

**CONSERVATION COMMISSION  
FAIRFIELD, CONNECTICUT  
MINUTES OF CONSERVATION MEETING  
JUNE 16, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on June 16, 2011, in Meeting Room II, Second Floor Conference Room, John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

**MEMBERS PRESENT:** Stanton Lesser, Chairman; Frank Rice, Secretary; Kevin Gumper and Joan Neiley. **ALTERNATES:** Elizabeth Jones, Douglas Jones and Philip DiGennaro, Jr. **ABSENT:** Milan Bull and Kathleen Maxham. Also Present: Thomas J. Steinke, Conservation Director; Edward Jones, Open Space Manager; Annette Jacobson, Conservation Administrator; Gerald Lombardo, Parks and Recreation Director, Eileen Kennelly, Assistant Town Attorney, and members of the public and press.

The meeting was called to order at 7:30 p.m. by Chairman Lesser.

**APPOINTMENT OF ALTERNATES:** Elizabeth Jones was appointed to sit as a full member.

**I. CONSERVATION**

**A. Bills and Communications:**

1. Approval of Minutes of the Conservation Commission Meeting May 19, 2011: Elizabeth Jones *moved* and Frank Rice *seconded* to approve the meeting minutes of May 19, 2011. *Motion passed unanimously.*
2. Approval of Secretary's Bill for May 19, 2011: Frank Rice *moved* and Elizabeth Jones *seconded* to approve the Secretary's Bill for May 19, 2011. *Motion passed unanimously.*
3. Connecticut Farmland Trust – Conservation Options For Connecticut Farmland – Informational.
4. Resignation of Conservation Commissioner Landon T. Storrs – Acknowledgement. The Commission noted its appreciation for the significant efforts and generous support that Ms. Storrs provided to the Commission throughout her appointment.

**II. OLD BUSINESS**

**A. Hoyden's Hill Open Space**

2. Golf Driving Range Netting – Bird Interactions: Parks and Recreation Director Gerald Lombardo was present this evening. Mr. Lombardo noted that he was not aware of birds dying or being caught in the netting until he had received Tom Steinke's letter (of December 2, 2010). Mr. Lombardo noted that the course staff walks that area to pick up golf balls, and they have not witnessed any sign of this. Mr. Lombardo has directed course staff to investigate the site daily and to keep a log of their inspections and findings. Mr. Lombardo further indicated that the netting is a permanent structure which

**DRAFT MINUTES SUBJECT TO REVIEW, CORRECTION AND APPROVAL BY  
THE CONSERVATION COMMISSION OF THE TOWN OF FAIRFIELD**

acts as a deterrent for loss of golf balls at the range. Mr. Lombardo indicated that he will work with the Commission, but there really isn't any way to fix the problem other than taking down the netting.

Thomas Steinke indicated that although he has not found birds tangled in the netting, he has found incidents where the birds and feathers are found on the ground beneath the netting, likely injured when hitting the net, and perhaps become prey to other animals. Mr. Steinke indicated that an observation log of golf course staff inspection dates and findings would be helpful.

Upon the arrival of Douglas Jones at 7:43 p.m., (during discussion on the following matter) Chairman Lesser appointed him to sit as a full member. Joan Neiley arrived at 7:44 p.m. during discussion on the following matter:

1. Fairfield Organic Teaching Farm (FOTF) Proposed Bird Survey: Chairman Lesser noted that the lease and the bird survey would be discussed. Thomas Steinke noted that Buzz Devine has been awarded the contract for the survey, and further indicated that he has prepared the paperwork for the grant funds. It was clarified for FOTF that the bird survey would encompass the entire site – approximately 58 acres. The Commission then discussed some of the various provisions contained in the draft lease document. Eileen Kennelly provided the Commission with a summary of the provisions, noting that it was basically a standard lease with a few sections revised to incorporate the language specific to the Fairfield Organic Teaching Farm. Attorney Kennelly noted that the tenant (Fairfield Organic Teaching Farm “FOTF”) would have the right to use the access road and existing parking area for up to 20 cars, and anticipates parking for one school bus. Since the barn on the site may not be usable due to its unsafe condition, the cinder block building may be utilized (following some repairs by Conservation Department employees). If Greenfield Farm becomes available, FOTF may have the option to relocate there.

Provisions of the lease clarified through discussion this evening included:

The FOTF will lease two acres for farming.

Language concerning options for renewal for an additional two years will be revised to be consistent with the Town Charter, which only gives the First Selectman the authority to lease the property for a period of less than three years. Any extended period would need to be approved by the RTM.

An updated bird survey is required prior to any renewal of the lease to FOTF, to ensure that the activities being conducted at the site by FOTF have not had an adverse impact on the bird habitat.

Philip DiGennaro, Jr. arrived at 7:53 p.m.

The paragraph regarding rent will be revised to reflect “good and valuable consideration” instead of \$1.00.

It was confirmed that although the Town Department of Public Works would do the work to have water and electricity available at the site, the FOTF would be responsible for all costs relative to metering and costs for consumption. Additional language will be added to provide that the Town is not responsible for any loss sustained by the FOTF in the event of interruption of service of the utilities on the premises.

Pamela Jones, a representative of FOTF, acknowledged that the lease contains optional termination language by the Town of Fairfield.

Following Pamela Jones' agreement to increase the liability insurance from one million to two million dollars, Eileen Kennelly indicated that the Town of Fairfield's insurance consultant has indicated that one million dollars is sufficient for the use noted in the draft lease. Following discussion, it was the consensus that a cost estimate for an increase from one million to two million will be obtained by Fairfield Organic Teaching Farm. Joan Neiley noted her concern that one-million dollars of liability insurance would not be sufficient.

Following an indication by Pamela Jones concerning the events conducted by Mr. Haydu in connection with his lease at Greenfield Farm, Commissioner Elizabeth Jones noted that the Pumpkin festival and farm stand are held on Mr. Haydu's private property.

Thomas Steinke will review and incorporate the necessary language regarding tenant obligations and will circulate the revised draft document to the Conservation Commission when it is prepared.

Commissioner Elizabeth Jones noted her concern that additional language should be included to specify that no weddings, political events, or large fundraising events should be conducted on the premises, in accordance with the initial representation by FOTF. Chairman Lesser indicated that he did not feel that such additional language would be necessary since the use is clearly noted as agricultural and educational.

B. Matrix Town Operational Audit – Informational. The Commission will review this at a future meeting.

### **III. NEW BUSINESS**

A. Tuller Road Subdivision – Offer of Open Space: Thomas Steinke provided the Commission with a description of the offer of open space. Mr. Steinke noted that he recommends that the Commission request additional information on this offer. Specifically, to provide information as to where the permanent access to the open space is to be located, along with other concerns. Attorney Michael Bologna was present on behalf of the applicants, and noted that during the inland wetland public hearing, the access had been moved from its extreme northerly extent along Tuller Road to an area between lots one and two; this was done to accommodate a request of one of the neighbors. Attorney Bologna advised the Commission that the matter is currently under appeal, and requested that the Commission place this matter on its next agenda. The Commission did not take any further action on this matter this evening, and will review it at a future meeting.

**IV. OTHER**

- A. Soil and Water – Spring 2011 Newsletter – Southwest Conservation District - Informational.
- B. Conservation Department Web Site Statistics - Informational.

**V. ADJOURNMENT**

There being no further business to come before the Commission, Elizabeth Jones *moved* and Douglas Jones *seconded* to adjourn at 8:32 p.m. *Motion passed unanimously.*

Respectfully submitted,

Betty Gabriel