

Town of East Haven, CT  
Inland Wetland and Watercourse Commission  
Minutes  
February 8, 2012

1. Chairman Esposito called the meeting to order at 7:02 PM.
2. Roll Call – Joann Esposito, Barbara Brow, Richard Poulton, Ronald Ferraiolo, Ronald Andrade, and Joseph Luciano were present. Also in attendance was Town Engineer Kevin White. Mr. White recommended that there be an appointment of one of the alternates to the board for the evening in the absence of Ms. Armour. Chairman Esposito appointed Mr. Andrade.
3. Mrs. Brow made a motion to approve the minutes from the November 9, 2011 meeting. Seconded by Mrs. Esposito. All were in favor, motion carries.
4. Old Business IWWC # 11-4 7 Phillips Street, grading within the regulated area[continued from the 09-14-11 IWWC Meeting]

Mr. Andrade gave an update on this situation for the benefit of the new members. Mark and Susan Pelletier, homeowners, stated they had heeded the advice of the commission and gone to a mediator. They handed out copies of the agreement. Mrs. Brow read the agreement aloud and a copy was given to the clerk. Mr. Andrade noted that #13 may not have a problem now but could in the future. Some work had been done to the swale behind the homes prior to Tropical Storm Irene, but the town has more work to do. Mr. White will take a look at the property. Mrs. Brow made a motion to amend the application to include 9 Phillips Street, as per mediation. Seconded by Mr. Poulton. Roll call vote- Mrs. Brow-yes, Mrs.

Esposito-yes, Mr. Andrade-yes, Mr. Poulton-yes, Mr. Ferraiolo-abstain. Motion carries.

5. New business- Brush clearing- Frontage Road.

Mr. White had received a call from homeowners on Main Street, whose property abuts frontage Rd, regarding brush clearing. He inspected the site and noticed evidence of brush removal but no evidence of heavy equipment. He had contacted a Frontage Rd. property owner who stated he had not cleared the brush. Pat Garguilo, property owner on Main Street, stated that trees on Frontage Road had been cut between McDermott and Boston Market. Water now comes up on the property and the wildlife has been disturbed. Workers had come up on private property to dig trenches. Mr. White stated had had observed cut brush. Photos of the work done were shown, as well as, a video of the work in progress. They were given to the Clerk. Mr. Poulton stated that approx. 3 years ago, CBS, billboard owners, had done some work that was all hand done. He also stated that if this work had been done the commission had two options, cease and desist, or fines. Properties affected by this work are 605-607, 611,617,613 and 621 Main Street. The commission will try to inspect the properties and asked the homeowners for permission to walk their property. Mrs. Brow made a motion to have the site looked at and have the Engineer track down who hade down the work. Seconded by Mr. Poulton. Roll call vote, Mrs. Esposito-yes, Mrs. Brow-yes, Mr. Andrade-yes, Mr. Poulton-yes, Mr. Ferraiolo-yes. All in favor, motion carries.

Mr. Poulton made a motion to add item #6 "Comments " to the agenda and move adjournment to #7. Seconded by Mr. Ferraiolo, all in favor, motion carries.

Mr. Poulton noted that application 01-12, Clemente Estates, had been approved in May, 2005. It had gone to appeal in Supreme

Court, which stops the clock on the time limit for the permit. He noted that the 5 years should be added to the end of the permit. Mr. White stated the thought Mr. Clemente should be the one to come before the commission and make the request. Mr. Poulton stated that 07-06-320 Foxon Rd. fell under the new statute 11-05.

Mr. Andrade noted the letter he had written to the commission on 11-08-11, where an action was taken at that meeting, where the commission reaffirmed that the Town Engineer could make Administrative Approvals. Mr. Andrade stated his point was the the Engineer did not meet the requirements set forth by DEEP and therefore could not make Administrative Approvals. He asked why the word "reaffirm" was used in the motion. Mrs. Brow explained that she used the word, suggested by Mrs. Armour, because the Town Engineer performed the duty after Mr. Poulton quit serving on the IWWC. Mr. Andrade questioned if she meant that the Town Engineer or Mr. Staunton should be the duly authorized agent. Mrs. Brow stated her intent was that the Town Engineer should be the duly authorized agent. Mrs. Brow stated, as a matter of record, that she has concerns about having a lay person entrusted with the responsibility. No other town gives a lay person this responsibility for accountability and liability reasons. She also stated that giving a lay person that responsibility has the potential to set up a power base and the potential for wrongdoing. Mrs. Brow stated they had gone on advice of the Town Attorney, who had cited case law, and his legal opinion. Mr. Andrade stated this was conflicting information. Mrs. Brow asked that we ask the new Town Attorney for his legal opinion on this matter. Mr. Poulton stated that as a duly acting agent, he could grant administrative approvals, but that they must be acted upon by the commission at the next meeting. There was discussion regarding the course offered by the state. Mr. White stated he had taken 1 or the 3 courses, and plans to take another. Mr. Andrade asked that this be put on the agenda for next month and the attorney could give his opinion.

Mr. Poulton made a request for additional items to be added to agendas in the future.

Mrs. Brow made a motion to adjourn, seconded by Mr. Ferraiolo. All in favor, motion carries. Meeting adjourned at 8:15.

Respectfully submitted,

Kristen Vineyard, Clerk