



TOWN OF ESSEX
Inland Wetlands and Watercourses Commission

Executive Committee
Fred Szufnarowski Chairman
Andre Roussel, Vice Chair

29 West Avenue • Essex, Connecticut 06426
Telephone (860) 767-4340 • FAX (860) 767-8509

Regular Members
Daniel Lapman
Ernest Cook
Jim Leo

Alternate Members
David Kirsch
Michael Furgueson

Unapproved

Special Meeting Minutes – April 7, 2021 Regular Meeting

1. Call to Order and Seating of Members

The Essex IWWC conducted a special meeting on April 7, 2021 at 5:00 p.m. Meeting made available to the public via Zoom platform.

***** [Executive Order 7i grants 90 additional days to all applications that are in process during the current designated emergency. Executive Order 7J states such applications shall not lapse during the State of Emergency:]**

1. Call to Order and Seating of Members

EIWWC Chairman Fred Szufnarowski welcomed members of the public to the April 7, 2021 Essex Inland Wetlands and Watercourse Commission public access special meeting, which was conducted remotely. The Inland Wetlands and Watercourse Commission members and attendees announced themselves. The audio attendees were advised to mute themselves during the meeting except during public comment. Attendees were asked to please identify themselves for the record prior to making any comments.

Attending Members:

Fred Szufnarowski, P.E.
Andre Roussel
Daniel Lapman
Ernest Cook
Michael Furgueson, Alternate seated for J Leo
David Kirsch, Alternate

Absent Members:

Jim Leo

Staff - Carey Duques, Zoning Official



Stella A Caione, Recording Clerk
Robert Doane, P.E., Enforcement Officer
Sylvia Rutkowska, Esq., Attorney for IWWC

Audience - Audience members were Fred DeCrescentis, Suzanne Tweed, and Peg Farley - South Winds Association.

F. Szufnarowski called the meeting to order at 5:00 p.m.

Seated for the meeting were F Szufnarowski, A Roussel, E Cook, M Furgueson, D Lapman.

Robert Doane and Carey Duques were sworn in by Attorney Rutkowska.

2. Other Business

- Update on status of Cease and Desist Order on 32 Birch Mill Trail

Sylvia Rutkowska commented on the Show Cause hearing which was conducted on March 9, 2021, on the Cease and Desist Order related to the subject property. Mr. Doane stated that he sent a letter to Terry Lynn McDonald and Dustin Vollano dated March 10, 2021, which was sent certified mail return receipt requested, notifying the property owners that the IWWC voted to affirm the Cease and Desist Order. R Doane stated, on March 16, 2021 he filed a Certificate of Order for the land records with the Town of Essex, and attached Schedule A, which was a copy of the Order. On March 17, 2021 Mr. Doane sent the Certificate of Order and Schedule A, by certified mail, to the property owners.

R Doane inspected the site at 32 Birch Mill Trail on April 6, 2021 and upon entering the property, Mr. Doane went to the door, rang the door bell in attempts to meet with property owner, however there was no answer. Mr. Doane stated that he observed that the hillside is slightly eroding and he stated that he did not witness any additional activity on 32 Birch Mill Trail. Mr. Doane stated that there were no attempts at remediation of the site. Mr. Doane stated that to date, he has not received any application for work on this property, and he has not received remediation plans for this property. R Doane stated that he has spoken with Rich Snarski, soil scientist a few days prior to this meeting, and asked Mr. Snarski if he had had any communication with Terry Lynn McDonald. R Snarski stated that he has not had any communication with Terry Lynn McDonald, and Mr. Snarski indicated that he has sent his bill twice to Ms. McDonald, and noted that he has yet to be paid.

R Doane stated that he has not received any appeals to this Cease and Desist Order and no appeals of the Show Cause.

R Doane stated that when his survey crew, who was doing work staking the property line of the common driveway for Adrienne Brochu at 34 Birch Mill Trail, Ms. McDonald came out of her home around 4:30 p.m. and expressed concern about the crew disturbing Dave Annino's survey work. R Doane stated that he was out with the survey crew earlier in the day, around 9:30 a.m. and he



discussed the work to be done at 34 Birch Mill Trail with his crew, and at that time, Mr. Doane did not see any activity at 32 Birch Mill Trail, and he was not approached by anyone at 32 Birch Mill Trail. Mr. Doane did not go onto the property at 32 Birch Mill Trail. Ms. McDonald did ask the survey crew to stake the property line, however Mr. Doane noted they were retained by the property owner at 34 Birch Mill Trail.

Carey Duques stated that the Notice of Decision was published on March 17, 2021. C Duques is not in receipt of any applications, remediation plan or appeals of Show Cause or the Cease and Desist Order. C Duques did email the property owner the Agenda for this evening's meeting on April 6, 2021 at 11:00 a.m. There has been no notification that the email was returned.

R Doane asked C Duques to check the revision date of Dave Annino's survey plan which is on the record. It was confirmed that the revision date is 1/29/2021.

At Attorney Rutkowska's request, C Duques confirmed that there is no one in the waiting room at 5:15 p.m.

3. Executive Session- regarding pending litigation

MOTION made by M Furgueson to enter into Executive Session at 5:16 p.m.; **SECONDED** by A Roussel; **Voting In Favor:** F Szufnarowski, A Roussel, E Cook, M Furgueson, D Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

Commissioners came out of Executive Session. The special meeting resumed at 5:28p.m.

MOTION made by M Furgueson to move forward with civil action against the property owner at 32 Birch Mill Trail to affect remediation; **SECONDED** by E Cook; **Voting In Favor:** F Szufnarowski, A Roussel, M Furgueson, E Cook, D Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No Discussion.

Fred Szufnarowski authorized Attorney Rutkowska to go forward with civil action proceedings against the property owners at 32 Birch Mill Trail.

Attorney Rutkowska stated that she will provide monthly updates to the IWWC re litigation.

Fred DeCrescentis asked if the South Winds Homeowner's Association will be involved with this litigation moving forward. Attorney Rutkowska stated that, at the initial stages of this action, the Homeowner's Association will not be involved, however they may be offered as a witness with regard to their observations. This will be determined as the process moves forward. Fred DeCrescentis noted that there will be an Association meeting upcoming and asked if he should brief the 58 members of the Association Board, questioning if this would be in conflict with this civil action. Attorney Rutkowska stated that the Motion the IWWC has taken is public record.



4. Adjourment

MOTION made by D Lapman to adjourn at 5:36 p.m. to the next regularly scheduled IWWC meeting to be held on Tuesday, April 13, 2021 at the Essex Town Hall, 2nd Floor Conference Room A, 29 West Avenue (alternate location by teleconference); **SECONDED** by E Cook; **Voting In Favor:** F Szufnarowski, A Roussel, M Furgueson, E Cook, D Lapman; **Opposed:** None; **Abstaining:** None; **Approved:** 5/0/0. **Discussion:** No further discussion.

Respectfully submitted,

Stella A. Caione

Stella A. Caione, Recording Clerk

