

Newington Conservation Commission Meeting Minutes
Revision
Wednesday, May 3, 2006

Call to Order: Peggy Lamson, Chair Person called to order the meeting of May 3, 2006 at 6:35 P.M.

Present: Peggy Lamson, Chair Person; Barbara McDonald, Jane Hislop, Justin Richardson, George Fletcher, Dottie Watson, Vincent Frank, and Tom Morgan, Town Planner.

Guests: Geoffrey Ransom, Attorney, George V. Germano, P.E., and Denis Hebert, PB

Minutes:

Chairman called for a motion to accept the minutes of April 6th, Barbara moved to accept the minutes and Dorothy seconded it. Any questions: Need to add in two other guests "Chris Waszczuk, Project Manager for X4 Project and Peter Walker of Vanasse Hangen" and on Page two, third paragraph, add on first line after amount "of" work and then after the third line mesh together. Add "Mark West suggest we need to identify the conservation values of these properties." On Page three, Barbara would like to see the file numbers added after the title and that it would be helpful to put it on the agenda also. Second Paragraph after Turnpike add "Dover Sites DES Site #1994-05028, Project #15337" and on Dredge/Fill-Sprague Energy Corp. add "File #2006-00688". Also on Page 4, Barbara would like to see the time the meeting adjourned on the minutes. All in favor of the corrections as submitted by Barbara McDonald, Aye. Motion carried and approved the minutes of April 6th. Motion from the floor for the Minutes of April 19, which were typed by Peggy typed a letter that was sent to the BOS, Barbara would like to make a correction to it. First, Jane's last named was incorrect, should read "Hislop". The fifth paragraph, fifth line down should read "Committee to advise the Board of Selectmen not to release ConEd's Bond" and the last line of that paragraph should read," Vincent's motion carried in the affirmative, voted unanimously." Pearl will retype and resend to CC. All in favor of April 19th Site Walk Meeting, AYE, motion carried.

Old Business:

Prime Wetlands Consultation with Counsel

Peggy would like to turn over this meeting to Justin Richardson and Peggy will be recusing herself.

Justin: While we are in Public meeting, I would like to introduce everyone to Geoff Ranson who is here with us and what we have here is a recommendation for a response to PDA that we would like to review. There are two ways we can do that, 1) Either vote to go into a non-public meeting to consult with legal counsel or 2) We can adjourn the meeting temporarily. Jane made a motion to go into a non-meeting with counsel. Motion to end our Public meeting. Justin: Dorothy seconds it, any further discussion, all in favor, AYE. Motion unanimous. Time 6:45 P.M.

Jane making a Motion to open the Public Session at 7:30 P.M. Note that George Fletcher here for this part and Tom Morgan is also here. Motion seconded by Barbara, any discussion, all in favor, AYE.

Prime Wetlands discussion continued. George: Makes a motion to reimburse Justin for copying costs. Barbara makes a motion that we approve the bill for the copy and service done by Justin in the amount of \$173.00 @ \$1.00 per page. Seconded by Jane. Any discussion on the motion. All in favor, AYE, any opposed, None.

PDA Issue: Any further discussion. None.

Justin will step down as interim Chair and have Peggy Lamson take over.

New Business:

Peggy: She has just a few things that came before her, from the BOS in relation to the letter Barbara

and I gave for you to read. Relative to the ConEd thing. Barbara attended the Selectmen's meeting on May 1st and she asked them a question relative to the ConEd issue of the vegetation, which Peggy sent out on April 21st to the BOS, a letter relative to the landscaping. Barbara can you give a response? Barbara: Sent out a memo as well as to the PB, on April 19th after the site walk. I noticed Monday night, the second of May, at the Selectmen's meeting, this issue wasn't on the Agenda. Barbara asked what their pleasure was in regards to the release of the ConEd Board bond on Shattuck Way. She asked them to put it in writing and do a memo and send it to the CC. Barbara read the memo as follows:

Dear Members:

At the Board of Selectmen's meeting held on Monday, May 1, 2006, a member of your commission, Barbara McDonald, asked the Board if they intended to release funds per request from Newington Energy (Con-Ed).

It was so noted at that meeting to not release funds until the road and landscape issues were satisfactorily addressed.

I do want to mention that our Planner, Tom Morgan is spearheading Newington's interest in this matter and as a result of your next meeting, the Board would appreciate a report back on your concerns.

Jack O'Reilly, Chairman of BOS--END OF MEMO.

Peggy needs approval to pay Mark West for two meeting he attended at the CC on 4-6-06, the bill was \$244.75. Approved to pay bill. Need a motion for the Mosher property we asked him to do a site inspection, photo documentation, attended meeting, did additional film work and mileage of \$401.60. Jane made a motion to approve for payment West Environmental. George seconded, All in favor, AYE, motion carried.

Notification of Routine Railway and Roadway Maintenance Activities: Notification of work to be done. Explanation ensued. Peggy has given everything to you in the packet.

New Business:

Shattuck Way Landscape Plan, ConEd

Justin recused himself.

Barbara proceeded to read the May 8th, 2003 CC minutes. A discussion ensued about all the different plants and what is there and what are missing. George Germano of ConEd who represents the company was present and to answer questions regarding the agreement they had made. Peggy: She read a memo from John Ratigan, Attorney, regarding ConEd maintenance bond/landscaping.

Peggy read the memo from John Ratigan to Tom regarding ConEd maintenance bond/landscaping as follows:

As a follow-up to our discussion today, Page 6 of the 12/5/00 Joint Development Agreement as section 5.2 (a) iv provided:

Iv. ICR Maintenance-upon substantial completion of the ICR to Town specifications, an irrevocable letter of credit or acceptable guaranty by a credit-worthy entity acceptable to the Town in the amount of ten percent (10%) of the road way construction costs shall be established in favor of the town for a term of three years.

Schedule 5.2 (Page 16 of Joint Development Agreement), sets forth the construction cost estimate for the ICR, including as Phase 4, Landscaping in the amount of \$90,000.

The last bond reduction I am aware of occurred in response to correspondence from ConEd dated 1/11/02, whereby ConEd's Ron Bozgo asked the bond to be reduced to \$509,500. The letter from Ron

Bozgo identified \$410,000 as "retain age", apparently corresponding with the 10% maintenance bond amount. The request to release the bond down to \$509,500 was confirmed by the town's engineer Edwards and Kelcey, as a sum sufficient, in correspondence from Mike Desrochers of E&K dated

1/22/02.

The 3-year maintenance bond was calculated at 10% of the original \$4,100,000 construction cost estimate and covers all work done on the ICR, including landscaping. Any failure or deficiency within the three years maintenance bond period is a basis for asking the repairs or restoration be made, failing which the bond can be called to remedy the deficiency.

You've informed me that the 3-year maintenance period expires on May 15, 2006. The monies are held in an account at the Bank of New York. If you think there's any chance that ConEd and the Town won't be able to work this landscaping/tree replacement issue out, I'd like to know by May 5th so that I can work with you and the PB to call the bond in a timely manner. John--END of Memo.

Discussions continued on who's responsibility it is. Vincent would like to see them come to some kind of agreement. George requested a copy of the Minutes that Barbara read. Barbara stated that this office was under the impression that they filled their obligation. There was a lack of communication, someone should have communicated with us. Discussion continued. Peggy read a letter sent to the BOS from the CC re the inspection of Shattuck Way landscaping on April 19th. The commission advises the BOS not to release ConEd's bond for Shattuck Way as the NCC on 4/19 completed a site walk and identified numerous omissions, dead vegetation, incomplete wetland replication, etc. in essence an incomplete landscape plan *see Industrial Corridor Road Phase 4, Landscaping Plan, July 24, 2002. Serious attention is necessary for completion of project." Any questions, consult with Tom Morgan who attended the walk with the Commission. End of letter.

Peggy: Requesting them to complete the vegetation list. And they are going to do it. Peggy is telling George. Does anybody else have any other questions as how you would like to come to terms with ConEd, George, Jane? Again, discussion continued. Peggy: Tom do you have any input. Tom: Suggest that we not ask them to replant the invasive species. We are all in agreement. Yes!

Peggy: Jane, George, all of you, what would you like, as I asked before, I would like to see the replenishing of the vegetation because it's an Industrial Service Road to Shattuck Way that it has some attractiveness and get Opechee to replace the trees they took out and I know they will do it and I know that Mr. Allard took out and planted some of his own trees and I know he would put them back on his property. Westinghouse took out a lot of trees and put their own vegetation there. Jane: Should contact Public Service also.

Peggy: BOS wants feedback after the meeting. Do you all want to stick with the April 19th motion? Peggy was asked to repeat the motion. Barbara moved to stick with our motion. Peggy: Do I have a second, Vincent seconded. Do I have a point of discussion, George of (CC)? Made recommendation to adjust it. Again, discussion continued.

Peggy: Do you want to go with Tom's Inventory from April 19th, where Barbara made a motion and Vincent seconded it and we would go and call the bond? Peggy, George, George of (CC)? I already made recommendation to adjust it. Peggy feels she would like to see ConEd before this bond is released is to have a reputable scientist walk the road and go over the whole plan. Barbara would like them to submit a plan to us and need a professional environmentalist to report back to us and questionable about the wetland mitigation to see that it's proper.

George Germano: They did full fill the plan probably to 90% of what was there if not more. If there are records that prove the trees were planted in numerous locations and to ask a company which has gone forth and done it once, to do it again, to me there seems to be a little bit of disparity there.

Certainly we can work together to bring this to conclusion. Peggy: We have the discussion on the floor, we're going around, were discussing back and forth, either vote on the motion or go amend the

motion and make another motion. Peggy: You've discussed this; I've added my comments. Peggy is asking for a vote, Vincent, Yes, Barbara votes, Yes, Jane and George against motion as it stands and Jane feels they need to modify it and Dotty Abstained. Madam Chair is going to break the tie and going with the nayes.

Peggy: Now we have to amend the motion. Barbara you were going to put a motion on the floor?
Jane: Ask ConEd what they would provide. George: would like to give it a little thought, want to keep things looking nice around here. I need to better understand what you are looking for before he can propose anything. Denis: Suggestion: they are aware there will be an extension on the bond and recommend that you might want to listen to what they have to offer and what they come back with. Jane would rather see the money and replacement for x amount of trees. Discussion continued. Peggy: Make a motion that we suggest that we would like ConEd to come back to us with an alternative solution to the plan. Seconded by George, all those in favor, AYE, Barbara, Vincent, aye. Motion carried in the affirmative. Peggy: George can you come back in June the 8th. George: He might be able to get something together for them, but can't commit. He wants to keep it all together. There are other pieces to this and might not have it ready for the 8th. He will do everything possible. Peggy: We could have an extra meeting to work with this if the can't have it ready for the 8th. Peggy: Communicate with Tom. Peggy: Thanks George for coming.

Tom handed Peggy a Memo from Beatrice Marconi sent to all Departments, Committees and Commissions to curb spending until the spring tax money comes in to ease cash flow they may encounter.

Election of Officers:

Who would like to take over the Chair Person position? Barbara nominated Vincent. Seconded by George. All those in favor of Vincent as Chair Person, AYE.

Need a motion from the floor to nominate a Vice Chair Person. Vincent nominated Barbara and Jane seconded it. All those in favor, AYE. All in favor for Barbara McDonald as Vice Chair Person. George seconded it. All in favor, AYE.

Motion carried in the affirmative.

Barbara suggested we designate Justin to be the point person on the prime wetland. Jane seconded it. All those in favor, AYE.

Vincent moved to adjourn the meeting at 9:21 P.M. All in favor, AYE.

Respectfully submitted:

Pearl Travis-Sirois, Recorder/Transcriber

file: NCC Mins. 5/3/06

Newington Conservation Commission

Revision
April 19, 2006

Newington town Hall
5:30 P.M.

Chairman Lamson stated all would proceed to Shattuck Way and have a site walk to review the landscape plan of ConEd for Shattuck Way.

In Attendance: Chairman Margaret Lamson, Jane Hislop, Dottie Watson, and Town Planner; Tom Morgan, Barbara McDonald and Vincent Frank met the Commission at Shattuck Way.

Absent: Board of Selectmen representative Cosmos Iocovozzi and George Fletcher.

Public Present: ConEd Representatives, Richard Staines, George Germano, Gerry Gagne, Meridian Engineering who did the Landscape Plan for ConEd.

Commissioners walked with Town Planner reviewing the Landscape Plans resulting in many omissions. Tom Morgan Kept a list of the vegetation not completed. Plus the Daylilies not planted on River Road Cul-de-sac. When Commissioners finished their walk at 7:30 P.M., Barbara McDonald made the motion for the Newington Conservation Committee to advise the Board of Selectmen not to release ConEd's Bond (Shattuck Way) as the Newington Conservation Committee on April 19, 2006 completed a site walk and identified numerous omissions, dead vegetation, incomplete wetland republication etc. in essence on incomplete landscape land *see Industrial Corridor Road Phase 4, Landscaping Plan, dated July 24, 2002. Serious attention is necessary for completion of project. Vincent motion carried in the affirmative. Voted unanimously.

Site Walk completed at 7:40 P.M.

Respectfully,

Krislenn Fleming
Town Secretary