

**DERBY INLAND WETLANDS AGENCY
DERBY, CONNECTICUT 06418**

**Frederick J. Columbo, Jr., Chairman
68 Seymour Avenue
Derby, Connecticut 06418**

**Philip Marcucio
Paul Dinice, Jr.
Paul Padilla
Roger Birtwell
Nelson Cummings – Alt.
Daniel Sexton – Alt.**

**July 11, 2012
(Meeting Taped)**

Minutes of Derby Inland Wetlands Agency meeting of Wednesday, July 11, 2012 at Aldermanic Chambers, City Hall, 1 Elizabeth Street, Derby. This meeting was called to order at 7:00 p.m. by Chairman Fred Columbo.

By roll call members present were Chairman Fred Columbo, Paul Padilla, Paul Dinice, Philip Marcucio and Roger Birtwell. Also present was Ryan McEvoy, Milone & MacBroom.

Additions, Deletions, Corrections to the Agenda

Chm. Columbo stated that he received a letter and data from Atty. Dominick Thomas regarding Application #11111401/BAMF Homes LTD, 16 John Street. He stated that it was not received until this evening. Atty. Dominick Thomas stated that he delivered this to the land use office and contacted Ryan McEvoy, Milone & MacBroom regarding this. He stated that this is being done in response to a request from Planning & Zoning. The Planning & Zoning Commission requested some modifications to the plans for BAMF Homes Ltd for the proposal for 16 John Street. These modifications address some of the concerns with respect to wetlands and he is asking to make a presentation to advise the Agency of what is going on. The modification reduces the amount of impact.

Chm. Columbo stated that he was not notified directly of this request to be on the agenda. Atty. Thomas stated that normally these are submitted through the Agency staff and that would be Dave Kopjanski and it was his understanding that it would immediately go to the Chairman.

Mr. McEvoy stated that there is a modification to the plans and a condition of their Inland Wetlands approval was that any change to the plans should come back to the Agency for review.

Mr. Birtwell moved that BAMF Homes Ltd be added to the agenda as Item 10b. The motion was seconded by Mr. Padilla and carried unanimously.

Approval of Minutes

A motion to approve the minutes of the May 9, 2012 meeting was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously with Mr. Marcucio abstaining. Chm. Columbo stated that the June 13, 2012 meeting was cancelled due to a lack of a quorum.

Public Portion

There was no one from the public wishing to speak.

7. John M. Guedes – Applicant – APPLICATION #12071101 – seeking permission to conduct a regulated activity: to construct one single family house on Lot #16-A, Tax Map #11-8, on Derby Neck Road.

Chm. Columbo reviewed the application and statement which indicated that he is seeking to extend and/or renew the 6/14/2000 approval of permission to conduct a regulated activity to construct a single family home on this property. The house will be kept in the required distance from the adjacent wetlands area. The driveway will be located within the regulated area and submissions were made to meet the city engineer's requirement to receive the initial approval. He also submitted a letter from Valley Health Department dated 1/26/2012 issuing a permit for the septic system.

Fred D'Amico presented a map and a copy of the 2000 approval. He stated that the only thing added to the plans is the location of the wetlands. Mr. D'Amico stated that there is an abandoned town road on the property and the wetlands are beyond that. There is a brook north of the property. The wetlands have been flagged by a soil scientist when the adjacent subdivision was done. He stated that they are outside of the 50' buffer but inside the 100' buffer area. He stated that with the exception of a portion of the driveway as it comes into the property that encroaches into the 50' by approximately 10'. Mr. McEvoy stated that there are some regulated activities proposed. Mr. D'Amico stated that the only activity in the 50' area is the driveway and there is no other location to put it. Mr. Marcucio asked if they were planning on mitigating that area and Mr. D'Amico stated that at this time they were not. He stated that the driveway was roughed in from 2000 but the foundation was never started.

Mr. McEvoy stated that he reviewed the plans from 2000 and the current plans and there is a modification of the location of the house. This resulted in the driveway being closer to the adjacent property owner. Mr. Columbo asked if the rear portion would stay in its natural state and Mr. D'Amico stated that it is mostly ledge and will remain that way. Mr. Columbo stated that the application will be continued to the August meeting in order to give the members an opportunity to walk the site.

8. Adam Thompson – Applicant. APPLICATION #12041101 – Seeking permission to conduct a regulated activity: proposing to work in the regulated area to make corrections and improvements on a wall, fencing, plantings, and wetlands vegetation of Lot #10, Tax Map #11-8, at 22 Derby Neck Road.

Adam Thompson presented the certified mailings. A motion to open the public hearing was made by Mr. Dinice, seconded by Mr. Marcucio and carried unanimously.

Mr. Thompson stated that the Agency requested a planting plan which has been submitted. He also presented some photos of what the finished area will look like. He stated that the garage will be removed and the gravel raked out. The gravel driveway will remain. Chm. Columbo stated that he would like to see a fence where the silt

fence is now. Mr. McEvoy stated that he is proposing a thick vegetated buffer and wetlands markers would be more appropriate than a fence. Chm. Columbo stated that there is an opening in the stone wall and Mr. Thompson stated that there is and it will remain that way. He stated that there is a pile of rocks which he would like to use to extend the wall in another location. Mr. McEvoy stated that the pile needs to go and could be used on the stone wall. Mr. Marcucio stated that the number of ferns that he is proposing should be shown on the plans. Mr. Dinice stated that he had no problems with what is being proposed. He stated that he was pleased to see the garage being removed and the plantings put in. He felt that it would be more of a problem to remove the patio area. Mr. Marcucio stated that he had no problems with the plans.

There was no one wishing to speak on the application. A motion to close the public hearing was made by Mr. Birtwell, seconded by Mr. Marcucio and carried unanimously.

Mr. Marcucio moved that the City of Derby Inland Wetlands Agency (DIWA), having considered the factors pursuant to Section 10 of the Inland Wetland and Watercourse Regulations of the City of Derby and after review of written and verbal information provided by the applicant, Commission members and City staff, find the following:

1. On February 29, 2012 a cease and desist letter was issued by the Wetlands Enforcement Officer for construction activities that occurred in regulated areas at 22 Derby Neck Road.
2. On April 11, 2012, Adam Thompson (Applicant) submitted an application No. 12041101 for activities adjacent to a wetlands soil. The activities are associated with the removal of a portable garage, and installation of vegetation in previously disturbed areas. The activities also include the previously expanded gravel driveway and stone patio.
3. There is a watercourse with associated wetlands on the western portion of the parcel.
4. The wetlands were field located originally as part of the adjacent Edgebrook Estates Subdivision, and field verified by a soil scientist in May of 2012.
5. There will be a total 3,635 sf (0.08 acres) of disturbance within the 50' regulated upland review area with activities approaching the edge of the wetland boundary.
6. That this application is a "significant activity" in accordance with the definition of "significant activity", specifically subsections 6 and 8, as found in the Regulations of the DIWA and will require a plenary ruling.
7. Sedimentation and erosion control measures have also been incorporated into the design including sediment filter fence.
8. Information was provided by the Applicant, City staff, Agency members during the regularly scheduled meetings held on April 11, 2012 and May 9, 2012 and a public hearing held on June 13, 2012.

9. As required by Section 10.3 of the Inland Wetlands and Watercourses Regulations the Agency has considered the documentation submitted and finds that the proposed impacts to wetlands and watercourses are minor in nature and mostly needed to establish vegetation in previously unpermitted disturbed areas.

Therefore, the Agency moves to approve Application no. 12041101 as presented and shown in the following documents submitted in support of the application:

1. Letter from David Kopjanski dated February 29, 2012
2. DEEP Statewide Inland Wetlands and Watercourses Activity Reporting Form
3. Purpose of Proposed Activity
4. Graphics with descriptions of regulated activities
5. Plant List
6. Letter from Milone and MacBroom dated May 8, 2012
7. Packet entitled "22 Derby Neck Rd. Derby, CT" with six sheets including site photos, a planting plan, and updated plant list with quantities.

In addition to the requirements listed in Sections 11.9, 11.12 and 11.13 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, the following stipulations also apply:

1. Lack of compliance with any stipulation of this permit approval shall constitute a violation of the Regulations Protecting the Wetlands and Watercourses of the City of Derby, and a cease and desist order shall be issued by the Wetland Enforcement Officer.
2. Any further changes or modifications to the application presented shall be submitted to the Derby Inland Wetlands Agency to determine if additional review and approval is necessary.
3. Prior to any construction activities covered by this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by the City Engineer, Corporation Counsel and/or Wetland Enforcement Officer:
 - a. Pursuant to Section 12 of the Regulations Protecting the Wetlands and Watercourses of the City of Derby a bond covering the costs of the sedimentation and erosion control measures and shall be filed with the City Clerk. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel. A minimum of \$5000 of the approved bond shall be submitted in the form of a separate cash bond.
 - b. Arrange for the filing of this approval on the Derby Land Records.

c. Prior to any clearing or earthmoving activities, the proper installation of all sediment and erosion control measures indicated on the above referenced plans.

4. The applicant shall install sediment and erosion controls and the proposed plantings within 30 days of this approval. The City Engineer, Wetlands Enforcement Officer or any other duly authorized representative of the City of Derby shall be notified after installation of vegetation is complete to verify that plantings have been installed according to the referenced plans. The cease and desist order shall terminate upon the City Engineer, Wetlands Enforcement Officer or any other duly authorized representative of the City of Derby finds that the planting plan has been completed in accordance with this approval.

5. If the proposed improvements are not completed within 30 days, the applicant shall post a bond covering the cost of the sedimentation and erosion control measures and proposed plantings and shall be filed with the City Clerk. The amount and form of the bond shall be approved by the City Engineer and Corporation Counsel. A minimum of \$1,500 of the approved bond shall be submitted in the form of a separate cash bond.

6. No refueling of equipment or vehicles shall be performed on the parcel.

7. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until permanent vegetation is established.

8. The Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby shall have the authority to direct the applicant, developer and or contractor to install additional sediment and erosion control measures as conditions may warrant.

9. A contact individual together with a 24-hour phone number shall be designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to coordinate repair on any such breach or deficiencies with 8 hours of the notice from the sediment and erosion control inspector, Wetland Enforcement Officer, City Engineer or any other duly authorized representative of the City of Derby.

10. The Agency's decision to grant this approval makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site.

11. Per Section 18.5 of the Regulations, the DIWA approves the application as a plenary ruling and the applicant shall pay a fee of \$300.00 to the City of Derby Finance Office.

12. Wetlands markers shall be placed at intervals of 50 feet on center along the east side of the proposed planting area.

The motion was seconded by Mr. Birtwell and carried unanimously.

9. Conduct a Public Hearing for: Singer Village, Mark Nuzzolo – Applicant APPLICATION #12050901 – Seeking permission to conduct a regulated activity: Proposing an 8 lot subdivision, to construct 7 single family homes on Lot #40, Tax Map #4-3 on property at 401 David Humphreys Road.

Mr. Marcucio recused himself from hearing this matter. Mark Nuzzolo presented the certified mailings. A motion to open the public hearing was made by Mr. Birtwell, seconded by Mr. Dinice and carried unanimously.

Chm. Columbo reviewed the application and noted that it includes a wetlands and soil evaluation report dated 8/18/11 from Evans Associates.

Mr. Nuzzolo gave the history of the property and stated that the parcel originally was 200 acres in total. The house on the property is 4700 s.f. and it will remain on the site. He stated that they are proposing energy efficient homes and using the green building certification process in developing the project. He read the mission statement which stated that it is their mission to develop the remainder of the Singer Estate, preserving and enhancing its historic nature. The development will optimize the natural characteristics including slopes, the watercourses, vegetation and the prior improvements. The configuration of the lots will minimize soil disturbance and vehicular risks and provide solar opportunities. They are planning on nestling the homes around the existing house avoiding the steep slopes and the extra curb cuts. He stated that the property that extends to General Wooster Drive will be cut off and left as open space. He stated that they will landscape the site and they have to create a low impact development. He stated that instead of bringing the water into a detention, they are trying to get as much of that water back into the ground to replicate existing conditions. Mr. Nuzzolo stated that every house will have a rain garden, water will get into it and percolate through. He stated that one of the most important features of the rain garden is to make it an amenity to the property. He stated that the existing swimming pool has lost its function. He stated that they cleaned it all out and found that there is a large structure at the bottom of the pool which was very intricate but not functional and in disrepair. He stated that there are a lot of invasive species on the property and presented pictures of areas on the site with the invasive species.

Alan Shepard, engineer stated that the house that will be constructed on Lot 2 will be within 50' of the wetlands. It will have a walkout in the rear and the grades would be minimal. He stated that they will be doing mitigation work to restore the watercourse. He stated that the drainage from the common driveway will go into the wetland corridor and into the pool. He stated that the pool structure will remain and be used for storm water detention. It will be partially filled with earthen material which will act as a bio-filter. They will remove the concrete patio around the pool. He stated that the other activity will be the driveway turnaround. They will add a garage to the end of the portico. The turnaround area will be 128 sf into the regulated area. There are no direct wetlands filling but within 50 feet of the wetlands. He stated that the big activity is the mitigation and what is being done to restore the watercourse. He stated that they will remove the invasive species and add vegetation. He stated that they are looking for permission to remove the impervious surface and replace it. He stated that in order to meet the "green" standards there will have to be minimal disturbance. He stated that there did boring tests.

Chm. Columbo stated that the two main areas are Lots 1 and 2. Mr. Shepard stated that Lot 1 is the turnaround and most of the activities are restoring the ground. The portico to the right of the house will remain but the driveway onto Sodom Lane will be closed off. Mr. Nuzzolo stated they are trying to do things a little differently and even though they have the activity they feel that they are improving the wetlands and watercourse.

Bruce Morton presented a list of invasive species. He described the stream and stated that when it gets to the edge of the property it drops off about 15' along bedrock into a drainage ditch that is along the parking area to the commercial facility in the back. He stated that the drainage is pretty much confined. He stated that the property was not used for agricultural purposes and invasive species started coming in. He stated that they will pull out the invasive species and replant with native species which will hopefully overtake the invasive species. This is something that has to be maintained over time. He spoke on the low impact development techniques that deal with storm water runoff. He stated that they are trying to encourage using the hydrology that is there today. He stated that the rain gardens put the water back into the ground and by this it is a natural form of renovation to improve the water quality. He stated that they are trying to minimize impervious surfaces.

Chm. Columbo asked what the dimensions of the rain gardens would be. Mr. Morton stated that they would be individually designed because they are based upon the roof area and you can take the driveway and even the sidewalk.

Mr. Birtwell asked about the watercourse. Mr. Morton stated that they are not altering the watercourse. Mr. Shepard stated that there are two footbridges that go across the watercourse and they would like to leave those in. They will put stone and filter fabric and they will act as buffers for the watercourse. Mr. Birtwell asked about landscaping the watercourse area. Mr. Morton stated that they will be putting in plants so that they won't be encroached on. Mr. Birtwell stated the wetlands should also be amenable to wildlife. Mr. Birtwell asked if there is going to be an association to maintain the common areas. Mr. Nuzzolo stated that they are envisioning that each homeowner will be responsible for their own space, but the association will have the ability to step in if it is not done. He stated that he has not really been decided at this point. Mr. Nuzzolo stated that their experience in the maintenance of the rain gardens, is that if the homeowner believes that it is an amenity and wants it to be maintained it will be maintained. He stated that is the challenge to the landscape architect to put in the proper plants so that it becomes a feature. If it ceases to be a feature or an amenity and becomes a burden then it is ignored. He stated that when they are integrated to the house then it is maintained.

Robert Sherwood, landscape architect stated that as part of the wetlands enhancement project that they are doing for this corridor utilizing the existing pool structure they are trying to make it an amenity for the property. He stated that the invasive species will be removed and there will be no mow and low mow zones. The entire site will be landscaped with shade trees and plantings. The plantings will be extended near Sodom Lane and more plants along David Humphreys Road.

Mr. Nuzzolo stated that the environmental impacts of the proposed activities minimizes the intrusion of the structures and restores health to the wetlands corridor. They will remove the invasive species and plant new vegetation. The mitigation activities are beneficial to the area.

Chm. Columbo asked for any public comment on the application.

Gloria Alberta, 325 David Humphreys Road stated that she now looks at woods and likes that. If this is approved she will look at a village and this will ruin their neighborhood. She felt that they are destroying the wetlands and the wildlife that is in the area.

George Guigno, David Humphreys Road stated that there is wildlife in this area and the woods were a buffer to the neighborhood. Mr. Nuzzolo stated that they are improving the wetlands.

Dave Ederly, 380 David Humphreys Road stated that he has a well and is not sure where his well draws water from but was concerned that this project could affect his well.

Mike Alberta, 325 David Humphreys Road stated that if wetlands are taken away they have to be replaced. Mr. Dinice stated that there is no State law regarding this that would be in a flood plain. He stated that the whole site is wetlands. Mr. McEvoy stated that they had the site reviewed by a soil scientist who identified this corridor as the only wetlands on the property. Chm. Columbo stated that the wetlands are flagged. Mr. Alberta stated that they are for drainage and wildlife. Mr. Sherwood stated that the pool is fed by natural water and they are proposing to fill the pool and allow the natural flow to go through and enhance the water quality and this will also act as a detention area. He stated that no wetlands are being filled in. Mr. Nuzzolo stated that the existing home will remain and be sold as a single family home with restrictive covenants.

John Guigno, 345 David Humphreys Road he stated that he is next to this property. He is concerned about drainage issues.

Kathy Norwood, 4 Lanzieri Court asked if the open space will be clean cut or if trees will be left. She asked if there will be buffers on Sodom Lane. She stated that the water sheets onto Sodom Lane now and asked if this will correct that problem. She stated that there will be no detention ponds just the rain gardens for storm water storm detention. She also asked if the driveway from David Humphreys Road will remain. She commended the applicant for doing this and felt that it was best thing that could be on the property. Mr. Nuzzolo stated that the area will be buffered and the driveway will remain.

Joe Jalowiec, owner of property at 114 Sodom Lane commended the applicant on this project. He asked if the homes will tie into any of the catchbasins in the road. Mr. Shepard stated that there will be one tie into the catchbasin at the corner of Sodom Lane and David Humphreys Road and there will only be one tie in. Mr. Jalowiec asked if the water from the pond will overflow onto Lowe's. Mr. Shepard stated that it has a drainage pipe that goes through the hillside and there is an easement to the Lowe's

property. Mr. Jalowiec asked if the catchbasin on David Humphreys Road is just on the corner and Mr. Shepard stated that it is. Mr. Jalowiec asked what happens when the small ponds freeze up in the winter. Mr. Shepard stated that the system is designed so that there is a series of holdbacks and checks.

Raul Sanchez, 1 General Wooster Road stated that he would like to have a 50' line put in on the plans. He stated that Lot 2 is the closest one that is effected by the wetlands and the whole house could be in the upland area. He also stated that the three flag lots have more impervious surfaces and he felt that the amount of impervious surface should be limited. Mr. Nuzzolo stated that the driveway is existing now and part of it will be removed.

Mr. McEvoy stated that a review letter was issued to the applicant detailing their concerns. He stated that the main concern was the original use of the pool as a detention pool. He stated that it appears now that they are going for a more open design and those plans need to be submitted for the record and reviewed. He stated that they do define the 50 foot upland and quantify the specific activities proposed. Chm. Columbo stated that Mr. McEvoy is referring to a four page report dated 7/9/12. He stated that a lot was accomplished this evening and a lot of data submitted.

A motion to continue the public hearing to the August 8, 2012 meeting was made by Mr. Birtwell, seconded by Mr. Padilla and carried unanimously.

10a. Engineering Fees: Milone and MacBroom, Inc. for the City of Derby Invoice #6008 and #6009.

Mr. Dinice moved that the invoices from Milone and MacBroom (#6008 and #6009) be paid. The motion was seconded by Mr. Birtwell and carried unanimously.

10b. BAMF Homes, LLC – 16 John Street.

Attorney Dominick Thomas stated that what was submitted are two reports from the soil scientist and also from the engineer. These show the comparison of the proposed plan by Planning & Zoning Commission. They did not want to see the flag lots and wanted to see four lots across the front. The engineer then did a proposal with four lots along the front. He stated that Inland Wetlands approved the plan in December, 2011. The revised plan shows that in the rear there is no longer any disturbed area. The driveway has been taken out and the houses in further. He stated that in the engineer's report it goes from 3224 s.f. of disturbance in the upland review area to 1620 sf of area. This is a reduction of approximately 50% of upland review area. He stated that in the approval the Agency found that the activity that was approved was not a significant activity. He stated that they have cut the amount of upland review area and as a result of that it is their position is that this Agency can administratively approve this as a modification. He stated that based on the comments from Planning & Zoning Commission it appears that they would act on the modification but have not acted at this time. He presented case law of an identical situation. He stated that in this case the Inland Wetlands Agency found that this was not a significant activity. He stated that he is notifying the Agency of the modification. He stated that he did not think it needs a new application.

Mr. Dinice stated that he agrees but not with the procedure. He stated that P&Z can't approve anything until Wetlands acts. Mr. McEvoy that the chairman of P&Z will only consider the alternative plan in their deliberations if and when the Wetlands Agency makes a determination about the alternative plan. Mr. Dinice asked if they would not act on this until a report is issued by Wetlands. Mr. McEvoy stated that they will not until a favorable opinion is given. He stated that they have two plans that they are considering and they won't consider the modified plan until there is some determination that the modification does not require an application or if it does they get an approval of it. Chm. Columbo asked if this was a new application and Atty. Thomas stated that there is no need for a new application because it is minor changes with less impact.

Mr. McEvoy stated that P&Z does not feel comfortable making a decision and they have a statutory right to wait until this Agency makes a decision. He stated that the public hearing was closed last month and state statute gives 65 days for them to make a decision and if there is a need for a Wetlands approval they can extend that decision until 35 days after Wetlands makes that decision. Mr. Dinice asked if he had reviewed the modification. He stated that they had some comments in regards to the lot line configuration and a few others which were addressed. He stated that this is a change from what Inland Wetlands had approved.

Mr. Padilla stated that the impact is less but is in another place and so therefore that is new to the Agency. Mr. Columbo asked for a list of the changes and Atty. Thomas stated that it is in the upland review area. Chm. Columbo stated that he would like a list of the changes and Atty. Thomas presented a copy of the minutes with the approval and stated that the changes are minor.

Mr. McEvoy stated the items that Mr. Rotondo submitted as part of the letter summarize in some detail the original approved regulated activities and what the changes are with the alternate plan. Mr. Padilla asked Mr. McEvoy if he saw any problems with this. Mr. McEvoy stated that there were some concerns about some of the drainage items, the nature of the lot lines. He stated that the location of one of the houses is within the upland and technically under the jurisdiction of this Agency. He stated that one of the conditions of approval was that a split rail fence be put up five feet from the wetlands all along that wetlands corridor and that would still be enforced. He stated that with regard to the location of the curtain drain which is generally in the same location, he would ask that the final subdivision map include that. He stated that he looked at this during the Planning & Zoning review. He stated that it is enough of a modification for Inland Wetlands to make a determination as to whether or not this requires a new application or falls within the confines of the previous approval. Mr. Dinice stated that Wetlands needs to act on it but he did not feel that it needed a new application. He stated that he would have preferred that it was on the agenda and a draft resolution prepared. Mr. McEvoy stated that there is no urgency for the Agency to act on it and the Agency could take time to review it. Chm. Columbo stated that he did not want to make a decision on anything that is not on the agenda. Mr. McEvoy stated that one of the conditions of the approval stated that any further changes or modifications to the application shall be submitted to the Inland Wetlands Agency to determine if additional review and approval is necessary. Atty. Thomas stated that it is a call of the Commission to determine that it is a modification and the only thing change changes is the number relating to the wetlands area and that they have to come back with the house layout for Lots 1 and 2

instead of Lots 1 and 4. Mr. McEvoy stated that they need something from this Commission so that the P&Z feels comfortable acting on the alternate plan. He stated that if there is no report from this Commission they would not feel comfortable acting on the alternative plan. Mr. Padilla stated that he did not feel that there was a major impact. Mr. Columbo stated that there is a major change with the reconfiguration of the lots and he would like to see a list of the changes and also it is not on the agenda. He stated that he did not feel that it should be acted on this evening. Mr. McEvoy stated that the Agency is under no obligation to make a determination tonight. They are coming before the Commission in accordance with their approval. Mr. Columbo stated that it will be on the agenda in August.

A motion to adjourn was made by Mr. Dinice, seconded by Mr. Birtwell and carried unanimously. The meeting was adjourned at 10:15 p.m.

ATTEST:

Maryanne DeTullio

These minutes are subject to the Agency's approval at their next scheduled meeting.