

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY**

Regular Meeting Minutes
Monday, September 8, 2008

Call to Order: The meeting was called to order at 7:30 PM by Vice-Chairman Richard Eriksen at the Durham Public Library.

Roll Call: Members present: Bob Czarnecki, Pat DiNatale, Dick Eriksen, Al Petrzal Alternates Present: Karen Cheyney and Mike Fumiatti. Staff: Trish Dynia. Others: Applicants and/or their agents.

Seating of Alternates: Mike Fumiatti was seated for George Zeeb and Karen Cheyney was seated for Chris Meisenkothen.

Approval of Agenda: *A motion was made by Bob Czarnecki, seconded by Pat DiNatale, to approve the agenda as published. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Bob Czarnecki, seconded by Pat DiNatale, to approve the August 11, 2008 minutes with the following change: Page 3, Line 2, change the 'minding' to 'mining'. The motion passed unanimously.*

Public Session: None.

Bill Lyons, Activity within 100' of a Wetland to Dredge Edge of Existing Pond, 258 Blue Hills Road: At the August meeting, the Commission opted to continue this item in order to discern whether or not the \$500 fee paid by the applicant should be reduced because the scope of the project does not appear to warrant such a high assessment. Since then, Vice-Chairman Eriksen spoke with Attorney Tom Burns, who is of the opinion that we could reduce the fee to the town minimum of \$120. The Town cannot waive the State fee of \$30.00, which the applicant paid in a separate check.

A motion was made by Pat DiNatale, seconded by Bob Czarnecki, to reduce the required fee from \$500 to \$120 and noted that this action does not affect the \$30.00 State fee. The motion passed unanimously.

Tyler and Kelly Gerry, Activity within 100' of a Wetland for the Proposed Construction of a Barn, 156 Summer Woods Road: The applicant's application was approved at the August meeting, but since that time he read in a newspaper that his application was approved with the proviso that there be no oil storage within the barn. Mr. Gerry submitted a letter to the Commission asking that this proviso be rescinded because his oil company has suggested that an additional oil tank would be prudent. A review of the minutes revealed that the only proviso

placed on the application was that there should be no storage of livestock. Therefore, Mr. Gerry is within his application rights to install the oil tank.

Wetlands Enforcement Officer's Report: Wetland Enforcement Officer Geoff Colegrove was not present, but Dick Eriksen, as his assistant in this area, reported that the Caturano easement, approved at the July 14, 2008 meeting, has been delayed because the applicant's attorney has failed to file subordination papers despite the fact that he received a letter from Attorney Tom Burns reminding him to do so. It was decided that Commission member Pat DiNatale would visit the farm and inform the Caturanos that if their attorney does not comply within sixty days of this meeting, the Commission would have to rescind its approval of the agreement and reinstate the cease and desist order. The recording secretary was asked to send a return receipt letter to the Caturanos reiterating Mr. DiNatale's verbal communication. .

Mr. Eriksen also reported that he received a call from a resident at the north end of Main Street regarding an adjacent property owner who appears to be installing pipes of some sort within a wetland. He referred the matter to Geoff Colegrove for follow-up.

Payment of Bills: Recording Secretary Trish Dynia presented a bill from the Middletown Press for \$179.49, and noted that the actual amount due is in the range of \$60 because the August payment and the newspaper's subsequent statement most likely passed each other in the mail.

A motion was made by Al Petrzal, seconded by Mike Fumiatti, to approve payment of the following bill: Middletown Press for legal ad publication, \$179.49, subject to audit by the Recording Secretary as to the accuracy of this amount. The motion passed unanimously.

Miscellaneous: None

Adjournment: Dick Eriksen adjourned the meeting at 8:50 PM.

Respectfully submitted,

Patricia Dynia
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency