passed.

5.1 City Property on Wigwam Drive, Map 97, Lot 20
In regard to the land on the corner of Frank Drive and Wigwam Drive, Harriet W. stated the property is less than an acre. Steve Bellis, developer, stated on a 1975 map it is shown as .13 acres. The assessor’s office has been assessing it as .3 acres. It is labeled as NC14 on our open space inventory. (NC is given a designation to land less than an acre that has value as open space.)

Harriet W. and Mary Beth Banks when they were categorizing the open space in Shelton, thought it had open space value. When the Aldermen asked the Commission for its recommendation in regard to selling the land, the Commission sent them a letter stating:

The Commission has this lot listed as open space. It has characteristics of a natural wooded open space area with historic stone walls which improves the streetscape of both Frank Drive and Wigwam Drive.

Also, not included in the letter, but meant to be was, “it would also provide linkage to other potential open space in the future.”

Harriet W. received a phone call from an Aldermen asking the Commission, without any pressure, to revisit it and consider selling it. That was the reason Steve Bellis, developer, attended the meeting because he would like to buy it. Hugo Provenzano owns the land adjoining the parcel, which Mr. Bellis would also like to buy.

Steve Bellis stated the reason he wants to buy the property is, instead of having three rear lots, he would have more frontage. Mr. Bellis explained he
talked to John Cook in an informal meeting, who suggested that by buying the City lot, he could keep an area without disturbing it and change the entrance where there is no wetlands.

Harriet mentioned according to the deed of the property, this parcel was part of a subdivision, Pleasant Valley, Section 2 which was given to the City as part of a subdivision which would have been open space. The owner was E. Rider. Mr. Bellis said he had looked at the deed and said the property was not deeded as open space. Ed M. said just because it was not deeded as open space, property can be acquired by condemnation, be deeded, or by tax foreclosure. Mr. Bellis stated the subdivision was given in 1974 and not a recent subdivision.

Also, Ed M. asked why was the Commission was asked to consider an opinion after it already rendered one. Mr. Bellis explained he wrote a letter giving the person involved the information described. Mr. Bellis told him that his associates would like to pay the City to purchase the property. Mr. Bellis was told the payment of the property would be put into the open space fund and not the general fund. The Parks and Rec Department have no interest in the parcel.

The Commission discussed open space and City opened land with Mr. Bellis.

Tom H. suggested the Commission gather the accurate information from deeds and any records from minutes and do a site walk before the next meeting. Ed M. didn’t think that Mr. Bellis had all the information for the walk in order for the Commission to see the plan of how this will help that development be a better development for the town. Mr. Bellis answered he doesn’t mind sharing that. Tom H. stated if Mr. Bellis gets the layout information, the Commission will schedule a site walk with Mr. Bellis which will be before next month’s meeting in December. Mr. Bellis gave his phone number and left the meeting.
The Commission said it was not appropriate to ask about selling a property when a decision has already been made. The Aldermen, as a whole, should have approached the Commission for its reconsideration. It is important for the Commission to always make our decisions at the highest ethical level possible.

Terry J. stated when that property is looked at, there should be a clear decisive environmental benefit to that neighborhood that would be improved by taking this action.

Tom H. will talk to John Cook directly to hear what his commentary is.

5.2 City Property on Orowoc Trail, Map 21C, Lot 18
This lot is marked on the Commission’s open space map as disposal parcel No.6 in Pine Rock Park. The adjoining property owner wants to buy it. The Commission will recommend to the Board of Aldermen to sell it with a deed restriction. Tom H. said it is not in an open space greenway and doesn’t connect to any other open space area. If the City is to sell it, it should be deed restricted so it could not become another building lot, but it will allow one person’s lot to become more expansive.

At 8:40 p.m. Ed McCreery made a motion to write a letter to the Aldermen to indicate that the Commission has no objection to the sale of the parcel in question, finding it has no significant open space value, provided that the City place a deed restriction on it to prevent construction on the site.

Hank Lauriat seconded the motion. All in favor; motion passed.

6.0 Communications – Harriet
These communications were received:
1) Communication from the Housatonic Valley Association. They are looking for volunteers to inventory the Housatonic River. Tom H. mentioned to Bill D. it would be a good Eagle Scout project.
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2) A request from UCONN. UCONN is preparing a recreation plan called SCORP. They want a list of our outdoor facilities. Harriet will give it to the Parks and Rec Department.

3) Request to join the Southwest Conservation District located in Wallingford, CT. It replaced the Fairfield Conservation District. It is $1,000 to join. The Mayor is leaving it up to the Commission whether it wants to join or not. Terry J. mentioned he went to their annual meeting because he was named their Cooperator of the Year for Fairfield County for farm conservation practices, but the Commission should discuss if they could help the Commission. Hank L. stated he would call them to find out what their accomplishments are and if we could use their services.

4) Copy of the Board of Education Newsletter.

6.0 Trails Committee - Bill
Bill D. stated the Trails Committee met on November 2nd. He said the fence is up at the bridge at Pine Lake on the Rec Path. Terry Gallagher is putting together the plan for the Rec Path 1A from there to Meadow Street. The trees are cleared from Meadow Street, and the Mayor has agreed to provide the equipment and the millings for the path. Terry G. will have the drainage plan ready this week. Bob Wilkins will oversee the project.

Bill D. asked Sandy Nesteriak for a status on the two grants the Trails Committee has previously won and asked if the hydraulic lift can be purchased. Jim P. said he gave the specifications to the Mayor.

In addition, Bill D. stated he would like to have a leaf blower. Harriet told him to charge it to himself and to give her the bill. She will take it out of the Commission’s budget. Jim P. said the hydraulic lift would cost $597. Harriet told Bill D. to buy that item, also. It will be paid out of the budget. All agreed to purchase these two items.

Bill D. discussed the Recreation Path from Lane Street in the Huntington Woods area on a map. Also, he discussed open space behind the Lane Street
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project. He wanted to know if the Trails Committee would be able to go to the Land Trust to ask if the Committee could build a path that connects to Lane Street which would eventually come into Huntington Center. Tom H. told Bill D. to put together a proposal and prepare to bring it to the Land Trust.

In regard to Scout projects, Royce York has submitted his project which was approved. With cooperation from the town, he is proposing to clear an area for the Nell’s Rock Trail pull off on the Abbey Wright property. He will need the large pipes that are stored there, moved in order to clear out an area for parking. Royce will begin by clearing the brush this Sunday. This clearing will help the police observe the area.

Adam Cleri expects the approval of the kiosk and the bridge, at the beginning of Turkey Trot Trail, will be this month. Bill D. will monitor both Scouts.

8.0 Report of Conservation Agent – Jimmy Pjura

- Landkeeper Program
  Jimmy P. met with, Don Sosenko, landkeeper. Jimmy P. walked the open space property of parcels 14.02,105.01,02,03 and M5 which Don will oversee. Jimmy P. located a tree stand on the City open space which he alerted the DEP about.

- Violations of Open Space
  Nature’s Lane
  Jimmy P. received figures for the violations and filed the report with Bridget Plucienik who will put it on the Board of Aldermen’s agenda next week. He will ask Bridget if he should attend the meeting.
  He added Tom Welch is aware of all of this.

- Hanging of Open Space Signs
  Bond Board
  The subdivisions he has visited and under construction are:
  - Nichols Estates, Beardsley Road, conservation easement/fee in lieu of.
  - Audubon Preserve, Maler Avenue - done.
  - Scenic Lane Estates, Lane Street – done.
  - Brushy Meadow, Soundview Avenue – fee in lieu of.
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- Valley View Estates, Edgewood Avenue - fee in lieu of.
- Cranston Avenue - no open space.
- Windy Field, Ten Coat Lane - fee in lieu of.

Subdivisions- Substantially completed/not accepted are:
- Boehm Pond Woods, Winthrop Woods/Lazy Brook, Jimmy P. gave Jim Swift a copy of the ordinance from PZC because Monty Blakeman said he is not responsible to mark open space.
- Golden Heights, Golden Hill Lane - open space. Jimmy P. will visit next week.
- Dimon Hill Sec. 2, Lenore/Henry/Beardsley - open space. Jimmy will visit next week.
- Sunset Ridge, Whipporwill Drive - open space. Jimmy will visit next week.
- Dear Run Estates, Hubbell Lane - open space. Jimmy will visit next week.
- Crystal Lake Estates, Crystal Lane - fee in lieu of.
- Lexington Gardens, Frans Way - completed.

Harriet W. stated Rick Schultz told her today that he and Jimmy P. are working well together checking all the open space signs and conservation easements.

Jimmy P. met with a Cub Scout group and cleaned up Route 108 under the power lines. They also had a trail walk and a conservation conversation.

- **Fish Stocking of Lakes**
  Jimmy P. contacted the DEP regarding stocking the Far Mill River this fall. They have not set their spring stocking schedule. Jimmy P. will call the DEP to inquire where the DEP stocked fish in the past in Shelton.

- **Abbey Wright Property**
  This was previously discussed in the Trails Committee portion.
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- **Fence at Pine Lake**  
The fence at Pine Lake has been completed. The bill is $4,200 for the fence.

Jimmy P. attended the Invasive Plant Symposium of UCONN with Joe Welsh in early October.

Harriet W. asked about the follow-up of Conveyance of Open Space of Huntington Woods. Jimmy said it has not been done yet. He will talk to Rick Schultz about it.

Jim T. mentioned to Jimmy P. that on Far Mill Street, below Boehm Pond Woods, in the area of Isinglass Reservoir, a resident noted that a porto-potty is on open space. The Commission suggested Jimmy P. get the name off the side of it and call the person in charge asking him who asked to have the porto-potty delivered there because it is on City owned land.

9.0 **November Referendum Results – All**  
The Commission was pleased both of their referendums were passed.  
Results:
Shelton Referendum, regarding the “slab”, #1 was 7,463 for and 3,055 against.  
Shelton Referendum, regarding $3,000,000 for open space, #2 was 8,166 for and 2,260 against.  

The Commission will write a letter to the editor of the Huntington Herald thanking the residents of Shelton for supporting both referendum questions.  
She read it to the Commission. It is as follows:

The Conservation Commission would like to thank all the Shelton residents who approved our two referendum questions on the November 2nd ballot.

We look forward to the process that will allow the “slab” in downtown Shelton to remain as open space to be used by our community.

The three million dollars allocated for open space will be put to good use to preserve land to balance our City’s vibrant growth.
10.0 **PUAC (Plan Update Advisory Committee) – Jim, Tom**

Tom stated their next public hearing workshop, to discuss, infrastructure items, will be Monday night at the intermediate school.

Tom mentioned the group is getting into some good debate and discussion and are studying various entities in the City government whether it be Board of Education, Parks and Rec, etc. It has been going well. Jim T. mentioned the work shop meetings have been poorly attended and invited people to come.

- **Open Space Plan**
  
  Tom said the Open Space Committee is starting to work on updating the open space plan. He said it is in the works. Tom H. and Dave Zamba have volunteered to work on it.

11.0 **Water Management Program Report – Harriet**

Harriet said she handed it out to several people at last month’s meeting. Joe Welsh stated the State mandated the water company’s stormwater and sedimentation control plan in April. PZC, Inland Wetlands, and the City engineer worked on the Water Management Program Report. He said there are many provisions in it to protect stream quality, protect water quality on open space parcels, to prevent damage from runoff and erosion from subdivisions.

Joe is reading it and said they did a great job. Tom H. asked is this the kind of report the Conservation Commission needs to endorse. Jim T. said its benefit may come in the review of site plans and big projects and to have an understanding what the expectations for the City would be because it is a long range plan for storm water management. If it is adopted, it would be referred to and could be a positive tool, but it could be a long-range plan not adopted and could fall off the wayside. Jim suggested the Commission look at a copy and understand what’s in it. Joe W. has a copy and will highlight some points pertaining to the Commission.

Harriet W. suggested to Joe W. to have a short positive letter for the next meeting regarding his and Jim T’s comments that were made tonight.
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12.0 **Ordinance for Conservation Easement Violations – Ed, Harriet**
Harriet W. referred it to Atty. Tom Welch who said the Commission does not need it. He thinks whatever is in place in the City is enforceable. Jimmy P. said Nature’s Way will be a good test because it’s been documented and sent to the Board of Aldermen who will now start legal action.

Ed M. talked to Atty. Welch and said to him the Commission was looking for a fine and rather then to bring a lawsuit or an injunction. Atty. Welch replied that made sense to him. Harriet mentioned there were two different answers to the situation.

13.0 **Southbank – Harriet**
Harriet found Randy Szkola’s drawings in the Commission’s mail box regarding landscaping Southbank. There were pictures but no explanation. The drawings were dated 1993. Evidently, someone found them and put them in the mailbox.

14.0 **Signage for Open Space Parcels – Harriet, Tom**
Harriet stated Regis is on a campaign to get uniform signs for all City parcels. The Commission supports the idea, but will let Regis lead this effort. While on the subject, Terry J. said many signs need maintenance because they start peeling many years later. Ed M. suggested if a sign does go up, it should be replaced with one of a uniform design to be similar with other signs in Shelton.

15.0 **Letter from DEP re: SCORP**
This was discussed in Communications.

16.0 **Quality of Life – Possible Executive Session – Ed**
At 9:20 p.m. Harriet Wilber moved to go into executive session to discuss possible land purchases inviting Jimmy Pjura and Bill Dyer. Seconded by Hank Lauriat. All in favor; the machine was turned off.

At 9:37 p.m. Tom Harbinson made a motion to come out of executive session; seconded by Hank Lauriat. All in favor and the machine was turned on.
Harriet recommended the Commission look into the background of several pieces of property to see if they have received an 8-24 Referral. If they have not, the Commission should write to the Board of Aldermen requesting that they ask PCZ for an 8-24 Referral on the land(s) for the purchase as open space and to authorize the Mayor to negotiate said properties.

At 9:40 p.m. Hank Lauriat moved the recommendation. Jim Tate seconded the motion. All in favor; motion passed.

17.0 Personnel Issues – Possible Executive Session – Ed
Harriet stated Mayor Lauretti and Sandy Nesteriak told Linda Hooper of Human Resources that the Commission can now hire a full-time person, but since Linda has so many jobs to advertise, she isn’t sure how soon it will happen.

18.0 Comments by Members
Hank L. asked if something came of the conservation agreement regarding Mr. DeFlippo’s neighbors. Harriet W. answered PZC is handling the situation.

Joe W. asked if there is any mining ordinance in the City with respect to someone taking land from one area and using it as fill in another area to build on it. Tom H. said there might be a regulation that does allow material to be taken off one site and brought to another site. Jim T. will look into the situation.

Harriet W., for the Commission’s information, reported that Tom found out through Tom Welsh that the Commission can write a letter recommending the approval of something, like the recent referendum questions and talk in the paper about it, but cannot spend public money to do so.

John Anglace would like Tom H. to meet with him and the two gentlemen from the Pine Rock Park Association to look at what open space the City owns in Pine Rock Park. Residents are worried that some of the vacant lots will be purchased for building lots. They do not want their density increased. Pine Rock Park has a fund and money from the CRRA it is willing to use
to buy open space the City is willing to sell.

Terry Jones stated starting next week, he will assume a new position. The Working Lands Alliance has been asking him to head its organization in Hartford. He said he has resisted, but became interested in the cause of the group which is to preserve farms in Connecticut. Terry stated the Working Lands Alliance builds on the type of successes that have been built in Shelton. He told them he would retire from the Conservation Commission if he found someone to fill his position. He discussed it with Harriet and Tom. Tom stated if it was the will of the Commission, he would take over where Terry left off.

Terry stated if there are any particular land or farmland projects in Shelton, he will work on them, if possible, but the Working Lands Alliance position will take a larger percentage of his time. He said he has gained a huge gift from everyone in the Commission, working with each person, and the City has gained a legacy from everyone in the Commission in relation to the parks, the forests and the farms it has preserved.

Terry said he started on the Commission in 1988, and this was his 200th meeting.

Harriet W. said this will be a great loss to this Commission. Everyone agreed.

At 9:55 p.m. Hank Lauriat made a motion to have Tom Harbinson become co-chairman of the Conservation Commission. Ed McCreery seconded the motion. Any discussion.

Hank said yes, and stated the first move would be to put something in the papers regarding Terry on where he has been and where he is going.

Terry stated he would like the Mayor to solidify the message that the Commission has a process for an open space program, and the reason he is taking this job is the rest of the State is looking at Shelton’s example.
All in favor; motion passed.

19.0 Adjournment
At 9:56 p.m. Hank Lauriat made a motion to adjourn. Seconded by Ed McCreery. All in favor; meeting adjourned.

Minutes prepared by _________________________

Anita Shortell, Secretary