

**TOWN OF BROOKLYN
RESOURCE RECOVERY COMMISSION
Regular Meeting Minutes
Wednesday, October 8, 2014
Brooklyn Town Hall
4 Wolf Den Road
7 p.m.**

1. **Roll Call:** Mike Barry, Donald Francis, Chuck Morrison, Bob Lee, and Bob Benson. The meeting was called to order at 7:00 p.m.

Absent: None.

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

2. **Approval of Regular Meeting Minutes September 10, 2014.** A motion was made by Donald Francis to approve the regular meeting minutes of September 10, 2014. Bob Lee seconds this motion. No discussion held. All in favor. The motion passes unanimously.
3. **New Business:**
 - a. **9 Eino Drive, Mary Jane Burke, Property Owner; Proposed Continuation of Existing Permit.**

Chairman Barry opens the floor to Jana Roberson, AICP, Land Use Administrator who is acting as the agent for the Brooklyn Resource Recovery Commission. Ms. Roberson reviews the corrective measures that shall be taken by completing the land filling activity in accordance with the plans titled "Proposed grading plans prepared for Jack and Mary Jane Burke, 9 Eino Drive, Brooklyn, CT, Drawing Scale: 1"=20' Sheet 1 of 1, Project No. 133050-As1075, date October 8, 2013," and including the following conditions:

1. No dumping prior to 8 a.m. or after 6 p.m.
2. Limit dust by watering.
3. Allow land filling activity for a period of one year extending to October 9, 2014 and such land filling activity may be continued beyond October 9, 2014 upon additional written permission of the Brooklyn Resource Recovery Commission.

Ms. Roberson discussed the Construction Notes 1-8 with Commission Members and the Burkes.

1. Prior to the start of construction, contact Call Before You Dig at 1-800-922-4455 to verify the location of all utilities – Mr. Burke replied he did not Call Before You Dig as he did not dig.
2. All trees within the proposed fill area shall be flush cut prior to filling. Stumps shall be left in place. Trees and brush shall be removed and not buried – Mr. Burke stated that the area that has been filled the trees have been removed.
3. Large boulders and pieces of concrete incorporated into the fill shall be spread out to allow complete filling around their perimeter without excessive voids – Mr. Burke stated there have been no additional concrete chunks brought in.
4. Soil fill shall be placed and compacted in 12” lifts – Mr. Burke stated that this is impossible, it is a 35 foot hole, there is no way to get a machine down in there. Mr. Burke stated the material was being backed over as it was being filled and it was being compacted, however, if it is not felt that it is sufficiently compacted than a compaction test can be done.
5. Permanent vegetative cover shall be established on filled areas by spreading a minimum of 24” of soil fill on the compacted subgrade followed by a minimum of 4” of topsoil, seed, fertilizer and mulch – Mr. Burke stated they are in the process of doing this now.

Ms. Roberson asked Mr. Burke to describe what was done in the last year. Mr. Burke stated they continued to fill by backing in and dumping and there has been loam spread over this. Mr. Burke was not sure of how many trees were removed.

6. No hazardous materials shall be disposed of as part of the filling operations. Mr. Burke stated that there is no hazardous material placed there. The original material comes from local gravel banks which then goes to Quikrete.
7. The contractor shall maintain the work area such that stormwater is contained within the disturbed area (bowl effect) unless suitable perimeter erosion and sedimentation controls are utilized. Ms. Roberson stated that this has not been an issue because it is still a bowl shape.
8. Any sediment tracked onto public roads shall be cleaned by the contractor immediately. Ms. Roberson asked Mr. Burke if he ever swept the street. Mr. Burke stated the street was swept often, however, not something that was counted.

Ms. Roberson also discussed the following conditions of approval:

1. No dumping prior to 8 a.m. or after 6 p.m. Mr. Burke reported that there was some dumping done on Monday after 6 p.m. in which he apologized for.
2. Limit dust by watering. Mr. Burke stated what was dumped at any particular time was watered about a half dozen times with a garden hose.
3. Allow land filling activity for a period of one year extending to October 9, 2014 and such land filling activity may be continued beyond October 9, 2014 upon additional written permission of the Brooklyn Resource Recovery Commission.

Ms. Roberson demonstrated and described pictures taken of the property to the Commission members dated 5/27/14, 6/9/14, 7/14/14, 8/13/14 and 9/29/14. The pictures depict filling, trees buried, nature of the debris, and unclean fill.

Ms. Roberson's recommendation to the Board is that the permit be revoked for non-compliance, no additional filling takes place, ordered to prepare a site reclamation plan as it is unsafe in the current condition, the slope is too steep, it needs to be more level with a shallower slope, it needs to be covered with cover material on 24 inches of soil fill with a 4 inch layer of top soil over that. Also, the applicant submits an estimate for the cost of the work to be conducted in the reclamation plan and to post a performance bond of the entire note until the work is done. Additionally, the Commission is allowed to charge a civil penalty of \$100 per day.

Mr. Francis asked when inspections were made and the photos were taken did Ms. Roberson contact the property owner. Ms. Roberson stated she did not contact the property owner, she had a conversation with Jamie Davis, the son of the property owner. Discussion ensued.

Ms. Roberson reviewed a memo from The Quikrete Company with regards to raw materials and product info from Jayson Tanner, Plant Manager, dated 9/11/13. The memo stated: This letter is to certify that the materials being hauled by J&B Transportation for Quikrete is comprised of the below raw materials – Portland, Sand, Gravel 3/8, Lime (in small percentages). The gravel and sand portions of the material are brought in from Brooklyn Sand and Gravel, Jolley Concrete, and Rawson Material.

Ms. Roberson reviewed a Material Safety Data Sheet of the Quikrete Companies.

Ms. Roberson read into the record the following memo dated 10/8/14 from Syl Pauley, Jr., P.E. NECCOG Regional Engineer, Subject – Site Inspection for Filing of Land, 9 Eino Drive, Brooklyn, CT:

As you requested, on October 7, 2014, I visited the referenced location to observe what work has been done since our site visit in August 2013 (reference my memo to you dated August 14, 2013). I observed the following:

- Additional fill (contains sheets of plastic wrapping film, Quikrete bags, hardened concrete, fine gray sand (may be cementitious), gravel, boulders, logs, tree limbs and other unrecognizable debris) continues to be end-dumped from the top of the very tall, steep manmade embankment.
- Standing trees remain in the area being filled and have not been cut down and some are partially buried in the fill.
- Black, clumpy, muck-like soil has been spread over the top of the previously filled area.

It is my understanding that the Brooklyn Resource Recovery Commission approved filling of this land in accordance with the plan entitled "Proposed Grading Plan Prepared for Jack & Mary Jane Burke, 9 Eino Drive, Brooklyn, Connecticut," dated October 8, 2013, which was prepared by Archer Surveying, LLC. On the plan there is a set of notes labeled "Construction Notes," which consists of eight (8) stipulations that are to be followed in filling the property. Based upon

my field observations, I find that Note Nos. 2-5 have not been followed. Note Nos. 1, 6 and 8 may or may not have been followed. Note 7 has been met due to the natural topography of the area being filled and due to the fact that the fill is not being placed in lifts from the bottom as specified in Note 4.

Therefore, it appears that the property owner continues to fill the property as you and I observed in August 2013. He/she has not complied with many of the stipulations listed on the aforementioned plan, upon which, I believe, the Commission's approval to continue filling was contingent on.

If you have any questions please do not hesitate to call me at (860) 774-1253 Ext 13.

Lengthy discussion ensued.

A motion was made by Bob Benson to determine that Mary Jane Burke, owner of 9 Eino Drive (Map 22, Lot 32-5), has over the course of the past year, failed to take corrective measures as ordered by the Brooklyn Resource Recovery Authority at their meeting on October 9, 2013. Such failures include:

1. Failure to follow the approved plans titled "Proposed Grading Plan prepared for Jack and Mary Jane Burke, 9 Eino Drive, Brooklyn, CT, scale: 1"=20', sheet 1 of 1, Project No. 133050-As1075, dated October 8, 2013", including but not limited to, construction notes, 2, 3, 4 and 5.
2. Failure to utilize clean fill as described by Mr. Jack Burke during the hearing held on October 9, 2013.
3. Failure to follow the additional condition of approval of limiting dust by watering.

In accordance with the Brooklyn Town Code Solid Waste Regulations Section 14-1.11a, the permit to dispose of solid waste issued on October 9, 2013 is hereby revoked. No additional Quikrete fill may be placed on the property. Additionally, the applicant is ordered to begin reclaiming the property by removing all buried trees, surface debris and bags, contouring to achieve a 2:1 slope on the bank of the filled area spreading 20" to 26" of clean soil fill over the existing filled areas, and compacting spreading 4" of topsoil over the top which shall be seeded, fertilized, and mulched. Such work shall be completed by December 8, 2014 or civil penalties in the amount of \$100 per day could be levied.

Bob Lee seconds this motion. No discussion held. All in favor. The motion passes unanimously.

b. Discussion of scale repair.

The Commission asked Chairman Barry to obtain quotes for purchasing a new scale. Chairman Barry was in contact with Emery Winslow Scale Company which provided a quote to replace the existing scale at approximately \$46,000. This would be considered as a Capital request.

c. Budget.

Chairman Barry reviews revenue and expense budgets with Commission Members. The week of September 29, 2014 total receipts equaled \$1,138. Chairman Barry discussed the amount of garbage and bulky waste that is brought in from Town own properties as well as evictions and foreclosed properties. Discussion ensued.

d. Change in Next Month Meeting Date:

Commission Members agreed to change next month's meeting date to Thursday, November 13, 2014, 7 p.m. at the Brooklyn Town Hall due to a conflict with the recording secretary.

4. Public Commentary: None.

5. Adjourn: A motion was made by Bob Lee to adjourn the meeting at 8:20 p.m. Bob Benson seconded this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary