

Town of East Haven, CT
Inland Wetland and Watercourse Commission
Minutes
July 11, 2012

Chairman Ronald Andrade called the meeting to order at 7:10PM

1. Roll Call

Barbara Brow, Joanne Esposito, Ronald Ferraiolo, Richard Poulton and Ronald Andrade were present.

2. Approval of Minutes from June 13, 2012.

Mrs. Brow made a motion to approve the minutes, seconded by Mr. Poulton. Mr. Ferraiolo abstained. All were in favor, motion carries.

3. Enforcement

1285 North High Street.

The owners have agreed to remove the stone from the flood plain and return it back to its original state. A letter to the homeowner will be sent by the Clerk.

82-110 Barberry Rd.

This complaint originated with the DEEP. Homeowner has been sent 2 letters to which he had not responded. A Notice of Violation has been prepared. There was discussion on how to handle the delivery of this notice. Mr. Poulton will try to deliver a copy. If he is unsuccessful, then Mr. White will be given a copy. He can try to hand deliver, ask the PD to deliver, or hire a marshal.

90 Hill Street

An anonymous complaint was received, regarding concrete scraping and fill being pushed into the wetlands. The property owner was contacted, she stated that she sold the property to Anthony Ferraiolo, though there is no record of that sale in the town files. This could

possibly be Tidal wetlands. Mr. Poulton made a motion to table this until next month, seconded by Mr. Ferraiolo. All were in favor, motion carries.

4. Correspondence-None

5. Legal Opinion

The commission has not heard back from Attorney Zullo regarding his letter. Mr. Andrade read into the record another letter that had been sent to Attorney Zullo regarding this issue. Mr. Andrade did not receive any response to that letter. Mrs. Brow read from Attorney Zullo's letter. She believes that a motion should be made to sustain the actions taken by Mr. Staunton. Mr. Andrade stated he thought that the Commission was the agency and the Commission did not make the extension. Mr. Staunton was not the duly authorized agent, therefore, he can not be reaffirmed. Mrs. Brow appreciated his comments but thought that "reaffirm" was a matter of semantics, meaning carry on. Mrs. Esposito stated that neither the Town Attorney or Mr. White had been present for these discussions, nor were they returning phone calls. Mr. Poulton stated that the Engineer isn't automatically the duly authorized agent, they must be certified by the state. 13 months, after the permits expired, went by before a new letter asking for any extension was received and he felt the Commission was opening the door for other applicants to do the same. Mrs. Brow respectfully disagreed with Mr. Poulton and agrees with the opinion of the attorney. Mr. Ferraiolo thought that if another permit was applied for, that that would avoid others from coming back with expired permits. Mrs. Esposito stated that this case falls under the new statute which grants extensions automatically. There was further discussion on the attorney not being there to answer questions. Mrs. Brow voiced her concern over a lawsuit and thought that since Attorney Zullo was not there, he was standing by his original letter. Mr. Andrade stated that by reapplying for a permit, would give the applicant more time than if the permit was extended.

Mrs. Esposito again expressed her disapproval of not having an attorney in attendance. Mr. Ferraiolo made a motion to void the extensions that Mr. Staunton had made on expired permits, seconded by Mr. Poulton. Roll call vote: Mrs. Brow- No, she felt this was setting a terrible precedent that will affect the Town and Commission for many years to come. She stands by the attorneys advice. Mrs. Esposito-No, she agreed with Mrs. Brow and respects the attorneys opinion. Mr. Andrade-yes, Mr. Ferraiolo-yes, Mr. Poulton-yes. Motion carries. There was discussion on tweaking the letter that would be sent to the owner. The commission decided to send the letter as was drafted.

6. Other business: None

7. Comments

Mrs. Brow stated she would appreciate an agenda 3-4 days before the meeting. Mrs. Esposito addressed Mr. Poulton's letter to the commission.

Mr. Ferraiolo made a motion to adjourn at 8:30, seconded by Mrs. Brow. All were in favor, motion carries.

Respectfully submitted,

Kristen Vineyard