



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

December 1, 2011

Regular Meeting

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Madelaine H. Bottone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

Present: Tim Holman, Chairman
Kevin Cegelka
David Madar
Jeff Gould
John Jones
Ed Phipps

Others Present: Fred D'Amico, C.E.
Jim Tanner, ZEO
Tom Welch, IWC Attorney

The regular meeting of the Ansonia Inland Wetlands Commission was called to order at 7:00 p.m. by Chairman Holman.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

There was a quorum present.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the November 3, 2011 Regular Meeting. Mr. Cegelka seconded. All in favor, so carried.

Approval of Bills

none

IWC120111

Correspondence

Mr. Phipps made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Cegelka seconded. All in favor, so carried.

1. 2012 Meeting Schedule

Mr. Phipps made a motion to adopt the 2012 Meeting Schedule as presented. Mr. Gould seconded. All in favor, so carried.

Public Session

Chairman Holman asked three (3) times if there was anyone from the public who wished to address the Commission.

There was no one.

Mr. Phipps made a motion to close the public session. Mr. Madar seconded. All in favor, so carried.

Prestige Builders/A.J.Grasso: request to release bond Hunters Lane

There is no one present.

A letter was received from Mr. Grasso requesting this is tabled to the next meeting.

Mr. Cegelka made a motion to table this request to the next meeting. Mr. Jones seconded. All in favor, so carried.

NCW Dev./W.C. Griffin: request to release bond 48 & 50 Prindle Ave.

Mr. William Griffin was present.

Mr. Griffin said that Attorney Sheehy sent a letter today to the Commission regarding the release and or reduction of IWC bonds.

A copy of the letter is attached.

Chairman Holman said that it has been past practice for the Commission to release the bonds upon the recommendation of the City Engineer. He said he suggests the commission release \$7000 and keep \$3000 pending a letter from the City Engineer that Mr. Griffin has complied with our requests.

Mr. Cegelka made a motion to release \$7000 of the bond for Prindle Ave. and keep \$3000 upon the written recommendation of Mr. D'Amico, City Engineer. Mr. Madar seconded.

Mr. Gould said he would be in favor of releasing the bond if it meets with Mr. D'Amico's approval.

Mr. D'Amico said that the work is complete and holding \$3000 is sufficient to cover any damage.

Chairman Holman called for a vote: All in favor, so carried.

Mr. Cegelka made a motion to have the secretary release the \$7000 upon the receipt of a letter from Mr. D'Amico. Mr. Jones seconded. All in favor, so carried.

Maribel Johanson, 178 Prindle Ave. water problem

There is no one present.

Steve Williams, 187 Hill St. water problem

There is no one present.

17 Hodio Drive – Tkacs Property

Attorney Welch said they are still in discussions.

34 Benz Street – Marcucio Property

Attorney Welch said there was a December 1st court date, however it was postponed. The new court date is January 9, 2012. He said there will be a meeting on the site with Mr. Tanner, Mr. D'Amico, Attorney Bennett (their attorney) and himself next week. They have submitted a video of run off during the storm but this violation is from three (3) years ago.

Violations

Mr. Tanner said there are no new violations.

Any other business to come before the Commission

Mr. D'Amico said there are some old IWC Bonds that could be released. Two or three are very old and the developer's have gone bankrupt. They are Adanti Ave. and Southfield Nursing Home.

Mr. D'Amico said they can't release these to the owners because they are bankrupt or have sold the facility.

Attorney Welch said that the commission would have to try to find the owner of the bond to return it to them or the money would have to go to the State of CT.

Chairman Holman asked Attorney Welch to look into this and see if the Commission can release the bonds.

Mr. Phipps made a motion to table this request until Attorney Welch has an opportunity to research this and report back to the commission. Mr. Madar seconded. All in favor, so carried.

Chairman Holman discussed the flooding issues that have been occurring on Prindle Avenue and the surrounding area (Hill St., Benz St.) He said that these issues do not belong under Inland Wetlands and he doesn't see anything that the City of Ansonia is responsible for. There are no violations and the Commission regulates wetlands. He said something happened in the past and there was a settlement but that is not Inland Wetlands responsibility. He said he has made telephone calls to the State regarding these issues. The Commission walked the area and there is nothing that this Board or the City did to cause this and it is out of our hands and it doesn't belong with the Wetlands Commission.

Attorney Welch said there is not an application before the Wetlands Commission. The issue is if the runoff is the City of Ansonia's runoff. It is either a civil matter or a matter for the Board of Aldermen. There is no application before the commission.

Commission discussion was held on the property and the water issues. Mr. Cegelka said that someone hired somebody to clean the brook by Steve William's property. The area of the brook that was cleaned goes from Hill Street /Benz Street down to Shortell Drive. The company was Colonna Concrete that was there.

Chairman Holman said there have been complaints of debris in the brook by Prindle Avenue and Benz Street. He said he will speak with Supt. Schryver regarding the cleanup of the brook in this area.

The Commission members discussed the request to reduce the bond for Prestige Builders who are building on Valentine Court. They are seeking release of funds for three lots. It was noted that two of the properties have stone walls that appear to be unstable and have to be repaired and fixed.

Chairman Holman said that it is the opinion of the commission members as to whether or not they wish to reduce the bond.

Mr. D'Amico said that he would have to check the subdivision to see how stable the area is and whether or not a partial release for three lots could be done.

There was discussion on the bonds and how they are held in place until the last C.O. is 3 years old after the completion of the subdivision or project. Mr. D'Amico said generally the subdivision is completed by the time the developer comes in and requests some of the bond back.

Commission members discussed the length of time a permit is in effect before it expires. There has been some new legislation allowing the permits to remain in effect for 8 years instead of 5 years because of the economy. Mr. D'Amico said that normally once the site is stabilized the bond could be released. He said Ansonia has held bonds for three years with one year growing time to make sure there is no damage or erosion to the wetlands or property. He said that is probably the most effective way to handle bonds.

Mr. D'Amico said he will go up to Hunters Landing Subdivision and check the site. There are three houses that were built first and there are no wetlands on those lots.

Discussion continued on the releasing of bonds and the general consensus of the members is that this is a large project on the brook and only partially completed. They feel that the commission could consider a partial release of funds upon the written recommendation from Mr. D'Amico and copies of the Certificate of Occupancy for the houses that are being considered.

January Meeting:

The January meeting date is Thursday, January 5, 2012 at 7:00 p.m.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 7:55 p.m. Mr. Gould seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary

LAW OFFICES

SHEEHY & DILLON

ATTORNEYS AT LAW
303 WAKELEE AVENUE
ANSONIA, CT 06401

(EXIT 19 - NORTH OR SOUTH FROM ROUTE 8)

JAMES E. SHEEHY*
ALSO ADMITTED TO PRACTICE IN FLORIDA*

TIMOTHY P. DILLON

RECEIVED FOR FILE

11 DEC -1 PM 2:33

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December 1, 2011

Mr. Timothy Holman
Chairman
Inland-Wetlands Commission
City of Ansonia
253 Main Street
Ansonia, CT 06401

Re: Release of Inland-Wetland Bonds

Dear Mr. Holman:

The Corporation Counsel, Kevin M. Blake has requested that I render an opinion for the Inland Wetlands Commission regarding the release of Inland Wetland Bonds. A copy of his letter and the Commission's letter are attached hereto for reference.

The authority to establish a municipal Inlands Wetlands Commission was enacted and codified in Section 22A-42 Connecticut General Statutes.

Pursuant to this legislation the City of Ansonia created a municipal Inlands Wetlands Commission regulating the wetlands and water courses within the municipal boundaries of the City of Ansonia.

With regard to your particular question Section 12 Bond and Insurance states the follows:

“12.1 The applicant upon approval of the application and prior to issuance of a permit, at the discretion of the Agency, may be required to file a performance bond and/or maintenance bond in an amount and with sureties, and in a form approved by the Agency in consultation with the Corporation Counsel and City Engineer of Ansonia.

12.2 The bond and sureties shall be conditioned on compliance with all provisions of these Regulations and conditions imposed on application approval.”

The bonds may be released in accordance with the language contained in Section 12.

LAW OFFICES

SHEEHY & DILLON

ATTORNEYS AT LAW
303 WAKELEE AVENUE
ANSONIA, CT 06401

(EXIT 19 - NORTH OR SOUTH FROM ROUTE 8)

JAMES E. SHEEHY*

ALSO ADMITTED TO PRACTICE IN FLORIDA*

TIMOTHY P. DILLON

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First, the Commission must determine if the applicant has complied with all the provisions of the regulations and conditions imposed by the permit. The Commission should request a written report from the City Engineer that the conditions and work set forth in the permit have been complied by the applicant.

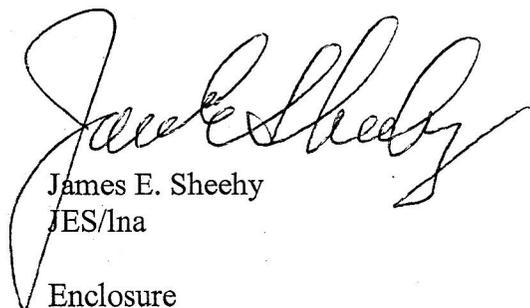
Second, based upon past practice, the Commission can release bond funds or reduce the bond if partial work has been completed by the applicant.

Again, the Commission should request the City Engineer for written corroboration that the work has been either totally or partially completed by the applicant.

Once, this information has been submitted to the Commission, the Commission can act to release the entire bond or release a portion of the bond.

If you have any further questions, please contact me.

Very truly yours,



James E. Sheehy
JES/lna
Enclosure