

## 2013-08-26 BRRRA Spc Mtg Minutes

**TOWN OF BROOKLYN  
RESOURCE RECOVERY COMMISSION  
Special Meeting Minutes  
Monday, August 26, 2013  
Brooklyn Town Hall  
4 Wolf Den Road**

- 1. Roll Call:** Mike Barry, Randy Brumbaugh, Roger Pellerin, Bob Lee, Tom Pallone.

**Absent:** Bob Benson with notice.

**Also Present:** Jana Roberson, AICP, Land Use Administrator, Audrey Cross-Lussier, Recording Secretary.

- 2. Approval of Regular Meeting Minutes June 12, 2013.**

A motion was made by Randy Brumbaugh to approve the meeting minutes of June 12, 2013. Roger Pellerin seconded this motion. No discussion held. All in favor. The motion passed unanimously.

- 3. New Business:**

- a. Discussion of Solid Waste Regulation.**

Chairman Barry stated that several complaints have been received with regards to dumping of construction debris/waste onto the property located at 9 Eino Drive.

Jana Roberson, AICP, Land Use Administrator addressed the Commission and investigated the complaints from a zoning and wetlands perspective and did not find any violations. Ms. Roberson did further investigation with the DEEP Solid Waste Division and it was deemed that they are operating a solid waste fill. The Town of Brooklyn has a Solid Waste Regulation Ordinance. Ms. Roberson discussed Section 14-1.3 Prohibited Disposal Practices and discussed Section 14-1.11 Inspections; Violations of this Section; Notice; Suspension or Revocation of Permit with Commission Members in detail.

**14-1.3 Prohibited Disposal Practices.**

It shall be unlawful for any person to:

- a. Dispose of solid waste, which is generated outside the corporate limits of the Town, at any location within the corporate limits of the Town unless written permission has been given by the BRRRA.
- b. Dispose of solid waste generated inside the corporate limits of the Town of Brooklyn at any facility or location within the corporate limits of the Town other than the Town Solid Waste Facility unless approved in writing by the BRRRA.
- c. Deposit solid waste in any solid waste container other than his own without the written consent of the owner of such container.
- d. Burn solid waste unless an approved incinerator is provided or unless permission has been obtained from the

## Connecticut Department of Environmental Protection.

- e. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Town without a permit from the BRRA or operate under an expired permit, or operate after a permit has been suspended or revoked.
- f. Deposit, throw, rake or distribute leaves, branches, trash, garbage, or waste upon any street, sidewalk, right of way, storm sewer, catch basin, gutter or upon any Town-owned property.
- g. Fail to take corrective measures ordered by the BRRA under authority of subsection 14-1.11.

**14-1.11 Inspections; Violations of this Section; Notice; Suspension or Revocation of Permit.**

a. The BRRA is authorized, upon determination of a violation of this section or the rules and regulations authorized herein, to order corrective measures, to suspend permits, to revoke permits, and to order the payment of a fine of not more than one hundred (\$100.00) dollars per violation. The BRRA or its designee is further authorized to receive and investigate complaints, and to inspect all phases of solid waste management within the Town of Brooklyn, except that no inspections shall be made of any premises unless authorized by the owner or occupant or by due process of law. In all cases in which investigations and/or inspections indicate violation of this section or the rules and regulations authorized herein, the BRRA shall notify the person subject to the investigation and/or inspection by certified mail that it will hold a hearing to determine whether there has been a violation. The BRRA shall hold a hearing not less than seven (7) nor more than thirty (30) days after the mailing of the notice, and the person subject to the investigation and/or inspection shall have the right to be heard and to participate in the hearing, and shall be allowed to be represented by counsel. At the conclusion of the hearing, the BRRA shall make a determination as to whether a violation has occurred, and shall issue written notice of its decision by certified mail to the person subject to the investigation and/or inspection. If the BRRA determines that a violation has occurred, written notice shall specify the type of violation or violations found, including the time and date of each violation, the corrective measures, if any, to be taken and the time in which said corrective measures shall be taken, the amount of the fine, if any, for each violation, the dates of suspension, if any, of the permit or permits held by the violator, and the date of revocation, if any, of the permit or permits held by the violator.

b. Failure to take corrective measures within the time ordered by the BRRA shall constitute a separate offense for which the BRRA may order the amount of a fine of not more than one hundred (\$100.00) dollars. In the case of unabated standing violations, each day shall constitute a separate violation for which the BRRA may order the payment of a fine of not more than one hundred (\$100.00) dollars.

c. Any person aggrieved by any decision of the BRRA ordering corrective measures, suspension or revocation of a permit, or a fine, may appeal to the Board of Selectmen within ten (10) days from the mailing of the decision. The appeal shall be in writing, shall state the basis of the grievance, and shall be filed in the office of the Town Clerk. The Board of Selectmen shall hold a hearing on the appeal within thirty (30) days from the date it is filed, and notice of the time and place of the hearing shall be provided to the appellant and BRRA by certified mail not less than seven (7) days prior to the hearing. The appellant and BRRA shall have the right to be heard and to participate in the hearing, and shall be allowed to be represented by counsel. At the conclusion of the hearing, the Board of Selectmen shall make a decision on the appeal, and shall issue written notice of its decision by certified mail to the appellant and the BRRA.

Discussion ensued.

A Memorandum dated August 14, 2013 from Syl Pauley, Jr., P.E. NECCOG Regional Engineer with regards to observations of fill in a depression located 9 Eino Drive was reviewed by Commission Members. The following was suggested by Mr. Pauley:

1. Create an engineered plan showing existing grading, final grading, storm water runoff controls, and specification of materials.
2. Cut the aboveground portion of trees as close to the ground as possible. Stumps may remain in place and all cut

material should be removed from the fill zone. This will greatly reduce the chance of settlement due to decaying woody matter.

3. Spread acceptable fill over a level area in uniform lifts compacted to a depth no greater than 12". Maintain this regimen until the desired finish subgrade is achieved.
4. Concrete slabs and large boulders should be spread out so as to minimize voids that will form if just left in a jumble. If this is not done there is an increased risk of surface subsidence or formation of sinkholes in the future.
5. Spread topsoil (loam) over the subgrade to achieve a compacted depth of no less than 4", being careful to grade the surface so as to shed surface water in several directions to avoid unwanted ponding. Incorporate fertilizer and lime into the loam, rake the surface, apply grass seed, tamp with a roller and water.
6. Finally, it should be noted that we saw that the parcel of land adjacent to and west of the subject location has a similar deep depression across its frontage along Bailey Woods Road. This is a continuation of the one located at 9 Eino Drive. It is unclear at this time whether or not filling the entire hollow at the subject location will have a negative impact on the abutter, i.e., drainage, erosion, etc.

A copy of this memorandum is on file in the Selectman's Office and is available for public review.

Ms. Roberson called the property owner at 9 Eino Drive, Mary Jane Burke who came in for a meeting and agreed to stop the work and has been very cooperative.

Bob Lee suggests adding what the trigger point is to the ordinance. Chairman Barry noted that the change would have to go to a Town Meeting.

Bob Lee suggests the following be resolved:

1. Copy of the Engineer's release that the concrete debris from the Extra Mart Station is clean enough to meet the State's criteria to place it in the depression.
2. Establish an Ordinance trigger point to the Town Ordinance.
3. Address the parking of trucks issue.
4. Decide on the permit criteria.
5. Establish a hearing date.

Bob Lee also recommends sending a certified letter with regards to stop work order and to include the date of the hearing.

The Commission suggests that Syl Pauley, Jr., P.E. NECCOG Regional Engineer be present for the hearing date. Ms. Roberson stated he plans on being at the hearing.

A motion was made by Mike Barry to set a hearing date for Wednesday, September 11, 2013. Bob Lee seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **b. Budget.**

Roger Pellerin gives a brief summary of the budget. Mr. Pellerin has not received any year end budget as of yet but will ask Sherri Soucy for this. Mr. Pellerin stated that we are running a little behind than last year. The average is about \$1,902 per week for the first seven weeks as opposed to \$1,930 last year. The bulky waste is up from last year approximately \$300. The large bags revenue is down.

#### **c. Casella Waste Recycling Pick Up Schedule.**

Chairman Barry stated that Casella has been having issues with truck drivers as there has been a turnover with new employees. Chairman Barry has spoken with Mr. Galena who will straighten out this issue as soon as possible. Chairman

Barry will ask Mr. Galena for a new curbside pick up schedule.

Chairman Barry commented on the damaged wall at Geoffrey Westfall's property on Robbins Road and has discussed this issue with Mr. Galena.

**4. Public Commentary:** None.

**5. Adjourn:**

A motion was made by Mike Barry to adjourn the meeting at 8:23 p.m. Bob Lee seconds this motion. No discussion held. All in favor. The motion passes unanimously.

---

Audrey Cross-Lussier  
Recording Secretary