

Durham Inland Wetlands and Watercourses Agency

Regular Meeting Minutes
Monday, November 9, 2009

Call to Order: The meeting was called to order at 7:37 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

Roll Call: Members present: Pat Dinatale, Dick Eriksen and Joel LaBella. Alternates Present: Rob MacDuff. Staff: Geoff Colegrove and Trish Dynia.

Seating of Alternates: Rob MacDuff was seated for Bob Czarnecki.

Approval of Agenda: *A motion was made by Pat DiNatale, seconded by Joel LaBella to approve the agenda as written. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve the October 5, 2009 minutes as written. The motion passed unanimously.*

Public Session: None

Ron Melnik, Regional School District #13, Proposed Activity within 100' of a Wetland for the Excavation of Soil to Remove Existing Underground Storage Tank and Installation of New Tank, Korn School, 144 Pickett Lane: District 13 Business Manager Ron Melnik explained that the existing 8,000 gallon oil tank must be replaced because it is rusted and corroded. The tank is located off the northwest side of the gym, approximately 65 feet from Allen Brook. The plan is to replace the damaged tank with a fiberglass, double lined 4,000 gallon tank with leak detectors in the lining and sump.

Engineer Marty Cashin, of Silver, Petrucelli and Associates added that the new tank would be placed in approximately the same location. Precautions to be taken during excavation and replacement include fabric fencing on site, hay bales on slope and plastic sheeting to lay the tank out on. He then distributed soil testing done in 2001.

Mr. Melnik stated that due to the coming winter season they would like to replace the tank as soon as possible, and go out to bid next week. Also, there are no indications that the damaged tank is leaking oil.

A motion was made by Pat DiNatale, seconded by Joel LaBella, to waive the town application fee. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Joel LaBella, that there is no activity in the wetlands. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Joel LaBella to approve the project as presented. The motion passed unanimously.

Nick Xenelis, Discussion of Activities Along the Access Road Going Towards the Old Gravel Pit, 186 Cherry Lane: Dick Eriksen addressed the applicant and explained that during an unrelated site inspection, members observed that there appeared to have been recent substantial filling of the wetlands with construction materials such as cinder block by the bridge and gravel pit area. Since Mr. Xenelis was not able to attend the site walk, the Zoning Enforcement Officer sent him a letter asking him to attend the October 5, 2009 meeting to discuss the matter. Mr. Xenelis did not attend.

Mr. Xenelis replied that upon receiving the letter he replied via fax and regular mail that he was unable to attend the October meeting due to a prior commitment and requested that the matter be placed on the November agenda. Mr. Xenelis provided a copy of the letter. Mr. Colegrove concurred that the letter had been faxed to his office prior to the October meeting but was not in his possession until after the October meeting. Mr. Xenelis added that it was embarrassing to read in the newspaper that the Commission felt it necessary to then have a Sheriff deliver a follow up letter regarding the November meeting.

Mr. Xenelis agreed that the materials found were concrete and cinder blocks, which he does not consider to be demolition materials. Mr. Xenelis further explained that the bridge and road access to the new field was not passable by two vehicles and needed to be widened. Pat DiNatale asked if he had come into the Commission to explain what he wanted to do. Mr. Xenelis replied, that no, he had not.

Mr. Colegrove noted that he has met with Mr. Xenelis and Engineer Pat Benjamin since the October meeting. Mr. Benjamin will superimpose the wetland flags on the existing map and provide flags in the field.

A site walk of the property was scheduled for Saturday, December 5, 2009. Members will meet on site at 9:00 AM.

Wetland Enforcement Officer's Report: Geoff Colegrove stated that he has met with Nick Xenelis and Pat Benjamin on the site noted above and feels they are headed in the right direction.

Payment of Bills: *A motion was made by Joel LaBella, seconded by Rob MacDuff, to pay the following bill: Midstate Regional Planning Agency, Regulation Copies, 612 pages, \$61.20. The motion passed unanimously.*

Miscellaneous: Joel LaBella submitted his resignation later to the Commission, effective November 9, 2009. The Vice-Chairman accepted the letter with regret and thanked Mr. LaBella for his fourteen years of service on the Commission.

Adjournment: *A motion was made by Pat DiNatale, seconded by Joel LaBella, to adjourn the meeting at 8:17 PM. The motion passed unanimously.*

Respectfully submitted,
Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency