

**Flood and Erosion Control Board**  
**REGULAR MEETING MINUTES**  
**October 6, 2008**

The Regular Meeting of the East Haven Flood and Erosion Control Board was held on Monday, October 6, 2008, at 7:00 p.m., at the East Haven Community/Senior Center, 91 Taylor Avenue, East Haven, Connecticut.

**MEMBERS PRESENT:**

Peter Leonardi, Chairman  
Sue Mauro  
Ralph Salemme  
John McGuire  
Dennis Dievert

**OTHERS PRESENT:**

James Staunton, P.E., Town Engineer  
James Cirillo, Esquire

**CALL TO ORDER:**

Chairman Leonardi called the meeting to order at 7:05 p.m., at which time Roll was called and a quorum was present.

**PUBLIC COMMENT:**

There was no public comment.

**APPROVAL OF PREVIOUS MINUTES:**

Chairman Leonardi asked for a Motion to Approve the Minutes of the September 8, 2008 Meeting. Commissioner Salemme made the Motion, which was seconded by Commissioner Leonardi. The Minutes were approved by the Board with Commissioner Dievert abstaining.

**OLD BUSINESS:**

**06-10**

**87 a/k/a 91 North Frontage Road**

**Enforcement**

Town Engineer Staunton advised the Board that the owners of Dunkin' Donuts had been issued a Cease and Desist Order. It was found that work not encompassed under Flood and Erosion Control Application 06-10 had occurred. Inside work only was approved by the Board; however, trees were cut down along the floodway channel.

The Town Engineer advised the Board that he had met with the individuals from Dunkin' Donuts and monetary fines were imposed. They will also be required to make an application to the Inlands/Wetlands Commission.

Dunkin' Donuts plans to provide plantings along the top of the river banks and alleged it was a miscommunication between the owners and the contractor.

Commissioner Leonardi raised a question as to the origin of the enforcement for the Town. The Town Engineer explained that new regulations for Flood and Erosion will be forthcoming from the State/DEP/FEMA and that the Town can refine the wording, but cannot change the regulations. Attorney Cirillo stated that Town Engineer Staunton is the enforcement authority for the Town.

#### **Interpretation of Regulations**

The Town Engineer explained that he approves and/or disapproves applications based on the Flood Damage Prevention and Control Ordinance. Discussion ensued with regard to determining the need for property owners to come before the Board. Attorney Cirillo directed the Board to Section 9-68 of the Flood Damage and Control Ordinance pertaining to the "Duties and responsibilities of the town engineer". The Board concurred that they have confidence in the Town Engineer's interpretations of the necessary regulations.

#### **Comments by the Town Engineer**

Town Engineer Staunton discussed "emergency situations" (i.e., fire damage) where temporary trailers have to be placed on the property. It was the consensus of the Board that temporary structures should not circumvent the regulations under the Flood Damage and Control Ordinance; however, if the regulations could not be followed completely an indemnification of the Town by the property owner should be required. It was agreed that any emergency situation would have to be reviewed on a case-by-case basis.

#### **NEW BUSINESS:**

There was no "New Business".

#### **COMMUNICATIONS:**

There were no communications.

**REPORTS:**

There were no reports.

**ADJOURNMENT:**

With no further business to come before the Board, a Motion was made by Commissioner Salemme, which was seconded by Commissioner Dievert and carried unanimously to adjourn at 7:53 p.m.

Respectfully submitted,

Susan W. Evans,  
Clerk