

CONSERVATION COMMISSION
REGULAR MEETING JULY 16, 2013
CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Vice-Chairman Zelek called the roll call at 7:00 p.m. and noted Commissioners Igielski , Sadil and Shapiro were present. Also present were Alternate Paskewich, Mr. Chris Greenlaw, Town Engineer and Attorney Peter M. Boorman, Town Attorney.

NOTE: Vice-Chairman Zelek noted that Alternate Paskewich would vote for Commissioner Ancona.

ITEM III
ACCEPTANCE OF MINUTES

Regular Meeting of June 18, 2013

Commissioner Igielski noted the following corrections:

Page 4---third paragraph from the top of page, line 7 should read “would (tend to fall on the side that this would) be a prior historic fill due to the vegetation on site and”.

Page 6---seventh paragraph from the top of page, line 2 should read “finding of fact that a public hearing is not necessary for Application 2013-05 (21013-05) because the proposed”.

Page 7---add new paragraph between paragraphs 4 and 5 to read “Commissioner Igielski agreed filling was historic and not natural”.

Page 7---first paragraph from the bottom of page, line 2 should read “matter (take a second vote) should be discussed with the Town Attorney to determine if the Commission is”.

Mr. Chris Greenlaw, Town Engineer, noted that on Page 5 the first paragraph from the bottom of the page should be replaced following a review of the tape, where a number of inconsistencies were found by him and a member of his staff. The new entry should read:

Chairman Block raised the question on whether a motion was needed to accept the time extension? Commissioner Igielski responded that he could not ever recall that an official motion was needed to grant an extension. He also noted that the past practice of the Commission for accepting a request for

granting a time extension per the Regulations was for the applicant to make the request in writing for a specified period of time.

Chairman Block reiterated that a notation should be placed in the record (minutes) of the request for a time extension.

NOTE: An audible "yes" (affirmation) is heard on the tape (unable to determine who spoke).

NOTE: Alternate Krawiec arrived at 7:10 p.m. Vice-Chairman Zelek noted that Alternate Krawiec would vote for Commissioner Clark.

Attorney Peter M. Boorman, Town Attorney, recommended that the acceptance of the minutes should be carried over by consensus of Commission members to the August meeting. This action would allow for the changes to be made and the minutes corrected for everyone to review.

It was the consensus of Commission members to carry the item over to the August meeting.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

Application 2013-10, 15 Clifford Street

Mr. Greenlaw noted that per page 3 of the Commission's "Internal Rules and Procedures" an application received within 14 days of a meeting can be received, but not acted upon unless a majority (4 votes) agrees to allow the item to move forward.

Attorney Boorman suggested that the applicant be allowed to talk first on the matter before the Commission renders a decision.

Mr. Alan Bongiovanni, representing the applicant, entered the following remarks into the record:

- A. This application was filed at the request of the Town Engineer (Mr. Greenlaw) because time is of the essence.
- B. This lot was previously created under Petition (Application) 2011-12. It is his opinion that this request is a modification to an existing permit, not a new permit.
- C. There is no wetland shown on this plan.
- D. The question came up during the proposed building plan review process. Staff thought that the proposal was more than they should approve because the foot print of the proposed new house extended further into the regulated (upland review) area than the approved plan shows.

E. If staff agrees (with his assessment of the situation), he is requesting that \$410 be returned to the applicant.

Mr. Greenlaw noted that he has in this case no objection to the applicant making a presentation tonight.

Mr. Greenlaw further noted that the (14 day) procedure is in place to prevent a new application, small or large, from coming in at the last minute and allowing adequate time for staff to process it and have a report available at the meeting.

Mr. Bongiovanni noted there is an active permit for this property. The request is to put a larger foot print (new house) on the property than was shown on the (approved) plan (of the active permit).

Mr. Greenlaw noted that he would like to explore the word "modification" and noted the only vehicle we have for a modification is a new application.

Mr. Bongiovanni noted that through the Chair that he agrees with staff. The question to him is the fee; whether the fee is \$510 for a new application or \$100 for a permit modification.

Mr. Greenlaw noted that the fee for the permit modification would be greater than \$100 because there is a sliding fee scale for impacts within the upland review area that would be added to the \$100 base fee.

Mr. Greenlaw noted there is a current and active new application for a new house that is different in size (larger) from the house associated with the original (approved subdivision) plan. He noted that the only vehicle we have for a permit modification is a new (permit) application.

Mr. Bongiovanni noted that he does agree with staff (on its interpretation of the matter under discussion).

Attorney Boorman noted that it is an administrative matter as to a determination of a fee for the application. Staff is capable of making a decision. Mr. Bongiovanni and staff should meet and discuss the matter. A decision would then be made by staff on whether we are dealing with a new application or a permit modification and a fee for action by the Commission.

Attorney Boorman noted that if staff makes a determination that we are dealing with a permit modification, the same time frame would apply as if it was a new application.

Commissioner Igielski noted that his primary concern would be when an applicant comes forward to modify an application is whether the item can be acted upon at the same night of the presentation is being made or does the Commission have to wait for the 14 day period to allow the public the time to submit a petition (requiring a public hearing).

Attorney Boorman noted that ultimately the Commission would render a decision as to how it would deal with a new application or permit modification. If it is sought to waive the rules; it should be done by a vote of the Commission so that a presentation could be made tonight.

Vice-Chairman Zelek asked Mr. Bongiovanni to explain to the Commission why we must hear this matter tonight?

Mr. Bongiovanni entered the following remarks into the record:

- A. The lot (under discussion) was cut out of a larger parcel of land that is owned by the applicant through the subdivision process.
- B. The lot (under discussion) has been purchased by Mr. and Mrs. Condon, who have a contract to build a new house. They have their existing home on the market and may be close to selling it. Time is of the essence.
- C. This is a last minute issue. We did not realize that a house having a larger foot print than the one shown on the approved plan would require coming back to the Commission.
- D. A request for a new house permit was submitted to the Town over a month ago.
- E. If we are not able to present tonight, the matter would just drag on.

Vice-Chairman Zelek asked why do we need the 14 day period? Mr. Greenlaw responded that by law we are required to allow time for the public to review the file and then be allowed the time to secure signatures for calling of a public hearing.

Attorney Boorman noted that the applicant is only asking for permission to present his case tonight; not necessarily make a decision tonight.

Vice- Chairman Zelek noted that a neighbor might have an interest in the fact that a larger house is being proposed for the lot.

Commissioner Igielski made a suggestion that a motion be made to see if the Commission members are in agreement in allowing the applicant to move forward and make a presentation. We would not act on the matter tonight because there would still be ongoing discussions between staff and the applicant. The earliest we could act would be at next month's meeting.

Motion made by Commissioner Igielski to suspend Article 7 of the Commission's Internal Rules and Procedures" and allow the applicant to make a presentation on Application 2013-10 tonight. Motion seconded by Alternate Paskewich. There was no discussion.

NOTE: Commissioner Clark arrived at 7:15 p.m. Vice-Chairman Zelek noted that Alternate Paskewich would now be voting for Chairman Block.

Vice-Chairman Zelek asked a roll call vote. All Commission members present voted in the affirmative. The vote was 7 yes, 0 no and the motion was carried.

Vice-Chairman Zelek noted that the Commission would move forward with the presentation of the application.

Mr. Bongiovanni, referring to a copy of the approved subdivision plan and the new plat plan of development for the approved lot, entered the following remarks into the record:

- A. The lot under discussion shows a corner of a proposed house extending into the (upland review) regulated area, which is typical of the type of houses found in the neighborhood.
- B. He referred to a note on the subdivision plan, which indicated that the house, together with its location and elevations were for the purpose of demonstrating that the lot could support the proposed plan of development. The house shown on the plan is not intended to limit the size, style, location or elevation of the actual house that could end up being built on the lot (listen to audio tape for details of the actual note).
- C. The Condon's dream home is a ranch whose foot print is significantly larger than the box shown on the plan. He noted that the 50 foot zoning set back line from the wetland is close to one corner of the proposed structure. He further noted that there is approximately 1,500 square feet of the structure that would be located within the upland regulated review area. The limits of clearing are the same for both plans (approved plan and the plan before the Commission). He estimated that there would be an increase of 10% to 12% increase in impervious surface area resulting from the new plan.
- D. This plan meets or exceeds all the zoning setbacks of the Town of Newington.
- E. Staff has expressed a concern that the larger house foot print represents a more significant intrusion into the (upland review) regulated area than the approved plan. During his profession as a land surveyor, he has prepared plans for over 1,000 homes in the Town of Newington. Historically, once a subdivision lot has been approved and the house fits the building lines, it is acceptable. He recognizes that times have changes (new Town Engineer and Commission members).
- F. The new plan would not result in the clearing of additional land, there would be no direct impact to the wetland. The plan complies with the zoning setbacks and therefore should be approved.

Vice-Chairman Zelek asked Mr. Bongiovanni how confident he was relative to the delineation of the wetland limits shown on the plan? Mr. Bongiovanni responded the wetland boundary limits were flagged by a soil scientist in the field last year. The flag locations were transferred from the field by his staff and onto the map under his supervision (as a registered land surveyor in the State of the Connecticut) and approved by the Commission under a map amendment last year.

Vice-Chairman Zelek asked if there was a soil scientist report? Mr. Bongiovanni responded yes. The work was done by Soil Scientists Environmental Services for the map amendment.

Vice-Chairman Zelek asked if the Commission could have a copy of the report (as part of the application)? Mr. Bongiovanni responded that there are no wetlands on the property (under discussion).

Alternate Paskewich noted that the areas of wetlands impacts are noted on the plan. However, there is no reference to the upland review area impacts.

Mr. Bongiovanni responded it was an oversight on his part and that he would correct the plan for the August meeting.

Vice-Chairman Zelek asked (a second) time for a copy of the soil scientist report (there was no response to the original request)? Mr. Bongiovanni responded yes.

Mr. Bongiovanni proceeded to verbally provide the history of the offsite wetland area (under discussion) to include the components and functions of the system (listen to audio tape for the details of his remarks).

Vice-Chairman Zelek asked for an explanation as to the composition of the wetland area on the subject property (from which the lot under discussion was cut out)? Mr. Bongiovanni provided an overview of the area (listen to audio tape for the details of his remarks).

Vice-Chairman Zelek requested that staff and Mr. Bongiovanni get together and look into providing some type of mitigation to address run off pollution from the lot before it reaches the wetland; such as a bio-swale.

Vice-Chairman Zelek requested that Mr. Bongiovanni provide the Commission with a composite map showing the original parcel of land and the new plat plan for the lot under discussion.

It was the consensus of Commission members to carry the item over to the August meeting.

ITEM VIA

Application 2013-03, 40 Commerce Court

Mr. Greenlaw noted that the applicant had sent in an e-mail requesting a second and last time extension for the application. He read the e-mail into the record and noted that the applicant is still working within the 65 day time limit.

It was the consensus of Commission members to carry the item over to the August meeting.

ITEM VI B

Application 2013-06, 129 Main Street

Mr. Greenlaw noted that he had received correspondence late in the day from the applicant stating that the application was being withdrawn. He proceeded to read the correspondence into the record.

ITEM VI C

New Initiative-Vernal Pools

Vice-Chairman Zelek noted that there is nothing new to report on the subject matter at this time.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Agent Approval for Application 2013-08AA for 100 Milk Lane to install a new weight scale adjacent to the existing weight scale that is adjacent to a roadway at the entrance to Milk Lane.

Agent Approval Application for Application 2013-09AA for 206 Garfield Street (Board of Education) Town of Newington to incorporate the paving of the existing processed stone base material around the existing gasoline dispensing station as part of the reconstruction of the existing parking area for school buses.

A general presentation was made by Attorney Boorman on a number of matters related to the duties and responsibilities of the Commission in the administration of its Regulations. The presentation also included responses to questions raised by Commission members. NOTE: Verbatim minutes are being prepared for this session and will be an addendum to these minutes.

Motion made by Commissioner Sidal to adjourn the meeting at 8:56 p.m. and was seconded by Commissioner Clark. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Sincerely;



Peter M. Arbur
Recording Secretary

Commission members

Tanya Lane, Town Clerk

John Salamone, Town Manager

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission

Peter M. Boorman, esquire, Town attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)

Newington Conservation Commission
July 16, 2013

Excerpt of Attorney Boorman/Commission Members

Attorney Boorman: Chairman Block asked me to come in tonight and talk to you about 129 Main Street and the issue about the map amendment. I know that you have some questions about that too. I certainly consent to come in and talk to you about that issue, and the opinion that I wrote on that. First I hope that the opinion was disseminated and that you all got a copy of that, so hopefully this is not a surprise to anybody. Second, I wish the Chairman were here, but apparently he is on vacation or something, so he's not going to be here to address that.

I'd like to start with the proposition that when people come before you, they are entitled to something called due process. It's a term of the law that essentially says that they get a fair hearing. The process of a fair hearing includes that the presentation is made, discussion is had, much like what happened tonight, recommendations, and addressing the issues, but it also includes that they get a final decision.

I think I have appeared before you on one other occasion which the question of abstentions was raised, and I pretty adamantly indicated that it should be something that should only be used or reserved for situations that would call for it, extreme situations, otherwise you really need to vote when you have an opportunity to vote and the information is in front of you.

Another thing that we talked about in the past, if there is a issue in which you believe that you are not prepared to vote, then you need to recognize that as Commissioners yourself, and staff needs to recognize that with you, and understand that if there is an issue in which you are uncomfortable voting and in this instance, apparently there were several of you that were uncomfortable voting, you take a step back and say, okay, we have an issue, there is a concern that we have, therefore can we push this off until the next meeting. And the answer is almost always going to be yes. Now we all went through Toll Brothers and did the time line in which we got to the final time line, and we couldn't push it off. But that is what staff is here for, to indicate to you in terms of those kinds of specifics whether you can or not. In that instance, for this particular application, that was a remedy that was available to you. If you have a question that staff can't answer, if you have a question that requires legal analysis for example, then that is a perfect opportunity to allow you to say, okay, we're not ready to vote on this, we're going to table it and take it up next month. Now I don't know what was going on that particular evening on that particular application, so I'm talking in generalities in terms of that.

I'm going to ask you to understand that the process is such that when an applicant comes before you, they are entitled to a hearing. The hearing should be fair, and the hearing of course will be fair, and that fairness includes that they get a vote. So, if there are issues around that that I can address for you, I would like to do that, and I would be happy to talk about anything specifically in the decision too. I think I already see a hand coming up, so if we have a question, is that....

Commissioner Krawiec: I'm glad you are sharing that, because I thought a lot about that vote, reading your e-mail, and certainly being here in that moment, I don't think I can speak for myself that there was another option on the table. I mean....

Attorney Boorman: You're saying that you didn't know that there was another option on the table.

Commissioner Krawiec: I did not know that there was another option on the table.

Attorney Boorman: And that is part and parcel, I know that you are a new Commissioner, and there are several people who are relatively new, some have been here for a while, and I think that you can look to the experience of the Commissioners who have been here to talk about some of the procedural things. This evening for example, I witnessed your staff consult with your

secretary who's been here for a while in terms of some history and in terms of some procedural issues. I think that's a good idea, and so I think in general terms, as you are looking forward to applications that will come before you, that that kind of support for each other, and support through staff I think is available to you.

Commissioner Krawiec: And again, having said that, when I think about the vote that I set forth, to me, it seemed the only fair way to go, with two abstaining, as opposed to deny something. It seemed, of course knowing now that abstaining means the majority vote rules, I guess I learned something there, that's kind of dangerous actually, but it seems, not having that piece of information, I kind of really thought about it, means saying an abstention was fair.

Attorney Boorman: It may have been, again, I don't know what was in your mind, I don't know what was in the others, but I would also just like to point out....

Commissioner Krawiec: May I, there was also an assumption too by the attorney stating that she almost felt that we came here with an abstention in mind, and that's not fair to the Commissioners because I can speak for myself, I certainly didn't come in here with the intention to abstain, I come here, when I'm given the right to vote to say yea or nay but, so I think that was inappropriate on her part, and certainly doesn't put the Commissioners in the best light, because I think we were all trying to do the best we could in a situation that probably was very unfamiliar.

Attorney Boorman: I think that it is good that you put that on the record. One second before I answer your question, because I would like to address something that she brought up. I read the minutes and I'm trying to put myself into your position, and I can't do that. I'm not really asking you to tell me exactly the procedures or whatever when into this, but I am going to kind of reiterate to you all that when you make a decision, your decision is made upon what is on the record. Now, all of a sudden this evening for example, I see a gentleman coming up and making some comments that he wanted to make comments on that application, and I'm scratching my head saying, that's interesting, why he would do that. But I want to be clear with you. Your decision has to be made on facts that are on the record. If someone comes and tells you something off the record, or if you garner information that's off the record, you're not allowed to use that in your decision making process. So if there's a public hearing, and people are given the opportunity to speak, and they do speak, and you close the public hearing, as we did with Toll Brothers for example, you're not allowed to take information after that, except in some very unusual circumstances which I'm not going to go into tonight, but you're not allowed to take that information and use, allow that to color your decision making ability. I'm not saying that that happened in this application, but I am saying that based on the circumstances, I do want to point that out and reiterate to you, these meetings are on the record meetings. That means through an appeal, it's an on the record appeal, so the only thing that you are to decide upon is what is before you. You can use your own personal expertise, if you do have a particular expertise on a matter, like if you are an engineer, and you indicate for the record that you have a specific information about this and you want to present it, you put that on the record to let the applicant know and be fair with the applicant that you are going to use some of your expertise that's above and beyond what a normal citizen might have. So again, the idea is fairness, and the fairness is that we have an open table and we put everything on that table, get it all on the record, and once it is, the table is finished that's it. Nothing else comes in from outside after that.

Commissioner Clark: I just want to say that what you said right in the beginning of your presentation was exactly, perfect to explain to me what should have happened and what didn't happen. You commented that if you are not comfortable making decision because you don't have enough information I think you said, from my point, that's exactly how I felt. I thank you for educating us, because at the moment that I abstained I was sitting there thinking I don't have enough information, but I didn't know what to do about it.

Attorney Boorman: Let me give you an example of, that's probably an extreme example of that. Let's say that there is a motion on the table, that someone has made a motion, and it's been seconded, and you are discussing that motion. Tonight I told your Chairman that a motion was made, it was seconded, instead of going right to a vote, you should open up the floor one more time, even if you have already discussed this or anything else to allow that. Now in that situation, if you said for example, you know, I still feel uncomfortable about this, I'm not ready to vote. I'm not ready to vote because a, b, and c. One might be a legal issue that you might be concerned about, another might be that you don't feel that there is enough information available to you, and you want staff to get some more information. Those kinds of things can be discussed and you can say, through that process, somebody is going to call out Robert's Rules of Order and say, well, under Robert's Rules of Order, what are we going to do? What I am telling you is if that motion is made and seconded, it still can be removed from the floor. So if you make a comment and the rest of the Commissioners agree, no we're not ready to vote tonight, the person who made the motion can withdraw the motion, the person who seconded can withdraw the second as if it never happened.

Commissioner Clark: Even when someone has voted and you start going around the table?

Attorney Boorman: No.

Commissioner Clark: Because I believe that someone had voted.

Attorney Boorman: You need to do this, and this is the awareness that you are all going to have to have, once the vote is started, then you can't stop it.

Commissioner Clark: Okay, and that's where I was, and honestly I was sitting here, and I almost blurted it out to be honest.

Attorney Boorman: I guess, I've experienced this with this group before on another application in which there was some confusion about what that motion was so, I guess what I would suggest to the Chair, and to Mr. Block when he returns is that you spend a little bit more time before you vote, so if you look around the table as Chair and you say, are there any comments, and you pause, and it's a pregnant pause, one, two, it's pregnant, you stop and say, okay, what we are doing here remember, as the Chair, is that we are voting on an issue that is a motion that was made, and maybe recite it again, to make sure, especially if you think it is somewhat controversial you might follow this procedure, and make it clear to everybody where everybody is. I don't know how long that went, but from the minutes it looks like that soil scientist was before you for quite a while on this. Especially if it is a meeting that is drawn out, everybody gets tired, you guys have some long meetings, and I think it's good for the Chairman to be in a position to say, I recognize this, let's slow down for a second, we're coming to the crescendo of this application, we're going to vote on it, let's all be sure that we're going to be ready to do that. Now, I'm not telling you to delay everything. I'm not coming here telling you to delay every vote that comes before you am I? So I want to be clear about that. I don't expect that you are going to run a Commission if you are going to delay everything every time something comes before you, so I'm not telling you that, but if there is an issue that would cause five of you to abstain, there is something wrong. There is something wrong. I don't know what it was, and I'm coming to you for one second, I'm not really asking you to tell me what it was, so I want to be clear about that.

Commissioner Sadil: I had an issue with it. The reason why I abstained. I didn't know what to do, so I abstained. If you want, I will go into detail as to why I abstained, and how I should handle that in the future.

Attorney Boorman: The only thing I would ask you not to do tonight, and I'd be happy to talk to you in other circumstances, off the record, quite frankly, I don't want to create a record tonight that would be a situation that we might not wish to discuss on the record.

Commissioner Zelek: I don't think Attorney Boorman is asking any of us to say.....

Commissioner Sadil: I understand where he is coming from, but I was uncomfortable that night for a very good reason, their lawyer was present, I was sitting here, over in that seat, I didn't know exactly what to do, and I just punted on that one because I had some personal issues with it.

Attorney Boorman: Okay, so I think then, coming out of this meeting, what I'm asking you to do is hopefully, those personal issues or whatever the issue may be, before it gets to a point where you are going to vote to abstain for example, that you are going to say, do we have to act on this tonight? I have some concerns, I need some more information. If you can delineate it, then do so for the record. If you can't say, I'm still not ready to vote, let's carry this over.

Commissioner Sadil: It was something that maybe rubbed some people the wrong way, that's the thing.

Attorney Boorman: Well, you guys already understand.....

Commissioner Sadil: It's a very gray area.

Attorney Boorman: Look around this table, I think you understand that you are going to rub some people the wrong way with almost every decision that you make, all right?

Commissioner Sadil: This is a little, crossing the line for some people.

Attorney Boorman: All right, then maybe you can bring that issue to me and you and I can chat about it, okay?

Before I go to you, I want to go to the people who are on the Commission, and then I will go to staff, all right?

Commissioner Paskevich: As a Commissioner, before we vote, and we are undecided as to how to vote, can a Commissioner speak and ask for consensus of the other Commissioners, whether or not they are ready to vote? And if not, ask for a recess to caucus?

Attorney Boorman: You are introducing a bunch of stuff here. Let's take a specific example. There is a motion on the floor, it's been seconded. Further discussion through the Chair is, happens, you sit there and you say, well I'm not really sure that I am ready to vote. I'd like to take a break before we actually vote. So therefore, I'd ask for a recess. Now if you get consensus, you can do that. You don't have to take a formal vote to recess, if there is consensus, even if there is a motion on the table, and seconded, you can take a recess for ten minutes. So the answer to that question is yes.

Commissioner Paskevich: And we can speak outside, together?

Attorney Boorman: Well, no, not necessarily. So....

Commissioner Paskevich: So how do we handle it?

Attorney Boorman: Well, you handle it by talking in here, on the record. That's how you handle it.

Commissioner Pasksevich: We have the recess here?

Attorney Boorman: Well no, you take a recess and you can as long as you are not having a meeting proceed to discuss amongst one Commissioner for example, something that is not necessarily something that Freedom of Information would be happy with, but it's not a violation, but if you have everybody huddled around so that you have a quorum, then you are violating the Freedom of Information rules. Now I will tell you, there is an exception to that. You used the word caucus.

Commissioner Paskevich: Yes.

Attorney Boorman: There is an exception in the Freedom of Information rules which parties can caucus. For example, a Town Council before every meeting, Republicans caucus in one room, Democrats caucus in another room. Now in our particular situation right now, there are more Democrats that sit there, and all the Democrats are there, they have a quorum. So under the normal rules of FOI, they couldn't do that, but there is an exception for caucuses. So, in answer to your question, if you wanted to caucus you could caucus, but it could only be with members of your own party. You can't caucus with members of another party.

Commissioner Paskevich: Isn't that a conflict though, or not.

Attorney Boorman: Is what a conflict?

Commissioner Paskevich: The other party is not (inaudible).

Attorney Boorman: No, the whole point of a caucus. This is carved out to recognize the fact that parties are given this ability to meet separately and discuss issues for Commissions, Councils, Board of Education. Now, I will tell you that historically, this is not used very frequently for the Inlands Wetlands Commission, it's not used for TPZ, it's not used for ZBA. It is used historically all the time for Town Council meetings in towns. Some towns do it, some towns don't. So I would say to you again, just because I tell you that it's available to you, that I'm not recommending that you do that.

Commissioner Paskevich: So the better method would be not to do that but to do exactly what?

Attorney Boorman: Well, it depends on your situation. So I would say the best bet always is to put it on the record. So if you've got, if you are discussing things and you are saying that you know that someone is going to make a motion in the short term, before they make the motion, you might say, I'm not ready to vote tonight. Someone else might say, I agree with you, I'm not ready to vote tonight. Someone else might say, I am ready to vote tonight. They are entitled to make the motion, then they have to see if they have a second. If they've got a second, the second comes up and then you have another opportunity to say, I'm still not ready to vote tonight, therefore I'm asking everyone to have a consensus that we not vote tonight, and these are my reasons. If they don't agree with you, and there is not a consensus, then it will go to a vote. Let me finish, because I want to give you another example. If you decide that you want to take a break, let's say you do want to take a ten minute break, and you do that, and you can do that, and if you talk to Mr. Igielski next to you during that ten minute break, that's something again I don't recommend because of the nature of government and for these Commissions to do everything on the record. The general rule I told you before, you can talk to each other, but don't have a meeting where there is a quorum, and generally I recommend that you hold those kind of discussions until you get to the meeting so you do it one way, but you can do it. All right? I hope that I have answered all your questions. Did I miss anything?

Commissioner Igielski: I was just thinking that whether or not a motion is even made, is that not at the discretion of the Chair?

Attorney Boorman: Well, a motion can be made by anyone of you that says, I make a motion. Now the Chair may say that motion is out of order, so the answer to that is yes, and he could say, I'm going to ask you to hold that motion, because I don't believe, as the Chair might say, I don't believe we are at the point where we are ready for that. But ultimately the Chair would have to yield if the discussion continued and you want to make you motion, he can't do that to stop you from making a motion ultimately. He can ask you, through kind of parliamentary kind of procedure, saying, we're not quite ready for that, can you hold that until we kind of complete this discussion.

Commissioner Igielski: So the speed of the motion, right through the voting is basically I would say, controlled by the Chairman.

Attorney Boorman: It can be, but I'm telling you that as individuals you can control it too. You have input on that. He can come back and tell you no, we have a motion, and the rest of you as a consensus could say, well wait a minute, John just asked for some additional time, and other Commissioners can indicate, yeah, I think John has a point, can we do that. So if you have consensus like that the Chairman is, what's the expression, he is the head of equals. He acts as he has one vote just like the rest of you do. The only thing that makes him different is that he has the opportunity to organize the meeting. To organize the meeting does include making sure that there is order which includes taking care of the issue about motions and seconds and voting. So he is above that, for that purpose only, but ultimately he is the first among equals. That's what it comes down to, I know it's a contradictory statement, first among equals doesn't seem to make sense, but it is for something like this.

Commissioner Zelek: So, personally I have always felt that once the motion has been made we're kind of rushing into our vote, and once the motion is made, that's it, we're not doing any more discussions, so the questions that Alan asked, the responses, those tools, I think all of us should use that. If you think things are going too fast, by all means, please speak up and slow it down.

Attorney Boorman: Right, and generally, if you feel you need to put a brake on, then speak up and put a brake on. Don't be sitting there saying, you know, I don't think I can vote on this issue because I need something. Say I'm not ready to proceed to vote because I feel that I am missing a piece of information. I feel that I need this. If it means putting it off until the next month, then so be it, or even, I don't want to speak on tonight's application, but your process tonight to me, worked. There's always going to be wrinkles, I'm not going to be sitting here every meeting, Chris is getting educated more and more every time he comes to a meeting in terms of this and he will become more and more attuned to this. I talk to Chris frequently about the procedures and how the applications go and that is part of the process too. I am not supposed to sit here every meeting. You should not have the Town Attorney sitting here every meeting. That's too much of a presence for the Town Attorney to sit here. That's not what I am supposed to do. A member of my staff shouldn't be sitting here. You folks need to figure out how to operate this yourselves, work out the parameters. If there are personality conflicts, tough, that's the way it works. You volunteered to do this and you've got to work this out with decorum and with respect for each other. That's the last issue that I want to go to and speak to.

In terms of applicant's that come before you, I want to point out to you that this is not a strictly adversarial process that you go through. In your statute, you are required to work with the applicant on alternative means that could help him get his application through, so that means that you, if you have a better way to do something, then you are required as a Commission to introduce that to the applicant and at the end, if you are really formal, as part of your votes, you

could make a finding that there was no better way to do what this application is doing so you've actually put that on the record and that will be on course with the Connecticut General Statute. Now you don't have to do that in terms of, but I make this point to you, I think that I want to be clear to you that this is not you versus the applicant. This is you as a Commission that has the ability to approve, to deny or approve with conditions, but as part of the process of the statutes, you are to work with the applicant as much as you can, and as much as he or she is willing to accept, to see where you can come to common ground, and work through whatever that application is. Now some of them you won't be able to, and you are going to deny. Some of them you will be able to, and they'll make amendments to what they originally presented, and you work it out and you get to them, but that attitude is not, okay, here comes the enemy, up to the podium and what I'm going to do as the enemy, I'm going to fight against them. I'm adversarial, that's not what we do as Commissions. This is not the courtroom where you have one side that's going tooth and nail with the other side, in terms of every issue that comes up, in terms of objections and that kind of thing.

Commissioner Paskevich: So are you saying it is all right to make a recommendation to an alternative to what they are proposing?

Attorney Boorman: It always is, and while I sat here, I can't tell you how many times you guys have already done that in the Toll Brothers application for example.....

Commissioner Paskevich: But isn't that dangerous?

Attorney Boorman: But is it dangerous sometimes, go ahead, tell me why it would be dangerous?

Commissioner Paskevich: Well because they could turn around after the fact and say, well you told me to do it that way.

Commissioner Zelek: To me, you're not an expert.

Commissioner Paskevich: Right.

Commissioner Zelek: Leave it to the experts, like tonight when I suggested some type of a bio-swale control sediments or pollutants, I would want the engineers to come back with something.

Attorney Boorman: Well, actually I think that's a perfect example because what you did to an applicant that had no control, he said on my initial response to that I think there should be a pollutant load issue that should be addressed and let the experts talk about it. Now, are you telling him what to do? I agree with you. No, that to me would be inappropriate because you rely on your staff to provide that expertise. You rely on experts for some applications for their expertise. So I'm not suggesting for a minute that any of you pretend that you are engineers and that you are, even if you are an engineer, that you are setting things up beyond your daily life and your functioning and your own background ability. I'm not suggesting that for a minute. But the fact that you suggested what I actually heard you suggest tonight to me was perfect example of what we talk about in terms of cooperation. If you didn't do that, you might say, okay, I'm opposed to him, I'm adversarial, I'm not going to give him a hint about what is going to get my vote. I'm not going to give him a hint about what might satisfy all of us, and he's going to have a successful application. That's not what you are here for. You are not here to try to figure out ways that the applicant is not going to be successful. You have an affirmative obligation to talk about the issues, talk about what it would be to make him successful and maybe he will be and maybe he won't be. You still get to vote on that, but it's not hide the ball. It's not let's, it's his presentation, I have no part, I'm just going to listen and you know what, I don't have to put much on the record, I don't have to give reasons, I'm just going to vote yes, no, or yes with conditions.

Really not about that. It's really about give and take between the applicant and you folks. I'm not suggesting that you make every meeting two hours and every application two hours and you do this, but I mean if you have a simple application that comes before you, address that. Unless there are other questions, but I also want to go back and tell you, if you have an application, for example, for a map amendment, if the application is for a map amendment and you hear an expert get up in front of you and start talking about something that has nothing to do with the map amendment, like, let's say filling, all right, then I suggest that you stick to the application that is before you. That, if there is an issue that comes up, number one, it's out of your jurisdiction, then you shouldn't be concerned about it at all, number two, even if it is in your jurisdiction, if that's not before you in this application, then you're not supposed to act on it. It's not supposed to stop you from doing what you'll do for a map application for example. If you have, in my example, an issue with something that comes up, that you are not comfortable with, like the filling, you have opportunities to direct your staff to commence an investigation on that issue if that's what you want to do, but that is not a reason to deny a map application because someone in the presentation said there is filling going on. Are you with me?

Commissioner Clark: So, any map amendment, you mean a map amendment application?

Attorney Boorman: Yes.

Commissioner Clark: Is going to be followed by the real application during which, that is the appropriate time to bring that up.

Attorney Boorman: I would say in ninety-nine out of one hundred cases that's going to be the case. There could be some altruistic soul out there, or there could be even a home owner that says, you know what, I came in and I found out from staff that my property is in an inland wetland area, and I went out and got a soil scientist because that bothered me, and he's telling me that it's not, so I'm going to present to you, I'm going to make an application, but I'm not going to do anything about it. I'm not going to change anything on my property, I don't have any other applications, but it just bothered me that I am there. So I suppose that one out of one hundred there could be something along that line, but I would agree with you that in most situations the reason that there is a map application is because they are coming in to do something more fundamental, or I guess fundamental is the map. They are coming in to do something greater like a project, so I would say that probably, and I'm making the number up, ninety-nine out of a hundred times you will have an application.

Commissioner Zelek: So I have a situation, and I want your opinion on this, and this application that we have done, there were two of them, there was one for a map amendment and then one for site modifications, and they came at the same time. The one for the site modifications was based on the assumption that the first one for the map amendment was going to be approved. My opinion is that we shouldn't be hearing them both at the same time. We should be hearing them sequentially. We should hear the map amendment first, make sure that that gets approved, or disapproved, what the process.....

Attorney Boorman: I'm going to ask you, if you could to take your example out of the specific application for the record and indicate that if you had a situation where tomorrow Chris receives two applications, one for a map amendment and one for a project. They are entitled to file at the same time. There are laws that say they are entitled to do that, and that they are entitled to clock in at your next meeting, as Chris described earlier and they are entitled to proceed in accordance with your rules after that. So, they should pursue the map amendment first because you are going to deny the second one if the second one relies on that map issue. It doesn't make sense for any attorney for example to present, or anybody who has presented before to try to put the horse before the cart because it is going to get turned down.

Commissioner Zelek: It seems like it is a waste of our time to hear that second application without the first one being approved.

Attorney Boorman: It may be, but they are entitled to proceed, and the rules and the law is they are entitled to present, and you can say to them, and I think as the Chair especially, but even if you are not sitting in this chair, you could say to them, well, we just heard your map application, and we understand that you want to present on this issue tonight. We would like to proceed with that, and ask you to hold your presentation on that until we complete the map aspect because it is integral to your second one, and if the applicant agrees they can say okay, we'll pack up our stuff, we'll come back next month and hopefully we'll present that after you have approved our map.

Commissioner Zelek: Even though the clock is running on that application?

Attorney Boorman: Yeah, you can do it. I mean, as long as there is enough time, and Chris will always calculate your time for you. You can't do it forever, but you can do it from one meeting to the next. You will have enough time to do that. You can have your sixty-five days. So, I mean, that can happen. Now, the applicant may say no, I still want to present. Then they present. You can't tell them that they can't present. Although you may be right that sequentially may be the better way to do it, and if you were writing the law then your side would win that, but that's not the way that it is. Even if it is kind of a quote unquote kind of a waste of your time because maybe you never do get to it because they withdraw for example, well you have still given them what they are entitled to under the law and that's part of serving on the Commission.

Commissioner Zelek: I'm glad that we talked about this so that we have that option to ask them to table the application.

Attorney Boorman: You can do that, and as a matter of fact, they don't even have to table it, they can say, we're just not going to proceed tonight, or they say, we're going to table, they could ask you to table it, they can't table it. Bottom line is, this is not a form or function here. Everybody recognizes that you are citizens giving up your time for this, and so any judge that looks at anyone's case is not going to beat you up for form or functions. The applicant is going to look to work with you, if he's smart, he's going to work, if he's not smart, or if he has a really good reason he's going to ask you to proceed, then maybe you will agree if there is a good reason why he wants to proceed or he may disagree, but he's entitled to it.

Commissioner Zelek: I have another question and need the board for presentation. Let's say we have three properties and I'll just put the addresses as 100, 200, and 300 okay? Property owner 200 comes before us and they want a map amendment because they wetlands on the town map are delineated like this. They come and they say, it's really like this. It's down here. So we approve the map amendment, and the map amendment is for 200 Main Street, in this case let's call it Main Street, and so we approve it. Now their new map is here. What about these two properties.

Attorney Boorman: When a map amendment comes before you, it's not a map amendment for just 200, in your example. It's a map amendment for where the soil scientist says where the line is.

Commissioner Zelek: What if the soil scientist only gives us information for this.

Attorney Boorman: If that is all you get, then the map amendment is just for 200.

Commissioner Zelek: And then they want to build here and now we're hundred feet, but we're not one hundred feet from this line. So they are still in a review area based on this.

Attorney Boorman: Well the fact that they are in a review area gives you great discretion. Remember, if you are not in the wetlands, if you are in the review area, you have great discretion because the review area is only there to allow you, for purposes of making an action or not making an action, to protect the wetlands so, if you were going to proceed and approve 200, with that determination, you could still proceed along that line. If there was an issue about that entire line, then you as a Commission could move for purposes of securing funding, which would have to come from the Town, for purposes of addressing whether that soil scientist, or another one, be hired to go out and determine whether or not that line should be changed for that piece of property.

Commissioner Zelek: But is that burden on us for that entire area? What are the boundaries? How far do you go with it?

Attorney Boorman: I think that is a good question, it doesn't come up very frequently because you are typically focused on your application which as I told you tonight, as one of the applicants said, we'll give the town a bunch of land, well, we're not talking about that. That's not your jurisdiction, so we're not going there, but this is your jurisdiction, but your jurisdiction is to the application itself. So you could make a recommendation to staff if you had that situation, but that would be a good situation to say, okay, we've got this interesting situation, I'm not sure how to proceed, I want staff to investigate this, I want them to come with this particular project and get a legal analysis, whatever it is to be done, and that would be a good time to put the brakes on.

Commissioner Zelek: Next question I have would be regarding our regulations. There is an item here, 15.9 regarding map amendments and it says, the agency shall make it's decision and state in writing the reasons why the change in the wetlands and watercourses map was made. Have we been doing that?

Chris Greenlaw: Yes Mr. Chair, and it's listed on the approval under two, and there is a notification that gets sent out and that notification of action states what, I believe it is the first thing, but I do state in there we have made a finding act based on the soil scientist. For example this evening you had asked the applicant and he had referred to a certain agency, certain company on a certain date that had done that analysis or delineation, he was going to provide you that report, well when that map amendment was approved, that gets noted, and the notification of action gets placed on the map. The who, the when, and that is your why.

Commissioner Zelek: Thank you.

Chris Greenlaw: In addition to your example, you know, conversely is true as well. You know we always think of the individuals coming in, I have applicants who also tell me, the onus is on you now to tell me that the wetlands aren't on those other two properties and conversely to that, we did have an application in the last year where we had someone come in, a watercourse, a pond feature was noted, and therefore what we do as staff, we send out letters to all of the abutters as part of the public hearing process to let these neighbors know that this feature was found and it will become in many cases as we had a roomful for this one particular one that I am thinking of, and all of the neighbors now were encumbered by a one hundred foot upland review, of which one individual was in my office today seeking an authorization that I think you will see in the near future, encumbered by the one hundred foot upland review. Additionally, we can't authorize improvements nor can we authorize the soil scientist to go on to adjacent home owners property.

Attorney Boorman: You can get permission.

Chris Greenlaw: We can get permission, but we don't want to instruct him without the consent.

Attorney Boorman: I just want to finish up with one last thing that I want to say, and I'm still open to any questions, but I don't want to keep you here too late because I know sometimes this runs on. The last thing I want to do, and I don't want you to take this the wrong way, but I'm pulling out some quotes that I pulled from what's called Fuller, which is Connecticut practice series which is kind of the Bible that we lawyers use for purposes of layman's regulations. There are three volumes that we use as a resource, along with case law and things like that. Because there are so many new people, I just want to re-define really what your job is in the big picture, not just the small picture for every application, but for the big picture. So I pulled out a couple of quotes, because I knew that I was coming to speak to you tonight, and I just want to read a couple of them, and indicate that the purpose of the Inland Wetland statutes is to protect the Inland Wetlands but doing so by, and here is where the quote comes in, "by providing an orderly process to balance the need for the economic growth of the State and the use of its land, with the need to protect the environment." I'm going to read the next quote, and then I'm going to sum it up for you. "In sum, there is a need to understand the concept of balancing environmental protection and reasonable economic use of land containing inland wetlands. The statutes do not provide and were not intended to provide for total prohibition of all construction or uses on inland wetlands." Now the reason that I say all that is because I think it's important that you recognize, because if you read the statutes, there is definitely a tilt on the statutes in terms of talking about environmental issues and that is what Inland Wetlands is about. To read the purpose, there is a whole section that talks about purposes and talks about for example, animals and plants that are in there, and you have heard me come before you before relative to a different application, and provided some written materials as to how that works too. That's the specifics, and I want to take a step back to the bigger picture. The bigger picture of what you are asked to do in Inland Wetlands is to balance. To balance really development with protection of the environment. Understand that there is use of the property, there are good reasons for it, every use of the property in some way in some way is affected, is going to affect the environment. Every time you build it's going to affect the environment in some way, shape or form, and I'm not sitting here telling you that you should be weighed one side or the other. What I am saying is what the statutes ask you to do, and what the Commissions are asked to do is to accept the balancing act that the statutes ask of you to say, I understand there is economic development that needs to be done in the State of Connecticut and particularly in the Town of Newington, and I also understand that there is environmental protection that has to be done there. You guys are the ones that are asked to balance it. So when an applicant comes before you, I'm just going to ask you to continue to remember you start from the proposition of balancing, you ultimately will decide what you are going to do. No one is telling you what to do. You start from the proposition of accepting the fact that there is a balance. There is a valid reason for both sides. You folks will decide what that is ultimately on the application.

Commissioner Paskevich: So would the terms mitigation, restoration fall under that purview, that balancing?

Attorney Boorman: It would. I mean again, if you had an application that came before you as, like earlier tonight, where you said, well, I'm concerned and I'd like to see if there is some mitigation that can be done relative to this application in which some environmental protection can be there to protect the wetland, and that's a mitigation effort, so yeah, absolutely.

Commissioner Paskevich: So this would all fall under such as the 2004 DEP consideration for best management practices?

Attorney Boorman: The answer to that is yes, but you have to be careful on the application because, I'm going to use this expression again, and at the risk of offending some of you, and I don't mean to do that, you are not a mini-environmental agency. That is not what you are asked to do. You are not asked to go beyond your jurisdiction. Your jurisdiction is well defined. Your

jurisdiction is to protect the wetland, okay, and the wetland is the soils whether you like it or not. That's what it is. If you are in the wetland, you have greater discretion to do what you need to do. There is no doubt about that. All the court cases say that, the statutes say that. If you are in the upland review, you have lesser authority there, and the court cases say that too. If you are outside it altogether, as we talked about with Toll Brothers, you have even less, it's an area that is developing the (inaudible.) Now, you take that into account, now when you apply standards to that, you need to understand that the balance can't just be on one side, you need to balance both sides. Again, ultimately you are going to decide which one (inaudible) to you individually, but to give that fair hearing, to give that due process that I talked about, you need to have an open mind to the balance, and you need to determine every application on its merits as determined by the record. So I hope that answers that.

Commissioner Paskevich: It's difficult to do that, I mean that's why we are all here talking about the issues together, trying to come up with a reasonable end. That's why we are not one person making the decision.

Attorney Boorman: You are absolutely right, and democracy is never easy, right?

Commissioner Paskevich: No.

Attorney Boorman: And this is a democratic kind of institution isn't it, because these are citizens coming forward, giving up of their time, coming to some kind of consensus to do what they are going to do. It isn't easy, I agree with you, especially on some of the applications it's not easy, but I guess what I would say to you, in this book that I'm talking to you about, there's a term that they use, and the term that they use, not my term, it's called a causist, a causist. Now which the heck is that? I would substitute that word for what they are really saying, a zealot. And what a zealot is of course is someone who is ardent, doesn't matter what comes before him or her, my decision is going to be along this line, that's it. Doesn't matter what they say to me! Doesn't matter what the application says, this is what I'm going to do! Now, by the way, you might think I am only saying that in terms of an environmentalist would be that. I'm not saying that at all. There are people out there that are business people that are zealots in terms of growth and building and it doesn't matter if there is an issue with the wetland, big deal, I've been told that in 1970 we plowed that all over anyway. Times were better back then, I don't care what you say, I'm a zealot and I'm going to say that we need to build, build, build. Well, that's a zealot, or a causist, according to this, but it applies to both sides of that scale, that's what I am trying to say to you. You're not asked to be a zealot, in my words, casuist is the new word. You are asked to sit there and say, okay, I have my own personal views and feelings, I'm willing to put those aside if I feel really strong enough to listen to the applicants, to listen to what comes before me. To understand my jurisdiction, to understand what staff can help present, and to understand what the legal side it going to present in terms of what your limitations are, and then work within that process. You're still going to vote the way that you want to vote on any application, but I'm talking about the process of it. No one should ever come in to anything that is as democratic institution, and say, I already know what my decision is before they even present it. I know there are people out in the community that don't want this, I'm not voting for it. It doesn't matter what they present to me. That is what is called pre-determination under the law and is a clear violation of law and subject to over turning your decision. I'm not saying that any of you have done this, but I'm telling you because we are talking about the general scope of these things, the big picture, I want to be clear that I have covered everything with you in terms of this, and to address any of your questions.

Commissioner Krawiec: I have a question. When we suggest conditions or conditions are set forth and the application is approved, and they leave and they go forward and put in those

conditions, what responsibility does this Commission have to maintain that that applicant is maintaining, or what oversight do we have.....

Attorney Boorman: I would suggest to you that it is the same whether it is a condition or a permit. If you approve something, then there is authority under the statutes that your staff, based on a complaint is how it typically happens, is, will have the ability to investigate, and you could lift a permit if they are not following the permit. That would include whether there are conditions on it or not, too.

Commissioner Krawiec: Do we have a process in place in the town where we look at these particular areas where they have built on, to see if the wetlands have been maintained, given the conditions that were approved. I mean, if you are asking the Commission to balance, and I understand that's our role, and we're here to balance and if we approve with conditions, how do we know that that wetland is being maintained, and what proof, and are we doing as a community to vote in good conscience that we are doing the right thing?

Attorney Boorman: I think it's a good question, but I think some of it is in your jurisdiction and some of it is not.

Commissioner Krawiec: Well, that's what I don't know.

Attorney Boorman: The part about you, as a community, is not within your jurisdiction. So you, as a community member could join groups, organizations, do anything you want that would address that.

Commissioner Krawiec: I meant as a Commission, because it's a Wetland Commission. What jurisdiction do we have to make sure that the wetlands are being maintained with the conditions that were approved?

Attorney Boorman: I will give you an example to try to answer that. There are wetlands throughout the town, throughout the State of Connecticut. So let me just go back on my example. I'm saying, if there is no application before you, there are wetlands all over the State of Connecticut and these wetlands are not policed. We don't have the staff, we don't have the money, and I'm sure that there are a whole bunch of other reasons that are associated with that. So the fact that there is an application, and you approve it with conditions or without conditions doesn't change that situation. We don't have enough staff to go out and police every single application that comes before you to make sure they are doing what they are going to do. What we do have and the reality of the situation is, our enforcement officers throughout zoning, react to issues that come from complaints, and that's what happens. So in terms of an application in which you are going to say, you are going to send staff out there to inspect it once a year, I think you might find that staff is not going to inspect it once a year whether you tell them to or not because staff has other jobs to do, has other positions within the Town of Newington that he has to cover that have nothing to do with Inland Wetlands, and he's paid to do all of them. And he, in this instance, as with all in the town, reports to the Town Manager. The Town Manager is going to tell him what he is going to do. That also includes conditions that might require the outlay of funds from the Town of Newington. You have no purse power whatsoever. You can't require any condition that is going to cost the town any money. You have no authority to do that. So anything that is going to happen that is going to cost the town you need to get permission from the proper channels to do that. So I hope that answers your question. As usual, I talk to much, so I apologize for that.

But I do want to leave you with please, like I said, there are a lot of people who are relatively new at random, and you need to work together and if there is an issue where you are feeling that it is controversial, it's causing you consternation, then slow down. Say okay, it just came to us tonight, we just heard this tonight, let's give staff an opportunity to do his job, if he needs to bring me in, or someone from my office in, then we'll do that too, and we can deal with it in that way instead of flying by the seat of your pants if you are not sure what is going on. It's going to make you a more cohesive unit, more successful at what you are looking to do, and give you a reputation in the community that's going to say that when you come to Inland Wetlands in Newington you get a fair shake, you get a fair deal, and that's the reputation that you want to have, no matter side of the ballot you are on, you always want to have the reputation as, we want prosperous situations in Newington for our tax base and for all that kind of thing, and we also want to protect those areas of Newington that are still pristine, that fall within your jurisdiction for example, but there is that boundary, but you want to be known as a Commission that is fair to applicants coming before you, in the way that you treat them, the way that you work with them, and then if you deny them, you deny them, so be it, if you approve them with conditions so be it, and you move on.

Commissioner Clark: I would just like to thank you for a wonderful presentation. I feel like I'm walking out of here more educated and enlightened, and pointed in the right direction. Thank you.

Attorney Boorman: Thank you, and I will come back, and I've told you all before, and I extend this invitation to all of you individually, if you have something you want to talk about, pick up the phone and call my office. You can talk to me, any one of you can talk to me, any two of you can talk to me, any more than that we can't do, but you can do that. Then again, he is here to assist you, his staff is here to assist you, I'm here to assist you, that's what we are all about, so thank you very much.

Norine Addis,
Temporary Recording Secretary

