

**TOWN OF CHESHIRE ENVIRONMENT COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 10, 2016
CHESHIRE TOWN HALL ROOM 115 AT 7:00 P.M.**

Members Present: Bill Sherman, Bob DeVylder, Matt Abdifar, Douglas Noble, Carrie Collins-White, and Jackie Sima.

Member Absence: Jodee Heritage

Staff: Suzanne Simone, Environmental Planner and Alfred Smith, town attorney.

Guests: Tracey and Ken Jewitt of 920 Cornwall Avenue and David Schrumm.

I. Call to Order

Chairman Sherman called the meeting to order at 7:00 pm

II. Roll Call

Ms. Collins-White called the roll in Ms. Heritage's absence.

Members present were Bill Sherman, Bob DeVylder, Matt Abdifar, Douglas Noble, Carrie Collins-White, and Jackie Sima.

III. Determination of Quorum

There were enough members present for a quorum.

Commission not in attendance at tonight's meeting was Jodee Heritage.

IV. Pledge of Allegiance

All present recited the pledge of allegiance.

V. Acceptance of Minutes Regular Meeting of June 8, 2016

Chairman Sherman called for a motion to approve the minutes from the June 8, 2016 regular meeting.

Motion: To approved the minutes from the June 8, 2016 regular meeting – no corrections noted.

Moved by Ms. Sima. Seconded by Ms. Collins-White. Motion approved unanimously by Commission members present.

VI. Communications

Chairman Sherman reviewed the following communications that were distributed to Commission members:

- 1. Town Attorney/Staff Communication: Private Property and Bens Homestead Town Owned Property**

This communication was reviewed.

- 2. Letter to Cheshire Town Council Chairman Rob Oris Jr.
Re: Adoption of the Open Space Management Plan**

This communication was reviewed. Chairman Sherman stated this was a letter the Commission authorized him to write to the town council chairman regarding the open space management plan.

VII. Calendar – Events

Chairman Sherman stated both of the calendar of event items would be picked up further down on the agenda.

- 1. Chamber of Commerce Fall Festival, Saturday September 10, 2016 at 10:00 am to 6:00 pm**

Chairman Sherman noted the starting time for the fall festival was 10:00 am.

- 2. National Public Lands Day, Saturday September 24, 2016**

To be discussed under new business.

VIII. Unfinished Business

- 1. Cheshire Fall Festival**

Chairman Sherman again stated the festival would start at 10:00 am. He said many times in the past they've had folks from the Commission there to disseminate information regarding town open spaces.

Chairman Sherman asked Ms. Simone if there was a space already reserved.

Ms. Simone stated no – she was waiting for the Commission's decision (to participate in the festival).

Chairman Sherman said he would not be in town that day so he wanted to see if there were enough members of the Commission that could commit a little bit of time to this effort (staffing the space at the festival).

Chairman Sherman talked about the time slots that would need to be filled. He said the first time slot would involve setting up the table and brochures and the other things they have.

Ms. Collins-White agreed to help.

Ms. Sima said she planned to be there. She said she didn't think they needed to stay until 6:00 pm.

Mr. DeVlyder said he should be able to help.

Chairman Sherman said he remembered taking things down about 4:00 pm last year.

Mr. Noble said he would verify with his calendars to see if he could attend.

Chairman Sherman said he reached out to Jodee Heritage to see if she could attend – he's waiting for a reply.

Ms. Simone said when she sends the information in she'd get a parking pass so it should be communicated to her who would get the pass so they could set up the table.

Ms. Simone said they'd have all the materials available at town hall so they need to be picked up. She noted a tent would be provided.

Ms. Collins-White said she'd be happy to set up.

Ms. Sima said she'd help.

Ms. Simone said the Commission would not be sharing a booth – the Environment and Energy Commissions would have their own booths.

Ms. Collins-White asked if it was possible to be co-located near the Energy Commission – she said it would be a nice fit to be next to them. She also asked if they had any reusable bags left.

Ms. Simone stated there were bags left and maps including new open space maps (that could be handed out at the festival).

Mr. Noble offered to bring some CT state trails maps – the 2017 version of the maps which highlight the Cheshire sections.

Ms. Simone said that would be great.

Chairman Sherman provided Ms. Collins-White a sketch of what the booth set up looked like last year.

IX. New Business

1. Bens Homestead, Town Owned Open Space

Chairman Sherman said they (the Commission) may recall the Bens Homestead is a parcel of about 56 acres of mountainous and heavily wooded terrain that the town acquired many moons ago.

Chairman Sherman said there were a couple of communications related to that (Bens Homestead); there was a memorandum dated June 24, 2016 from the town staff to the Commission describing the private property and also a memorandum from Al Smith dated June 27, 2016 – he is here this evening.

Chairman Sherman asked Ms. Simone if she wanted to comment anymore on her memorandum.

Ms. Simone said no – she thought it just provides all the basic information per the request about showing the location of the private property.

Chairman Sherman asked Al Smith if he'd like to comment any further (on his memorandum).

Attorney Smith asked if there were any particular questions in relationship to the private property and the town owned property or legal questions about future clean-up of the private property.

Attorney Smith explained a letter was sent to the Bens Estate directing them to submit a land fill closure plan; the Bens Estate attorneys have responded by saying that they are in the process of preparing a closure plan and will submit it to the DEEP.

Ms. Sima asked Attorney Smith that when you say that GTA has been retained by the Bens Estate – will the town be allowed to be there when they do their due diligence and whatever remediation they are going to do on the property – in other words are we going to be observing what's going on there.

Attorney Smith said they (the town) will certainly be reviewing the plans. He said he didn't know if there were any plans at this point to be physically on site and when work needs to be done he would think the town had the right to do review it – so it's consistent with safety.

Attorney Smith said it would be best to get consent from the Bens Estate which he didn't think would be a problem. He said clearly the town would have an opportunity to comment on the plans and observe the location of the plans.

Ms. Sima said and the Commission would oversee that (review) with the Planning Office.

Attorney Smith stated he expected it would be staff; set forth in the memo, the town has very limited legal authority to supervise the work- they can comment on it but they cannot control it.

Ms. Sima said she understands that but what's in the ground is what's a concern - as the Environment Commission it should all be a concern to us.

Attorney Smith stated there's a difference between concern and legal authority.

New Commission members Doug Noble introduced himself. He said this was his first meeting and stated he works for Yale Environmental Health and Safety and has been in this field for about 16 years and he has done a lot with issues at Yale on remediation sites as well as safety in general.

Mr. Noble said the usual course is you submit a plan to DEEP, they review the plan and if it's accepted they will go in and do a remediation of the site based upon the plan that was submitted. He said he believed based on the history he looked up on this property there was some sort of oil dumping years ago but there are different types of oil.

Mr. Noble explained the different types of oil and that some are containments and some are water based; he said they would have to do a core sample of soil and water sampling and then come up with a better idea of what remediation is required. He described a few of the processes that could possibly be used to remediate the site.

There was discussion regarding what could be found on the site and what proposed remediation of the site was possible; remediation measures would comply with the law.

Attorney Smith explained under the law, there has to be a notice put on the land records indicating there had been a licensed disposal area on that property; a physical description of the meets and bounds of disposal area so that future purchasers will have that information.

Mr. Noble commented about the need for disclosure and proof of remediation when selling properties (disposal areas have to be disclosed and recorded on the title).

Attorney Smith stated there will be records of remedial action that has taken place.

Mr. Noble said if it satisfies the DEEP - they can then clean the title that they are satisfied – if they encapsulated you have an issue with the site – you are better off remediating then encapsulating if they plan on selling or developing the property they would probably be better off doing that based on his experience.

David Schrumm asked about notification going on the land records and since the property has not been subdivided yet does that notice go on the entire acreage.

Attorney Smith stated yes; subsequent subdivisions and subdivided properties have to reflect the title history of the original larger piece.

Tracey Jewitt said she and Kevin Jewitt have been involved the whole application process from the beginning and have been opposed to the

subdivision going in and now that the uncovering of the contents of the dump – they are concerned about what the plans for the cleanup are going to be – they are not in favor of it being left in the ground and capped because capped is going to cause issues because where is that water going to run off to and will it affect the adjacent neighboring properties; also they are advocating for the waste to be removed and not left in the ground.

Chairman Sherman said on the subject of adjoining properties he did want to mention in the memo from planning staff to the Commission - as far as the town owned open space goes the open space was acquired with the understanding and after testing that there were no containments in the town owned open space – he asked Ms. Simone if that was correct.

Ms. Simone stated yes - the information we have is that the town looked (testing) at time the town purchased the property.

Mr. Schrumm asked a question regarding testing of the site that was conducted prior to the town/state purchasing the property.

Ms. Simone said that's the information we have is that they did testing.

Ms. Sima asked when the testing was done.

Ms. Simone stated it was when the town purchased the Bens Homestead property – in 1991.

Ms. Sima said the paper work they got from DEEP - that we asked for - just because it was public documents – they did test wells. She said she appreciates that the letter was written by staff and for looking into but again until everything is completed she questions even to the extent – until its totally clean – stating in her opinion - as a Commission there's question as to what's there and how it affects the environment and how it affects Cheshire.

Ms. Collins-White asked if the land that we (the town) own – is it exempt from the testing that's coming forward.

Attorney Smith said based on how other sites have been handled there's not testing on publicly owned property – they are testing on the privately owned property that is adjacent to the publicly owned property.

Ms. Jewitt commented about who was going to do the testing and shouldn't it be an independent party.

Attorney Smith explained that the testing evaluation is done by a firm hired by the land owner; every contaminated site that he has worked on is handled this way and it's a legitimate concern – the protection is the proposals and the results are reviewed by the DEEP; consultants are licensed by the state and they risk losing their license if they don't act in an appropriate way; he commented about the licensed and independent labs the samples are sent to and closely regulated; where to conduct the test bore is vetted by the state; the companies that prepare these proposal put their licenses at risk when they submit proposal.

Mr. Noble said they do sampling all the time at Yale – and we use accredited labs to get results back – they get certificates that they (the labs) are accredited – they do sample from a couple of labs to verify that the results are consistent – it's a third party – once you submit that information to a lab it is now known that if there is contamination you can't hide it. He commented that when you sell your house you have to disclosed containments were removed – same thing with asbestos – it has to be disclosed in a disclosure statement.

Ms. Sima asked about the controlling structure – it's DEEP then the town.

Attorney Smith stated the town has no authority whatsoever.

2. National Public Lands Day

Chairman Sherman stated National Public Lands Day is slated for Saturday, September 24, 2016. He explained that the National Public Lands Day is something promoted by an organization called the National Environmental Education Foundation based in Washington – they were founded back in 1990 or so.

Ms. Simone said in the past they have tried to focus this day as a day of service to try to get volunteers to come out to sites and help clean up or restore trails – mark a trail which is what we did last year. She said this year she is organizing a bird walk event on the Boulder Knoll property so they will have someone there to lead the group and identify birds; they will also have binoculars and things like that.

Ms. Simone said it the Commission is interested in partnering with this event by setting something up - having a table or something along those lines – they can do that.

Ms. Simone said it may be too late to try to get people to attend a walk in addition to the bird walk – maybe there would be interest in setting up a table.

Chairman Sherman said he would volunteer in setting up the table so they can disseminate information.

Ms. Simone stated the date is September 24 but the time has not been established yet.

Chairman Sherman said again he would volunteer and asked for other volunteers (from the Commission). He advised Ms. Simone to move forward with plans for a table.

X. Adjournment

Chairman Sherman called for a motion to adjourn the meeting at 7:32 pm.

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

Respectfully submitted by:

**Carla Mills
Recording Secretary**