

Town of East Haven
Inland Wetland and Water Course Commission
East Haven Senior Center, 91 Tyler Avenue
Minutes April 8th, 2009

Members Present:

Chairman, Ronald Andrade
Vice Chairman, Richard Poulton
Commissioner, Gerald Jaffe
Commissioner, Michael Giamatti
Commissioner, Steve Stone
Commissioner, Eric Warmoth
Commissioner, Toby Armour
Town Engineer, James Staunton
Attorney James Cirillo

Chairman Andrade called the meeting to order at 7:10 pm.

Approval of Minutes

The minutes from January were approved with one change, was made to add Toby Armour as present for Meeting. She was at the meeting. Mr. Warmoth made a motion to accept; seconded by Mr. Jaffe. All were in favor, none were opposed and none abstained. Motion carried

Old Business

Mr. Andrade questioned Mr. Cirillo about the resignation of Attorney Ekard and why? He wanted to know the ramifications of the Memorandum. Mr. Cirillo explained that he wasn't present during any of these litigations but he would do his best to answer any questions. The agreement was about the safety runway, the airport can't exceed the 5500 ft. The Federal law governs that jurisdiction; the Inland Wetlands can mandate a review to involve the town's people as an advisory to what is going on with airport. The State will take responsibility of the safety runway. The Mayor, the Governor, and Fasano were involved in the decision and thought it was in the best interest of the Town. Mr. Poulton asked about the 4 conditions of the agreement and his understanding was if any of the conditions were broken the litigation would pick up right where the case was left. The discussion change in 15-120j to change wording of the discussion phase. All damages will be done by June 3RD. Will the Town take part if the State intervenes? We weren't informed or questioned about the Civil Suit. Mr. Cirillo said that between now and the next meeting he will see where the

case is. Mr. Andrade said that the Mayor didn't advise the IWWC about the situation. Mr. Cirillo said that the Charter states that the Mayor can start, dissolve or cease any legation without consulting any Boards or Commissions. We will have an Airport Commission that will have representatives from East Haven and New Haven. Mr. Warmoth asked can the mayor make that decision without us. Mr. Cirillo said yes it's in the Town Charter. Mr. Andrade wants to know if an application comes before the Commission and we make a decision, the Mayor has the right to overturn what this Commission has done. Mr. Cirillo said no, not in that circumstance. Mr. Poulton said that the Silbert Case compares to this case. Mr. Andrade said that the Commission believes that the DEP overstepped its bounds by using Section 22a-45a of the General Statutes as a way around local jurisdiction having any say in the permit application. Mr. Cirillo said that Dodge Ave-Tuttle Brook? Federal Overruns on the New Haven side. Is this true? Mr. Andrade said that this project was a flood gate and it's done. Mr. Cirillo said that it is federally mandated by a Judge therefore they can do it. Mr. Andrade said the last thing we heard from Attorney Ekard was that this was in appeal process. Mr. Warmoth said if the Mayor can override every decision then why are we wasting our time. MR. Cirillo said not necessarily, I was not there and I'm not the enemy. Mr. Andrade said then where do we get our answers. Mr. Cirillo said Attorney Cofrancesco or whoever takes over. Mr. Poulton said East Haven hasn't any say in what happens in the fence. DEP overstepped its boundaries when in Feb 2008 they give them a permit. We served a Cease and Desist. We were called into the Mayor's office and told to have a cooling off period. It was pulled out from under us. Mr. Andrade said the DEP Permit didn't relieve them from going before the local Boards and Commissions, Why is the line in our permit? Mr. Cirillo said that he can't answer that and it's a State issue. Mr. Poulton said that he thought it would have come back to the Commission. Mr. Andrade said everything from the firehouse to the fence is Airport Authority. Mr. Cirillo said yes. Mr. Andrade said how does this Commission get an answer. Whoever takes the case –right now there's nothing else going on. Mr. Poulton suggests that the Commission write concerns down and send them to Attorney Cofrancesco. Mr. Cirillo wasn't a part of this case.

Public Comments

Michael Criscuolo (Chairman East Shore Conservation Association)

I want to say that I agree with everyone on the Commission. The mayor asked me to be a part negotiations about Dodge Ave (paved & expansion)

Mayor was in agreement with our Committee. Most Federal laws don't limit runways and surcharges on customer. Forty million dollars to get this into Federal law and we brought this point up. What can you do, talk to the DEP- no one called them about the seeding grass and 1 through 4 Contract changes. You can walk the runway, the East Haven IWWC is allowed to go and check. She signed on Monday and they were digging on Tuesday. There was a wildlife study done after the fact in the safety area.

Mr. Stone asked if any other wildlife studies had been done on protective species.

Mr. Criscuolo said after the fact, long time ago. Dodge Ave is 50% done and the town line goes down the runway. This is the biggest scam of safety.

Melissa Landino

My husband said that the airport is only allowed 30 departures everyday and the flight plan goes right over my house. This affects the South end of Silver Sands Rd. This agreement can't expand the airport.

Samantha Koche

What is this doing to our sea environment? Mr. Stone said that the Commission is out of the loop and we don't know about any impact studies. Ms. Koche said rerouting the creek- we have no rights.

Bob Colshbo

Who dropped the ball? Why was the Attorney on this case not here? Mr. Stone said he wasn't paid to be here. Mr. Andrade said that we can serve a Cease and Desist. We don't have an application to push. The State Court and the DEP has permitted this to go forward.

L. Audette

Advisability- solution- problem= Airport. Do we have any air quality studies? What is this doing to schools and the population? We need to generate income to have an independent study done. This Commission is powerless and you need to get everyone involved.

Gene Ruocco

We have been fighting this for over fifty years. There was a meeting at Fort Hale to state reason for future plans. The Administration at the time (Nickie Whitehead) was asked to go to Hartford with a presentation and they ignored the invitation. Mario Deposi tried to make the presentation and

studies of the Wetlands should have been done a long time ago. We are waiting for the legislation to come into session and this agreement will become a state law. The runway will never be paved. If the agreement is violated, everything will be stopped and reissued. Once it becomes a law a judge will not rule against us. This could be the best thing for the Town. Mr. Andrade said that he put this on the agenda to be discussed with the commission. We have no say if this agreement is good or bad. The Commission can't rate the agreement; we strictly deal with the wetland part of this. Our beef is with the DEP. We didn't get one study done. We didn't get an application from the Airport Authority, it's a DEP jurisdiction. That is what we were lead to believe. There should have been an informational meeting for IWWC, Flood and Erosion, and Planning and Zoning. Mr. Ruocco said that if they hurt the wetlands then all construction stops. Mr. Andrade requested that James Staunton write a letter to the DEP Commissioner and I will sign it, inviting someone to come to the next meeting. We have served a Cease and Desist, it went to court. Bottom line we hard letters and try to get people here to answer our questions. Ms. Armour said can we go on site at Tweed.

Attorney Bill Cote

I have reviewed the agreement and they didn't address the limit in other runways. There are three obstructions of public safety in 90 days. There was nothing in the 4 sections about environmental concerns. The authority to work directly with the homeowner. The Town is responsible for preservation and resident guidance. Dodge Ave is also a responsibility to the Town. Airport Authority Board will have 2-5 people representing East Haven but that is only 1/3 of the vote, the airport and New Haven have 2/3 of the vote. The thirty departure limit a day doesn't include landings, so really it's sixty take offs and landings. RAS is allowed to move Dodge Ave, they are clearing our trees, and there is no environmental protection. I think you should reject the agreement and go forward with litigations.

Mr. Jaffe makes motion to take 5 minute recess, seconded by Mr. Warmoth.

All in favor, motion carried.

8:45 meeting called back into session by Chairman Andrade.

New Business

Mr. Andrade asked Mr. Cirillo about the Commission rejecting the agreement and moving forward as plaintiff's in the legation case and we

have the right to do so. Mr. Cirillo said that shouldn't do anything without council. Mr. Andrade said does the Council have the authority to dismiss without consulting the Commission. Mr. Andrade said what decision. Mr. Cirillo said yes with the Charter; understand that a decision can be rendered without the Commission. In section 1 of the Town Charter states that the Town Council and Mayor can settle any legation that has to do with the Town. Ms. Armour said is there any specific concerns with the agreement. Mr. Andrade said the environment is a concern. Ms. Armour said that is a concern and we to involve the Town Engineer and have him as an advisory to environmental Enforcement. Mr. Giamattei requests that Patty Cofrancesco come to the next meeting. Mr. Staunton said that the point of fact is that the DEP has already approved it. Mr. Andrade makes some request to Mr. Cirillo for the next meeting. Several written legal opinions- how can they settle without consulting the Commission? An individual can't settle without everyone's approval. How does this decision differ from Police Commission and Silbert? If the Commission were to reject the agreement, where would we go from there? Mr. Warmoth asked Mr. Cirillo if this was a conflict for him. Mr. Cirillo said yes it is a conflict and the next meeting I will bring a letter conflict. Mr. Andrade asked if it's a conflict to do any of the items he previously requested. Mr. Cirillo stated no. Mr. Giamattei said we are in the same position when the Mayor dealt with the Cease and Desist.

Other Business-none

Bonds and Reductions- none

Correspondence
Habitat Newsletters

Comments by Commission- none

Enforcement Policies

Dunkin Donuts Frontage Rd- Mr. Staunton said that they are scheduled for improvements. They have planted the grass seeds but nothing is growing and they are going to do it again. Mr. Andrade requests that they put the garbage can in the drive-thru.

Frontage Rd Project- See Parcel 25, Folks Secure, they were not aware of the situation. Billboard 1971 CBS got permit from the DEP, they were authorized to maintain the corridor- all local permits, didn't know they

needed a permit, property afflicted- agreements of tree clearing and this is butting up against some properties. My recommendation is to write letter to CBS to get permit for trimming trees and details about properties being afflicted. The strip of property between I-95 and Town Property.

McDermott Owns back lot. DEP can do a title search. CBS needs to let us know there intent and who authorized tree clearing. We still don't know who owns the strip. This involves 5 or 6 parties that have nothing to do with the billboard. They said they would comply with the Commission. Mr. Andrade would like them to come in with a plan.

Maple St Bridge

We extended the permit for 5 years in Oct... Bids will start in a couple weeks. We want to get most of the work around the Farm River done in the summer months. Mr. Andrade asked how long will it take. Mr. Staunton said a year. Mr. Andrade asked has there be a plan put into effect if the rain constricts construction. Mr. Staunton said yes, provisions are in the contract, there are some outside risks but this has to be done in the summer months. Mr. Poulton asked about the Tevil Gardens Phase 3, the sheet and rain water are going into the retention pond in phase 2, altering the hydrology. Mr. Staunton said they can have a primary detention base to detain in the upper detention, no net increase or change; it will control the run off of the roof and pavement. Mr. Poulton is concerned about a buffer zone needing to be tied into phase 2. Mr. Staunton said we can't make new rules or exceed conditions. We can regulate activities. It states in regulation book that we may review conditions.

Staff Comments

42 Hilda St. Application for a shed. Yes it is 50 ft it qualifies in provision 7.61 section 2 minimal impact; it's on a paved driveway.

Mr. Warmoth makes a motion to adjourn; seconded by Mr. Stone. All in favor, motion carried.

Adjourned at 9:40

Respectfully Submitted,

Teena Fucci
Clerk of IWWC