

2013-10-09 BRRR Reg Mtg Minutes

**TOWN OF BROOKLYN
RESOURCE RECOVERY COMMISSION
Regular Meeting Minutes
Wednesday, October 9, 2013
Brooklyn Town Hall
4 Wolf Den Road**

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

Absent: Bob Lee with notice.

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

Also Present: Jack and Mary Jane Burke, John Borodezt, Jr.

2. **Approval of Special Meeting Minutes of August 26, 2013:**

A motion was made by Roger Pellerin to approve the special meeting minutes of August 26, 2013. Bob Benson seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. **New Business:**

- a. **Hearing for Violation of Section 14-1.11 Solid Waste Regulations of the Brooklyn Town Code at 9 Eino Drive, Mary Jane Burke, Property Owner.**

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 reads into the record Sections 14.1.3 Prohibited Disposal Practices:

- 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 BRRR.
- b. Dispose of solid waste generated inside the corporate limits of the Town of Brooklyn at any facility of location within the corporate limits of the Town other than the Town Solid Waste Facility unless approved in writing by the BRRR.
- 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.

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

a. The BRRR 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 BRRR 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 the 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 BRRR 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 BRRRA 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 BRRRA 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 BRRRA 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.

Ms. Roberson reviews pictures of the site from June 12, 2013, August 12, 2013 and October 9, 2013 with Commission members.

Ms. Roberson reviews a list of several complaints received from residents who live in the general vicinity:

1. A dust cloud from the filling activities drifted onto the neighbor property causing concern about the impacts of inhaled materials and covered cars and other property with a fine layer of unknown material.
2. Concerned that the fill material is contaminated and can cause negative impacts to ground water wells in the neighborhood and to the stratified drift aquifer. Additional concern regarding the potential need to test water and the cost associated with such testing.
3. Concern regarding noise impacts from the filling activities including loud truck and dumping noises in the early morning and evening hours.
4. Concern regarding the final grading of the fill including whether or not it will create impacts to storm water runoff onto the neighboring properties and impacts from steep slopes.
5. Concern regarding the parking of commercial trucks and other earth moving equipment on a long term basis in a residential area.
6. Concern regarding impacts to the Town right of way including filling of the right of way and potential damage to curbs.
7. Concern regarding the unsightly appearance of trash such as paper and plastic bags that are mixed in with the fill material and concern that this waste was not properly disposed of.
8. Concern regarding that the length of time that such filling activities will continue if a permit is granted.
9. Concern that the filling activity will negatively impact neighboring property values.
10. Concern about burial/filling of trees on the property.

A memo dated September 11, 2013 from Quikrete Companies stated the following: This letter is to certify that the material being hauled by J & B Transportation for Quikrete is comprised of the below raw materials. The gravel and sand portions of the material are brought in from Brooklyn Sand and Gravel, Jolley Concrete and Rawson Material – Portland, Sand, Gravel 3/8 and Lime (in small percentages). Signed Jayson Tanner, Plant Manager, Quikrete Connecticut, Wauregan MA.

Mr. Pauley reviewed the proposed grading plan dated October 8, 2013, prepared for Jack and Mary Jane Burke, 9 Eino Drive, prepared by Archer Surveying, LLC, with Commission members. Mr. Pauley stated that he has looked at the plan and the drainage calculations and consider them adequate and sufficient.

Syl Pauley, Jr., P.E. NECCOG Regional Engineer discussed his review of the site and his memorandum dated August 14, 2013.

In Summary, Mr. Pauley suggested the following method of construction will result in a more stable formation:

1. Create an engineered plan showing existing grading, final grading, storm water runoff controls, and specifications 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 of 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.

Chairman Barry opened the floor to Jack Burke. Mr. Burke stated that he has read through the Planning and Zoning Regulations and did not locate anything that would prohibit him from filling this area. Ms. Roberson contacted Mary Jane Burke and e-mailed the solid waste regulations.

Mr. Burke read the solid waste regulations and felt that the regulations were written for garbage. Mr. Burke then met with Austin Tanner, First Selectman and Ms. Roberson, Land Use Administrator to discuss the issue further. Mr. Burke ceased all activity in July.

Mr. Burke stated the reason for filling is that this is a 30 foot hole that abuts up to two roads and feels it is a hazard and a liability. There are no guardrails to protect this area. The opportunity presented itself for Mr. Burke to haul broken Quikrete bags and to use this as clean fill. Mr. Burke has asked Quikrete to stop using the bags. Mr. Burke addressed the resident's concerns. Mr. Burke has loam available on the property and is ready to spread. Mr. Burke is willing to follow the plan advised by Syl Pauley, P.E. Regional Engineer.

John Borodezt, Jr., resident of 190 Bailey Woods Road addresses his concerns. One particular day in July, Mr. Borodezt exited his home and noticed that there was smoke wafting up his driveway. He went to investigate the "bowl" and saw that it was coming from the adjacent property (Burkes). Mr. Borodezt became concerned with what the unknown source of material may be and if it was going into the water aquifer that feeds resident's wells. Mr. Borodezt is also concerned about the noise that the trucks and pay loader make in the early morning and early evening.

Syl Pauley, P.E. NECCOG Engineer addresses Mr. Borodezt's concerns with regards to the water aquifer and his well. Mr. Pauley feels that Mr. Borodezt's well is far enough away from the activity.

Discussion ensues.

A motion was made by Mike Barry to close the hearing. Roger Pellerin seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Mike Barry to determine that a violation of the Brooklyn Town Code Solid Waste Regulations Section 14-1.3a, 14-1.3b and 14.1.3f has occurred on the property of Mary Jane Burke located at 9 Eino Drive (Map 22, Lot 32-5) between the dates of June 12, 2013 and today, October 9, 2013, that corrective measures shall be taken by completing filling activity in accordance with the plans titled proposed grading plan 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.

Tom Pallone seconds this motion. No discussion held. All in favor. The motion passes unanimously.

b. Budget.

Roger Pellerin gives a brief budget summary. Mr. Pellerin stated that the year-end numbers are not totally audited as of yet. Revenues – actual fiscal year 12/13, \$89,428, unfavorable for the budget for \$10,572. Expenses – budget subtotal expenses year 12/13 \$125,004, actual \$102,404, favorable for \$22,600. Hazardous waste day was favorable by \$10,250. Disposal charges favorable by \$5,336. Electric favorable by \$2,465. Regular payroll part time favorable \$2,546. The budget was overall favorable of \$12,028. (Loss) or gain for Resource Recovery

Operation budget was budget year 12/13 \$-126,804, actual \$-115,111. \$11,693 was returned to the Town.

c. RMG Enterprise Report-Electronic Waste date 7/15/13.

This item will be discussed at next month's meeting November 13, 2013.

d. Resignation acceptance of Alternate commission member Peter Menounos.

Chairman Barry acknowledges the resignation of Peter Menounos from the Brooklyn Resource Recovery Commission.

4. Public Commentary: None.

5. Adjourn: A motion was made by Tom Pallone to adjourn the meeting at 9:10 p.m. Randy Brumbaugh seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier
Recording Secretary