

**CONSERVATION COMMISSION
FAIRFIELD, CONNECTICUT
MINUTES OF CONSERVATION MEETING
December 20, 2012**

The Conservation Commission of the Town of Fairfield held a meeting on December 20, 2012 in Meeting Room II, Second Floor Conference Room, John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Kevin Gumpper, Chairman; Catherine O'Donnell, Secretary; Frank Rice, Kate Maxham, Elizabeth Jones, Richard Santalesa and Letitia Ferguson. **ALTERNATES:** Felicia B. Watson, Sam Boyarsky. Also Present: Thomas Steinke, Conservation Director, Annette Jacobson, Conservation Administrator, Edward Jones, Wetlands Compliance Officer/Open Space Manager, and members of the public and press.

MEMBERS ABSENT:

CALL TO ORDER: The meeting was called to order at 7:31 p.m. by Kevin Gumpper.

APPOINTMENT OF ALTERNATES: Felicia B. Watson was appointed to sit as a full member.

II. CONSERVATION

A. Bills and Communications

1. Approval of Conservation Commission Special Meeting Minutes of October 4, 2012.

Kathleen Maxham *moved*, and Elizabeth Jones *seconded* to approve the Special Conservation Commission Meeting Minutes of October 4, 2012. *Motion passed unanimously*

2. Approval of Conservation Commission Meeting Minutes of October 18, 2012.

Kathleen Maxham *moved*, and Catherine O'Donnell *seconded* to approve Conservation Commission Meeting Minutes of October 18, 2012. *Motion passed unanimously*

Richard Santalesa arrived at 7:32 p.m.; Felicia Watson sat as an Alternate.

- #### **3. H. Smith Richardson Conservation Fund Trust – Bank of New York Mellon:** The October 2012 statement was attached. Kevin Gumpper noted that there is not much of a return on the investment. The fund has recovered from recession losses. Kate Maxham asked the status of the approved contributions and other withdrawals from the fund. Staff noted that the fee for the Bird Survey Report for Hoyden's Hill Open Space Area was paid from the operating budget. The Conservation Department was still awaiting confirmation from the Finance Department that contributions to the Southwest Conservation District had been paid; these payments had been held up awaiting the transfer of the Fund Trusteeship to the Bank of New York Mellon

III. OLD BUSINESS

A. Superior Plating Co. CTDEEP Stipulated Judgment No. CV-89-035556 S, for Remediation of Chromium: Thomas Steinke led the discussion and summary regarding the letter from the DEEP and actions to be taken in a certain time period. Most of the Chromium appears to be co-located with Lead, and the majority of the Chromium should be picked up with the Exide Lead dredging; however, there are extensive areas above and below the Tide Mill that will not be dredged for Lead. The CTDEEP is trying to accelerate Superior Plating Co. actions to coincide with the Exide remediation and encourage one remediation operation for the two types of contaminants. A lot of potential areas in the river have not been tested and the CTDEEP has no chromium information on those areas. The CTDEEP wants Superior Plating Co. to do more testing. Thomas Steinke commented on the maps of the river attached to the CTDEEP letter (poor quality of copies) and indicated where the contaminated sediments are and where Chromium testing is needed. Thomas Steinke also discussed concerns regarding the lead and chromium sediments being disturbed during dredging in adjacent areas. When the lead is dredged, that can cause disturbance to re-suspend and spread out the chromium and lead beyond containment curtains. There was a question on whether habitat concerns have been discussed with the CTDEEP. It was also questioned if Superior Plating has been done anything to meet the December 31, 2012 deadline. Mr. Steinke answered that he did not know about meeting the deadline. Regarding habitat, Mr. Steinke thinks the Exide dredging proposal as currently proposed will leave a biologically bare bottom condition with no provision for habitat niches; he predicts it will be biologically unproductive for decades. Mr. Steinke said that he will put together a report for the January 10, 2013 meeting regarding Exide.

B. Proposed Mill River Remediation at the former Exide Battery Site:

- 1. Railroad Stormwater Drain Concerns:** Commission acknowledges that there will be a difference in opinion between staff and the applicant. The applicant will be able to speak regarding this issue at the January 3, 2013 Special Conservation Commission Meeting.
- 2. January 10, 2013 Public Forum for the Proposed Mill River Remediation at the former Exide Battery Site:** The Public Forum will start with an introduction by the CTDEEP, followed with an Exide presentation, and then the forum will be opened for public comments and questions. After the Public Forum there will be a thirty day comment period.
- 3. Shellfish Commission proposal to hold a joint meeting with the Conservation Commission and the Harbor Management Commission prior to the January 10, 2013 Public Forum to discuss Town Concerns with the Proposed Exide SedRAP for Mill River and Southport Harbor:** The Shellfish Commission and the Harbor Management Commission would like to form a Committee with the Conservation Commission to consider the Exide proposal before the January 10, 2013 CTDEEP Public Forum to formulate comments for the forum and advise their respective commissions of any other comments and concerns that must be submitted to the CTDEEP within the thirty day comment period. The Shellfish Commission has three members interested and Harbor Management has two members interested. Tisha Ferguson, Sam Boyarsky, and Richard Santalesa volunteered to represent the Conservation Commission on the Exide Committee.

Kate Maxham *moved* and Catherine O'Donnell *seconded* to appoint a Committee to attend the joint meeting with the Shellfish Commission and Harbor Management Commission regarding Exide. *Motion passed unanimously.*

Thomas Steinke stated that the Exide report is very large, but only about seventy or so of those pages are text that describe what they are doing on the property and why, and that those pages should be reviewed by the Committee. He also stated that copies of the report can be found at the Fairfield Main Library, the Pequot Library, in the Conservation office, and on the Town of Fairfield, Conservation Commission Website.

- C. **Commission Comments for Website Update:** The ideas for the website generated by Tisha Ferguson were favorably received and consensus believed they will be helpful. Commissioner Santalesa suggested that it may be possible to reduce expenses if an “app” gets created in exchange for selling advertising. Tisha Ferguson hopes for more drop-down links to other resources and to make it more user friendly. There was a caution about checking out links so that the public agency was not endorsing anything that was inconsistent with the Commission’s mission.

IV. NEW BUSINESS

A. **Election of Commission Officers:** Elizabeth Jones *moved* and Richard Santalesa *seconded* to nominate Kevin Gumper for Chairman, Kate Maxham for Vice Chairman, and Catherine O'Donnell for Secretary. *Motion passed unanimously.*

B. **Approval of 2013 Commission Meeting Schedule:** Kate Maxham *moved* and Elizabeth Jones *seconded* to approve 2013 Commission Meeting Schedule. *Motion passed unanimously.*

C. **Review and Approval of Proposed 2013/2014 Budget:** Frank Rice commented on the budget message and the statement that, “no new capital and personnel”, is incorrect. Tom Steinke pointed out that the vehicles are considered replacements and the Wetlands Compliance Officer position is a reinstatement of a previously approved position. Frank Rice is fully in favor of a full time Wetlands Compliance Officer, in the past he recommended two full time WCO's. Richard Santalesa asked, what is responsible for the 12% increase? Thomas Steinke indicated it is the Wetlands Compliance Officer Position. The Operating Budget has decreased while contractual obligations are increasing. Mr. Steinke also noted that the actual figures may change somewhat based on the Finance Department input.

Richard Santalesa *moved* and Tisha Ferguson *seconded* to approve the recommended 2013/2014 budget. *Motion passed unanimously.*

D. **Substitute Senate Bill No. 347, Public Act No. 12-152, An Act Concerning the State’s Open Space Plan:** Bill is requiring CTDEEP to compile a list of Open Space. State wants 21% total Open Space with 10% to be owned by the State and 11% can be town, private, land trusts, etc.

E. **Connecticut Department of Transportation proposal to Quit Claim to the Town property located adjacent to Constant Comment Way:** This offer is substantially a Storm Water Detention Basin and road fringe. Staff is endeavoring to get more information, maintenance requirements, etc. for the property. The item was tabled pending additional information.

V. OTHER

The Habitat and CACIWC November 17, 2012 Annual Meeting were noted.

VI. ADJOURNMENT: There being no further business to come before the Commission, Kate Maxham *moved*, and Elizabeth Jones *seconded* to adjourn at 8:40 p.m. *Motion passed unanimously*

Respectfully submitted,
Cortney Baranyai/Edward H. Jones

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