

**TOWN OF CHESHIRE
ENVIRONMENT COMMISSION
WEDNESDAY, APRIL 10, 2013
TOWN HALL ROOM 115 AT 7:00 P.M.**

Members present: Chairman Bill Sherman, Robert DeVylder and Jodee Heritage. New Members Matt Abdifar, David Mercugliano and Carrie Collins were also present.

Member not present: Daniel Grasso.

Staff Liaison: Suzanne Simone.

I. Call to Order

Mr. Sherman called the meeting to order at 7:03 p.m.

II. Roll Call

Ms. Heritage called the roll.

Members in attendance were Bill Sherman, Robert DeVylder, Jodee Heritage, Matt Abdifar, David Mercugliano and Carrie Collins.

III. Determination of Quorum

Mr. Sherman determined there were enough members present for a quorum.

IV. Pledge of Allegiance

All present receipted the pledge of allegiance.

Mr. Sherman welcomed the new members to the group – Carrie Collins, David Mercugliano and Matt Abdifar.

Mr. Sherman informed the new members that Bob DeVylder is a long time member of the Commission and is presently serving as vice chair.

V. Acceptance of Minutes of the Regular Meeting of January 9, 2013

Mr. DeVylder said he asked over a year ago to track when they take roll the day before or two days before the meeting – who's coming and who's not coming. He asked if they can get it into the minutes who is exactly coming

and who isn't coming – he said again he asked this over a year ago and they said it was no problem but he hasn't seen it since.

Ms. Heritage asked if he was talking about the list of members who appear in the minutes as not present.

Mr. DeVylder said no – that's not what I'm talking about.

Ms. Heritage asked Mr. DeVylder to explain what it was he was talking about.

Mr. DeVylder said he was talking about when you get the telephone call "saying are you coming to the meeting - no - then you don't have a quorum – no meeting."

Mr. DeVylder said "this is what the newspaper article was about – he said let's be accountable for whether or not we are coming to the meetings – does that make sense?"

Mr. Sherman said so in other words – who was planning to attend.

Mr. DeVylder said yes – who is planning to attend and who is not planning to attend.

Mr. DeVylder said "he knew when they called him up to get his comments for the newspaper – he said "he once this year – I couldn't make a meeting because of a death in the family; but other than that every meeting I've been willing to come to." He said he thought that should be part of the minutes of this Commission – because that's what justifies having a meeting or not.

Ms. Heritage asked if what Mr. DeVylder was saying was if there's a meeting planned and you don't have a quorum you what to know who can't come.

Mr. DeVylder said yeah who can't come – who's coming and who's not coming. He said he asked this over a year ago and they said no problem and he hadn't seen it in a year.

Mr. Mercugliano asked if all of us in this group utilize email.

Mr. DeVylder stated "not me – I do not."

Mr. Mercugliano said he asked because email is an effective way of track a quorum.

Ms. Heritage said to “reply to all” – right.

Mr. DeVylder said there is an established way of establishing a quorum alright and it works fine.

Mr. Sherman said the office does call Bob and whoever else prefers to be communicated with a phone call.

Mr. Sherman said he thought the office does have a record of the responses.

Mr. DeVylder said he thought that should be part of our minutes for our meetings because we were crucified in the newspaper – we had what four meetings last year – 25% or 33% and I don’t know where they were going with the whole thing that was behind that was but I didn’t like the way it came out in the newspaper.

Ms. Simone said she was not very clear on what it is Mr. DeVylder was looking for or what he wants at the end of tonight’s meeting.

Mr. DeVylder said “no – they don’t call you...they call everybody and they say are you coming or not and you say no then they say well we don’t have a quorum now – I want to know who said ‘yes’ and who said ‘no’.”

Ms. Simone said so Mr. DeVylder would like the office to maintain a list on the staff level.

Mr. DeVylder said yeah – not the staff but the Commission level.

Ms. Heritage said a list done by the staff – but together by the staff since they are making the calls and contacting people.

Mr. DeVylder said yes – he said he planned on being here for the meetings and that he didn’t plan anything else for the night he planned on being here for the meetings – that one night a month and I just think it makes sense so “they don’t look like a bunch of fools in the newspaper.”

Ms. Simone said if the Commission would like us (staff) to start to compile that and then present it at the next meeting they could do that.

Mr. DeVylder said yeah.

Ms. Simone said it would be up to the Commission if the Commission wants to take a vote on that.

Mr. Sherman said it seemed reasonable to him.

Ms. Simone asked if someone would like to make a motion.

Mr. DeVylder said he'd make a motion.

Motion: "That when they – the Planning Department calls up and asked if you're coming or if you're not coming they keep a list of who's coming and who's not coming to determine a quorum to have a meeting – and that's presented at the next meeting that's held."

Moved by Mr. DeVylder. Seconded by Mr. Abdifar. Mr. Sherman said the gist of the motion is to have staff compile a list of the planned attendants.

Mr. Abdifar said so planned attendees recorded.

Mr. Sherman said yes.

Mr. DeVylder said he was told over a year ago there would be no problem doing this and he hasn't seen it since and with the newspaper article that came out this past month "I think we got to be able to account for ourselves."

Mr. Sherman asked if there was any further discussion.

There was no further discussion.

Motion approved by unanimously by Commission members present.

Mr. Sherman called for a motion to accept the minutes from the January 9, 2013 meeting with corrections.

Pg. 2 L8 should read 'December 11, 2013'; pg. 3 L20 'Harvest' to 'Park'; pg. 4 L6 't-shits' to 't-shirts' and pg. 6L14 delete 'the kiosks'.

Moved by Ms. Heritage. Seconded by Mr. Sherman.

There were three votes in favor of the motion; Ms. Heritage, Mr. Sherman, Mr. DeVylder.

Ms. Collins, Mr. Abdifar and Mr. Mercugliano did not take part in the vote since they were not members of the Commission in January.

Ms. Simone said if the new members do not vote there are not enough members that were here to pass the vote and never will be.

Ms. Simone said the minutes won't pass. She explained the minutes will get recorded in the Clerk's Office so this discussion will be documented noting the Commission's position where they only have three members there were on the Commission at the time.

The vote to approve the minutes from the January 9, 2013 meeting failed due to the lack of majority vote, 3-0-3 with Ms. Collins, Mr. Abdifar and Mr. Mercugliano abstaining from the vote.

V. Communications

Mr. Sherman explained for the new members that under communications Ms. Simone will walk the Commission through the communications that have come up during the past month or since they met last just to kind of get them up to speed on what the detail of those things are and then they typically take some of those items up under whether it be unfinished business or new business.

1. Conflict of Interest Ordinance

Ms. Simone explained the first communication was a conflict of interest ordinance – this is something that is provided to the Commission once a year just to familiarize members with that ordinance.

2. Spring 2013 / Earth Day Speakers

Ms. Simone said second is the Spring 2013/Earth Day Speaker calendar which was sent out and we are just able half way through.

Ms. Simone explained they had good turnout for the three programs that were held. She said they have about four more coming as well as really getting the word out on the public hike that the Commission's doing on the DeDominicis property so we are getting some interest in that as well.

Ms. Simone said they are asking people to register so that they can keep track of how many people will be attending.

3. Copy of CFPA Trails Day Event Registration

Ms. Simone stated the third communication is a copy of that registration of the Cheshire event for Trails Day.

4. **The Habitat**, CACIWC Winter 2012 Newsletter, Volume 24, Number 4
(To be handed out at meeting)

Ms. Simone stated the fourth communication is The Habitat which she did not have with her but would hand out at the next meeting. She explained it didn't necessarily have anything specific to what the Commission is doing lately.

5. Cheshire Herald Article on the Emerald Ash Beetle

Ms. Simone the fifth communication is just a heads up from the Cheshire Herald regarding the location or finding of Emerald Ash Beetle here in Cheshire.

6. SWCD Soil and Water Spring 2013 Newsletter
(To be handed out at meeting)

Ms. Simone said the sixth communication is the SWCD Soil and Water Spring 2013 Newsletter which she didn't have but could email that out to everyone – it's basically just a notification of their spring plant sale that they have coming up so if people are interested in purchasing from the Conservation District this gives the list of species and prices and timeframe they will be available; she said she'd email that out.

Ms. Simone asked Mr. DeVlyder is he wanted that mailed to him and asked if he was interested in the plant sale.

Mr. DeVlyder asked what kind of plant sale was it.

Ms. Simone said mostly natives and shrubs and herbaceous plants.

Mr. DeVlyder asked if they were perennial types.

Ms. Simone stated yes.

Ms. Collins said she was interested receiving the list.

Ms. Simone said the list would be emailed to Ms. Collins.

VI. Calendar – Events

Mr. Sherman said next on the agenda is the calendar of upcoming events. He asked Ms. Simone to speak about some of the past events that have already taken place to update the newest members.

Ms. Simone explained the spring events in Cheshire started on March 11 – they had Backyard Fruits and they had a good turnout for that; March 26 Wild Turkey – they had a smaller turnout but still an interesting crowd and the presenter was pretty interesting as well; April 1 Foundation Gardens; April 3 Finding Wild CT – that was postponed as they didn't have a lot of people that had registered for that and so they are going to try to re-promote that in a different way and to focus more on photography so they are aiming for that to be a fall presentation.

Ms. Simone said the next event was on April 8 Hiking in Cheshire – that was a program that she did at the library. She explained they had 45 people attend so there was a real interest there and they were able to get the word out about Trails Day.

Ms. Simone said upcoming they have next week on April 16 Deer Resistant Landscape and on April 30 the State Archaeologist will be speaking on archaeological sites in Connecticut and on May 6 Introduction to Bee Keeping. She explained she saw that speaker a couple months ago and he is really informative and gives a lot of information.

Ms. Simone said the events are being held at the library.

The program details including the event dates, locations and start times were posted at the bottom of the flyer.

Ms. Simone said so the calendar events on agenda are for general purposes not so much that the Commission has something specially set aside for that for those days. She noted Earth Day is April 22, Arbor Day is April 26 and CT Trails Day is listed as Saturday and Sunday, June 1-2 – the CT Forest and Park Association is promoting that event and they have posting that shows both days – Cheshire is signed up for the one day – Saturday without a rain day the following day.

Ms. Simone said with the required registration then they will get a good idea of how many people are attending so then that will help assist in how many Commission members would need to host the hike.

Ms. Simone said was telling Mr. Sherman that in the past when she did public hikes and she said 'just show up' and then you get 25 people that just show up and then there is just me (Ms. Simone) that can be a lot for one person to do on the trail. She said you get people that aren't walking at the same pace and then some people can hear you speak and

others can't so we try to keep it to a smaller crowd – she said she tries to max it out at about 15 to keep it comfortable.

Mr. Sherman said so if Commission members can kind of put a place holder on their calendars for June 1 that would be something they could get out and take part in and if they haven't seen that particular property it would be a nice way to get orientated to it.

Mr. Sherman said just jumping back to the Earth Day and Arbor Day we as a Commission don't have anything really going on for those days – is that correct.

Ms. Simone stated yes.

1. Earth Day: Monday, April 22, 2013

Covered in the discussion above (Calendar of Events).

2. Arbor Day: Friday, April 26, 2013

Covered in the discussion above (Calendar of Events).

3. Connecticut Trails Day Weekend: Saturday & Sunday, June 1 – 2, 2013

Covered in the discussion above (Calendar of Events).

The Trails Day hike ends at 11:00 a.m.

VII. Unfinished Business

1. Open Space Property Signage; DeDominicis Property

Mr. Sherman provided just a little background for the new members: he explained one of the former Commission members with feedback of various Commission members had designed an emblem to promote the open space and there's been one that has been put on a sign post at the entrance to the DeDominicis property just for them to see how it looks – he said it's there and looks interesting. He said he look a couple of pictures of it on this phone – he past his phone around for members to view the pictures.

Mr. Sherman said if the Commission likes the idea then they will put more of the signs around of the various open spaces and trail heads or different spots along the property – on the boundaries typically to make people aware that this parcel is part of the Cheshire Open Space.

Mr. Sherman said in his view he saw it – it looked nice – it is susceptible to someone coming up and bending it however – it's not very heavily gaged steel. He asked if Ms. Heritage if she happened to go by there or Bob happened to pass by the trail head.

Ms. Heritage said she saw the sign at the meeting and thought it was a great concept.

Ms. Simone explained the sign is about 12" round and it's affixed to a 4" by 4' post and its set alongside the road so as you're driving by you can get a clear indication as to where the trail is.

Ms. Collins stated she has seen the trail sign.

Ms. Simone said the sign is green and it's a different tone green then you are going to find in nature so it's going to stand out.

Ms. Simone asked if the Commission then like to see signs like this go up at other locations like Ten Mile Lowlands or a couple other locations.

Mr. DeVlyder said that was the reason for them.

Ms. Simone said she was just asking that if members went by – took a look – if that had any opinions on this or if they want to do something different.

Ms. Heritage asked if the sign would always be on that kind of a post and if the town would put the posts up on other sites.

Ms. Simone explained that the post that was available and the post was installed in that location and they would install the posts in other locations.

The signs are visible from the back and front.

Mr. DeVlyder said you wouldn't have to have them at the kiosks – he said you don't need them there.

Ms. Simone explained the DeDominicis has the kiosk and also has that sign because the kiosk is flat with the wood so it doesn't stand out where you are able to necessarily really see – you want to put something in the landscape that was more visible. She said the sign is posted on the other side of the trail so it's "the sign – the trail and the kiosk."

Mr. Sherman said the kiosk is set back further.

Ms. Heritage said she liked it.

Mr. Mercugliano said as a new member of the Commission his question goes a little bit more globally beyond the signage is what is their budgetary guidance – what is the cost of the project; what portion of our budget does that account for.

Ms. Simone explained as of right now from last year's budget those were already purchased so they do have a stock of them – they don't have a lot of them but they have enough that they can put up in the more user friendly properties and those can be put up sooner than later.

Ms. Simone said she was just waiting for feedback from Commission members.

Mr. Sherman said his suggestion would be that they go proceed and start planting them elsewhere especially when you get 45 people that came to the talk about hiking in Cheshire. He said they should get some momentum here and get those markers out there and make those trails a little more visible.

Mr. DeVlyder said if they had the 'tree friendly nails' – did we ever get those.

Ms. Simone explained the signs are not going into trees they are going into 4" by 4' posts but no they didn't buy any nails specially for trees – that's not something that would be a good habitat necessarily to put markers like this on trees because we want to have them set on the road so people can see them.

Mr. DeVlyder said he was thinking like down on the DeDominicis property where you have the people dumping trash on the property – if you put the signs there and you see them start to bring the trash into the woods – the clippings – the branches and all the other stuff they are piling up – the signs could serve as a reminder that it's not there property – if you just take and put them up with the tree friendly nails and take them on to a tree there.

Ms. Simone explained that the larger issue with that which we have discussed in the past is that we need to have a survey done of the property to know exactly where the boundary is and when these properties were purchased at that time it was not the common practice to have the survey and have the boundary markers done at the same

time so while we may have a map that shows where the property boundaries are – where that exactly translates in the field – that's not anything she could assess or anyone other than a land surveyor with any certainty can assess so that is something long-term and as we acquire new properties that's something we are proposing – the newest property on Mountain Road.

Ms. Simone said the town is working on coming to an agreement to purchase that property and that was something that she drafted and sent to the town attorney as this is a practice that we should embark on – that when we buy properties when they are surveyed as required when getting money from the state especially just put the markers up at the same time that way its 'one and done' so we have not done that in the past – we don't have the ability to know where the boundaries lines are.

Ms. Heritage asked when Ms. Simone says user friendly properties which ones would the stake and signs go up on.

Ms. Simone replied saying in addition to DeDominicis, Boulder Knoll, Ten Mile Lowlands, Casertano – which she will discuss later as she had more news on that, Mixville Hills they would put something right on the road but that is difficult for parking – they have nothing structured for people to get to the property.

Ms. Simone said she did not know that Roaring Brook needs it because they have the kiosk and they are pretty well established with the parking but that was certainly something they could revisit – so those are the ones I would suggest in the immediate future.

Ms. Heritage said so really the five – the five properties immediately.

Ms. Simone replied yes.

Motion: That the Commission place open space markers in front of the five user friendly properties (Boulder Knoll, Ten Mile Lowlands, Casertano and Mixville Hills).

Moved by Ms. Heritage.

Ms. Simone explained the town purchased a total of 25 signs in that batch and that is something the Commission can revisit once they're in the landscapes and see if they're durable.

Seconded by Mr. Abdifar.

Mr. DeVyllder asked if the Time Savings property was mentioned in this.

Ms. Simone stated no – Time Savings is 300 acres – that is a whole project in and of itself and is something that needs a comprehensive approach.

Mr. DeVyllder said he just thinks that we should mark behind the supermarket there or whatever it is now – where they were dumping all the garbage.

Ms. Simone said that may not be town property – that's private property that goes behind the grocery store to get onto the Dime Savings property.

Mr. DeVyllder asked where our property begins.

Ms. Simone replied that was the question and the landscape to know where the property begins. She explained those are long term compressive projects.

Ms. Collins asked about the 25 signs and where they would be posted on the properties.

Ms. Simone explained they would be placed just at the entrance is what was discussed.

Mr. DeVyllder said the original thought was to go around the perimeter but now they have no perimeter.

Ms. Simone explained those were separate markers that they have that are conservation markers so they do have those.

Mr. Abdifar asked who installed the posts and markers.

Ms. Simone said they are installed between the Parks Department and Public Works.

Motion approved 5-0-1 with Mr. Mercugliano abstaining.

2. Earth Day Schedule

This item was covered under calendar of events on tonight's agenda.

3. Moon Property Management Plan

Due to Ms. Collins and Mr. Mercugliano low speaking voices a portion of their comments were not recorded on the tape (for discussion of this item).

Mr. Sherman said the next item was the Moon Property Management Plan that was distributed to the Commission. He asked Ms. Simone if she could provide a brief overview of the objective of what they are doing with these things and this is one of sort of a grant of a larger objective for open space.

Ms. Simone explained that in 2005 the Town Council passed an ordinance that required that open space properties have management plans and they set forth things that they would like to see in the management plans as what the goals are, what the permitted and prohibitive use is as well as giving the specifics of the boundaries of the property and the characteristics; so many of the properties in 2005 then began to receive their management plans which were then approved.

Ms. Simone explained the process is that these plans are drafted by herself and some other staff and then comes to the Environment Commission – it gets reviewed – maybe edited and ultimately approved then it goes to the Parks and Recreation Commission where they do the same and then its forwarded to the Planning Committee of the Town Council and then they approve it and then it goes to the Town Council.

Ms. Simone said so this latest one – the Moon Property – this is a property that is adjacent to the DeDominicis property to the north of this property. She said this was purchased after the DeDominicis property which was purchased in 2003 and so this is going to basically compliment what's already allowed on the DeDominicis property.

Ms. Simone said on that property (DeDominicis) its passive recreation as well as horseback riding. She said that area has a long history of horseback riding and this Moon property used to have a lot of stables on it and it still has one stable on itshe believed it was rented out.

Ms. Simone said this plan just basically addresses the same permissions that are allowed at the DeDominicis and this property does have access off of Cook Hill Road – there is an abandon road in that area.

Ms. Simone pulled the map out to show members the site and the location of the road. She explained that shown off of the map was Cook

Hill Road – Half Moon Court – there is also an abandon road – she pointed on the map to the location that the town now owns.

Ms. Simone said initially they were looking at this old-off area which still has some pavement so they can see if they can get parking in that area but it is mostly wetlands so be able to even engineering anything in that area would be cost prohibitive.

Ms. Simone went on to explain so as of right now they are not addressing the parking issue in this area – there are also sight line issues and other issues so they are just looking for access for horses as well as pedestrians.

Mr. Sherman said he believed the Commission has seen this at the January meeting and sort of made some minor updates to it.

Ms. Simone stated yes – and she wanted to discuss this with the Horse Council to get information from them. She said she knew they were using that area for a horse trail and she had gone out there with members to take a look at it.

Ms. Simone stated “it appeared as though the trail that they cut in goes on town property but then also uses private property” so she was reluctant to adopt that into this plan if it’s not entirely on public property and she was able to confirm that with the Horse Council representative – that “yes – they do use private property – that they have a private agreement although that agreement may abandon at some point”; it’s not anything that’s in writing from her understanding.

Ms. Simone explained that she then changed the language of the original draft to recognize that and to just state that the trails accessibility in this area would be explored further so we’re not “prescribing in this draft exactly where a trail is going to go and what’s going to happen” they are just recognizing that it will be further be looked at and a decision will be made as to what will happen.

Mr. DeVyllder said “why are we concerned about somebody’s private property – that has nothing to do with us.”

Ms. Simone stated that “we do not want to indicate on a map that you can go ahead and use this trail.”

Mr. DeVyllder said “they just leave that off.”

Mr. DeVlyder stated “we’re not concerned – we don’t own the property – we don’t insure the property.”

Ms. Simone said but “we do not want to put together a public document and maps indicating that they can use the trail when the trail is on someone else’s property.”

Mr. DeVlyder said “just leave that – when it goes off the property – just leave it blank.”

Ms. Simone said and “then you’d force people to make their own trail on private property.”

Mr. DeVlyder said “then let them worry about their own problem at that point - it’s not our property – we can’t control it.”

Mr. Sherman said he thought was what Ms. Simone was saying.

Mr. DeVlyder said “if the Horse Council and the property owners have an agreement – that has nothing to do with us.”

Mr. Sherman stated “right.”

Ms. Simone also stated right and “we are not talking about their agreement in this plan we are talking about public accessibility so that we can post it and say ‘hey come on – this is your town property go ahead and check it out’ meanwhile we are instructing them to take a path that goes onto someone else’s property – we don’t have the authority to do that.”

Mr. DeVlyder said “he was not saying that – I’m saying we don’t address it – it’s not ours – it has nothing to do with us.”

Ms. Simone reply was it may be able to exist – there may be some engineering that would have to be involved as far as access over these wet areas especially in spring and when it gets to be pretty wet through there so it’s something we’d have to explore.

Ms. Simone stated that’s why she is hesitant to identify anything right now because she knows how wet that area can be and so to stay on town property you’d be either down directly in the lowland area through the wetlands or your cutting across and which could be eroded so as of right now that’s why she didn’t even want to suggest “you know to just let someone just walk through there - that could have erosion implications further downstream.”

Ms. Collins asked about how the property extends into the town property (comment not completely clear from tape).

Ms. Simone said it encompasses this area (as shown on the map) – a new purchase so there already is a red trail that comes through here it's just – it's just getting it to continue straight out – that's something they have to look into.

Mr. Mercugliano asked about the section in the management plan that states additional trails may be added after further review.

Ms. Simone said yes – and that is something that they can map for review from this Commission.

Ms. Heritage said the important piece is to allow horseback riding to continue – that's the important piece of this property – correct because people have been used to be using it overtime.

Ms. Simone stated yes – and so item number two under permitted uses the language has changed that it's "allowed once an appropriate trail location is identified."

Mr. DeVlyder asked who's going to mark these trails.

Ms. Simone replied likely that will be something that staff will do or if we can get some volunteers at an event to mark a trail once it's been established.

Mr. DeVlyder said but we don't have anyone to do a survey on this.

Mr. DeVlyder said he wasn't trying to give Ms. Simone as hard time but in his opinion he thought "they were running in a circle here – we don't have any money to survey – we don't have any money to make new trails with an engineer but it's the same thing with the surveying."

Ms. Simone explained that this was different because we're not talking about getting close to the property boundary and we are not looking for encroachments – we know where the town property is just based on the contour – the existing trail goes up contour on to private property so we know that's not the area.

Mr. DeVlyder asked who we are going to change these trails to make it appropriate to suggest to the public that bought this land where they can walk.

Ms. Simone replied that's why we're suggesting that that be further explored to be able to identify where a trail can go.

Mr. DeVlyder asked how she would do this.

Ms. Simone explained to go out and do field visits and assess the property.

Mr. DeVlyder said ok so somebody that's trained in wetlands and stuff.

Ms. Simone said it's probably going to take a couple different agencies or departments to take a look at it to see what's going to work best for the site.

Mr. DeVlyder asked "so how do we get this ball in motion because everything around here takes so long to do."

Ms. Simone said one thing that she'd remind you of is there is a directive that she gets these management plans – all the ones that are left hanging to get them completed as soon as possible so getting things completed as far as getting the management plans put together – that's the priority and we do have other open space site improvements that are on the docket so we have to address things one at a time – we have Casertano that's coming up.

Ms. Simone stated we have things that are in the hopper so we can certainly – and this is going to be on the agenda for a long term project so that we can focus on this but it's not anything that's going to get done immediately.

Mr. DeVlyder asked who the Horse Council pays their dues to.

Ms. Simone said she did not know.

Ms. Simone said this discussion of creating a new trail is not specific to the Horse Council – she brought up the Horse Council because she had indicated that they created a new trail and the trail goes across private property - that has nothing to do with public use.

Mr. DeVlyder stated "my problem is I don't understand why we're getting involved in a private organization."

Ms. Simone stated "we're not."

Mr. DeVlyder said “and private homeowners and trying to...I don’t get the whole picture.”

Ms. Simone said ok – if she could create a scenario like this “Bill has a Horse Council and you have a private property – right – you two have an agreement that he can use your property to go across then would the town be right then to say hey everybody...” (Mr. DeVlyder cut Ms. Simone off).

Mr. DeVlyder stated “that has nothing to do with the town.”

Ms. Simone asked if he could just follow this “if then the town says hey you know because he starts on our property and then goes off onto your property – everybody can use it.”

Mr. DeVlyder said “no – you’re missing my point.”

Ms. Simone stated completely I’m missing your point so I’m not understanding what you’re saying. She said this is drafted in a way to say “we need to come up with a public trail that is on public property.”

Mr. DeVlyder said ok are we going to build a public trail on public property.

Ms. Simone stated that is the goal – yes – do I have an answer when that’s made – no.

Mr. DeVlyder asked where they are getting the funding for doing this – where are we getting the civil engineers to go through and map this out.

Ms. Simone said she did not know if this is something that needs to be so highly designed – it’s something that they need to look at – this is something that we need to address.

Ms. Simone stated we’re trying to get the management plan in place first but just as we do everything else – Casertano parking lot for example we have Engineering Department that goes out there and surveys it – they come up with a map – they follow it through the Planning and Zoning process –now it’s going to go to Public Works for them to do the job in conjunction with the Parks Department to get the trail head going in conjunction with the Eagle Scout project to put up the kiosk in addition to the trail maintenance in addition to getting volunteers on board so its huge cumulative effect.

Mr. DeVlyder said so the kiosk is going over there now.

Ms. Simone said she was just bringing that up as an example.

Mr. DeVlyder said he thought that was going over to the other place.

Mr. Sherman said he thought the point was that there are funds to do it are part of the town's operating budget from the different departments to get things done.

Ms. Simone said in addition to volunteers.

Mr. Sherman said yes – but what the Commission needs to do is move this particular management plan to proposal – it's been proposed then we approve it can be passed on to the Parks and Recreation Commission who then can turn to whatever they want to and then it can go to the Town Council to keep the ball rolling because we've got other plan in the queue so to speak.

Ms. Heritage said our job is to pass the plan so it can move on.

Mr. DeVlyder said he had another question about the plan – he asked what happened to the part of the plan where the person in charge of this piece of property can shut down the property to horseback riding at a certain time.

Mr. Mercugliano said it's under section three sub-section two - horseback riding shall be allowed one an appropriate trail location is identified - the trail can be constructed in connected to the existing trail network; horseback riding shall be allowed only on trails identified and posted for such purposed by the steward.

Mr. DeVlyder said that was something that people in the stables on Half Moon Road were very concerned about when he stopped down there.

Ms. Simone explained that this was standard language and she could give an example – she got a call today from the Horse Council to inform her that there's damage on the trail – that there's wash out and that the trail is impassable to people and to horses so now knowing this information she will go out there and she will post that this trail is now impassable and now talk to the Parks Department, Public Works Department and figure out now a solution. She said so this is a public safety catch all to be able to say if there's a situation and we need to keep the public safe and informed that we can't post a trail.

Mr. DeVlyder said “so now it's the town's liability to fix the trail.”

Ms. Simone stated “it’s the town property.”

Mr. DeVylder said it’s the town’s liability to fix the trail.

Mr. Mercugliano said in his opinion he did not think we can deny liability if we own the property any more than we can deny liability on our property as an individual.

Mr. DeVylder said but it’s the town’s liability now to send a crew out there to fix it – has a crew been sent out to fix it.

Ms. Simone said no as she had indicated she got the call today and she’ll started the ball rolling.

Mr. DeVylder said so if someone gets hurt there tonight – you know....

Tape Change.

Mr. Sherman said the plan has the flexibility that she (staff) can shut it down which he was sure that would occur.

Mr. DeVylder said and then protocol is what.

Ms. Simone explained it gets assessed by other departments and then it will be rectified (the impassible trail). She said she could not answer the question asked without accessing the issue.

Mr. Mercugliano said he had a question related to the same section – section three subsection two - horseback riding shall be allowed one an appropriate trail location is identified – the trail can be constructed in connected to the existing trail network – he said his only concern with that section is that the same as saying the town is currently prohibiting horseback riding on the land which is a current activity.

Ms. Simone stated no – it’s not – the town is not proposing that – we are saying that we recognize that there’s a beginning of a trail that could be publicly used and then that trail veers off on to private property without getting in to specifics – she just tried to generally catch that.

Ms. Simone said if there was a recommendation for a different way for that to work (it could be considered).

Ms. Heritage asked if they had someone – some type of an attorney that staff could contact to ask what that language should be.

Mr. Mercugliano said he did not have a law degree but he had lots of contractual experience. He said he had concerns about the management plan language under subsection three and suggested the town attorney maybe take a look at that because what he thinks what they are trying to say is – we are not condoning or disproving any passage on these trails by horses right now expect those unmarked.

Ms. Heritage said for those that are public.

Ms. Collins stated for those that are part of the public property.

Ms. Simone explained that this language was based on what was drafted in the original plan in 2006 with the DeDominicis property which the town attorney was involved in drafting this language and so all of the management plans are based on this frame work and there it has permitted uses “horseback riding shall be allowed only on trails identified and posted for such purposed by the steward.”

Mr. Mercugliano said that’s the second sentence because the first one sounds like a sequence of omission – once it’s identified it’s allowed. He said they can’t condone use of the trail on someone else’s land – and that was not what staff was attending to.

Mr. DeVlyder said that is what he was saying – “you can’t give permission to go on someone else’s land – she (staff) should ignore it.”

Mr. Mercugliano said he was just concerned we don’t have the activity as a matter of right.

Ms. Simone said she understood. She asked what the Commission would propose.

Mr. Sherman said could they remove the first sentence.

Ms. Heritage said she always gets nervous about legal ease. She asked if they should be making that recommendation to plan before checking with the attorney.

Ms. Simone said whatever the Commission would like – if the Commission would like - if the Commission would like to ask the attorney to take a look this and then will leave it on the agenda for the next meeting – get it to the attorney.

Mr. Mercugliano said to prevent any interruption that might suggest out own omission.

Ms. Heritage said and to protect the language.

Mr. Sherman said without that first sentence it's still a strong permitted use – the first sentence may be complicating it – that may be some of the crux that Mr. DeVylder was concerned about.

Mr. DeVylder asked if there were rules about closing the trails and opening the trails and how long they can be closed or what would constitute reopening the trails.

Ms. Simone replied it was written in a general language saying that the town has the ability to close a trail and that it would be posted and that they could close it for whatever reason. She noted to date the town has not actively embarked on that to close trails for no reason; when there was work being done at the culverts at the DeDominicis property the trails were closed - notices were put up that way people could clearly see if they were coming on horseback – if you are coming around the corner and you don't see that there is a construction site going on there that at least you're getting notification well in advance so you can stop and prepare.

Mr. Sherman said so they would carry this item to next month.

Ms. Simone said she would take the recommendation to the attorney.

Motion: To move the draft plan to the town attorney for interruption and council.

Moved by Mr. Sherman. Seconded by Mr. Abdifar. Motion approved unanimously by Commission members present.

IX New Business

1. Moran Property Management Plan

Mr. Sherman stated the next plan is for the Moran property which is in the general vicinity of the Moon Property; it's in the same neighborhood.

The management plan was distributed to Commission members in advance of tonight's meeting.

Ms. Simone said this is a ten acre site that is near in proximity to the DeDominicis property – it does not current share boundary with the

DeDominicis property however there may be the ability to purchase additional open space; the Mill River goes through this property – it is probably more than half wetlands including the watercourse and there are steep grades on either side.

Ms. Simone explained because of the nature of the property there isn't a real recreational component to this as far as creating hiking trails – it's a limited area on either bank of the Mill River so again she believed the intent of purchasing this property was hopefully getting the ball rolling for purchasing additional property going north which would connect the DeDominicis property and then there would be more options there.

Ms. Simone said in the general description she goes through what she just said – further detail about the wetland soils – they are classified as a muck soil which are difficult soils to even walk across – certainly not ones that are conducive to development.

The map of the Moran property was reviewed.

Ms. Simone stated the property boards Old Lane Road; she showed the location of Fenn Road and the house and the barn; the property goes north-south in between Fenn Road and Old Lane Road. The parcel is ten acres in size.

Ms. Collins asked if there was any plan for the town to buy of this land in the area.

Ms. Simone replied there is nothing concrete as of right now but the remainder of the property is held as private open space so there may be the ability for a future purchase.

Mr. Sherman said so in terms of permitted uses this one has to be fairly limited in a way it would seem because of the nature of what you (Ms. Simone) has described.

Ms. Simone stated yes – so it talks about that there may be an ability to put a trail in there –nothing planned as of right now and it does talk about maintaining it as wetlands and woodlands and also in item number three under management goals it talks about the cultural and esthetic significance of historic stonewalls – there are stonewalls on the property – as of right now they are not really marking anything they're just in the landscape.

Mr. Sherman said so we have the Moran Management Plan in front of us and he said he'd entertain a motion to accept the plan.

Motion: That the Commission accepts the Moran Property Plan.

Moved by Ms. Heritage. Seconded by Ms. Collins.

Mr. DeVylder asked if hiking or anything is allowed on this property.

Ms. Simone stated it is not being managed in that way currently – it recognizes that there may be an ability to do that but this management plan is not setting forth any points of access or any trails.

Mr. Mercugliano asked if there was any probation to that site.

Ms. Simone stated just the prohibited uses that found on every management plan and what's found in the ordinance – there are no probations to access – you are able to walk out there – it's just that nothing is set in the landscape to guide you to where you are going and get you back.

Mr. DeVylder said Boulder Knoll has all the signs saying no trespassing – this isn't going to be that kind of situation.

Ms. Simone stated this plan is not proposing that – this plan doesn't recognize that – it doesn't say you can't access the property is just says that trails may be added.

Mr. DeVylder said so then there would be no reason that someone couldn't meander through there.

Ms. Simone stated that was correct.

There was no further discussion on the motion.

Motion approved unanimously by Commission members present.

Mr. DeVylder asked why Boulder Knoll is posted “no trespassers”; he asked if there was a plan for that site to say no trespassing.

Ms. Simone asked if Mr. DeVylder would like to request that they look into that and possibly take them down (the no trespassing signs).

The reply was yes.

Ms. Simone said that was a hold over when there was fencing there and there were some issues with straying and they wanted to keep people out.

Ms. Simone said this is something she'd bring to the town manager.

2. Ten Mile Lowlands Update

Mr. Sherman said the next item is the Ten Mile Lowland update – this property is located at the north-west area of town. He asked for the staff update.

Ms. Simone said the tree that was blocking the trailhead has been cleared so there is access directly off of Dundee Drive.

Ms. Simone explained the kiosk material are still being held so if there's a group that wants to put it together we have those materials or if the Commission wants to use it for Casertano or something else we have the materials.

Mr. Sherman said he'd be happy to contact the Eagle Scout leader to see if there is still some interest in doing that.

Ms. Heritage asked if the Ten Mile Lowland is still the best place for the kiosk.

Mr. DeVlyder said he thought that would be an ideal place for it because you've got the clear trails and it's like DeDominicis – shy of DeDominicis he thought that was the next nicest piece of property we have.

3. Casertano Property Update

Ms. Simone explained the Commission the parking plans went before the Planning and Zoning Commission on Monday (April 8) and they were approved so the town plans on embarking on that project within the next month or so.

Ms. Simone said as part of the project they will take millings off of the street when they conduct their new town paving project and they will reuse those millings for the parking area and the access way so that's something that will be hopefully done just in time for hiking.

Ms. Simone also informed the Commission that Patrick Hedding, the Eagle Scout that lives next door – he still expresses interest. She said

she had informed him that mostly likely the kiosk materials that we have that they would be used for another site so he said he would looking into seeing if he could get material donated so they build the kiosk.

Ms. Simone went on to explain they were hoping that they could get everything done for May – not that they would have a kiosk up for May.

Mr. Sherman informed the newer members that they have an activity – sort of a clean-up there about a year or so ago and it involved some Boy Scouts and members of the Commission – they went in and cleared out some trail area and things like that – it's a nice parcel.

Mr. Sherman said as Ms. Simone alluded to before a lot of these things are fairly long term to get going.

There was general discussion about the Casertano property.

X. Adjournment

Mr. Sherman called for a motion to adjourn the meeting at 8:10 p.m.

Motion approved unanimously by Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary
Cheshire Environment Commission**