

Conservation Commission Meeting Minutes

May 4, 2005 7:00 p.m.

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6:00 p.m. Meet to Review the Open Space Plan

A discussion was held to update the Open Space Plan 1993. The plan was reviewed and some changes and addition were suggested.

Attending: Tom Harbinson, Jim Tate, Ed McCreery, Joe Welsh, Hank Lauriat, Bill Dyer, Harriet Wilber, and Dave Zamba, chairman of the Open Space Committee.

7:00 p.m.

1.0 Call to Order/Pledge of Allegiance

Co-Chairman Tom Harbinson called the May meeting of the Conservation Commission to order at 7:05 p.m. in Shelton City Hall, Room 303. The Pledge of Allegiance was recited.

Attending: Co-Chairman Tom Harbinson, Co-Chairperson Harriet Wilber, Commissioners Jim Tate, Joe Welsh, Ed

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McCreery, Bill Dyer, Hank Lauriat, Conservation Agent Jimmy Pjura.

Guests: Jim Ryan, Director of Shelton Economic Development, Nancy Steiner and Irving Steiner, John Kier, Honorable Connecticut State Representative Larry Miller

2.0 Approval of Minutes of April 6, 2005

At 7:06 Comm. Hank Lauriat made a motion to approve the minutes of April 6. Co-Chairman Harbinson seconded the motion. All voted in favor; motion passed.

3.0 Public Portion

Mrs. Nancy Steiner of 23 Partridge Road, Shelton.

Mrs. Steiner attended the meeting because many residents have been attending the meeting regarding the Wetlands Commission application for the Cranberry Avalon Bay. There have been discussions about the vernal pools such as some are there, some are not there, which ones are flagged and which ones are not flagged, why wasn't this on the map, why was this on the map.

In light of the fact that the City had not hired an ecologist to study the vernal pools, Mrs. Steiner's group, We-R1, has decided to engage an ecologist to make its own study of the pools because the window to study the vernal pools is a very short one, and this is the opportune time to make that study.

She said this information will be open to anyone who wants it. If the Conservation Commission, Inland Wetlands Commission, or the Planning and Zoning Commission would like the information, her group will be happy to offer it to them. The information can be used anyway they choose. John Trautman, ecologist, was hired to do the study.

In conclusion, Mrs. Steiner stated she will let Agent Pjura know when the study will be completed.

4.0 Report of Jim Ryan - Enterprise and Commerce Park - Tribute Walk

Comm. Jim Tate recused himself from the discussion of the Enterprise and Commerce Park Tribute Walk.

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Mr. Ryan spoke briefly about the Valley Community Foundation which is a group in the Housatonic Valley, consisting of the towns of Ansonia, Derby, Shelton, Seymour, and Oxford, started to raise money for the benefit of the Valley towns. This community foundation has raised over \$750,000 so far in the first year. They will be distributing funds later this year and will be developing a program to build their endowment. If the Conservation Commission or the Conservation Trust was willing to raise money for themselves, the community foundation would match it. Mr. Ryan mentioned he would be glad to discuss this with the Commission because there might be potential for the Commission to apply to the Valley Community Foundation.

In other business, Mr. Ryan stated that Valley leaders suggested having something to recognize someone who has done much for the community. He showed an artist's drawing of a grove of trees, also, of a walk including a grove of trees. Weeping willow trees would be the primary selection.

Comm. Tate contributed a potential design for the tribute Walk. There is a \$5,000 contribution for its design remaining from an event at the Boys' and Girls' Club. Mr. Ryan's committee applied to the Iroquois Transmission Company for a grant of \$15,000 to buy trees for the tribute. His committee has a budget of \$80,000, but they have to start designing it to find out what its options such as where it would be located and what features it would have.

Mr. Ryan showed drawings of Phase I and Phase II areas of the Tribute Walk. In Phase I, there could be a grove of trees with a walk that goes through it. Mature, specimen trees native to Connecticut would be planted. Along the walk there would be naming opportunities for people that are deceased that have made major contributions to the community. Mr. Joseph Pagliaro would be a potential honoree. The committee or elected officials will have to submit a plan for the selection of names.

Mr. Ryan stated if the funds can be available for the tribute, a group of people would be selected to work

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with the designer to look at different options, which would be: size, placement, tree selections, and the process of how the person to be remembered would be chosen. With \$80,000 budget, it would have to be finished incrementally with the funding to start this fall.

The slab in the downtown area will probably be reserved as open space. A possible place for the tribute would be on the side of the slab.

Phase II area, where the buildings have been recently torn down, and when the environmental remediation plan is completed, private development is being considered, with portions along the riverfront retained as open space for the community.

The community will make the final decision where the Tribute Walk is to be located.

The Commission suggested there should be clarity and a structure as to how a name gets chosen. Mr. Ryan stated there should be a process, and the committee would jury that to make sure it was done the right way.

At 7:27 p.m. Co-chairman Harbinson entertained a motion to allocate \$5,000 from our Other Services Account for the purpose of doing design services for the Shelton Economic Development Commission Corporation's on the Tribute Walk to be located in the Riverwalk/slab area of downtown in response to their letter of April 5, 2005. Motion made by Comm. Lauriat. Seconded by Comm. McCreery. All voted in favor; motion passed.

Mr. Ryan left the meeting.

8.0 **Report of Conservation Agent - Jimmy Pjura** **Landkeepers' Program:**

John Kier of 52 Mustang Drive, Shelton, CT, a new landkeeper, for open space property parcel #6, which is near Pine Rock Park and the Far Mill River, attended the meeting.

Violations of Open Space:

ATV Activity on Mustang Lane Open Space Parcel #6
Mr. Kier phoned Agent Pjura two weeks ago to resolve

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an issue of kids who were on ATV's trespassing and making jumps on both private property and open space. Mr. Kier helped find the area on a map the Commission provided. Agent Pjura presented pictures of the property.

Agent Pjura and Dave Kosakowski from the Engineering Department went to Mr. Kier's mother's house to confirm her property lines and that of the neighbor's. It was confirmed that the activity was occurring on City property and on private property. Agent Pjura flagged the open space. At that time he discussed the issue with Mr. Kier and Dave, and Agent Pjura contacted Mr. Kier's neighbor regarding the situation. Because it is on private property and the ATV's are trespassing on private property, Agent Pjura informed the property owners that if there is further activity of defacing property or any cutting of trees to call the police.

Mr. Kier told the children using the ATV's that they are riding on private property and open space and explained property rights to them. The kids seemed O.K. with that explanation, and he hasn't seen them since.

Co-chairman Harbinson stated there are City regulations that prohibit motorized vehicles on open space. The State regulations allow that an off-road vehicle such as an ATV have to be registered if they are going to cross on a City road or going to be on State or City lands. If they are not registered, the police can impose an infraction. Also, a snowmobile has the same regulations.

Agent Pjura will give Mr. Kier a copy of the Commission's open space regulations for future reference.

The Commission discussed a piece of land near open space parcel #6.

At 7:45 p.m. Commissioner McCreery made a motion to seek a title search of a parcel to the west of Open Space #6 and adjacent to the Stratford border of Far Mill River. Seconded by Comm. Lauriat. All voted in favor; motion passed.

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Mr. Kier left the meeting.

Violations of Open Space (continued)

Mayflower Lane

Resident Kimberly Supersano is in compliance with her property regarding her planting a tree in open space. Next week Agent Pjura will visit 10 Mayflower Lane because of a dumping issue.

Nature's Way

Agent Pjura and Dave Kosakowski of Engineering measured the homes in question on Nature's Way regarding the cutting of trees on open space. All homes were within their property lines. Co-chairman Harbinson suggested Agent Pjura find the boundary of the conservation easement and to mark it.

Pearmain Road

The issue is resolved. The City will plant six white pines along Mr. Naples' boundary with open space to follow the agreement with Mr. Naples and the Mayor. Agent Pjura sent a memo to Sandy Nesteriak informing her of the Mayor's decision. The Commission stated this is the time to plant the trees. Ms. Nesteriak will inform Dean Cawthra of the Parks and Recreation Department.

Hanging of Open Space Signs:

Old Subdivisions

The developers have been made aware of their responsibilities to hang signs.

New Subdivisions

Rick Schultz is compiling a list of new subdivisions for Agent Pjura to check on.

Chairperson Wilber recommended Agent Pjura to hang the signs on the old subdivisions that are no longer bonded. He said he would get the list from Rick Schultz.

Restoration of Inland Wetland Violation on Pat May's Property at Birchbank Road

Agent Pjura presented pictures of Pat May's property along the Housatonic River. She attended last month's meeting to inquire if there were any funds from the City for plantings and ground cover to help replant her area.

Members of the Commission looked at the pictures showing the path that Ms. May created when she cleared up the briars and brush and unsightly garbage

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on her property and on City property. She did this when she was clearing her property to build her house, and her neighbors asked her to clean a path on a City right-of-way adjacent to her lot. The neighbors use the right-of-way to get their boats in and out of the river. After she did the clearing, John Cook, Inland Wetlands Enforcement Officer, said it was a wetlands violation.

The purpose of the right-of-way is to allow public access to the Housatonic River.

To remedy the situation, it was recommended that Agent Pjura coordinate with Inland Wetlands Commission to address this wetlands violation. It would be up to Mr. Cook to determine what is appropriate in order to be in compliance with Wetlands Regulations.

In addition, it was suggested the Commission pay for some of the plantings on City property and Ms. May would pay for her own plantings. Chairperson Wilber stated there was money in the Land Improvements account.

USDA/Farm and Ranch Lands Protection Program

In order to complete a form we have been asked to fill out, Chairperson Wilber asked if the Commission ever used the Farm and Ranch Lands Protection Program for any City purchases of open space or development rights, like for the Shelton Family Farm.

Commissioner McCreery answered the Shelton Family Farm development rights were partly purchased with U.S. Department of Agriculture funds, and since this is part of the USDA/Farm and Ranch Lands Protection Program, the Shelton Family Farm on Route 110, just north of Walnut Tree Hill Road should be included.

Recycling

Agent Pjura and Marilyn Gannon discussed the best way to inform the public on the change of policy and procedure regarding recycling. The newspaper, The Shelton Weekly, will issue an article on the subject.

Environmental Car Study

The Mayor asked Agent Pjura to work on the study in regard to getting the municipal fleets switched over to diesel hybrid model.

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DEP Open Space Grant Application

The application for funds for open space purchases is almost finished and will be submitted next week. Agent Pjura was asked if the Commission is making any headway on the clean up of the Elizabeth Shelton DEP problem. He answered he hasn't heard anything from the DEP and has invited them to come to look at the site. Almost all the wood is gone.

America the Beautiful Grant

Agent Pjura met with Randy York on Monday to visit open space parcel #38. They are putting their thoughts together and left a memo for the Mayor today to consider their ideas before they go any further with it. He said it would be a fantastic project to get the grant money. It is a park/playground on Orchard Street near Route 8.

In addition, Agent Pjura spoke with John Cook, the Inland Wetlands Enforcement Officer, regarding the River Road violation. Everything is being worked on.

Public Portion (continued)

The Honorable Connecticut State Representative Larry Miller attended the meeting. Marybeth Banks spoke with him about Affordable Housing Statutes in the State of Connecticut, and since the issue has risen in Shelton, Rep. Miller spoke to give the Commission some insight from his perspective.

Rep. Miller handed out two research reports, the OLR Research Report and the General Statutes of Connecticut.

Rep. Miller stated the impact of the proposed affordable housing development by Avalon Bay on a Cranberry Pond has gotten the Town of Stratford in a quandary. Mr. Kevin Keller is the town attorney and he's been fighting the project.

Since the current legislature does not want to change the law, in the last five years he has been writing amendments to any housing bill that comes out of the committee. He has submitted 30 amendments to it. When they call the original bill on the floor of the house, he gets an opportunity to bring his amendments up and he gets 25 to 30 co-sponsors. The amendments are to allow for recreational areas, storage areas in

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some of these places, and fire lanes around the building.

When an affordable housing project is rejected by a town and is appealed in court, regardless of what is in the Planning and Zoning Regulations or the Inland Wetlands Regulations, the judges assume that the town does not want affordable housing in the town, and they will work twice as hard to allow affordable housing in that town.

There are three areas the judges will consider in court:

1. If the project could seriously harm public health and safety (i.e., create a traffic hazard).
2. If the potential harm is greater than the need for affordable housing, and
3. If the town cannot minimize or prevent the harm by making reasonable changes to the proposed project.

Thirty percent of the housing in the town has to be deed restricted to qualify for affordable housing. Chairperson Wilber asked if he has tried to get non-deed housing restricted to qualify, such as trailer parks. Rep. Miller answered that it was one of his amendments that was let go. Someone in the trailer park would have to get a lawyer to document it. The town cannot document it itself. It is difficult the way the lawyers in Hartford have made it. It is in law, but anyone to apply for it is difficult. If someone had a legitimate apartment in his home and it was approved by Planning and Zoning, that could be counted as affordable housing unit.

The prices of affordable housing vary according to the community.

Rep. Miller answered the impact on the community is phenomenal i.e. public services have to be rendered and other town services have to be in place. Therefore, there is a cost to the town. The Commission suggested the town should have a plan to absorb that cost. The Commission discussed the cost of affording affordable housing being too high for the public.

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Chairman Harbinson mentioned when there is a dense residential development the Commission likes to see open space set aside within that development rather than fee-in-lieu-of towards the Open Space Trust Fund. People who live in that subdivision need a place they can enjoy for recreation purposes. The Commission would like to see that as an amendment for affordable housing. Rep. Miller said that was one of his amendments.

Rep. Miller stated deed restricted means it would be restricted by any kind of government sponsored loan.

He stated when someone lives in affordable housing for 10 years and sells the house, it will still be an affording housing category because there has to be 30% affordable housing for 30 years. The State of Connecticut Department of Economic and Community Development (DECD) oversees this and submits statistics every year as to what the town has in affordable housing units.

He has amendments that would require that they be attached to a sewer system and not a septic system. Also, the units should have public water and bus transportation available, but these amendments have not been approved.

Comm. Welsh asked if a town could designate its available space and build its own affordable housing and be in control to make it truly affordable for the townspeople. Rep Miller answered yes, a town can do this.

Chairman Harbinson stated the Commission appreciates Rep. Miller's work to continue to work for one of our goals which is to see open space in an affordable housing project as one of his amendments.

The Honorable State of Connecticut Representative Larry Miller left the meeting.

5.0 Discussion with Attorney Thomas Welch regarding Conservation Easement Ordinance

Attorney Welch could not attend the meeting.

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Chairman Harbinson spoke with Attorney Welch on the phone who said he is working on some language he is trying to incorporate into the easement.

6.0 Subdivisions

CRD 5-Lot Subdivision, Robert's Place, Wabuda Place

This is the Wasilewski property. Agent Pjura stated the engineer for this development project was supposed to attend the meeting. This proposed CRD on Wabuda Place butts up against the Wabuda property. The CRD application can be done on a minimum parcel of 10 acres. It has to have City water which is along side the road now, and has to be based on the approval of the standard subdivision for the property.

Agent Pjura, who attended the PZC meeting at which Robert's Place was discussed, said the Commission's letter was read and said, in his opinion, the PZC liked it.

The first page of the map of the property showed the different wetlands soil types. CRD's can be used in a area where there might be an environmental area that might be protected. The map shows a proposed trail system along the property abutting the Wabuda's where the pentway is. This can be an environmental significant area since there is some wetlands and ledge at the site.

The next page showed the conventional subdivision layout of 5 lots with and a fee-in-lieu-of rather than an open space set aside.

Comm. Tate asked what the comment was relative to our letter to the PZC by the applicant. Agent Pjura answered the letter was read and the points were made. Attorney Thomas, the attorney for Robert's Place, was of the opinion that the Conservation Commission was not looking at the whole picture as far as what's being done for open space and these kinds of subdivisions i.e. the Wabuda Farm.

The Commission discussed Attorney Thomas's comment and discussed the regulations of a CRD. This subdivision does not meet the regulations of a CRD because it is not 10 acres, the total acres of the

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parcel is 8.1, but it can be a CRD if it is preserving an environmental sensitive area as shown on Page 1 of the map, dated April 22.

A decision was made that members of the Commission will attend the public hearing if it is before the next Conservation Commission meeting. Also, it was decided that the correct information needs to be available on the subjects discussed at our meetings.

Avalon Bay's Two Projects

Armstrong Road, Cranberry Bog

Bridgeport Avenue and Huntington Street

The Commission has no jurisdiction now in regard to the subdivision on Armstrong Road and Cranberry Bog.

In regard to the area of Bridgeport Avenue and Huntington Street, a new zone has to be made for it. The PZC received an application for this new zoning designation.

Three components of Avalon Bay's project on Bridgeport Avenue.

1. A new zone in town is proposed to be created which is called the Multi Family Housing District, and it would be for areas along the Route 8 Bridgeport Avenue corridor. It would be a PDD with an underlying zone of R1 or commercial and have a minimum acreage.
2. If this new zone is approved, then it would be denied if it could be applied to this parcel.
3. If the first 2 components are approved by PZC, then the proposed Avalon Bay project would have to be approved.

The Commission discussed if it wants any input into this proposed new zone. Comm. McCreery stated it should call for a percentage set aside for open space. Comm. Tate commented that there is a practice that works now and wondered if new zone is needed. The Commission is making amendments to that, and the long range plan is looking at that. The Update Plan Advisory Committee is developing a new long range

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plan that will be done at the end of the year. Any new zone change is inappropriate at this time.

At 8:30 p.m. Comm. McCreery made a motion to send a letter to the Planning and Zoning Commission regarding the Multi Family Housing District zone designation. cc: Board of Aldermen

There is a process now in place in which the Update Plan Advisory Group is preparing the new long range plan therefore, it would be inappropriate to introduce a new zone designation at this time.

Seconded by Comm. Lauriat; All voted in favor; motion passed.

Any Pending

There are no subdivisions pending at this time.

7.0 Trails Committee - Comm. Bill Dyer

- a) There will be a Bridge to Bridge Hike on National Trails Day, Saturday, June 4th at 10:30 a.m. The Shelton trail volunteers will lead the hike starting at the pedestrian bridge over the Pine Lake dam, to the pedestrian bridge in Huntington Center. It will follow the route of the Recreation Path and will be 4 miles long. There will be cars that will allow people to go to the end of the hike, and be driven back to the place they parked their car at the Pine Lake parking lot. The Mayor will be in attendance for a short ceremony at the beginning of the hike.
- b) The Trails Committee received notice from Sandy Nesteriak regarding \$70,000 from the various trails grants that will be used for the bridge that will across Silent Waters' Dam opening and for the railings to the bridge.

Comm. Dyer stated he expects to have a picture of the bridge for the next meeting. Comm. Tate recommended that Comm. Dyer have a layout on a board to show the bridge, the railing, the cost and the completion schedule of the project which should be copied and distributed to people of interest who can promote it. Comm. Dyer replied he received a \$49,000 grant for the bridge and

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will now get various pictures of bridges to make a choice. Comm. Tate has a picture of a bridge he will E-Mail to Comm. Dyer.

9.0 PUAC (Plan Update Advisor Committee) - Jim Tate, Tom Harbinson

Bringing Comm. Lauriat up-to-date, Comm. Tate stated up to November and December of this year we had a problem with Planometrics work. There were discrepancies in the Committee mind to what services, were being provided and what the actual data they would get, what was going to be deliverable in the end, and what, in general, was Planometrics doing for us.

The committee will present a plan with various components to it which will reflect the existing condition of the town and certain forecasts for the future buildout. It will show working applications for the buildout model which is the goal. The reason for this document is to understand what type of zoning the town needs to support buying open space and what type of zoning will provide for the town the schools necessary to support that buildout population. This is a guiding document for various agencies. The intent is for the PZC to adopt it to use it as a guide for their future planning issues. The Plan Update Advisory Committee is a committee put together by the PZC to do this work for them.

The goal of the committee is to make sure that the tax revenue generated by the zoning mapping of the buildout will be able to support the infrastructure that they propose is necessary to have a quality of life. It will recommend a tax base to generate the revenue necessary for the City to function in the future.

Chairman Harbinson and Comm. Tate discussed the future planning of the committee.

10. Update the Open Space Plan - Chairman Tom Harbinson

The Commission met at 6:00 p.m. tonight with Dave Zamba of the Open Space Committee in Room 303 to review the current open space plan in preparation to get started on updating it. This will continue in the coming months.

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11.0 Letter to Landowners - Comms. Welsh and McCreery

A letter will be presented at the next meeting.

12.0 Full-Time Natural Resource Manager Position - Chairperson Wilber

Comm. Wilber spoke to Linda Hooper about the Natural Resource Manager and gave her the advertisements she will put in the newspaper. Chairperson Wilber said it should be posted soon.

13.0 Quality of Life - Possible Executive Session - Chairperson Wilber and Chairman Harbinson

At 8:50 p.m. Comm. Welsh made a motion to go into executive session for the purpose of discussing land purchases for open space that have been identified by this Commission. Comm. Lauriat seconded the motion. All voted in favor; motion passed. The machine was turned off.

At 9:10 p.m. Comm. Welsh made a motion to come out of executive session; seconded by Comm. Lauriat. All voted in favor; and the machine was turned on.

No motions taken following the executive session.

14.0 Comments by Members

Comm. Tate inquired what will be done about the willow trees that were to be planted at the Riverwalk. Chairperson Wilber stated she has \$2,500 in the land improvements account. Comm. Tate will know next month if he will plant some willow trees at the Riverwalk before July.

Comm. Welsh stated the Commission should increase the community's awareness of evasive plants. There is much effort in the State and at the federal level for different programs to inform the public about them. It would be helpful to get an article in the newspapers to recommend that homeowners in new subdivisions plant native plants and inform them of

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the plants not to plant. It was suggested that Comm. Welsh write an informative paper on the subject to hand out to real estate offices or as an insert in one of the weekly newspapers about this subject.

15.0 Communications

Received within the month were as follows:

- The Connecticut Experimental Station is conducting a survey of the State's lakes and ponds to document non-native invasive species that have threatened the severe aquatic ecosystems. It would like to know if Shelton has any lake or pond it can survey. There are three workshops for someone to attend on May 12 and May 14. Agent Pjura will fill out the survey for ponds and lakes in Shelton we would like the Experimental Station to observe.
- Natural Attraction Project Incorporated that has different seedlings of trees to sell.
- College of Agriculture and Natural Resources Journal.
- State Parks and Field Services Drainage Maintenance Plan.
- Housatonic Current from the HVA.
- Nature's Voice. It was suggested that we write to Kimberly Clark to encourage the company to use recycled materials in its products, which it is now not doing.
- Thank you note from the Working Lands Alliance thanking the Commission for our interest in conservation. Former Chairman Terry Jones is chairman.
- The Habitat.

Conn. Tate commented there is a lot of trash on the road and wondered if it is under the domain of the Commission. The Commission recommended various ways trash could be collected on the roads. Comm. Welsh mentioned a good article from your friendly conservation agent for our local newspapers suggesting that residents pick up litter around their own areas.

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16.0 Adjournment

At 9:23 p.m. Chairman Harbinson entertained a motion to adjourn. Motion made by Comm. Tate. Seconded by Comm. Bill Dyer. All voted in favor; meeting adjourned.

Minutes prepared by _____
Anita Shortell, Secretary