

***HOUSATONIC RIVER ESTUARY COMMISSION  
MEETING MINUTES***

***Thursday, January 24, 2008***

***7:00 P.M.***

***Craft Room 1, Shelton Community Center  
41 Church Street  
Shelton CT 06484***

**1. CALL OF THE MEETING/PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:10 P.M. by Chairman Gesullo.  
All in attendance pledged allegiance to the flag.

**2. ATTENDANCE**

Robert Gesullo, Chairman, Shelton  
Lori Romick, Milford  
William Urban, Ansonia  
Jason Blake, Orange (arrived 7:30 P.M.)

Guests: State Senator Dan Debicella  
Jeff Snyder, President, Sea Vision Marine Services  
Fred Musante, Huntington Herald

**3. PUBLIC PORTION OR GUEST**

State Senator Dan Debicella said that he just wanted to stop by after talking with Chairman Gesullo about what this Commission could become and the potential that it has. I wanted to talk about some of the ideas I have and from talking with people in the community that this Commission could pick up on. It is up to you to determine what your mission is and what goals you are going to lay out. 40 years ago Doc Gunther put this into state statute and it was never activated until last year when the issue of the dumping of the soil into the Housatonic River that the towns got together to get this Commission going. The state statute just kind of says there is to be this commission but doesn't give a lot detail of your job and mission. My thoughts are that the commission should focus on the environment and economic development. The issues are both short and long term. The long term is dredging and trying to get the Housatonic dredged further upriver so that we can make it more accessible to more types of activities. The Housatonic River is a lot better now than it was 20 years ago. The problem is that it will take millions of dollars, which would probably require both federal and state partnership to get it done. There is no real group lobbying for this and looking into the details of how we can get this done. That is something this group can give, especially having the power and backing of each of the municipalities. This group could become kind of a watchdog organization, to watch for things like the

dumping. There are also a couple of other issues going on now; one being the canal locks in Shelton.

On the economic development side, there is a lot of potential for doing river activities such as concerts and boating festivals. There is also the potential for commercial fishing. Then there are things that are on land that about the river, and the towns are doing things independently. Shelton has its Riverwalk; Derby has the same thing going on plus the greenway from Stratford to Shelton. This commission could provide a link to have the towns work together on economic development goals. I can think of a lot of different goals you can choose from but you need to think of what you want to become and develop a plan of what goals you want to see on the environment and economic development side for the first year.

Commissioner Romick commented that some of our concerns are the support from the legislature, particularly in funding.

Senator Debicella said that the good news is that the money is there once you are organized. We need to see the plan to get the seed money you need to get started.

Chairman Gesullo said he appreciated that and we have spent the last few months getting to know each other and to try and understand some of the issues. I have had an opportunity to reach out to a lot of organizations and everyone is in favor of us doing something, and our job is to identify that something. Where we have been for the last few months is to try and build a business platform and developing our bylaws. Then we will be able to write the mission statement.

I spoke with Bill Rock of the Stratford commission, who felt there is a redundancy in having a commission like that versus their own. I don't see that at all. I do see is an opportunity for everyone to do what they need to do where we have a place and a platform where all these towns can sit down and talk about it. I did ask Dan once we had our act together if he would introduce us to the head of DEP. He suggested we go through the Deputy first. Once we have our mission statement we will take you up on the offer. One thing I was amazed at was that there are a lot of people who supposedly take care of this river.

Senator Debicella commented that everyone is responsible and nobody is accountable.

Chairman Gesullo thanked Senator Debicella for coming and for his support.

Commissioner Romick stated that a lot of issues that come up may only have a 30-day turnaround and we only meet every 30 days. We may have a need for special meetings and we will be letting you know what our feelings are.

The Senator and Commissioners agreed that there will be a lot of reaching out in this process.

Chairman Gesullo said that at the last meeting Commissioner Blake asked if this Commission has anymore authority than any other Commission or are we simply just a watchdog. I did talk with Senator Debicella and the answer is no, we don't have anymore authority than anyone else. We will have to earn the respect of other commission as time goes on. Part of what we do is watchdog, which will be a very hard job to do for all the towns we represent.

Commissioner Urban asked, how is the re-staffing of the DEP perceived. They were cut way below muscle to the bone for many years. Is that proceeding well? Is the budget being increased for the resources and regulatory?

Senator Debicella responded that it has been increased but not to the levels we need. They did increase some of the staff as well.

They thanked Senator Debicella for attending.

#### **4. APPROVAL OF THE NOVEMBER 8, 2007 MEETING MINUTES**

Commissioner Romick MOVED to accept the November 8, 2007 meeting minutes as presented. SECONDED by Commissioner Urban. All were in favor, MOTION PASSED.

#### **5. CHAIRMAN'S OPENING REMARKS**

Chairman Gesullo commented on his trip to see the Shelton canal locks, noting that he always looked at the river from a boat, never before from a drive-through. To be on this Commission is going to require a lot of homework; you can't just come to a meeting once a month.

I did receive a communication from the Mayor of Stratford stating that the town council declined to participate in the Housatonic River Estuary Commission. He did extend an offer from the Stratford's waterfront harbor management commission to meet with us and to work with this commission on an as needed basis. The president of that commission is Bill Rock. I do know Bill and we have talked since I got on this commission.

In regards to seed money, the Shelton Board of Aldermen agreed to supply us with \$1000.

I started reaching out to all the people I could think of in Shelton, including Jimmy Ryan of SEDC, Conservation, Friends of Housatonic River, Senior Advisory Group, Housatonic Valley Association, etc. I was very pleased and overwhelmed by the response. I also talked with Winnie Olson, from the CT River Estuary Commission. She offered to have us come and exchange meetings. She said she would be glad to help us. Their charter has to do with the shoreline of river, not necessarily the environmental impact of the river.

Chairman Gesullo explained how he got to know Jeff Snyder who he is recommending to become our member at-large.

#### **6. INTRODUCTION OF JEFF SNYDER**

Jeff Snyder, President of Sea Vision Marine Services, who lives in Naugatuck, discussed his involvement with the Housatonic River dredging issue and his thoughts of what this Commission could become.

Mr. Snyder detailed his education and extensive work experience background. He pointed out that by living in Naugatuck and from a business point of view that he doesn't have a vested interest in anything going on in the river and would be able to provide his services to help this Commission along.

He discussed some of his experience dealing with various agencies and the scientific side of how projects have to be pushed through might be of use for future issues the Commission would be dealing with. He noted his love of the river and preserving open space.

The Commissioners and Mr. Snyder discussed some issues and the idea of whether to formally vote him in tonight as a member at-large.

Commissioner Romick NOMINATED Jeff Snyder as member at-large.

SECONDED by Commissioner Urban. A voice vote was taken; all were in favor, MOTION PASSED.

## **7. REVIEW AND APPROVE BY-LAW DRAFT**

The Commissioners noted they all reviewed the draft of the by-laws and Commissioner Romick has been updating them as needed. The by-laws will be an attachment\* to these minutes so that each town will have them on file in their respective town clerk's office.

Tape 1, Side B

Commissioner Romick MOVED to accept the by-laws\* as corrected.

SECONDED by Commissioner Blake. All were in favor, MOTION PASSED.

## **8. DISCUSSIONS AND/OR APPROVAL OF VICE-CHAIRMAN**

Chairman Gesullo recommended Commissioner Romick as Vice-Chairman. The Commissioners discussed this and also noted that Commissioner Blake would be the Treasurer.

Commissioner Blake MOVED to approve Commissioner Lori Romick as Vice-Chairman. SECONDED by Commissioner Urban. A voice vote was taken, all were in favor; MOTION PASSED.

After discussion, Chairman Gesullo said he would continue as the pro-tem Chairman for now.

## **9. COMMISSIONERS REPORTS – LOCAL OUTREACH EFFORTS & FUNDING**

Commissioner Urban reported that his Mayor received the letter written by the Chairman regarding the need for seed money and the minutes. The Mayor did say he would move it forward and I do not know if it has been passed as of yet. There should be money in the budget to cover it.

He also had discussion with the Conservation Commission, which he is Chairman, regarding this Commission and they are on board and they understand what we are trying to do and why. The way the Boards are set up in Ansonia is that the members represent other Boards in the City.

Commissioner Blake reported that Selectman Zeoli is on board with this Commission and is waiting for us to really get things moving. He did give me verbal approval for the seed money.

Vice-Chairman Romick reported that Milford has given her verbal approval and she is just waiting for them to make the out the check. Mayor Richitelli said he wanted to host one of the meetings in Milford so that we could invite the Milford Harbor Management Committee. The other people I contacted were the Stratford Shellfish Commission. They are the only shellfish commission on the river and they have a lot of issues. Milford and Stratford are one of the most productive natural shellfish beds in the state, especially for sea oysters. Any reduction in sedimentation and need for dredging is very important to them. Vice-Chairman Romick offered to set up a distribution list on her computer so that when we get information in she could forward it to all.

Chairman Gesullo mentioned an idea he had for Shelton regarding maybe setting up a committee from members of each Commission with topics that may be of interest for this Commission. I would like to get together with them to see how we can do some kind of outreach meeting, whether formal or informal. It would be easy to do an outreach to Stratford and Milford because they already have a water commission.

## **10. FREEDOM OF INFORMATION –LORI ROMICK**

Vice-Chairman Romick reported that Milford offered a Freedom of Information training class. She handed out the printout from the class and noted that she highlighted the topics that were covered. She discussed the issue if someone requests information from the Commission that it their obligation to respond, and within a timely basis.

She also mentioned that the class covered special meetings, executive session, and emergency meetings.

Vice-Chairman Romick reported that since the last meeting there was an issue that came up with a draft from the CT Coastal & Estuary Land Conservation program. They wanted comments. I did not respond as part of this Commission; I responded on my own. The re-draft will be coming soon. Most of my comments were all of shellfish concerns.

The other issue that we will be dealing with is that there is a lawsuit against the CT DEP from a private dock owner in Fairfield (Southport Harbor) who hasn't had his private dock dredged in 50 years. DEP has a policy of no dredging of private docks. He feels this is in violation of his rights. This issue was brought up at the annual Shellfish Commission meeting that I attended last week. Most of the Commissions are writing letters of support of the DEP. Commissioner Blake

commented that this would be something of great interest to this Commission because of all the housing along Housatonic.

The Commissioners continued to discuss dredging issues and it was noted that we will be placed on the DEP registry list, which means that if anyone who sends in an application to DEP that needs considerable review will be notified.

Commissioner Urban commented that there is now town registry that was passed by the legislature passed 2 years ago.

## **11. DISCUSSION OF SHELTON CANAL FILLING**

It was asked if we would have been notified by the DEP due to the registry list we are on and Vice-Chairman Romick said we would only have been notified if there was species of concern. There has to be a report showing there is species of concern, whether it is animal or plants that give value.

Commissioner Snyder commented that since there is a federal permit required it is easy enough to get on the mailing list for public notices and can be checked on the New England district of the Corps of Engineers web site.

Chairman Gesullo stated that now all the Shelton groups (Conservation, Historical, Citizens Advisory) have made their comments. I told them that at this point we have no position because it's too early for us. Do we need to have a position?

Vice-Chairman Romick stated she felt if there was some type of reports or studies showing that there is a justification for us getting involved in having a say. From what I've read, I really haven't seen that. I don't know if there have been studies done on the area.

Commissioner Urban discussed some of the history of canals that he knew of in Ansonia and suggested the safest thing to do is to leave them as is, economically as well as environmentally.

It was discussed that they wanted to fill it in and sell the land to be able to fund the fish ladder.

Commissioner Urban asked if anyone checked with the Dept. of Commerce to see if there is money there for the fish ladder.

Chairman Gesullo discussed the contents of the letter sent from the DEP to the owners of the dam.

Vice-Chairman Romick said that if someone (Shelton or the DEP) could show us in writing that shows that there is value for the Housatonic I think we should get involved. The Commissioners agreed that they would not make comment at this point.

Tape 2, Side A

The Commissioners asked the Chairman what were his thoughts and he said that there was such a public outcry of this and the Mayor has let his feelings be known that he doesn't want it touched. The other Commissions in town know that we are just in the middle of getting set up and don't expect comment. I

forwarded the letter from DEP to all the groups in Shelton in case they were not aware of the letter.

## **12. MISSION STATEMENT**

Chairman Gesullo said that he was concerned of capturing the what, who and how to move forward. We need to discuss this more at the next meeting and to have the distribution list by the next meeting.

The Commissioners agreed that the mission statement is a work in progress and between now and the next meeting; share our ideas to come up with something. The bylaws are a good start.

## **13. NEXT MEETING DATE/PLACE**

The next meeting date is February 28 and will be held in Shelton. Milford will probably host a meeting in a couple of months.

Commissioner Snyder asked for a letter from the Commission stating he has been accepted as the member at-large.

## **14. ADJOURNMENT**

Vice-Chairman Romick MOVED to adjourn. SECONDED by Commissioner Blake. All were in favor, MEETING ADJOURNED at 9:05 PM.

Respectfully submitted,

Marianne Chaya  
Clerk, Housatonic River Estuary Commission

\*By-Laws Adopted:

### **Housatonic River Estuary Commission (HERC)**

## **BY-LAWS**

### **ARTICLE I**

#### **NAME**

**Section 1.** The name of the commission shall be the Housatonic River Estuary Commission (HREC). This commission is not affiliated with any other Housatonic River Estuary Commission.

This commission has been established in stewardship to restore and protect the interest of the Housatonic River in the communities of Shelton, Ansonia, Derby, Orange, Stratford and Milford, Connecticut. This is a forum in which the these communities regardless of their own local or similar efforts, come together with out borders to collectively work together for one common goal the stewardship of the Housatonic River.

## ARTICLE II

### GOALS AND OBJECTIVES

**Justification: In accordance with CGS - Sec. 25-170(b),** The Commission may study any issues relating to the Housatonic River and may make such recommendations as may be necessary to maintain, protect and restore the resources of the estuary of the Housatonic River. The Commission shall consider the adverse impact any action proposed in or for the Housatonic River estuary may have upon the marine resources of said river. The Commission may prepare and submit a report to the local legislative bodies of the towns represented on said commission.

**Section 1.** The Commission shall promote the highest standards of performance possible for those engaged in the environmental state of the Housatonic River, by:

- a) Encouraging and actively promoting the programs to protect and improve all environmental issues of the Housatonic River. To consolidate and or assist all other efforts of other organization who have the similar mission as the HREC.
- b) Maintaining at a high level, the qualifications necessary for promoting the advancement of all professionals in the field of environmental care of the Housatonic River.
- c) Facilitating standardization of methods in general environmental practices, while striving for increased recognition of Housatonic River resources.
- e) Develop, propose, support or defend changes in environmental legislation that would have positive impact on the Housatonic River, or its resources.

**Section 2.** It shall be the objective of this Commission to incorporate and encourage the informed participation of all persons professionally employed in the field of environmental standards and to provide a forum for the expression of their interests.



The Commission shall maintain cooperative relationships with national, state, local and other organizations, both official and nonofficial, which have the same or related interests in the River including the conservation of open space and wetlands, and estuaries as related to the River and its water fronts.

The commission may study any issues relating to the Housatonic River and may make such recommendations as may be necessary to maintain, protect and restore the resources of the estuary of the Housatonic River. The commission shall consider any action proposed in or for the Housatonic River estuary that may have adverse impact upon the marine resources of said river. The commission may prepare and submit a report to the local legislative bodies of the towns represented on said commission.

### ARTICLE III

#### MEMBERSHIP AND DUTIES

**In accordance with Connecticut General Statutes (CGS) Chapter 483b,**

#### **Housatonic River Estuary Commission (HREC)**

**Sec. 25-170. Commission authorized. Membership. Duties.** (a) The towns of Shelton, Derby, Ansonia, Orange, Stratford and Milford may by ordinance establish a Housatonic River Estuary Commission. The ordinance shall set forth the number of members of the commission, their method of selection, terms of office and procedure for filling any vacancy. The commission may employ expert and such other assistants as it judges necessary and may accept funds from any source. Notwithstanding any other provision of the general statutes, funds appropriated to the commission, or received by the commission from any other source, shall be held in the custody of the commission and expended by the commission for the purposes set forth in subsection (b) of this section.

**Section 1.** The membership which shall be composed of seven {representative} members appointed from each towns CEO's Shelton, Ansonia, Derby, Orange, Stratford, Milford and one a member- at- large, these representatives will be the standing and voting members of the Commission and so titled Commissioner as directed by the CGS Chapter 483b, Sec. 25-170, allowing for local ordinance which has defined the terms of office for each member and who's replacement are then to be appointed by the towns CEOs, while the seventh Commissioner-at-large shall be chosen by the six town appointed Commissioners, and a standard code of ethics will be adopted from the cities ordinances.

The Commission shall meet at least ten (10) times per year or once per month at an agreed place of public access and with advanced announcement of the meeting including its planned agenda of discussion no less than 48-hours before such meeting. Special meetings may be called by the Executive Board or by written request of three Commission members.

## ARTICLE IV

### EXECUTIVE BOARD

**Section 1.** The Commissioners will vote for one of the appointed town members to serve as Chairman for the Commission, and another member to serve as Vice Chairman for the Commission which shall consist of the Executive Board, the terms of these offices is the same as the appointed membership as determined by local ordinance of two years. The Executive Board will appoint a Secretary who will record all meeting minutes and distribute for public access, in addition the Executive Board will appointed a Treasurer who will manage all funds and bank accounts for the duties of the Commission (the Chairman must Approve all expenditures in excess of \$100.00) the Secretary and Treasurer can be volunteers or paid for time services.

The Chairman and Vice Chairman of the Commission working closely with each Commissioner may appoint or form action Committees and outreach teams to work with each of the towns also the state and federal agencies in order to capture all issues for action, consideration and evaluations that need be or so deem should come before this Commissions.

**Section 2.** A quorum shall consist of a simple majority of the Board of Commission members. All Commission members are voting members having equal say.

**Section 3.** Members of the Executive Board have full voting privileges and other rights as defined in Article III, Section 1. The committee shall prepare a slate every two years for the nomination of a Chairman, Vice-Chairman, and appointments of Secretary and Treasurer. A simple majority vote by a quorum of the Commission members is required for election.

**Section 4.** In the event of a vacancy in the office of the Chairman, the Vice Chairman shall assume the duties of that office In the event of a vacancy in the office of Vice Chairman, Secretary or Treasurer, a voting member in good standing shall be appointed. The Commission shall make a written request to the respective town CEO for replacement of members as needed.

**Section 5.** A short biographical sketch of each member shall be included in each annual report to the towns.

## ARTICLE V

### OFFICERS AND THEIR DUTIES

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**Section 1.** The Officers of the Commission shall be Chairman, Vice Chairman, Secretary, and Treasurer. Officers will be voted in by the Commission members at the end of each term as determined by local ordinance.

**Section 2.** It shall be the duty of the Chairman to preside at all meetings of the Commission.

**Section 3.** It shall be the duty of the Vice Chairman to assume all duties of the Chairman during the Chairman's temporary absence; the Vice Chairman may fulfill the Chairman's un-expired term in case of the Chairman's inability to complete the term of office.

**Section 4.** When any Commission member is absent for more than two consecutive meetings, the Chairman shall make a determination as to that member's intention to continue as a member of the Commission. The Chairman in executive session shall recommend to the Board that the individual be removed if it is shown that the member cannot effectively fulfill their duties; the Board shall vote thereon; a two-thirds majority shall be required to remove. The Chairman will then request in writing to the Towns CEO that the member needs to be removed and replaced.

If a Board member should be removed, the quorum as designated in Article IV Section 2 shall be reduced accordingly until such time as the position is filled.

**Section 5.** The Executive Board (under an executive session) may recommend to the towns CEO that board members are to be removed from office or chair that violates ethics or Executive Board policy. Removal shall be by two-thirds majority vote of the Executive Board in Executive session.

**Section 6.** Any member may perform any duties as may be assigned by the Chairman.

**Section 7.** The duties of the Secretary are to record and maintain the minutes of all meetings and maintain all related records. The Secretary shall serve as historian and parliamentarian of the Commission, unless otherwise designated by the Executive Board.

**Section 8.** The Treasurer shall maintain the financial records and manage the financial affairs of the Commission, as directed by the Executive Board. The Treasurer shall submit an annual financial report to the Executive Board and members at the Annual meeting.

## ARTICLE VI

### FUNDING

**Section 1.** The Commission can and is encouraged to seek funding from any viable sources including local municipalities, state government agencies and private funding

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only to the extent necessary to meet its obligation to fulfill the duties as so stated in 25-170 of the state statute which defines the Commission's authorized duties.

ARTICLE VII

SUSPENSION-REINSTATEMENT

**Section 1.** When the Executive Board (in Executive session) receives a written and signed complaint regarding any member's conduct it shall, at its next regular meeting, review each complaint and provide the member in question an opportunity to reply to the complaint. The Executive Board may, by affirmative vote, reprimand or expel any member whose personal or professional conduct is determined to be detrimental to the integrity of the Commission. The Commission may then request a replacement member to be sworn in by that corresponding Town. No hearing shall be required.

**Section 2.** A member who has been suspended or expelled for any reason shall be required to obtain a letter of support from the CEO of the representative town requesting reinstatement. Approval of all requests for reinstatement of membership shall be by a majority vote of the current Commission members.

ARTICLE VIII

MEETINGS

**Section 1.** There shall be an Annual meeting held no later than November 15th of each year. The Executive Board may call special meetings.

**Section 2.** There shall be a quorum irrespective of the numbers at each meeting and the Annual meeting provided a majority of the Executive Board is present.

**Section 3.** The rules contained in the latest edition of Robert's Rules of Order shall govern in all matters applicable if not inconsistent with these by-laws.

**Section 4.** Executive session is a closed session of a regular meeting; it is not open to the public nor minutes of the executive session be recorded. An executive session can be held before, during or after a regular meeting.

ARTICLE IX

FISCAL YEAR-PROCEDURES

**Section 1.** The fiscal year of the Association shall be from January to December .

**Section 2.** In the event of dissolution of the HERC, the Executive Board shall, after paying or making provisions for the payment of all liabilities of the Commission , dispose

HREC Minutes should be considered a draft version until approved at the next regular meeting. 12  
HREC Minutes submitted to the respective town's Town Clerk's office for legal posting requirements.  
Tape recording of the meeting is available at Shelton Town Clerk's office.

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of all remaining assets of the Association in such a manner or to such organization(s) organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify as an exempt organization(s) under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Executive Board shall determine.

ARTICLE X

AMENDMENTS

**Section 1.** The by-laws may be amended at any membership meeting by a simple majority vote of the active members present and representing a quorum, provided; the proposed amendment has had prior review by the Executive Board; and a copy thereof has been sent to the last known address of each active member at least ten (10) days before the meeting at which time it is to be presented for a vote.