

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
SEPTEMBER 15, 2011**

The Conservation Commission of the Town of Fairfield held a meeting on September 15, 2011, in Meeting Room II, Second Floor Conference Room, John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Frank Rice, Secretary; Kevin Gumpper; Joan Neiley; and Kathleen Maxham.
ALTERNATES: Elizabeth Jones and Philip DiGennaro, Jr. **ABSENT:** Stanton Lesser, Chairman; Milan Bull, Vice Chairman; and Douglas Jones. Also Present: Edward Jones, Open Space Manager; Annette Jacobson, Conservation Administrator; and members of the public and press.

The meeting was called to order at 7:34 p.m. by Frank Rice, Acting Chairman

APPOINTMENT OF ALTERNATES: Elizabeth Jones and Philip DiGennaro, Jr. were appointed to sit as full members.

I. CONSERVATION

A. Bills and Communications:

1. Approval of Minutes of the Conservation Commission Meeting July 21, 2011: Elizabeth Jones *moved* and Joan Neiley *seconded* to approve the meeting minutes of July 21, 2011. *Motion passed unanimously.*
2. Approval of Secretary's Bill for July 21, 2011: Kevin Gumpper *moved* and Kathleen Maxham *seconded* to approve the Secretary's Bill for July 21, 2011. *Motion passed unanimously.*

II. OLD BUSINESS

A. Public Act No. 11-211 Concerning Liability for The Recreational Use of Lands: Edward Jones provided the Commission with a summary of the public act 11-211. Mr. Jones noted that this Public Act serves to extend the protections afforded to private homeowners in a former law that was passed relative to certain passive recreational activities. Mr. Jones indicated that this new law significantly limits the liability exposure to the State of Connecticut and municipalities in circumstances where someone sustains an injury while participating in certain recreational activities where the Town/State has not charged a fee to use the property. Mr. Jones advised the Commission that the State and municipalities do have the responsibility to timely remedy an unsafe condition if notified of such. Failure to timely remedy such an unsafe condition would result in liability exposure.

B. US ARMY CORPS OF ENGINEERS, New England District, Public Notice of the Reissuance of the Department of the Army Connecticut General Permit: Informational/reissuance of general permit acknowledged by the Commission.

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

C. Proposed Increase in the Tidal Elevation (Flooding/Flushing) in Riverside Marsh: Following its review of Thomas Steinke's memo of September 6, 2011, Kevin Gumper *moved*, and Joan Neiley *seconded* to increase or approve increasing the setting by one tenth of a foot as recommended by Thomas Steinke. *Motion passed unanimously.*

D. Hoyden's Hill Open Space:

1. Fairfield Organic Teaching Farm – Withdrawal of Proposed Use Request – Pam Jones: Pamela Jones was present this evening to request the withdrawal of the request to lease Hoyden's Hill Open Space by the Fairfield Organic Teaching Farm. Joan Neiley *moved*, and Philip DiGennaro, Jr. *seconded* to accept the withdrawal of the request of the Fairfield Organic Teaching Farm to lease the Hoyden's Hill Open Space. **In Favor:** Joan Neiley, Philip DiGennaro, Jr., Frank Rice, Elizabeth Jones and Kevin Gumper. **Opposed:** None. **Abstentions:** Kathleen Maxham. *Motion passes 5-0-1.*

2. Bird Survey: It was noted that Buzz Devine conducted and completed an extensive bird survey of the Hoyden's Hill open space area. The Commission indicated that this matter will be placed upon a future agenda when Milan Bull is present so that he could provide input and discussion on the report and findings of Mr. Devine. The Commission will also give consideration for the expenditure of \$940.00 from the Richardson Conservation Trust to cover a portion of the costs for the bird survey at that time; it was noted that the trust funds are available for use now that the issue concerning the co-trustee has been resolved.

3. Barn Repairs: Conservation Staff will submit an application to the Connecticut Trust For Historic Preservation for grant funds in the fall for a structural assessment, feasibility study, and stabilization of the Hoyden's Hill barn.

4. Lease of Farm Lands and Parking Layout: The Commission acknowledged the suggestion by Thomas Steinke (in his memo of September 6, 2011) that it give consideration to contacting regional farmers to explore whether any interest exists for leasing the fields and barn at Hoyden's Hill next season. Kathleen Maxham noted that contacting regional farmers at this time may be premature until consideration is given to the results of the bird survey and barn repairs. The Commission will review this again in the future.

5. Girl's Baseball Field and Parking Layout: This project is moving forward.

E. Open Space Dog Issues:

1. Dog Signs (status): Edward Jones advised the Commission that the signs have been delivered, but they have not yet been placed at the various open space locations. The crew will begin with the Lake Mohegan Open Space.

2. Lake Mohegan Fecal Contamination – Ms. Joan Rasmussen: Ms. Rasmussen was not present this evening for discussions regarding her concerns for fecal contamination at Lake Mohegan. Frank Rice noted that the Commission may want to give consideration for a designated area for a dog park at the upper end of the Lake Mohegan Open Space area near the parkway. Open Space Manager Edward Jones noted that this may

require a change in the management plan and involve a significant amount of time and effort by Staff and the Commission; this is not necessarily the right time to focus on this type of proposed activity at this location.

At the request of Kevin Gumper, Agenda Item II C below was reviewed and voted upon prior to items A and B.

III. NEW BUSINESS

A. Potential Land Acquisition – Connecticut Department of Transportation Surplus Property – 2021 Cross Highway: The Commission noted Thomas Steinke’s August 25, 2011 memo to First Selectman Michael Tetreau summarizing the proposed acquisition of the CT DOT surplus property at 2021 Cross Highway. Following discussion, Kevin Gumper *moved*, and Philip DiGennaro, Jr. *seconded* to authorize Thomas Steinke to do whatever due diligence that he feels necessary to pursue the acquisition of the CT DOT surplus property at 2021 Cross Highway for the Town of Fairfield. *Motion passed unanimously.*

B. DEEP-OLISP COP Application by John Hilts for Southport Realty Corp. at 789 Harbor Road, Southport, to Replace Decking, Pier, Ramp and Floating Dock: Annette Jacobson advised the Commission that Thomas Steinke had reviewed this application and inspected the site. Ms. Jacobson further advised the Commission that Thomas Steinke had many concerns relative to the activities proposed in the application, and strongly recommended that the Commission forward a letter to the CT DEEP-OLISP recommending denial. Following discussion, Joan Neiley *moved*, and Kathleen Maxham *seconded* to table any action on this matter until Thomas Steinke is available. *Motion passed unanimously.*

C. Request of Ms. Kelly Renna of Tomlinson Middle School to hold a Cross Country Meet at Lake Mohegan Open Space Area: Joan Neiley *moved*, and Kevin Gumper *seconded* to approve the request of Kelly Renna to hold a cross country meet at Lake Mohegan Open Space area. *Motion passed unanimously.*

IV. OTHER

A. CT DEP Request for Additional Information Concerning Impaired Waterbodies: Informational.

B. The Habitat – Summer 2011 Newsletter: Informational.

C. Southwest Conservation District Annual Contribution Invoice For The Budget Year 2011-2012: Edward Jones advised the Commission that this has been paid.

D. Conservation Department Web Site Statistics - Informational.

V. ADJOURNMENT

There being no further business to come before the Commission, Kathleen Maxham *moved* and Joan Neiley *seconded* to adjourn at 8:24 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel